

AGENDA

Eau Claire County

• PLANNING & DEVELOPMENT COMMITTEE •

Date: Tuesday, May 14, 2024

Time: 6:00 p.m.

Location: *Eau Claire County Courthouse, 721 Oxford Ave, Room 1277, Eau Claire, Wisconsin 54703*

*Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.

Join WebEx Meeting: <https://eauclairecounty.webex.com> Meeting ID: 2535 013 4700

Password: spXp9myJ9J9

*Meeting audio can be listened to using this Audio conference dial in information.

Audio conference: 1-415-655-0001 Access Code: 25350134700##

For those wishing to make public comment, you must e-mail Rod Eslinger at Rod.Eslinger@eauclairecounty.gov at least 60 minutes prior to the start of the meeting.

**Please mute personal devices upon entry*

A majority of the county board may be in attendance at this meeting, however, only members of the committee may take action on an agenda item.

1. Call to Order and confirmation of meeting notice
2. Roll Call
3. Election of Chair and Vice Chair / Discussion – Action
4. Public Comment
5. Review/Approval of April 9, 2024 Meeting Minutes / Discussion – Action **Pages 3-4**
6. Public Hearings
 - a. **Proposed Ordinance: File No. 24-25/018** to rezone 3.27 acres +/- from C-3 Commercial Highway District to the PUD Planned Unit Development District. Owner: C M Rentals LLC. Applicant: Trillium Commercial-Jake Tanner. Legal: A parcel of land located in the NW ¼ of the NE ¼, Section 10, Township 26 North, Range 9 West, Town of Washington, Eau Claire County, Wisconsin, and being more particularly described as follows: Lot 4, CSM 1156, Vol 6, P127, #682291, excluding highway right of way containing 0.07 acres more less conveyed in MISC Volume 1673, Pages 482-484. **RZN-0010-24 Pages 5-27**
 - b. **Proposed Ordinance: File no. 24-25/026** to rezone 4.65 acres +/- from the A-R Floating Agricultural-Residential District to the A-2 Agriculture-Residential District and 8.0 acres +/- from the A-P Agricultural Preservation District to the A-2 Agriculture-Residential District. Owners: Deann and Dave Bergeson and Nelson Family Trust. Applicants: Deann and David Bergeson and Jan Nelson. Legal for A-R to A-2: Lot 1 CSM 3036, Vol 17, P 92-94, #1109020, in the NW ¼ of the SE ¼, Section 5, T25N, R9W, Town of Pleasant Valley, Eau Claire County, WI. Legal for A-P to A-2: The North 742.3 feet of the West 742.3 of the NW ¼ of the SE ¼, excluding Lot 1, CSM 3036, Vol 17, P 92-94, #1109020, Section 5, T25N, R9W, Town of Pleasant Valley, Eau Claire County, WI. **RZN-0011-24 Pages 28-46**

Prepared by: Heidi Pederson

PLEASE NOTE: Upon reasonable notice, efforts will be made to accommodate the needs of individuals with disabilities through sign language, interpreters, remote access, or other auxiliary aids. Contact the clerk of the committee or Administration for assistance (715-839-5106). For additional information on ADA requests, contact the County ADA Coordinator at 839-7335, (FAX) 839-1669 or 839-4735, TTY: use Relay (711) or by writing to the ADA Coordinator, Human Resources, Eau Claire County Courthouse, 721 Oxford Avenue, Eau Claire, WI 54703.

- c. **Proposed Ordinance: File No. 24-25/027** to rezone 20 acres +/- from A-P Agricultural Preservation District to the A-3 Agricultural District. Owner: Robert and Teresa Sisco. Legal: The South ½ of the SE ¼ of the SE ¼, in Section 10, T25N, R9W, Town of Pleasant Valley, Eau Claire County, Wisconsin.
RZN-0012-24 Pages 47-65

7. Eric Anderson, Executive Director of the Chippewa – Eau Claire Metropolitan Planning Organization (MPO) –Update
8. Tina Pommier – Register of Deeds Update / Discussion
9. 2025 P&D Capital Project Requests / Discussion – Action **Pages 66-79**
10. Wildlife Damage Budget Amendment / Discussion – Action **Pages 80-100**
11. Proposed Future Agenda Items
 - a. Next scheduled meeting May 28, 2024
12. Announcements
13. Adjourn

Prepared by: Heidi Pederson

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MINUTES

Eau Claire County

• PLANNING & DEVELOPMENT COMMITTEE •

Date: Tuesday, April 9, 2024

Time: 6:00 p.m.

Location: Eau Claire County Courthouse, 721 Oxford Ave, Room 1277, Eau Claire, Wisconsin 54703

*Event link below can be used to connect to meeting and interact (by the chair) from computer or through the WebEx Meeting smartphone app.

Join WebEx Meeting: <https://eauclairecounty.webex.com> Meeting ID: 2537 457 7394

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Audio conference: 1-415-655-0001 Access Code: 25374577394##

For those wishing to make public comment, you must e-mail Rod Eslinger at Rod.Eslinger@eauclairecounty.gov at least 60 minutes prior to the start of the meeting.

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A majority of the county board may be in attendance at this meeting, however, only members of the committee may take action on an agenda item.

Members Present: Robin Leary, Dane Zook, Nick Smiar, Todd Meyer, James Dunning

Members Absent:

Ex officio Present:

Staff Present: Rodney J. Eslinger, Hannah Wirth

1. Call to Order and confirmation of meeting notice

Chair Leary called the meeting order at 6:03 PM and confirmed with Director Eslinger that the meeting was properly noticed.

2. Roll Call - Director Eslinger called roll of the committee: Members present are noted above. Supervisor Dunning arrived at 6:06 PM.

3. Public Comment - None

4. Review/Approval of March 26, 2024 Meeting Minutes / Discussion – Action

ACTION: Motion by Nick Smiar to approve the March 26, 2024, committee meeting minutes. Motion carried on a voice vote: 5-0-0.

5. Public Hearings

- a. A conditional use permit request for an accessory structure over 1,200 square feet. Owner: Ruth Campbell. Applicant: Eau Claire Insulation – Pat Smith. Legal: Lot 2 CSM 1835 (Vol 10 P 58 #808480), Town of Seymour, Eau Claire County, Wisconsin. CUP-0004-24

Hannah Wirth, Land Use Technical for Eau Claire County, presented the request for the cumulative square footage of all accessory structures to exceed 1,200 square feet in the R-H District. Ms. Wirth reported that the applicant is requesting to construct a new 56-foot by 46-foot accessory structure to store personal belongings (2,676 square feet requested). She explained that the structure will have a 10-foot lien-to. She reviewed the location of the site within the Town of Seymour, site plan, and existing site conditions. The new structure will meet the setback requirements of the district, comply with the height requirements, the structure's exterior will match the residence, and that the lot is large enough to support the structure.

On March 11, 2024, the Town of Seymour Town Board met and recommended approval of the conditional use permit of the request.

Staff reviewed the application request and recommended approval subject to the conditions in the staff report.

Pat Smith, the applicant, spoke in favor of the request. He indicated that he recently moved to the property, and he wants to construct the exact building he had at his prior residence to store personal belongings only!

No one else spoke in favor of or against the request.

ACTION: Motion by Nick Smiar to approve the conditional use permit CUP-0004-24 request for an accessory structure over 1,200 square feet subject to staff's recommendation and the following condition: The current driveway access can be used as the access point until an additional access permit is granted by the Town of Seymour. Motion carried on a voice vote: 5-0-0.

6. Review of March bills / Discussion

The committee reviewed the March bills.

7. Proposed Future Agenda Items / Discussion

- a. Next scheduled meeting May 14, 2024
- b. Report from the Register of Deeds

8. Adjourn

ACTION: Meeting adjourned by unanimous consent at 6:22 PM.

Respectfully Submitted,

Rodney Eslinger
Clerk, Committee on Planning & Development

REZONE NUMBER: RZN-0010-24 **COMPUTER NUMBER:** 024116006030

PUBLIC HEARING DATE: May 14, 2024

STAFF CONTACT: Matt Michels, Senior Planner

OWNER: C M Rentals, LLC, 6176 Sandstone Rd., Eau Claire, WI 54701

AGENT: Trillium Commercial – Attn: Jake Tanner, 1711 S. Hastings Way, Eau Claire, WI 54701

REQUEST: Rezone 3.27 acres +/- of land from C-3 (Highway Business) District to PUD (Planned Unit Development) District for the purpose of allowing multiple principal uses, including auto repair/used auto sales; retail sales; and a cab company, on a single lot. Further, the applicant requests approval of the attached General Development Plan submitted with the rezoning petition.

LOCATION: 5500 Friedeck Road

LEGAL DESCRIPTION: Part of the NW¼ NE¼ of Section 10, T26N, R9W, Town of Washington, Eau Claire County, Wisconsin (complete legal description attached)

RECOMMENDATION Approval of PUD rezoning, General Development Plan based on findings and recommended condition outlined on Page 7 of this report.

BACKGROUND

SITE CHARACTERISTICS:

- The property has frontage on State Highway 93 and is accessed from three existing driveways off Friedeck Road.
- The property to be rezoned is developed with a commercial building on the south and a garage on the north, as well as related improvements, including paved parking, stormwater facilities, landscaping, and on-site well and septic system.
- The property was originally built for and used for automotive uses. Previous tenants include Ace Auto Mall, Crazy Mike’s Car Sales, and Prestige Kia dealership.
- The north building is currently used for Green Fleet transportation services and the south building is currently used for automotive sales and service.



EXISTING ZONING DISTRICT:

C-3 Highway Business District. The C-3 Highway Business District is established to “provide an area for the development of those commercial activities that require large lots or attract concentrations of automobile traffic which make the uses incompatible with the predominantly retail uses in other commercial districts.”

REQUESTED ZONING DISTRICT:

Planned Unit Development District. According to the zoning ordinance, “The PUD Planned Unit Development district accommodates master planned development that cannot be approved within one of the other zoning districts, and that demonstrates a high degree of design quality or accomplishes an important public purpose.”

Note that the purpose of this rezoning to the PUD district is to accommodate multiple principal uses on a single lot, which is not permitted in any other county zoning district. As noted, the development, including the two commercial buildings and all site improvements such as paved parking, stormwater basins, and on-site septic system and well, is existing and no new development is currently proposed on the property. Finally, the applicant is not requesting deviation from the zoning standards of the C-3 Highway Business district which the existing development was built under.

Per Chapter 18.107.010.B, “Planned Unit Developments require a general development plan (GDP) to establish the standards that will be applied to the development and a specific implementation plan (SIP) that demonstrates compliance with those standards.” Since this rezoning is for a developed property and does not entail additional development or deviation from the zoning standards, the GDP and SIP have been combined into one overall document, which is permitted under Chapter 18.107.040.B.1 of the zoning ordinance.

Following is an overview of the proposed rezoning’s conformance with the applicable PUD district standards. The code language is provided followed by staff comments, *in italics*.

CHAPTER 18.31.030 – DIMENSIONAL STANDARDS

- A. Development and performance standards for the PUD zoning district shall be established in an approved general development plan.
- B. When approved by the committee, a general development plan and specific implementation plan establish, together, the standards and expectations for development on the lands to which they apply. Any aspect of development that is not explicitly addressed in those documents is still governed by applicable standards within Title 18.

The attached General Development Plan & Specific Implementation Plan provides the required information and establishes the standards of the “as built” development. As mentioned, the property was developed under the standards of the C-3 district and no deviations from those standards are requested.

CHAPTER 18.107 – PLANNED UNIT DEVELOPMENT (PUD) REZONINGS

...

B. Specific Implementation Plan.

- 1. For simple projects with one phase, applicants may submit the general development plan and specific implementation plan together or as a single document for concurrent approval.
As mentioned, the applicant has provided a combined GDP and SIP as this condition has been met.

...

4. Specific implementation plans shall include the following information:

- a. A precise description of the proposed uses, including the type, number and size of dwelling units, the amount of square feet devoted to commercial or industrial uses, the character and volume of truck and automobile traffic generated from the site, and the sources and characteristics of any sound generated on the site that could be audible at the site boundary. *Information provided on plan.*
- b. A detailed site plan of the development showing the location of all buildings, pavement areas, signs, and outdoor lighting. *Information provided on plan.*
- c. A final plat or certified survey map of the entire development area showing detailed lot layout and the intended use of each lot or parcel of land, public dedications, public and private streets, driveways, walkways, and parking facilities. *The combined GDP and SIP provided provides the required information*
- d. A detailed landscape plan showing the location and treatment of open space areas and the location, species, and size of landscape material. *The attached GDP-SIP provides the required information, including the location of existing site landscaping. Note that there are two areas of mature pine trees on the eastern side of the subject property, and the residential properties located to the east across Friedeck Road are generally well screened with mature vegetation and large building setbacks from Friedeck Road.*
- e. Location of all utility installations. *Information provided on plan.*
- f. A detailed grading plan. *Site topography is depicted, but no grading plan is provided since property is previously developed.*
- g. Any agreements, bylaws, provisions, or covenants that govern the organizational structure, use, maintenance and continued protection of the PUD and any of its common services, open areas or other facilities. *No additional documentation was provided with the rezoning application. The common areas and facilities, including the landscaped areas and stormwater basin, will likely be maintained by the property owner as the entire property is under single ownership.*



18.107.070 Approval criteria.

...

- B. Approval Criteria for PUD Rezoning. The following standards apply to any petition to rezone land to the PUD district:
- 1. The proposed use and approximate density or intensity of use is consistent with the county and town comprehensive plans. [See Wis. Stat. § 66.1001(3)(j)] *The proposed uses are consistent with this standard. See discussion of comprehensive plan consistency later in this report.*
 - 2. The proposed development is compatible with the physical nature of the site, with particular concern for protection of surface water and groundwater resources. *The site is currently developed and has a permitted, functional on-site septic system and on-site stormwater basin, and no additional land disturbing activities are currently proposed.*
 - 3. There is adequate service and infrastructure capacity to support the development, including roads, water, and wastewater. *The existing development meets this standard as the property has three existing driveways from Friedeck Road, as well as on-site septic system and well.*
 - 4. The proposed zoning will result in development that is aesthetically and ecologically desirable, economically viable, and functionally practical. *While ecological desirability is difficult to quantify, the development is demonstrably economically viable and functionally practical.*

- C. Approval Criteria for General Development Plan. Approval, conditional approval, or disapproval of a general development plan shall be based on the following criteria:
1. The proposed development is consistent with the comprehensive plan. *See discussion of comprehensive plan consistency later in this report.*
 2. Departures from the standards of development as set forth in Title 18 will not negatively affect the aesthetic desirability, ecological function, economic stability, or functional practicality of the development. *As discussed, no deviations from Title 18 standards are proposed.*
 3. The development is compatible with the site, with particular concern for preservation of natural features, tree growth, and open space. *As discussed, the property is already developed and no additional development disturbance is currently planned.*
- ...
- F. There are adequate public facilities to serve the proposed and potential land use changes that would be enabled by the rezoning; and
- G. The burdens on the county or town for providing the needed services to the proposed and potential land use changes that would be enabled by the rezoning are reasonable; and
- H. The development will not cause unreasonable air or water pollution, soil erosion, or adverse effects on valued natural areas.
- The standards of “D”, “F”, “G”, and “H” have been satisfied as demonstrated by the fact that the property has existing services and infrastructure to adequately serve the uses proposed with this rezoning.*

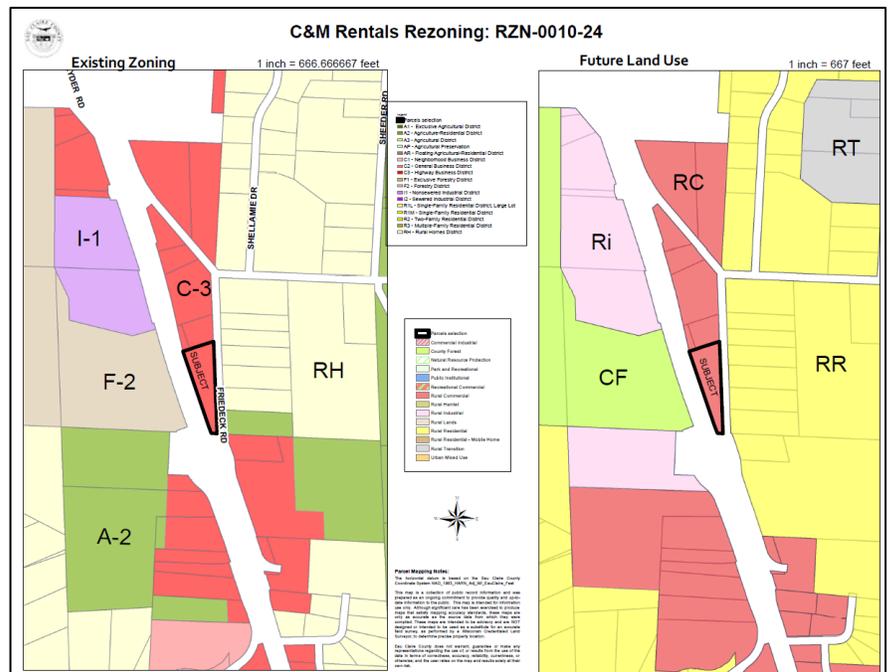
ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	C-3	Automotive uses
North	C-3	Commercial uses (Backyard Stone landscaping supply)
East	RH	Single family residential
South	C-3	Undeveloped (nearest business is Barks & Recreation approximately 1,000 feet south of subject property)
West	F-2	Undeveloped county owned property

COMPREHENSIVE PLANS:

The Eau Claire County and Town of Washington Future Land Use Maps both include the property in the Rural Commercial (RC) planning area, which is consistent with this rezone request.

Note that the County Comprehensive Plan Future Land Use plan does not specifically discuss the new PUD Zoning District, but Chapter 18.31.020.B of the zoning ordinance states that, “the PUD district is available in any future land use category designed in the Eau Claire County Comprehensive Plan.”



Following are descriptions of the intent of the applicable County and Town comprehensive plan future land use categories and applicable policies.

Eau Claire County:

- Rural Commercial Intent and Description: “The primary intent of this classification is to identify areas suitable for planned commercial development. There are some existing scattered commercial developments throughout the County and these areas are expected to stay in commercial use. The most appropriate commercial uses will be those that serve rural needs and/or are consistent with the existing rural character, e.g. veterinary clinics, blacksmith/woodworking shops, roadside meat or produce businesses, nurseries, or agricultural implement dealers.”
- Applicable Policies: The following policies are applicable to this rezoning petition:
 1. The development of industrial uses in these areas should be severely limited to those uses that are compatible with existing or planned commercial development.
 2. The County or local community might require the use of public sanitary systems (particularly when located in an area where such service is available) or group/alternative on-site wastewater treatment facilities (particularly for businesses with high wastewater/water demands). Responsibility for long-term maintenance of these systems shall be determined prior to approval.
 3. For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RC areas: C-1 Neighborhood Business District, C-2 General Business District, and the C-3 Highway Business District.

As previously noted, Chapter 18.31.020.B of the zoning ordinance states that, “the PUD district is available in any future land use category designed in the Eau Claire County Comprehensive Plan.”

Town of Washington:

- Rural Commercial Comprehensive Plan Intent and Description: “The primary intent of this classification is to “identify areas suitable for planned commercial development. There are some existing scattered commercial developments throughout the Town and these areas are expected to stay in commercial use. Additional commercial land has been outlined along STH 93 and I-94.” The best uses will be those that serve a rural nature, i.e. veterinarian clinic, greenhouses/nurseries, blacksmiths, or agricultural implement dealer.
- Applicable Policies: The following policies are applicable to this rezoning petition:
 1. In accordance with the policies of this plan, commercial development shall be encouraged to locate near incorporated areas, existing business developments, or along collector & arterial roadways.
 2. When rezoning is requested, only that portion of land necessary for the contemplated use shall be rezoned.
 3. The following Eau Claire County zoning districts will be considered for approval within RC areas: C-1 Neighborhood Business District, C-2 General Business District, and the C-3 Highway Business District.

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

FARMLAND PRESERVATION PLAN:

The property is not included in the Eau Claire County Farmland Preservation Plan.

ANALYSIS

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

Town Board Action: The Washington Town Board consider the rezoning petition on Thursday, April 18, 2024, and recommended approval

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

- The proposed rezoning is substantially consistent with the intent and purpose of the Eau Claire County Future Land Use plan.
- Existing uses in the area include commercial development, residential development (east side of Friedeck Road), industrial uses (WRR Environmental Services), and undeveloped F-2 land across Highway 93 to the west.
- Zoning in vicinity of the subject property includes C-3, RH, A-2, I-1, and F-2.
- The property was developed for and has been utilized for automotive uses for many years, and the proposed uses associated with this rezoning are of the same type and character.

CONCLUSION

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

- Eau Claire County Comprehensive Plan future land use designation
- Eau Claire County Comprehensive Plan goals, objectives, and policies
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and approval criteria for PUD rezonings

In addition, the following factors have also been considered:

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

FINDINGS

Findings in Favor of PUD rezoning:

1. The proposed use and approximate density or intensity of use is consistent with the county and town comprehensive plans.
2. The proposed development is compatible with the physical nature of the site, with particular concern for protection of surface water and groundwater resources.
3. There is adequate service and infrastructure capacity to support the development, including roads, water, and wastewater.
4. The proposed zoning will result in development that is aesthetically and ecologically desirable, economically viable, and functionally practical.

Findings in Favor of General Development Plan:

1. The proposed development is consistent with the comprehensive plan.
2. The development is compatible with the site, with particular concern for preservation of natural features, tree growth, and open space.

RECOMMENDED CONDITION

The following condition was recommended by the Washington Town Board and included in their motion to approve the General Development Plan at their April 18 meeting. The applicant agreed to the condition:

1. Review exterior lighting with the county and adjust fixtures and levels at night to reduce light pollution, if possible.



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

Application Accepted:	04/03/2024
Accepted By:	Matt Michels
Receipt Number:	076918
Town Hearing Date:	04/18/2024
Scheduled Hearing Date:	05/14/2024
Application No:	RZN-0010-24
Application Status:	Applied

Rezoning Petition

Owner/Applicant Name(s):

Owner: C M RENTALS LLC

Applicant: CM Rentals, LLC, 6176 Sandstone Rd, Eau Claire, WI 54701

Telephone: 715-456-5923

EMail: jake@trilliumcommercial.com

RECEIVED

APR 03 2024

COUNTY CLERK

Site Address(es):

5500 FRIEDECK RD

Property Description:

Sec 10 Twn 26 Rge 09

Town of Washington

Zoning District(s):

C3 - Highway Business District

Lot Area(s) - Acres:

3.27

Overlay District(s):

PIN

1802422609101209003

Legal (partial)

LOT 4 CSM 1156 (VOL 6 P 127 #682291) LYG IN THE NW-NE CONT 3.34 AC WITH RD RW

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

Agent: Trillium Commercial - Attn: Jake Tanner, 1711 S Hastings Way, Eau Claire, WI 54701

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



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

Office Use Only

Application Accepted:	4/3/24
Accepted By:	MM
Application Number:	RZN-0010-24
Town Hearing Date:	4-18-2024
Scheduled Hearing Date:	5-14-2024

REZONING APPLICATION

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

Existing Zoning District: C3	Proposed Zoning District(s): Planned Unit Development
Acres to be rezoned: 3.27	

Property Owner Name: C M Rentals LLC	Phone# 715-861-1903
Mailing Address: 6176 Sandstone Rd. Eau Claire, WI 54701	
Email Address: cody@candmhomebuilders.com	

Agent Name: Trillium Commercial - Attn: Jake Tanner	Phone# 715-456-5923
Mailing Address: 1711 S Hastings Way Eau Claire, WI 54701	
Email Address: jake@trilliumcommercial.com	

SITE INFORMATION

Site Address: 5500 Freideck Rd

Property Description: NW ¼ NE ¼ Sec. 10, T 26 N, R 9 W, Town of Washington

Zoning District: C3	Code Section(s): 18.31 and 18.107 - PUC Overlay District
Overlay District: Check Applicable	<input type="checkbox"/> Shoreland <input type="checkbox"/> Floodplain <input type="checkbox"/> Airport <input type="checkbox"/> Wellhead Protection <input type="checkbox"/> Non-Metallic Mining
Computer #(s): or PIN #(s):	1802422609101209003
	024116006030

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

<input checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Confirmed with the Town their submittal deadline and process.
<input checked="" type="checkbox"/> Provide legal description of property to be rezoned	<input checked="" type="checkbox"/> Provide \$630.00 application fee (non-refundable), (\$550.00 application processing fee and \$80.00 mapping surcharge fee). Send application to landuse@eauclairecounty.gov or to the address above.

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

Jake Tanner 3/26/2024

Owner/Agent Signature: _____ Date: _____

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

REZONING APPLICATION CHECKLIST

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

Required Application Items:

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

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

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

Describe the reason(s) for your rezoning request:

The purpose of this rezone is to be able to use the property for multiple tenant spaces.

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

The current property is zoned C3 and is formerly known as the Ace Auto Mall located at 5500 Freideck Rd. We are requesting this rezone for the property to be under a planned unit development (PUD) to accomodate multiple tenants onsite.

Tenant #1 will include an auto repair shop/ used auto sales which falls under the current C3 zoning as a permitted use under the Commercial - Automobile Sales & Service. This also matches the previous use of the property.

Tenant #2 will include a retail store front which falls under the current C3 zoning as a permitted use under Commercial - Retail, General

Tenant #3 will consist of a cab company (Green Fleet) that transports customers from their homes to nearby airports with electric vehicles. There are not any onsite offices and they will use the property as a storage/ charging facility for their electric vehicles. This use will also falls under the current C3 zoning as a permitted use under Transportation & Infrastructure - Parking Facilities (private)

The current larger building onsite will accomodate Tenants #1 & #2 with very minor remodeling as seen as part of the attached plan and the accessory garage/ building onsite will accomodate tenant #3 for their vehicle storage.

Adjacent property zoning can be seen in the attached GIS map showing matching C3 zoning districts to the north and south along the highway with rural homes (RH) zoning mostly to the east.

With the new uses of the property falling within the current C3 zoning district we feel that this proposal will uphold the purpose of the zoning ordinance and match closely to existing & adjacent uses.



Advanced Engineering Concepts
1360 International Drive
Eau Claire, WI 54701
Office 715.552.0330
www.aec.engineering

Project Memo

To: Eau Claire County/ Town of Washington
From: Advanced Engineering Concepts
CC: Trillium Commercial
Date: 03/26/2024
Re: Planned Unit Development (PUD) Rezone

The purpose of this rezone request is to outline what the project proposal entails and reference Eau Claire County code sections that are related to this request to show our project will uphold the purpose of the zoning ordinance. The current property is zoned C3 and is formerly known as the Ace Auto Mall located at 5500 Freideck Rd. We are requesting a rezone for this property to be under a planned unit development (PUD) to accommodate multiple tenants onsite.

Based on the C3 zoning code Chapter 18.26 the minimum lot area is 1-acre, minimum lot width is 200 ft, and landscaping is required on 10% of the lot area. On-site conditions show that the total lot area is approximately 3.27-acres, which amounts to over 1-acre per tenant. The overall lot width is approximately 722' which exceeds the minimum lot width of 200 ft per tenant. The overall lot is 3.27-acres which would require 10% of the lot area or 14,245-sf to be landscaped. On the lot, there is approximately 37,930-sf (27%) of green space or area available for landscaping. Current site conditions show landscaping/ trees along the eastern side of the lot along Freideck Rd. Note that the building will remain in the same footprint and will have very minor modifications as seen in the architectural plan. For this reason, the setbacks, height, and accessory structures have not been analyzed in relation to the dimensional standards outlined in Chapter 18.26.

18.77.040

The required number of parking spaces for the proposed uses are 50 stalls for Tenant #1, 15 stalls for Tenant #2, and there is not a specific required number of stalls for Tenant #3. The overall site provides a total of 71 parking spaces which exceeds the required number of parking stalls.

18.107.040

A1a. The total area to be included in the PUD is 3.27-acres. There is approximately 37,930-sf of open space onsite. Tenant #1 will include an auto repair shop/ used auto sales and have approximately 6,875-SF of the existing building. Tenant #2 will include a retail storefront and will have approximately 2,950-sf of the existing building. Tenant #3

will consist of a cab company (Green Fleet) that transports customers from their homes to nearby airports. Tenant #3 will be using the accessory building (garage) for their transport vehicle storage. The accessory building is approximately 1,820-sf.

A1c. The construction of the building modifications will take place as soon as approvals are received.

