

Eau Claire County  
**PLANNING & DEVELOPMENT COMMITTEE AGENDA**

Tuesday, September 27, 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. **Proposed Ordinance: File No. 16-17/048** "To Renumber Section 18.76.003 A. 8. Through 30. As 9. Through 31 Of The Code: Definitions; To Create Section 18.76.003 A. 8. Of The Code: Definitions; To Repeal And Recreate Section 18.77.010 Of The Code: Jurisdiction; To Amend Section 18.82.060 B. Of The Code: Lot Standards" / Discussion – Action **p. 2 - 5**
  - b. **Proposed Ordinance: File No. 16-17/049** "To Repeal Chapter 18.19 Of The Code: Shoreland Overlay District; To Create Title 20 Of The Code: Shoreland Protection Overlay District; To Amend Section 18.01.020 B. Of The Code..." / Discussion – Action **p. 6 - 60**
4. A variance request to create a lot with a depth to width ratio to exceed 3:1, Sections 27 & 28, T26N-R09W, Town of Pleasant Valley / Discussion – Action **p. 61 - 72**
5. Violation Update / Discussion **p. 73 - 77**
6. Departmental Update / Discussion
7. Review of August Bills / Discussion **p. 78**
8. Review/Approval of August 23, 2016 Meeting Minutes / Discussion – Action **p. 79 - 80**
9. Proposed Future Agenda Items / Discussion
10. Adjourn

Post: 9/22/2016

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**  
**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: Rod Eslinger, Manager Land Use Controls Division

DATE: September 20, 2016

RE: File No. 16-17/048 - To amend Section 18.76.003 of the Code: Definitions, To amend Section 18.77.010 of the Code: Jurisdiction; to amend Section 18.82.060 of the Code: Lot Standards

Ordinance 16-17/048 is an ordinance to clarify the jurisdiction of the subdivision control code and reinstates exemptions of Wis. Stats. 236.45 (2)(am)(3) in the county code. When a land division creates a parcel less than 40 contiguous acres it will be required to be surveyed. This language is clear and simple to understand by both the property owners and surveyors. Under current rule, if a land division divided any quarter (1/4) quarter (1/4) section, it would need to be surveyed, even if the lot was greater than 40 acres. Finally, the last section of the ordinance amends the lot size provisions to comply with local comprehensive plans and also with the proposed shoreland update.

Staff solicited comments on the proposed changes from surveyors working in Eau Claire County. On September 2, 2016, staff held a meeting with the surveyors to discuss the proposed ordinance. The proposed ordinance has been supported by the surveyors.

Attached to this report is an opinion from Richard Eaton, Assistant Corporation Counsel regarding exempting CSM requirements for sales/exchanges between adjoining owners. Mr. Eaton supports the amendments as well.

4 - TO RENUMBER SECTION 18.76.003 A. 8. THROUGH 30. AS 9. THROUGH 31 OF THE  
5 CODE: DEFINITIONS; TO CREATE SECTION 18.76.003 A. 8. OF THE CODE:  
6 DEFINITIONS; TO REPEAL AND RECREATE SECTION 18.77.010 OF THE CODE:  
7 JURISDICTION; TO AMEND SECTION 18.82.060 B. OF THE CODE: LOT STANDARDS -

8 The County Board of Supervisors of the County of Eau Claire does ordain as follows:  
9

10 **SECTION 1.** To renumber paragraphs 8. through 30. of Subsection A. of Section 18.76.003 of  
11 the code as 9. through 31.

12 **SECTION 2.** That paragraph 8. of Subsection A. of Section 18.76.003 of the code be created to  
13 read:  
14

15 8. Contiguous. Lots or parcels shall be considered contiguous if they share a  
16 common boundary. Lots or parcels that only meet at a single point are not considered contiguous. Lots  
17 or parcels divided by public roads shall not be considered contiguous.  
18

19 **SECTION 3.** That Section 18.77.010 of the code be repealed and created to read:  
20

21 18.77.010 Jurisdiction. This chapter shall apply to any division of a lot, parcel, or tract of land,  
22 including divisions under land contract, for the purpose of transfer of ownership or building construction  
23 where the act of division creates a lot of less than 40 contiguous acres, excluding one quarter (1/4) of  
24 one quarter (1/4) section as defined by the original Public Land Survey System, and condominium  
25 developments, all located within the unincorporated areas of the county. However, these regulations  
26 shall not apply to:  
27

- 28 A. Transfers of interests in land by will or pursuant to court order;
- 29 B. Leases for a term not to exceed 10 years, mortgages, or easements;
- 30 C. The sale or exchange of parcels of land between adjoining property owners if additional  
31 lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by  
32 the zoning code or other applicable laws and ordinances.  
33

34 **SECTION 4.** That Subsection B. of Section 18.82.060 of the code be amended to read  
35

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

41 ADOPTED:  
42

43 \_\_\_\_\_  
44 \_\_\_\_\_  
45 \_\_\_\_\_  
46 \_\_\_\_\_ Committee on Planning and Development  
47 \_\_\_\_\_  
48



# OFFICE OF CORPORATION COUNSEL

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**CORPORATION COUNSEL**

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## MEMORANDUM

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TO: Planning and Development  
FROM: Richard A. Eaton, Assistant Corporation Counsel  
DATE: March 25, 2016  
SUBJECT: CSM Requirement for Sales/Exchanges Between Adjoining Owners

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Dean Roth made the following request of me.

*I have been posed the question/opinion by a private surveyor:*

*"I don't understand how we can create requirements for a "review process" that utilize the same process that is exempted by state law. I believe Chapter 236.45(2) is very clear on this. I also believe OAG-01-14 is very clear. To require a CSM as a part of the review process, to determine if a CSM is required, is an extreme mis-interpretation of OAG-01-14."*

*Can you help me understand the process by which this passed through Corp Counsel and subsequently on to County Ord., and what your Office's opinion/response might be to this surveyor's concerns?*

This surveyor is correct in that we cannot *require* a CSM to add land to an existing subdivision, assessor's plat or CSM. The language of Wis. Stats. 236.45(2)(am)(3) precludes this.

I reviewed the memo completed by Heather Wolske on 4/22/13 addressed to Matt Janiak. I believe that memo was misunderstood, and the "CSM requirement" language was an oversight. The questions asked and answered in that memo are as follows.

- 1. Whether Eau Claire County Code of Ordinances Section 18.77.010 C. can be removed regarding the sale or exchange of parcels of land between owners of adjoining property? If Section 18.77.010 C. cannot be removed, then how does the Department of Planning and Development deal with owners of adjoining property selling or exchanging parcels of land which do not create additional lots?*

2. *Whether the County Code can be amended to add a requirement that the Department of Planning and Development review all reconfigurations of existing parcels?*

Ms. Wolske concluded that “language can be added to the Eau Claire County Code requiring that all reconfigurations of existing parcels shall be reviewed and approved by the Eau Claire County Planning and Development Department.” I believe the language used by Ms. Wolske for 18.81.035 Reconfigurations is the major issue in the 4/22/13 memo. However, I don’t believe Ms. Wolske contemplated the question or implications of requiring CSM’s contrary to Wis. Stats 236.45(2)(am)(3). Ms. Wolske reviewed OAG-01-14 and never once mentioned a CSM requirement. The question asked was whether Eau Claire County could amend the ordinance to require review of all reconfigurations of existing parcels. In reviewing emails regarding subdivision review from the WCCA Board “Google Group” (see Subdivision Amendments file), it appears the responses from numerous other P&D departments was that a CSM requirement is contrary to state law. I do not know if the question was ever asked of Corp. Counsel: Can we require CSMs as part of the review process in reconfigurations? On that front, I will inquire further.

A few months ago, in the fall of 2015, I was asked by Rod Eslinger if I agreed with Ms. Wolske’s analysis in the 4/22/13 memo. I advised Rod that I agreed. I maintain that Ms. Wolske is correct in her analysis, and that the language regarding a CSM requirement is an oversight.

Regardless of where the miscommunication occurred, the ordinance needs to be addressed at this point.

RAE

# EAU CLAIRE COUNTY PLANNING DEPARTMENT STAFF RECOMMENDATIONS

DATE PREPARED: September 22, 2016

PUBLIC HEARING DATE: September 27, 2016

**PETITIONER:** Eau Claire County Committee on Planning and Development

**PETITION:** To repeal and adopt a new shoreland protection overlay ordinance (TITLE 20), and to amend the county code sections related to shoreland zoning to bring the county code into compliance with the Wisconsin Department of Natural Resources shoreland standards.

Specifically, the following sections: 1.50.020: Citations, Repeal 18.19, Shoreland Overlay District, 18.01.020 B., 18.03.030: relations to other ordinances and regulations, Repeal section 18.24..15 F, Nonconforming Structures, 18.30.010, Yard Regulations, 18.30.040 C. Fences, 18.30.090 Recreational Vehicles and Camping, 18.30.260 D. 1. d. Wind Energy Systems, 18.30.270, Special Events, Create 4.35.092, Shoreland Fees, Create Title 20 Shoreland Protection Overlay District of the County Code will be amended to adopt the necessary state NR 115 shoreland standards. The attached ordinance contains the proposed text amendments.

## **DETAILS OF REQUEST AND BACKGROUND INFORMATION:**

The proposed ordinance amendments to the county code relating to the shoreland regulations are necessary for compliance with Wisconsin Administrative Code NR, Shoreland Protection Program and Wisconsin Statutes Section 59.692. The County last amended its shoreland standards in 1982. At that time the County was required to update its shoreland regulations to comply with the state minimum shoreland regulations. Eau Claire County has been administering and enforcing the shoreland provisions countywide since 1968.

Shoreland zoning rules, summarized within statutes and administrative code, have changed six times since 2010. In the past, counties were allowed to adopt shoreland zoning standards that were more restrictive than those contained in Wisconsin Administrative Code NR 115. As of the signing of 2015 Wisconsin Act 55 by the Governor, counties cannot regulate a matter in their shoreland zoning ordinance more restrictively than the matter is regulated by a shoreland zoning standard contained in Wis. Admin. Code NR 115. However, counties can continue to regulate a matter that is not regulated by a shoreland zoning standard. The changes to s. 59.692 went into effect on July 14, 2015. The changes to NR 115 require counties to adopt a compliant ordinance by October 1, 2016.

Staff utilized the Wisconsin Department of Natural Resources model shoreland zoning ordinance as a base for recreating Title 20, Shoreland Protection Overlay District.

The town chairs and clerks, and the Wisconsin DNR, were sent a copy of the proposed amendments. The proposed ordinance amendments require approval by the Wisconsin Department of Natural Resources. Due to DNR staffing levels, Eau Claire County is currently on a waiting list to have the ordinance reviewed. Corporation Counsel's Office is also reviewing the ordinance for compliance with state statutes and administrative rule. The Land Use Controls Division administers and enforces the county's shoreland regulations in the unincorporated areas of the County.

When evaluating a petition to amend the regulations in the zoning code *a determination should be made that the 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.*

Findings can be made that the proposed ordinance amendment will meet the purpose of the zoning code to regulate shoreland standards in Eau Claire County. A finding can also be made that the amendments will comply with state law and that the County is the responsible regulatory to implement the state shoreland provisions.

**STAFF CONCLUSIONS AND RECOMMENDATION:** Staff recommends that the committee forward a recommendation to the County Board to approve ord. 16-17/049 subject to the modifications recommended by staff.

4 -TO AMEND SECTION 1.50.020 OF THE CODE: SCHEDULE OF DEPOSITS; TO  
 5 REPEAL CHAPTER 18.19 OF THE CODE: SHORELAND OVERLAY DISTRICT;  
 6 TO CREATE TITLE 20 OF THE CODE: SHORELAND PROTECTION OVERLAY  
 7 DISTRICT; TO AMEND SECTION 18.01.020 B. OF THE CODE: JURISDICTION;  
 8 TO AMEND SECTION 18.03.030 OF THE CODE: RELATIONS TO OTHER  
 9 ORDINANCES AND REGULATIONS; TO REPEAL SECTION 18.24.015 F. OF  
 10 THE CODE: NONCONFORMING STRUCTURES; TO AMEND SECTION  
 11 18.24.015 G. OF THE CODE: NONCONFORMING STRUCTURE; TO AMEND  
 12 SECTION 18.30.010 F. OF THE CODE: YARD REGULATIONS; TO AMEND  
 13 SECTION 18.30.040 C. OF THE CODE: FENCES; TO AMEND SECTION 18.30.090  
 14 OF THE CODE: RECREATIONAL VEHICLES AND CAMPING; TO AMEND  
 15 SECTION 18.30.260 D. 1. d. OF THE CODE: WIND ENERGY SYSTEMS; TO  
 16 AMEND SECTION 18.30.270 OF THE CODE: SPECIAL EVENTS; TO CREATE  
 17 SECTION 4.35.092 OF THE CODE: SHORELAND FEES-

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

19  
20 SECTION 1. That Section 1.50.020 of the code be created to read:

21	22	23	24
	Title 20	Shoreland Protection Overlay District	50.00

25 SECTION 2. That Chapter 18.19 of the code be repealed:

26 SECTION 3. That Title 20, Shoreland Protection Overlay District of the code be created:

27  
28 INSERT TITLE 20 HERE

29  
30 SECTION 4. That Section 18.01.020 B. of the code be amended to read:

31  
32 B. ~~Title 20 Chapter 18.19~~, Shoreland Protection Overlay District and Chapter  
33 18.20, Floodplain Overlay District are mandated by Wis. Stat. §§ 59.692, 87.30, and 281.31 and are  
34 effective in all towns.

35  
36 SECTION 5. That Section 18.03.030, Relations to other ordinances and  
37 regulations, of the code be amended to read:

38  
39 18.03.030 Relations to other ordinances and regulations. Where the  
40 provisions of this subtitle impose greater restrictions than those of any statute, regulation, or other  
41 ordinance, the provisions of this subtitle shall be controlling, except that the shoreland provisions  
42 under ~~Title 20 Chapter 18.19~~ supersede all the provisions of any county zoning ordinance adopted  
43 under Wis. Stat. § 59.69, which relate to shorelands. Where the provisions of any statute, regulation  
44 or other ordinance impose greater restrictions, those provisions shall be controlling.

45  
46 SECTION 6. That Section 18.24.015 F. of the code be repealed:

47  
48 18.24.015 F. In the shoreland overlay district, a nonconforming structure  
49 which is destroyed or damaged by more than 50% by fire, flood, explosion or other calamity shall

1 not be replaced, reconstructed or rebuilt unless the structure meets the provisions of Chapters 18.19.

2  
3 **SECTION 7.** That Section 18.24.015 G. of the code be amended and renumbered  
4 to read:

5  
6 18.24.015 G. Additions to existing nonconforming principal structures are  
7 allowed subject to the following conditions:

8 1. The addition or alteration shall not exceed 500 square feet.  
9 2. One addition is allowed during the lifetime of the nonconforming  
10 structure.

11 ~~3. In the shoreland district, the shoreline vegetative strip as described in~~  
12 ~~18.19.060 shall be restored.~~

13 3.4. If located in the floodplain district, the addition or alteration must meet  
14 the requirements of 18.24.015 G.

15  
16 **SECTION 8.** That Section 18.30.010 F. of the code be amended to read:

17  
18 18.30.010 F. The above architectural features may also extend into any side or rear yard to  
19 the same extent; steps or uncovered porches may not extend into the side yard or the shoreland  
20 setback distance from the ordinary high water mark of navigable water as regulated by Title 20  
21 ~~Chapter 18.19.~~

22  
23 **SECTION 9.** That Section 18.30.040 C. of the code be amended to read:

24  
25 C. Fences are exempt from side and rear yard setback requirements and from permit and fee  
26 requirements. except in the shoreland-floodplain districts.

27  
28 **SECTION 10.** That Section 18.30.090 of the code be amended to read:

29  
30 18.30.090 Recreational vehicles and camping. Recreational vehicles and camping shall be  
31 allowed in the following zoning districts: A-1; A-2; A-3; A-R, RH; F-1; and F-2. The provisions of  
32 Title 20 Chapter 18.19 Shoreland Protection Overlay District and Chapter 18.20 Floodplain Overlay  
33 District shall also be adhered to in the siting of a camping unit.

34  
35 **SECTION 11.** That Section 18.30.260 D. 1. d. of the code be amend to read:

36  
37 18.30.260 Wind energy systems. D. 1. d. Wind energy systems are not allowed in the  
38 following locations:

39 i. A wetland within the shoreland-wetland district as designated in Title 20  
40 ~~18.19.040 A.~~ of the Eau Claire County Code;

41  
42 **SECTION 12.** That Section 18.30.270 of the code be amended to read:

43  
44 18.30.270 Special events.

45 A. A special event having a duration of 3 days or less within any calendar year,  
46 excluding time for set-up and take-down, that is conducted on a single parcel of land or one  
47 or more parcels of land that are adjoining or adjacent to each other and separated only by a  
48 property line or public road, may be allowed in any zoning district by the Supervisor of  
49 Land Use Controls with a conditional use contract. All other special events may be allowed

1 as a conditional use in any zoning district except the Shoreland Protection Overlay District  
2 and Floodplain District, subject to public hearing, review, and approval by the committee  
3 with findings that they are in conformance with all of the standards for conditional use  
4 permit approval in 18.21.060 and the standards in 18.30.270 D. below.  
5

6 **SECTION 13.** That Section 4.35.092 of the code be created to read:  
7

8 A. Shoreland Fees.

9	1.	Land use permit for principal use	225.00
10	2.	Land use permit for accessory uses, alternations, and additions	
11		a. 0 to 200 sq. ft	40.00
12		b. Greater than 200 sq. ft.	.25 per sq. ft.
13		c. Maximum fee	225.00
14	3.	Stairways/walkways	75.00
15	4.	Filling and Grading	280.00
16	5.	Mitigation	280.00
17	6.	Treated Impervious Surfaces Exemption	280.00
18	7.	Determination of Navigability and ordinary high water mark	200.00
19	8.	Conditional Use	500.00
20	9.	Variance/Appeals	500.00

21  
22 ADOPTED:

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40 \_\_\_\_\_  
Committee on Planning and Development

RE/yk

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**DRAFT**  
**2016**

**Chapter 20**

**Eau Claire County**

**Shoreland Protection Overlay District**

**NOTE: Areas that are grayed in this draft are for reference only. The final ordinance will not contain the grayed references.**

**Available at:**  
**Eau Claire County Department of Planning and Development**  
**721 Oxford Ave.**  
**Eau Claire, WI 54701**  
**715-839-4741**  
**[www.co.eau-claire.wi.us](http://www.co.eau-claire.wi.us)**

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## SHORELAND PROTECTION OVERLAY DISTRICT

### SECTIONS:

- 20.1 Statutory Authorization, Finding of Fact, Statement of Purpose and Title
- 20.2 General Provisions
- 20.3 Shoreland-Wetland District
- 20.4 Land Division Review and Sanitary Regulations
- 20.5 Minimum Lot Size
- 20.6 Building Setbacks
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- 20.8 Filling, Grading, Lagooning, Dredging, Ditching and Excavating
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- 20.10 Height
- 20.11 Nonconforming Uses and Structures
- 20.12 Structures Authorized by Variance
- 20.13 Mitigation
- 20.14 Administrative Provisions
- 20.15 Definitions

**20.1 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE.**

**SECTIONS:**

- 20.1.1 Statutory Authorization
- 20.1.2 Finding of Fact
- 20.1.3 Purpose and Intent
- 20.1.4 Title

20.1.1 STATUTORY AUTHORIZATION. This ordinance is adopted pursuant to the authorization in Wis. Stat. § 59.692 to implement Wis. Stat. § 59.692 and 281.31.

20.1.2 FINDING OF FACT. Uncontrolled use of the shorelands and pollution of the navigable waters of Eau Claire County will adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Eau Claire County, Wisconsin.

20.1.3 PURPOSE AND INTENT. (NR 115.01) For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

- 1) FURTHER THE MAINTENANCE OF SAFE AND HEALTHFUL CONDITIONS AND PREVENT AND CONTROL WATER POLLUTION THROUGH:
  - a) Limiting structures to those areas where soil and geological conditions will provide a safe foundation.
  - b) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
  - c) Controlling filling and grading to prevent soil erosion problems.
  - d) Limiting impervious surfaces to control runoff which carries pollutants.
  
- 2) PROTECT SPAWNING GROUNDS, FISH AND AQUATIC LIFE THROUGH:
  - a) Preserving wetlands and other fish and aquatic habitat.
  - b) Regulating pollution sources.
  - c) Controlling shoreline alterations, dredging and lagooning.
  
