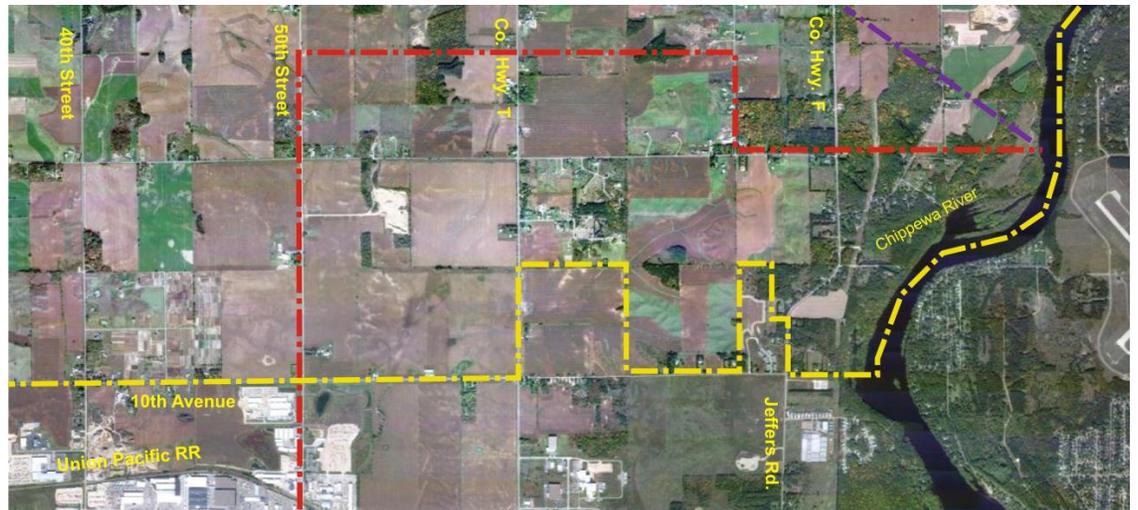


Draft for Public and Agency Review

City of Eau Claire Sewer Service Area Plan

Town of Wheaton

Analysis of Conditions and Issues



City of Eau Claire Sewer Service Area Plan

Town of Wheaton

Analysis of Conditions and Issues

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Analysis of Conditions and Issues for the Eau Claire Urban Sewer Service Area in the Town of Wheaton

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Analysis of Conditions and Issues for the Eau Claire Sewer Service Area in the Town of Wheaton

Introduction and Purpose

The City of Eau Claire and the five Towns abutting Eau Claire – Brunswick, Seymour, Union, Washington and Wheaton – recognize and acknowledge that the City has a legitimate role in ensuring that areas within the Eau Claire Sewer Service Area are carefully planned and developed. It is anticipated that at some point in the future these lands will be annexed and served by the City’s public utility systems.

Thus, it is reasonable that the City requires that residential areas within the Sewer Service Area be developed in general accordance with the City’s *Comprehensive Plan*, municipal ordinances and design standards. The City and the Towns recognize that haphazard or premature development in these areas could prevent efficient use of land and inhibit efficient and cost-effective delivery of urban services.

Under the terms of the Intergovernmental Agreement signed in February 2011, the City and the five Towns agreed to amend their respective comprehensive plans and land division regulations and to jointly request amendment of the Eau Claire and Chippewa County land division ordinances to incorporate standards for land division in the Eau Claire Sewer Service Area. The specific terms of the Town’s amended comprehensive plan are described in this document.

The objective of Phase One of the *Eau Claire Sewer Service Area Plan* is to analyze conditions and identify issues in preparation for preparing in Phase Two a plan for land use, land subdivision, roads, environmental protection, public utilities and possible cooperative boundary agreements in the Eau Claire Sewer Service Area.

The outcome of Phase One should be concurrence by the Eau Claire City Council and the Boards, property owners and development interests of the five towns that the description of the conditions in their particular Town is accurate and complete.

In Phase Two, an individual plan document will be prepared by the City of Eau Claire with participation by the Towns for the portion of the Sewer Service Area of each Town that is reasonably anticipated to experience significant development within the next ten years. Those plans will focus on the transition from current use to an urban or urbanizing pattern while respecting remaining land uses. Each of the extraterritorial plans will be adopted by the City as elements of the *Eau Claire Comprehensive Plan*

Importantly, the plans will only be applied as property owners decide to petition the City for municipal boundary adjustments. In those instances, the City will annex the property in accordance with the *City of Eau Claire Comprehensive Plan* and state law.

Subarea and neighborhood planning is a cooperative effort to plan for the best possible development of the community but it shall not prevent, delay or in any way limit consideration and approval of land use decisions subject to independent legislative action by any party.

This work is intended to be consistent with the terms of the Intergovernmental Agreement signed by the City and the five Towns on February 16, 2011.

Location

The Town of Wheaton is located north of Eau Claire. Figure 1 shows the relationship of the Town and the City along with the outer boundaries of the Urban Sewer Service Area and the Extra-territorial Plat Review Area.

Figure 2 is an aerial photograph of the Urban Sewer Service District in the Town.