ACE AUTO MALL

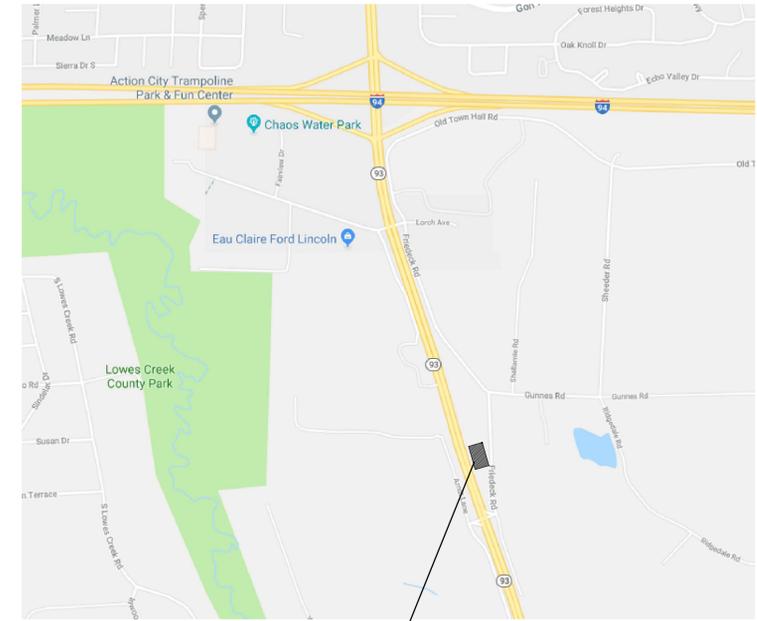
5500 FREIDECK RD
EAU CLAIRE, WISCONSIN
PROJECT NO. 1837

INDEX OF DRAWINGS

ARCHITECTURAL

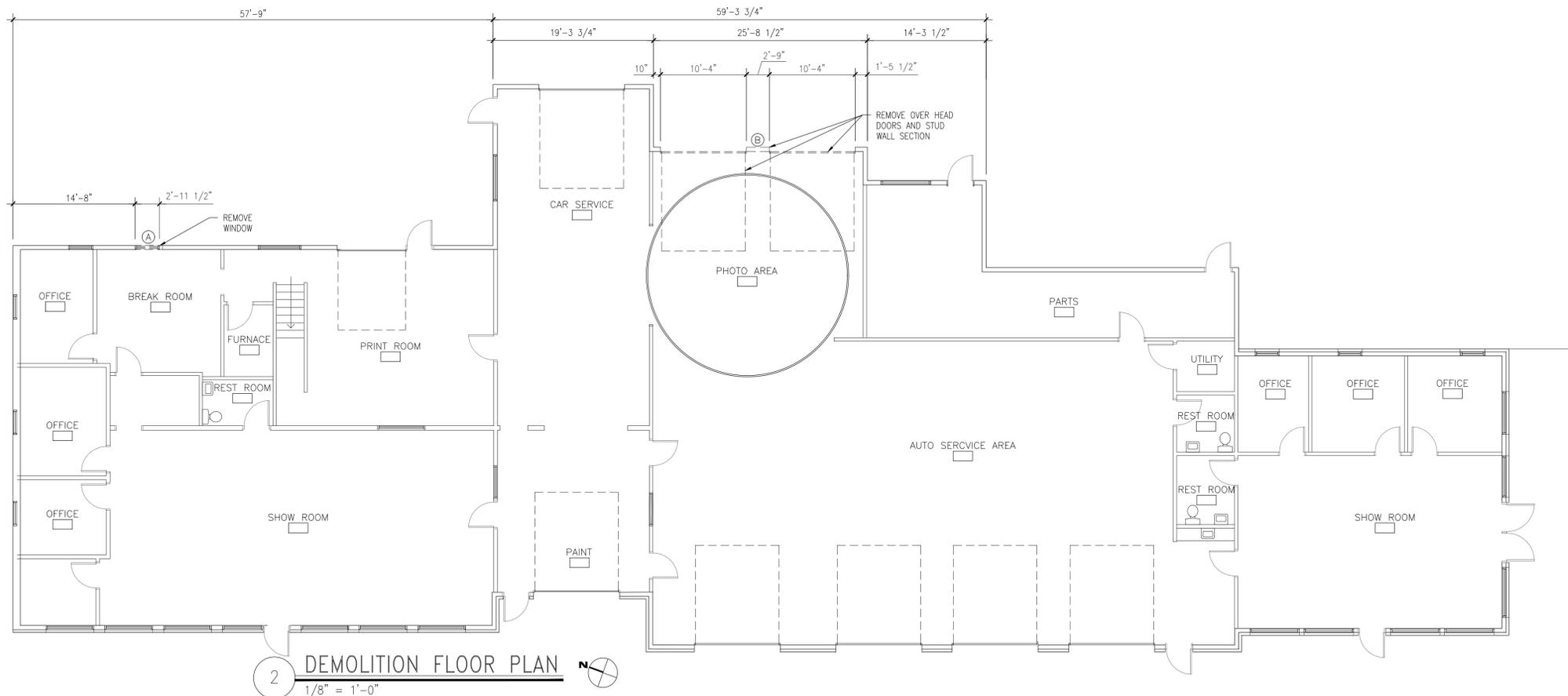
A201 TITLE SHEET, PROJECT LOCATION MAPS, DEMOLITION FLOOR PLAN

A301 RENOVATION FLOOR PLAN AND DETAILS

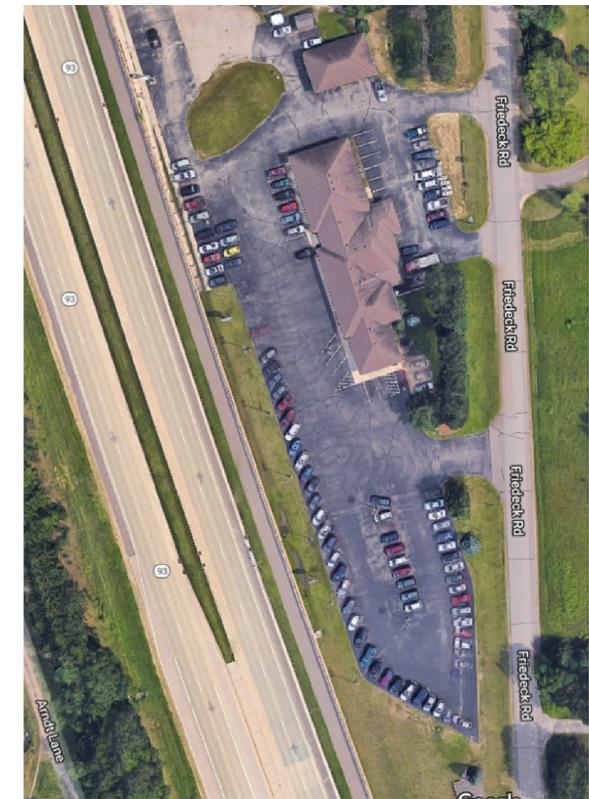


PROJECT LOCATION

3 AREA MAP
NTS



2 DEMOLITION FLOOR PLAN
1/8" = 1'-0"



1 BUILDING SITE
NO SCALE



LIEN & PETERSON ARCHITECTS, INC
PO BOX 925
EAU CLAIRE, WI 54703-0925
TELEPHONE 715 835 7500
EMAIL admin@2dip.com

ACE AUTO MALL
5500 FRIEDECK RD
EAU CLAIRE, WI 54701

TITLE SHEET, BUILDING SITE,
DEMOLITION FLOOR PLAN,
AND AREA MAP

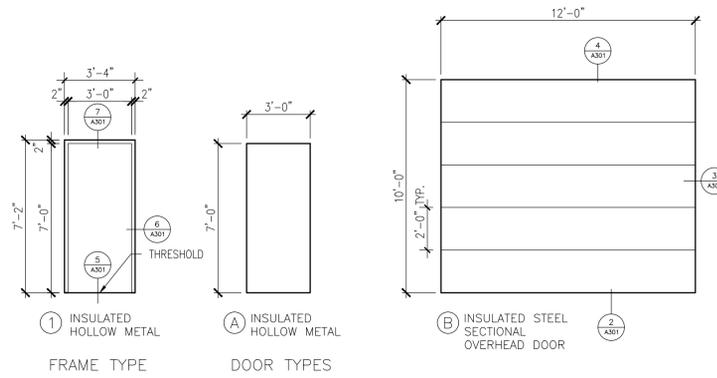
REVISIONS:

ISSUE DATE: MAY 25, 2018

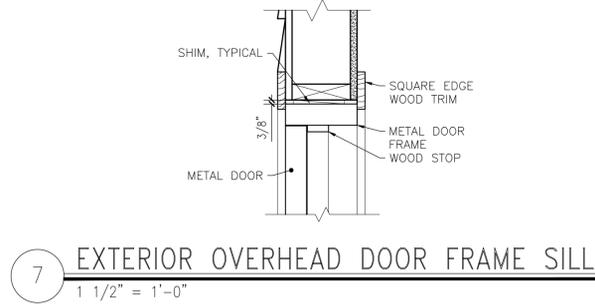
A201

2dip PROJECT # 1837

DOOR AND FRAME SCHEDULE											
MARK	DOOR SIZE			DOOR MATL	FRAME MATL	FRAME DETAIL			HARDWARE		NOTES
	WD	HGT	THK			HEAD	JAMB	SILL	SET NO	KEYSIDE RM NO	
(A)	3'-0"	7'-0"	1 3/4"	INSULATED METAL		7/A301	6/A301	5/A301			
(B)	12'-0"	10'-0"	1 3/4"	INSULATED METAL		4/A301	3/A301	2/A301			



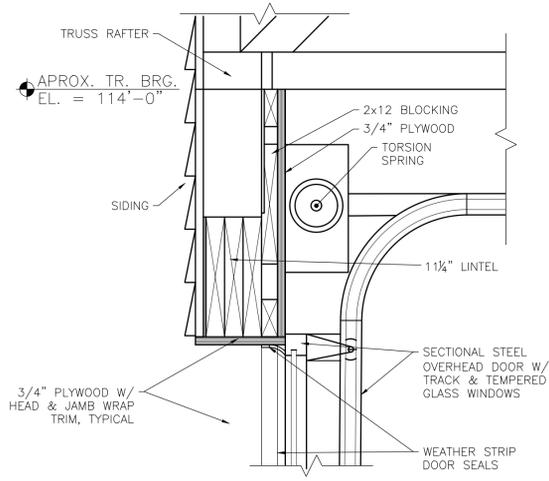
8 DOOR AND FRAME TYPES
1/4" = 1'-0"



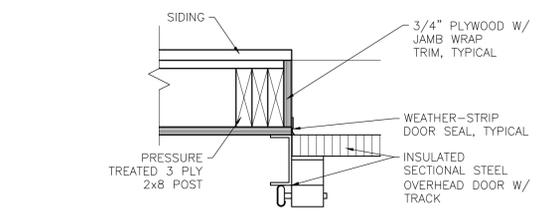
7 EXTERIOR OVERHEAD DOOR FRAME SILL
1 1/2" = 1'-0"

6 EXTERIOR DOOR JAMB
1 1/2" = 1'-0"

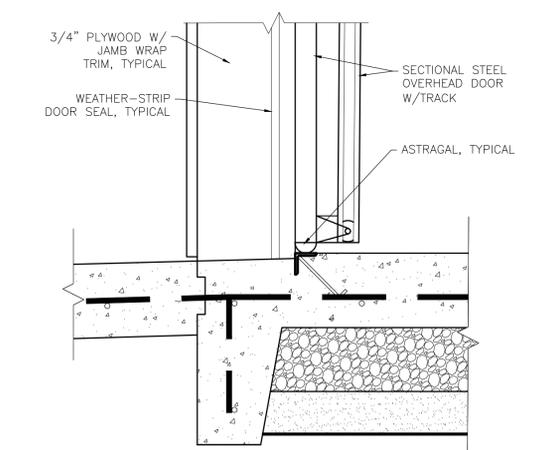
5 EXTERIOR DOOR SILL
1 1/2" = 1'-0"



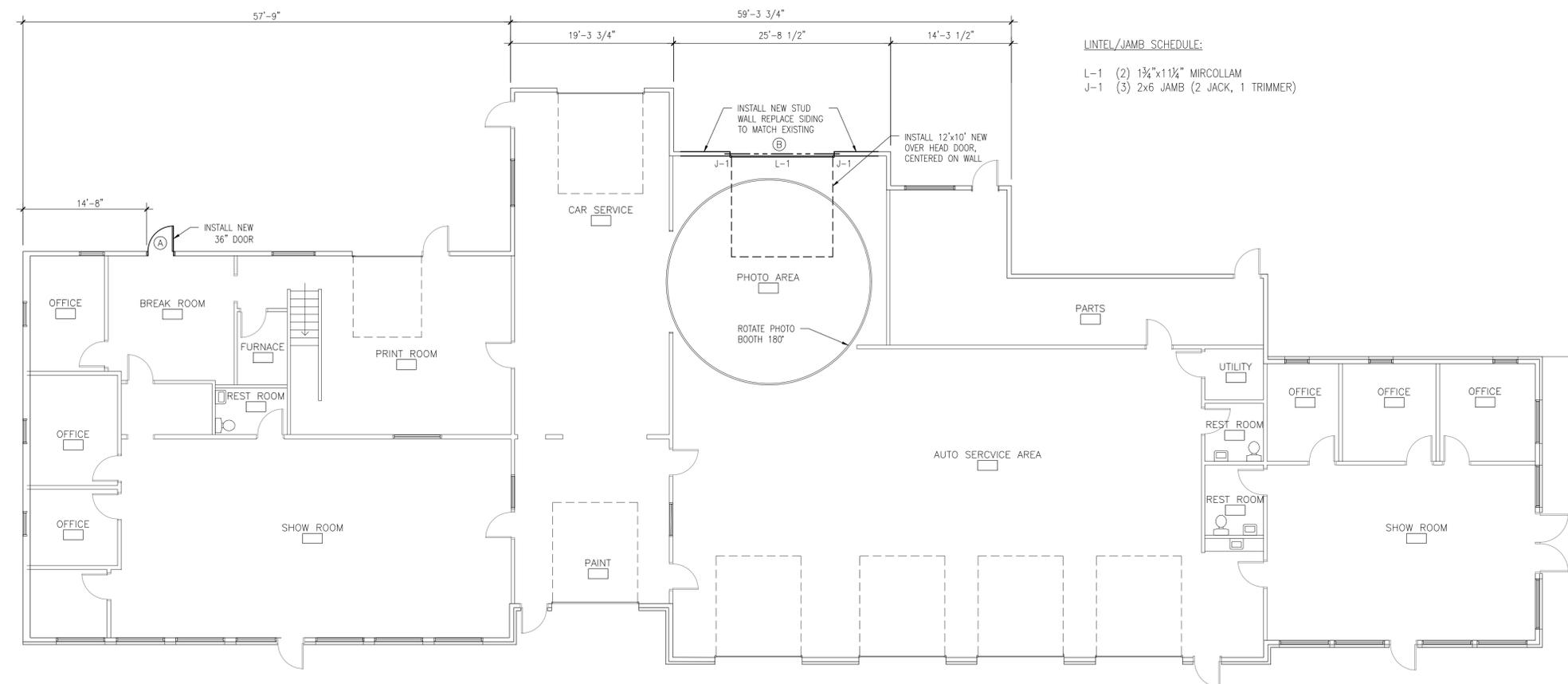
4 EXTERIOR OVERHEAD DOOR FRAME SILL
1 1/2" = 1'-0"



3 EXTERIOR DOOR JAMB
1 1/2" = 1'-0"



2 EXTERIOR DOOR SILL
1 1/2" = 1'-0"



1 RENOVATION FLOOR PLAN
1/8" = 1'-0"



LIEN & PETERSON ARCHITECTS, INC
PO BOX 925
EAU CLAIRE, WI 54703-0925
TELEPHONE 715 835 7500
EMAIL admin@2dlp.com

ACE AUTO MALL
5500 FRIEDECK RD
EAU CLAIRE, WI 54701

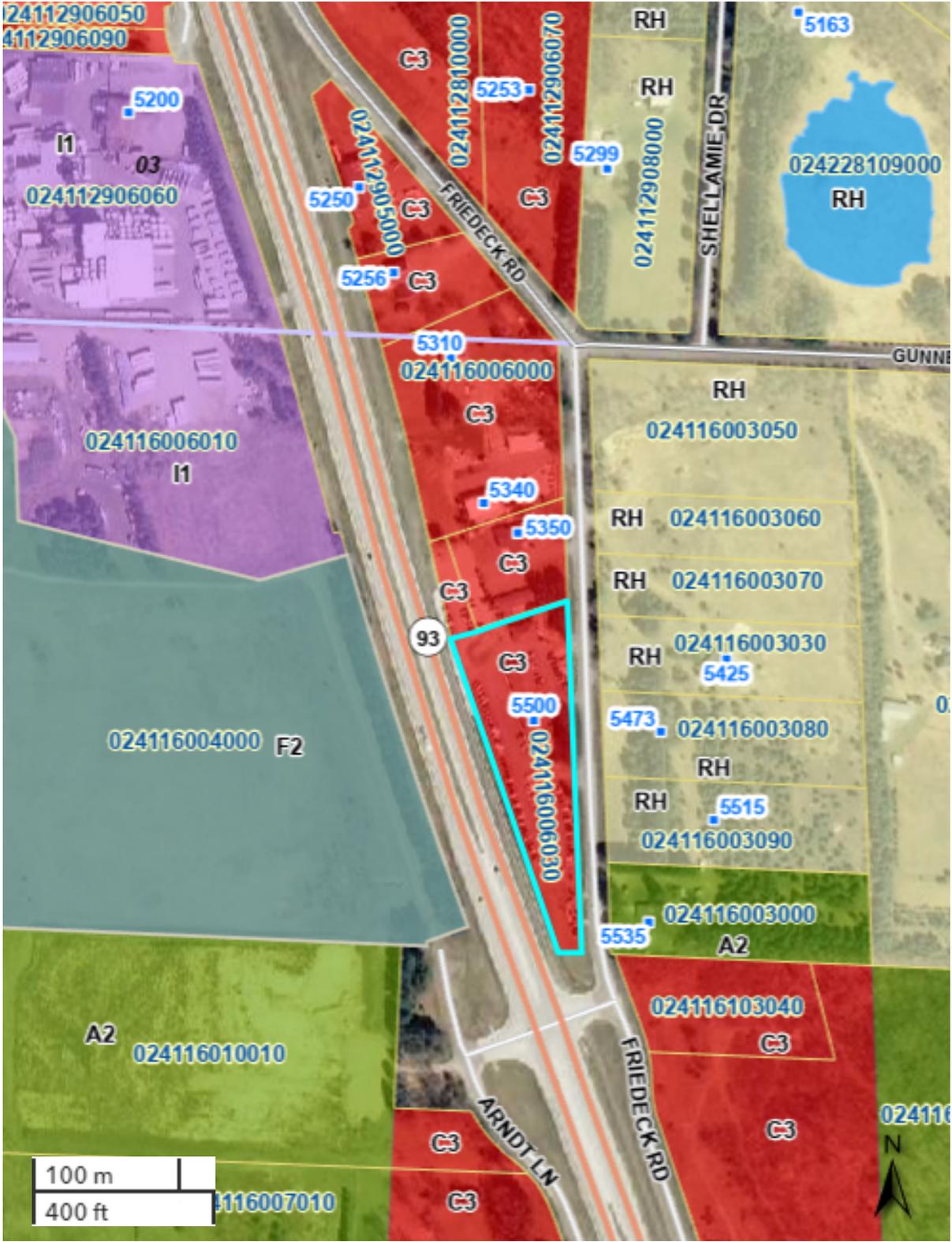
RENOVATION FLOOR PLAN
DETAILS

REVISIONS:

ISSUE DATE:
MAY 25, 2018

A301

2dlp PROJECT # 1837



- Addresses
- Address Labels
- Parcels
- Parcel Numbers
- Parks
- County Zoning
- Not Zoned By County
- A1 - Exclusive Agricultural District
- A2 - Agriculture-Residential District
- A3 - Agricultural District
- AP - Agricultural Preservation
- AR - Floating Agricultural-Residential District
- C1 - Neighborhood Business District
- C2 - General Business District
- C3 - Highway Business District
- F1 - Exclusive Forestry District
- F2 - Forestry District
- I1 - Nonsewered Industrial District
- I2 - Sewered Industrial District
- R1L - Single-Family Residential District, Large Lot
- R1M - Single-Family Residential District
- R2 - Two-Family Residential District
- R3 - Multiple-Family Residential District
- RH - Rural Homes District
- Surrounding Counties
- Eau Claire
- Surrounding
- Sections
- Rivers and Streams
- Lakes and Rivers
- Interstate
- US Highway
- State Highway
- Ramp
- Major Arterial
- Minor Arterial
- Collector
- Local
- Private Drive
- Recreation
- Service
- Other

Date created: 3/14/2024
 Last Data Uploaded: 3/14/2024 12:34:34 AM
 Developed by
 Schneider
 GEOSPATIAL

Eau Claire County, WI

Summary

Parcel Number 1802422609101209003
Alternate No 024116006030
Property Address 5500 FRIEDECK RD
 EAU CLAIRE, WI 54701
Legal Description LOT 4 CSM 1156 (VOL 6 P 127 #682291) LYG IN THE NW-NE CONT 3.34 AC WITH RD R/W OR 2.75 AC WITHOUT RD R/W, EX HWY R/W CONT 0.07 AC M/L CONVEYED IN 1673/482
Sec-Twp-Rng Acres S10-T26N-R9W 3.27
School District EAU CLAIRE AREA SCHOOL DISTRICT
Tax District 024 - TOWN OF WASHINGTON

[View Map](#)

Owners

Mailing Address
[C M RENTALS LLC](#)
 6176 SANDSTONE RD
 EAU CLAIRE, WI 54701

Owner
[C M RENTALS LLC](#)

Sales

Description	Document Number	Recorded Date	Document Date	Vol./Pg.
WARRANTY DEED	1154715	12/4/2017	11/30/2017	-

Valuation

Assessed Year	2023	2022	2021	2020
Land Value	\$172,700.00	\$145,200.00	\$145,200.00	\$145,200.00
Building Value	\$805,400.00	\$654,900.00	\$654,900.00	\$654,900.00
Total Value	\$978,100.00	\$800,100.00	\$800,100.00	\$800,100.00
Estimated Fair Market Value	\$968,800.00	\$1,047,600.00	\$923,200.00	\$867,000.00

Tax History

Tax Year	2023	2022	2021	2020
Gross Property Tax	\$10,179.85	\$11,761.84	\$11,336.05	\$11,063.69
Managed Forest Tax	\$0.00	\$0.00	\$0.00	\$0.00
First Dollar Credit	(\$56.89)	(\$53.78)	(\$52.64)	(\$52.85)
Lottery Credit	\$0.00	\$0.00	\$0.00	\$0.00
Net Property Tax	\$10,122.96	\$11,708.06	\$11,283.41	\$11,010.84
Other Fees	\$10.00	\$10.00	\$10.00	\$10.00
SA Fees	\$0.00	\$0.00	\$0.00	\$0.00
Total Tax	\$10,132.96	\$11,718.06	\$11,293.41	\$11,020.84

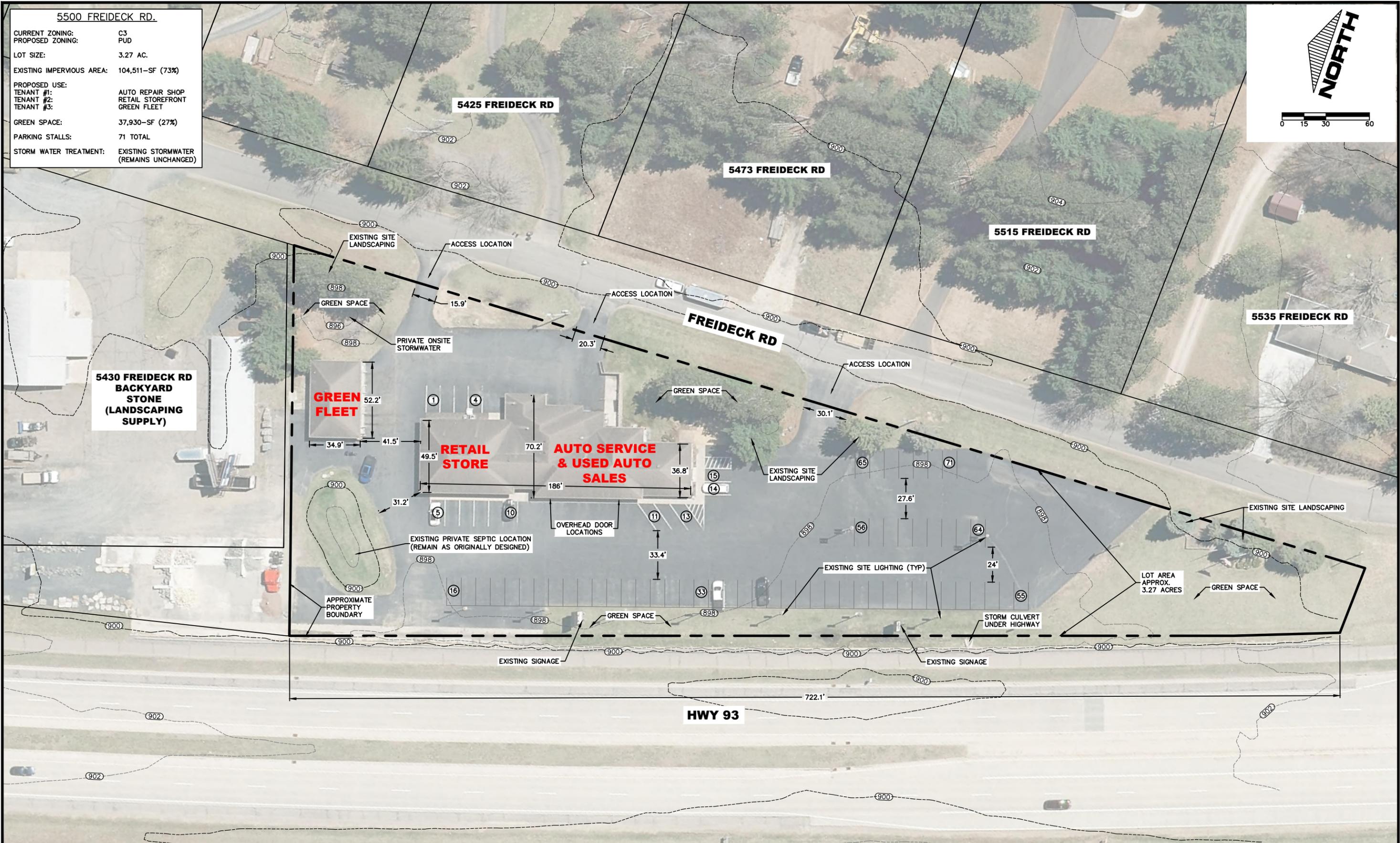
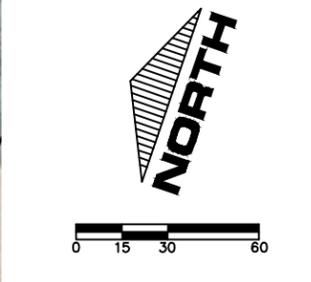
The Eau Claire County, WI Geographic Information Web Server provides online access to geographic and assessment record info currently maintained by Eau Claire for individual parcels of property. The maps and data are for illustration purposes and may not be suitable for site-specific decision making. Information found within should not be used for making financial or other commitments. Eau Claire County provides this information with the understanding that it is not guaranteed to be accurate.

[User Privacy Policy](#) | [GDPR Privacy Notice](#)
 Last Data Upload: 3/13/2024, 11:34:34 PM

[Contact Us](#)

Developed by


5500 FREIDECK RD.
 CURRENT ZONING: C3
 PROPOSED ZONING: PUD
 LOT SIZE: 3.27 AC.
 EXISTING IMPERVIOUS AREA: 104,511-SF (73%)
 PROPOSED USE:
 TENANT #1: AUTO REPAIR SHOP
 TENANT #2: RETAIL STOREFRONT
 TENANT #3: GREEN FLEET
 GREEN SPACE: 37,930-SF (27%)
 PARKING STALLS: 71 TOTAL
 STORM WATER TREATMENT: EXISTING STORMWATER (REMAINS UNCHANGED)



NO.	DATE	REVISIONS	DRAFTED BY	DESIGN BY	CHECKED

PROJ. NO.
24023



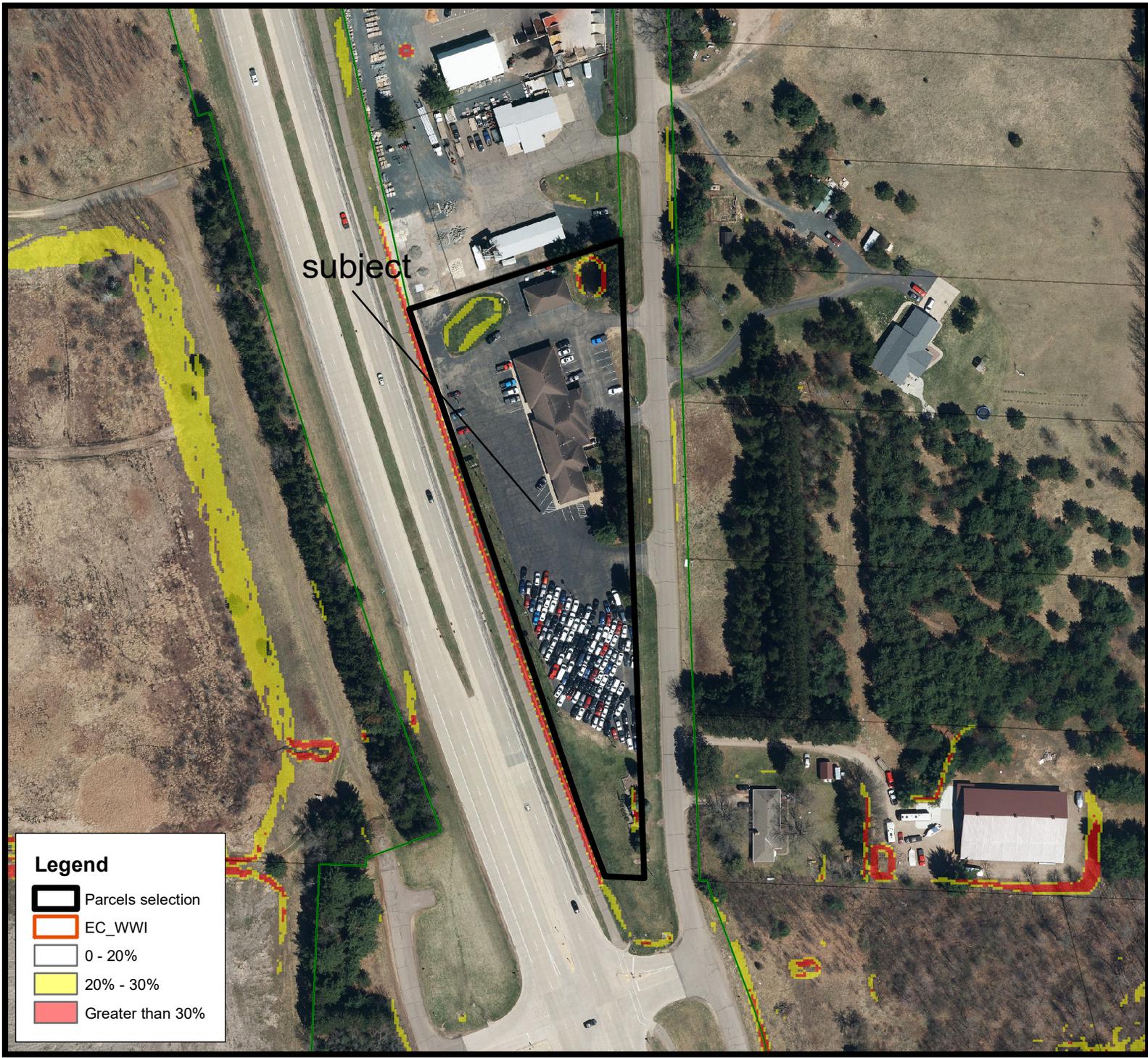
ADVANCED ENGINEERING CONCEPTS
 1360 INTERNATIONAL DR
 EAU CLAIRE, WI 54701
 PH: 715-552-0330
 info@aec.engineering
 COPYRIGHT 2024 AEC LLC.