- 3) CONTROL BUILDING SITES, PLACEMENT OF STRUCTURES AND LAND USES THROUGH:
  - a) Prohibiting certain uses detrimental to the shoreland-wetlands.
  - b) Setting minimum lot sizes and widths.
  - c) Setting minimum building setbacks from waterways.
  - d) Setting the maximum height of near shore structures.
  
- 4) PRESERVE AND RESTORE SHORELAND VEGETATION AND NATURAL SCENIC BEAUTY THROUGH:
  - a) Restricting the removal of natural shoreland cover.

- b) Preventing shoreline encroachment by structures.
- c) Controlling shoreland excavation and other earth moving activities.
- d) Regulating the use and placement of boathouses and other structures.

20.1.4 TITLE. Shoreland Overlay Protection Ordinance for Eau Claire County, Wisconsin.

**20.2 GENERAL PROVISIONS.**

**SECTIONS:**

- 20.2.1 Areas to Be Regulated
- 20.2.2 Shoreland-Wetland Maps
- 20.2.3 Compliance
- 20.2.4 Municipalities and State Agencies Regulated
- 20.2.5 Abrogation and Greater Restrictions
- 20.2.6 Interpretation
- 20.2.7 Severability
- 20.2.8 General Shoreland Standards

20.2.1 AREAS TO BE REGULATED. Areas regulated by this ordinance shall include all the lands (referred to herein as shorelands) in the unincorporated areas of Eau Claire County which are:

- 1) Within one thousand (1,000) feet of the ordinary high-water mark of navigable lakes, ponds or flowages. (NR 115.03(8)) Lakes, ponds or flowages in Eau Claire County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources (WDNR) publication FH-800 2009 "Wisconsin Lakes" book available electronically at the following web site: <http://dnr.wi.gov/lakes/lakebook/wilakes2009bma.pdf> or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.
  
- 2) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (NR 115.03(8)) Rivers and streams in Eau Claire County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps (1:24,000). Flood hazard boundary maps, flood insurance rate maps, flood boundary-floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
  
- 3) The provisions of this chapter apply to regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when Wis. Stat. § 13.48 (13), Stats, applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if Wis. Stats. § 30.2022 (1), Stats, applies. (NR 115.02) Shoreland zoning requirements in annexed or incorporated areas are provided in Wis. Stats. § 61.353 and Wis. Stats. § 62.233, Stats.

- 4) Determinations of navigability and ordinary high-water mark location shall initially be made by the Land Use Manager. When questions arise, the Land Use Manager shall contact the appropriate office of the WDNR for a final determination of navigability or ordinary high-water mark.
- 5) Under Wis. Stats. § 281.31(2m), Stats, notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
- a) Lands adjacent to farm drainage ditches if:
    - i) Such lands are not adjacent to a natural navigable stream or river;
    - ii) Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and
  - b) Lands adjacent to artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body.
- 6) Comprehensive / General Zoning [§ 59.69, Wis. Stats.] and Regulation of Matters that are Not Shoreland Zoning Standards [§ 59.692(1d)(b), Wis. Stats.]
- a) In any town where the Eau Claire County Comprehensive Zoning Ordinance is effective:
    - i) The Eau Claire County Comprehensive Zoning Ordinance, TITLE 18 is incorporated herein by reference as if set forth in full.
    - ii) The provisions of the Eau Claire County Comprehensive Zoning Ordinance apply and may be enforced in “shorelands” to the extent that its provisions do not regulate a “shoreland zoning standard” consistent with §§ 59.692(1)(c) & (1d), Wis. Stats.
  - b) In any town where the Eau Claire County Comprehensive Zoning Ordinance is not effective, the regulation of matters that are not shoreland zoning standards consistent with §§ 59.692(1)(c) & (1d), Wis. Stats., is as follows:
    - i) Setback Requirements and Related Restrictions
      - (1) Road. No structure shall be placed within a road right-of-way or easement.
      - (2) Property / Parcel Boundaries. No structure shall be placed across a parcel boundary.
      - (3) Wetland. No structure shall be placed closer than the provisions of chapter 17.06.085 Protective Areas A. 2. allow.
      - (4) Height. No structure located 75 feet or further from the ordinary high-water mark shall be taller than 35 feet.
      - (5) The following uses in the shoreland protection overlay district require the approval of a conditional use by the committee after a public hearing has been held:
        - (a) Campgrounds
        - (b) Tourist Rooming Houses
        - (c) Bed and breakfast establishments
        - (d) Planned Unit Developments

20.2.2 SHORELAND-WETLAND MAPS. The most recent version of the Wisconsin Wetland Inventory as depicted on the WDNR Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>

20.2.3 COMPLIANCE. The use of any land; the size, shape and placement of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste disposal facilities; the filling, grading, lagooning, and dredging of any lands; the cutting of shoreland vegetation; and the subdivision of lots shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. Buildings and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

20.2.4 MUNICIPALITIES AND STATE AGENCIES REGULATED. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when Wis. Stats. §13.48(13), Stats, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when Wis. Stats. § 30.2022(1), Stats, applies.

20.2.5 ABROGATION AND GREATER RESTRICTIONS. (Wis. Stats. § 59.692(5), Stats)

- 1) The provisions of this ordinance supersede any provisions in a county zoning ordinance that solely relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than Wis. Stats. § 59.692, Stats, does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions.
- 2) § 59.692, Wis. Stats., and Ch. NR 115, Wis. Adm. Code.
  - a) § 59.692, Wis. Stats. and Ch. NR 115, Wis. Adm. Code are incorporated herein by reference.
  - b) If a provision of this ordinance is inconsistent with § 59.692, Wis. Stats., or Ch. NR 115, Wis. Adm. Code, the particular provision does not apply and may not be enforced, in which case the Statute or Administrative Code provision controls, but only to the extent of the inconsistency.
- 3) This ordinance shall not require approval or be subject to disapproval by any town or town board.
- 4) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- 5) Eau Claire County may not establish shoreland zoning standards that requires any of the following:
  - a) Approval to install or maintain outdoor lighting in shorelands, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
  - b) Require any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.

6) County may not commence an enforcement action hereunder against a person who owns a building or structure that is in violation of this ordinance if the person can establish that the building or structure has been in place for more than 10 years consistent with § 59.692(1t), Wis. Stats.

7) The construction and maintenance of a facility is considered to satisfy the requirements of a shoreland zoning ordinance if:

- a) The WDNR has issued all required permits or approvals authorizing the construction or maintenance under Wis. Stats. § 30, 31, 281, or 283.

20.2.6 INTERPRETATION. (59.69(13), Stats) In their interpretation and application, the provisions of this ordinance shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and ch. NR 115, Wis. Adm. Code standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

20.2.7 SEVERABILITY. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

20.2.8 GENERAL SHORELAND STANDARDS. The following provisions of this chapter apply to the shoreland jurisdictional area as defined by subsections 20.2.1 (1) and (2).

1) Fences are allowed in shoreland areas subject to the following:

- a) Fences may be placed on a property line.
- b) The finish side of the fence must face the adjoining property.
- c) The fence shall be constructed of appropriate materials manufactured for such purpose and shall be maintained in a condition of good repair.
- d) Only open fences, such agricultural fences, split rail or chain fences, are allowed within 75 feet of the ordinary high water mark.
- e) Fences are limited to six feet in height, as measured from the ground to the top of the fence.
- f) Fences with 30 feet of the road right of way shall be limited to 42 inches in height.

2) Reasonable accommodation for handicapped or disabled persons.

- a) The department may issue a permit that waives specified requirements of this ordinance if it is determined that the requested accommodation:
  - i) Is necessary to afford handicapped or disabled persons equal housing opportunities or equal access to public accommodations;
  - ii) Is the minimum accommodation that will give the handicapped or disabled persons adequate relief; and
  - iii) Will not unreasonably undermine the basic purposes of this ordinance.
- b) If the department issues a permit that waives specified zoning provisions pursuant to this section, the permit will include a condition that the structure authorized by the permit (such as an entrance ramp) shall be removed not more than 30 days after the

handicapped or disabled person vacates the property or the structure ceases to be a public accommodation.

- c) The permit will not become effective until the property owner records a deed restriction with the register of deeds setting forth the condition that the structure authorized by the permit shall be removed as required in subpar. b. above.
- d) If the department denies a permit requesting an accommodation under this subsection, the denial may be appealed to the board of land use appeals pursuant to section 20.14.4.

3) Livestock structures housing animals, manure storage areas, barnyards, or feedlots shall meet the following requirements:

- a) Such facility shall be 300 feet or greater from the ordinary high water mark; or
- b) May be located 100 to 300 feet from the ordinary high water mark, provided that:
  - i) A plan for manure storage, barnyard and feedlot drainage that effectively prevents pollutants from entering the water be reviewed by the land conservation commission or its designee and implemented before use of the facility begins;
  - ii) The area between the facility and the water shall be fenced to prevent access to the water by animals. The fenced area shall parallel the water in both directions for a sufficient distance to prevent concentration of animals or manure or destruction of ground cover that would result in an increased probability for pollutants to reach the water;
  - iii) Construction and location of these facilities will be by permit issued by the department. The department shall inspect the facility before it is put to use to determine that the site and facility meet all requirements of this subtitle;
  - iv) All existing and future barnyards, feedlots or manure storage areas located within the shoreland area are subject to periodic inspection and review for possible pollution of water bodies. Waste collection and disposal systems may be required to prevent pollutants from reaching the water.

4) Sawdust Storage. Sawdust storage shall be at least 100 feet from the ordinary high water mark of navigable waters.

5) Dumps and Sanitary Landfills. Dumps, sanitary landfills, junkyards, and salvage yards are prohibited within the shoreland protection overlay district.

### **20.3 SHORELAND-WETLAND DISTRICT. (NR 115.04)**

#### **SECTIONS:**

20.3.1 Designation

20.3.2 Purpose

20.3.3 Permitted Uses

20.3.4 Prohibited Uses

20.3.5 Rezoning of Lands in the Shoreland-Wetland District

**20.3.1 DESIGNATION.** This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as

depicted on the WDNR Surface Water Data Viewer.

(1) **LOCATING SHORELAND-WETLAND BOUNDARIES.** (NR 115.04(b)2.note) Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the county shall contact the WDNR to determine if the map is in error. If the WDNR determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland permit in accordance with the applicable regulations based on the WDNR determination as to whether the area is wetland. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

**20.3.2 PURPOSE.** This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

**20.3.3 PERMITTED USES.** (NR 115.04(3)) The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31, and 281.36, Stats, and the provisions of other applicable local, state and federal laws:

- 1) Activities and uses which do not require the issuance of a shoreland permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating:
  - a) Hiking, fishing, trapping, hunting, swimming, and boating;
  - b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - c) The pasturing of livestock;
  - d) The cultivation of agricultural crops;
  - e) The practice of silviculture, including the planting, thinning, and harvesting of timber; and
  - f) The construction or maintenance of duck blinds.
  
- 2) Uses which do not require the issuance of a shoreland permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
  - a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
  - b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
  - c) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;

- d) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
  - e) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
  - f) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- 3) Uses which require the issuance of a conditional use permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
- a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
    - 1. The road cannot as a practical matter be located outside the wetland;
    - 2. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 20.3.5(2);
    - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use; and
    - 4. Road construction activities are carried out in the immediate area of the roadbed only.
  - b) The construction or maintenance of nonresidential buildings, provided that:
    - 1. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
    - 2. The building cannot, as a practical matter, be located outside the wetland;
    - 3. Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
    - 4. Only limited filling or excavating necessary to provide structural support for the building is authorized.
  - c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
    - 1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Wis. Stats. § 29, where applicable;
    - 2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 20.3.3(3)(a); and
    - 3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

- d) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
  - 1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
  - 2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 20.3.5(2).

**20.3.4 PROHIBITED USES.** (NR 115.04(4)) Any use not listed in sections 20.3.3(1), 20.3.3(2) or 20.3.3(3) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 20.3.5 of this ordinance and Wis. Stats. § 59.69(5)(e).

**20.3.5 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT.** (NR 115.04(2))

- 1) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate office with the WDNR shall be provided with the following:
  - a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within 5 days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
  - b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing;
  - c) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board; and
  - d) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.
  
- 2) A wetland, or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
  - a) Storm and flood water storage capacity;
  - b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
  - c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
  - d) Shoreline protection against soil erosion;
  - e) Fish spawning, breeding, nursery or feeding grounds;
  - f) Wildlife habitat; or
  - g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04, Wis. Adm. Code, which can be accessed at the following web site:  
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.

3) If the Department Natural Resources notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section 20.3.5(2) of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the WDNR. During that 30-day period the WDNR may notify the county board that it will adopt a superseding shoreland ordinance for the county under Wis. Stats. § 59.692(6). If the WDNR does so notify the county board, the effect of this amendment shall be stayed until the Wis. Stats. § 59.692(6), adoption procedure is completed or otherwise terminated."

## **20.4 LAND DIVISION REVIEW AND SANITARY REGULATIONS. (NR 115.05(2))**

### **SECTIONS:**

20.4.1 Land Division Review

20.4.2 Sanitary Regulations

### **20.4.1 LAND DIVISION REVIEW. (NR 115.05(2))**

Eau Claire County has enacted local subdivision regulations under § 236.45, Wis. Stats. (See Eau Claire County Subdivision Control Ordinance). The Eau Claire County Subdivision Control Ordinance applies to shorelands without regard to § 59.692(1d)(a), Wis. Stats., and § NR 115.05, Wis. Adm. Code.

**20.4.2 SANITARY REGULATIONS. (NR 115.05(3))** The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.

- 1) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812, Wis. Adm. Code.
- 2) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with ch. SPS 383, Wis. Adm. Code, and after June 30, 1980 be governed by a private sewage system ordinance adopted by the county under Wis. Stats. § 59.70(5).

**20.5 MINIMUM LOT SIZE. (NR 115.05(1))**

**SECTIONS:**

- 20.5.1 Purpose
- 20.5.2 Sewered Lots
- 20.5.3 Unsewered Lots
- 20.5.4 Substandard Lots
- 20.5.5 Other Substandard Lots

**20.5.1 PURPOSE. (NR115.05(1)(a))** Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water. In calculating the minimum area or width of a lot, the beds of navigable waters shall not be included.

**20.5.2 SEWERED LOTS. (NR 115.05(1)(a)1) MINIMUM AREA AND WIDTH FOR EACH LOT.** The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

- 1) The width shall be calculated by averaging measurements at the following 3 locations:
  - a) The ordinary high water mark.
  - b) The building setback line.
  - c) One other location on the lot within 300 feet of the ordinary high water mark.

**20.5.3 UNSEWERED LOTS. (NR 115.05(1)(a)2) MINIMUM AREA AND WIDTH FOR EACH LOT.** The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall be 100 feet.

- 1) The width shall be calculated by averaging measurements at the following 3 locations:
  - a) The ordinary high water mark.
  - b) The building setback line.
  - c) One other location on the lot within 300 feet of the ordinary high water mark.

**20.5.4 SUBSTANDARD LOTS. (NR 115.05(1)(a)3)** A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- 1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- 2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- 3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

***Note: The intent of this provision is to allow lots that were legally created that currently do not meet the***

*minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the register of deeds, which result in a larger (closer to conforming) lot should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.*

**20.5.5 OTHER SUBSTANDARD LOTS.** Except for lots which meet the requirements of section 20.5.4 a shoreland permit for the improvement of a lot having lesser dimensions than those stated in sections 20.5.2 and 20.5.3 shall be issued only if a variance is granted by the Eau Claire County Board of Land Use Appeals.

**20.6 BUILDING SETBACKS. (NR 115.05(1)(b))** Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

**SECTIONS:**

- 20.6.1 Shoreland Setbacks
- 20.6.2 Reduced Principal Structure Setback
- 20.6.3 Increased Principal Structure Setback
- 20.6.4 Floodplain Structures

**20.6.1 SHORELAND SETBACKS. (NR115.05(1)(b)1)** Unless exempt under section 20.6.1(1), or reduced under section 20.6.2, a setback of 75 feet from the ordinary high-water mark of any navigable water to the nearest part of a building or structure shall be required for all buildings and structures.

- 1) **EXEMPT STRUCTURES. (NR 115.05(1)(b)1m) and s. 59.692(1k)(a)(6).** All of the following structures are exempt from the shoreland setback standards in section 20.6.1:
  - a) Boathouses located entirely above the ordinary high water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation.
    - 1. The construction or placement of boathouses below the ordinary high-water mark of any navigable waters shall be prohibited.
    - 2. Boathouses shall be designed and constructed solely for the storage of boats and related equipment.
    - 3. One boathouse is permitted on a lot as an accessory structure.
    - 4. The boathouse shall be setback ten feet from the ordinary high water mark.
    - 5. Boathouses shall be constructed in conformity with local floodplain zoning standards.
    - 6. Boathouses shall not exceed one story, with a maximum side wall height of ten feet.
    - 7. The maximum square footage of a boathouse shall be 364 square feet, measured outside wall to outside wall, and a maximum width parallel to the shoreline of 14 feet.

8. Boathouse roofs shall have a pitched roof that is no flatter than 4/12 pitch, and shall not be designed or used as decks, observation platforms or for other similar uses.
  9. Earth toned color shall be required for all exterior surfaces of a boathouse.
  10. The main door shall face the water.
  11. The side yard setback for a boat house is 5 feet.
  12. Patio doors, fireplaces and other features inconsistent with the use of the structure exclusively as a boathouse are not permitted.
- b) Open-sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in Wis. Stats. § 59.692(1v):
1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
  2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
  3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
  4. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water. A mitigation plan must be submitted and approved that meets the standards found in ordinance section 20.13.
- c) A fishing raft for which the WDNR has issued a permit under Wis. Stat. § 30.126.
- d) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.
- e) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with ch. SPS 383, Wis. Adm. Code, and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.
- f) Walkways, stairways or rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60-inches in width.
- g) Devices or systems used to treat runoff from impervious surfaces.

2) EXISTING EXEMPT STRUCTURES. (s.59.692(1k)(a)2m, Stats) Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

*Note: The statutory requirements under s. 59.692(1v) which require the establishment of a vegetative buffer for the construction of open sided structures is not superseded by s. 59.692(1f)(a).*

*Note: Section 59.692(1k)(a)2m, Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 20.6.1(2). However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees*

*under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.*

**20.6.2 REDUCED PRINCIPAL STRUCTURE SETBACK.** (s.59.692(1n), Stats) A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

- 1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
  - a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
  - b) Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
  - c) Both of the existing principal structures are located less than 75' from the ordinary high water mark.
  - d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

*Note: s. 59.692(1d)(a), Stats, requires counties to adopt the standards consistent with section 20.6.2(1) for reducing the shoreland setback.*

- 2) Where this is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:
  - a) The existing principal structure is located on adjacent lot to the proposed principal structure.
  - b) The existing principal structure is located within 250' of the proposed principal structure and is the closest structure.
  - c) The existing principal structure is located less than 75' from the ordinary high water mark.
  - d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

*Note: Section 20.6.2(2) is optional and is not required to be compliant.*

**20.6.3 FLOODPLAIN STRUCTURES.** (NR 115.05(1)(b)2) Buildings and structures to be constructed or placed in a floodplain shall be required to comply with the County's floodplain zoning ordinance.

## **20.7 VEGETATION. (NR 115.05(1)(c))**

### **SECTIONS:**

20.7.1 Purpose

20.7.2 Activities Allowed Within a Vegetative Buffer Zone

20.7.3 Cutting More Than 35 Feet Inland

**20.7.1 PURPOSE. (NR 115.05(1)(c)1)** To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The county shall establish ordinance standards that consider sound forestry and soil conservation practices, as well as the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

**20.7.2 ACTIVITIES ALLOWED WITHIN A VEGETATIVE BUFFER ZONE. (NR 115.05(1)(c)2)**To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county ordinance shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as follows:

- 1) Routine maintenance of vegetation is allowed.
  
- 2) Removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, dead diseased or damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.
  
- 3) Removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors is allowed. The access or viewing corridor shall not exceed 35 feet wide for every 100 feet of shoreline frontage. The access or viewing corridor may run contiguously for the entire maximum width of shoreline frontage owned.
  
- 4) Timber harvest is allowed, provided that the vegetative removal activity is consistent and follows “generally accepted forestry management practices” as defined in s. NR 1.25 (2) (b), Wis. Adm. Code, and described in WDNR publication “Wisconsin Forest Management Guidelines” (publication FR-226).
  