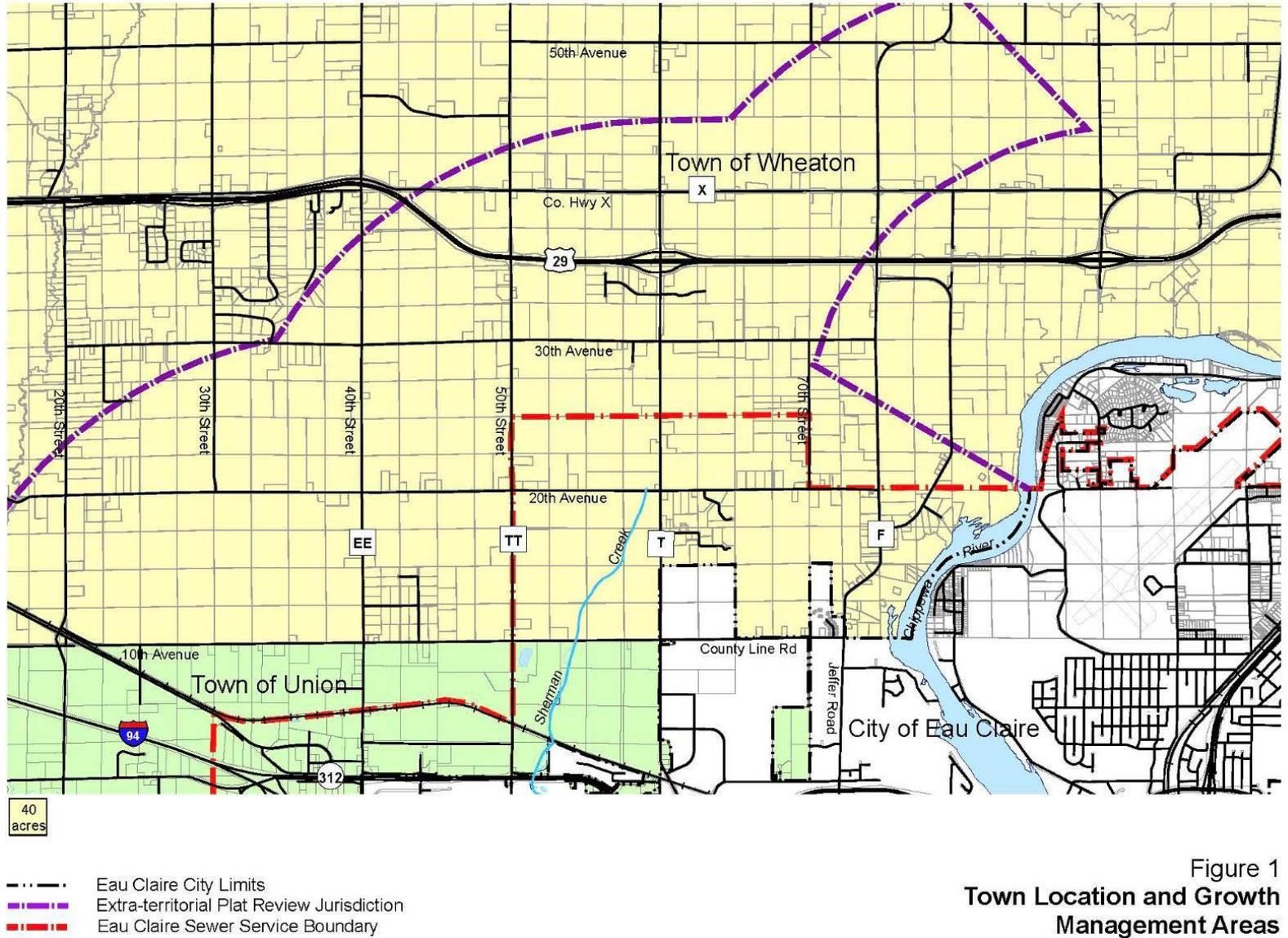


Figure 1
Town Location and Growth
Management Areas

Summary of Conditions and Issues

Summary of Conditions

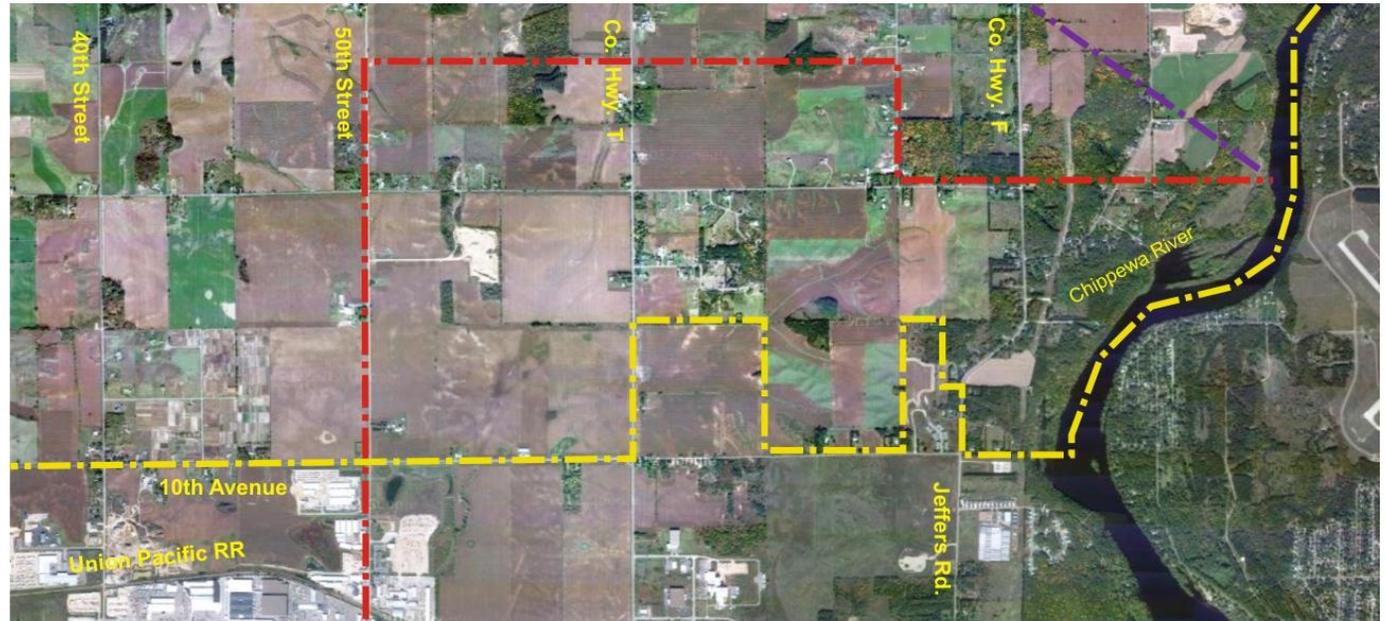
These key conditions or findings may have a bearing on the growth management plan for the Urban Sewer Service Area of the Town of Wheaton.

- The **Urban Sewer Service Area** in the Town of Wheaton is the smallest of the five that abut the City of Eau Claire.
- Most of the study area is relatively **flat to rolling terrain** and devoted to farming. The **Chippewa River** is a major natural amenity but it is not easily viewed from the study area because it lacks public access and its edge is heavily forested.
- **Land nearest the Chippewa River** is forested and contains large-lot housing.
- There are **unsewered, semi-rural houses** located along the County Highways and in two clustered neighborhoods.
- **Road access** is provided primarily via the north-south County Highways T and F (known as Jeffers Road in Eau Claire). Highway T has an interchange with US 12.
- **Sewer and water lines** would most likely be extended into the USSA along County Highway T and F.
- There is a substantial amount of **undeveloped land in the City** of Eau Claire south of the Wheaton boundary, much of which is planned for industry. Jeffers Road Fields, an Eau Claire community park, is being developed immediately south of 10th Avenue.

Major Planning Issues

The following questions about development in the Urban Sewer Service Area of the Town of Wheaton should be explored and addressed during the plan preparation phase of this study:

- What are the best techniques for helping new urban-scale development co-exist with the larger, semi-rural housing that is already in place?
- Will the owners of the unsewered semi-rural housing in the study area be interested in eventually receiving City sewer and water services?
- Should the County's farmland preservation areas encroach into the SSA?
- Should steps be taken to alleviate the effect of the designated truck routes on existing and future road in the study area?
- How significant is the Sherman Creek flood plain within the study area and how might it influence future development?



40
Acres

- Town Boundary
- Urban Sewer Service Area Boundary
- Three-Mile Plat Review Boundary

Figure 2
**Aerial Photograph of the
Urban Sewer Service Area**

Forecast of Population and Households

The number of households in Chippewa County is forecast by increase by 16 percent between the years 2010 and 2030, according to a 2008 estimate by the Intergovernmental Relations Division of the Wisconsin Department of Administration. This amounts to approximately 3,900 households. The great majority of this growth is expected to be in and around the City of Eau Claire, including the Town of Wheaton. A forecast for each Wisconsin county was derived from a forecast for the nation.

By distributing a share of the forecast County household growth to each of the Cities and Towns in proportion to their present share of households, a year 2030 households forecast was produced by the DOA for each of these localities. The number of housing units in that year was then estimated by the planning consultant, assuming a 3 percent housing vacancy rate.

The level of accuracy of the forecasts diminishes with each successive step down the scale from the nation to the state to the counties and to the cities and towns. Obviously, the state demographer could not spend the time to consider the multitude of factors that could affect growth such as natural features, roads, zoning, boundary changes or major market fluctuations as we are currently witnessing. Nevertheless, a local forecast is presented below.

The important point to consider is that slow but steady growth of households, population and housing units can be expected in the land area presently designated as the Town of Wheaton.

The actual level of growth will certainly be affected by the planning and zoning that are central to this document.

Table 1
Population, Households and Housing Units, Chippewa County, 2000 – 2030

	2000	2010	2030	Change 2010 to 2030	
Population	55,195	62,415	75,152		
Households	19,077	24,410	28,302	16%	3,892
Housing Units	22,821	27,032	31,342	16%	4,310
Detached Housing Units	16,127	20,019			
Attached Housing Units	2,637	7,013			

Forecast of population and households: Wisconsin Department of Administration, 2008
Assumes that the housing vacancy rate stays the same from year 2010 to year 2030.
File: Demographic Profiles and Forecasts.xls

Table 2
Population, Households and Housing Units, Town of Wheaton, 2000 – 2030

	2000	2010	2030	Change 2010 to 2030	
Population	2,366	2,701	3,430		
Households	852	1,001	1,359	36%	358
Housing Units	874	1,051	1,427	36%	376
Detached Housing Units	840	1,010			
Attached Housing Units	23	41			

Forecast of population and households: Wisconsin Department of Administration, 2008
Assumes that the housing vacancy rate stays the same from year 2010 to year 2030.
File: Demographic Profiles and Forecasts.xls

The demographic estimate for the Town of Wheaton presented in Table 2 assumed the annexation into the City of Eau Claire of some newly developed residential property from the Town; it did not assume a static border. This is because residential development at densities higher than allowed by Town zoning will probably have to be served by City sewer and water lines and, thus, annexed. Past trends and the 2011 Agreement are a basis to assume that not all housing growth within the present borders of the Town will occur with private wastewater facilities and wells.

Table 3 shows an estimate of City growth and the amount of that growth that might occur within the current City borders and the amount that might occur in the present Urban Sewer Service Area of the Town upon a successful annexation petition. For the purposes of this plan, it is assumed that more housing growth will occur within the present borders of the Town through successful annexation petitions and City utilities than will occur with private services.

**Table 3
Population, Households and Housing Units, City of Eau Claire,
2000 – 2030**

	2000	2010	2030	Change	
				2010 to 2030	
Population	61,704	65,931	78,411		
Households	24,016	26,071	32,671	25%	6,600
Housing Units	24,895	27,507	34,471	25%	6,964
Detached Housing Units	13,470	15,702	19,677		
Attached Housing Units	10,602	11,805	14,793		
Total City Housing Units Growth					6,964
Within 2012 City Border					1,393
In Wheaton USSA					696
Other Towns' USSA					4,874

Current Parcelization and Land Use Patterns

Figure 3 illustrates the parcelization of the Town, and it can be seen that there are semi-rural lots in the range of 1.5 to 10 acres within the Sewer Service Area and particularly the three-mile Extra-territorial Plat Review Area. The Sewer Service Area is drawn closely to the City in the Town of Wheaton, so there are a relatively small number of lots encompassed by that line. The largest clusters of semi-rural lots are along County Highways T and F.