GENERAL DEVELOPMENT PLAN
 &
 SPECIFIC IMPLEMENTATION PLAN

5500 FREIDECK RD REZONE
 TRILLIUM COMMERCIAL
 5500 FREIDECK RD
 EAU CLAIRE, WI

DWG NAME
24023
GDP & SIP
DATE
03/2024
1
1

CM RENTALS REZONE AERIAL - SLOPE MAP



subject

Legend

- Parcels selection
- EC_WWI
- 0 - 20%
- 20% - 30%
- Greater than 30%

Parcel Mapping Notes:

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

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

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

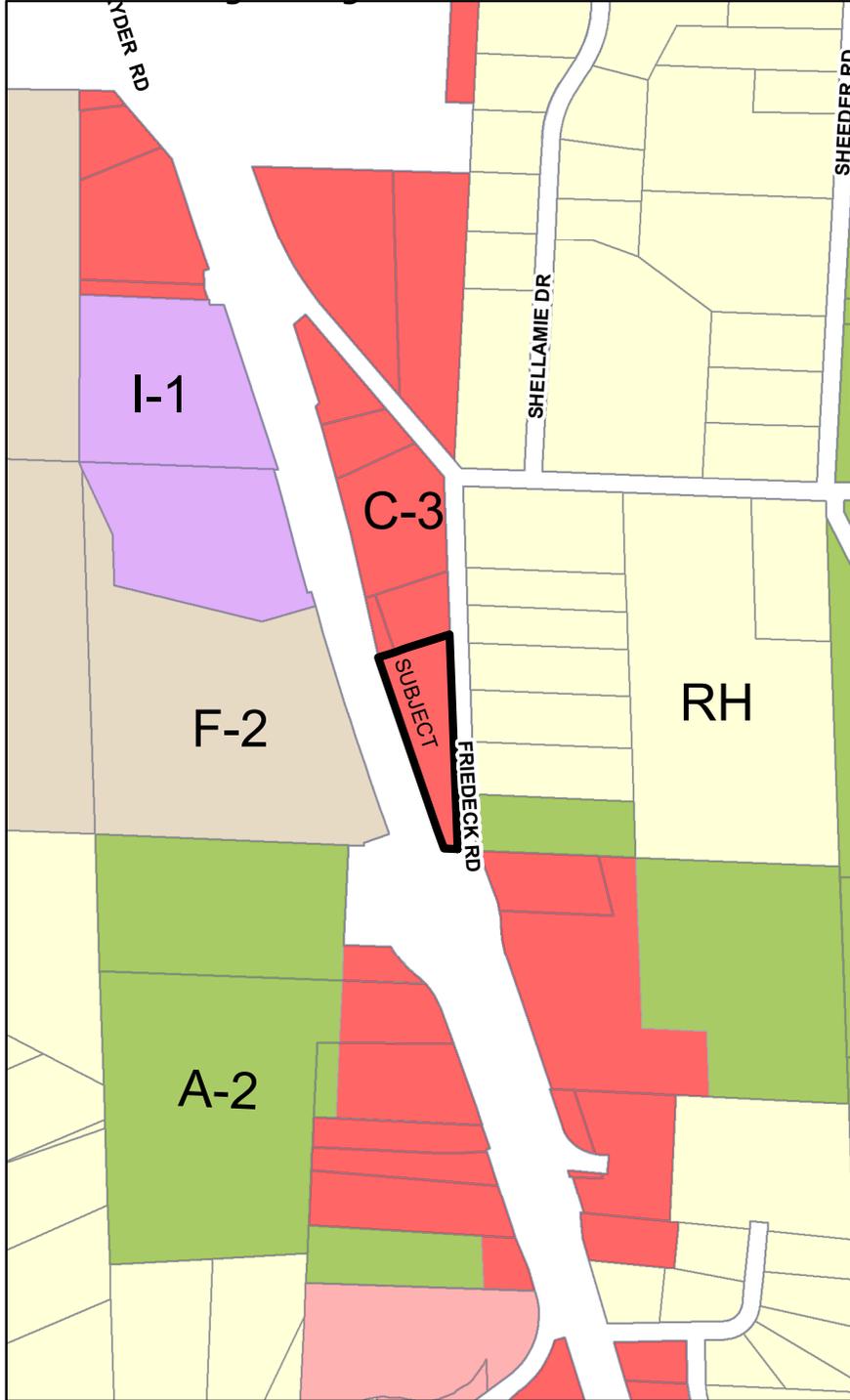




C&M Rentals Rezoning: RZN-0010-24

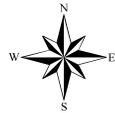
Existing Zoning

1 inch = 666.666667 feet



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

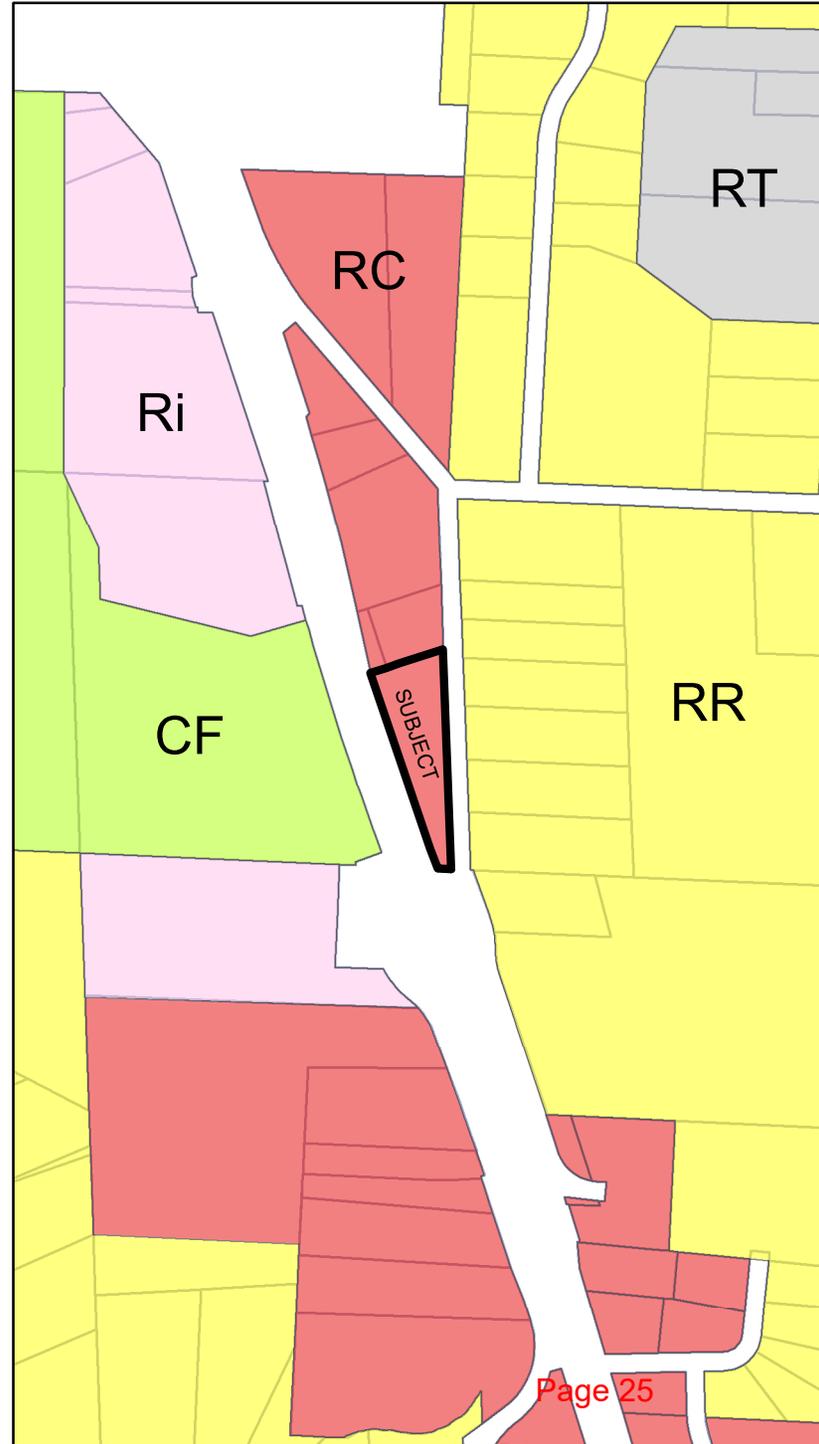
- Legend
- Parcels selection
 - Commercial Industrial
 - County Forest
 - Natural Resource Protection
 - Park and Recreational
 - Public Institutional
 - Recreational Commercial
 - Rural Commercial
 - Rural Hamlet
 - Rural Industrial
 - Rural Lands
 - Rural Residential
 - Rural Residential - Mobile Home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



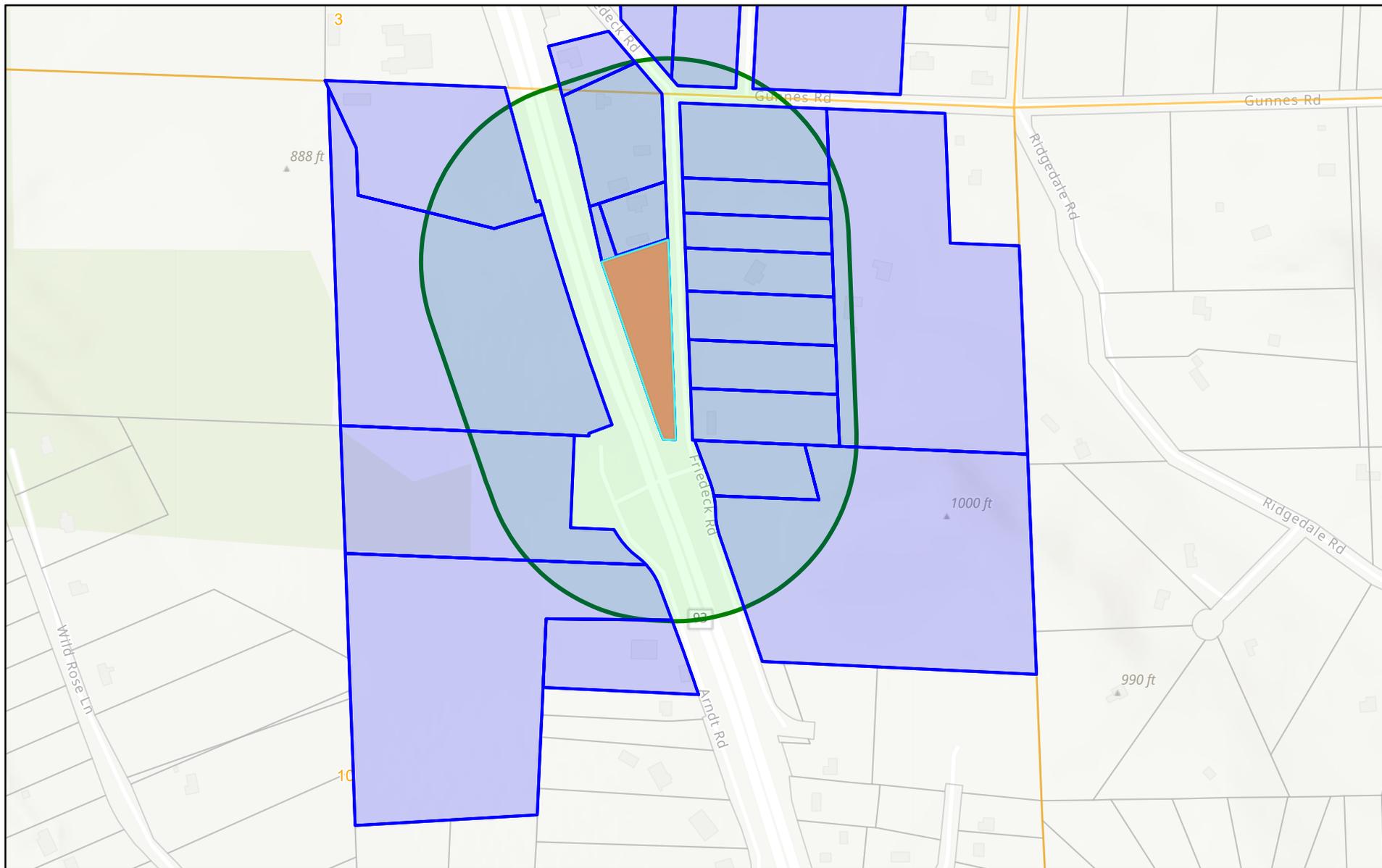
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Future Land Use

1 inch = 667 feet

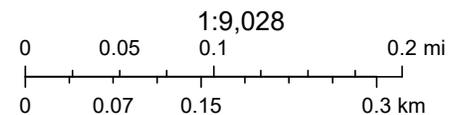


Public Notification



4/1/2024, 2:29:32 PM

-  County Boundary
-  Tax Parcel
-  Section



Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

FirstName LastName	Address	City State Zip
DANIEL MATTOON	105 SKYLINE DR	EAU CLAIRE WI 54703-5920
RYAN J & CHARLENE A KOSTKA	5425 FRIEDECK RD	EAU CLAIRE WI 54701-9612
LUCK TRUST OF 2012	5340 FRIEDECK RD	EAU CLAIRE WI 54701-9611
WASTE RESEARCH & RECLAMATION CO INC	5200 RYDER RD	EAU CLAIRE WI 54701-5140
TRIA THAO	2420 BARTLETT AVE	ALTOONA WI 54720-1317
DOUANENG LEE	5821 ROONEY DR	EAU CLAIRE WI 54701-6790
ZL PROPERTY MANAGEMENT LLC	5000 SHELLAMIE DR	EAU CLAIRE WI 54701-8702
OAKWOOD BANK	40214 S EKERN AVE	PIGEON FALLS WI 54760
PARKHILL VIEW LLC	212 S BARSTOW ST	EAU CLAIRE WI 54701-3601
JEK REAL ESTATE LLC	903 SANDALWOOD DR	ALTOONA WI 54720-5001
HEINZ PROPERTY LLC	W820 COUNTY ROAD FF	ELEVA WI 54738-9471
JEFFREY & JANELLE LAUBE TRUST	3711 GUNNES RD	EAU CLAIRE WI 54701-8707
STORING JOY LLC	2614 RIVERVIEW DR	EAU CLAIRE WI 54703-0669
MAUG CLEANING SOLUTIONS INC	5256 FRIEDECK RD	EAU CLAIRE WI 54701-9610
NOLAN FADNESS	5299 FRIEDECK RD	EAU CLAIRE WI 54701-9613
CRAIG KINDRICK	5163 SHELLAMIE DR	EAU CLAIRE WI 54701-8730



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

REZONE NUMBER: RZN-0011-24 **COMPUTER NUMBERS:** 018101308000
018101309010

PUBLIC HEARING DATE: May 14, 2024

STAFF CONTACT: Matt Michels, Senior Planner

OWNER: Nelson Family Trust: Jan Nelson, N10505 N Martin Dr, Strum, WI 54770

AGENT: Deann & Dave Bergeson, S10685 County Rd F, Eleva, WI 54738

REQUEST: Rezone 4.65 acres +/- from A-R to A-2 and 8 acres +/- from A-P to A-2 to create a 12.65-acre +/- lot. The 8 acres being acquired is adjacent to the existing 4.65-acre lot and is owned by the applicant's family.

LOCATION: S10685 County Rd F, Eleva, WI 54738 and land located East of County Highway F and South of County Highway HH

LEGAL DESCRIPTION: **A-P to A-2:** Lot 1 CSM 3036, Vol 17, P 92-94, #1109020, in the NW ¼ of the SE ¼, Section 5, T25N, R9W, Town of Pleasant Valley, Eau Claire County, WI.
A-R to A-2: The North 742.3 feet of the West 742.3 of the NW ¼ of the SE ¼, excluding Lot 1, CSM 3036, Vol 17, P 92-94, #1109020, Section 5, T25N, R9W, Town of Pleasant Valley, Eau Claire County, WI.

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

BACKGROUND

SITE CHARACTERISTICS:

- The existing 4.65-acre lot is developed with a single-family residence and outbuildings.
- The 8 acres to be added to the 4.65-acre lot are not currently farmed.

EXISTING ZONING DISTRICTS:

A-R Floating Agricultural Residential District. The A-R agricultural-residential district is established *“to allow for limited residential development within the exclusive agricultural district and is not intended to be part of a farming operation.”*

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

- Preserve and protect those areas best suited for agricultural, forestry or open space uses by minimizing fragmentation of contiguous agricultural or forest lands for the benefit and use of current and future generations;*

- B. Provide for a wide range of agricultural uses typically associated with the continued production of food and fiber while recognizing that such uses may involve noise, dust, odor, or operation of heavy equipment for long periods of time;
- C. Strengthen and diversify a predominately agricultural and forestry-based economy by providing for a range of economic opportunities for property owners which are generally compatible with and supportive of agriculture or forestry operations as either permitted or conditional uses;
- D. Comply with standards contained in Wis. Stat. ch. 91 to permit eligible landowners to receive tax credits under Wis. Stat. § 71.09, in conjunction with their agricultural operations;
- E. Preserve rural character and promote the efficient use of public infrastructure and utilities by minimizing the adverse effects of urban sprawl along with its associated expense;
- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County’s permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

REQUESTED ZONING DISTRICT:

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

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-R & A-P	Residential & Vacant land
North	A-P	Agricultural
East	A-P	Wetlands & Agricultural
South	A-P	Wetlands & Agricultural
West	A-P	Agricultural

COMPREHENSIVE PLANS:

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

Eau Claire County:

- Rural Lands Intent and Description: *The primary intent of these areas is to preserve productive agricultural lands, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and preserve wildlife habitat and open spaces. In other words, to preserve the rural character of these areas.*
- Applicable Policies:
 1. *Farming and other agriculture uses, agricultural-related businesses, cottage industries, forestry, mineral extraction, open space, and utilities shall be established as the primary land uses within these areas. Other uses may be permitted if found to be compatible with these uses and existing uses adjacent to the property.*

2. *The preferred housing density is one (1) unit per 20 or more acres; however, local comprehensive plans may be more or less restrictive than this guideline and generally range from one (1) unit per five (5) acres to one (1) unit per 35 acres.*
3. *For those Towns under County Zoning, the following Eau Claire County Zoning Districts will be considered for approval within RP areas: A-1 Exclusive Agricultural District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, F-1 Forestry District, and the proposed AC-R District noted below. The following additional policies shall apply to rezoning petitions:*
 - a. *Rezoning land to the A-R Floating Agricultural-Residential District or the proposed AC-R Agricultural Compatible Residential District is preferred over additional non-farm A-2 or A-3 parcels, unless rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.*

Town of Pleasant Valley:

- Rural Lands Comprehensive Plan Intent and Description: *“The primary intent of these areas is to preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat and open spaces. However, the term rural lands is not intended to imply that changes in land use will not occur in these areas.”*
- Applicable Policies:
 1. *Farming and agricultural uses shall be established as the primary land uses within these areas. Non-farm development shall only be allowed if it will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take significant tracts of land suitable for cultivation or other agricultural use out of production.*

...
 3. *Proposals for any new non-farm residential development shall be consistent with the following policies:*
 - a. *The maximum gross density for non-farm residential lots shall be one unit per five (5) acres held in single ownership, except as otherwise provided below for conservation subdivisions. The minimum lot size for non-farm residential lots shall be one and one-half (1.5) acres.*
 - b. *Any new non-farm residential lot shall have a “Right to Farm” disclosure attached to it acknowledging that the potential non-farm owner has been informed that his lot has been established in an area where farming is the preferred land use, and stating that the owner understands that he must abide by the State of Wisconsin “Right to Farm” statute (WI Stat. 823.08). This language shall be recorded on the deed to the property, transferable to subsequent owners.*
 - c. *Non-farm residential development shall only occur on land that is marginal for agricultural productivity. The majority of any proposed new lot shall not contain Class I, 11, or III soils. In addition, it is the preference of the Town of Pleasant Valley that new non-farm residential lots that are approved in accord with these policies be located adjacent to or near existing non-farm development.*

...
 4. *The following Eau Claire County zoning districts will be considered for approval within RL areas: A-P Agricultural Preservation District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, F-1*

Forestry District, and the proposed AC-R Conservation Residential District. The following additional policies shall apply to zoning petitions:

- ...
- b. Rezoning land to the A-2 Agriculture-Residential District or the A-3 Agriculture District is discouraged for new non-farm residential development, unless findings can be made that rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.*
 - c. Rezoning land to the A-R Floating Agricultural-Residential District or the proposed AC-R Conservation Residential District is preferred over additional non-farm residential A-2 or A-3 parcels.*

FARMLAND PRESERVATION PLAN:

The 4.65 acres being rezoned from A-R to A-2 is not in the certified farmland preservation district. The 8 acres being rezoned from A-P to A-2 is included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits. The proposed A-2 Zoning District is not a certified farmland preservation district and would not qualify for Farmland Preservation tax credits.

A-P Rezoning Standards

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

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

- **Soil Types** – The property includes a mix of non-prime and prime soil types, including Class 2, 3, and 4 soils (see attached Soil Map).
- **Historical Productivity** – It appears that the 8 acres to be rezoned from A-P to A-2 property has previously been used for agriculture but is no longer farmed.
- **Site Location** – The property is located on County Road F.
- **Adjacent Land Uses** – Uses in the area include a mixture of farmland, woodlands, and farm and non-farm single-family residences.

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

The proposed rezoning substantially conforms to the future land use intent, purpose, and policies for the Eau Claire County Comprehensive Plan, including policies related to limiting residential density in rural areas of the County and limiting conversion of productive farmland. There is also a policy in the RL Future Land Use area that supports providing opportunities for farmer’s families to move back onto family property.

Standard 3 - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan. The proposed rezoning will not result in the loss of active farmland.*

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

The proposed rezoning will not likely impair or limit current or future agricultural use.

ANALYSIS

When rezoning land, a finding should be made that the purpose of the proposed zoning district and the uses that are allowed in that district are appropriate for the location; and that the rezoning will uphold the

purpose of the zoning ordinance. A finding should also be made that the rezone is consistent with the County's Comprehensive Plan.

Town Board Action: The Pleasant Valley Town Board will consider the rezoning petition on Monday, May 13, 2024.

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

- The proposed rezoning is substantially consistent with the intent and purpose of the Eau Claire County Future Land Use plan.
- Existing uses in the area include farm and non-farm single-family residences, agricultural uses, and woodlands.
- Zoning is predominantly A-P, A-2, and A-3 in vicinity of the subject property.

CONCLUSION

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

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

In addition, the following factors have also been considered:

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

FINDINGS

Findings in Favor:

1. The request is generally consistent with the goals, objectives, and policies of the Eau Claire County Comprehensive Plan, as required by Section 19.01.020.B of the Eau Claire County Code; and Wisconsin Statutes §66.1001(1)(am) and §66.1001(3)(j), including the intent, description, and policies of the Rural Lands Future Land Use classification in Section 3.3 of the Eau Claire County Comprehensive Plan and Map 9 (Future Land Use) of the Eau Claire County Comprehensive Plan.
2. There are other A-2 zoned lots near the subject property, and the rezoning will not remove active farmland from production.
3. The property has required road frontage on County Rd. F.



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

Application Accepted:	04/18/2024
Accepted By:	Matt Michels
Receipt Number:	077118
Town Hearing Date:	05/13/2024
Scheduled Hearing Date:	05/14/2024
Application No:	RZN-0011-24
Application Status:	Applied

Rezoning Petition

Owner/Applicant Name(s):

Owner: NELSON FAMILY TRUST (Multiple Owners)

Applicant: Deann & Dave Bergeson, S10685 Co Rd F, Eleva, WI 54738

Telephone: 715-450-4986 **Email:** bergesonfamily01@gmail.com

RECEIVED

APR 18 2024

COUNTY CLERK

Site Address(es):

S 10685 COUNTY ROAD F
 No Address Available

Property Description:

Sec 05 Twn 25 Rge 09
 Town of Pleasant Valley

Zoning District(s):

AR - Floating Agricultural-Residenti

Lot Area(s) - Acres:

4.65

Overlay District(s):

A-P

34.82

PIN

1801822509054209000
 1801822509054200001

Legal (partial)

LOT 1 CSM 3036 (VOL 17 P 92 #1109020)
 NW-SE EX LOT 1 CSM 3036 (VOL 17 P 92 #1109020)

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

Agent (for Trust): Jan Nelson, N10505 N Marsh Dr, Strum, WI 54770

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



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

Office Use Only

Application Accepted:	4/18/24
Accepted By:	MM
Application Number:	R2N-0011-24
Town Hearing Date:	5/13/24
Scheduled Hearing Date:	5/14/24

REZONING APPLICATION

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

Existing Zoning District: AP (8 acres) + AR (4.65 acres) Proposed Zoning District(s): A2
 Acres to be rezoned: 12.65

Property Owner Name: Nelson Family Trust + Dawn and Dave Phone# 715-450-4986
 Mailing Address: same as below Bergeson 510685 County Rd F Eleva WI 54738
 Email Address: bergesonfamily01@gmail.com

Agent Name: (for Trust) Jan Nelson Phone# 715-878-9592
 Mailing Address: N10505 N. Martha Dr, Strum WI 54770
 Email Address: janmarie1561@yahoo.com

SITE INFORMATION

Site Address: 510685 County Rd F, Eleva WI 54738
 Property Description: NW 1/4 SE 1/4 Sec. 5, T. 25 N, R. 9 W, Town of Pleasant Valley
 Zoning District: Code Section(s):
 Overlay District: Shoreland Floodplain Airport Wellhead Protection Non-Metallic Mining
 Computer #(s): 018101308000
 or PIN #(s): 018101309010

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

<input checked="" type="checkbox"/> Complete attached information sheet	<input checked="" type="checkbox"/> Confirmed with the Town their submittal deadline and process.
<input checked="" type="checkbox"/> Provide legal description of property to be rezoned	<input checked="" type="checkbox"/> Provide \$630.00 application fee (non-refundable), (\$550.00 application processing fee and \$80.00 mapping surcharge fee). Send application to landuse@eauclairecounty.gov or to the address above.

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

Owner/Agent Signature: Jan Nelson, trustee Date: 4-10-24

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

REZONING APPLICATION CHECKLIST

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

Required Application Items:

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

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

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

Describe the reason(s) for your rezoning request:

1. To add 8 acres to the Bergeson parcel from the Nelson Land Trust.

2. Rezone the Bergeson parcel to A2. (Hobby Farm).

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

The 8 acres to be added to the Bergeson parcel are not being farmed and they surround their current home.

The 8 acres consist of trees, grass and wild berry bushes on the hill surrounding the house.

The Nelson Land Trust owns 95 contiguous acres so there will still be 88 acres remaining in the Trust land allowing for 2 parcels of over 40 acres each.

Both of our parents have now died, so the Nelson Trust Land will be sold, so this allows the Bergesons to receive some extra land before the sale.

The current easement on the northern boundary of the Bergeson property will be extended to continue to allow access to the Nelson Trust farmland.

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

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

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

1. The land surrounds the Bergesons house and is not farmed. It is a hilly slope with grass, trees & berry bushes.

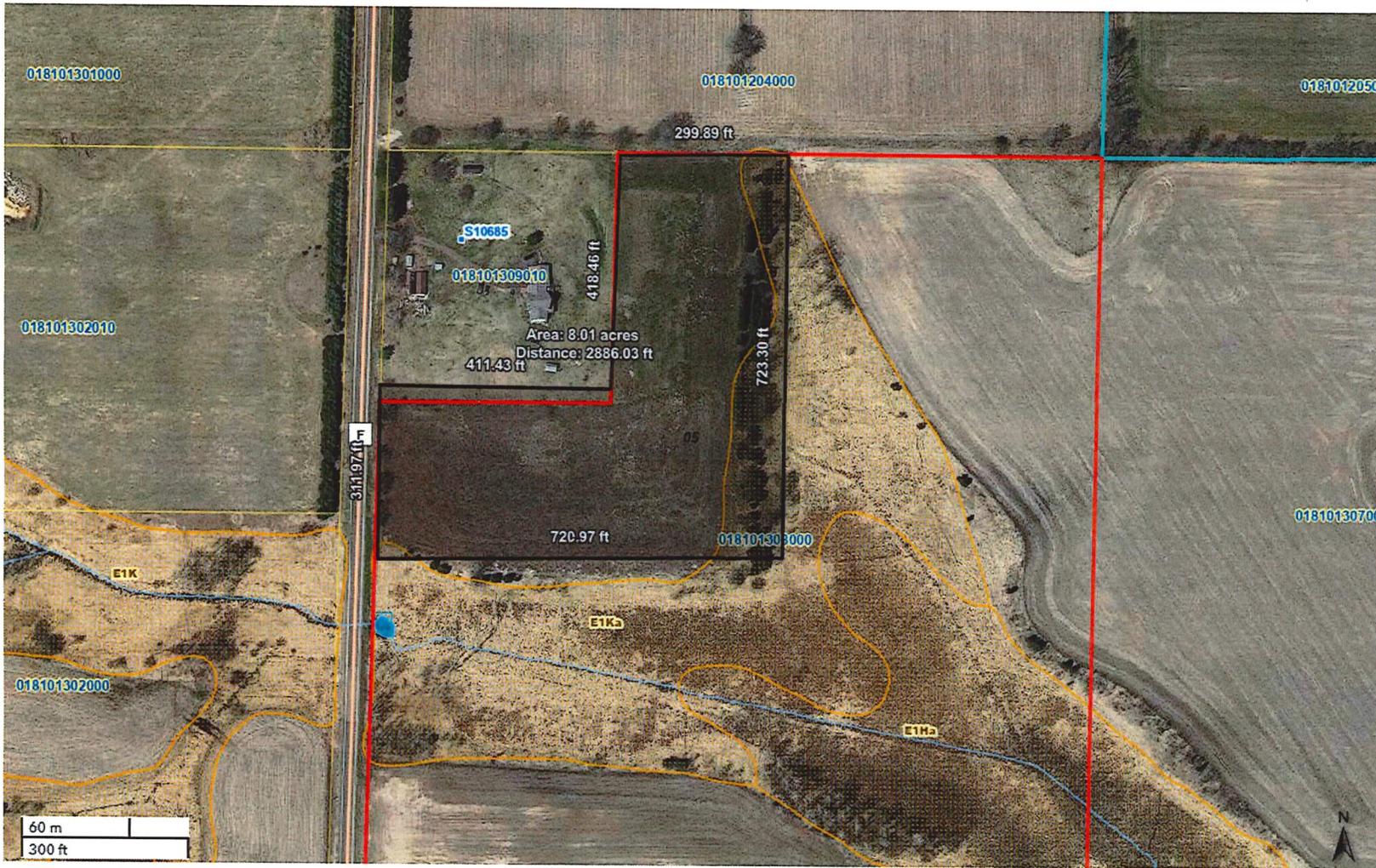
No farmland will be affected.