- 5) The department may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this subd. par. shall require that all management activities comply with detailed plans approved by the department and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

*Note: Section 59.692(1f)(a), Stats, prohibits counties from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of a counties shoreland mitigation standards, the establishment or expansion of the vegetative buffer may remain an option.*

20.7.3 CUTTING MORE THAN 35 FEET INLAND. From the inland edge of the 35 foot area to the outer limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using accepted forest management and soil conservation practices which protect water quality.

**20.8 Filling, Grading, Lagooning, Dredging, Ditching and Excavating. (NR115.05(1)(d))**

**SECTIONS:**

20.8.0 Filling, Grading, Lagooning, Dredging, Ditching and Excavating.

20.8.1 General Standards.

20.8.2 Permit Required.

20.8.3 Permit Conditions.

**20.8.0 FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING.**

**(NR115.05(1)(d))** Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04 Wis. Adm. Code, the requirements of Wis. Stats. § 30, and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty.

**20.8.1 GENERAL STANDARDS.** Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 20.8.2 may be permitted in the shoreland area provided that:

- 1) It is not done within the vegetative buffer zone unless necessary for establishing or expanding the vegetative buffer.
- 2) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
- 3) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of sections 20.3.2 and 20.3.3 of this ordinance.
- 4) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.
- 5) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

**20.8.2 PERMIT REQUIRED.** Except as provided in section 20.8.3, a permit is required:

- 1) For any filling or grading of any area which is within 300 feet landward of the ordinary high water mark of navigable water and which has surface drainage toward the water and on which there is either:
  - a) Any filling or grading on slopes of more than 20%.
  - b) Filling or grading of more than 1,000 sq. ft. on slopes of 12%-20%.
  - c) Filling or grading of more than 2,000 sq. ft. on slopes less than 12%.
- 2) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

20.8.3 PERMIT CONDITIONS. In granting a permit under section 20.8.2, the County shall attach the following conditions, where appropriate, in addition to those provisions specified in sections 20.13.2 or 20.13.4.

- 1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- 2) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- 3) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- 4) Lagoons shall be constructed to avoid fish trap conditions.
- 5) Fill shall be stabilized according to accepted engineering standards.
- 6) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- 7) Channels or artificial watercourses shall be constructed with side slopes of two (2) units horizontal distance to one (1) unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

## **20.9 IMPERVIOUS SURFACE STANDARDS. (NR 115.05(1)(e))**

### **SECTIONS:**

- 20.9.1 Purpose
- 20.9.2 Calculation of Percentage of Impervious Surfaces
- 20.9.3 General Impervious Surface Standard
- 20.9.4 Impervious Surface Standard for Highly Developed Shorelines
- 20.9.5 Maximum Impervious Surface Standard
- 20.9.6 Treated Impervious Surfaces
- 20.9.7 Existing Impervious Surfaces

**20.9.1 PURPOSE.** Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

**20.9.2 CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE. (NR 115.05(1)(e)1)**  
Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of that lot or parcel, and multiplied by 100. Impervious surfaces described in section 20.9.6 shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

*Note: NR 115.05(1)(e)1m clarifies that if an outlot lies between the OHWM and the developed lot or parcel and both are in common ownership, then the lot or parcel should be considered one property for the purposes of calculating the percentage of impervious surfaces. If there is an outlot, parcel or road that is owned by some other entity, for example a hydroelectric facility or a town or county, then the county should determine what level of control the property owner has over that portion of the lot. Can the property owner place structures, such as shoreline protection, piers, stairs, boathouses etc... on that portion of the lot or does some other entity have control over development? If a property owner has no or little say over construction on that portion of the lot then impervious surfaces on that portion of the lot should be calculated separately.*

*For properties that have been "condominiumized" the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.*

**20.9.3 GENERAL IMPERVIOUS SURFACE STANDARD. (NR 115.05(1)(e)2)** Except as otherwise allowed in sections 20.9.4 through 20.9.6, the county shall allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

**20.9.4 IMPERVIOUS SURFACE STANDARD FOR HIGHLY DEVELOPED SHORELINES. (NR 115.05(1)(e)2m and s. 59.692(1k)(am)2, Stats)** The county at its discretion may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial, industrial or business land uses for lands that meets one of the following standards:

- 1) The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.
- 2) After conducting a hearing and receiving approval by the WDNR, the county has mapped additional areas of highly developed shorelines that are at least 500 feet in length and meet the one of the following criteria:
  - a) The majority of the lots are developed with more than 30% of impervious surface area.
  - b) Located on a lake served by a sewerage system as defined in NR 110.03(30), Wis. Adm. Code.
  - c) The majority of the lots contain less than 20,000 square feet in area.

*Note: Counties are not required under s. 59.692, Stats, to adopt the impervious surface standards for highly developed shorelines in section 20.9.4 but are required to adopt the general impervious surface standard in section 20.9.3.*

**20.9.5 MAXIMUM IMPERVIOUS SURFACE STANDARD.** (NR 115.05(1)(e)3) A property may exceed the impervious surface standard under 20.9.3 or 20.9.4 provided the following standards are met:

- 1) For properties where the general impervious surface standard applies under section 20.9.3, a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.
- 2) For properties on shorelands where the impervious surface standard for highly developed shorelines applies under 20.9.4, a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial or business land uses a property owner may have more than 40% impervious surface but not more than 60% impervious surface.
- 3) For properties that exceed the standard under 20.9.3 or 20.9.4 but do not exceed the maximum standard under 20.9.5(1) or 20.9.5(2), a shoreland permit can be issued for development with a mitigation plan that meets the standards found in section 20.13.0.

*Note: Counties that do not adopt the impervious surface standards for highly developed shorelines are not required to adopt section 9.5(2).*

**20.9.6 TREATED IMPERVIOUS SURFACES.** (NR115.05(1)(e)3m and s. 59.692(1k)(a)5, Stats) Impervious surfaces that can be documented to demonstrate they meet either of the following standards shall be excluded from the impervious surface calculations under section 20.9.2:

- 1) The impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- 2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

3) To qualify for the statutory exemption, property owners shall submit a complete shoreland permit application that is reviewed and approved by the department. The application shall include

- a) The required runoff volume of the impervious surface (IS) must use a rainfall depth derived from the NOAA National Weather Service Precipitation Frequency Data Server (PFDS) 2 year 24 hour rainfall event;
- b) A calculation showing how much runoff is coming from the impervious surface area. The calculation of the runoff volume to treat or infiltrate is the area of the impervious surface (IS) multiplied by the runoff depth (2.80 inch or 0.23 ft.);

Example: (1,000 sq. ft. IS) x (0.23 ft. runoff depth) = 230 cubic feet (total volume to infiltrate/treat).

- c) Documentation by a professional engineer that the runoff from the impervious surface is being treated by devices such as storm water pond, rain gardens other engineered system to standards;

or

Documentation that the runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil;

- d) Documentation that all applicable storm water BMP technical standards are met;
- e) An implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

Note: The provisions in this subsection are an exemption from the impervious surface standards and as such should be read and construed narrowly. As such, a property owner is entitled to this exemption only when the runoff from the impervious surface is being treated by a sufficient (appropriately sized) treatment system, treatment device or internally drained. Property owners that can demonstrate that the runoff from an impervious surface is being treated consistent with this subsection will be considered pervious for the purposes of implementing the impervious surface standards in this ordinance. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt.

**20.9.7 EXISTING IMPERVIOUS SURFACES.** (NR 115.05(1)(e)4) For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 20.9.3 or the maximum impervious surface standard in section 20.9.5, the property owner may do any of the following:

- 1) Maintain and repair the existing impervious surfaces;
- 2) Replace existing impervious surfaces with similar surfaces within the existing building envelope;  
or
- 3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of

impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements in sections 20.6.1 or 20.6.2.

Note: The impervious surface standards in this ordinance shall not be construed to supersede other provisions in the county shoreland ordinance. All of the provisions of the county shoreland ordinance still apply to new or existing development.

**20.10 HEIGHT.**

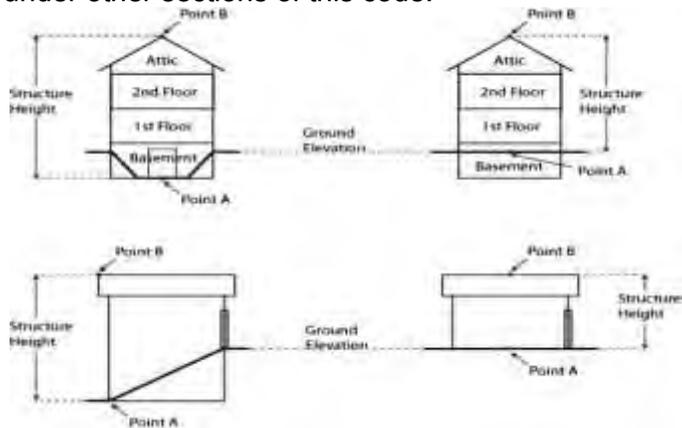
**SECTIONS:**

20.10.1 Structure Height

20.10.2 Structure Height Measurement

20.10.1 (NR 115.05(1)(f)) HEIGHT. To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2010, a county may not permit any construction that result in a structure taller than 35 feet in the shoreland overlay protection district.

20.10.2 STRUCTURE HEIGHT MEASUREMENT. Structure height is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.



## **20.11 NONCONFORMING USES AND STRUCTURES. (NR 115.05(1)(g))**

### **SECTIONS:**

20.11.1 Discontinued Nonconforming Use

20.11.2 Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures

20.11.3 Lateral Expansion of Nonconforming Principal Structures Within the Setback

20.11.4 Expansion of Nonconforming Principal Structures Beyond the setback

20.11.5 Relocation of Nonconforming Principal Structures

**20.11.1 DISCONTINUED NONCONFORMING USE. (NR 115.05(1)(g)3)** If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to the ordinance.

**20.11.2 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES. (s. 59.692(1k)(a)2,4 and (b), Stats)** An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

Note: Sections 59.692(1k)(a) 2,4 and (b), Stats, prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 20.11.2. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

Note: NR115.05(1)(b)1m lists structures that are exempt from the shoreland setback. These structures are considered conforming structures and are not considered nonconforming structures. Structures that were granted variances or illegally constructed structures are not considered nonconforming structures.

**20.11.3 LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURES WITHIN THE SETBACK. (NR 115.05(1)(g)5)** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 20.6.1 may be expanded laterally, provided that all of the following requirements are met:

- 1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- 2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- 3) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portion of the expansion may be any closer to the ordinary high-water mark than the closest point of the existing principal structure.

- 4) The county shall issue a shoreland permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 20.12.0.
- 5) All other provisions of the shoreland ordinance shall be met.

20.11.4 EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURES BEYOND SETBACK. (NR 115.05(1)(g)5m) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 20.6.1 may be expanded horizontally, landward, or vertically provided that the expanded area meets the building setback requirements per section 20.6.1 and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required per section 20.9.0.

20.11.5 RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURES. (NR 115.05(1)(g)6) An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per section 20.6.1 may be relocated on the property provided all of the following requirements are met:

- 1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- 2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- 3) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- 4) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 20.6.1.
- 5) The county shall issue a shoreland permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 20.12.0, and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.
- 6) All other provisions of the shoreland ordinance shall be met.

20.12 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.

MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

*Note: Section 59.692(1k)(a)2. prohibits counties from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 12. However, it is important to note that property owners may be required to obtain permits or approvals and counties may impose fees under ordinances adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.*

## 20.13 MITIGATION (NR 115.05(1)(e)3, (g)5, (g)6)

20.13.1 MITIGATION. (NR 115.05 (1)(e)3, (g)5, (g)6) When the county issues a shoreland permit requiring mitigation under sections 9.5, 11.3 and 11.5 the property owner must submit a complete shoreland permit application that is reviewed and approved by the county. The application shall include the following:

- 1) A site plan which is designed and implemented to restore natural functions lost through development and human activities. The site plan shall include a scaled plot plan of the lot, including the following information:
  - a) Location of all existing and proposed structures, including paths, stairways, retaining walls, decks, patios, vegetative cover, etc. with accurate distances shown between the structures and all property lines.
  - b) Location of any areas of existing and proposed land disturbance.
  - c) Location of septic and well facilities.
  - d) Location of the viewing and access corridor.
  - e) Location of parking areas and driveways.
  - f) Location of ordinary high-water mark and any wetland areas.
  - g) Maps showing the existing and proposed topography and slope of the property.
  - h) Impervious surface calculations.
  - i) A minimum of four photos of the property. These photos shall include a photo taken from the water, along the shoreline and from the principal structure. If necessary, the department may require additional photos and/or a site inspection of the property.
  - j) Properties which include flood hazard areas shall be required to submit documentation showing the base flood elevation and its location on the property.
  
- 2) Mitigation plans shall include enforceable obligations of the property owner to establish and/or maintain measures that the county determines adequate to offset the impacts of the proposal on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
  
- 3) The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the register if deeds.
  
- 4) For the purposes of administration, and in order to meet the requirements of this chapter:
  - a) Mitigation plans submitted to the department shall meet the requirement specified in appendix "A" of this code, which is on file with the department.

*Note: Each county must select a mitigation system and codify that system in this ordinance that states the exact requirements. There are samples in Appendix C and there is a sample affidavit to the Register of Deeds in Appendix D. The department has developed mitigation recommendations to help guide the county as they develop the shoreland mitigation component of their ordinance. Those mitigation recommendations are available at <http://dnr.wi.gov/topic/ShorelandZoning/documents/MitigationRecommendations.pdf>.*

20.14 ADMINISTRATION. (NR 115.05(4))

**SECTIONS:**

- 20.14.0 Administrative Provisions
- 20.14.1 Shoreland Permits
- 20.14.2 Conditional Use Permits
- 20.14.3 Variances
- 20.14.4 Board of Land Use Appeals
- 20.14.5 Fees
- 20.14.6 Changes and Amendments
- 20.14.7 Enforcement and Penalties

20.14.0 ADMINISTRATIVE PROVISIONS. (NR 115.05(4)) The following administrative shoreland provisions are adopted by Eau Claire County:

- 1) The appointment of an administrator and such additional staff as the workload may require.
- 2) The creation of a zoning agency as authorized by Wis. Stats. § 59.69, a board of adjustment as authorized by Wis. Stats. § 59.694, and a county planning agency as defined in Wis. Stats. §§. 236.02(3), and required by Wis. Stats. § 59.692(3).
- 3) A system of permits for all new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the county Land Use Manager, unless prohibited by Wis. Stats. § 59.692(1k).
- 4) Regular inspection of permitted work in progress to insure conformity of the finished structures with the terms of the ordinance.
- 5) A variance procedure which authorizes the board of land use appeals to grant such variance from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of the shoreland zoning ordinance, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship as long as the granting of a variance does not have the effect of granting or increasing any use of property which is prohibited in that zoning district by the shoreland zoning ordinance.
- 6) A conditional use procedure for uses presenting special problems.
- 7) The county shall keep a complete record of all proceedings before the board of adjustment and the Committee on Planning and Development.
- 8) Written notice to the appropriate office of the WDNR at least 10 days prior to any hearing on a proposed variance, special exception or conditional use permit, appeal for a map or text interpretation,

map or text amendment, and copies of all proposed land divisions submitted to the county for review under section 20.4.0.

- 9) Submission to the appropriate office of the WDNR, within 10 days after grant or denial, copies of any decision on a variance, special exception or conditional use permit, or appeal for a map or text interpretation, and any decision to amend a map or text of an ordinance.
- 10) Development and maintenance of an official map of all mapped zoning district boundaries, amendments, and recordings.
- 11) The establishment of appropriate penalties for violations of various provisions of the ordinance, including forfeitures. Compliance with the ordinance shall be enforceable by the use of injunctions to prevent or abate a violation, as provided in Wis. Stats. § 59.69 (11).
- 12) Pursuing the prosecution of violations of the shoreland ordinance.
- 13) Shoreland wetland map amendments according to s. NR 115.04 Wis. Adm. Code. Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the WDNR within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the WDNR at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate office of the WDNR within 10 days after the decision is issued.

#### 20.14.1 SHORELAND PERMITS.

- 1) **WHEN REQUIRED.** A system of permits for all new construction, development, reconstruction, structural alteration, or moving of buildings and structures is hereby established. A copy of all applications shall be required to be filed in the office of the county land use manager. Regular inspection of permitted work in progress shall be required to insure conformity of the finished structures with the terms of the ordinance. [§ NR 115.05(4), Wis. Adm. Code]
  - a) A shoreland land use permit is required for: all new construction, including additions; development; ditching, dredging, excavating, filling, grading, or lagooning; moving of buildings or structures; reconstruction; or structural alteration.
  - b) A mitigation permit or permits shall be required as described in sections 20.9.5 (3), 20.11.3 (4) and 20.11.5 (5).
  - c) An impervious surface authorization permit shall be required in order to have surfaces designated as treated surfaces, as described in section 20.9.6, or to exceed impervious surface ratio allowances.
- 2) **APPLICATION.** An application for a shoreland permit shall be made to the Land Use Manager upon forms furnished by the department and shall include the following information:

- a) Name and address of applicant and property owner.
  - b) Legal description of the property and type of proposed use.
  - c) A to scale drawing of the dimensions of the lot and location of all existing and proposed structures and impervious surfaces relative to the lot lines, center line of abutting highways and the ordinary high-water mark of any abutting waterways.
  - d) Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
  - e) Plans for appropriate mitigation when required.
  - f) Payment of the appropriate fee.
  - g) Additional information required by the Land Use Manager.
- 3) APPLICATION ACCEPTANCE. The land use manager will determine whether a complete application has been submitted and, no later than ten (10) business days after the application is submitted, notify the applicant in writing about the determination of completeness.
- a) If the land use manager determines that the application is incomplete, the notice will state the reason for the determination and information necessary to make the application complete.
  - b) If the land use manager determines that the application is complete, s/he will provide to the applicant a notice of complete application, unless s/he has already issued the permit.
  - c) Once the applicant receives notice of an incomplete application, the applicant must submit the information requested by the land use manager within one hundred and eighty (180) calendar days. If the additional information is submitted within this time period, the land use manager shall re-initiate the process for a determination of completeness, and notify the applicant within ten (10) business days of the receipt of the additional information whether the application is complete or incomplete.
  - d) If the applicant fails to submit the information requested by the land use manager within one hundred and eighty (180) days, the land use manager will send a letter to the applicant, informing the applicant that unless the information is received within thirty (30) calendar days from the date of the letter, a decision will be issued that the application has expired for lack of the information necessary to complete review and processing. The decision shall be sent to the applicant, and will also state that the County will take no further action on the application.
  - e) The land use manager will make a final decision on an application within thirty (30) calendar days of the notice of complete application.
  - f) The applicant will submit as requested by the land use manager, at any time during the review process, additional information the land use manager finds to be reasonably necessary for review of the application.
  - g) If the applicant makes any material additions or alterations to the project for which the application has been submitted, any calendar day time limit begins anew.
- 4) EXPIRATION OF A SHORELAND PERMIT. Shoreland permits are valid for two years to complete the construction.

20.14.2 CONDITIONAL USE PERMITS.

1) APPLICATION FOR A CONDITIONAL USE PERMIT. Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted to the Land Use Manager and a conditional use permit has been granted by the Committee. To secure information upon which to base its determination, the Committee may require the applicant to furnish, in addition to the information required for a zoning permit, the following information:

- a) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.
- b) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
- c) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
- d) Specifications for areas of proposed filling, grading, lagooning or dredging.
- e) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
- f) Rationale for why the proposed special exception meets all of the special exception criteria listed in the ordinance

2) NOTICE, PUBLIC HEARING AND DECISION. Before deciding whether to grant or deny an application for a conditional use permit, the board of adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Committee, shall be given as a Class 2 notice under ch. 985, Wis. Stats. Such notice shall be provided to the appropriate office of the WDNR at least 10 days prior to the hearing. The Committee shall state in writing the grounds for granting or denying a conditional use permit.

3) STANDARDS APPLICABLE TO ALL CONDITIONAL USE PERMITS. In deciding a conditional use permit, the Committee shall evaluate the effect of the proposed use upon:

- a) The maintenance of safe and healthful conditions.
- b) The prevention and control of water pollution including sedimentation.
- c) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
- d) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- e) The location of the site with respect to existing or future access roads.
- f) The need of the proposed use for a shoreland location.
- g) Its compatibility with uses on adjacent land.
- h) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
- i) Location factors under which:
  - i. Domestic uses shall be generally preferred;
  - ii. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source; and
  - iii. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility. Additional standards such as parking, noise, etc...maybe refer to the applicable part of their ordinance.