These existing subdivisions will make it difficult if not impossible to achieve urban residential densities in those locations because most of the lots are too small to re-divide in a practical manner.

Figure 4 illustrates the present pattern of land use in the Urban Sewer Service Area of the Town of Wheaton and the City of Eau Claire.

As indicated by Table 4, there are approximately 2,000 acres that are devoted to agricultural, forestry or farmsteads, are vacant or are large-lot housing (greater than 2 acres per house). It is assumed that approximately 1,465 of those acres are amenable to development at urban densities. Assuming an average of 2.5 housing units per gross acre, this would accommodate approximately 3,600 urban housing units. (That density figure accounts for land devoted to roads, parks, ponds, steep slopes and other undevelopable conditions and assumes a mixture of detached and attached housing types.)

**Table 4
Summary of Land Development in the Urban Sewer Service Area
of the Town of Wheaton**

	Parcels	Gross Acres	Portion Assumed Developable	Net Developable	Existing Housing Units	Current Average Ac. / Unit
Agricultural and Forestry	45	1,333	90%	1,200		
Vacant Lots > 2 acres	10	120	80%	96		
Occupied Lots > 2 acres	80	564	30%	169	80	7
Total developable land for Wheaton		2,017		1,465		
Potential additional units at 2.5 per gross acre					3,662	

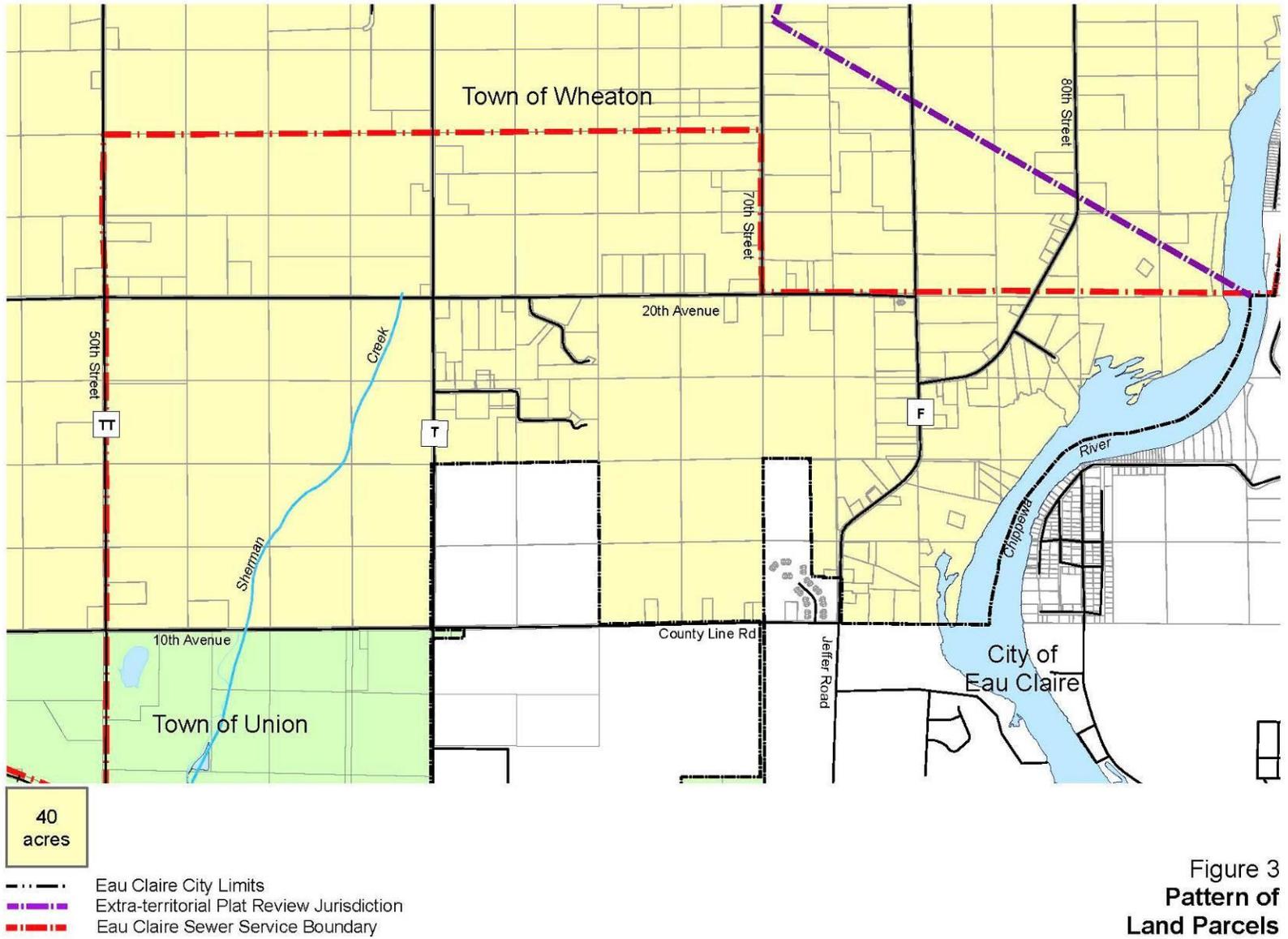


Figure 3
Pattern of
Land Parcels

Growth Management Controls and Land Use Plans

Extra-territorial Plat Review Jurisdiction

The Extra-territorial Plat Approval Jurisdiction (ETJ) is all of the land within three miles of the border of the City of Eau Claire except that in the City of Altoona and the Village of Lake Hallie. The ETJ consists of two general classes of land:

- The Urban Sewer Service Area (USSA)
- The balance of the ETJ.

The Urban Sewer Service Area

The Wisconsin Department of Natural Resources has required each metropolitan area to define the boundary of the USSA and prepare a plan for managing land development within it in order to safeguard water quality. The general USSA plan prepared by the West Central Wisconsin Regional Planning Commission is described in the following section. The more-specific land use regulations for the USSA in the Town of Wheaton are listed on page 12 under the section titled Amended Town of Wheaton Comprehensive Plan (2011).

The Balance of the ETJ

The portion of the ETJ that is not within the Urban Sewer Service Area is also subject to land development regulations that were established previously by State law and modified by an agreement between the City and the County. The policies for residential land division in the ETJ but outside the USSA are also described under the section titled Amended Town of Wheaton Comprehensive Plan (2011).

Chippewa Falls / Eau Claire Urban Sewer Service Area Plan for 2025

The West Central Wisconsin Regional Planning Commission has prepared the *Chippewa Falls – Eau Claire Urban Sewer Service Plan for 2025*, a document that meets the requirements of the Wisconsin Department of Natural Resources.

The purpose of this plan is to:

1. Project future needs for sewer service and establish the geographic extent of the sewer service areas for the year 2025.
2. Provide technical data for designing cost-effective and environmentally sound sewage treatment configurations
3. Define the procedures for reviewing boundary and plan amendments
4. Identify sensitive environmental areas and protect them from development
5. Guide government interaction and be used to prepare community plans.