2. Per the county, the new 12.65 acre parcel should be rezoned to A2 to follow the comprehensive plan.

3. No farmed acres are apart of this request.

4. The Bergesons will extend the current easement on the northern border of their parcel to allow access to the East farmland.

The Bergesons have allowed this access for years and have had no issues with it.



- Addresses
- Address Labels
- ▭ Parcels
- ▭ Parcel Numbers
- ▭ Parks
- Surrounding Counties
 - ▭ Eau Claire
 - ▭ Surrounding
 - ▭ Sections
 - ▭ Townships
- Rivers and Streams
- ▭ Lakes and Rivers
- Flood Hazard Zones
 - ▭ 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 - ▭ A
 - ▭ AE
 - X
- Groundwater Protection District
 - ▭ Zone 1
 - ▭ Zone 2
 - ▭ Zone 3
- Interstate
- US Highway
- State Highway
- Ramp
- Major Arterial
- Minor Arterial
- Collector
- Local
- Private Drive
- Recreation
- Service
- Other

Date created: 3/28/2024
 Last Data Uploaded: 3/28/2024 1:33:01 AM
 Developed by



*Grey areas are the 8 acres to be requested.
 (approximate)*

Legal Description for Rezoning A-R to A-2 – 018101309010 (4.65 acres +/-)

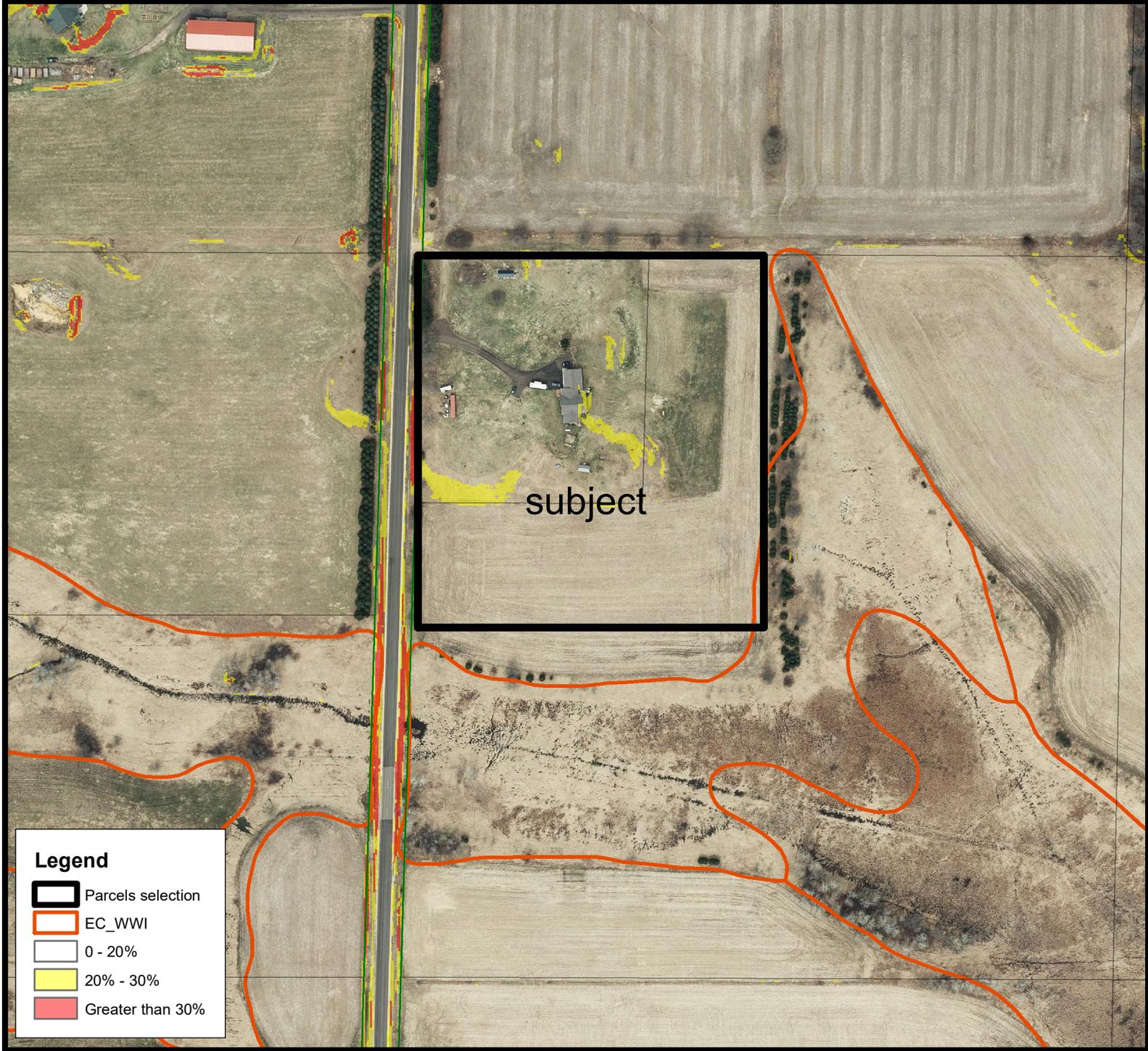
Lot 1, CSM 3036 (Vol. 17 P. 92, #1109020), in the NW ¼ of the SE ¼, in Section 5, T25N, R9W, Town of Pleasant Valley, Eau Claire County, Wisconsin.

Legal Description for Rezoning A-P to A-2 – 018101308000 (8.0 acres +/-)

The North 742.3 feet of the West 742.3 feet of the NW ¼ of the SE ¼, excluding Lot 1, CSM 3036 (Vol. 17 P. 92, #1109020), in Section 5, T25N, R9W, Town of Pleasant Valley, Eau Claire County, Wisconsin.

BERGESON - NELSON REZONE

AERIAL - SLOPE - WETLANDS MAP



Parcel Mapping Notes:

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

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

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

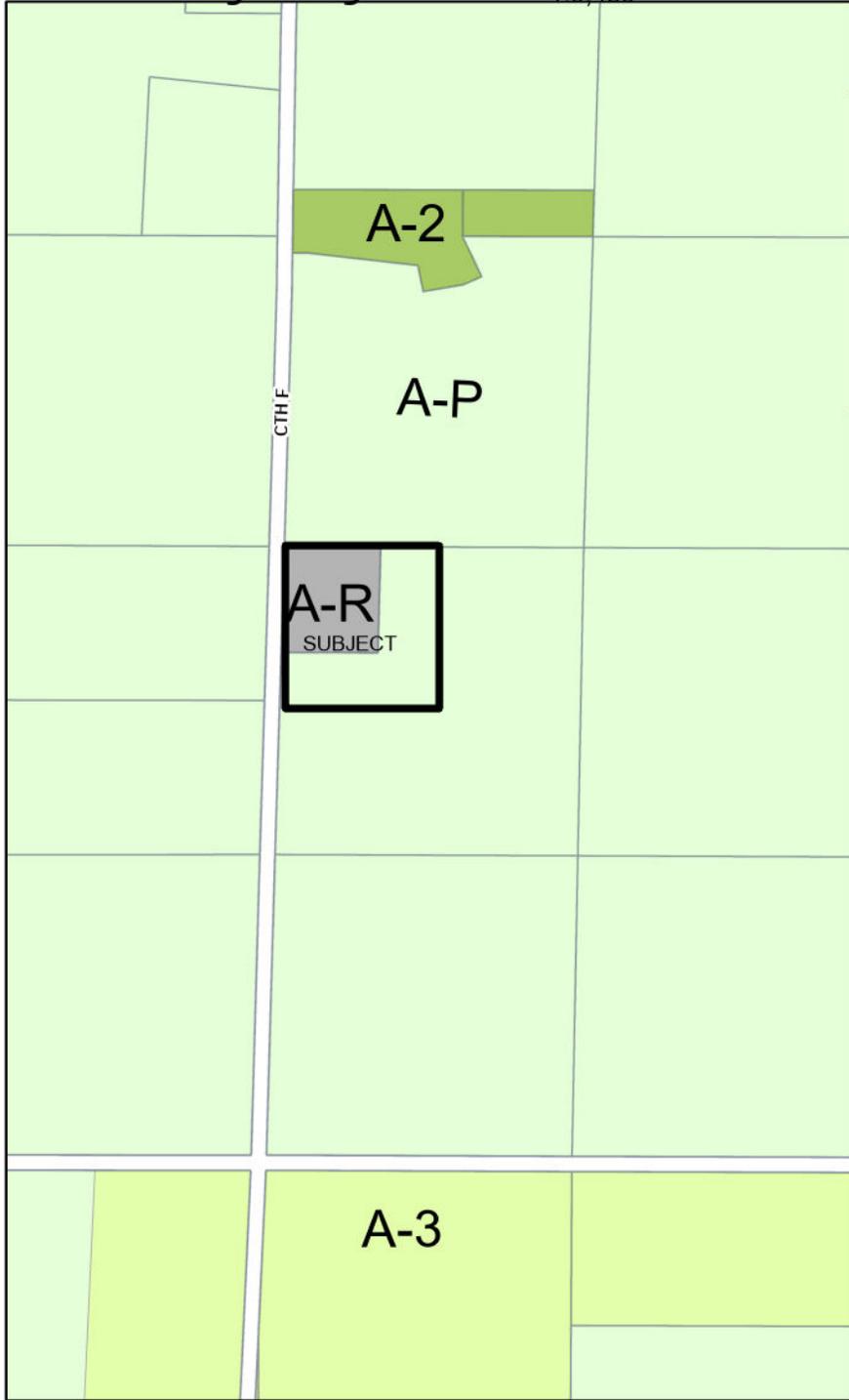




Bergeson - Nelson: RZN-0011-24

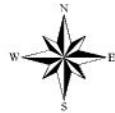
Existing Zoning

1:9,489



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

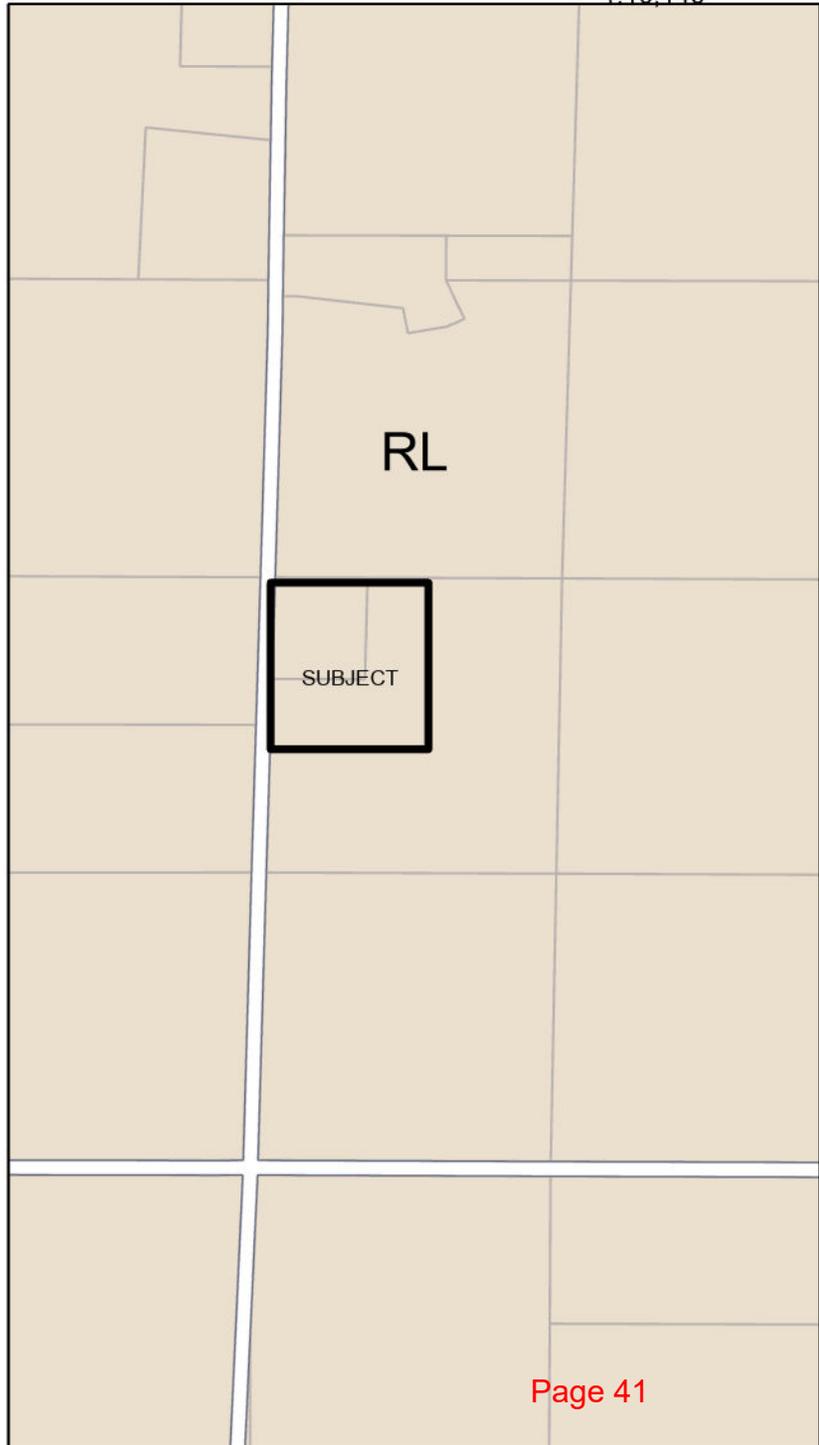
- Commercial Industrial
- County Forest
- Natural Resource Protection
- Park and Recreational
- Public Institutional
- Recreational Commercial
- Rural Commercial
- Rural Hamlet
- Rural Industrial
- Rural Lands
- Rural Residential
- Rural Residential - Mobile Home
- Rural Transition
- Urban Mixed Use



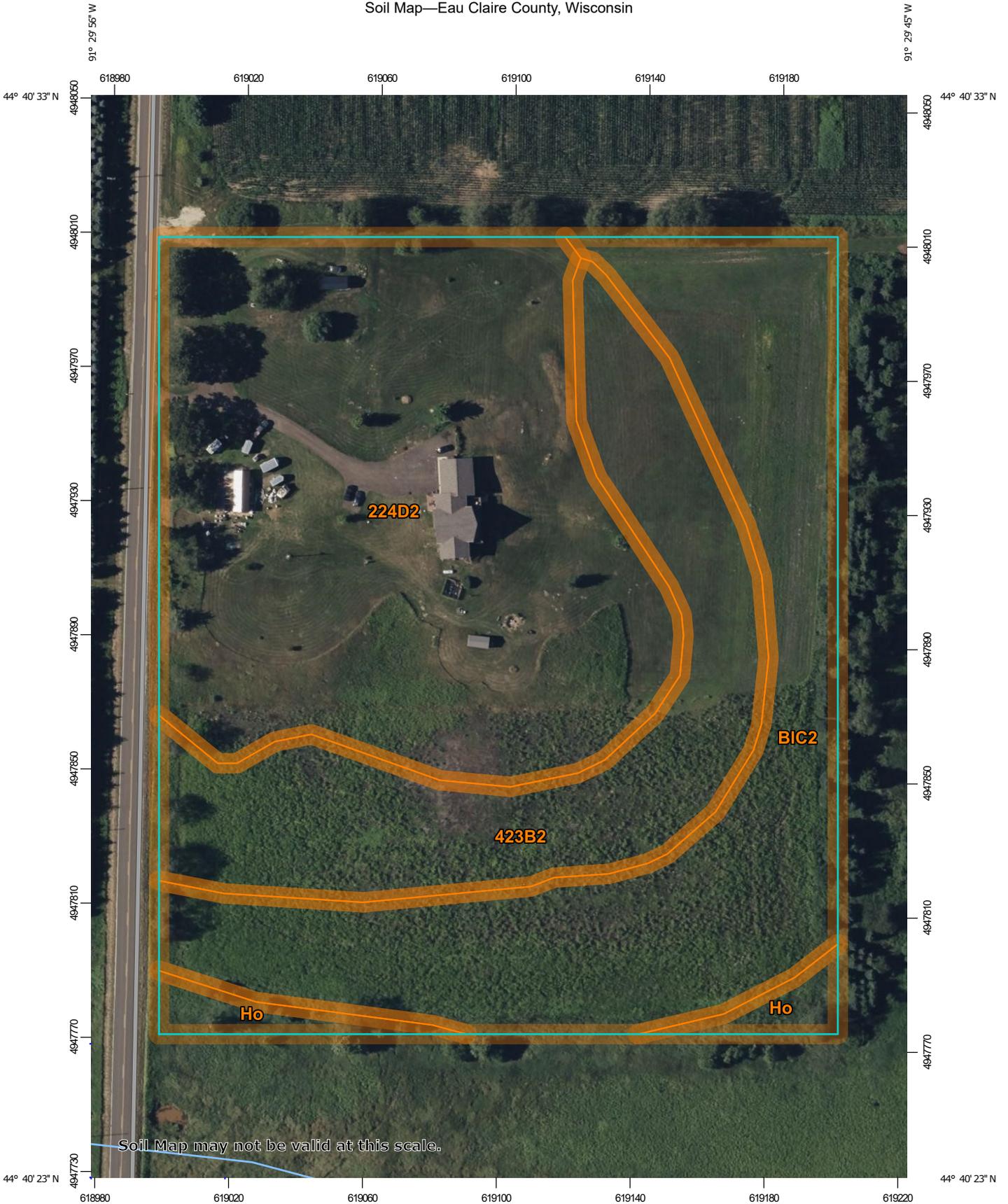
Parcel Mapping Notes:
 The horizontal datum is based on the Eau Claire County Coordinate System NAD_1983_HARN_A41_EauClaire_Feet
 This map is a collection of public record information and was prepared as an ongoing commitment to provide quality and up-to-date information to the public. This map is intended for information use only. Although significant care has been exercised to produce maps that satisfy mapping accuracy standards, these maps are only as accurate as the source data from which they were compiled. These maps are intended to be advisory and are NOT designed or intended to be used as a substitute for an accurate field survey, as performed by a Wisconsin Credentialed Land Surveyor, to determine precise property location.
 Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of, the data in terms of correctness, accuracy, reliability, currentness, or otherwise, and the user relies on the map and results solely at their own risk.

Future Land Use

1:10,146



Soil Map—Eau Claire County, Wisconsin



Soil Map may not be valid at this scale.



Map Scale: 1:1,570 if printed on A portrait (8.5" x 11") sheet.



Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 15N WGS84



Natural Resources
Conservation Service

Web Soil Survey
National Cooperative Soil Survey

5/3/2024
Page 1 of 3

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Eau Claire County, Wisconsin

Survey Area Data: Version 22, Sep 8, 2023

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

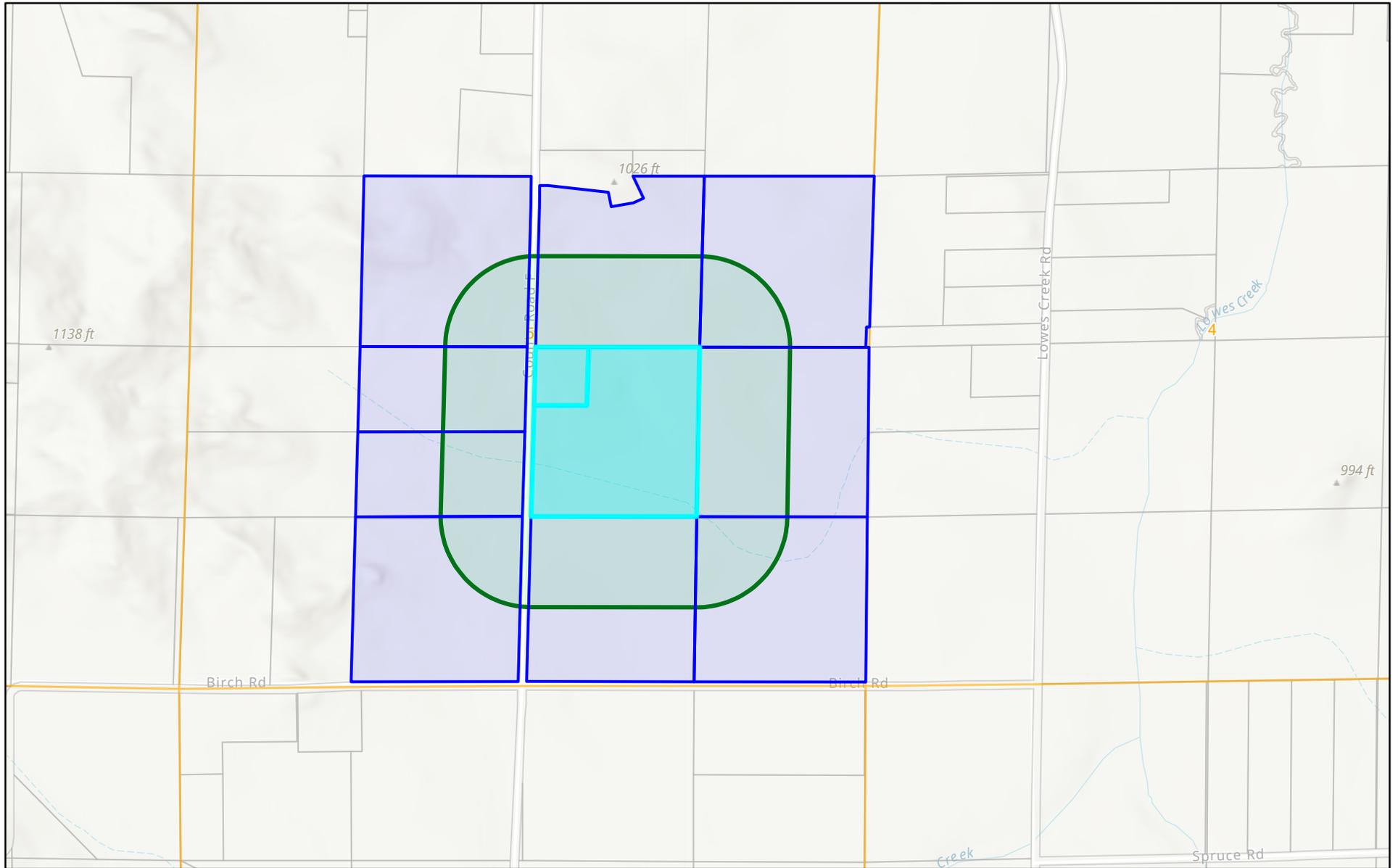
Date(s) aerial images were photographed: Jul 21, 2022—Sep 13, 2022

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

Map Unit Legend

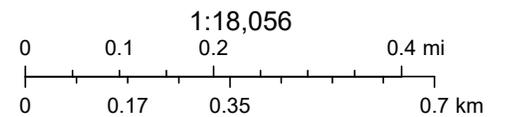
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
224D2	Elevasil sandy loam, 12 to 20 percent slopes, moderately eroded	5.3	44.4%
423B2	Meridian silt loam, 2 to 6 percent slopes, moderately eroded	2.6	21.8%
BIC2	Billett sandy loam, 6 to 12 percent slopes, eroded	3.7	30.9%
Ho	Houghton muck	0.3	2.8%
Totals for Area of Interest		12.0	100.0%

Public Notification



4/19/2024, 11:23:28 AM

-  County Boundary
-  Tax Parcel
-  Section



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

FirstName LastName	Address	City State Zip
BW RENTALS WI LLC	S4800 KARISSA DR	EAU CLAIRE WI 54701-5306
RONALD AND VICKI ANDERSON REVOCABLE LIVING TRUST	S10400 LOWES CREEK RD	ELEVA WI 54738-9041
PAUL NELSON	S10600 COUNTY ROAD F	ELEVA WI 54738-6000
DANIEL J & KATHLEEN A BUTZLER	W 440 BIRCH RD	ELEVA WI 54738-9003
NELSON FAMILY TRUST	18 EVERGREEN DR	ORINDA CA 94563-3115
THOMAS R & DANICA R LOWRY	E 970 BIRCH RD	ELEVA WI 54738-9490



EAU CLAIRE COUNTY PLANNING STAFF RECOMMENDATION

REZONE NUMBER: RZN-0012-24 **COMPUTER NUMBERS:** 018102702000
018102702010

PUBLIC HEARING DATE: May 14, 2024

STAFF CONTACT: Matt Michels, Senior Planner

OWNER/AGENT: Robert & Teresa Sisco, S11960 State Rd. 93, Eleva, WI 54738

REQUEST: Rezone 20 acres +/- from A-P to A-3 to create a 20-acre lot including the existing residence and outbuildings.

LOCATION: S 11960 State Road 93, Eleva, WI 54738 and S 11844 State Road 93, Eleva, WI 54738

LEGAL DESCRIPTION: The South ½ of the SE ¼ of the SE ¼, in Section 10, T25N, R9W, Town of Pleasant Valley, Eau Claire County, Wisconsin.

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

BACKGROUND

SITE CHARACTERISTICS:

- The property is developed with a single-family residence and outbuildings.
- The northwest portion of the property contains agricultural fields.
- The southern portion of the property is wooded and contains areas of steep slopes.

EXISTING ZONING DISTRICT:

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

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

- F. Promote environmental quality through the use of conservation practices designed to minimize erosion of productive soils and deter the delivery of sediment and nutrients to the waters of our state;
- G. Minimize land use conflicts which occur when agricultural and non-agricultural uses are intermixed or not adequately separated; and
- H. Provide for carefully regulated extraction of nonmetallic mineral resources through Eau Claire County’s permitting processes to ensure compatibility with adjacent land uses, minimize impacts to natural resources, and to restore lands to productive agricultural use consistent with locally approved reclamation plans.

REQUESTED ZONING DISTRICT:

A-3 Agricultural District. *This district is established to protect the agricultural base of the county; preserve the county’s natural resources and open space; provide an area for limited residential and hobby farm development in a rural atmosphere; and minimize urban sprawl and its associated public costs.*

ZONING/LAND USE CONTEXT:

LOCATION	ZONING	LAND USE
Subject	A-P	Residential, Agricultural, and Woodlands
North	A-P	Agricultural & Woodlands
East	A-P	Agricultural
South	A-P	Woodlands
West	A-P	Agricultural

COMPREHENSIVE PLANS:

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

Eau Claire County:

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

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

Town of Pleasant Valley:

- Rural Lands Comprehensive Plan Intent and Description: *“The primary intent of these areas is to preserve productive agricultural lands in the long-term, protect existing farm & forestry operations from encroachment by incompatible uses, promote further investments in farming, maintain farmer eligibility for incentive programs, and to preserve wildlife habitat and open spaces. However, the term rural lands is not intended to imply that changes in land use will not occur in these areas.”*
- Applicable Policies:
 1. *Farming and agricultural uses shall be established as the primary land uses within these areas. Non-farm development shall only be allowed if it will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take significant tracts of land suitable for cultivation or other agricultural use out of production.*
 - ...
 3. *Proposals for any new non-farm residential development shall be consistent with the following policies:*
 - a. *The maximum gross density for non-farm residential lots shall be one unit per five (5) acres held in single ownership, except as otherwise provided below for conservation subdivisions. The minimum lot size for non-farm residential lots shall be one and one-half (1.5) acres.*
 - b. *Any new non-farm residential lot shall have a “Right to Farm” disclosure attached to it acknowledging that the potential non-farm owner has been informed that his lot has been established in an area where farming is the preferred land use, and stating that the owner understands that he must abide by the State of Wisconsin “Right to Farm” statute (WI Stat. 823.08). This language shall be recorded on the deed to the property, transferable to subsequent owners.*
 - c. *Non-farm residential development shall only occur on land that is marginal for agricultural productivity. The majority of any proposed new lot shall not contain Class I, 11, or III soils. In addition, it is the preference of the Town of Pleasant Valley that new non-farm residential lots that are approved in accord with these policies be located adjacent to or near existing non-farm development.*
 - ...
 4. *The following Eau Claire County zoning districts will be considered for approval within RL areas: A-P Agricultural Preservation District, A-2 Agricultural-Residential District, A-3 Agricultural District, A-R Floating Agricultural-Residential District, F-2 Forestry District, F-1 Forestry District, and the proposed AC-R Conservation Residential District. The following additional policies shall apply to zoning petitions:*
 - b. *Rezoning land to the A-2 Agriculture-Residential District or the A-3 Agriculture District is discouraged for new non-farm residential development, unless findings can be made that rezoning land to either of these districts will not interfere with, will not disrupt, or will not be incompatible with farming or agricultural use, and will not take land suitable for cultivation or other agricultural use out of production.*

- c. *Rezoning land to the A-R Floating Agricultural-Residential District or the proposed AC-R Conservation Residential District is preferred over additional non-farm residential A-2 or A-3 parcels.*

FARMLAND PRESERVATION PLAN:

The property to be rezoned is included in the Farmland Preservation Plan Map, which allows the property owner to claim Farmland Preservation tax credits. The proposed A-3 Zoning District is not a certified farmland preservation district and would not qualify for Farmland Preservation tax credits.