4) CONDITIONS ATTACHED TO CONDITIONAL USE PERMITS. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. Upon consideration of the factors listed above, the Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance.

In granting a conditional use permit, the Committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to affect the purpose of this ordinance.

5) RECORDING. When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a conditional use permit shall be provided to the appropriate office of the WDNR within 10 days after it is granted or denied.

6) REVOCATION OF CONDITIONAL USE PERMIT. If, in the opinion of the department or a member of the committee, the terms of a conditional use permit have been violated, or that the use is substantially detrimental to persons or property in the shoreland overlay protection district, the committee shall hold a public hearing on the revocation of the permit. If, upon written findings of fact that the terms of the permit have been violated, the committee may revoke, modify or leave the permit unchanged. The permit holder and/or the property owner shall be responsible for the fees associated with the revocation hearing.

### 20.14.3 VARIANCES.

1) VARIANCE CRITERIA TO BE MET. The board of land use appeals may grant upon appeal a variance from the standards of this ordinance where an applicant convincingly demonstrates that:

- a) Literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant;
- b) The hardship is due to special conditions unique to the property;
- c) The request is not contrary to the public interest; and
- d) The request represents the minimum relief necessary to relieve unnecessary burdens.

2) NOTICE, PUBLIC HEARING AND DECISION. (s. 59.694(6), Stats) Before deciding on an application for a variance, the board of adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class 2 notice under ch. 985, Stats. Such notice shall be provided to the appropriate office of the WDNR at least 10 days prior to the hearing. The board shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate office of the WDNR within 10 days of the decision.

20.14.4 BOARD OF LAND USE APPEALS. (s. 59.694 Stats) The county executive, county administrator or chair of the county board shall appoint a board of adjustment consisting of 3 or 5 members under Wis. Stats. § 59.694, Stats. The county board shall adopt such rules for the conduct of the business of the board of adjustment as required by Wis. Stats. § 59.694(3).

- 1) **POWERS AND DUTIES.** (s. 59.694 Stats)
  - a) The board of land use appeals shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by Wis. Stats. § 59.694.
  - b) It shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this ordinance.
  - c) It shall hear and decide applications for conditional use permits pursuant to section 20.13.3.
  - d) It may grant a variance from the dimensional standards of this ordinance pursuant to section 20.13.4.
  - e) In granting a variance, the board may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the board may impose any reasonable permit conditions to effect the purpose of this ordinance.
  
- 2) **APPEALS TO THE BOARD.** (s. 59.694 Stats) Appeals to the board of land use appeals may be made by any person aggrieved or by an officer, department, or board of the county affected by any decision of the Land Use Manager or other administrative officer. Such appeal shall be made within 30 days, as provided by the rules of the board, by filing with the officer whose decision is in question, and with the board of adjustment, a notice of appeal specifying the reasons for the appeal. The Land Use Manager or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.
  
- 3) **HEARING APPEALS AND APPLICATIONS FOR VARIANCES AND CONDITIONAL USE PERMITS.** (s. 59.694(6), Stats)
  - a) The board of adjustment shall fix a reasonable time for a hearing on the appeal or application. The board shall give public notice thereof by publishing a Class 2 notice under Wis. Stats. § 985, specifying the date, time and place of the hearing and the matters to come before the board. Notice shall be mailed to the parties in interest. Written notice shall be provided to the appropriate office of the WDNR at least 10 days prior to hearings on proposed shoreland variances, conditional uses, and appeals for map or text interpretations.
  - b) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, conditional uses, and appeals for map or text interpretations shall be provided to the appropriate office of the WDNR within 10 days after they are granted or denied.
  - c) The final disposition of an appeal or application to the board of adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of the board. The final disposition of an appeal or application to the board of adjustment shall be in the form of a written decision document signed by the chairman and secretary of the board.

The decision document shall either; affirm, deny, vary or modify the appeal and list the specific reasons for the determination.

- d) At the public hearing, any party may appear in person or by agent or by attorney.

20.14.5 FEES. (Wis. Stats. §§ 59.69, 59.694, 59.696, 59.697) A. Application and review fees under this ordinance shall be in accordance with the following:

- 1) The department will, except where another provision of this ordinance prohibits doing so, charge a fee for permits, approvals, or determinations.
- 2) The permit, approval, or determination fee must accompany the application or request. Otherwise, the application will not be considered complete and the request will not be considered.
- 3) Fees charged for permits, approvals, or determinations will be as determined by the Eau Claire County General User Fees Schedule, established by the Eau Claire County Board of Supervisors.
- 4) If the applicant applies for a permit or requests an approval after a project is begun or after it is completed, the department will charge an amount equal to twice the amount of the fee that it would have charged under this section. Subsequent violations shall be subject to the fees specified in the Eau Claire County Citation Code.
- 5) The department will only refund a permit, approval, or determination fee when approved by the Director of Planning and Development.
- 6) Multiple fees may be applicable, and will be charged, to a project.

20.14.6 CHANGES AND AMENDMENTS. The county board may from time to time, alter, supplement or change the regulations contained in this ordinance in accordance with the requirements of Wis. Stats. § 59.69(5)(e), NR 115, Wis. Adm. Code, and this ordinance where applicable.

- 1) **AMENDMENTS.** Amendments to this ordinance may be made on petition of any interested party as provided in Wis. Stats. § 59.69(5).
- 2) **SHORELAND WETLAND MAP AMENDMENTS.** (NR 115.04) Every petition for a shoreland-wetland map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be provided to the appropriate office of the WDNR within 5 days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate office of the Department Natural Resources at least 10 days prior to the hearing. A copy of the county board's decision on each proposed amendment shall be provided to the appropriate office of the WDNR within 10 days after the decision is issued.

20.14.7 ENFORCEMENT AND PENALTIES. (NR 115.05(4)(j)) Any development, any building or structure constructed, moved or structurally altered, or any use established after the effective date of this

ordinance in violation of the provisions of this ordinance, by any person, firm, association, corporation (including building contractors or their agents) shall be deemed a violation. The Land Use Manager or the county zoning agency shall refer violations to corporation counsel who shall expeditiously prosecute violations. Any person, firm, association or corporation who violates or refuses to comply with any of the provisions of this ordinance shall be subject to a forfeiture of fifty (\$50.00) dollars per offense, together with the applicable costs, penalties, and assessments. Each day which the violation exists shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. § 59.69(11).

1) PENALTY. Any person, firm or corporation, including those doing work for others, who violates any of the provisions of this Ordinance shall be subject to a forfeiture of fifty (\$50.00) dollars per offense, together with the applicable costs, penalties, and assessments. Each day a violation exists shall constitute a distinct and separate violation of this Ordinance and as such, forfeitures shall apply accordingly. The Land Use Manager shall refer violations to the Corporation Counsel who shall prosecute violations.

2) INJUNCTION. Any use or action which violates the provisions of this Ordinance shall be subject to a court injunction prohibiting such violation.

3) RESPONSIBILITY FOR COMPLIANCE. It shall be the responsibility of the applicants as well as their agent or other persons acting on their behalf to comply with the provisions of this Ordinance. Any person, firm or corporation, causing a violation or refusing to comply with any provision of this Ordinance will be notified in writing of such violation by the County Land Use Manager or his designated Zoning Deputy. Each day a violation exists shall constitute a distinct and separate violation of this ordinance and, as such, forfeitures shall apply accordingly. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be abated pursuant to Wis. Stats. § 59.69(11).

4) SUSPENSION OF PERMIT. Whenever the Land Use Manager, or his designated Zoning Deputy determines there are reasonable grounds for believing there is a violation of any provision of this Ordinance, the Land Use Manager or his designated Zoning Deputy shall give notice to the owner of record as hereinafter provided. Such notice shall be in writing and shall include a statement of the reason for the suspension of the permit. It shall allow 30 days for the performance of any act it requires. If work cannot be completed in the 30 day period, an extension may be granted if reason of hardship prevail and can be verified. Such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to owner's last known address or when the owner has been served by such notice by any method authorized by the laws of Wisconsin. The owner of record has the right to appeal any decision by the Land Use Manager or his designated Zoning Deputy to the Board of Land Use Appeals for a variance from the strict rule of the Ordinance within 30 days of receipt of a notice or order.

5) EMERGENCY CONDITIONS. Whenever the Land Use Manager finds that an emergency exists such as sudden, unexpected occurrences or combinations thereof, unforeseen conditions or circumstances at the time beyond one's control, adverse weather conditions, meeting a timetable which requires immediate action to protect the public health, safety and welfare, the Land Use Manager may,

without notice or hearing, issue an order citing the existence of such emergency and may require that such action be taken as may be deemed necessary to meet the emergency. The Land Use Manager shall notify the Chairperson of the Committee within 24 hours of such situations. Notwithstanding any other provisions of this Ordinance such order shall become effective immediately. Any person to whom such order is directed shall comply therewith immediately. Appeals or challenges to emergency orders may be brought after emergency conditions have ceased, to the Board of Land Use Appeals.

#### 20.15.0 DEFINITIONS.

20.15.1 For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally. All measured distances shall be to the nearest integral foot or meter and increments of one-half or more of a foot or meter shall cause the next highest foot or meter to be applied.

20.15.2 The following terms used in this ordinance mean:

- (1) "Access and viewing corridor" (NR 115.03(1d)) means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
- (2) "Alteration" means an enhancement, upgrading or substantial change or modifications other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- (3) "Bed and breakfast establishment" means any place of lodging that provides 8 or fewer rooms for rent for more than 10 nights in a 12 month period, is owner-occupied and in which the only meal served to guest is breakfast.
- (4) "Boathouse" (NR 115.03(1h)) means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.
- (5) "Building envelope" (NR 115.03(1p)) means the three dimensional space within which a structure is built.
- (6) "Campground" means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area.
- (7) "Committee" means the Eau Claire County Committee on Planning and Development.
- (8) "Conditional use" (NR 115.03(10)) means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the committee.

- (9) "County zoning agency" (NR 115.03(2)) means that committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.
- (10) "Department" (NR 115.03(3)) means the department of planning and development.
- (11) "Drainage system" means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (12) "Existing development pattern" (NR 115.03(3m)) means that principal structures exist within 250 feet of a proposed principal structure in both directions along the shoreline.
- (13) "Floodplain" (NR 115.03(4)) means the land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.
- (14) "Facility" means any property or equipment of a public utility, as defined in Wis. Stats. § 196.01 (5), or a cooperative association organized under Wis. Stats. § 185. Code for the purpose of producing or furnishing heat, light, or power to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.
- (15) "Footprint" means the land area covered by a structure at ground level measured on a horizontal plane. The footprint of a residence or building includes the horizontal plane bounded by the furthest exterior wall and eave if present, projected to natural grade. For structures without walls (decks, stairways, patios, carports) – a single horizontal plane bounded by the furthest portion of the structure projected to natural grade. Note: For the purposes of replacing or reconstructing a nonconforming building with walls, the footprint shall not be expanded by enclosing the area that is located within the horizontal plane from the exterior wall to the eaves projected to natural grade. This constitutes a lateral expansion under NR 115 and would need to follow NR 115.05 (1)(g)5..
- (16) "Generally accepted forestry management practices" (NR 1.25(2)(b), Wis. Adm. Code) means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the WDNR publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.
- (17) "Impervious surface" (NR 115.03(4g)) means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s.

340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.

- (18) "Land Use Manager" means the employee of the county officially designated to administer this chapter or an agent designated by the Director of the Eau Claire County Department of Planning and Development.
- (19) "Lot" means a parcel of land, legally created, which is occupied or designed to provide space for one principal structure and approved uses, including the open spaces required by this subtitle. A lot includes all contiguous property under one owner and may consist of multiple deeds, abstracts, and tax statements.
- (20) "Lot of record" means a lot which has been legally created prior to the effective date of Title 18.
- (21) "Mitigation" (NR 115.03(4r)) means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.
- (22) "Navigable waters" (NR 115.03(5)) means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stats. § 281.31(2)(d), notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. § 59.692, Stats, and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:
  - (a) Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
  - (b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body
- (23) "Ordinary high-water mark" (NR 115.03(6)) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.
- (24) "Previously developed" means a lot or parcel that was developed with a structure legally placed upon it.
- (25) "Regional flood" (NR 115.03(7)) means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to

occur on a particular stream because of like physical characteristics, once in every 100 years.

- (26) "Routine maintenance of vegetation" (NR 115.03(7m)) means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (27) "Shoreland" (NR 115.03(8)) means lands within the following distances from the ordinary highwater mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.
- (28) "Shoreland setback" also known as the "Shoreland setback area" in s. 59.692(1)(bn), Stats, means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of structures has been limited or prohibited under an ordinance enacted under section 59.692, Stats.
- (29) "Shoreland-wetland district" (NR 115.03(9)) means a zoning district, created as a part of a county zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin wetland inventory maps prepared by the WDNR.
- (30) "Structural alteration" means any change in the supporting members of a building such as bearing walls, columns, rafters, beams, girders, footings and piles.
- (31) "Structure" (s.59.692(1)(e), Stats) means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or fire pit.
- (32) "Tourist Rooming House" means all lodging places and tourist cabins and cottages as regulated by the department of health and human services pursuant to Wis. Admin. Code ch. DHS 195, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments regulated under Wis. Admin. Code ch. DHS 197.
- (33) "Unnecessary hardship" (NR 115.03(11)) means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

- (34) "Variance" means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- (35) "WDNR" means the Wisconsin Department of Natural Resources.
- (36) "Wetlands" (NR 115.03(13)) means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

**APPENDIX A**

**SHORELAND ACTIVITIES WHICH REQUIRE A MITIGATION PLAN**

A. When Impervious Surface (IS) limits fall within the below % ranges: (Section 20.9.5)

Percent IS requiring mitigation

General Standard Shorelines	Highly Developed Shorelines (Residential)	Highly Developed Shorelines (Commercial)
15% - 30 %	>30 % - 40 %	> 40 % - 60 %

- A variance is required when the above IS % limits are exceeded.
- The repair, replacement, or relocation of existing IS does not require mitigation.

B. A lateral expansion of a principal structure that is legal nonconforming to shore or wetland setback (200 sq. ft. max. allowed). (Section 20.11.3)

C. The relocation of a principal structure that is legal nonconforming to shore setback. Relocation is only available when no other more conforming location is available to accommodate a similar sized structure. (Section 20.11.5)

D. Open-sided and screened structures [Section 20.6.1 1.)b.)]

In order to make the above improvements to nonconforming structures, the following must be met:

- The existing principal structure must be located at least 35 ft. from the ordinary high water mark (OHWM) of a navigable waterway and wetland.
- No portion of the addition or relocated structure may be closer to the shore than the existing structure.

**Required Mitigation Practices - The Point System**

Property owners must achieve a certain number of mitigation points in order to construct improvements that require mitigation in accordance with this appendix. Property owners are able to choose a range of practices, with each practice being worth a pre-determined number of points, to achieve the total number of points required for the proposed project.

Mitigation Points are cumulative. For example: A site with a code compliant shoreline protection area twice as deep as required would get 1 point for the extra buffer area, as well as 2 points for the standard code compliant vegetation protection area, for a total of 3 points.

**APPENDIX A**

**Mitigation Point Requirements**

A. Five (5) mitigation points are required when Impervious Surface (IS) limits fall within the below % ranges:

General Shorelines	Standard	Highly Developed Shorelines (Residential)	Highly Developed Shorelines (Commercial)
15% - 30 %		>30 % - 40 %	> 40 % - 60 %

B. Six (6) mitigation points are required for a lateral expansion of a principal structure that is legal nonconforming to shore or wetland setback (200 sq. ft. max. allowed).

C. Six (6) mitigation points are required for the relocation of a principal structure that is legal nonconforming to shore setback. Relocation is only available when no other more conforming location is available to accommodate a similar sized structure.

D. Three (3) mitigation points are required for to locate an open-sided and screened structures under section 20.6.1 1.) b.).

**Mitigation Schedule**

Mitigation Type	Number of Points Awarded for Mitigation
A. Code Compliant POWTS (septic system)	3 points
B. Removal of improvements within 75 ft. of the OHWM and replace with vegetation.  Examples: beaches, boathouse approaches, fire pits, fountains, impervious surfaces	1 point for each 100 sq. ft. of area removed (credit is not provided if removal is required as part of another accredited mitigation type)
C. Maintain existing or establish new native vegetative buffer adjacent to a navigable waterway (OHWM extended 35' landward)	3 points
D. Increase depth of existing compliant shoreland buffer	1 point for every 15 foot increase (max. 3 points)
E. No net increase in storm water runoff (calculations required)	2 points

**APPENDIX A**

F. "0" storm water runoff (calculations required)	3 points
G. Remove existing retaining walls located within 75 ft. of OHWM and replace with vegetation (low impact landscaping approach)	1 point per 25 lineal ft. of wall
H. Removal of seawall/riprap and replacement with natural, nonstructural stabilization materials	3 points for entire shoreline or 3 points for 100 ft. of lineal shoreline
I. Use of earth-tone materials or colors	1 point
J. Increasing setback of structures from OHWM	1 point per 5' of increased setback beyond required (max. 4 points)
K. Decrease width of access & viewing corridor below 35%	1 point = 30 % view corridor 2 points = 25% view corridor 3 points = 20% view corridor (max. 3 points)
L. Passive restoration (natural recovery) of a compliant shoreland buffer	1 point
M. Installation of a rain garden	2 points
N. Treated Impervious Surface (TIS) Examples:	3 points
O. Maintain existing or establish new shoreline habitat (fallen trees or fish sticks)	2 points per tree cluster as specified in the DNR Best Practices Manual
P. Alternative method approved by Department staff	Based on proposal

\*See below for detailed explanation of mitigation items.

## APPENDIX A

### DETAILED EXPLANATIONS OF MITIGATION ITEMS

The benefits of mitigation of the following:

- Provides water quality benefits by treating and reducing runoff;
- Containing erosion and controlling sediment;
- Provide natural scenic beauty;
- Provide aquatic and diverse wildlife habitat;
- Restores natural topography;
- Improve and preserve water quality by offsetting the impacts associated with surface runoff; and
- Restore natural shoreline vegetation to promote natural landscapes

- A. **Code compliant POWTS** – A written and approved verification that the Private Onsite Wastewater Treatment System (POWTS) on the lot or parcel comply with all requirements of SPS 383, Wisconsin Administrative Code, and Chapter 8.12, Eau Claire County Sanitary Code, other than sizing requirements, or proper connection is verified to municipal sewer. Acceptable written verification includes either a sanitary permit on file in the County Health Department with a signed inspection by Eau Claire City/County Health Department staff, or written verification from a Wisconsin Master Plumber, Master Plumber-Restricted Sewer, Journeyman Plumber, Journeyman Plumber-Restricted Sewer, POWTS Inspector, or Certified Soil Tester, or installation of a new system meeting these requirements, or an approved sanitary permit may be substituted with installation of the POWTS to take place within the life of the shoreland permit.
- B. **Removal of improvements within 75 feet of the OHWM and replace with vegetation** – Removal of improvements such as, beaches, boathouse approaches, fire pits, fountains, impervious surfaces, unless there is a specific exemption in the code for such a structure.
- C. **Maintain existing or establish new native vegetative buffer adjacent to a navigable waterway (OHWM extended to 35 feet landward)**. – A written and approved shoreline restoration plan which restores all of the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and the provisions of this code, or verification that existing vegetation meets these standards. The department shall review the restoration plan or verify that existing vegetation is adequate to meet these requirements.
- D. **Increase depth of existing compliant shoreland buffer** – The depth of an existing shoreland buffer may be increased beyond 35 feet through active restoration, passive restoration, or by maintaining existing vegetation already present in acceptable densities. Shoreland buffers may include a cleared view and access corridor. A written and approved shoreline restoration plan which restores all of the natural functions of the shoreline vegetation protection area in accordance with the standards contained in NRCS Standard 643 A and Wisconsin Biology Technical Note #1 - Shoreland Habitat and this code, or verification that existing vegetation meets these standards. The department shall review the plan or verify that existing vegetation is adequate to meet these requirements.
- E. **No net increase in storm water runoff** – A post construction storm water retention plan which will result in no net increase in runoff from the site within 300 feet of the ordinary high water mark. The department

## APPENDIX A

shall review the plan to determine adequacy. This plan shall be designed to handle the storm water from the NOAA National Weather Service Precipitation Frequency Data Server (PFDS) 2 year 24 hour rainfall event for Eau Claire County, and in compliance with the "Controlling Runoff and Erosion from your Waterfront Property-A Guide for Landowners" copyright 2008 by Burnett County Land and Water Conservation Department, available on both the Eau Claire County and Wisconsin DNR websites

- F. **"0" storm water runoff**—A post construction storm water retention plan which will result in no runoff from any impervious surface on the site within 300 feet of the ordinary high water mark. The department shall review the plan to determine adequacy. This plan shall be designed to handle the storm water from a one year storm as designated by NRCS for Eau Claire County, and in compliance with the "Controlling Runoff and Erosion from your Waterfront Property-A Guide for Landowners" copyright 2008 by Burnett County Land and Water Conservation Department, available on both the Eau Claire County and Wisconsin DNR websites.
- G. **Remove existing retaining walls located within 75 feet of the OHWM and replace with vegetation (low impact landscaping)** – Remove retaining wall and develop a plan to replace it. The restoration plan shall include a grading, vegetation and erosion control plan.
- H. **Remove of seawall/riprap and replacement with natural, nonstructural stabilization materials** – Provide a plan and a copy of the WDNR permit for the removal of the seawall/riprap structures and replacement with natural, nonstructural stabilization materials.
- I. **Use of earth-tone materials or colors** – Use of earth-tone materials or colors for all existing and proposed structures on the property as viewed from the shore. Practices must include the use of exterior building materials or treatments that are inconspicuous and blend with the natural setting of the site.
- J. **Increase setback of structures from the OHWM** – Increase structure beyond minimum required by Title 20.
- K. **Decrease width of access & viewing corridor below 35 %** - Submit a vegetation, management and erosion plan to reduce the viewing corridor less than 35 %. The management plan shall indicate how invasive species are control.