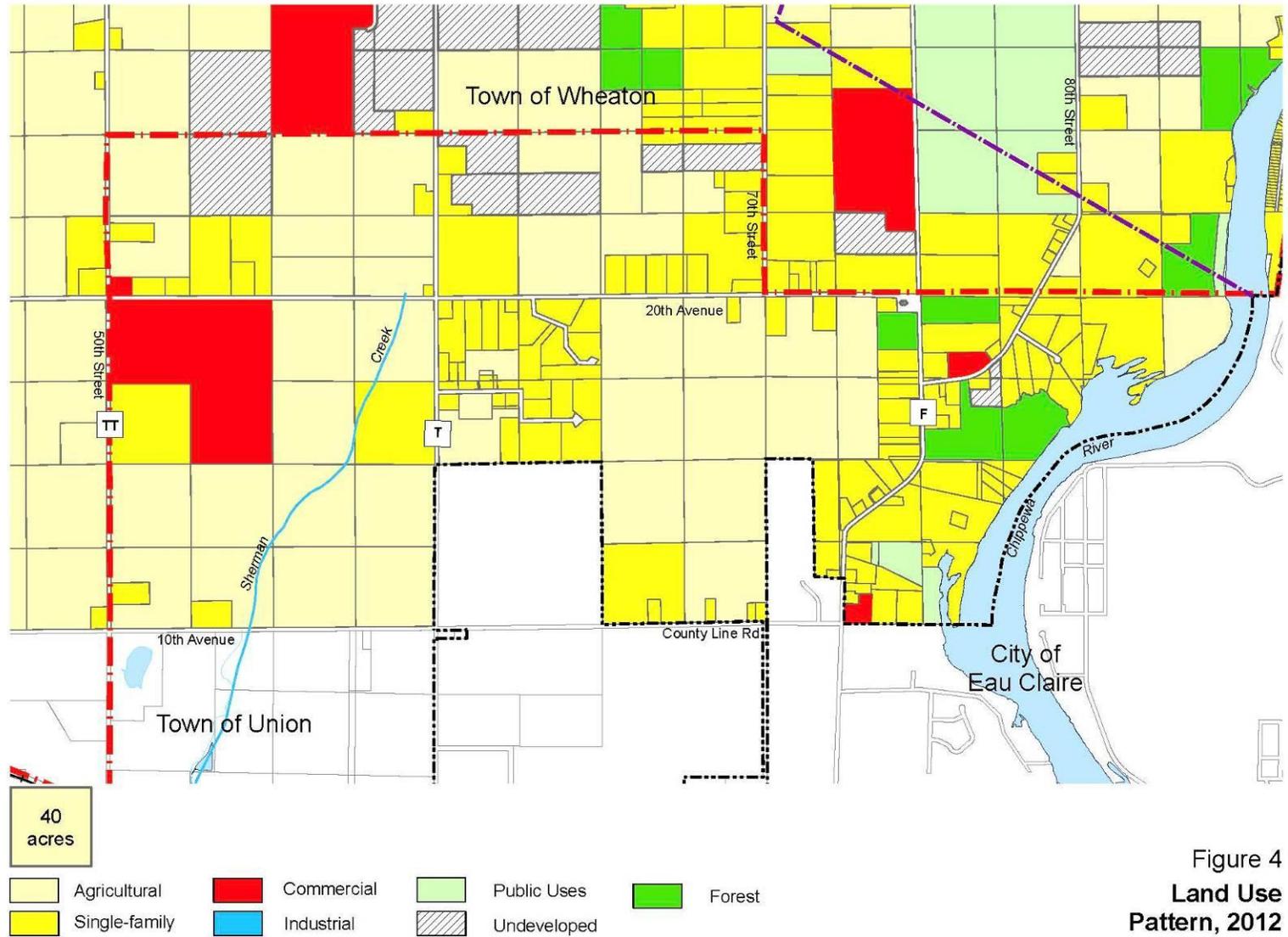


Figure 4
Land Use
Pattern, 2012

The plan estimated the amount of land that would be needed to accommodate development out to the year 2025 based on a forecast of households and jobs, minus the land that should be protected for environmental purposes. The analysis considered major undeveloped areas within the Cities, both sewered and unsewered, and planned land use from local plans. The average and peak total sewage flows to each major sewage line (called interceptors) was estimated along with the average daily and peak flows to the two treatment plants.

The outer limit of the Urban Sewer Service Area in the Town of Wheaton is illustrated by Figure 1, Town Location and Growth Management Areas.

Town of Wheaton Land Use Plan, 2009

The Town of Wheaton prepared a comprehensive plan in 2009 following the guidelines of the Wisconsin Planning Law. There is no public sewer or water service planned for the Town of Wheaton. The Plan acknowledged the existence of the Extra-territorial Plat Review Jurisdiction of the Cities of Eau Claire and Chippewa Falls and the Village of Lake Hallie. This plan was amended in 2011 based on the Intergovernmental Planning Agreement negotiated with the City of Eau Claire.

Amended Town of Wheaton Land Use Plan, 2011

In 2011 the Town amended that plan by adding text and a land use plan map that are consistent with the Intergovernmental Agreement with the City for planning and land subdivision in the Extra-territorial Plat Review Jurisdiction (ETJ). The amended land use policies and the amended land use plan map (shown below as Figure 5) supersede and replace the land use plan map, land use classifications and policies in the 2009 *Town of Seymour Comprehensive Plan* with respect to locations within the ETJ, of which the Urban Sewer Service Area is a subset. Areas outside the ETJ are unaffected by this amendment.

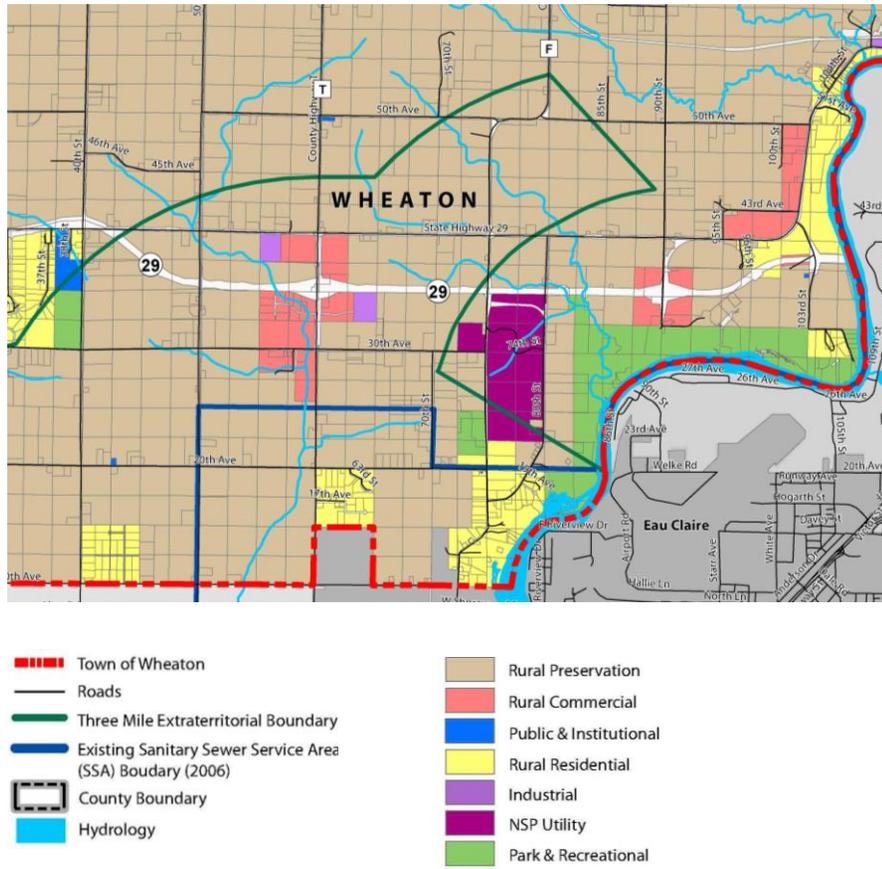


Figure 5:
Town of Wheaton Amended Land Use Plan Map, 2011

The Town and the City acknowledged in the Intergovernmental Agreement that the City has a legitimate role in ensuring that land within the Urban Sewer Service Area is planned and developed in a compact and urban growth pattern to facilitate its anticipated annexation and connection to City public utility systems. The Town agreed to assist the City in accomplishing this shared objective.

The Town and the City also agreed to notify one another of all proposed and adopted amendments of their respective comprehensive plan, zoning code, subdivision code and other land use standards that may affect the Intergovernmental Agreement.

Policies for Residential Land Division in the Sewer Service Area

The amended plan states that the following standards for residential land division apply in the regional **Urban Sewer Service Area**:

- Land divisions for residential purposes shall be permitted based on an overall base density of **1 house per 10 acres**
- Proposed lot layouts shall provide for the future **efficient resubdividing** for urban densities and the efficient extension of public streets and utilities when they become available to the site.
- **Exceptions** to those standards will be considered for infill lots and for lots that cannot be reasonably served with City utilities because of natural barriers or cost.
- Higher densities are allowed for property that is part of a **cooperative boundary agreement**. Such agreement would require the current owner and any future owner of the divided lots to annex to the City of Eau Claire when any adjoining contiguous parcel is annexed or petitions to annex and public sanitary sewer and water services are available from the City of Eau Claire.

- Outside the Urban Sewer Service Area but within the Extra-territorial Plat Review Jurisdiction, residential lots must be at least 2 or 5 acres in size, depending on zoning.

Base Density: Land divisions for residential purposes shall be permitted based on an overall base density standard of 1 single family lot per 10 acres.