A-P Rezoning Standards

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

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

- **Soil Types** – The property includes a mix of non-prime and prime soil types, including Class 2, 3, and 4 soils (see attached Soil Map).
- **Historical Productivity** – The northwest portion of the property is currently farmed and will, according to the applicant, continue to be farmed..
- **Site Location** – The property is located on State Highway 93.
- **Adjacent Land Uses** – Uses in the area include a mixture of farmland, woodlands, and farm and non-farm single-family residences.

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

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

Standard 3 - *The rezoning is substantially consistent with the certified Eau Claire County Farmland Preservation Plan.* The proposed rezoning will not result in the loss of active farmland.

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

The proposed rezoning will not likely impair or limit current or future agricultural use.

ANALYSIS

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

Town Board Action: The Pleasant Valley Town Board will consider the rezoning petition on Monday, May 13, 2024.

The rezoning petition has been evaluated for consistency with the purpose of the A-3 District and the uses allowed in the district. The request is generally consistent with the purpose of the zoning code based on the following findings:

- The proposed rezoning is substantially consistent with the intent and purpose of the Eau Claire County Future Land Use plan.

- Existing uses in the area include farm and non-farm single-family residences, agricultural uses, and woodlands.
- Zoning is predominantly A-P, A-2, and A-3 in vicinity of the subject property.

CONCLUSION

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

- Eau Claire County Comprehensive Plan future land use designation
- Eau Claire County Comprehensive Plan goals, objectives, and policies
- Eau Claire County Zoning Ordinance, including purpose of the zoning code and allowable uses in the A-3 District

In addition, the following factors have also been considered:

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

FINDINGS

Findings in Favor:

1. The request is generally consistent with the goals, objectives, and policies of the Eau Claire County Comprehensive Plan, as required by Section 19.01.020.B of the Eau Claire County Code; and Wisconsin Statutes §66.1001(1)(am) and §66.1001(3)(j), including the intent, description, and policies of the Rural Lands Future Land Use classification in Section 3.3 of the Eau Claire County Comprehensive Plan and Map 9 (Future Land Use) of the Eau Claire County Comprehensive Plan.
2. There are other A-3 and A-2 zoned lots near the subject property, and the rezoning will not remove active farmland from production.
3. The property has required road frontage and existing driveway access on State Highway 93.



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

Application Accepted:	04/18/2024
Accepted By:	Matt Michels
Receipt Number:	077120
Town Hearing Date:	05/13/2024
Scheduled Hearing Date:	05/14/2024
Application No:	RZN-0012-24
Application Status:	Applied

Rezoning Petition

Owner/Applicant Name(s):

Owner: ROBERT SISCO (Multiple Owners)

Applicant: Robert & Teresa Sisco, S11960 State Rd 93, Eleva, WI 54738

Telephone: 715-878-4562 EMail: robertsisco@centurytel.net

Site Address(es):

S 11960 STATE ROAD 93
S 11844 STATE ROAD 93

Property Description:

Sec 10 Twn 25 Rge 09
Town of Pleasant Valley

Zoning District(s):

AP - Agricultural Preservation Distr
AP - Agricultural Preservation Distr

Lot Area(s) - Acres:

7.81

31.95

Overlay District(s):

RECEIVED

APR 18 2024

COUNTY CLERK

PIN

1801822509104400003
1801822509104400002

Legal (partial)

PRT SE-SE BEG SE COR OF 40 TN N 400' TN W 850' TN S 400' TN E 850' M/L TO POB
SE-SE, EX THE E 850' OF THE S 400,' EX LAND SOLD FOR HWY DESC 202/176 OWN

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

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



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

Office Use Only

Application Accepted:	4/18/24
Accepted By:	MM
Application Number:	RZN-0012-24
Town Hearing Date:	5/13/24
Scheduled Hearing Date:	5/14/24

REZONING APPLICATION

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

Existing Zoning District: A-P Proposed Zoning District(s): A-3

Acres to be rezoned: 20 acres

Property Owner Name: Robert + Teresa Sisco Phone# 715-878-4502

Mailing Address: 511960 State Rd 93, Eleva, WI 54738

Email Address: robert.sisco@centurytel.net

Agent Name: SAME Phone# 715-878-4502

Mailing Address: "

Email Address: "

SITE INFORMATION

Site Address:

Property Description: SE 1/4 SE 1/4 Sec. 10, T. 25 N, R. 9 W, Town of Pleasant Valley

Zoning District: Code Section(s):

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

Check Applicable

Computer #(s): 018102702000

or PIN #(s): 018102702010

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

Complete attached information sheet Confirmed with the Town their submittal deadline and process.

Provide legal description of property to be rezoned Provide \$630.00 application fee (non-refundable), (\$550.00 application processing fee and \$80.00 mapping surcharge fee). Send application to landuse@eauclairecounty.gov or to the address above.

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

Owner/Agent Signature: Robert + Teresa Sisco Date 4-17-2024

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

REZONING APPLICATION CHECKLIST

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

Required Application Items:

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

SUPPLEMENTAL INFORMATION FOR A REZONING PETITION

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

Describe the reason(s) for your rezoning request:

The family farm is currently under ownership of four siblings, including Robert. Teresa and Robert currently own 7.7 acres at their stated address which is our home. The decision has been made to sell the family farm. We intend to keep 12.3 acres to bring our ownership to a total of 20 acres.

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

There are no plans to change the land usage as it exists currently. It will remain agricultural.

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

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

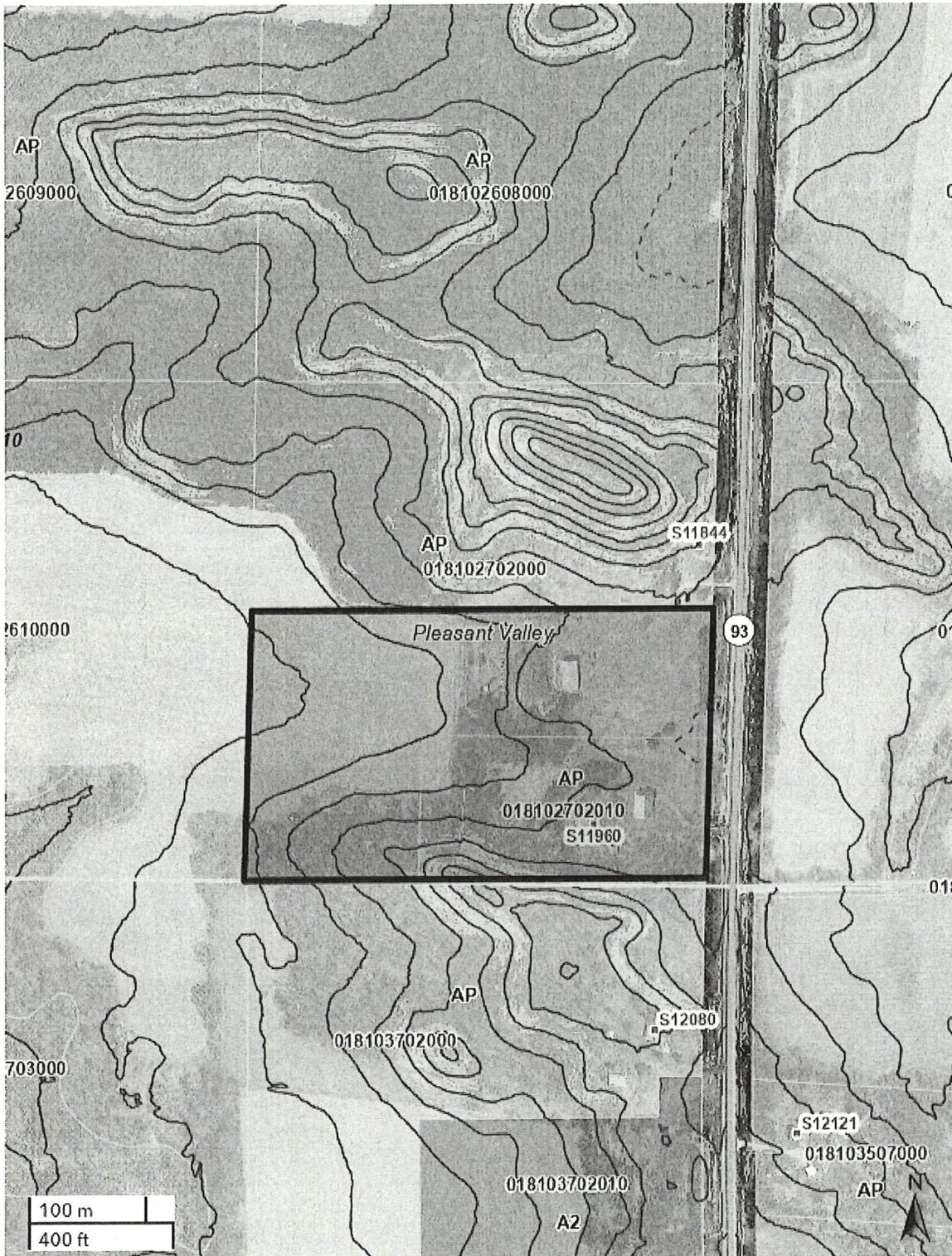
If you are petitioning to rezone land from an A-P District to another district, please describe how the proposed change in zoning will be consistent with the four findings listed here.

There are no changes planned for the land use.

Legal Description for Rezoning A-P to A-3 – 018102702010 and portion of 018102702000:

The South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$, in Section 10, T25N, R9W, Town of Pleasant Valley, Eau Claire County, Wisconsin.

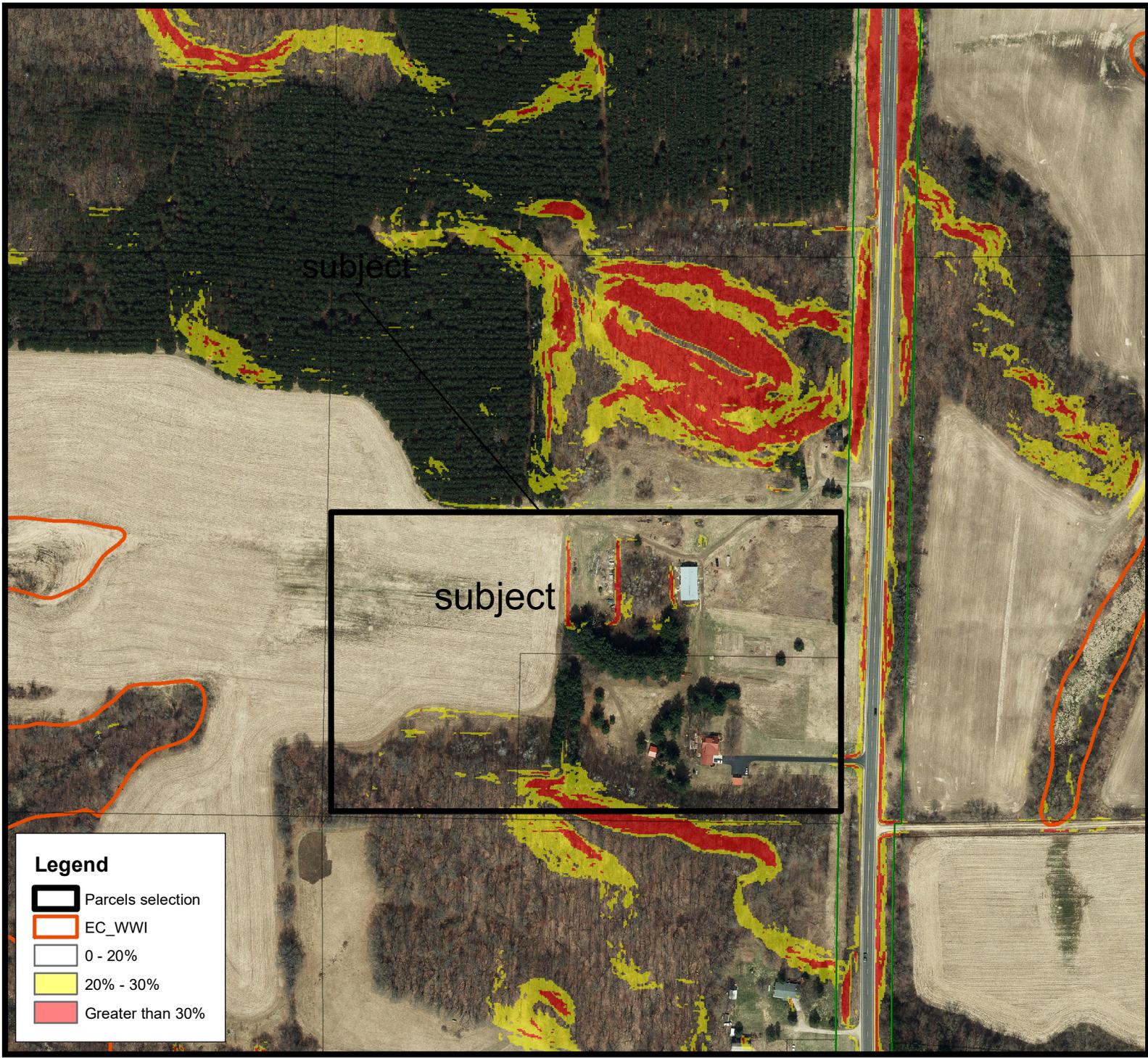
Containing 20 acres, more or less.



- Addresses
- Address Labels
- ▭ Parcels
- ▭ Parcel Numbers
- Parks
- County Zoning
- Not Zoned By County
- A1 - Exclusive Agricultural District
- A2 - Agriculture-Residential District
- A3 - Agricultural District
- AP - Agricultural Preservation
- AR - Floating Agricultural-Residential District
- C1 - Neighborhood Business District
- C2 - General Business District
- C3 - Highway Business District
- F1 - Exclusive Forestry District
- F2 - Forestry District
- I1 - Nonsewered Industrial District
- I2 - Sewered Industrial District
- R1L - Single-Family Residential District, Large Lot
- R1M - Single-Family Residential District
- R2 - Two-Family Residential District
- R3 - Multiple-Family Residential District
- RH - Rural Homes District
- ▭ Towns
- Surrounding Counties
- ▭ Eau Claire
- ▭ Surrounding
- ▭ Sections
- Rivers and Streams
- Lakes and Rivers
- Flood Hazard Zones
- ▭ 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- ▭ A
- ▭ AE
- X
- Groundwater Protection District
- ▭ Zone 1
- ▭ Zone 2
- ▭ Zone 3
- == Interstate
- == US Highway
- == State Highway
- == Ramp
- == Major Arterial
- == Minor Arterial
- == Collector
- == Local
- == Private Drive
- == Recreation
- == Service
- == Other
- Contours 10ft
- Contour
- Contour Depression
- Percent Slope

Date created: 4/19/2024
 Last Data Uploaded: 4/19/2024 12:57:03 AM
 Developed by


SISCO REZONE AERIAL - SLOPE MAP



Parcel Mapping Notes:

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

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

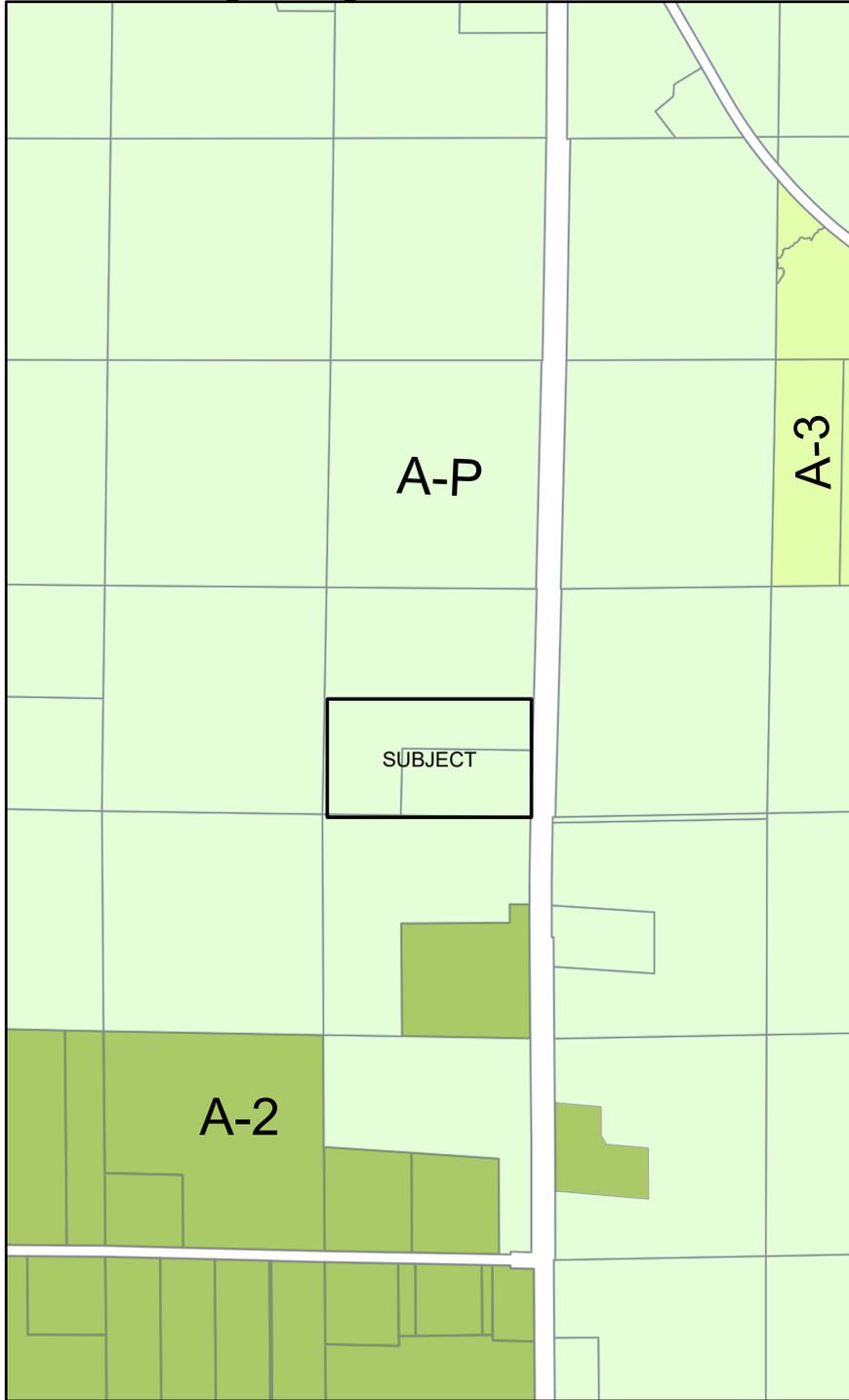
Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies on the map and results solely at their own risk.



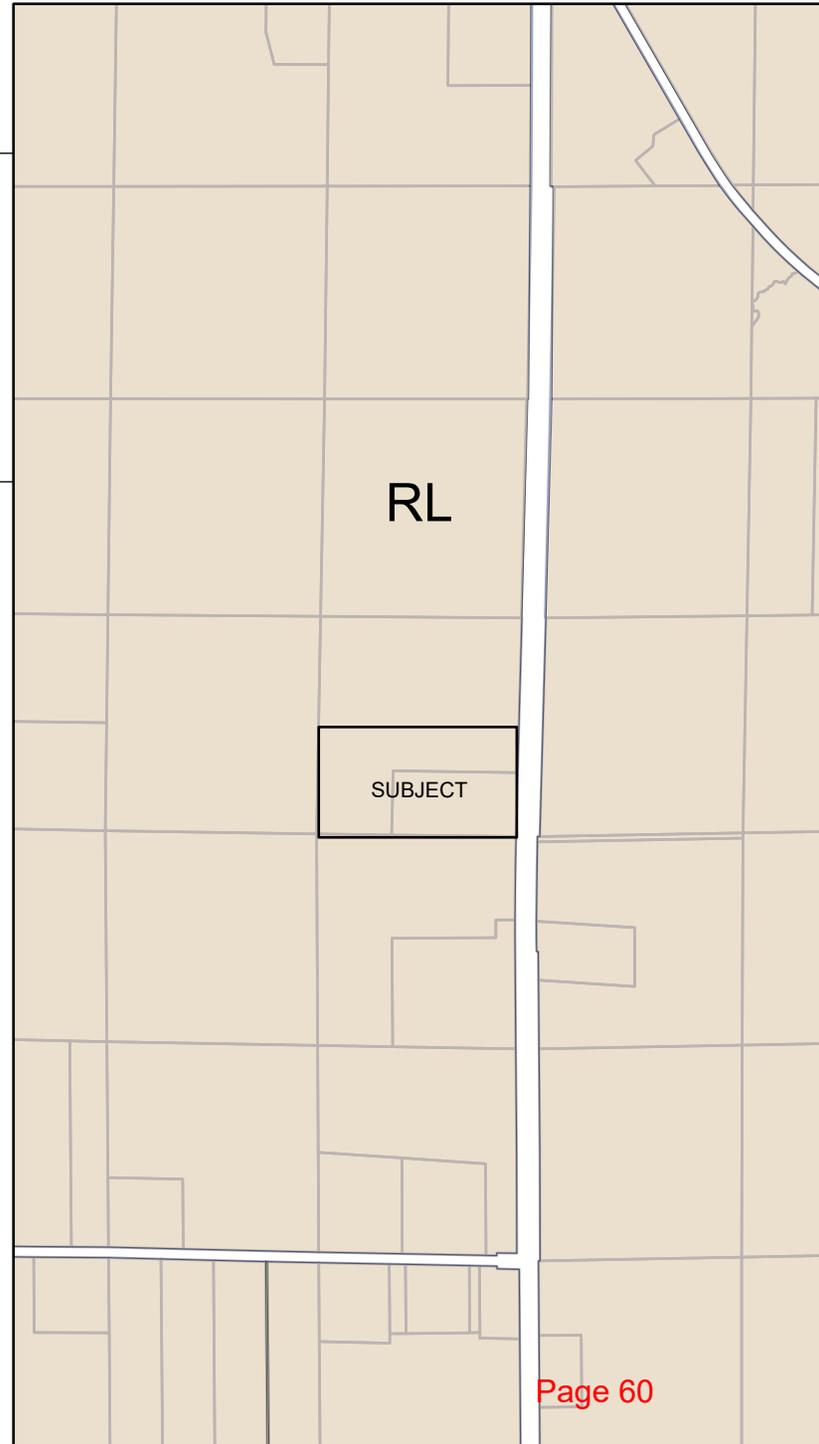


Sisco Rezoning: RZN-0012-24

Existing Zoning

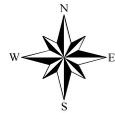


Future Land Use



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

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

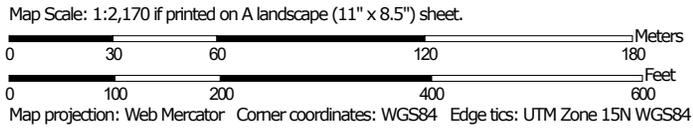


Parcel Mapping Notes:
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 Eau Claire County does not warrant, guarantee or make any representations regarding the use of, or results from the use of the data in terms of correctness, accuracy, reliability, currentness, or otherwise; and the user relies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

Soil Map—Eau Claire County, Wisconsin



Soil Map may not be valid at this scale.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Unit Polygons

 Soil Map Unit Lines

 Soil Map Unit Points

Special Point Features



Blowout



Borrow Pit



Clay Spot



Closed Depression



Gravel Pit



Gravelly Spot



Landfill



Lava Flow



Marsh or swamp



Mine or Quarry



Miscellaneous Water



Perennial Water



Rock Outcrop



Saline Spot



Sandy Spot



Severely Eroded Spot



Sinkhole



Slide or Slip



Sodic Spot



Spoil Area



Stony Spot



Very Stony Spot



Wet Spot



Other



Special Line Features

Water Features



Streams and Canals

Transportation



Rails



Interstate Highways



US Routes



Major Roads



Local Roads

Background



Aerial Photography

MAP INFORMATION

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

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

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

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

Source of Map: Natural Resources Conservation Service

Web Soil Survey URL:

Coordinate System: Web Mercator (EPSG:3857)

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

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

Soil Survey Area: Eau Claire County, Wisconsin

Survey Area Data: Version 22, Sep 8, 2023

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

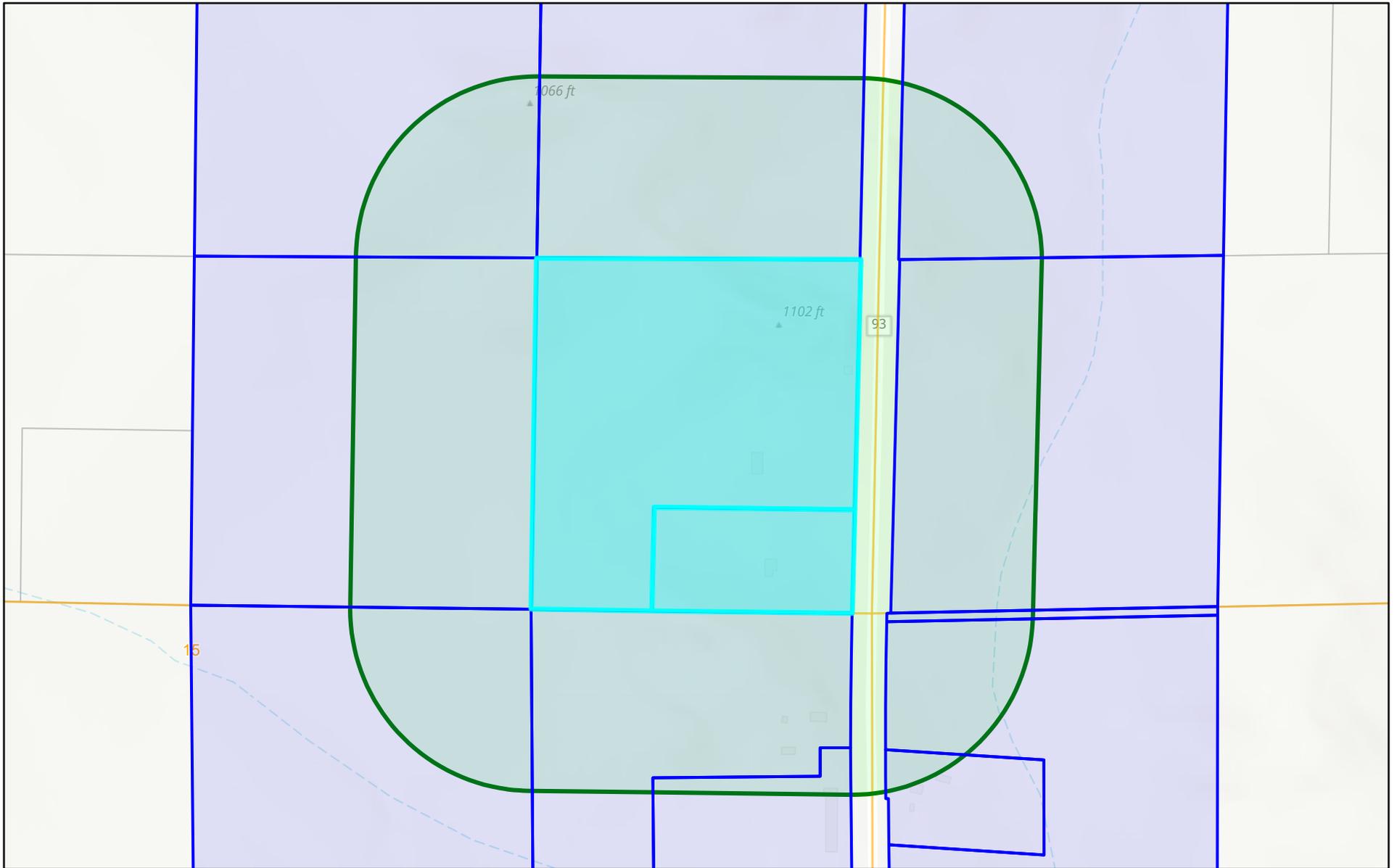
Date(s) aerial images were photographed: Jul 21, 2022—Sep 13, 2022

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

Map Unit Legend

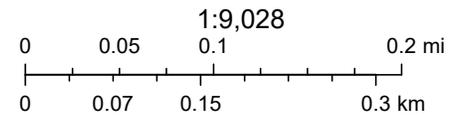
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
213B2	Hixton silt loam, 2 to 6 percent slopes, moderately eroded	5.8	30.7%
224C2	Elevasil sandy loam, 6 to 12 percent slopes, moderately eroded	4.2	22.1%
244D2	Elkmound loam, 12 to 20 percent slopes, moderately eroded	1.7	9.2%
423B2	Meridian silt loam, 2 to 6 percent slopes, moderately eroded	4.5	23.6%
581A	Simescreek sand, 0 to 3 percent slopes	0.1	0.4%
GoB	Gotham loamy sand, 1 to 6 percent slopes	0.5	2.7%
MdC	Menahga sand, 6 to 12 percent slopes	0.6	3.0%
PIB	Plainfield loamy sand, loamy substratum, 1 to 6 percent slopes	1.6	8.3%
Totals for Area of Interest		18.8	100.0%

Public Notification



4/19/2024, 11:21:42 AM

-  County Boundary
-  Tax Parcel
-  Section



Esri, NASA, NGA, USGS, FEMA, Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph,

FirstName LastName	Address	City State Zip
ROBERT SISCO JR	S 11960 STATE ROAD 93	ELEVA WI 54738-4128
LOGAN G WEISS	E4161 SPRUCE RD	ELEVA WI 54738-4111
GARTH & DEBORAH KUTZKE TRUST	S 12080 STATE ROAD 93	ELEVA WI 54738-9140
NATHAN HANSON	S12121 STATE ROAD 93	ELEVA WI 54738-4122
LUCAS J NORBY	315 5TH AVE S	STRUM WI 54770-7848
MASON COLLINS	1605 DEERFIELD RD	EAU CLAIRE WI 54701-9117

Eau Claire County

2025 Capital Improvement Project Request

PROJECT NAME	<i>Lake Rehabilitation</i>		DEPARTMENT	<i>Planning & Development</i>	
PROJECT LOCATION	<i>Lake Altoona_Lake Eau Claire</i>		MANAGER	<i>Rod Eslinger & Chad Berge</i>	
EXPECTED START DATE	<i>1/1/2025</i>	EXP. END DATE	<i>12/31/2025</i>	DEPT PRIORITY	<i>01</i>
MANDATORY/OPTIONAL	<i>5. Optional - Reduces overall risk</i>		SHARED PROJECT	<i>ECC & Other</i>	
REQUEST TYPE	<please select an option>		FUNCTIONAL CATEGORY	<i>Conservation & Economic Development</i>	
			EXPECTED LIFE(yr)	<i>< 3 Years</i>	
PROJECT DESCRIPTION	<i>Lake Districts from Lake Altoona and Lake Eau Claire have applied for 50% fund match for lake protection and rehabilitation project. The applications submitted this year include increasing the sand trap size for Lake Altoona to 100,000 cubic yards, and maintenance of five sand traps for Lake Eau Claire along with maintaining the aeration system in Lake Eau Claire. These projects are qaulifying lake protection and rehalilitation projects.</i>				
ANALYSIS OF NEED	<i>Protecting water quality and lake health (our natural resources infrastructure), with continued efforts to protect the lakes from sedimentation, is important on its' own right, but is also does result in retained property values (and ultimately tax dollars) on local lakes in Eau Claire County, and creates tourism opportunites for the sport fisherperson and improves other recreational activites.</i>				
METHOD USED FOR COST ESTIMATE	<i>Estimated were based on pervious contractor dredging activities from this past season.</i>				
ALTERNATIVES CONSIDERED	<i>The lake partners have continued to look for grants and other fundraisers to help offset the costs. Not funding these requests could impact future use of the waters and impact property values.</i>				

Project Funding			
<i>Funding Source *</i>	<i>Amount</i>	<i>Fund</i>	<i>Description **</i>
Short-Term Borrowing	302,500	Fund 405: Capital Projects	<i>Lake Altoona 50% match is \$302,500 (Total \$605,000 for dredging)</i>
Short-Term Borrowing	125,000	Fund 405: Capital Projects	<i>Lake Eau Claire 50% match is \$125,000 (Total \$250,000 for dredging and aeration system operation)</i>
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	

Total Funding	\$ 427,500
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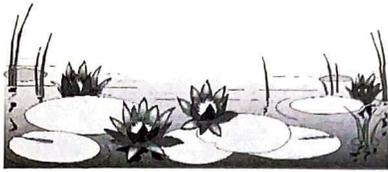
* Please list each funding source on a different line

**For grant/aid funding, provide the name of the grant and whether it is reimbursement or up-front funding

Project Cost			
<i>Expenditure Type</i>	<i>Amount</i>	<i>Fund</i>	<i>Description</i>
LAND IMPROVEMENT	302,500	Fund 405: Capital Projects	<i>Lake Altoona 50% (Section 17.02.090 C.)</i>
LAND IMPROVEMENT	125,000	Fund 405: Capital Projects	<i>Lake Eau Claire 50% (Secion 17.02.090 C.)</i>

<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	

Total Cost	\$ 427,500
-------------------	-------------------



**Project Year 2025
Application For
Lake Rehabilitation Projects**

**EAU CLAIRE COUNTY
LAND CONSERVATION**



Name of Water Body: Lake Altoona

Contact Person: Michele Skinner
(Name & Address)

Email address: PO Box 92 Altoona WI 54720

Phone Number: Work: (651) 491-7222 Home: () SAME

Signature: Michele Skinner Date: 3.26.24

Please return your completed application by March 29, 2024 to:

**Chad Berge, Land Conservation Manager
Land Conservation Division, 721 Oxford Ave, Suite 3344, Eau Claire, WI 54703**

If you have any questions, please call our office at (715) 839-6226 (Eligible projects include **dredging, sediment traps, construction and disposal basin costs**).