NOTE: The remaining access and viewing corridor from the developed portion of the site to the water's edge can be maintained or established.

- L. **Passive restoration (natural recovery) of a compliant shoreland buffer** - Passive restoration of a shoreland buffer involves restricting mowing, raking, and trimming and allowing natural regeration of the landscape to occur from the ordinary high water mark to a point that is at least 35 feet inland. A passive shoreland buffer may only serve as the restoration if tree, shrub and ground cover layers are already present in acceptable densities and the site is suited for natural regeneration. A compliant shoreland buffer should contain three distinct layers including a native tree canopy, shrub layer, and groundcover layer, except for closed canopy forest types such as pine and hemlock. Shoreland buffers may include a cleared view and access corridor. Passive restoration is not applicable on landscapes containing large concentrations of invasive species or in areas mainly vegetated with turf grasses.

## APPENDIX A

- M. **Installation of a rain garden** - A shallow depression landscaped with suitable native vegetation, engineered and designed to capture and infiltrate storm water. The rain garden must be located outside of the shoreland buffer, designed to conform to property constraints, and located a reasonable distance to septic systems, building foundations, and lot lines. A rain garden should capture and infiltrate the runoff volume for a minimum of a 10 year, 5 minute rain event. Rain gardens are not suitable on land containing impermeable soil types or steep slopes.
- N. **Treated Impervious Surface (TIS)** – Develop a plan to treat and handle storm and surface waters. TIS are not allowed in the shoreland buffer, unless there are no other feasible locations on the lot. Examples of a TIS include, but are not limited to, rain gardens, infiltration trenches, chambers, or dry wells, internally drained areas, pervious pavement, and grass swales. The plan shall be designed to handle the storm water from the NOAA National Weather Service Precipitation Frequency Data Server (PFDS) 2 year 24 hour rainfall event for Eau Claire County and shall include all engineered calculations to support the design.
- O. **Maintain Existing or Establish New Shoreline Habitat (fallen trees or fish sticks)** – Develop a shoreland habitat plan in compliance with the standards set forth per the DNR Best Practices Manual for Fish Sticks.
- P. **Alternative Method Approved by The Department** - Applicant must demonstrate a connection between the proposed mitigation and the intent/purpose of the mitigation requirements of the Eau Claire Shoreland Protection and Overlay Ordinance. For example, an applicant could provide engineering information showing that the proposal could accomplish the same outcome as one of the mitigation strategies outlined. Points would be awarded in line with the comparable mitigation points.





**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: September 20, 2016

RE: Scott and Cynthia Webb CSM – Section 27 & 28, T26N-R9W, Town of Pleasant Valley

Ron Jasperson, Professional Land Surveyor, has submitted a concept certified survey map (CSM) to the department for review for a two lot CSM in the SW ¼ of the SW ¼ Section 27 and the SE ¼ of the SE ¼ Section 28, T26N-R9W, Town of Pleasant Valley.

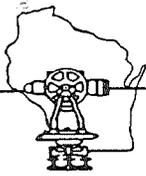
The map is being presented to the committee because of proposed lot 2 exceeding the depth to width (depth/width) ratio of 3:1 for lots less than 5 acres. Proposed lot 2 has a depth/width ratio of 3.45. The purpose of the division is to divide the current lot into two smaller lots that front on Lowes Creek Road. There are environmentally sensitive areas (ESA) mapped on both properties that would require review by the county prior to any activity per 18.82.060.L. The areas outside of the ESA's are less than 3:1 depth/width ratio.

Section 18.82.060.F. Depth. Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided. For lots less than 5 acres, the ratio of depth to width shall not exceed 3:1. For lots greater than 5 acres, the ratio of depth to width shall not exceed 4:1 inclusive of the road right of way.

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 RECOMMENDATION: Staff has reviewed this request and recommends that the committee approve exceeding the depth to width ratio. 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.
- ❑ Proposed lot 2 has environmentally sensitive areas (ESA) on the back of the lot including floodplain that would restrict development. The lot excluding the ESA's would meet the depth/width ratio.
- ❑ The purpose of the Subdivision Control Code will be upheld.



# NELSEN LAND SURVEYING, INC.

392 RED CEDAR ST., SUITE 3B • MENOMONIE, WI 54751 • PHONE: (715) 235-6641 • FAX: (715) 235-6611  
**JOSEPH P. NELSEN**

## VARIANCE NARRATIVE

**OWNER: Scott and Cynthia Webb**

**SUBJECT PROPERTY:** (See Exhibit "A")

Lot 3, Certified Survey Map No. 2588, Volume 14, Page 196, located in part of the SW/SW Section 27 and part of the SE/SE, Section 28, all located in Township 26 North, Range 9 West, Town of Pleasant Valley, Eau Claire County, Wisconsin.

-Requesting a variance of Chapter 18.82.006 (f) the 3:1 lot width to depth ratio for lots less than 5 acres.

-The proposed lot division of Lot 3, CSM #2588 is splitting the current lot into (2) smaller lots that front on Lowes Creek Road on the west and is bounded by Lowes Creek on the east.

**PROPOSED LOT LINE LENGTHS:**

North lot line of Lot 1: ±862 feet

South lot line of Lot 1/North lot line of Lot 2: ±656 feet

South lot line of Lot 2: ±725 feet

**PROPOSED LOT WIDTH:**

Lot 1: 260 feet                      3:1 RATIO (CALCULATED) 260'x3 = 780' (Max lot line length)

Lot 2: 200 feet                      3:1 RATIO (CALCULATED) 200'x3 = 600' (Max lot line length)

-The calculations show that Lots 1 and 2 exceed the 3:1 lot width to depth ratio per Chapter 18.82.006 (f)

-The landowner is requesting a variance to the 3:1 ratio due to the fact that 2/3 of the area on Lot 1 and about ½ of the area of Lot 2 fall within the Environmentally Sensitive Area (ESA) that includes steep slopes greater than 20%, flood plain and wetlands. These are unusable areas for any buildings and septic systems.

-The 3:1 ratio does not make sense for these proposed lots since the area within the ESA is undevelopable any ways. The only area that is buildable is the upper portion.

-The upper area meets the 3:1 ratio up to the ESA boundary line.

**PROPOSED LOT LINE LENGTHS WEST OF ESA:**

North lot line of Lot 1: 198.83 feet

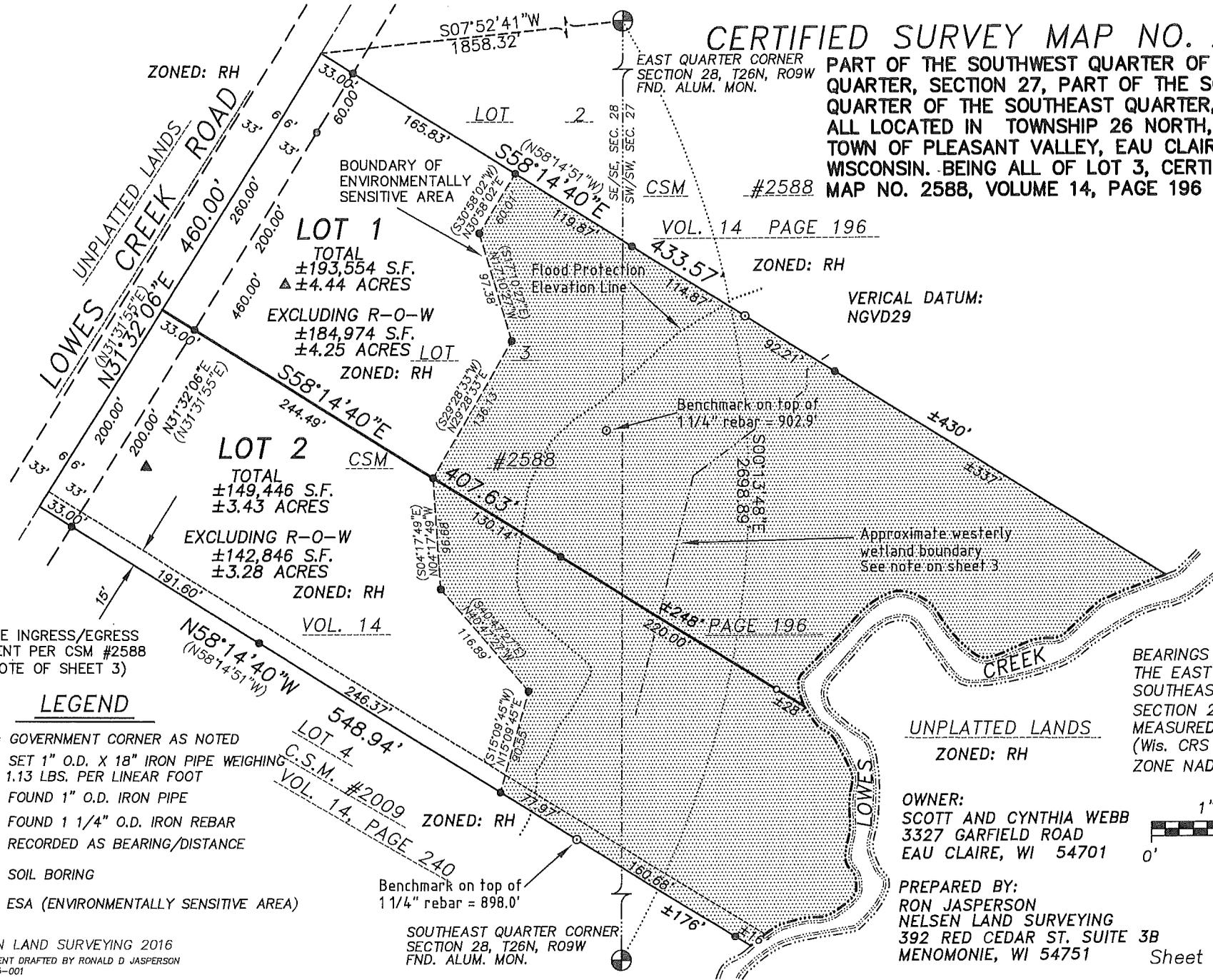
South lot line of Lot 1/North lot line of Lot 2: 277.49 feet

South lot line of Lot 2: 470.97 feet

EXHIBIT "A"

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 28, T26N, R09W FND. ALUM. MON. PART OF THE SOUTHWEST QUARTER, SECTION 27, PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 28, ALL LOCATED IN TOWNSHIP 26 NORTH, RANGE 09 WEST, TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY, WISCONSIN. BEING ALL OF LOT 3, CERTIFIED SURVEY MAP NO. 2588, VOLUME 14, PAGE 196



EAST QUARTER CORNER SECTION 28, T26N, R09W FND. ALUM. MON.

CSM #2588

VOL. 14 PAGE 196

ZONED: RH

VERTICAL DATUM: NGVD29

PAGE 196

15' WIDE INGRESS/EGRESS EASEMENT PER CSM #2588 (SEE NOTE OF SHEET 3)

LEGEND

- ⊕ = GOVERNMENT CORNER AS NOTED
- = SET 1" O.D. X 18" IRON PIPE WEIGHING 1.13 LBS. PER LINEAR FOOT
- = FOUND 1" O.D. IRON PIPE
- = FOUND 1 1/4" O.D. IRON REBAR
- ( ) = RECORDED AS BEARING/DISTANCE
- ▲ = SOIL BORING
- ▨ = ESA (ENVIRONMENTALLY SENSITIVE AREA)

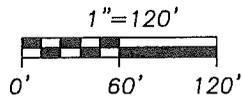
© NELSEN LAND SURVEYING 2016  
THIS INSTRUMENT DRAFTED BY RONALD D JASPERSON  
PROJECT #805-001

BEARINGS REFERENCED TO THE EAST LINE OF THE SOUTHWEST QUARTER SECTION 28, T26N, R09W MEASURED AS S00°13'48"E (Wis. CRS EAU CLAIRE COUNTY ZONE NAD 83 (91)).

UNPLATTED LANDS ZONED: RH

OWNER: SCOTT AND CYNTHIA WEBB 3327 GARFIELD ROAD EAU CLAIRE, WI 54701

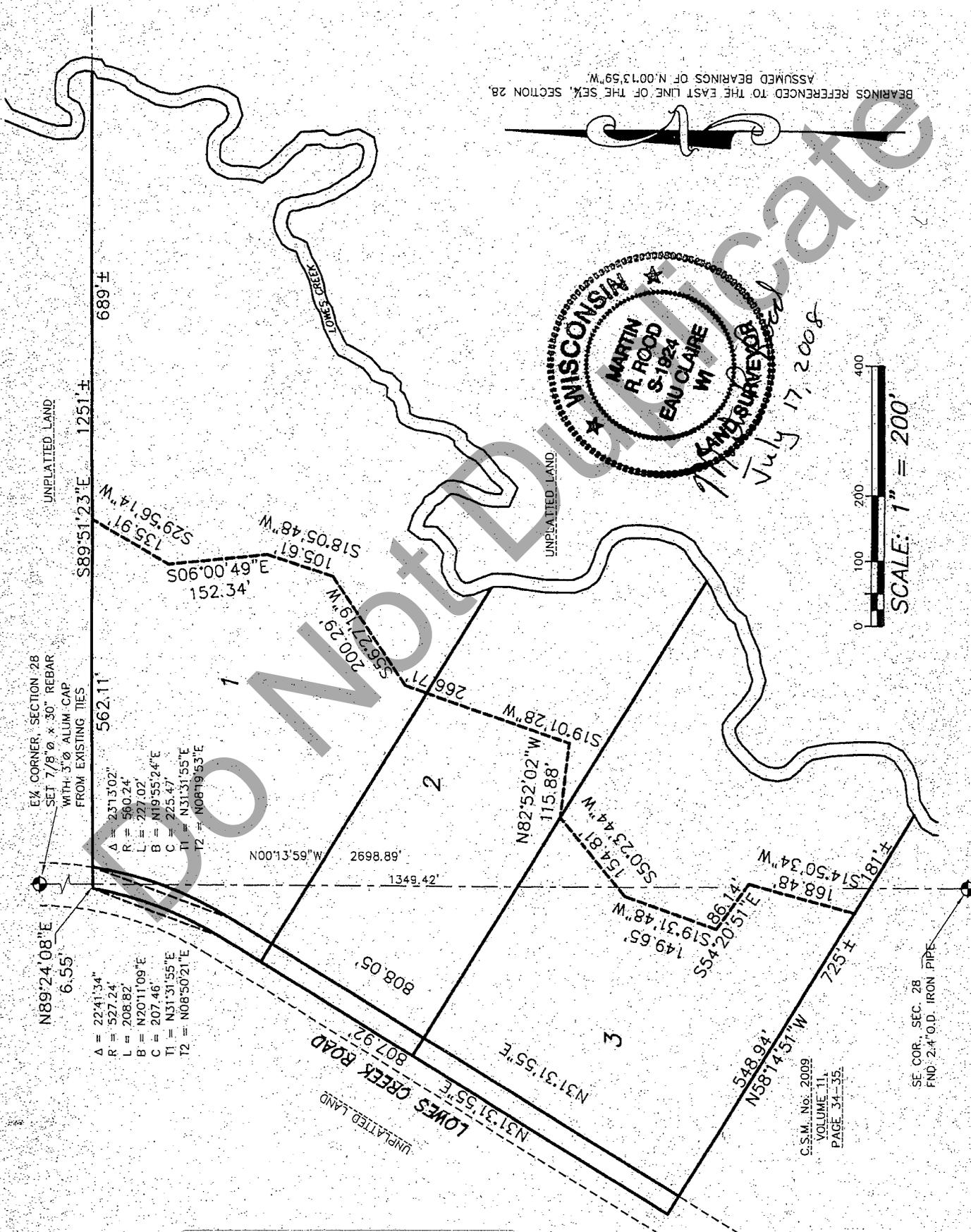
PREPARED BY: RON JASPERSON NELSEN LAND SURVEYING 392 RED CEDAR ST. SUITE 3B MENOMONIE, WI 54751



Sheet 1 of 3 Sheets

**CERTIFIED SURVEY MAP, No. 2588**

IN THE SW $\frac{1}{4}$  OF THE SW $\frac{1}{4}$ , SECTION 27 AND  
 IN THE SE $\frac{1}{4}$  OF THE SE $\frac{1}{4}$ , SECTION 28  
 ALL IN T26N, R9W TOWN OF PLEASANT VALLEY,  
 EAU CLAIRE COUNTY, WISCONSIN  
 BEING ALL OF LOT 2 CERTIFIED SURVEY MAP No. 2009



TEC DESIGN, INC.  
 5828 ARNDT LANE  
 EAU CLAIRE, WI 54701  
 CADD No. 08134

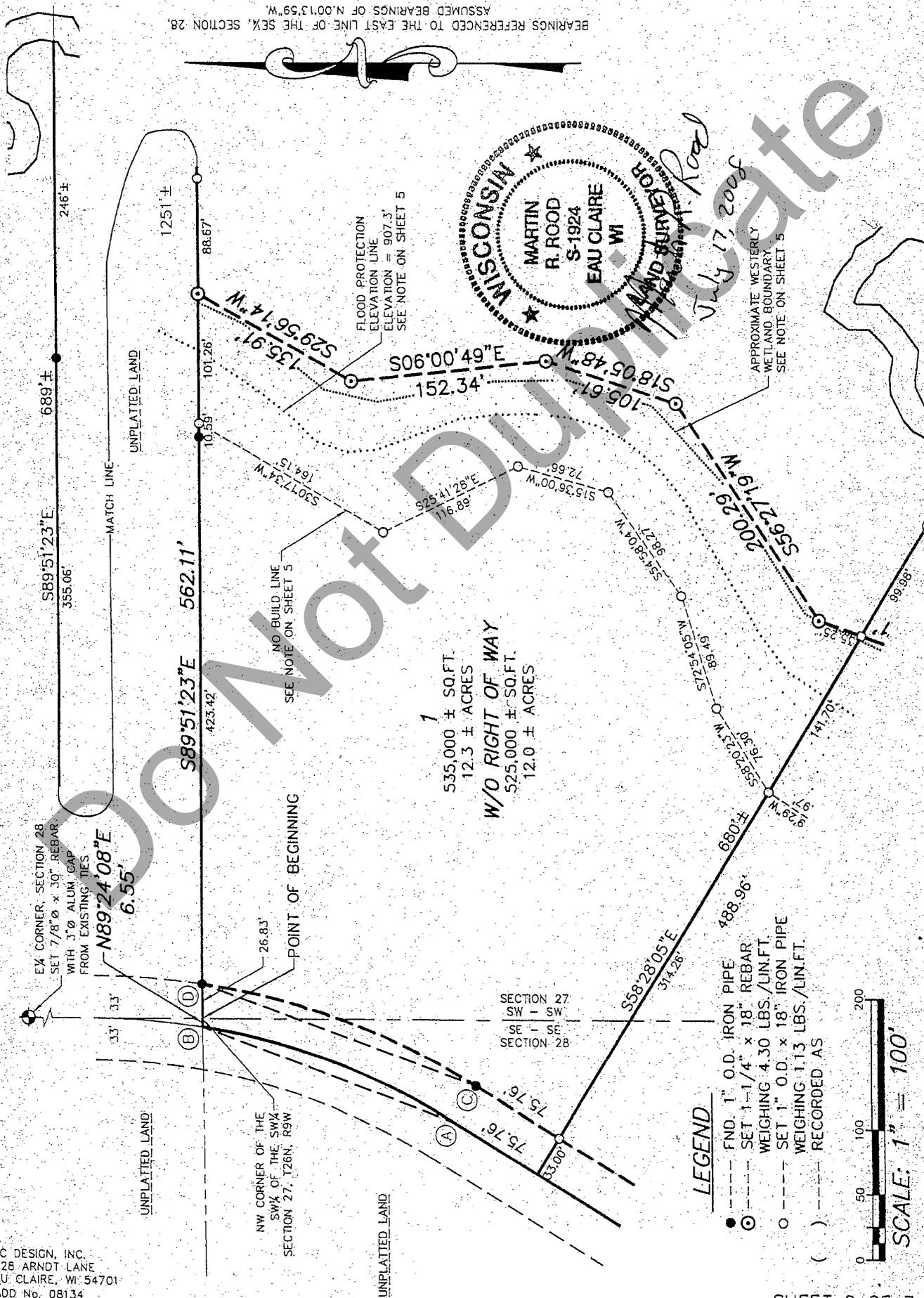
S- 4496  
 Comp. No. \_\_\_\_\_

C.S.M. No. 2009  
 VOLUME 11,  
 PAGE 34-35

CERTIFIED SURVEY MAP, No. \_\_\_\_\_

IN THE SW $\frac{1}{4}$  OF THE SW $\frac{1}{4}$ , SECTION 27 AND  
 IN THE SE $\frac{1}{4}$  OF THE SE $\frac{1}{4}$ , SECTION 28  
 ALL IN T26N, R9W TOWN OF PLEASANT VALLEY,  
 EAU CLAIRE COUNTY, WISCONSIN  
 BEING ALL OF LOT 2 CERTIFIED SURVEY MAP No. 2009