General Criteria: The Town shall consider the following criteria in its review of proposed residential land divisions:

- (1) Each lot shall meet health code requirements for on-site sewage treatment and private water wells.
- (2) The proposed lot layout for the overall parcel shall locate houses and other structures on building sites that have the least impact on environmentally sensitive areas and are less well suited for farming and agricultural uses.
- (3) The remainder of the overall parcel not developed with lots and roads shall require a conservation easement or other form of protection precluding further development until such time as urban services can be provided.
- (4) The proposed lot layout for the overall parcel shall provide for the future efficient resubdividing for higher urban densities.

Exceptions: Exceptions to the 1 lot per 10 acre density standard shall be considered based on the following criteria:

- (1) **Infill Lots:** The proposed lots are infill lots that meet the following criteria:
 - a. The proposed lots are in areas that have been previously divided into smaller lots.
 - b. The proposed lots cannot be reasonably served with city utilities due to natural barriers, i.e., creeks or hills, man-made barriers, major highways, or significant existing development.
 - c. It would be cost prohibitive to serve the proposed lots with City utilities.

- d. Creating the proposed lots is a means of lessening development pressure on larger tracts of land outside the USSA.
- e. The proposed lots must be created by a Certified Survey Map (4 lots or fewer).
- f. The proposed lots must be reasonably consistent in size with the existing adjacent lots.

(2) **Shared Private Utilities:** The proposed lots will be served by a sewer connected to a common wastewater treatment system approved under COMM 83, Wisconsin Administrative Code. All sewer mains, trunk, and lateral lines must meet City of Eau Claire standards for such facilities. If the proposed lots will be served by a community water supply system approved under NR 811, all water lines and mains must meet City of Eau Claire standards for such facilities. The lots must meet the access and lot design standards of the City of Eau Claire and the respective Town. The proposed lot layout for the overall parcel must provide for efficient re-subdividing for urban densities and cost-effective and orderly extension of public streets and utilities at the time that public utilities are available to the site. In addition, the property must be part of a cooperative boundary agreement approved pursuant to § 66.0307 Wis. Stats., requiring the current owner and any future owner of the divided lots to annex to the City of Eau Claire at the time that any adjoining contiguous parcel is annexed or petitions to annex and public sanitary sewer service and public water supply are available from the City of Eau Claire.

(3) **Cooperative Boundary Agreement:** The proposed lots are in an area subject to a Cooperative Boundary Agreement between the Town of Wheaton and the City of Eau Claire that expressly permits land divisions at densities greater than the 1 single-family lot per 10 acres.

Policies for Residential Land Divisions in the ETJ but outside the USSA

Areas outside the SSA but within the ETJ are not anticipated to be annexed or connected to the City of Eau Claire’s public utilities. Development in these areas is expected to be served by individual private septic systems and wells for the foreseeable planning future. Development in these areas will be regulated by the *Town of Wheaton Comprehensive Plan*, as amended, and applicable ordinances of the Town of Wheaton and Eau Claire County.

Land divisions for residential purposes shall be permitted based on the following overall base density standards and lands use classifications as depicted and described in ETJ Future Land Use Map and as described below:

- (1) **Residential Areas:** In the Rural Residential and Rural Residential Cluster planning areas, the maximum base density shall be 1 dwelling unit per two 2 acres.
- (2) **Rural Areas:** In the Rural Preservation and Rural Transition planning areas, the maximum base density shall be 1 dwelling unit per 5 acres.

The Town shall consider the following criteria in its review of residential land divisions:

- (1) **Private Utilities:** Each lot shall meet health code requirements for on-site sewage treatment and private water wells.
- (2) **Building Locations:** The proposed lot layout for the overall parcel shall locate structures on building sites that have the least impact on environmentally sensitive areas and are less well suited for farming and agricultural uses.
- (3) **Comprehensive Plan:** The proposed land division shall be consistent with the comprehensive plan of the respective Town.

Exceptions to base residential density standard shall be considered according to the following criteria:

- (1) **Infill Lots:** The proposed lots are infill lots that meet the following criteria:

- a. The proposed lots are in areas that have been previously divided into smaller lots.
 - b. The proposed lots must be created by a certified survey map (4 lots or less).
 - c. The proposed lots must be reasonably consistent in size with the existing adjacent lots.
 - d. Creating the proposed lots is a means of lessening development pressure on larger tracts of land.
- (2) **Conservation Subdivision:** The proposed lots are in a conservation subdivision that is regulated and approved under the Conservation Subdivision Ordinance of Eau Claire County and meet the following criteria:
 - a. Proposed lots in areas classified as Rural Preservation and Rural Transition, as depicted on the ETJ Future Land Use Map, shall not exceed a maximum density of 1 single-family lot per 5 acres of potentially development land with minimum lot sizes not less than 1 acre. “Potentially developable land” is defined as privately-owned land that is outside any WDNR delineated wetland or FEMA delineated 100-year floodplain and has less than a 12 percent slope.
 - b. Proposed lots in areas classified as Rural Residential and Rural Residential Cluster, as depicted on the Future Land Use Map, shall have a minimum lot size of at least 1 acre in size and at least 40 percent of the potentially developable area within the parent parcel shall be placed under a conservation easement or comparable protection.
 - (3) **Cooperative Boundary Agreement:** The proposed lots are in an area subject to an intergovernmental agreement or cooperative boundary agreement between the City of Eau Claire and the Town and the proposed lots are consistent with such intergovernmental agreement or cooperative boundary agreement.

Non-Residential Land Divisions in the ETJ

In areas delineated Rural Industrial or Rural Commercial on the Future Land Use Plan Map (all of which are outside the Sewer Service Area as shown on Figure 5), the Town agrees to retain and apply no less than a 1.66 acre minimum lot size for all commercial and industrial land divisions.

In the USSA, properties may be rezoned to commercial or industrial districts when consistent with the ETJ Future Land Use Map. Changes to this map require the concurrence of both the City and the Town.

Adjustments to the Future ETJ Land Use Plan

Within areas classified as Rural Transition classification, new development shall be limited in accordance with all policies applicable to Rural Preservation classification. However, when at least 75 percent of the lots in the Rural Residential and Rural Residential Cluster classifications have been developed and occupied, the respective Town and the City agree to reclassify a mutually agreed upon portion of the area designated Rural Transition to Rural Residential or Rural Residential Cluster classifications. The specific areas to be reclassified will be determined jointly by the respective Town and the City at the time the 75 percent threshold is reached.

Other adjustments to the ETJ Future Land Use Plan, during the term of the Intergovernmental Agreement, require concurrence from the City of Eau Claire.

Highway Corridor Site Plan Review Areas

County Highway T and US Highway 12 are recognized as major entry corridors for both the Town of Wheaton and the broader Eau Claire area. Nonresidential development along these highway corridors are subject to advisory site plan review by both the Town and the City of Eau Claire to ensure high quality development along these important community transportation corridors. Final site plan review approvals are made by Chippewa County, which has zoning jurisdiction.

The areas subject to site plan reviews include all lands within 1,000 feet from the right-of-way lines of County Highway T and US Highway 12.

Subarea or Neighborhood Plans

The Town encourages and supports further subarea or neighborhood planning for areas within or immediately adjacent to the USSA that are reasonably anticipated to experience significant development within a ten year planning period. Participation in such planning efforts should include the Town of Wheaton and the City of Eau Claire as well as property owners and stakeholders.

Chippewa County Comprehensive Plan

As of October, 2012, the Chippewa County comprehensive land use plan map had not yet been amended to reflect the amended land use plan map for the Town of Wheaton, which is shown above as Figure 5. However, the County staff was expecting to bring an amendment forward for approval in the near future.

When amended, the County plan will likely include the same land use planning districts and language as the Town's amended comprehensive plan, which is consistent with the wording of the Intergovernmental Agreement with the City of Eau Claire.

City of Eau Claire Land Use Plan

The *City of Eau Claire Comprehensive Plan* designates the Urban Sewer Service Area in the Town of Wheaton mainly as Future Neighborhood, as shown by Figure 6. Two locations along the County Highway T corridor as guided for industrial development (shown in gray on Figure 6). One small location near Jeffers Road (County Highway F) is shown as Medium and High Density Housing to reflect its present use. All other areas between the 2025 Sewer Service Area and the ETJ are planned as Agriculture.



Figure 6: City of Eau Claire Comprehensive Land Use Plan for the Town of Wheaton

The Town and the City submitted a proposed Site Plan Review Ordinance to Eau Claire County that provided a mechanism for implementing the site plan reviews referenced in this section. The County has adopted these provisions.