Please provide **ALL** of the following information: (attach additional sheets as needed)

1) Total Project Cost:	\$ <u>605,000</u> (Important note: See Item 8 below)	Existing 2024 Funds
Cost Sharing %	X <u>50%</u> (up to 50%)	<u>\$ 296,382.24</u>
Grant Request:	\$ <u>302,500</u>	<u>50%</u>
		<u>\$ 148,191.12</u>

- 2) Designate if you are a:
- a) Lake District
 - b) Unit of Government
 - c) Lake Association
 - d) Other: _____

3) Provide information on your financial viability to provide the matching 50% of the project costs, including the signature of your Treasurer or equivalent.

4) Attach details of your proposed project, including project schedule, project activities, and costs.

- 5) Do you have approved:
- a) DNR Permits? Yes No
 - b) County Permits? NA Yes No
 - c) Army Corps of Engineers Permits? NA Yes No

(Please **provide copies** of your permits).

6) Attach a narrative describing your lake. Include information on wetland areas, unique ecosystems, active fish and wildlife management programs, public access, and uses that the public come to your lake for.

7) Describe any projects undertaken previously by your district/lake association or other community groups (sports groups, etc.) that show a local commitment and ability to undertaken this project.

8) If you have an existing, on-going project which was awarded funding for **2024** and will NOT be completed in **2024**, please include a project progress report, and an estimated completion schedule including project costs. If you desire to request that your existing funds to be carried forward, you **MUST** include this request in the Total Project Cost above. Please note that carrying forward of funding must be requested. There is no guarantee of project funding or carry forward funding.

Project Year 2025

Application for Lake Altoona Rehabilitation Projects

1) PROJECT COSTS:

Project Cost 2025	\$605,000	Carry over 2024	\$296,382.24	Total	\$901,382.24
Cost Sharing	50%		50%		50%
Grant Request 2025	\$302,500		\$148,191.12		\$450,691.12

2) DESIGNATION: Lake District

3) FINANCIAL VIABILITY:

a) The district has leveraged relationships on the state and federal level that have resulted in a \$500,000 enumeration in the Wisconsin 2024 legislative budget, and an \$800,000 grant award in the federal 2025 appropriations bill.

b) The district also imposed on itself the highest possible mill rate allowed under state law. At the annual meeting October 2023, district members unanimously voted to raise the Lake Altoona mill rate from 1.7 to 2.5, increasing annual revenues an additional \$114,000.

c) Donations to the newly established fund-raising arm of the lake district, Friends of Lake Altoona, Inc., tallied \$20,000 in 2023.

4) PROJECT PROPOSAL 2025: Increase Sand Trap Size to 100K cubic yards.

Since regular maintenance of the sand trap began in 2022, the trap (ranging from 25,000 cubic yards to most recently 55,000 cubic yards) has been filled beyond capacity each spring. Studies vary wildly on the rate of sediment fill in, from an estimated 111,000 cubic yards per year (Simon & Li (1975) to 65,000 cubic yards per year (Zika & Trombley (2015)). With the sedimentation exceeding the size of the trap, there is no record of how much sediment the Eau Claire River carries into Lake Altoona each year.

It has been suggested by the DNR, the Army Corps of Engineers, and the county LCD, that the district dredge the trap to a size that will likely remain unfilled for at least one year so that sedimentation rates can be determined and documented. Such data is instrumental in the ongoing Army Corps sedimentation studies referred to in #7.

The contractor who has done our trap maintenance for the past two years has estimated it will cost approximately \$605,000 to remove 100,000 cubic yards of sand this coming winter. Expenditures on a large trap in 2025 will likely reduce expenditures in 2026, with the assumption the trap will not completely fill in 2025.

5) PERMITS: District has not yet applied for a DNR permit to increase sand trap size. County and Army Corps of Engineer permits are not required.

6) NARRATIVE: Altoona Lake is a 720 acre lake located in Eau Claire County. It has a maximum depth of 25 feet. Visitors have access to the lake from public boat landings, a public beach. Fish include Musky, Panfish, Smallmouth Bass and Walleye. The lake's water clarity is low.

7) PREVIOUS PROJECTS: In 2023, the Lake Altoona District successfully dredged a record 55K cubic yards of sand from its sediment trap, in record time, within budget. The district has initiated a four phase sediment study of the Eau Claire River in cooperation with the DNR, the Army Corps of Engineers, and the county LCD. The outcome of Phases 1 & 2 is in a draft report that is not yet available for distribution. However, the report lays the groundwork for the compilation of a HEC-RAS model of the river and watershed, which will provide useful data for installation

of the bedload sediment collector, future management of our sand trap, and consideration of other upstream strategies to mitigate sedimentation.

8) Of the \$280K allocated for 2024, the district has thus far spent \$131,808.88 on dredge related projects. Part or all of the remaining balance of \$148,191.12 may be spent during the remainder of this year on a pilot study of the district's 30-foot bedload collector.

The district is just beginning to gather budget numbers for what it would cost to temporarily install the collector for two seasons, as recommended by the Army Corps of Engineers. Costs would include collector refurbishment, engineering, temporary piping, river anchors, generator, geotextile bags for dewatering, trucking, and heavy equipment to move and install the collector.

The district is also planning for Phase 3 & 4 of the Corps' sediment study which would produce a HEC-RAS model of the river. We have already been notified this part of the study will incur substantial costs and are waiting for budget numbers. This study would likely depend on improvements being made on the gauges at the County G and K bridges, which will incur additional unknown costs.

Given the many on going projects at Lake Altoona, the remaining balance of \$148,191.12 may be spent during the remainder of the calendar year. If it is not, we respectfully ask that it be carried over to 2025.



**Project Year 2025
Application For
Lake Rehabilitation Projects**

**EAU CLAIRE COUNTY
LAND CONSERVATION**



Name of Water Body: Lake Eau Claire

Contact Person: Molle Lea E21680 County Rd. SD, Augusta, WI 54722
(Name & Address)

Email address: mleacarm@gmail.com

Phone Number: Work: () _____ Home: (715) 225-8768

Signature: [Handwritten Signature] Date: 3-20-24

Please return your completed application by **March 29, 2024** to:

**Chad Berge, Land Conservation Manager
Land Conservation Division, 721 Oxford Ave, Suite 3344, Eau Claire, WI 54703**

If you have any questions, please call our office at (715) 839-6226 (Eligible projects include **dredging, sediment traps, construction and disposal basin costs**).

Please provide **ALL** of the following information: (attach additional sheets as needed)

- 1) Total Project Cost: \$ 125,000 (Important note: See Item 8 below)
 Cost Sharing % X 62,500 (up to 50%)
 Grant Request: \$ 62,500
- 2) Designate if you are a:
 - a) Lake District
 - b) Unit of Government
 - c) Lake Association
 - d) Other: _____
- 3) Provide information on your financial viability to provide the matching 50% of the project costs, including the **signature of your Treasurer or equivalent**.
- 4) Attach details of your proposed project, including project schedule, project activities, and costs.
- 5) Do you have approved:

a) DNR Permits?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
b) County Permits?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
c) Army Corps of Engineers Permits?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

(Please **provide copies** of your permits).
- 6) Attach a narrative describing your lake. *Copies have been submitted previously. Let me know if you need them again.* Include information on wetland areas, unique ecosystems, active fish and wildlife management programs, public access, and uses that the public come to your lake for.
- 7) Describe any projects undertaken previously by your district/lake association or other community groups (sports groups, etc.) that show a local commitment and ability to undertaken this project.
- 8) If you have an existing, on-going project which was awarded funding for **2024** and will NOT be completed in **2024**, please include a project progress report, and an estimated completion schedule including project costs. If you desire to request that your existing funds to be carried forward, you **MUST** include this request in the Total Project Cost above. **Please note that carrying forward of funding must be requested. There is no guarantee of project funding or carry forward funding.**

Lake Eau Claire Protection and Rehabilitation District
P.O. Box 129
Augusta, WI 54729

March 21, 2024

Eau Claire County
Department of Land Conservation
721 Oxford Ave.
Suite 3344
Eau Claire, WI 54703

Attention: Chad Berge
Land Conservation Manager

2025 Eau Claire County Lake Rehabilitation Grant

The Lake Eau Claire Protection and Rehabilitation District will have funds available for the matching requirement under this Grant.

Thank You!

Dean Boehne
Dean Boehne
Lake Eau Claire Protection and Rehab District Treasurer

Lake Eau Claire Protection and Rehabilitation District
P.O. Box 129
Augusta, WI 54729

Budget for Grant Request

Sediment Removal:	
Cleaning Troubled Waters trap	\$ 77,000
Cleaning Skid Row trap	\$ 77,000
Cleaning Gravel Pit trap	\$ 45,000
Cleaning Muskrat Creek trap	\$ 20,000
Cleaning Hay Creek trap	\$ 15,000
Aeration operating costs	\$ 16,000
	<u><u>\$ 250,000</u></u>

PROJECT YEAR 2025
(Estimated Costs)

	LECD&LECA	Eau Claire County	Total
Cleaning Troubled Waters Trap	\$38,500	\$38,500	\$77,000
Cleaning Gravel Pit Trap	\$22,500	\$22,500	\$45,000
Cleaning Muskrat Cr Trap	\$10,000	\$10,000	\$20,000
Cleaning Skid Row Traps	\$38,500	\$38,500	\$77,000
Cleaning Hay Creek Trap	\$7,500	\$7,500	\$15,000
Aeration System Operation	<u>\$8,000</u>	<u>\$8,000</u>	<u>\$16,000</u>
TOTAL	\$125,000	\$125,000	\$250,000

We are requesting new matching funds of \$125,000 for projects for the year 2025.

Michael Lea
 Chairman
 Lake Eau Claire Protection and Rehabilitation District

LAKE EAU CLAIRE DESCRIPTION

Lake Eau Claire is an 897 acre reservoir on the Eau Claire river, created in 1938, with a maximum depth of 25 feet. It has 3 developed boat landings and 1 public beach. There is one County day-use park with a handicap accessible fishing pier.

Lake Eau Claire provides opportunities for year-round fishing, waterfowl hunting, sightseeing, and recreational boating. It is a popular destination for kayakers, and forms a portion of the snowmobile trails in eastern Eau Claire county. The lake is home to several islands used for picnics and swimming. It plays host to yearly events such as a boat parade and fireworks show on the July 4th holiday, and local fundraising activities such as fishing contests and triathlons.

In a 2009 Wisconsin DNR Critical Habitat Designation (CHD) Final Report (page 5), the rookery (a shallow, marshy area at the east end of the lake) was cited as meeting the criteria for this designation. This area contains marshy islands surrounded by weed beds used by multiple fish species for both cover and feeding. The shallow water warms quickly and is the first area to show weed growth in the spring. In addition to fish, it is an important area for waterfowl. The multiple shallow bays surrounded by grasses and cattails provide nesting sites for a wide variety of species of ducks and geese, and sandhill cranes. Migrating ducks and geese also congregate in these backwaters to feed and rest on their migratory routes. Several families of bald eagles regularly nest on the edge of this area.

These marshy areas are also home to numerous fur bearers, such as beaver, muskrat, and mink, along with native birds, mammals, reptiles, fish, plants, and invertebrates. Of note, muskrats are on the decline nationwide, partially due to reduced wetland habitat such as this.

Sedimentation threatens this critical area as well as other portions of the lake that are used for recreation. Regular sediment removal has been instrumental in slowing, and in some cases, reversing this sediment deposition. The Lake Eau Claire Protection and Rehabilitation District along with the Lake Eau Claire Association have provided funding and coordination on many projects to address this problem. In addition, these groups have worked to install and operate an aeration system to help control algae blooms and have installed over 500 structures to provide fish habitat. The ongoing fundraising efforts and the district's tax levy ensure that grant funding can be matched.

Eau Claire County

2025 Capital Improvement Project Request

PROJECT NAME	<i>Groundwater Mapping and Flow Model</i>		DEPARTMENT	<i>Planning & Development</i>	
PROJECT LOCATION	<i>Planning and Development</i>		MANAGER	<i>Rod Eslinger & Chad Berge</i>	
EXPECTED START DATE	<i>1/1/2025</i>	EXP. END DATE	<i>12/31/2027</i>	DEPT PRIORITY	<i>02</i>
MANDATORY/OPTIONAL	<i>5. Optional - Reduces overall risk</i>		SHARED PROJECT	<i>ECC & Other</i>	
REQUEST TYPE	<i>New Facility or Service</i>	FUNCTIONAL CATEGORY		<i>Conservation & Economic Development</i>	
	<i>Static map</i>		EXPECTED LIFE(yr)	<i>> 20 Years</i>	
PROJECT DESCRIPTION	<i>Groundwater is a valuable natural resource. No current study or model provides a clear understanding of groundwater flow or geographic differences in groundwater quantity in Eau Claire County. The understanding of groundwater flow in an aquifer system is critical for effective management and sustainable use of groundwater resources. Groundwater flow modeling is a widely used tool for studying the movement of water in an aquifer system. This project will help the county understand the flow dynamics and provide better insights when it comes to land use planning.</i>				
ANALYSIS OF NEED	<i>Currently we use static groundwater maps to predict groundwater flow. However using static maps for predicting groundwater flow directions can be a problem because groundwater is not always constant. Groundwater movement is influenced by various factors, such as variations in rainfall, changes in land use, amount of recharge, and climate change. These changes can cause significant variations in the flow direction and rate of flow. A groundwater quality goal listed in the 2018 Eau Claire County State of the Groundwater, states, to better understand groundwater quantity, create a comprehensive county-wide groundwater flow model. The flow model will include groundwater depth and recharge to better understand sustainability and susceptibility to land use and climatic impacts.</i>				
METHOD USED FOR COST ESTIMATE	<i>Actual estimate provided by USACE staff</i>				
ALTERNATIVES CONSIDERED	<i>Continue to rely on existing paper maps, conduct a water quality assessment, perform a geophysical survey, reviewing existing data(if it exist), use remote sensing techniques</i>				

Project Funding			
<i>Funding Source *</i>	<i>Amount</i>	<i>Fund</i>	<i>Description **</i>
Bonds	186,000	Fund 405: Capital Projects	<i>Groundwater mapping and Flow Modeling Study (Total Project Cost is \$372,000, the USACE will pay 50% or \$186,000)</i>
		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	

Total Funding	\$ 186,000
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* Please list each funding source on a different line

**For grant/aid funding, provide the name of the grant and whether it is reimbursement or up-front funding

Project Cost			
Expenditure Type	Amount	Fund	Description
SOFTWARE	186,000	Fund 405: Capital Projects	Groundwater mapping and Flow Modeling Study
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	

Total Cost	\$ 186,000
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Eau Claire County

2025 Capital Improvement Project Request

PROJECT NAME	<i>Land Stewardship</i>		DEPARTMENT	<i>Planning & Development</i>	
PROJECT LOCATION	<i>Planning and Development</i>		MANAGER	<i>Rod Eslinger</i>	
EXPECTED START DATE	<i>1/1/2025</i>	EXP. END DATE	<i>12/31/2025</i>	DEPT PRIORITY	<i>03</i>
MANDATORY/OPTIONAL	<i>5. Optional - Reduces overall risk</i>		SHARED PROJECT	<i>ECC & Other</i>	
REQUEST TYPE	<i>New Facility or Service</i>	FUNCTIONAL CATEGORY		<i>Conservation & Economic Development</i>	
		EXPECTED LIFE(yr)		<i>> 20 Years</i>	
PROJECT DESCRIPTION	<i>The Land Stewardship Program seeks to conserve unique habitats for long term stewardship of the resources, as well as to connect people to the land by opening them up for public access. The Land Stewardship subcommittee follows the visioning document entitled "Land Stewardship 2150: Eau Claire county - The Next Century".</i>				
ANALYSIS OF NEED	<i>Options for each property are uniques. Discussions on past projects included full acquisitions, easements, and partnering with other organizations (conservancy groups) on areas with similar goals. The needs and desires of the existing landowner are considered, whin also taking advantag of the strengths and resources of each partner group, agency, and organization.</i>				
METHOD USED FOR COST ESTIMATE	<i>Cost is only an estimate and would vary on .</i>				
ALTERNATIVES CONSIDERED	<i>We will continue to work with parnering organization to seure funding and management options for properties.</i>				

Project Funding			
<i>Funding Source *</i>	<i>Amount</i>	<i>Fund</i>	<i>Description **</i>
Short-Term Borrowing	100,000	Fund 207: Watershed	<i>Knowles-Nelson grant</i>
Donations	50,000	Fund 207: Watershed	<i>Land Stewardship Funds</i>
Other	50,000	<please select an option>	<i>Land Stewardship Funds - seller reduce price</i>
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	

Total Funding	\$ 200,000
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** Please list each funding source on a different line*

***For grant/aid funding, provide the name of the grant and whether it is reimbursement or up-front funding*

Project Cost			
<i>Expenditure Type</i>	<i>Amount</i>	<i>Fund</i>	<i>Description</i>

LAND	200,000	Fund 207: Watershed	Easement/acquisition of property with unique habitat features in Eau Claire County
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	
<please select an option>		<please select an option>	

Total Cost	\$ 200,000
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Date: May 7, 2024
Budget Amendment
Dept: 15, Planning and Development
Fund: 100
Account: Land Cons - Wildlife Damage

Account	Account Description	Pre Budget	Amendment	Difference
24-100-15-43586-000-702-000-000-000	Land Cons - Wildlife Damages	9000	18552.88	9552.88
24-100-15-56922-390-702-000-000-000	Land Cons - Wildlife Damage	9000	18552.88	9552.88

2024 Eau Claire County Budget

Approved amount to be provided by:

	County Request	County Admin	USDA-WS Funding Approved		WDNR Funding Approved		Total Funding Approved
Salaries (includes County Admin)	\$7,063.00	\$1,063.00	\$1,080.00		\$7,063.00		\$8,143.00
Mileage/Travel/Services	\$1,657.50		\$0.00		\$1,657.50		\$1,657.50
Office Overhead	\$1,332.38		\$0.00		\$1,332.38		\$1,332.38
Permanent Fencing	\$0.00		\$0.00		\$0.00		\$0.00
Temporary Fencing	\$1,275.00		\$0.00		\$1,275.00		\$1,275.00
Bear Abatement							
Repellant	\$75.00				\$75.00		\$75.00
Other Abatement	\$150.00				\$150.00		\$150.00
Venison Admin	\$0.00		\$0.00		\$0.00		\$0.00
Venison Processing	\$7,000.00				\$7,000.00		\$7,000.00
Total	\$18,552.88		\$1,080.00		\$18,552.88		\$19,632.88
The distribution of the budget (with the exception of the mandatory percentage line items) from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed:	\$18,552.88						

We expect to assist 5 growers with damage that may result in wildlife damage requests equaling or exceeding \$5,000 worth of claims.

Signatures of Intention:

COUNTY: _____ Date: _____

WDNR: _____ Date: _____

USDA-APHIS-WS: _____ Date: _____

2. An injury is caused by a malicious act of a private property holder or of an officer, employee or agent of a private property holder.

3. An injury is sustained by an employee of a private property holder acting within the scope of his or her duties.

History: 1989 a. 31; 1991 a. 39; 1995 a. 79; 1997 a. 27; 1997 a. 248 ss. 637 to 641; Stats. 1997 s. 29.885; 1999 a. 32; 2001 a. 56; 2005 a. 82; 2021 a. 62.

Cross-reference: See also ch. NR 12 and ss. NR 19.03, and 19.75, Wis. adm. code.

29.886 Management of double-crested cormorants. (1) In this section:

(a) “U.S. depredation order” means the depredation order for double-crested cormorants to protect public resources that was issued by the U.S. department of interior, fish and wildlife service, in 50 CFR 21.48, to reduce or minimize the wildlife damage caused by double-crested cormorants.

(b) “Wildlife damage” means adverse impacts on fish, including fish hatchery stock, wildlife, plants, and their habitats.

(2) The department shall, in cooperation with federal agencies, administer a program in a manner that complies with the U.S. depredation order to control and manage double-crested cormorants in order to reduce wildlife damage caused by double-crested cormorants.

History: 2005 a. 287.

29.887 Wildlife control in urban communities. (1) The department shall establish a program to award matching grants to any city, village, or town with a population density of not less than 125 persons per square mile for up to 50 percent of the costs for projects to plan wildlife abatement measures or to engage in wildlife control efforts or both.

(2) A grant awarded under this section may not exceed \$5,000.

(3) The department shall promulgate rules establishing criteria for awarding grants under this section.

History: 1997 a. 27; 1997 a. 248 s. 643; Stats. 1997 s. 29.887; 2023 a. 50.

Cross-reference: See also ch. NR 12 and s. NR 19.75, Wis. adm. code.

29.888 Wolf depredation program; wolf damage claims. (1b) In this section:

(a) “Federal endangered list” has the meaning given in s. 29.185 (1b) (a).

(b) “State endangered list” has the meaning given in s. 29.185 (1b) (b).

(1m) The department shall administer a wolf depredation program under which payments may be made to persons who apply for reimbursement for death or injury caused by wolves to livestock, to hunting dogs other than those being actively used in the hunting of wolves, and to pets and for management and control activities conducted by the department for the purpose of reducing such damage caused by wolves. The department may make payments for death or injury caused by wolves under this program only if the death or injury occurs during a period of time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list. The department may expend moneys under this program for its management and control activities only during a period of time when the wolf is not listed on the federal endangered list and is not listed on the state endangered list.

(2) The department shall establish maximum amounts that will be paid under sub. (1m) depending on the type of animal that suffered the death or injury. If the department determines that the amount available from the appropriation under s. 20.370 (5) (fv) is insufficient in a given fiscal year for making all of these payments, the department shall make the payments on a prorated basis.

(3) If, after making the payments under sub. (2), there are moneys remaining in the appropriation under s. 20.370 (5) (fv) for a given fiscal year, the department may use all or part of the remaining moneys in the following fiscal year for management

and control of the wolf population activities conducted by the department.

(4) If there are any moneys remaining at the end of a given fiscal year after making the payments under sub. (2) and paying for activities authorized under sub. (3), these moneys shall lapse into the conservation fund, notwithstanding s. 20.001 (3) (c).

(5) (a) From the sources described in par. (c), the department shall pay damage claims for damage caused by wolves during the period when the wolf is listed on the federal endangered list or on the state endangered list.

(b) The department shall pay damage claims under par. (a) as soon as practicable after determining that the claim is eligible to be paid.

(c) The department shall make the remainder of the payments from the appropriation accounts under s. 20.370 (1) (fb), (fe), and (fs). If the department determines that the amount available under s. 20.370 (1) (fb), (fe), and (fs) is insufficient in a given fiscal year to pay the claims under par. (a), the department may request the joint committee on finance to take action under s. 13.101. The requirement of a finding of emergency under s. 13.101 (3) (a) 1. does not apply to such a request.

History: 2011 a. 169; 2013 a. 165 s. 115; 2017 a. 59.

29.889 Wildlife damage abatement program; wildlife damage claim program. (1) DEFINITION. In this section,

“wildlife damage” means damage caused by any of the following wild animals that are not subject to regulation under ch. 169:

- (a) Deer that are not farm-raised deer.
- (b) Bear.
- (c) Geese.
- (d) Turkey.
- (e) Sandhill crane if hunting of sandhill cranes is authorized by the department.
- (f) Elk, if the department has promulgated a rule that establishes a season for hunting elk.
- (g) Cougar.

(2) DEPARTMENT POWERS AND DUTIES. (a) *Assistance.* The department shall assist counties in developing and administering the wildlife damage abatement and wildlife damage claim programs. The department shall provide this assistance through technical aid, program guidance, research, demonstration, funding, plan review, audit and evaluation services.

(b) *Eligibility and funding requirements; rules.* The department shall promulgate rules for eligibility and funding requirements for the wildlife damage abatement program and the wildlife damage claim program in order to maximize the cost-effectiveness of these programs. The department shall also promulgate rules to establish all of the following:

1. Authorized wildlife damage abatement measures and methods for implementing and paying for these abatement measures.

2. Forms and procedures for payment and processing of statement of claims and applications for abatement assistance.

3. Procedures and standards for determining the amount of wildlife damage.

4. A methodology for proration of wildlife damage claim payments.

5. Procedures for record keeping, audits and inspections.

(c) *Review of county administration plans.* The department shall provide guidelines to counties applying for participation in the wildlife damage abatement and wildlife damage claim programs. The department shall review each plan of administration submitted under sub. (3) (c) and shall approve the plan if it is in substantial compliance with sub. (3) (c) and the rules promulgated by the department under this section.

(d) *Administrative funds.* The department shall provide funding to each county participating in the wildlife damage abatement program, wildlife damage claim program or both for costs

incurred in administering these programs. The amount of funding to be allocated for each county shall be based on the estimate of anticipated administrative costs prepared under sub. (3) (c) 8. but the department shall determine payments based on the actual administrative costs incurred. If actual costs exceed the estimate, the department may allocate additional funding based on criteria and using procedures established by rule.

(3) COUNTY ADMINISTRATION. (a) *County participation required.* Eligibility for the wildlife damage abatement program or the wildlife damage claim program requires participation of the county in the administration of these programs as specified under sub. (4) (a) and (6) (a). The department may not administer a wildlife damage abatement program or wildlife damage claim program on behalf of or instead of a county.

(b) *Application.* A county seeking to administer the wildlife damage abatement program or the wildlife damage abatement and wildlife damage claim programs shall apply to the department on forms provided by it on or before November 1 for the administration of these programs in the following calendar year or other period specified in the application.

(c) *Plan of administration.* The application shall include a plan of administration to which the county agrees and in the form required by the department. The plan of administration shall include all of the following:

1. An agreement that the county shall make all records and files relating to the wildlife damage abatement program and wildlife damage claim program, including records and files concerning access of hunters to lands for which a wildlife damage claim is filed, available to the department for audit at reasonable times with the full cooperation of the county.

2. A description of authorized wildlife damage abatement measures, including designation of specifications for woven wire deer fences, for which reimbursement may be provided under the wildlife damage abatement program or which may be recommended under the wildlife damage claim program.

3. A summary of billing, allocation and accounting procedures to be used by the county and the department under this section. These procedures shall be consistent with generally acceptable accounting practices.

4. The procedure or formula to be used to determine land suitable for hunting and other hunting requirements necessary to comply with sub. (7m).

5. The procedures to be used in administering the wildlife damage abatement and wildlife damage claim programs.

6. A commitment that the county agrees to administer the wildlife damage abatement and wildlife damage claim programs so that participants are encouraged to pursue sound conservation as well as normal agricultural practices.

7. A summary of the organization and structure of the agency or unit of the county which is responsible for the administration of the wildlife damage abatement and wildlife damage claim programs.

8. An estimate of anticipated administrative costs, anticipated wildlife damage abatement assistance costs and anticipated wildlife damage claim payments.

9. Other information and conditions the department requires.

(cm) *List of participants.* A county that administers the wildlife damage abatement program or the wildlife damage claim program shall maintain a list of participants in the program and shall make the list available for public inspection.