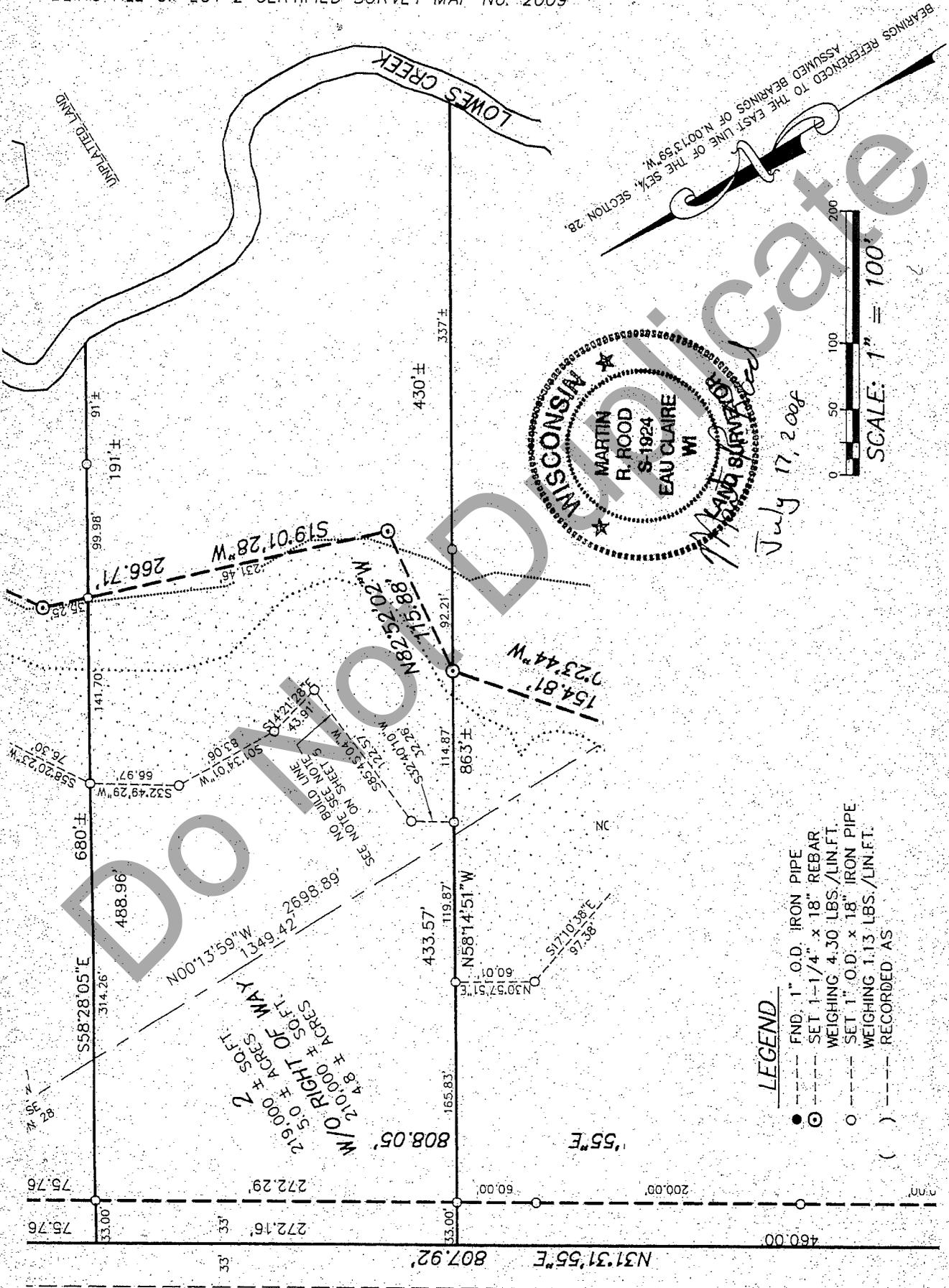
BEARINGS REFERENCED TO THE EAST LINE OF THE SE $\frac{1}{4}$ , SECTION 28.  
 ASSUMED BEARINGS OF N.001°3'59"W.



TEC DESIGN, INC.  
 5828 ARNDT LANE  
 EAU CLAIRE, WI 54701  
 CAAD No. 08134

CERTIFIED SURVEY MAP, No. \_\_\_\_\_

IN THE SW $\frac{1}{4}$  OF THE SW $\frac{1}{4}$ , SECTION 27 AND  
 IN THE SE $\frac{1}{4}$  OF THE SE $\frac{1}{4}$ , SECTION 28  
 ALL IN T26N, R9W TOWN OF PLEASANT VALLEY,  
 EAU CLAIRE COUNTY, WISCONSIN  
 BEING ALL OF LOT 2 CERTIFIED SURVEY MAP No. 2009

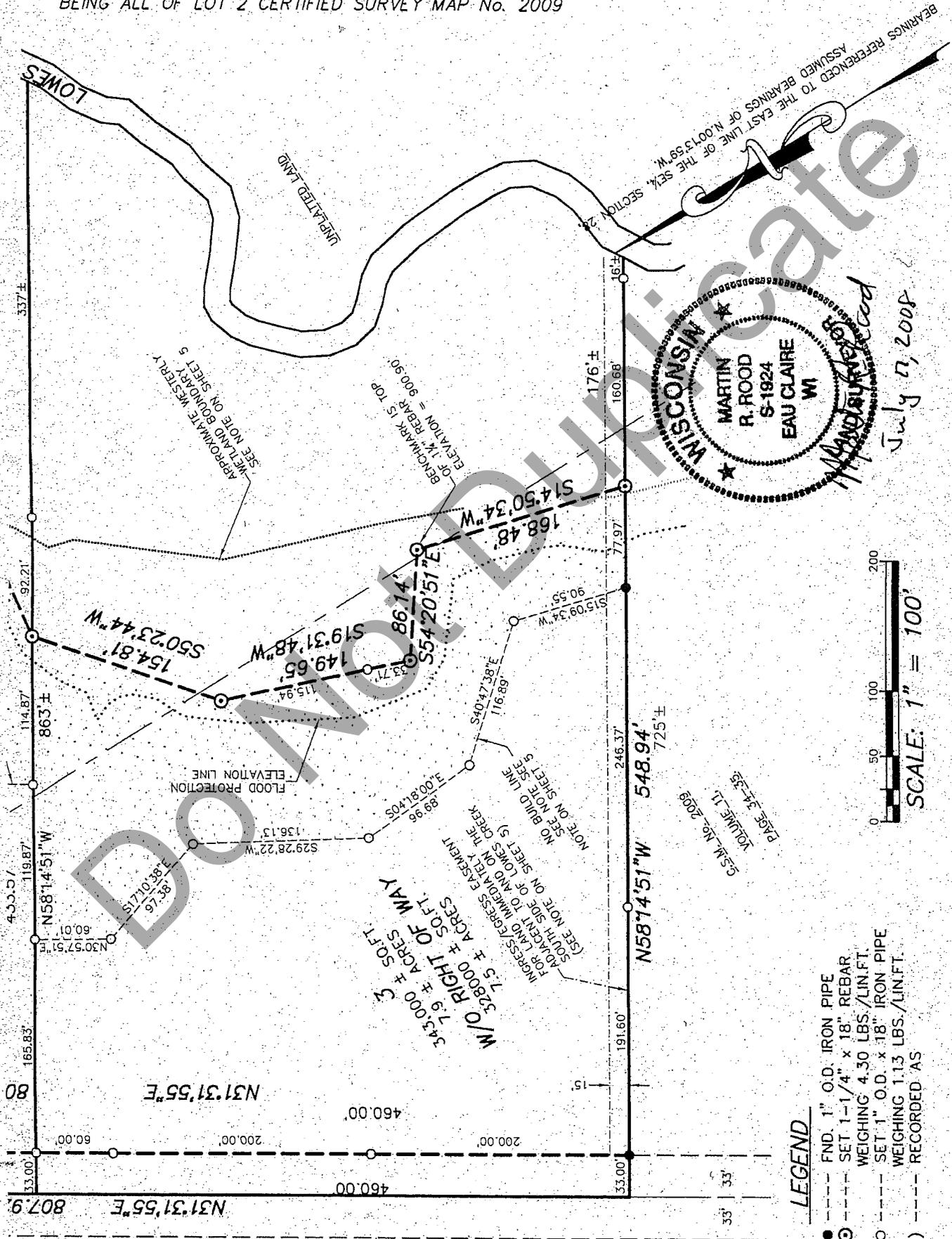


- LEGEND**
- FND. 1" O.D. IRON PIPE
  - ⊙ SET 1-1/4" x 18" REBAR
  - WEIGHING 4.30 LBS./LIN.FT.
  - SET 1" O.D. x 18" IRON PIPE
  - ( ) WEIGHING 1.13 LBS./LIN.FT.
  - ( ) --- RECORDED AS

TEC DESIGN, INC.  
 5828 ARNDT LANE  
 EAU CLAIRE, WI 54701  
 CADD No. 08134

**CERTIFIED SURVEY MAP, No. \_\_\_\_\_**

IN THE SW<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub>, SECTION 27 AND  
 IN THE SE<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub>, SECTION 28  
 ALL IN T26N, R9W TOWN OF PLEASANT VALLEY,  
 EAU CLAIRE COUNTY, WISCONSIN  
 BEING ALL OF LOT 2 CERTIFIED SURVEY MAP No. 2009



**LOWES CREEK ROAD**  
 UNPLATTED LAND  
 TEC DESIGN, INC.  
 5828 ARNDT LANE  
 EAU CLAIRE, WI 54701  
 CADD No. 08134

BEARINGS REFERENCED TO THE EAST LINE OF THE SE<sup>1</sup>/<sub>4</sub>, SECTION 28, ASSUMED TO BEARINGS OF N.00°13'35\"/>

WISCONSIN  
 MARTIN  
 R. ROOD  
 S-1924  
 EAU CLAIRE  
 WI

July 17, 2008



- LEGEND**
- 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

**CERTIFIED SURVEY MAP, No. \_\_\_\_\_**

IN THE SW $\frac{1}{4}$  OF THE SW $\frac{1}{4}$ , SECTION 27 AND  
IN THE SE $\frac{1}{4}$  OF THE SE $\frac{1}{4}$ , SECTION 28  
ALL IN T26N, R9W TOWN OF PLEASANT VALLEY,  
EAU CLAIRE COUNTY, WISCONSIN  
BEING ALL OF LOT 2 CERTIFIED SURVEY MAP No. 2009

NOTE:

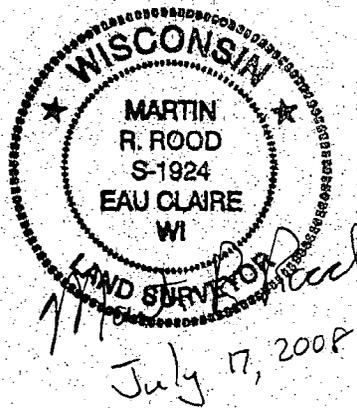
ALL AREA LYING BETWEEN THE NO BUILD LINE AND LOWES CREEK IS A NON-BUILDABLE AREA. THIS AREA CONTAINS AREAS OF 20% SLOPES, WETLANDS AND FLOOD PLAIN.

THERE ARE AREAS OF 20% OR GREATER SLOPES BETWEEN THE "NO BUILD LINE" AND THE "MEANDER LINE" WHICH HAS BEEN MONUMENTED AND IS SHOWN ON THIS MAP AS THE DOTTED HATCHED AREAS. THERE WILL BE NO DISTURBANCE OR CONSTRUCTION OF ANY TYPE ALLOW IN THESE AREAS UNLESS APPROVED BY EAU CLAIRE COUNTY PLANNING AND DEVELOPMENT. THE PURPOSE OF THIS RESTRICTION IS TO HELP PREVENT EROSION OF THESE AREAS.

THE WETLANDS AREAS ARE APPROXIMATE. ANY IMPROVEMENTS IN OR NEAR THESE AREAS REQUIRES APPROVAL FROM EAU CLAIRE COUNTY PLANNING AND DEVELOPMENT AND MAY REQUIRE A MORE SPECIFIC DELINEATION BY AN APPROVED WETLANDS DELINEATOR. THE WETLAND AREAS ARE LOCATED APPROXIMATELY BETWEEN THE LINE LABLED AS THE APPROXIMATE WESTERLY BOUNDARY AND LOWES CREEK AS SHOWN ON THIS MAP.

THE FLOOD PROTECTION ELEVATION HAS BEEN DETERMINED TO BE AT AN ELEVATION OF 907.3 FEET. NO BUILDINGS MAY BE CONSTRUCTED BELOW THIS ELEVATION UNLESS IT IS DETERMINED THAT THE CONSTRUCTION SITE MEETS COUNTY ORDINANCES AS PERTAINING TO FLOOD PLAINS. THE APPROXIMATE WESTERLY BOUNDARY OF THIS LINE IS SHOWN ON THIS MAP.

THE INGRESS AND EGRESS EASEMENT ON LOT 3 IS CREATED ON THIS CERTIFIED SURVEY MAP AND IS RESTRICTED TO PEDESTRIAN TRAFFIC.



**CERTIFIED SURVEY MAP, No.**

IN THE SW¼ OF THE SW¼, SECTION 27 AND THE SE¼ OF THE SE¼, SECTION 28,  
ALL IN T26N, R9W, TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY, WISCONSIN  
BEING ALL OF LOT 2, CERTIFIED SURVEY MAP NO. 2009

**SURVEYOR'S CERTIFICATE:**

I, MARTIN R. ROOD, REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

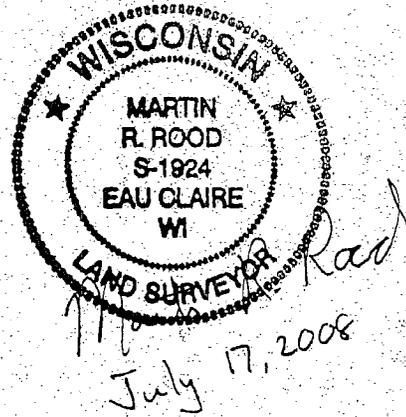
THAT BY THE DIRECTION OF STEVE K. SLETNER, "HIDDEN VALLEY HOLDINGS, LLC", OWNER, I  
HAVE SURVEYED; DIVIDED AND MAPPED THE LAND PARCEL WHICH IS REPRESENTED BY THIS CERTIFIED  
SURVEY MAP.

THAT THE EXTERIOR BOUNDARY OF THE LAND PARCEL SURVEYED AND MAPPED IS AS FOLLOWS:  
A PARCEL OF LAND LOCATED IN THE SW¼ OF THE SW¼, SECTION 27 AND THE SE¼ OF THE SE¼, SECTION  
28, ALL IN T26N, R9W, TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY, WISCONSIN AND BEING ALL OF  
LOT 2, CERTIFIED SURVEY MAP No. 2009, RECORDED IN VOLUME 11, PAGES 34-35 OF CERTIFIED SURVEY MAPS  
AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER  
OF SECTION 28; THENCE N.00°13'59"W., ALONG THE EAST LINE OF SAID SECTION 28, A DISTANCE OF 1349.42  
FEET TO THE NORTHEAST CORNER OF SAID SE¼ OF THE SE¼ AND BEING THE NORTH LINE OF SAID LOT 2,  
CERTIFIED SURVEY MAP No. 2009 AND THE POINT OF BEGINNING; THENCE S.89°51'23"E., ALONG THE  
NORTH LINE OF SAID LOT, 562.11 FEET TO THE BEGINNING OF A MEANDER LINE; THENCE S.29°56'14"W.,  
ALONG SAID MEANDER LINE, 135.91 FEET TO AN ANGLE POINT IN SAID MEANDER LINE; THENCE  
S.06°00'49"E., ALONG SAID MEANDER LINE, 152.34 FEET TO AN ANGLE POINT IN SAID MEANDER LINE;  
THENCE S.18°05'48"W., ALONG SAID MEANDER LINE, 105.61 FEET TO AN ANGLE POINT IN SAID MEANDER  
LINE; THENCE S.56°27'19"W., ALONG SAID MEANDER LINE, 200.29 FEET TO AN ANGLE POINT IN SAID  
MEANDER LINE; THENCE S.19°01'28"W., ALONG SAID MEANDER LINE, 266.71 FEET TO AN ANGLE POINT IN  
SAID MEANDER LINE; THENCE N.82°52'02"W., ALONG SAID MEANDER LINE, 115.88 FEET TO AN ANGLE  
POINT IN SAID MEANDER LINE; THENCE S.50°23'44"W., ALONG SAID MEANDER LINE, 154.81 FEET TO AN  
ANGLE POINT IN SAID MEANDER LINE; THENCE S.19°31'48"W., ALONG SAID MEANDER LINE, 149.65 FEET TO  
AN ANGLE POINT IN SAID MEANDER LINE; THENCE S.54°20'51"E., ALONG SAID MEANDER LINE, 86.14 FEET  
TO AN ANGLE POINT IN SAID MEANDER LINE; THENCE S.14°50'34"W., ALONG SAID MEANDER LINE, 168.48  
FEET TO THE SOUTHWESTERLY LINE OF SAID LOT 2 AND BEING THE END OF SAID MEANDER LINE;  
THENCE N.58°14'51"W., ALONG THE SOUTHWESTERLY LINE OF SAID LOT, 548.94 FEET TO THE CENTERLINE  
OF LOWES CREEK ROAD; THENCE N.31°31'55"E., ALONG SAID CENTERLINE AND THE WEST LINE OF SAID  
LOT, 807.92 FEET; THENCE NORTHERLY ALONG SAID CENTERLINE AND SAID WEST LINE AND THE ARC OF  
A CURVE CONCAVE WESTERLY, THE LONG CHORD WHICH BEARS N.20°11'09"E. 207.46 FEET AND HAVING A  
RADIUS OF 527.24 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE N.89°24'08"E., ALONG THE  
NORTH LINE OF SAID LOT, 6.55 FEET; TO THE POINT OF BEGINNING, INCLUDING ALL LAND LYING  
BETWEEN SAID MEANDER LINE AND THE THREAD OF LOWES CREEK AND BEING SUBJECT TO EXISTING  
EASEMENTS.

THAT THIS CERTIFIED SURVEY MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR  
BOUNDARY SURVEYED AND DESCRIBED, AND THE DIVISION OF IT.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN  
STATUTES AND THE SUBDIVISION REGULATIONS OF THE TOWN OF PLEASANT VALLEY AND EAU CLAIRE  
COUNTY, WISCONSIN IN SURVEYING AND MAPPING THE SAME.