Comparison between the Plans of the City and the Town

The amended comprehensive land use plan of the Town of Wheaton consistent with that of the City of Eau Claire:

- They both state that the City has a legitimate role in ensuring that land within the Urban Sewer Service Area is planned and developed in a compact and urban growth pattern to facilitate its anticipated annexation and connection to City public utility systems.
- In the **Urban Sewer Service Area**:
 - Proposed residential lot layouts must provide for the future efficient resubdividing for urban densities and the efficient extension of public streets and utilities when they become available to the site
 - Land divisions for residential purposes shall be permitted based on an overall base density of 1 house per 10 acres (some exceptions are provided)
 - Higher residential densities are allowed for property that is part of a cooperative boundary agreement.
- **Outside the Urban Sewer Service Area** but within the Extra-territorial Plat Review Jurisdiction, residential density must be no greater than 1 dwelling unit per 2 acres for Rural Residential or Rural Residential Cluster planning districts or 1 per 5 acres for Rural Preservation and Rural Transition planning districts.
- **Outside the ETJ**, the City's plan acknowledges that land use is regulated by the County with Town recommendations.
- **Commercial or industrial** land divisions within the USSA are regulated on the basis of County zoning and must be approved by the City. Outside the USSA but within the ETJ, commercial or industrial land uses should be agriculturally-related.

Current Zoning Regulations

Figure 8 illustrates the pattern of zoning districts in the Town of Wheaton in 2012. The pattern of zoning generally follows the Town's land use plan map. Zoning in the Town is administered by Chippewa County with permission from the Town. These zoning districts are used within the Urban Sewer Service Area in the Town of Wheaton:

- Agriculture (minimum lot size: 1.5 acres)
- Residential (minimum lot size without public sewer: 20,000 square feet)
- Industrial (minimum lot size: 1 acre).

It is anticipated that the zoning districts will soon be changed to conform with the County's amended land use plan map for Wheaton.

Regardless, in the Urban Sewer Service Area, new residential, commercial or industrial parcels must meet the maximum density standards stated in the Town's amended land use plan. Thus, a new 20,000 square foot residential parcel could be created but the overall density of the subdivision must be no greater than 1 parcel per 10 acres.

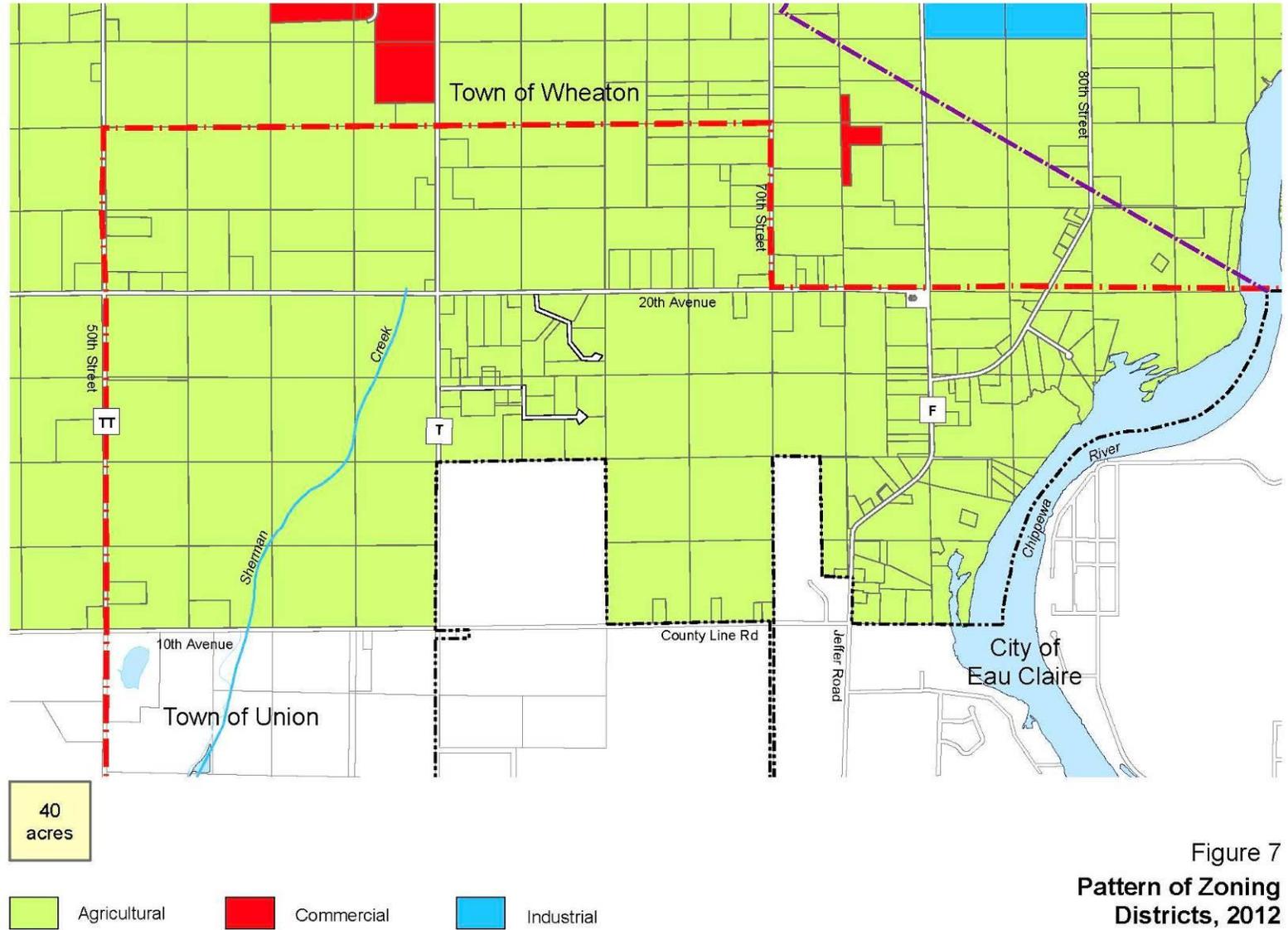


Figure 7
Pattern of Zoning
Districts, 2012

Existing and Planned Road System

Chippewa Eau Claire Metro Planning Area Long-Range Transportation Plan

The Chippewa-Eau Claire Metropolitan Planning Organization (MPO) has prepared a plan for improving roads, transit service and bicycle or pedestrian facilities for the 2012 through 2016 time period. No projects listed in that plan would significantly affect land use planning, land development activity or cooperative boundary agreements in the regional Sewer Service Area. The listed projects are either outside of the Sewer Service Area, ongoing maintenance, safety improvements, or upgrades to existing facilities that have relatively minor effect on land development.

The MPO provides a forum by which elected officials, professional transportation staff, and citizens can jointly plan the future transportation system. Federal, state and local funds are allocated to nominated transportation projects based on the limits of funding available, the eligible activities of the various funding sources and criteria established at the federal and state levels.