(d) *Departmental approval; revocation.* A county may not administer the wildlife damage abatement program or the wildlife damage claim program and a county is not considered a participating county for the purpose of administering these programs unless the department approves the plan of administration. The department may revoke its approval if a county does not comply with the plan of administration or this section.

(4) WILDLIFE DAMAGE ABATEMENT PROGRAM; ELIGIBILITY. (a) *Participating county.* In order to be eligible for wildlife damage abatement assistance, the land for which assistance is sought is required to be located in a county which is participating in the administration of the wildlife damage abatement program.

(b) *Filing of application.* In order to be eligible for wildlife damage abatement assistance, a person is required to file an application with the participating county in a form acceptable to the county. An owner or lessee of land, a person who controls land or an owner of an apiary or livestock may file an application.

(bn) *Type of wildlife damage.* In order to be eligible for wildlife damage abatement assistance, the type of wildlife damage to be abated shall be limited to damage to commercial seedlings or crops growing on agricultural land, damage to crops that have been harvested for sale or further use but that have not been removed from the agricultural land, damage to orchard trees or nursery stock, damage to apiaries or livestock, or damage to crops or grasses grown for use by a bird hunting preserve licensed under ch. 169.

(c) *Other eligibility requirements.* In order to be eligible for wildlife damage abatement assistance, a person is required to comply with eligibility requirements adopted by the department under sub. (2) (b) and with eligibility requirements specified in the plan administration under sub. (3) (c).

(5) WILDLIFE DAMAGE ABATEMENT PROGRAM; ASSISTANCE. (a) *Review.* A participating county shall review each application for wildlife damage abatement assistance to determine if wildlife damage is occurring or likely to occur.

(b) *Assistance.* A participating county may provide wildlife damage assistance where wildlife damage is occurring or is likely to occur for the reimbursement of costs associated with wildlife damage abatement measures if the measures are authorized in the plan of administration under sub. (3) (c) 2.

(bm) *Cost-effectiveness of abatement.* A participating county may recommend only those wildlife damage abatement measures that are cost-effective in relation to the wildlife damage claim payments that would be paid if the wildlife damage abatement measures are not implemented.

(bs) *Abatement authorized.* Notwithstanding par. (bm), for damage caused by elk to crops or grasses grown for use by a bird hunting preserve licensed under ch. 169, a participating county may recommend fencing the affected property as a damage abatement measure.

(c) *State aid.* The department shall pay participating counties 75 percent of the actual cost of providing wildlife damage abatement assistance if wildlife damage abatement measures are carried out in full compliance with the direction of the county and with funding requirements adopted under sub. (2) (b).

(6) WILDLIFE DAMAGE CLAIM PROGRAM; ELIGIBILITY AND OTHER REQUIREMENTS. (a) *Participating county.* In order to be eligible for wildlife damage claim payments, the land where the wildlife damage occurred is required to be located in a county which is participating in the administration of both the wildlife damage abatement program and the wildlife damage claim program.

(b) *Filing of claim; form.* In order to be eligible for wildlife damage claim payments, a person is required to file a statement of claim with the department in a form acceptable to the department. An owner or lessee of land, a person who controls land or an owner of an apiary or livestock may file a statement of claim.

(c) *Time of filing; deduction.* In order to be eligible for wildlife damage claim payments, a person shall file a statement of claim within 14 days after the time the wildlife damage first occurs.

(d) *Compliance with wildlife damage abatement measures.* In order to be eligible for wildlife damage claim payments for an occurrence of wildlife damage, a person seeking wildlife damage claim payments shall have complied with any wildlife damage

abatement measures to abate that wildlife damage that were recommended by the county.

(dm) *Compliance with normal agricultural practices.* In order to be eligible for wildlife damage claim payments, a person seeking wildlife damage claim payments shall have managed the seedings, crops, orchard trees, nursery stock, apiaries or livestock which the person is seeking the claim payments in accordance with normal agricultural practices.

(em) *Type of wildlife damage.* The type of wildlife damage that is eligible for wildlife damage claim payments shall be limited to damage to commercial seedings or crops growing on agricultural land, damage to crops that have been harvested for sale or further use but that have not been removed from the agricultural land, damage to orchard trees or nursery stock or damage to apiaries or livestock.

(f) *Other eligibility requirements.* In order to be eligible for wildlife damage claim payments, a person is required to comply with eligibility requirements adopted by the department under sub. (2) (b) and with eligibility requirements specified in the plan of administration under sub. (3) (c).

(7) WILDLIFE DAMAGE CLAIM PROGRAM; PAYMENT OF CLAIMS; LIMITATIONS AND DEDUCTIONS. (a) *Investigation.* A participating county shall investigate each statement of claim and determine the total amount of the wildlife damage that occurred, regardless of the amount that may be eligible for payment under par. (b).

(b) *Calculating amount of payment.* In calculating the amount of the wildlife damage claim payment to be paid for a claim under par. (a), the participating county shall determine the amount as follows:

1. If the amount of the claim is \$500 or less, the claimant will receive no payment.
2. If the amount of claim is more than \$500 but not more than \$5,250, the claimant will be paid 100 percent of the amount of the claim that exceeds \$500.
3. If the amount of the claim is more than \$5,250, the claimant will be paid the amount calculated under subd. 2., plus 80 percent of the amount of the claim that exceeds \$5,250, subject to subd. 4.
4. The total amount paid to a claimant under this paragraph may not exceed \$10,000 for each claim.

(bm) *Multiple counties.* If the land where the wildlife damage occurred is located in more than one participating county and the person files a statement of claim with more than one participating county, the amount of the claim, as determined under par. (a), shall be prorated between or among the participating counties based on the amount of wildlife damage occurring in each county.

(d) *State aid.* 1. Except as provided under subd. 2., the department shall pay claimants the full amount of wildlife damage claim payments calculated in accordance with par. (b) and funding requirements adopted under sub. (2) (b) no later than June 1 of the calendar year after the calendar year in which the statement of claims were filed.

2. The department shall pay claimants under subd. 1. from the appropriation under s. 20.370 (5) (fq) after first deducting from s. 20.370 (5) (fq) payments made for county administrative costs under sub. (2) (d) and payments made for wildlife damage abatement assistance under sub. (5) (c). If the amount remaining after these deductions from the appropriation under s. 20.370 (5) (fq) are not sufficient to pay the full amount required under subd. 1., the department shall pay claimants on a prorated basis.

(7m) LAND REQUIRED TO BE OPEN TO HUNTING; PENALTIES. (a) *Requirements.* A person who receives wildlife damage abatement assistance or wildlife damage claim payments and any other person who owns, leases or controls the land where the wildlife damage occurred shall permit hunting of the type of wild animals causing the wildlife damage on that land and on contiguous land under the same ownership, lease or control, subject to par. (ae). In order to satisfy the requirement to permit hunting under this subsection, the land shall be open to hunting during the appropriate open sea-

son. The county, with the assistance of the department, shall determine the acreage of land suitable for hunting.

(ae) *Conditions.* 1. A hunter may hunt on land covered by par. (a) only if the hunter notifies the landowner of his or her intent to hunt on the land.

2. A hunter may not bring a motor vehicle onto land covered by par. (a) without the permission of the landowner.

3. A hunter may not use a stand located on land covered by par. (a) without the permission of the landowner.

4. A landowner may deny a hunter access to land covered by par. (a) for reasonable cause, including any of the following:

a. The presence of at least 2 hunters per 40 acres of eligible land when the hunter notifies the landowner that he or she intends to hunt on the land.

b. The hunter appears to be intoxicated or unruly.

c. The hunter causes property damage.

d. The hunter fails to notify the landowner of his or her intent to hunt on the land or brings a motor vehicle onto the land without the permission of the landowner.

(am) *Exemption, apiaries.* The requirements to allow hunting under par. (a) do not apply to a person seeking wildlife damage abatement assistance if the person does not have authority to control entry on the land that is subject to those requirements and if the damage on the land is damage to apiaries.

(ar) *Exemption; land not required to be open to hunting.* The requirement under par. (a) does not apply to a person to whom the department grants a shooting permit for deer causing damage that is issued as an abatement measure recommended under this section if all of the following apply:

1. The permit is the only abatement measure the person receives for wildlife damage caused by deer.

2. The person waives any eligibility to receive a wildlife damage claim payment under sub. (7) for wildlife damage caused by deer.

(at) *Exemption; damage caused by cougar.* The requirements to allow hunting under par. (a) do not apply to a person seeking wildlife damage abatement assistance or wildlife damage claim payments for damage caused by cougar.

(b) *Penalties.* If any person who is required to permit hunting on land as required under par. (a) fails to do so, the person is liable for all of the following:

1. Repayment of any money paid for the wildlife damage claim.

2. Payment of the cost of any wildlife damage abatement assistance paid for under this section.

3. Payment of the costs for reviewing and approving the wildlife damage claim or wildlife damage abatement assistance and the costs of investigating the failure to permit hunting on the land.

(8) HUNTING RIGHTS. Nothing in this section prohibits a person who owns, leases or occupies land on which wildlife damage occurs and who does not have the authority to control entry on the land for the purposes of hunting from seeking wildlife damage abatement assistance or wildlife damage claim payments.

(8g) REVIEW. A participating county's determination of the amount of wildlife damage, the amount of a wildlife damage claim or the amount of wildlife damage abatement assistance shall be treated as final decisions for purposes of review.

(8r) RECORDS; ENTRY TO LAND. (a) *Records.* A person receiving wildlife damage abatement assistance or wildlife damage claim payments shall retain all records as required by the participating county or the department and make them available to the participating county or the department for inspection at reasonable times.

(b) *Entry to land.* The department or a participating county may enter and inspect, at reasonable times, any land for which a wildlife damage claim has been filed or for which wildlife damage abatement measures have been implemented.

(c) *Responsibilities.* No person may refuse entry or access to or withhold records from the department or the participating county under this subsection. No person may obstruct or interfere with an inspection by the department or a participating county under this subsection. The department or participating county if requested, shall furnish to the person a report setting forth all of the factual findings by the department or participating county that relate to the inspection.

(9) **AUDITS.** The department shall conduct random audits of wildlife damage abatement claims paid, wildlife damage abatement measures recommended and wildlife damage assistance paid for under this section. The department shall conduct audits of all claims filed by, and payments made to, department employees and of all wildlife damage abatement measures for the benefit of crops, livestock or apiaries owned or controlled by these employees for which assistance was provided under sub. (5).

(10) **NEGLIGENCE; FRAUD; PENALTIES.** (a) *Liability.* For a given wildlife damage statement of claim or application for wildlife damage abatement assistance, if the person filing the claim or applying for the assistance negligently makes, or causes to be made, a false statement or representation of a material fact in making the claim or application, the person is liable for all of the following:

1. Repayment of any money paid for the wildlife damage claim.
2. Payment of the cost of any wildlife damage abatement assistance paid for under this section.
3. Payment of the costs for reviewing and approving the wildlife damage claim or wildlife damage abatement assistance and the costs in investigating and determining whether a false statement or representation was made.

(b) *Fraud.* No person may knowingly make or cause to be made any false statement or representation of material fact under the wildlife damage abatement program or the wildlife damage claim program.

(c) *Fraud; penalties.* A court finding a person to be in violation of par. (b) may order any of the following:

1. That the person make any of the payments under par. (a) 1. to 3.
2. That the person pay a forfeiture equal to 2 times the total amount of wildlife damage claim payments received and the value of any wildlife damage abatement measures implemented, plus an amount not to exceed \$1,000.
3. The revocation of the person's privileges or approvals under s. 29.971 (12) if the person violating par. (b) owns, leases or controls land, or owns livestock or apiaries, to which the false statement or representation relates.
4. That the person be prohibited from receiving any benefits under the wildlife damage abatement program or the wildlife damage claim program for a period of 10 years commencing after the day that the false statement or representation occurred.

(d) *Other liability.* Any person who owns, leases or controls land or owns livestock or apiaries for which a benefit was received in violation of par. (b) or who fails to allow hunting as required under sub. (7m) is not eligible for any benefits under the wildlife damage abatement program or the wildlife damage claim program for a period of 10 years commencing after the day on which the false statement or representation occurred, regardless of whether the person knew or should have known of the false statement or misrepresentation.

(11) **ANNUAL REPORT.** (a) *Contents.* The department shall prepare an annual report concerning wildlife damage, the wildlife damage abatement program and the wildlife damage claim program, including a summary of each of the following:

1. All of the wildlife damage believed to have occurred in the state.
2. The wildlife damage claims that were filed under this section.

3. The wildlife damage abatement measures that were recommended or implemented under this section.

4. The percentage of the total number of filed wildlife damage claims that are rejected for failure to meet the requirements of the programs.

5. The percentage of the total number of wildlife damage claims for which the amount of the payment to the claimant was prorated under sub. (7) (d).

(b) *Submission; distribution.* The department shall submit the report under this subsection no later than June 1 of each year for distribution to the appropriate standing committees of the legislature in the manner provided under s. 13.172 (3). The first report shall be submitted no later than June 1, 1999. Each report shall cover the 12-month period ending on the December 31 that immediately precedes the date of the report.

(12) **TOLERABLE DEER DAMAGE LEVELS.** The department shall promulgate rules to establish standards for tolerable levels of damage caused by deer living in the wild to crops on agricultural land, including commercial seedings, orchard trees and nursery stock. The department shall use the standards in setting goals for managing the deer herd.

History: 1983 a. 27; 1985 a. 29 ss. 662 to 668m, 3202 (39) (g); 1985 a. 332 ss. 41, 251 (1); 1987 a. 280; 1989 a. 31, 336; 1995 a. 27, 79; 1997 a. 27, 237; 1997 a. 248 ss. 396, 645 to 668, 706; Stats. 1997 s. 29.889; 2001 a. 56, 109; 2005 a. 82; 2007 a. 97; 2009 a. 28; 2011 a. 280; 2017 a. 59; 2021 a. 239; 2021 a. 240 s. 30.

Cross-reference: See also ch. NR 12 and ss. NR 19.75, 19.76, 19.77, 19.78, 19.79, 19.80, 19.81, 19.82, 19.83, and 19.84, Wis. adm. code.

29.89 Venison and wild turkey processing and donation program. (1) DEFINITION.

In this section, “charitable organization” means a nonprofit corporation, charitable trust or other nonprofit association that is described in section 501 (c) (3) of the Internal Revenue Code and that is exempt from taxation under section 501 (a) of the Internal Revenue Code.

(2) **ESTABLISHMENT OF PROGRAM.** The department shall establish a program to reimburse counties for the costs that they incur in processing and donating venison from certain deer carcasses and in processing and donating meat from certain wild turkey carcasses.

(3) **ELIGIBILITY REQUIREMENTS.** A county is eligible for reimbursement under this section if all of the following apply:

(a) The county participates in the administration of both the wildlife damage abatement program and the wildlife damage claim program under s. 29.889.

(b) The county accepts deer carcasses or wild turkey carcasses for processing.

(d) The county pays for the costs of processing the venison or wild turkey meat.

(e) The county shall make reasonable efforts to donate the venison or wild turkey meat as provided under sub. (4).

(4) **DONATIONS AUTHORIZED.** A county may donate the processed venison or processed wild turkey meat to a food distribution service or a charitable organization. The county may require that the carcasses be field dressed before accepting them for processing.

(5) **REIMBURSEMENT; FUNDING.** (a) Subject to par. (c), reimbursement under this section shall equal the costs, including administrative costs, that a county incurs in processing the venison or wild turkey meat and in donating the processed venison or wild turkey meat under sub. (4).

(b) 1. The department shall reimburse counties under this section from the appropriation under s. 20.370 (5) (fs) and (ft).

2. The department shall reimburse counties under this section from the appropriation under s. 20.370 (5) (fq) if all of the following apply:

a. The total amount of reimbursable costs exceeds the amount available under s. 20.370 (5) (fs) and (ft).

c. Moneys are available under s. 20.370 (5) (fq) after first deducting from s. 20.370 (5) (fq) payments made for county administrative costs, payments made for wildlife damage abate-

ment assistance, and wildlife damage claim payments under s. 29.889.

(c) If the total amount of reimbursable costs under par. (a) exceeds the amount available under par. (b), the department shall establish a system to prorate the reimbursement payments among the eligible counties.

History: 1999 a. 9; 2001 a. 16; 2005 a. 25; 2015 a. 31; 2017 a. 59, 366.

SUBCHAPTER XIII

ENFORCEMENT

29.921 Warrants; arrests; police powers. (1) **GENERALLY.** The department and its wardens may execute and serve warrants and processes issued under any law enumerated in ss. 23.50 (1), 167.31, 346.19, 940.24, 941.20, 948.60, 948.605 and 948.61 in the same manner as any constable may serve and execute the process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom the officer has probable cause to believe is guilty of a violation of any of the laws cited in this subsection, whether the violation is punishable by criminal penalties or by forfeiture, and may take the person before any court in the county where the offense was committed and make a proper complaint. For the purpose of enforcing any of the laws cited in this subsection, any officer may stop and board any boat and stop any vehicle, if the officer reasonably suspects there is a violation of those sections.

(2) **FIELD ARCHAEOLOGY.** The department and any of its wardens may execute and serve warrants and processes issued for violations of s. 44.47 occurring on the bed of any stream or lake in the same manner as any constable may serve and execute the process; and may arrest a person, with or without a warrant, who is detected committing such a violation, or whom the warden has probable cause to believe is guilty of a violation of s. 44.47, and may take the person before any court in the county where the violation was committed and make proper complaint. For the purpose of enforcing s. 44.47, any warden may stop and board any boat and stop any vehicle, if the warden reasonably suspects that there is a violation of s. 44.47.

(3) **HARASSMENT.** The department and its wardens may execute and serve warrants and processes issued for violations of s. 947.013 (1m) (b) if the victim of the harassment is intentionally selected because of the victim's race in the same manner as any constable may serve and execute the process; and may arrest, with or without a warrant, any person detected in the actual violation, or whom the warden has probable cause to believe guilty of a violation of s. 947.013 (1m) (b), whether the violation is punishable by criminal penalties or by forfeiture and may take the person before any court in the county where the offense was committed and make a proper complaint. For the purpose of enforcing s. 947.013 (1m) (b), any warden may stop and board any boat and stop any vehicle, if the warden reasonably suspects there is a violation of s. 947.013 (1m).

(4) **TRIBAL CODE ENFORCEMENT.** If a federally recognized American Indian tribe or band consents to the enforcement of its conservation code by the department or if a federal court order authorizes or directs the enforcement, the department and its wardens may execute and serve warrants and processes issued for violations of the tribe's or band's conservation code that occur outside the exterior boundaries of American Indian reservations; and may arrest a person, with or without a warrant, who is detected committing such a violation, or whom the warden has probable cause to believe is guilty of such a violation, and may take the person before the tribal court of appropriate jurisdiction and make proper complaint. For the purpose of enforcing a tribe's or band's conservation code, any warden may stop and board any boat and may stop any vehicle, if the warden reasonably suspects there is a violation of such a conservation code.

(5) **ADDITIONAL ARREST POWERS.** In addition to the arrest powers under sub. (1), a warden who has completed a program of law enforcement training approved by the law enforcement standards board, has been certified as qualified to be a law enforcement officer under s. 165.85 (4) (a) 1. and has complied with any applicable requirements under s. 165.85 (4) (a) 7. while on duty and in uniform or on duty and upon display of proper credentials may assist another law enforcement agency as defined under s. 165.85 (2) (bv) including making an arrest at the request of the agency, may arrest a person pursuant to an arrest warrant concerning the commission of a felony or may arrest a person who has committed a crime in the presence of the warden. If the warden makes an arrest without the presence of another law enforcement agency, the warden shall cause the person arrested to be delivered to the chief of police or sheriff in the jurisdiction where the arrest is made, along with the documents and reports pertaining to the arrest. The warden shall be available as a witness for the state. A warden may not conduct investigations for violations of state law except as authorized in ss. 23.11 (4), 29.924 (1) and 41.41 (12). A warden acting under the authority of this subsection is considered an employee of the department and is subject to its direction, benefits and legal protection. The authority granted in this section does not apply to county conservation wardens or special conservation wardens.

(6) **SEARCH WARRANTS; SUBPOENAS.** In executing search warrants and subpoenas under this chapter where the penalty for the violation is a forfeiture, the department shall use procedures which comply with ss. 968.12 and 968.135 to 968.19.

(7) **DOGS INJURING WILDLIFE.** A warden may kill a dog found running, injuring, causing injury to, or killing, any deer or elk, or destroying game birds, their eggs, or nests, if immediate action is necessary to protect the deer, elk, or game birds, their nests or eggs, from injury or death.

History: 1997 a. 248 ss. 98 to 102, 708 to 710; 2001 a. 109; 2013 a. 214.

29.924 Investigations; searches. (1) **INVESTIGATIONS.** The department and its wardens shall, upon receiving notice or information of the violation of any laws cited in s. 29.921 (1), as soon as possible make a thorough investigation and institute proceedings if the evidence warrants it.

(2) **DRIVING WITHOUT HEADLIGHTS.** In the performance of their law enforcement duties, wardens may operate motor vehicles owned or leased by the department upon a highway, other than an interstate, a state trunk highway or any highway within the limits of any incorporated area, during hours of darkness or during a period of limited visibility without lighted headlamps, tail lamps, or clearance lamps if the driving will aid in the accomplishment of a lawful arrest for violation of this chapter or in ascertaining whether a violation of this chapter has been or is about to be committed. Any civil action or proceeding brought against any warden operating a motor vehicle under this subsection is subject to ss. 893.82 and 895.46.

(3) **OPENING PACKAGES.** The department and its wardens may examine and open any package in the possession of a common carrier which they have probable cause to believe contains wild animals in violation of this chapter, or carcasses, or is falsely labeled in violation of this chapter. Each common carrier and its agent or employee shall permit the officer to examine and open the package. Any opened package shall be restored to its original condition.

(4) **ACCESS TO STORAGE PLACES.** The owner or occupant of any cold-storage warehouse or building used for the storage or retention of wild animals, or their carcasses, that are subject to regulation under this chapter shall permit the department and its wardens to enter and examine the premises subject to s. 66.0119. The owner or occupant, or the agent or employee of the owner or occupant, shall deliver to the officer any such wild animal or carcass, in the warehouse or building, that the officer has reasonable cause to believe is possessed or was taken in violation of the law, whether taken within or without the state. The owner or occupant, or the agent or employee of the owner or occupant, shall permit

From: [Chad Berge](#)
To: [Chad Berge](#)
Subject: FW: WDP
Date: Tuesday, April 2, 2024 4:24:25 PM
Attachments: [image001.png](#)
[image003.png](#)

From: Richard Eaton <Richard.Eaton@eauclairecounty.gov>
Sent: Tuesday, April 2, 2024 3:17 PM
To: Chad Berge <Chad.Berge@eauclairecounty.gov>
Subject: RE: WDP

After reviewing the Agreement and discussing with you, I don't see any major issues with it. We discussed the obligations of the County in light of the Agreement and you are comfortable with those. It doesn't sound like much will change in terms of practice. I can't speak to the budget stuff, but as with many of these programs the county gets reimbursed. My understanding is that this has already been budgeted for, and it is a relatively small amount. So no problems from the standpoint of my office.

Rick Eaton

Assistant Corporation Counsel

721 Oxford Ave., Suite 3520 • Eau Claire, WI 54703

Phone: 715-839-4836 **Fax:** 715-839-6243

Email: richard.eaton@eauclairecounty.gov

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COOPERATIVE SERVICE AGREEMENT
between
EAU CLAIRE COUNTY
and
WISCONSIN DEPARTMENT OF NATURAL RESOURCES (WDNR)
and
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)
WILDLIFE SERVICES (WS)

ARTICLE 1 – PURPOSE

The purpose of this Cooperative Service Agreement is to cooperate in a County/State/Federal black bear, white-tailed deer, elk, cougar, Canada goose, wild turkey and Sandhill crane damage management program. The primary objective is to provide commercial agricultural producers the necessary technical and/or operational assistance in identifying, abating, managing, and assessing damage with the species listed.

ARTICLE 2 – AUTHORITY

APHIS-WS has statutory authority under the Acts of March 2, 1931, 46 Stat. 1468-69, 7 U.S.C. §§ 8351-8352, as amended, and December 22, 1987, Public Law No. 100-202, § 101(k), 101 Stat. 1329-331, 7 U.S.C. § 8353, to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs for zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety.

ARTICLE 3 - MUTUAL RESPONSIBILITIES

The cooperating parties mutually understand and agree to/that:

1. APHIS-WS shall perform services set forth in the Work Plan, which is attached hereto and made a part hereof. The parties may mutually agree in writing, at any time during the term of this agreement, to amend, modify, add or delete services from the Work Plan.
2. The Cooperator certifies that APHIS-WS has advised the Cooperator there may be private sector service providers available to provide wildlife damage management (WDM) services that the Cooperator is seeking from APHIS-WS.
3. All equipment with a purchase price of \$5,000 or more per unit, purchased directly with funds from the cooperator for use on this project shall be subject to disposal according to APHIS policy, and shall be specifically listed in the attached work plan and financial plan. Property title/disposal shall be determined when this project (including all continuations and revisions of this agreement) terminates, or when the equipment is otherwise directed to other projects, whichever comes first. If the equipment is sold prior to the project end, the proceeds should be allocated according to APHIS policy. Continuations and revisions to this agreement shall list any equipment with a purchase price of \$5,000 or more per unit, carried over from a purchase directly with funds from the cooperator for use on this project. All other equipment purchased for the program is and will remain the property of APHIS-WS.
4. The cooperating parties agree to coordinate with each other before responding to media requests on work associated with this project.

ARTICLE 4 - COOPERATOR RESPONSIBILITIES

The County (Cooperator) agrees:

1. To designate the following as the authorized representative who shall be representative who shall be responsible for collaboratively administering the activities conducted in this agreement;

Eau Claire County Cooperator Representative:

Chad Berge
Land Conservation Manager
721 Oxford Ave, Suite 3344
Eau Claire, WI 54703
715-839-4784
Chad.Berge@eauclairecounty.gov

WDNR Representative:

Brad Koele
Wildlife Damage Specialist
WDNR Bureau of Wildlife Management
8770 Hwy J
Woodruff, WI 54568
608-576-3914
Bradley.Koele@wisconsin.gov

2. To authorize APHIS-WS to conduct direct control activities and/or technical assistance to reduce commercial agricultural damage associated to wildlife damage caused by the species identified in the Work Plan. Activities are defined in the Work Plan. APHIS-WS will be considered an invitee on the lands controlled by Wildlife Damage Abatement and Claims Program (WDACP) enrollees. These program enrollees will be required to exercise reasonable care to warn APHIS-WS as to dangerous conditions or activities in the project areas.

3. To reimburse APHIS-WS for costs, not to exceed the annually approved amount specified in the Financial Plan. If costs are projected to exceed the amount reflected in the Financial Plan, the agreement with amended Work Plan and Financial Plan shall be formally revised and signed by all parties before services resulting in additional costs are performed. The Cooperator agrees to pay all costs of services submitted via an invoice from APHIS-WS within 30 days of the date of the submitted invoice(s). Late payments are subject to interest, penalties, and administrative charges and costs as set forth under the Debt Collection Improvement Act of 1996.
4. To provide a Tax Identification Number or Social Security Number in compliance with the Debt Collection Improvement Act of 1996.
5. As a condition of this agreement, the Cooperator ensures and certifies that it is not currently debarred or suspended and is free of delinquent Federal debt.
6. To designate APHIS-WS the County authorized individual whose responsibility shall be coordination and administration of WDACP activities conducted pursuant to this Agreement.
7. To notify APHIS-WS verbally or in writing as far in advance as practical of the date and time of any proposed meeting related to the program.
8. The Cooperator acknowledges that APHIS-WS shall be responsible for administration of APHIS-WS activities and supervision of APHIS-WS personnel. APHIS-WS will recognize the County as the lead cooperator in this Agreement and the WDNR for providing overall program oversight. APHIS-WS will coordinate activities with the County and WDNR.
9. To obtain the appropriate permits for removal activities for species listed in the Work Plan.
10. The Cooperator will not be connected to the USDA APHIS computer network(s).

ARTICLE 5 – APHIS-WS RESPONSIBILITIES

APHIS-WS Agrees:

1. To designate the following as the APHIS-WS authorized representative who shall be responsible for collaboratively administering the activities conducted in this agreement.

Daniel Hirschert
WI State Director
USDA, APHIS, WS
732 Lois Drive
Sun Prairie, WI 53590
608-837-2727
Daniel.L.Hirschert@usda.gov
2. To conduct activities at sites designated by Cooperator as described in the Work Plan, Plan of Administration, and Financial Plans (Attachments A-C). APHIS-WS will provide qualified personnel and other resources necessary to implement the approved WDM activities delineated in the Work Plan, Plan of Administration, and Financial Plan of this agreement.
3. Designate to the County and WDNR the authorized APHIS-WS employee who shall be responsible for the joint administration of the activities conducted pursuant to this Agreement. APHIS-WS employees' rights will be governed by applicable Federal personnel laws, rules, and regulations. County employees' rights will be governed by County ordinances, Personnel Policy, and Union contracts where applicable.
 - a. APHIS-WS will designate the District Supervisor and/or Assistant District Supervisor as the authorized representative who will provide immediate direction and guidance to personnel in performing activities outlined in this Agreement, to include:
 - i. adequate numbers of qualified personnel to initiate and conduct the wildlife damage management activities outlined in the Work Plan of this Agreement.
 - ii. training, technical supervision, and coordination of activities as outlined in the Work Plan of this Agreement.
 - iii. to arrange for office space and provide equipment and other miscellaneous needs for personnel assigned to this program as outlined in the Work Plan of this Agreement.
4. That the performance of wildlife damage management actions by APHIS-WS under this agreement is contingent upon a determination by APHIS-WS that such actions are in compliance with the National Environmental Policy Act, Endangered Species Act, and any other applicable federal statutes. APHIS-WS will not make a final decision to conduct requested wildlife damage management actions until it has made the determination of such compliance.
5. To invoice the County quarterly for actual costs incurred by APHIS-WS during the performance of services agreed upon and specified in the Work Plan. Authorized auditing representatives of the County shall be accorded reasonable opportunity to inspect the accounts and records of APHIS-WS pertaining to such claims for reimbursement to the extent permitted by Federal law and regulations. APHIS-WS agrees to handle cooperative finances and budgeting as outlined in the Financial Plan of this Agreement.