Martin R. Rood DATED THIS 17<sup>th</sup> DAY OF July, 2008  
MARTIN R. ROOD, R.L.S. No. 1924



**CERTIFIED SURVEY MAP, No.**

IN THE SW¼ OF THE SW¼, SECTION 27 AND THE SE¼ OF THE SE¼, SECTION 28,  
ALL IN T26N, R9W, TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY, WISCONSIN  
BEING ALL OF LOT 2, CERTIFIED SURVEY MAP NO. 2009

**OWNER'S CERTIFICATE:**

AS OWNER, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY  
MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED BY THIS MAP.

WITNESS THE HAND AND SEAL OF SAID OWNER THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008

\_\_\_\_\_  
STEVE K. SLETNER, AS MEMBER OF  
"HIDDEN VALLEY HOLDINGS, LLC"

STATE OF WISCONSIN  
COUNTY OF EAU CLAIRE SS

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2008,  
THE ABOVE NAMED STEVE K. SLETNER, MEMBER OF "HIDDEN VALLEY HOLDINGS, LLC", TO ME KNOWN  
TO BE THE PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME  
TO BE THEIR OWN FREE ACT AND DEED.

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

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

**LANDOWNERS/ SUB-DIVIDER:**

NAME HIDDEN VALLEY HOLDINGS, LLC  
ADDRESS 5828 ARNDT LANE  
CITY EAU CLAIRE, WI

**CERTIFICATE OF COUNTY PLANNING AND DEVELOPMENT:**

I, JAMES M. ERICKSON, DIRECTOR OF THE EAU CLAIRE COUNTY DEPARTMENT OF PLANNING AND  
DEVELOPMENT, HEREBY CERTIFY THAT THIS CERTIFIED SURVEY MAP IS APPROVED OF AS COMPLYING  
WITH SUBTITLE III, SUBDIVISION CONTROL, OF TITLE 18 OF THE COUNTY CODE OF GENERAL  
ORDINANCES.

James M. Erickson DATED THIS 17th DAY OF July, 2008  
JAMES M. ERICKSON



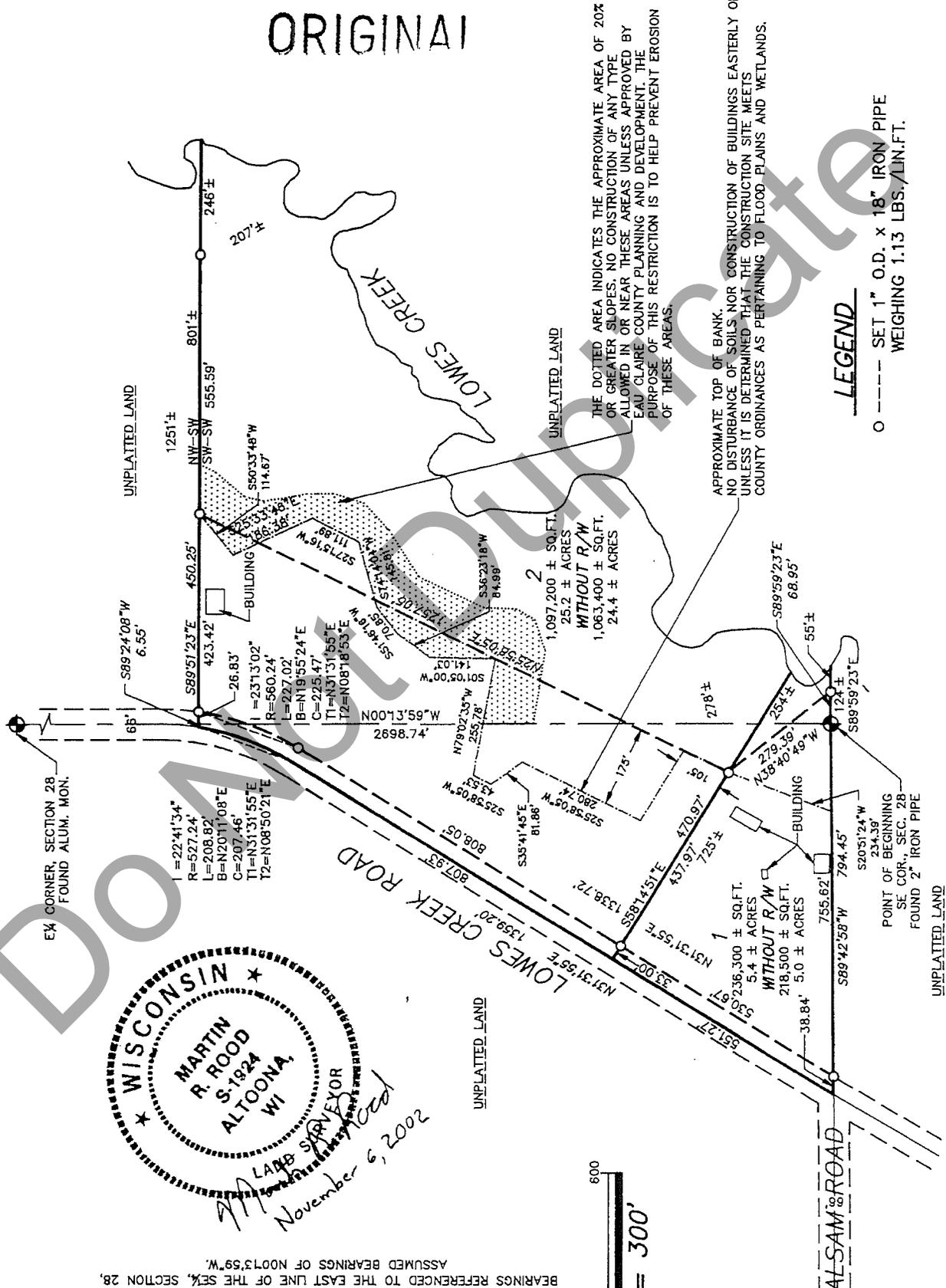
Martin R. Rood  
July 17, 2008

REC 11-12-02  
 CSM V11 P34-35  
 Doc # 850728

**CERTIFIED SURVEY MAP, No. 2009**

IN THE SE $\frac{1}{4}$  OF THE SE $\frac{1}{4}$ , SECTION 28, AND  
 IN THE SW $\frac{1}{4}$  OF THE SW $\frac{1}{4}$ , SECTION 27,  
 ALL IN T26N, R9W, TOWN OF PLEASANT VALLEY,  
 EAU CLAIRE COUNTY, WISCONSIN

ORIGINAL



**LEGEND**  
 ○ --- SET 1" O.D. x 18" IRON PIPE  
 WEIGHING 1.13 LBS./LIN.FT.

WISCONSIN  
 MARTIN R. ROOD  
 S-1924  
 ALTOONA, WI  
 LAND SURVEYOR  
 November 6, 2002

BEARINGS REFERENCED TO THE EAST LINE OF THE SE $\frac{1}{4}$ , SECTION 28,  
 ASSUMED BEARINGS OF N007°3'59"W.



SCALE: 1" = 300'

REAL LAND SURVEYING, INC.  
 CADD No. 5978

S - 3671

SHEET 1 OF 2

Comp. No. \_\_\_\_\_

**CERTIFIED SURVEY MAP, No. \_\_\_\_\_**

IN THE SE¼ OF THE SE¼, SECTION 28 AND IN THE SW¼ OF THE SW¼, SECTION 27,  
ALL IN T26N, R9W, TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE:**

I, MARTIN R. ROOD, REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

THAT BY THE DIRECTION OF JOHN PANZIGRAU, I HAVE SURVEYED, DIVIDED AND MAPPED THE  
LAND PARCEL WHICH IS REPRESENTED BY THIS CERTIFIED SURVEY MAP.

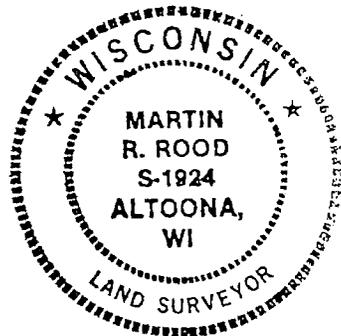
THAT THE EXTERIOR BOUNDARY OF THE LAND PARCEL SURVEYED AND MAPPED IS AS FOLLOWS:

A PARCEL OF LAND LOCATED IN THE SE¼ OF THE SE¼, SECTION 28 AND IN THE SW¼ OF THE SW¼,  
SECTION 27, ALL IN T26N, R9W, TOWN OF PLEASANT VALLEY, EAU CLAIRE COUNTY, WISCONSIN AND  
BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID  
SECTION 28; THENCE S.89°42'58"W., ALONG THE SOUTH LINE OF SAID SECTION, 794.45 FEET TO THE  
CENTER LINE OF LOWES CREEK ROAD; THENCE N.31°31'55"E., ALONG SAID CENTERLINE, 1359.20 FEET;  
THENCE NORTHERLY, ALONG SAID CENTERLINE AND THE ARC OF A CURVE, THE LONG CHORD WHICH  
BEARS N.20°11'08"E. 207.46 FEET AND HAVING A RADIUS OF 527.24 FEET TO THE NORTH LINE OF SAID SE¼  
OF THE SE¼; THENCE S.89°24'08"E., ALONG SAID LINE. 6.55 TO THE NORTHEAST CORNER OF SAID SE¼ OF  
THE SE¼; THENCE S.89°51'23"E., ALONG THE NORTH LINE OF SAID SW¼ OF THE SW¼, 450.25 FEET TO THE  
BEGINNING OF A MEANDER LINE; THENCE S.25°58'05"W., ALONG SAID MEANDER LINE, 1257.05 FEET;  
THENCE S.38°40'49"E., ALONG SAID MEANDER LINE, 279.39 FEET TO THE SOUTH LINE OF SAID SECTION 27  
AND THE END OF SAID MEANDER LINE; THENCE N.89°59'23"W., ALONG SAID SOUTH LINE, 68.95 FEET TO  
THE POINT OF BEGINNING. INCLUDING ALL LAND LYING BETWEEN SAID MEANDER LINE AND THE  
THREAD OF LOWES CREEK AND BEING SUBJECT TO EXISTING EASEMENTS.

THAT THIS CERTIFIED SURVEY MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR  
BOUNDARY SURVEYED AND DESCRIBED AND THE SUBDIVISION THEREOF.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN  
STATUTES AND THE SUBDIVISION REGULATIONS OF THE TOWN OF PLEASANT VALLEY AND THE  
COMMITTEE ON RESOURCE PLANNING AND ZONING OF THE COUNTY OF EAU CLAIRE, WISCONSIN IN  
SURVEYING AND MAPPING THE SAME.

Martin R. Rood DATED THIS 6<sup>th</sup> DAY OF November, 2002  
MARTIN R. ROOD, R.L.S. 1924



**CERTIFICATE OF COUNTY RESOURCE PLANNING AND ZONING:**

I, JAMES M. ERICKSON, DIRECTOR OF THE EAU CLAIRE COUNTY DEPARTMENT OF PLANNING AND  
DEVELOPMENT, HEREBY CERTIFY THAT THIS CERTIFIED SURVEY MAP IS APPROVED OF AS COMPLYING  
WITH SUBTITLE II, THE SUBDIVISION CONTROL CODE, OF TITLE 18 OF THE COUNTY CODE OF GENERAL  
ORDINANCES.

James M. Erickson DATED THIS 12<sup>th</sup> DAY OF November, 2002  
JAMES M. ERICKSON

*DR \$13.00*

## VIOLATION STATUS REPORT

Cases Reported Between 01/01/2013 and 09/30/2016

Case #	Date Opened	Current Status	Status Date	Comply By Date(s)	Violation Type / Category	Alt# / PIN	Parcel #	Municipality Name
<b>V-1659-13</b>	01/29/2013	Active	08/25/2014	02/18/2013	Building Code / General Zoning	002125704010 / 1800222506361300002 / 25.6.36.1-3-B		
<b>Name(s):</b>	William D & Mary J Borntreger (Owner) William D & Mary J Borntreger (Violator)				<b>Address(es) of Violation:</b>	S15292 GERTH RD		
<b>Description of Violation:</b> All New Homes Require A State Uniform Dwelling Code Permit And Inspections From Eau Claire County Building Inspector At Planning And Development Department .								
<b>Compliance Steps:</b> Apply For Permits On Attached Forms.								
<b>Ordinance Info:</b>	Section: Building Code	Number: COMM.20.18 & 15.01.050.		Description:				
<b>Correspondence:</b>	Type	Second Notice / Follow Up Letter	Sent Date	04/15/2015	Deadline Date	05/13/2015	Comments	
<b>V-1681-14</b>	02/28/2014	Active	08/25/2014	03/20/2014	Building Code / General Zoning	010108202000 / 1801022505342100001 / 25.5.34.2-1		
<b>Name(s):</b>	William L Borntreger (Owner) Rudy W Borntreger (Owner) Sadie D Borntreger (Owner) Daniel W Borntreger (Owner) Daniel W Borntreger (Violator)				<b>Address(es) of Violation:</b>	E27380 N FRONT ST		
<b>Description of Violation:</b> Refusing To Obtain A Wisconsin Uniform Building Permit For The Home The Resident Is Currently Residing In								
<b>Compliance Steps:</b> Obtain The Necessary Permits For The Home The Resident Is Currently Residing In. The Permits Will Be Doubled.								
<b>Ordinance Info:</b>	Section:	Number: 15.01.050.A.		Description:				
<b>Correspondence:</b>	Type		Sent Date		Deadline Date		Comments	
<b>V-0014-15</b>	03/11/2015	Active	07/05/2016	04/10/2015	Junk Vehicles / General Zoning	004101302000 / 1800422610023200004 / 26.10.2.3-2-D		
<b>Name(s):</b>	Gregg R Slowik (Owner) Gregg R Slowik (Violator)				<b>Address(es) of Violation:</b>	W3831 SERVICE RD		
<b>Description of Violation:</b> There Are Multiple Vehicles On The Property Not Stored In An Approved Structure Along With Many Building Materials /Miscellaneous Items In The Driveway.								
<b>Compliance Steps:</b> Call Me Directly To Set Up An Onsite Inspection With You Of Your Property . I Sent Out A Previous Letter Dated October 19, 2015 That I Have Attached With This Letter. Since That Letter, Our Office Has Not Received Any Correspondence From You.								
<b>Ordinance Info:</b>	Section: Zoning Code	Number: 18.25.010.I.2		Description:				
	Section: Zoning Code	Number: 18.02.020.88.		Description:				
<b>Correspondence:</b>	Type	Contact Letter	Sent Date	03/13/2015	Deadline Date	04/10/2015	Comments	
<b>Correspondence:</b>	Type	Contact Letter	Sent Date	10/19/2015	Deadline Date	11/18/2015	Comments	
<b>Correspondence:</b>	Type	First Notice / Violation Letter	Sent Date	11/18/2015	Deadline Date	12/03/2015	Comments	
<b>V-0021-15</b>	03/25/2015	Active	03/25/2015	04/24/2015	Construction Without Permit / General Zoning	020123005000 / 1802022708093202002 / 27.8.9&10:298:4		
<b>Name(s):</b>	John R & Patricia A Spate (Owner) John R & Patricia A Spate (Violator)				<b>Address(es) of Violation:</b>	8009 OLSON DR		
<b>Description of Violation:</b> Started Construction On A Single Family Home Without First Obtaining The Necessary Permit (S)								
<b>Compliance Steps:</b> Either Remove The Structure From The Property And Call For An Inspection Or Obtain The Necessary Permit (S) Which The Fee Will Be Doubled. The Sanitary Will Need To Be Addressed Prior To The Issuance Of A Land Use Permit. The Eau Claire City-County Health Department Would Be The Point Of Contact For Sanitary .								
<b>Ordinance Info:</b>	Section: Zoning Code	Number: 18.31.040.A		Description:				
<b>Correspondence:</b>	Type	First Notice / Violation Letter	Sent Date	03/25/2015	Deadline Date	04/22/2015	Comments	

## VIOLATION STATUS REPORT

Cases Reported Between 01/01/2013 and 09/30/2016

Case #	Date Opened	Current Status	Status Date	Comply By Date(s)	Violation Type / Category	Alt# / PIN	Parcel #	Municipality Name
<b>V-0017-15</b>	04/15/2015	Active	04/15/2015	04/19/2015	Construction Without Permit / Building	010104306000 /	1801022505194100001 / 25.5.19.4-1	
<b>Name(s):</b>	Jacob C Shrock (Owner) Clara S Shrock (Owner) Clara S Shrock (Violator)				<b>Address(es) of Violation:</b>			
<b>Description of Violation:</b> Living In A Building With No Building Permits. Will Not Let Us Inspect Building. No Trespassing Sign								
<b>Compliance Steps:</b> Owner Must Get Proper Building Permits And Allow The Building Inspector To Inspect The Property For Compliance . This Includes Submitting A Completed Udc Building Permit Application With Building Plans And Payment For Building Permit (Double Fee For Building Before Permit Is Issued). Must Also Have Approved Access Permit From The Town Of Fairchild .								
<b>Ordinance Info:</b> Section: Building Code Number: 15.01.010 Description:								
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 04/15/2015 Deadline Date 05/13/2015 Comments								
<b>V-0019-15</b>	04/15/2015	Active	04/15/2015	04/19/2015	Building Code / Building	010107408000 /	1801022505312100001 / 25.5.31.2-1	
<b>Name(s):</b>	Edward C & Lena E Bornreger (Owner) Edward C & Lena E Bornreger (Violator)				<b>Address(es) of Violation:</b> E24364 POWERLINE RD			
<b>Description of Violation:</b> Built A Large House Addition Onto An Existing Mobile Home Without Building Or Zoning Permits . The Home Is Within 300 Feet Of A Travis Creek Which Is Within Shoreland Zonig. The House May Be In Floodplain Or Wetland Area As Well .								
<b>Compliance Steps:</b> The Owner Must Submit A Completes Udc Building Permit Application And Zoning Permit Application (Shoreland Zoning). They Must Pay For Above Permits And Allow The Building And Zoning Inspector'S To Inspect The Property For Compliance. The Above Includes Getting Building And Site Plans To Eau Claire County Planning And Development .								
<b>Ordinance Info:</b> Section: Building Code Number: 15.01.010 Description:								
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 04/15/2015 Deadline Date 05/13/2015 Comments								
<b>V-0055-15</b>	08/25/2015	Active	08/25/2015	09/24/2015	Construction Without Permit / General Zoning	024103902030 /	1802422608201100004 / 26.8.20.1-1-F	
<b>Name(s):</b>	John F Iii Bast (Owner) John F Iii Bast (Violator)				<b>Address(es) of Violation:</b> 7412 BERNHARDT RD			
<b>Description of Violation:</b> Property Owner Has Constructed A Shed Without First Obtaining The Necessary Permit (S).								
<b>Compliance Steps:</b> This Is The 2Nd Notice Of Violation. Either Remove The Structure And No Permit(S) Will Be Required Or Obtain The Necessary Permit(S) That Will Be After The Fact (Double Feed). The Structure Needs To Meet The Setback Requirements.								
<b>Ordinance Info:</b> Section: Zoning Code Number: 18.31.040.A. Description:								
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 10/16/2015 Deadline Date 11/02/2015 Comments								
<b>Correspondence:</b> Type Second Notice / Follow Up Letter Sent Date 11/06/2015 Deadline Date 11/20/2015 Comments								
<b>V-0057-15</b>	09/03/2015	Active	09/03/2015	10/03/2015	Construction Without Permit / General Zoning	002124110000 /	1800222506282400002 / 25.6.28.2-4-B	
<b>Name(s):</b>	Edward F & Anna Borntrager (Owner) Edward F & Anna Borntrager (Violator)				<b>Address(es) of Violation:</b> S14338 COUNTY ROAD M			
<b>Description of Violation:</b> Construction Of A Barn That Is In Both The Shoreland And Floodplain Overlay District Without First Obtaining The Necessary Permit (S). If It Is Found That The Structure Is In The Floodplain Overlay District With No Base Flood Evelavtion (Bfe) Established, We Would First Require That An H&H Study Be Done To Determine The Bfe To Know If They Are In Fact In The Floodway Or Flood Fringe Or Removed From The Floodplain.								
<b>Compliance Steps:</b> Either Remove The Structure Or Apply For The Necessary Permit(S) To Be In Compliance With The Eau Claire County Code .								
<b>Ordinance Info:</b> Section: Zoning Code 18.31.040.A. Number: Description:								
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 08/19/2016 Deadline Date 09/12/2016 Comments								
<b>Correspondence:</b> Type Sent Date Deadline Date Comments								