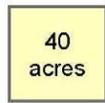
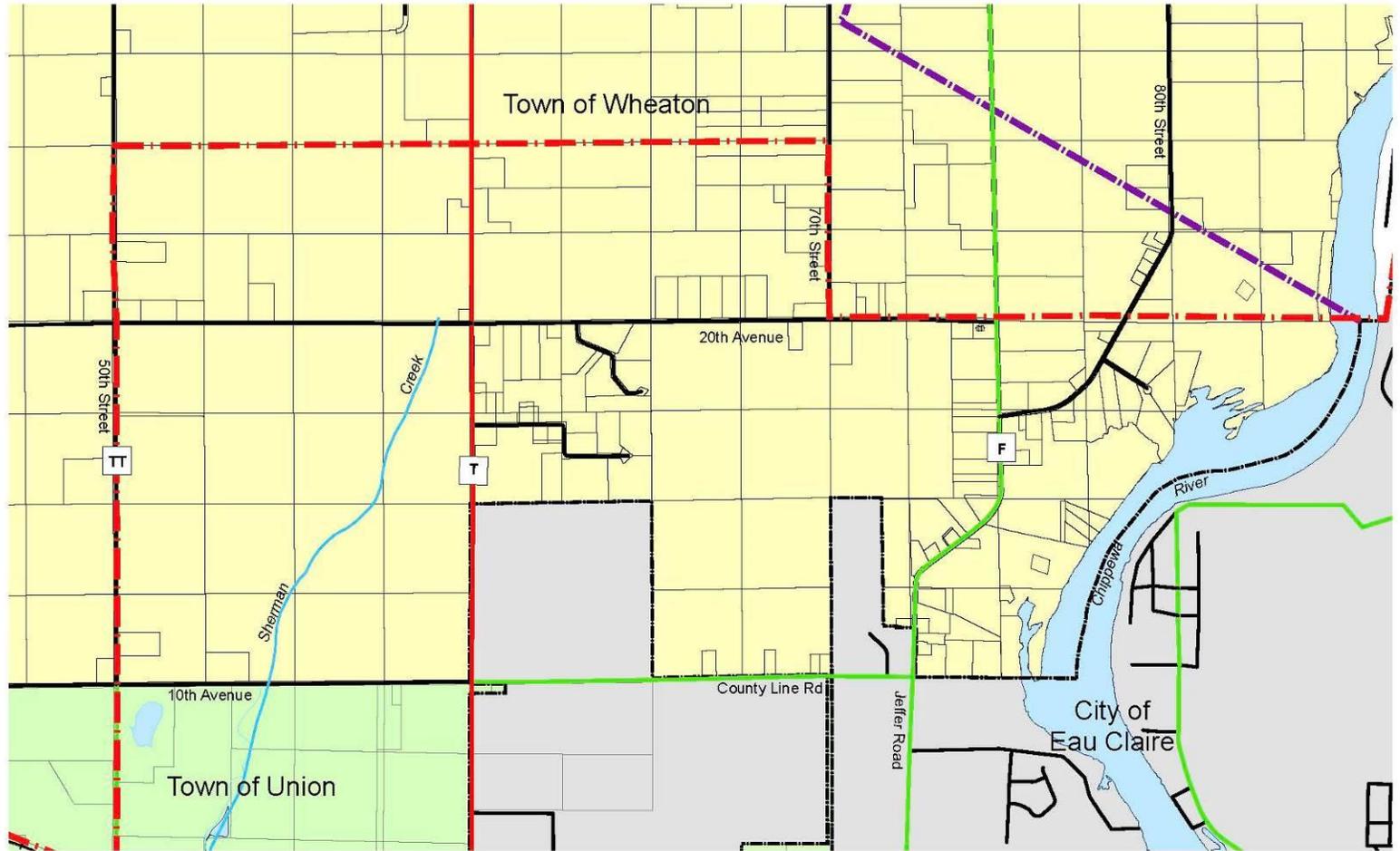
The Metropolitan Planning Area (MPA) Boundary is established for long range transportation planning purposes and encompasses the area that is presently urbanized and that area which is expected to become urbanized within the long range planning horizon. The year 2030 continues to be the long range transportation planning time frame to be addressed in the 2012 through 2016 plan. The Chippewa-Eau Claire MPA boundary for the year 2030 encompasses approximately 177 square miles with an estimated 2000 population of 104,000.

Transportation Chapter of the Eau Claire Comprehensive Plan

A pattern of future major roads across the community including this study area was established by the transportation chapter of the 2005 *Eau Claire Comprehensive Plan*, as illustrated by Figure 8, Road Functional Classification Plan.

The road functional classification plan includes the desired ultimate right-of-way width, number of lanes and road function in the overall system. (Some additional land may be needed at certain intersections for turning lanes, but that will have to be determined through a detailed study in the future as development occurs.)

The road classifications in the Wheaton study area are described in Table 5. These guidelines will be used by the City when reviewing proposed plats or certified survey maps in the Extra-territorial Plat Review Jurisdiction to ensure that sufficient right-of-way is dedicated for future roads, trails, utilities and drainage needs.



- Local Collector
- Collector
- Arterial

Figure 8
Road System, 2012

**Table 5
Road Functional Classification Characteristics**

Classification	Examples	Jurisdiction	Right-of-Way Width	Through Lanes
Minor Arterial	County Highway T	County County	72 to 150 feet	2 to 4
Collector	10 th Avenue County Highway F/ Jeffers Road	Town County	66 to 76 feet	2 to 4
Local	All others	City or Town	60 to 66 feet	Not striped

Source: Eau Claire Comprehensive Plan, Table 4-3, page 4-11.

Plan Amendments: Additional Collector Roads may be planned during this study, certain roads may be upgraded in their functional classification as a result of this or subsequent planning, and additional Local Roads may be created by land developers as residential neighborhoods are designed with City utilities upon successful annexation petitions.

Corridor Preservation and Road Upgrades: In the *Eau Claire Comprehensive Plan*, County Highway T was identified as a road and corridor that should be managed for likely future widening, changes in traffic controls and restrictions to access because it is an important link between the city and Wisconsin Highway 29.

Jurisdictional Changes: Certain roads may change jurisdiction among the City, the Town and the County although no such changes have yet been identified in the Town of Wheaton.

Comprehensive Plan Features: The transportation chapter of the *Eau Claire Comprehensive Plan* calls for these and other actions and features:

- **Coordination:** Coordinate with the Town, the Counties, the Metropolitan Planning Organization and/or WisDOT during the process of planning and designing new or improved roads.
- **Alternatives:** Build public infrastructure that supports choices to the drive-alone automobile trip. Expand capacity to mitigate traffic congestion only after considering other alternatives.
- **Interconnections:** Work with developers to create new neighborhoods organized on interconnected local streets where topography allows.
- **Functional Classification Plan:** Follow a functional classification system of roads to ensure an orderly pattern with appropriate spacing, access controls, traffic capacity and speeds to accommodate planned land use densities and provide for safe and efficient use of the system. Manage roads that may eventually be annexed into the City for their planned future functional classification.
- **Right-of-way Acquisition:** Adopt and enforce an official map of road rights-of-way based on the transportation chapter and more detailed alignment studies. Sufficient land should be acquired in advance of or at the time of land subdivision for the expected road needs. Acquisition will be accomplished through required dedication by the land owners and, in some cases purchased by the City, County or State. Eau Claire will use its power of extra-territorial plat review to reserve and require dedication of road rights-of-way in the three-mile-wide band outside its borders. Such corridor preservation should be undertaken in cooperation with adjacent jurisdictions and, if necessary, by an intergovernmental agreement.
- **Right-of-Way Standards:** The City’s right-of-way width standards should include sufficient land for the needs of the road, utilities, landscaping, lateral clearance and, in most instances, sidewalks. Space for bicycle paths or on-street lanes may increase right-of-way needs.

- **Access Management:** Adopt and follow the roadway access guidelines presented in Table 6 for future growth areas.
- **Local Roads:** Design new local streets to provide for traffic movement while ensuring a safe, attractive and pedestrian- and bicycle-friendly neighborhood environment. Follow the local street design guidelines presented in Table 4-5 of the *Comprehensive Plan*.
- **Sidewalks:** Build sidewalks along both sides of all new and reconstructed local, collector and arterial streets.

**Table 6
Access Management Guidelines for Future Growth Areas**

Road Classification	Primary Full Movement Intersection Spacing	Conditional Secondary Intersection Spacing	Signal Spacing
Principal Arterial	1 mile	1/2 mile	1 mile
Minor Arterial	1/2 mile	1/4 mile	1/2 mile
Collector	1/4 mile	1/8 mile	1/4 mile

Source: Eau Claire Comprehensive Plan, Table 4-4, page 4-15.

Parks and Trails

Town of Wheaton

There are no parks or recreational trails owned by either the Town or the County in the Urban Sewer Service Area of the Town of Wheaton, nor are there any plans to create such parks in the study area.

City of Eau Claire

The Parks System chapter of the *Eau Claire Comprehensive Plan (2005)* proposes no new parks or trails in the study area. However, as the City grows and new needs or opportunities are identified, additional or different future park sites may be planned and improved.

The *Comprehensive Plan* provides the following additional guidance on future parks and trails:

- Planned parks may be created by the City after a successful annexation petition and nearby land development.
 - The facilities to be built in each park will be determined during a public planning process that will be conducted shortly before each park is improved.
 - Park land is anticipated to be acquired by the City through negotiation with the land owner(s) and/or land developers.
 - Link parks by off-road paths, on-street bicycling lanes and landscaped roads called parkways.
 - Locate and design parks as visual assets that enhance the level of private investment in nearby housing and that help create lasting value in neighborhoods. Thus, each park should:
 - Be open to the neighborhood on at least half of its perimeter
 - Include generous landscaping to soften and direct views
 - Provide both active spaces and quiet, natural areas
 - Use civic buildings such as a gazebo or picnic shelter as a focal point
- In a school-park situation, be designed in coordination with the facilities provided by the school.
 - Include off-street parking designed in careful relation to the topography, plantings and views so as to minimize its visual effect. No more off-street parking should be provided than is reasonable in addition to on-street parking.
 - Include quiet spaces in parks for strolling or sitting wherever the landscape allows.
 - Design and maintain parks and other public spaces as the highest expression of civic pride and local heritage.
 - The City will strive to ensure that development that occurs next to parks is compatible with these open space areas.
 - Plan and design parks and greenways to protect environmentally sensitive features, reduce negative environmental effects and serve as models of land stewardship.

Natural Resources and Environmentally Sensitive Areas

The locations of the major natural resources in the Urban Sewer Service Area of the Town of Wheaton are illustrated by Figure 9. These include forests, steep slopes, floodplains and the Chippewa River. Not shown but also important are the farm fields, the soils well suited for agriculture, the grasslands, and the views and vistas.