ARTICLE 6 – CONTINGENCY STATEMENT

This agreement is contingent upon the passage by Congress of an appropriation from which expenditures may be legally met and shall not obligate APHIS-WS upon failure of Congress to so appropriate. This agreement may also be reduced or terminated if Congress only provides APHIS-WS funds for a finite period under a Continuing Resolution.

ARTICLE 7 – NON-EXCLUSIVE SERVICE CLAUSE

Nothing in this agreement shall prevent APHIS-WS from entering into separate agreements with any other organization or individual for the purpose of providing wildlife damage management services exclusive of those provided for under this agreement.

ARTICLE 8 – CONGRESSIONAL RESTRICTIONS

Pursuant to Section 22, Title 41, United States Code, no member of or delegate to Congress shall be admitted to any share or part of this agreement or to any benefit to arise therefrom.

ARTICLE 9 – LAWS AND REGULATIONS

This agreement is not a procurement contract (31 U.S.C. 6303), nor is it considered a grant (31 U.S.C. 6304). In this agreement, APHIS-WS provides goods or services on a cost recovery basis to nonfederal recipients, in accordance with all applicable laws, regulations and policies.

ARTICLE 10 – LIABILITY

APHIS-WS assumes no liability for any actions or activities conducted under this agreement except to the extent that recourse or remedies are provided by Congress under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2401(b), and 2671-2680).

ARTICLE 11 – NON-DISCRIMINATION CLAUSE

The United States Department of Agriculture prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance program. Not all prohibited bases apply to all programs.

ARTICLE 12 - DURATION, REVISIONS, EXTENSIONS, AND TERMINATIONS

This agreement shall become effective on **January 1, 2024** and shall continue through **December 31, 2028**. This Cooperative Service Agreement may be amended by mutual agreement of the parties in writing. The Cooperator must submit a written request to extend the end date at least 10 days prior to expiration of the agreement. Also, this agreement may be terminated at any time by mutual agreement of the parties in writing, or by one party provided that party notifies the other in writing at least 120 days prior to effecting such action. Further, in the event the Cooperator does not provide necessary funds, APHIS-WS is relieved of the obligation to provide services under this agreement.

In accordance with the Debt Collection Improvement Act of 1996, the Department of Treasury requires a **Taxpayer Identification Number** for individuals or businesses conducting business with the agency.

County Tax ID No.: 39-6005694
WDNR Tax ID No.: 39-6006436
APHIS-WS's Tax ID: 41-0696271

Eau Claire County:

BY: _____
Chad Berge, Land Conservation Manager
Eau Claire County
721 Oxford Ave, Suite 3344
Eau Claire, WI 54703
_____ Date

Wisconsin Department of Natural Resources:

BY: _____
Eric Lobner, Bureau Director
Wisconsin Department of Natural Resources
101 S. Webster Street
Madison, WI 53707-7921
_____ Date

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES**

BY: _____
Daniel Hirschert, State Director
USDA, APHIS, WS
732 Lois Dr.
Sun Prairie, WI 53590
_____ Date

BY: _____
Keith Wehner, Eastern Region Director
USDA, APHIS, WS
920 Main Campus Dr, Suite 200
Raleigh, NC 27606
_____ Date

**ATTACHEMENT A
WORK PLAN
EAU CLAIRE COUNTY**

In accordance with the Cooperative Service Agreement between the County, WDNR and the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Wildlife Services (WS), this Work Plan sets forth the objectives, activities and budget of this project during the period of this agreement.

Introduction

The U.S. Department of Agriculture (USDA) is authorized to protect American agriculture and other resources from damage associated with wildlife. Wildlife Services activities are conducted in cooperation with other Federal, State, and local agencies; private organizations and individuals.

The APHIS-WS program uses an Integrated Wildlife Damage Management (IWDM) approach (sometimes referred to as IPM or “Integrated Pest Management”) in which a series of methods may be used or recommended to reduce wildlife damage. These methods include the alteration of cultural practices as well as habitat and behavioral modification to prevent damage. However, controlling wildlife damage may require that the offending animal(s) are killed or that the populations of the offending species be reduced.

Purpose

Objectives and need for assistance: Agricultural producers need professional wildlife damage management assistance in identifying, abating, and assessing black bear, white-tailed deer, elk, cougar, Canada goose, wild turkey, and sandhill cranes damage. APHIS-WS’s objective will be to provide that assistance.

Expected results or benefits: The benefits to be derived from a cooperative black bear, white-tailed deer, elk, cougar, Canada goose, wild turkey, and Sandhill cranes management program include timely availability of the necessary wildlife damage management expertise, technical assistance, loans of necessary abatement equipment, and crop/livestock damage appraisal services for producers experiencing conflicts with one of more of these species. The intended result will be wildlife damage relief.

Planned APHIS-WS Activities

1. Approach: The proposed wildlife damage management program will be comprised of education, extension, technical assistance, and operational efforts. When complaints occur, an evaluation of the situation will be made to determine what appropriate action should be taken. APHIS-WS will consider all applicable methods and combinations of techniques available to alleviate the conflict. APHIS-WS will recommend an integrated wildlife damage management approach which may consist of elements such as: changes in farming or livestock practices, loan of damage abatement equipment, installation of cost-shared permanent fences, WDNR issued shooting permits, and crop damage compensation (WDNR funded). Specific abatement measures to be considered are outlined in Attachment B.
2. Resources Required: Overall supervision and program direction will be provided by the APHIS-WS State Director. Immediate supervision and program direction will be provided by the APHIS-WS District Supervisor and/or Assistant District Supervisor. All County Wildlife Damage Abatement and Claims Program (WDACP) funds will be managed as an integral part of the APHIS-WS districts WDACP budget. Specific financial details are outlined in Financial Plan.
3. Procurement: Purchase of supplies, equipment, and miscellaneous needs including salaries will be made by APHIS-WS as outlined in the Financial Plan. All WDACP expenditures will be processed through APHIS-WS financial administrative systems (FMMI) and charged to the County WDACP account as outlined in the APHIS-WS District WDACP budget.
4. Stipulations and Restrictions: APHIS-WS activities under this cooperative effort will be limited to the State of Wisconsin. Techniques will be environmentally sound, safe, and effective. Wildlife damage management activities will be performed within the policy guidelines of APHIS-WS, the State of Wisconsin, and the County in compliance with applicable State and Federal regulations.
5. Reports: Upon request, APHIS-WS will provide an annual report to the County on APHIS-WS activities conducted under this Cooperative Agreement.

Effective Dates

This agreement shall become effective on **January 1, 2024** and continue through **December 31, 2028** unless otherwise modified or terminated as described in ARTICLE 12.

ATTACHMENT B
WISCONSIN WILDLIFE DAMAGE ABATEMENT & CLAIMS PROGRAM (WDACP)
PLAN OF ADMINISTRATION
EAU CLAIRE COUNTY

As confirmed in the County Board of Supervisor's Resolution No. **83-84/398**, the County request to participate in the Wildlife Damage Abatement and Claims Program (WDACP), established under s. 29.889, Stats., and s. NR 12 Wis. Adm. Code. This Plan of Administration (Plan) outlines the relationships and duties of the County, the Wisconsin Department of Natural Resources (WDNR), and the United States Department of Agriculture, Animal Plant Health Inspection Services, Wildlife Services (APHIS-WS), herein called the parties. By submission of this Plan, the County agrees to fully comply with s. 29.889, Stats., s. NR 12, Wis. Adm. Code and the Wisconsin WDACP Technical and Field Manuals which are made a part of this Plan by reference.

1. Definitions: For the purposes of this Plan, the Parties accept the definitions found in s. 29.889(1) Stats. And s. NR 12.31 WI. Adm. Code. In addition, the Parties agree that:
 - a. "Improperly filed claim" means any wildlife damage claim received by WDNR which does not comply fully with all eligibility requirements of s. 29.889, Stats., s. NR. 12 Wis. Adm. Code or this Plan or procedures described in the WDACP Technical or Field Manual.
 - b. "Permanent fence contract" means any permanent fence contract written in accordance with the Wisconsin WDACP Technical Manual and designed to remain effective for a minimum of 15 years.
2. Level of Participation: The County agrees to administer the full WDACP.
3. Eligible Species: The County agrees to administer the WDACP with respect to the following wild animals: bear, cougar, white-tailed deer, elk, Canada goose, wild turkey, and Sandhill cranes * (*only become eligible for program benefits when a hunting season in Wisconsin has been established*).
4. Eligible Crops: The County agrees to provide WDACP services with respect to the following: damage to commercial seedlings or crops growing on agricultural lands, damage to crops that have been harvested for sale or further use but have not been removed from the agricultural land, damage to orchard trees or nursery stock, damage to livestock, or damage to apiaries.
5. Delegation of Responsibility:
 - a. The County, through an established committee or through a county designee shall provide Administration of the County WDACP pursuant to s. 29.889, Stats., s. NR 12, Wis. Adm. Code including approval of: annual budget requests, permanent fence contracts, crop prices, properly filed wildlife damage claims, shooting permit compliance waivers, and enrollee appeals, (if any).
 - b. APHIS-WS shall provide the field management of the County WDACP, including hiring, training, and supervising staff, providing program services, records management, purchasing, and equipment inventory.
6. Budgeting:
 - a. APHIS-WS agrees to:
 - i. Prepare a WDACP budget proposal for the following calendar year for County review and approval by October 31 (or as negotiated).
 - ii. Not bind the County to the expenditures of funds exceeding their total County WDACP budget.
 - iii. Keep administrative costs to a minimum, by billing WDACP expenses to each County on a quarterly basis.
 - b. The County agrees to:
 - i. Provide an annual budget request to WDNR by November 1 (or as negotiated) for the following calendar year. All budget requests will include cost estimates for administration, abatement, wildlife damage claims, and an estimated number of claimants.
 - ii. Prepare quarterly (or as negotiated) reimbursement request to WDNR for eligible WDACP expenditures.
 - iii. Not bind WDNR for expenditures beyond the approved County Plan of Administration. The County may request additional funding by written amendment. It is understood that additional funding is not guaranteed and is subject to fund availability.
 - iv. Unless otherwise agreed upon, submit advance abatement and administrative fund requests that are compliant with s. 29.889 and NR 12, after submitting a final reimbursement request for previous year for which WDACP participation was approved.
 - c. WDNR Agrees to:
 - i. Review and approve, amend, or deny the annual budget request in accordance with s. 29.889, Stats., s. NR 12.32, Wis. Adm. Code, and advance funds under s. NR 12.34 (unless otherwise agreed upon), Wis. Adm. Code within 30 days of department approval of the annual budget estimate.
 - ii. Review and approve, amend, or deny reimbursement requests in accordance with s. NR 12.34 and s. NR 12.35, Wis. Adm. Codes.
 - iii. Review and act on properly filed wildlife damage claim requests no later than June 1 following the calendar year in which damage occurred.

- iv. If eligible wildlife damage claims are submitted late by the County, WDNR may accept and process the claims if funds are available, and the payment will not adversely affect claimants for the proceeding calendar year claim payments.
 - v. If statewide approved wildlife damage claims exceed available funds, claims shall be paid on a prorated basis as established in s. NR 12.37 (3) Wis. Adm. Code.
- d. The Parties mutually recognize and agree:
- i. WDNR may not bind the State of Wisconsin to pay costs beyond the amount appropriated for the WDACP.
 - ii. WDNR may defer until after July 1, the payment of County reimbursement requests beyond the initial 25% funds advancement.
 - iii. The County and WDNR shall not restrict APHIS-WS to line items estimates in the WDACP budget if total expenditures, per expense category of abatement or administration, do not exceed the total budgeted amount approved by the County and WDNR.
 - iv. The County WDACP budget may be spent in its entirety. Any unspent funds will remain with the WDNR WDACP program.
 - v. Supplies, materials, and equipment will be purchased with WDACP funds. If this Agreement is terminated by any of the Parties, items purchased will be transferred within the WDACP for use or proceeds of items shall remain with the WDACP or returned for reimbursement if possible.
 - vi. WDNR will not reimburse the cost of abatement measures unless those measures were prescribed and implemented according to the Wisconsin WDACP Technical Manual.
 - vii. WDNR will not make payment for any wildlife damage claim which does not comply with all eligible requirements of s. 29.889, Stats., s. NR 12, Wis. Adm. Code, or this Plan of Administration.
7. Recordkeeping:
- a. APHIS-WS and the County agree to:
 - i. Maintain record keeping practices and procedures that confirm to accounting practices directed by the WDNR and in compliance with s. NR 12, Wis. Adm. Code.
 - ii. Make all records and files relating to the WDACP available to the other Parties, upon request.
 - iii. Send copies of any WDACP documentation to the other Parties, upon request.
 - iv. Use WDNR authorized databases and forms for billing and reporting.
 - b. APHIS-WS agrees to: Maintain separate enrollee files and keep records of all abatement recommendations, appraisals, and all WDACP related interactions with each enrollee.
 - c. The County agrees to: Direct all billings to WDNR, Wildlife Damage Specialist
 - d. WDNR may: Conduct periodic audits of County record keeping procedures and prepare a written report to the County.
 - e. The Parties recognize and agree: All WDACP records are subject to the Wisconsin Open Records Law s.16.61, Stats. Any WDACP records requested will be provided by the County, WDNR, and/or APHIS-WS, as applicable.
8. Abatement Measures:
- a. The parties mutually recognize and agree that:
 - i. WDNR shall maintain Webpages detailing the WDACP and describing how services may be requested.
 - ii. All enrollees shall be required to have a signed enrollment form on file to meet the hunting requirements in s. 29.889 (7m), Stats., s. NR 12.36, Wis. Adm. Code prior to receiving WDACP assistance.
 - iii. All abatement measures recommended to alleviate wildlife damage shall conform to the procedures and priorities found in the Wisconsin WDACP Technical Manual and will be accepted by the County as complete and appropriate "recommended abatement". Other abatement measures may be used if approved in advance, in writing, by WDNR.
 - iv. In the event equipment loaned by APHIS-WS to an enrollee is damaged beyond normal wear and tear, the enrollee/owner shall be billed for parts and labor to repair the damaged equipment, or if repair costs exceed the value of the equipment, the enrollee will be billed for the replacement of the equipment. APHIS-WS agrees to invoice the enrollee for these costs through a separate Cooperative Service Agreement and deposit the proceeds in the County's WDACP account. If the enrollee refuses to pay:
 - 1. The County shall direct APHIS-WS to refuse abatement services until payment is made (consequently the enrollee would be ineligible for a wildlife damage claim) or
 - 2. The County shall take a reasonable legal action to recover the loss of WDACP materials and/or equipment and deposit the proceeds in the County's WDACP account.

- v. Permanent fences for white-tailed deer or elk abatement shall only be recommended subject to the priorities and conditions set forth in the Wisconsin WDACP Technical Manual or as directed by WDNR.
 - 1. A WDACP enrollee for which a permanent fence has been recommended and approved will be required to agree to the design of the fence in advance of letting the project for bid. The enrollee will be responsible for all materials and/or installation costs in excess of the low bid amount if the enrollee requests changes in the fence design subsequent to letting the bids for said fence.
 - 2. A permanent fence contract shall be signed by the enrollee/landowner, the County, WDNR, and APHIS-WS. This contract shall be registered with the appropriate County Register of Deeds.
 - 3. All aspects of permanent fencing projects shall comply with requirements in the Wisconsin WDACP Technical Manual.
 - 4. All permanent fences must be approved by the County and approved in writing by the WDNR prior to soliciting and awarding bids for materials and construction of the fence.
 - 5. All permanent fences that exceed the specification found in the Wisconsin WDACP Technical Manual must have prior written approval from WDNR.
 - 6. The County will pay the WDACP's 75% obligation for permanent high-tensile woven wire projects approved by the WDNR, when APHIS-WS has determined that the WDACP requirements for materials and construction have been met.
 - 7. An initial fence inspection will be completed by APHIS-WS and all information will be entered into the WDNR database including a copy of the registered permanent fence contract.
 - 8. APHIS-WS shall conduct inspections a minimum of once annually of all permanent fences cost-shared through the WDACP to ensure fence contract compliance. All inspection records will be annually recorded in the WDACP database.
 - 9. A penalty fee (*fee to be determined*) may be charged to the enrollee if the fence has been awarded and the enrollee withdraws or elects to NOT build the approved fence.
 - 10. Enrollees will be denied additional full program WDACP assistance if a permanent fence has been recommended as the primary abatement and the enrollee refuses the fence. For as long as a permanent fence is the primary recommended abatement for that enrollee full WDACP program assistance (any abatement and/or claims) will be denied in all subsequent years until a fence is erected. NOTE: Enrollee may remain eligible for Act 82 permits, as long as all conditions for Act 82 enrollment have been met.
 - 11. The contractor shall be liable for the payment of penalties to the WDACP accruing in the amount described in the permanent fence Bid Request, in the event the Contractor fails to meet the delivery and/or installation schedules as specified. Penalties, if applicable, shall be deducted from the payment that is owed to the contractor under the terms of the Bid and its associated bid conditions.
 - 12. APHIS-WS will prepare all Satisfaction of Contract paperwork and record this paperwork with the appropriate county Register of Deeds, when the fence has reached the end of its 15-year term and/or when the contract has been otherwise satisfied (i.e., enrollee has provided payment to end the contract prior to the end of the 15-year term according to the pay back clause of the clause of the register permanent fence contract).
 - vi. Enrollees shall be encouraged to integrate sound conservation practices with their normal agricultural practices.
 - vii. The County, in accordance with s. NR 12.35(4) Wis. Adm. Code will not administer abatement measures to persons not cooperating with County personnel or the County's agents responsible for administering the County's WDACP. Abusive language, behavior, threats of violence, or otherwise will be considered a failure on the part of the enrollee to cooperate. This condition of administration will be provided by the County or its agent, in writing to program enrollees.
 - b. WDNR and APHIS-WS agree to: Provide current information, as available, on the effectiveness of the above abatement measures and/or changes to the Wisconsin WDACP Technical Manual.
9. Wildlife Damage Claims:
- a. APHIS-WS agrees to:
 - i. Advise the County WDACP enrollees in writing procedures and requirements for submitting a wildlife damage claim, and all other WDACP eligibility requirements through the use of the current program Farmers Fact sheet and/or other informational materials.
 - ii. Require that potential claimants specify the location of damage, crop(s) being damaged, species of wildlife causing damage, and the date damage first occurred with a written, telephone, or personal consultation.
 - iii. Require that enrollees have signed enrollment form(s) (WDNR form) on file to meet the hunting requirements in s. 29.889 (7M), Stats. And s. NR 12.36(2) Wis. Adm. Code.
 - iv. Inspect reported damage to verify eligibility requirement and recommend abatement measures.

- v. Determine the amount of huntable land and the applicable number of hunters for each enrollee in accordance with s. NR 12.31(4) or (4e), Wis Adm. Code, notify each enrollee of the requirement to allow open public hunting or managed hunting access (at least 2 hunters per 40 acres of land suitable for hunting). Land suitable for hunting all eligible species other than deer and elk shall be determined in a manner consistent with s. NR 12.31(4e) Wis. Adm. Code. Participants who only receive a deer shooting permit and waive any eligibility to receive a wildlife damage claim payment or other WDACP program assistance, are exempt from the public hunting requirement (Act 82 enrollment), (s. NR 12.36 (1m) Wis. Adm. Code). Participants who receive abatement only on leased land properties for bear damages to apiaries are exempt from the public hunting requirements as defined in s. 29.889 (7m), Stats.
 - vi. Prepare maps of properties enrolled in the WDACP that are required to open to the public for hunting the species causing damage. Maps must detail the acres enrolled, Township, Range, Section number(s), identifying owned and leased land properties enrolled, and the enrollee's contract information. APHIS-WS will obtain approval from the enrollee to assure that the map includes complete and accurate information regarding all properties enrolled. APHIS-WS staff will enter a copy of the map into the WDNR database, per the WDNR mapping guidelines.
 - vii. Notify WDACP enrollees that any site will be ineligible if they fail to:
 - 1. Control hunting access on all contiguous land under the same ownership and control, except in situations involving apiaries on land not controlled by the enrollee as defined in s. 29.889 (7m), Stats.
 - 2. Allow public hunting for the species causing damage (two options available)
 - a. Open public hunting (OPH)
 - b. Managed Hunting Access (MHA) – the presence of 2 hunters per 40 acres of land suitable for hunting.
 - 3. Sign the appropriate enrollment form(s) including obtaining landowner consent for enrollment of leased properties in a timely manner.
 - 4. File a wildlife damage complaint with APHIS-WS within 14 days of first damage each year.
 - 5. Follow APHIS-WS's recommended abatement according to the WDACP Technical Manual list of approved methods.
 - 6. Request an appraisal for each crop and/or cutting from APHIS-WS orally or in writing at least 10 days prior to the harvest of crops, and delay harvest of said crops for a period of up to 10 days to allow APHIS-WS time to appraise the unharvested crops, or until the appraisal is completed.
 - 7. Notify APHIS-WS if they charge any fees for hunting or hunting access, or any other activity that includes hunting for the species causing the damage.
 - viii. Inspect the crop or individual fields identified by the enrollee, prior to harvest, and access the eligible wildlife damage and prepare a wildlife damage claim.
 - ix. Retain the claim until the end of the calendar year or end of the state harvest season for the enrolled species, whichever is later, to determine the enrollee's compliance with the WDACP requirements.
 - x. Establish, as described below, uniform unit prices for eligible crops and calculate the value of the eligible wildlife damage claims (see Mutual Agreement between all parties 4b).
 - xi. Ensure that crop damage resulting from improper crop management, compromised growing conditions and weather, or wildlife other than the covered species, is not included in the official crop damage appraisals conducted by APHIS-WS prior to preparation of the enrollee's official wildlife damage claim.
 - xii. Summarize and prepare the necessary WDNR forms for all wildlife damage claims for review by the County prior to the succeeding March 1st. Upon approval by the County, claims will be submitted to the WDNR, unless otherwise negotiated by the succeeding March 1st.
 - xiii. Notify, in writing, any enrollee whose wildlife damage claim has been rejected and provided the reason for the rejection, as well as the appropriate appeal procedures.
- b. The County agrees to:
- i. Review and approve all properly filed wildlife damage claims.
 - ii. Establish crop prices in accordance with the WDACP Technical Manual or approve prices as recommended by APHIS-WS.
 - iii. Deny all wildlife damage claims for a crop site where an invalid enrollment form has been signed by the enrollee and filed with APHIS-WS
 - iv. Deny all wildlife damage claims where APHIS-WS did not receive a complaint within 14 days of first damage.
 - v. Deny all wildlife damage claims for crop sites where APHIS-WS abatement recommendations were not followed.
 - vi. Deny all wildlife damage claims for crops that were harvested before an appraisal request was made to APHIS-WS or before an appraisal was completed (within a 10-day period from notification of harvest).

- vii. Deny all wildlife damage claims on row crops for damage occurring to these crops during a particular growing season after 90 percent of the County's harvest for this crop has been completed, as required by s. NR 12.37(1)(c), Wis. Adm. Code. The County may consult with the local FSA and UW extension offices for assistance in making the 90 percent determination (if desired).
 - viii. Deny all wildlife damage claims if an enrollee is not compliant with the prescribed harvest objective if issued a deer damage shooting permit, and the consulting group consisting of the County, the damage specialist and WDNR, does not collectively recommend an exemption to the harvest objective requirement.
 - ix. The County shall take reasonable legal action to recover claim payments made on the basis of fraudulent or negligent claims or statements.
- c. WDNR agrees to: Accept the amount of wildlife damage for all properly filed wildlife damage claims approved by the County as final for purposes of review.
- d. It is mutually agreed by the County, APHIS-WS, and WDNR that:
- i. Damage assessment for compensation will be performed by APHIS-WS staff in accordance with the Wisconsin WDACP Technical Manual and Field Handbook and will be accepted by the County as complete and accurate "assessed damage".
 - ii. Compensation prices will be developed by APHIS-WS using information from UW Extension and/or local marketplace data and proposed to the County for approval, each year. Such prices will be established according to procedures set forth in the Wisconsin WDACP Technical Manual. Such prices will be applied to all individuals with eligible wildlife damage to those crops throughout the County.
 - iii. Public complaints (abatement compliance, fraud, etc.) must be written and received by APHIS-WS by December 31st, to be given consideration in the wildlife damage claims determination process. Hunting access denial complaints shall be written and received by APHIS-WS within 10 days of hunting access denial to be given consideration in the wildlife damage claims determination process, as described in the WDACP Technical Manual.
 - iv. The County will not administer a damage appraisal and/or claim to persons not cooperating with County personnel or its agent responsible for administering the County's Wildlife Damage Abatement and Claims Program. Abusive language, behavior, threats of violence, or otherwise will be considered a failure on the part of the enrollee to cooperate. This condition of administration will be provided by the county or its agent, in writing to program enrollees.
 - v. As required by s. NR 12.37(4)(a) 4.b., Wis. Adm. Code as part of the claims approval process, if an enrollee who has been issued a shooting permit is found not to be compliant with the harvest objective prescribed under his/her permit under s. NR 12.163(2)(a), Wisc. Adm. Code, then the County, its agent, and the department shall consult before making a collective recommendation to grant an exemption to the harvest objective requirement. This group shall review the evidence if there is consensus that an exemption is warranted, they shall recommend that the County designated committee charged with the approval of such damage claims, grant approval of the damage claim for the year in which the permit was issued. Compelling evidence that shall be used is detailed in s. NR 12.163(2)(b)2., Wis. Adm. Code.
10. Charges: The terms of this Agreement may be changed by written amendment approved by all Parties.
11. Termination:
- a. The County may terminate participation in the WDACP upon notifying WDNR in writing thirty (30) days prior to termination.
 - b. WDNR shall terminate a County Plan of Administration if the County does not comply with all conditions of s. 29.889, Stats., s. NR 12, Wis. Adm. Code, this Plan of Administration, the Wisconsin WDACP Technical Manual, or fails to properly report costs of the program or claims.
 - c. WDNR agrees to reimburse the County for WDACP costs incurred and determined proper by DNR under this Plan of Administration prior to the effective date of termination.
 - d. That upon termination of the Agreement, the County shall reimburse APHIS-WS for all County WDACP obligations created by APHIS-WS as a result of this Agreement and not previously reimbursed, to the limits of the County WDACP budget.
 - e. In the even that the County chooses to exercise its right to overrule APHIS-WS on a particular case under the general policy provision, APHIS-WS reserves the right to withdraw administrative and/or fiscal support of that case. Either action may occur without termination of this Agreement.
12. Length of Effect: This Plan shall remain in effect until December 31, 2028, unless otherwise changed or terminated as described in Article 12 and sections 10 and 11.

**ATTACHMENT C
FINANCIAL PLAN
EAU CLAIRE COUNTY**

Annual Budgets will be completed by APHIS-WS representative, approved by all Parties, and signed by County, WDNR, and APHIS-WS representatives.

Financial Point of Contact/Billing Address:

Chad Berge, Land Conservation Manager
Eau Claire County
721 Oxford Ave, Suite 3344
Eau Claire, WI 54703
715-839-4784
Chad.berge@eauclairecounty.gov

Tina Stott, Budget Analyst
USDA, APHIS, Wildlife Services
732 Lois Dr.
Sun Prairie, WI 53590
(608) 837-2727
Tina.stott@usda.gov

Section *V - COUNTY BUDGET/FINANCIAL PLAN - required by all Parties
 Eau Claire County (**Cooperator**)

Cost Element	Price Charged to Cooperator, paid to APHIS WS	Additional WDNR Funding Requested By Cooperator (County is reimbursed directly from WDNR)	Cost Shared by WS	Full Cost
Salaries (includes venison donation administration)	\$6,000.00	\$0.00	\$1,080.00	\$7,080.00
Abatement Materials (includes temp fence, repellant, bear abatement, other abatement)	\$ 1,500.00	\$0.00	\$0.00	\$ 1,500.00
Mileage/Travel/Services	\$ 750.00			\$ 750.00
Subtotal Direct Costs	\$8,250.00	\$0.00	\$1,080.00	\$9,330.00
Pooled job costs (ex, vehicle usage, etc)	\$907.50	\$0.00	na	\$907.50
Deer Donation Processing	na	\$7,000.00	na	\$7,000.00
County Administration	na	\$1,063.00	na	\$1,063.00
Indirect Costs (Administrative Overhead)	\$1,332.38	\$0.00	na	\$1,332.38
Permanent Fence	na	\$0.00	na	\$0.00
Agreement Total	\$10,489.88	\$8,063.00	\$1,080.00	\$19,632.88
The distribution of the budget (with the exception of the mandatory percentage line items) from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed:	\$18,552.88			

We expect to assist 5 growers with damage that may result in wildlife damage requests equaling or exceeding \$5,000 worth of claims.

Signatures of Intention:

COUNTY: _____

Date: _____

WDNR: _____

Date: _____

USDA-APHIS-WS: _____

Date: _____

2024 Eau Claire County Budget

Approved amount to be provided by:

	County Request	County Admin	USDA-WS Funding Approved		WDNR Funding Approved		Total Funding Approved
Salaries (includes County Admin)	\$7,063.00	\$1,063.00	\$1,080.00		\$7,063.00		\$8,143.00
Mileage/Travel/Services	\$1,657.50		\$0.00		\$1,657.50		\$1,657.50
Office Overhead	\$1,332.38		\$0.00		\$1,332.38		\$1,332.38
Permanent Fencing	\$0.00		\$0.00		\$0.00		\$0.00
Temporary Fencing	\$1,275.00		\$0.00		\$1,275.00		\$1,275.00
Bear Abatement							
Repellant	\$75.00				\$75.00		\$75.00
Other Abatement	\$150.00				\$150.00		\$150.00
Venison Admin	\$0.00		\$0.00		\$0.00		\$0.00
Venison Processing	\$7,000.00				\$7,000.00		\$7,000.00
Total	\$18,552.88		\$1,080.00		\$18,552.88		\$19,632.88
The distribution of the budget (with the exception of the mandatory percentage line items) from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed:	\$18,552.88						

We expect to assist 5 growers with damage that may result in wildlife damage requests equaling or exceeding \$5,000 worth of claims.

Signatures of Intention:

COUNTY: _____ Date: _____

WDNR: _____ Date: _____

USDA-APHIS-WS: _____ Date: _____