**VIOLATION STATUS REPORT**  
**Cases Reported Between 01/01/2013 and 09/30/2016**

Case #	Date Opened	Current Status	Status Date	Comply By Date(s)	Violation Type / Category	Alt# / PIN	Parcel #	Municipality Name
<b>V-0064-15</b>	10/16/2015	Active	10/16/2015	11/15/2015	Zoning Standards / General Zoning	022102104000 / 1802222710081100001	27.10.8.1-1-A	
<b>Name(s):</b>	Wayne R & Marjorie N Peters (Owner) Wayne R & Marjorie N Peters (Violator)				<b>Address(es) of Violation:</b>	7911 PARTRIDGE RD		
<b>Description of Violation:</b> There Are Structure(S) On The Property That Have Not Received Any Permits . There Are Also Miscellaneous Items On The Property That Need To Be Cleaned Up . The House On The Property Needs To Be Evaluated To See If It Is A Habitable Structure Or If It Needs To Be Condemned .								
<b>Compliance Steps:</b> Call Me Directly To Set Up An Onsite Inspection With Both The City/County Health Department, Yourself, And I Determine The Status Of The Property And How To Bring It Into Compliance Moving Forward.								
<b>Ordinance Info:</b> Section: Zoning Code Number: 18.31.040.A. Description: Section: Number: Description:								
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 10/16/2015 Deadline Date 11/15/2015 Comments								
<b>V-0072-15</b>	12/08/2015	Active	12/08/2015	01/07/2016	Junk Vehicles / General Zoning	020109701000 / 1802022709113409004	27.9.11.3-4-B & 3-4-Y	
<b>Name(s):</b>	Knut D Forest (Owner) Knut D Forest (Violator)				<b>Address(es) of Violation:</b>	4312 TOWER DR		
<b>Description of Violation:</b> This Notice Of Violation Is A Follow-Up To The Initial Letter Dated December 08, 2015 Due To No Contact Being Made To The Planning And Development Department . In Residential Districts, Parking In A Required Front Yard Is Prohibited Except For Improved Driveway Areas .								
<b>Compliance Steps:</b> Call For An Onsite Inspection With You Of Your Property To Determine How To Bring Your Property Into Compliance .								
<b>Ordinance Info:</b> Section: Zoning Code Number: 18.25.010.G.1 Description:								
<b>Correspondence:</b> Type Contact Letter Sent Date 12/08/2015 Deadline Date 01/07/2016 Comments								
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 04/12/2016 Deadline Date 04/26/2016 Comments								
<b>Correspondence:</b> Type Second Notice / Follow Up Letter Sent Date 06/24/2016 Deadline Date 07/08/2016 Comments								
<b>Correspondence:</b> Type Second Notice / Follow Up Letter Sent Date 08/24/2016 Deadline Date 09/07/2016 Comments FINAL NOTICE								
<b>V-0009-16</b>	03/29/2016	Active	03/29/2016	04/28/2016	Operating a Business Without a Permit / General Zoning	012112506000 / 1801222707311400001	27.7.31.1-4-A	
<b>Name(s):</b>	Fred F & Lynn A Hayworth (Owner)				<b>Address(es) of Violation:</b>	S3700 KOPPLIN RD		
<b>Description of Violation:</b> The Property Zoned Ap Is Operating A Business Without First Obtaining The Necessary Permit (S). Cottage Industry Shall Comply With Wis. Stat. 91.01.(1)(D).								
<b>Compliance Steps:</b> Either Obtain The Necessary Permit(S) To Operate The Business Onsite Or Discontinue Th Business On The Property . If The Business Has Been Discontinued, Please Call For An Onsite Inspection To Verify.								
<b>Ordinance Info:</b> Section: Zoning Code 18.23.030 Number: Description: Section: Zoning Code 18.03.070 Number: Description:								
<b>Correspondence:</b> Type Contact Letter Sent Date 03/29/2016 Deadline Date 04/28/2016 Comments								
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 08/18/2016 Deadline Date 09/01/2016 Comments								
<b>V-0020-16</b>	06/14/2016	Active	06/14/2016	07/14/2016	Junkyard Materials / General Zoning	012114503000 / 1801222708361100002	27.8.36.1-1-B	
<b>Name(s):</b>	Scot L Hemenway (Owner) Scot L Hemenway (Violator)				<b>Address(es) of Violation:</b>	E11795 BIRCH TREE LN		
<b>Description of Violation:</b> Unlicensed/Inoperable Vehicles And Parts Thereof And Junkyard Materials On The Property .								
<b>Compliance Steps:</b> Clean Up The Junkyard Materials Onsite And Verify The Vehicles Outside Of An Approved Structure Are Licensed And Operable . If There Are More Than Two Unlicensed And/OR Inoperable Vehicles, Under Eau Claire County Code The Property Would Be Considered A Junk Yard . The Property Does Not Allow Junk Yards As A Permitted Principal, Accessory, Or Conditional Use In The A-2 Zoning District.								
<b>Ordinance Info:</b> Section: Zoning Code Number: 18.02.020.94 Description: Section: Zoning Code Number: 18.03.070 Description: Section: Number: Description:								
<b>Correspondence:</b> Type Contact Letter Sent Date 06/14/2016 Deadline Date 07/14/2016 Comments								
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 08/11/2016 Deadline Date 08/22/2016 Comments								

**VIOLATION STATUS REPORT**  
**Cases Reported Between 01/01/2013 and 09/30/2016**

1:50:21PM

Case #	Date Opened	Current Status	Status Date	Comply By Date(s)	Violation Type / Category	Alt# / PIN Parcel #	Municipality Name	
<b>V-0028-16</b>	06/15/2016	Active	09/21/2016	09/02/2016	Construction Without Permit / General Zoning	024222706000 / 1802422609153102004 / 26.9.15.152.5		
<b>Name(s):</b>	Shawn W Fleener (Owner) Jamie L Fleener (Owner) Jamie L Fleener (Violator)		<b>Address(es) of Violation:</b> 6919 MEWHORTER CT					
<b>Description of Violation:</b> Placement Of A Chicken Coop Without First Obtaining The Necessary Permit (S). Also There Are Chickens Present Without First Receiving A Conditional Use Permit In The Rh Zoning District.								
<b>Compliance Steps:</b> Remove The Chickens And Chicken Coop Or Obtain The Necessary Permit(S) Which Are After The Fact Requiring A Double Fee.								
<b>Ordinance Info:</b>		Section:	Number:	Description:				
<b>Correspondence:</b>	Type	Contact Letter	Sent Date	06/15/2016	Deadline Date	07/15/2016	Comments	
<b>Correspondence:</b>	Type	First Notice / Violation Letter	Sent Date	08/03/2016	Deadline Date	08/17/2016	Comments	
<b>V-0027-16</b>	07/12/2016	Active	09/21/2016	08/11/2016	Sudivision Regulations / Subdivision	002117303000 / 1800222506011200001 / 25.6.1.1-2		
<b>Name(s):</b>	Edward J Bontrager (Violator) Joe D Bontrager (Owner) Lizzie J Bontrager (Owner) Joe D Bontrager (Violator)		<b>Address(es) of Violation:</b>					
<b>Description of Violation:</b> Creation Of A Land Division Without The Submittal Of A Certified Survey Map. Section 18.77.010 Of The County Code Applies To All Divisions Of Tracts Of Land Of Which Is Less Than A Government Protracted Quarter-Quarter Section. The Result Of Quit Claim Deed (Doc. # 1132107, Recorded On June 29, 2016) Between Joe D. Bontrager And Lizzie J Bontrager (Grantor) And Edward J. Bontrager And Esther D. Bontrager (Grantee) Resulted In A Division Of A Parcel Located In The Sw 1/4 Of The Ne 1/4 Of Section 1, T25N-R6W, Town Of Bridge Creek, Eau Claire County, Wisconsin And Created A Parcel That Does Not Front On A Private Or Public Road For At Least 100 Feet.								
<b>Compliance Steps:</b> To Comply: 1. Hire A Professional Land Surveyor To Survey The Property, 2. Surveyor Will File The Preliminary Certified Survey Map In Accord With Section 18.78.100 Of The County Code Along With The Review Fees At The Department Of Planning And Development For Review And Approval, 3. File The Final Certified Survey Map With The Register Of Deeds Office, 4. File A Correction Deed That Reflects Proper Ownership Of Each Lot Of The Certified Survey Map.								
<b>Ordinance Info:</b>		Section:	Subdivision	Number:	18.77.010			Description:
			Code	JURISDICTION				
		Section:	Subdivision	Code	LOT			Description: Frontage On A Private Or Public Road, 100 Feet Required.
			STADARDS	Number:	18.82.060 E.			
<b>Correspondence:</b>	Type		Sent Date		Deadline Date		Comments	
<b>V-0031-16</b>	08/16/2016	Active	08/16/2016	09/15/2016	Junk Vehicles / General Zoning	024117304000 / 1802422609141200002 / 26.9.14.1-2-B		
<b>Name(s):</b>	Ridgeview Investments Group Llc (Owner) Ridgeview Investments Group Llc (Violator)		<b>Address(es) of Violation:</b> 4781 DEERFIELD RD					
<b>Description of Violation:</b> There Are Multiple (15-20) Vehicles Onsite That Are Outside An Approved Structure (S) That Appear To Be Unlicensed And/Or Inoperable. There Are Also Miscellaneous Parts Thereof That Are Either On The Ground Or On A Trailer. Under Definition Of The County Ordinance, Having Two Or More Unlicensed Motor Vehicles, Operable Or Inoperable, Are Kept Or Stored Either For Purpose Of Sale Or Otherwise Would Be Defined As A Junkyard. The Property Is Not Zoned For Junk Yard As A Permitted Principle, Accessory, Or Conditional Use.								
<b>Compliance Steps:</b> Either Store The Vehicles And Parts In An Approved Structure Or Remove Them From The Property.								
<b>Ordinance Info:</b>		Section:	Zoning Code	Number:	18.03.070			Description:
<b>Correspondence:</b>	Type	Contact Letter	Sent Date	06/15/2016	Deadline Date	07/15/2016	Comments	
<b>Correspondence:</b>	Type	First Notice / Violation Letter	Sent Date	08/16/2016	Deadline Date	08/30/2016	Comments	

**VIOLATION STATUS REPORT**  
**Cases Reported Between 01/01/2013 and 09/30/2016**

Case #	Date Opened	Current Status	Status Date	Comply By Date(s)	Violation Type / Category	Alt# / PIN Parcel #	Municipality Name
<b>V-0034-16</b>	08/19/2016	Active	08/19/2016	09/18/2016	Construction Without Permit / General Zoning	002124110000 / 1800222506282400002 / 25.6.28.2-4-B	
<b>Name(s):</b>	Edward F & Anna Borntreger (Owner) Edward F & Anna Borntreger (Violator)				<b>Address(es) of Violation:</b>	S14338 COUNTY ROAD M	
<b>Description of Violation:</b> Construction Of A Barn That Is In Both The Shoreland And Floodplain Overlay District Without First Obtaining The Necessary Permit (S). If It Is Found That The Structure Is In The Floodplain Overlay District With No Base Flood Elevation (Bfe) Established, We Would First Require That An H&H Study Be Done To Determine The Bfe To Know If They Are In Fact In The Floodway Or Flood Fringe Or Removed From The Floodplain.							
<b>Compliance Steps:</b> Either Remove The Structure Or Apply For The Necessary Permit(S) To Be In Compliance With The Eau Claire County Code.							
<b>Ordinance Info:</b> Section: Zoning Number: Description: Code 18.31.040.A							
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 08/19/2016 Deadline Date 09/19/2016 Comments							
<b>V-0036-16</b>	09/01/2016	Active	09/21/2016	10/01/2016	Zoning Standards / General Zoning	022101608000 / 1802222710054300003 / 27.10.5.4-3-C	
<b>Name(s):</b>	Charles G & Leona North (Owner) Charles G & Leona North (Violator)				<b>Address(es) of Violation:</b>	8108 PARTRIDGE RD	
<b>Description of Violation:</b> There Is Currently A Conditional Use On The Property (Cup2001-14) For The Amortization Of Nonconforming Junkyards, Salvage Yards And Motor Vehicle Repair Shops. There Is Junkyard Materials Throughout The Property Exceeding The Allowed Ninety Motor Vehicles Under Condition 2 Violating The Conditional Use Permit.							
<b>Compliance Steps:</b> There Were Previous Site Visits And Correspondance In 2014 That Show That The Property Needed To Be Addressed. There Was A Compliance Schedule Establishing Goals To Bring The Property Into Compliance, However There Were Health Issues With The Owner(S) That Put The Schedule On Hold. The Department Has Not Received Any Correspondance Regarding The Health Of The Owner(S) Since Placing The Schedule On Hold. To Resolve The Matter, Contact Me Directly To Set Up A Time To Meet Onsite To See The Status Of The Property And What Needs To Be Addressed To Follow The Conditions In The Conditional Use Permit. If No Action Is Taken, The Department Will Follow The Process On The Revocation Of The Permit.							
<b>Ordinance Info:</b> Section: Zoning Code Number: 18.21.090 Description:							
<b>Correspondence:</b> Type First Notice / Violation Letter Sent Date 09/01/2016 Deadline Date 10/01/2016 Comments							

**Planning and Development  
August 2016**

The following bills were sent to the Finance Department for payment:

**Planning**

<b>Vendor</b>	<b>Amount</b>	<b>Description</b>	<b>Line Item#</b>
Office Depot	\$ 202.83	Office Supplies	51820-310-000
Fred Dahlke	609.96	Mileage - Regular / June	51820-330-000
Lance Gurney	175.11	Mileage - Regular / July	51820-330-000
Matt Michels	24.48	Mileage - Regular / July	51820-330-000
AB Electrical Inspection	387.28	Commercial Inspections	51820-200-000
Lance Gurney	97.61	Mileage - Regular	51820-330-000

**Resurvey**

<b>Vendor</b>	<b>Amount</b>	<b>Description</b>	<b>Line Item#</b>
Lang Enterprises	981.22	Plastic Posts	51740-121-200
Kluck Steel	1,250.00	Rebar	51740-121-200

**Emergency Management**

<b>Vendor</b>	<b>Amount</b>	<b>Description</b>	<b>Line Item#</b>
Walmart	202.75	Extension cord, air cond (Jam)	52410-310-000
Matt Michels	36.98	Mileage - Regular / July	52410-330-000
Lance Gurney	10.40	Mileage - Regular	52410-330-000

**Recycling**

<b>Vendor</b>	<b>Amount</b>	<b>Description</b>	<b>Line Item#</b>
Town of Wilson (June)	82.08	Recycling Attendant - Dropbox	54885-208-000
Advanced Disposal	41,108.24	Recycling Services - Curbside	54885-201-000
Village of Fairchild	122.40	Recycling Attendant - Dropbox	54885-208-000
Waste Management	14,535.26	Recycling Services - Curbside	54885-201-000
Boxx Sanitation	22,650.00	Recycling Services - Curbside	54885-201-000
Earthbound Environmental	446.96	Recycling Services - Curbside	54885-201-000
Advanced Disposal	3,481.68	Recycling Services - Dropbox	54885-208-000
Provyro Waste Services	8,347.28	Recycling Services - Curbside	54885-201-000
Town of Wilson (July)	102.60	Recycling Attendant - Dropbox	54885-208-000

**Land Conservation**

<b>Vendor</b>	<b>Amount</b>	<b>Description</b>	<b>Line Item#</b>
Smartlite	295.00	R2R Mall Advertising	57588-912-000
WCWRPC	19,238.79	Watershed coalition	57410-200-009
Lake EC Protection & Rehab	15,299.13	AEC Topo Survet/Krueger	57415-700-000
Seguin's Valley View Acres	6,387.50	Financial Assurance	23172-000-000
Department of Administration	140.00	Post Environmental Engineer	57410-326-000
Eau Claire County Highway	371.61	Fuel for trucks	57410-241-000
Kelly Jacobs	124.31	May/June/July Expense	57410-330-000
Greg Leonard	70.00	Notary Stamp	57410-310-000
Greg Leonard	9.27	May/June/July Expense	57410-330-000

<b>Division</b>	<b>Totals</b>
Planning	1,497.27
Resurvey	2,231.22
Emergency Management	250.13
Recycling	90,876.50
Land Conservation	41,935.61
<b>Total</b>	<b>94,855.12</b>

Eau Claire County  
**PLANNING & DEVELOPMENT COMMITTEE MINUTES**

Tuesday, August 23, 2016 • 7:00 PM  
Eau Claire County Courthouse • 721 Oxford Avenue • Room 1277  
Eau Claire, Wisconsin

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

Members Absent: Gary Gibson

Staff Present: Lance Gurney, Rod Eslinger, Matt Michels, Kelly Jacobs, Dean Roth

1. Call to Order

Gordon Steinhauer called the meeting to order at 7:00 p.m.

2. Public Input Session – None.

3. Public Hearings:

- a. **Proposed Ordinance: File No. 16-17/034** “Amending the 1982 Official Zoning District Boundary for the Town of Washington” (Miland/Radabaugh) RZN-0014-16 .

Petition has been tabled by the applicant until September.

- b. A conditional use permit request to construct an accessory structure in excess of 1,200 square feet (2,688 square feet requested) in the RH Rural Homes District (Bahnsen/Weider – Town of Washington) CUP-0010-16 / Discussion – Action  
Rod Eslinger presented the staff and background report for a conditional use permit to construct an accessory structure in excess of 1,200 square feet in the Town of Washington within an RH zoning district. The proposed structure would exceed the footprint size of the residence, although not all of the accessory structure would be enclosed. The accessory structure exterior would be matched to the residence. A short video of the subject and neighboring properties was reviewed by the Committee, inclusive with the proposed location of the new structure. The Town of Washington has reviewed the request and recommended approval as presented by staff. Staff finds that the proposed structure complies with standards within the zoning code, and recommends approval with the conditions included within the staff report and located on Page 26 of the meeting packet. Stella Pagonis asked about remaining vegetation and driveway to the new building. A discussion ensued about the amount of closed storage space versus the entire structure covered by roof and what is permissible for conditions by code. Mary Weider appeared as the applicant and explained how the building size was determined to be used for covered winter storage, an extra garage, and a wood shop. The applicant also discussed proposed exterior for the accessory structure.

**ACTION:** Motion by Jim Dunning to approve the conditional use permit request as presented with staff conditions. Motion carried, 3-1 with Mark Olson opposed.

4. Review/Approval of Final Plat of Trillium Estates in Sections 10 & 11, T26N-R09W in the Town of Washington / Discussion – Action

Dean Roth presented the staff report for the Final Plat of Trillium Estates. The Town of Washington and City of Eau Claire (extraterritorial plat review authority) have previously conditionally approved the final plat, based on final staff conditions being addressed as outlined in the August 17, 2016 staff report.

**ACTION:** Motion by Stella Pagonis to conditionally approve the Trillium Estates as presented with staff conditions outlined in staff report on Page 39. Motion carried, 4-0.

5. 2017 Planning & Development Budget Items / Discussion – Action

Supervisory staff were introduced along with their program areas and provided a brief description of programs. Explanation for program consolidation and program rankings were then discussed. Budget Summary, Performance Management, Outlay, Revenues, expenditures, levy funding and account of recording fees from Register of Deeds were discussed. Rod Eslinger discussed the comprehensive code revision process and costs incorporated within the operational budget. Lance Gurney noted that no increases in fees were included within the proposed 2017 budget. Matt Michels answered questions relating to the Recycling Budget. Lance Gurney discussed several transitions for the Department, including the expected move of Housing as an independent agency and the relocation of the Land Conservation Division to the courthouse within the P&D suite.

**ACTION:** Motion by Stella Pagonis to approve the 2017 P&D Budget as presented along with Capital Outlay and program rankings. Motion carried, 4-0.

6. Review/Approval of August 9, 2016 Meeting Minutes / Discussion – Action

**ACTION:** Motion by Jim Dunning to approve the minutes as amended. Motion carried, 4-0.

7. Proposed Future Agenda Items / Discussion

September 13<sup>th</sup> meeting has been cancelled due a lack of hearings

8. Adjourn

**ACTION:** Motion by Mark Olson to adjourn the meeting at 9:00. Motion carried, 4-0.

Respectfully submitted,

Lance Gurney  
Clerk, Committee on Planning & Development