Chippewa County Land and Water Resource Management Plan

The *Chippewa County Land and Water Resource Management Plan* guides the reduction of soil loss and water pollution. State rules are incorporated into the plan to help achieve water quality goals. By implementing the Agricultural and Urban Performance Standards of the state rules, the land and water resources of Eau Claire County can be protected and improved.

The urban area surrounding the Cities of Eau Claire and Altoona is subject to a DNR Storm Water permit. The County adopted a storm water management and erosion control ordinance that complies with DNR rules and requires permits for land disturbing activities in order to address storm water run-off and erosion during construction.

To implement the plan, the Land Conservation and Forest Management Department of Chippewa County, and the Wisconsin DNR, will, among other activities, assist land owners in meeting the state standards; they will advise on erosion control practices for new development and new management plans, and provide education to the community through the Chippewa Valley Storm Water Forum.

The Land Conservation Department is responsible for reviewing and issuing stormwater management and erosion control permits in unincorporated areas of the County. Permits are required when a proposed land development activity meets any of the following permit thresholds:

- 4,000 square feet land disturbance (grading or structures)

- 400 cubic yards of excavation, fill or a combination of these
- 300 lineal feet of new utility or other open channel disturbance (unless utility is plowed in outside of the ditch line)
- All new “subdivisions”
- All sites where at least on-half acre of impervious surface is added to the landscape (rooftops, pavement, etc.)
- Other sites, regardless of size that the Land Conservation Division determines is likely to cause an adverse impact to an environmentally sensitive area or other property (may require erosion control and/or storm water management plan).

Chippewa County Farmland Preservation Plan

The *Chippewa County Farmland Preservation Plan* was adopted to implement the Farmland Preservation Program in the county. That program provides tax incentives to help keep land in agricultural production rather than urban or semi-rural development. To be eligible to receive such assistance, land must be planned and zoned for long-term agriculture and the subject site must be devoted to farming. Land in the Urban Sewer Service Area should, ideally, remain in an undeveloped or rural condition until it is transformed to urban use. Thus, this program may be useful for the interim but should not be used to obstruct urban growth on the immediate periphery of the City as that may result in farmland conversion in less appropriate locations.

Visual Character

The Urban Sewer Service Area in the Town of Wheaton is mostly rural and agricultural in appearance, as shown in the example image below. However, there are also a numerous houses set well back from the road on large or wooded lots near County Highway F, 20th Avenue and 17th Avenue.



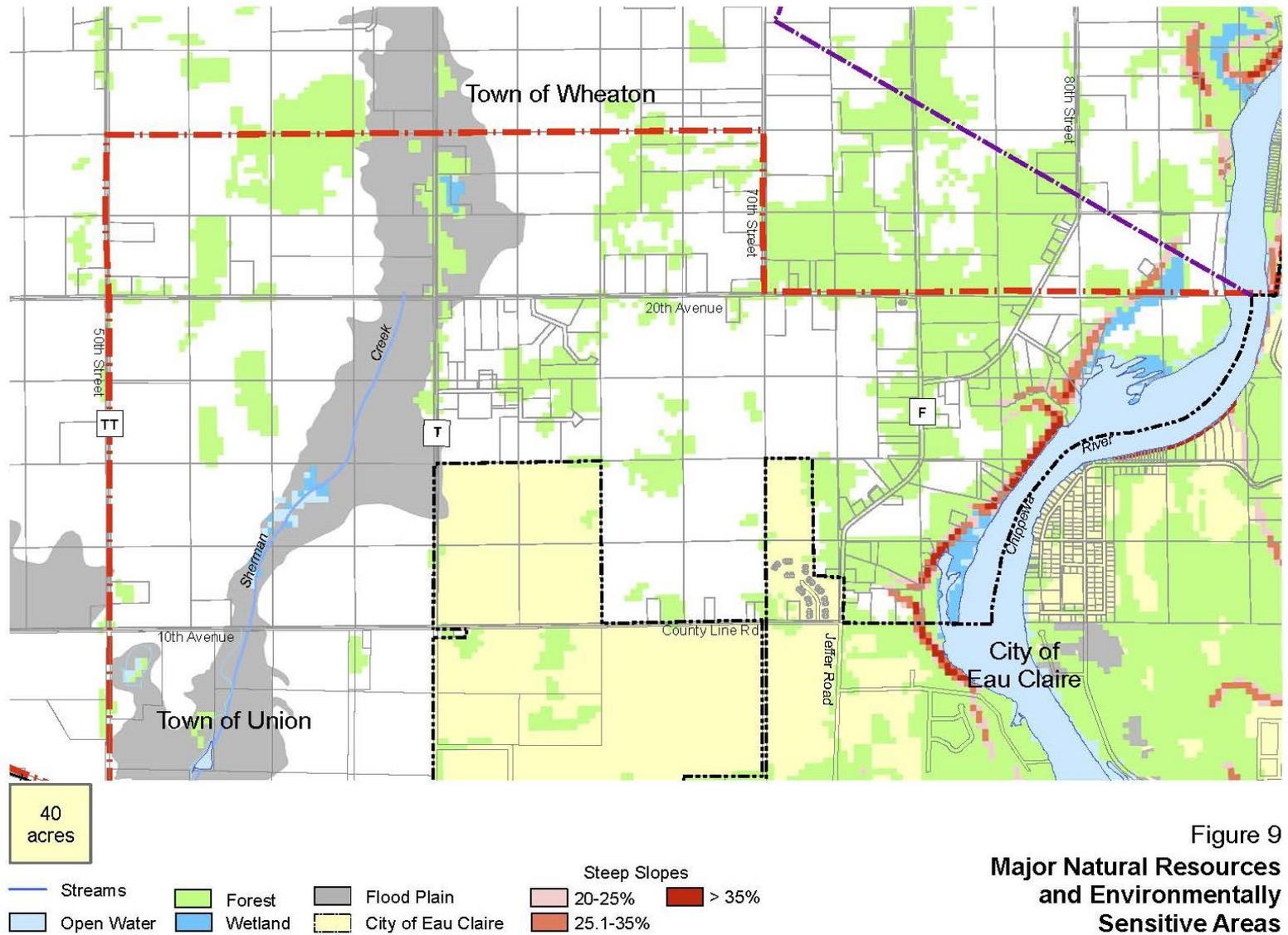


Figure 9
Major Natural Resources
and Environmentally
Sensitive Areas

Capacities and Limitations of the Municipal Utilities

City Sanitary Sewer System

Municipal sanitary sewer lines could be extended into the relatively small Urban Sewer Service Area (USSA) of the Town of Wheaton from lines along County Highways T or F (Jeffers Road). There is ample capacity downstream in these lines and the treatment plant to serve the Wheaton USSA for the 20 year planning period and beyond. This trunk line runs westerly of Clairemont Avenue (US 12) to the treatment plant near I-94 and the Chippewa River. Thus, it also serves the Town of Union. No additional lift stations or low pressure sewer mains are expected to be needed in the sewer areas east of County Highway F.

Refer to Figure 10, City Sanitary Sewer System, for an illustration of the trunk lines.

The Wheaton USSA is relatively free of semi-rural residential lots that would encumber urban-scale subdivisions and the economic extension of municipal sewer lines if the property owners sought that service.

The sanitary sewer line along County Highway T has been sized so that it could eventually be extended north to serve growth in that road corridor all the way to US Highway 29, if property owners so desired.

Wastewater Treatment in the Town of Wheaton

The Town of Wheaton is served entirely by private, on-site wastewater systems, which are generally thought to be in good condition. According to the *Town of Wheaton Comprehensive Plan*, the Town does not anticipate installing such infrastructure in the next 25 years.

Permits for private waste disposal systems are reviewed and issued by the Chippewa County Health Department. A sanitary permit is needed before County Building Permits, County Land Use Permits or Town Building Permits can be issued, as required by State law. In addition, sanitary permits are required before installing, repairing, altering or reconnecting any septic system. Sewage systems are required by State law to be inspected and pumped if necessary at least every three years by a person licensed by the State.

City Water System

As with the municipal sanitary sewer service, City water lines are also readily available to the Wheaton USSA from end points of 12-inch lines along County Highways T and F (Jeffers Road). Refer to Figure 11, City Water System. The high pressure zone serving northwest Eau Claire is expected to serve proposed development in this area.

Town Water Supply

All homes and businesses in the study area receive their drinking water from private, on-site wells. According to the *Town of Wheaton Comprehensive Plan*, the Town does not anticipate installing such infrastructure in the next 25 years.

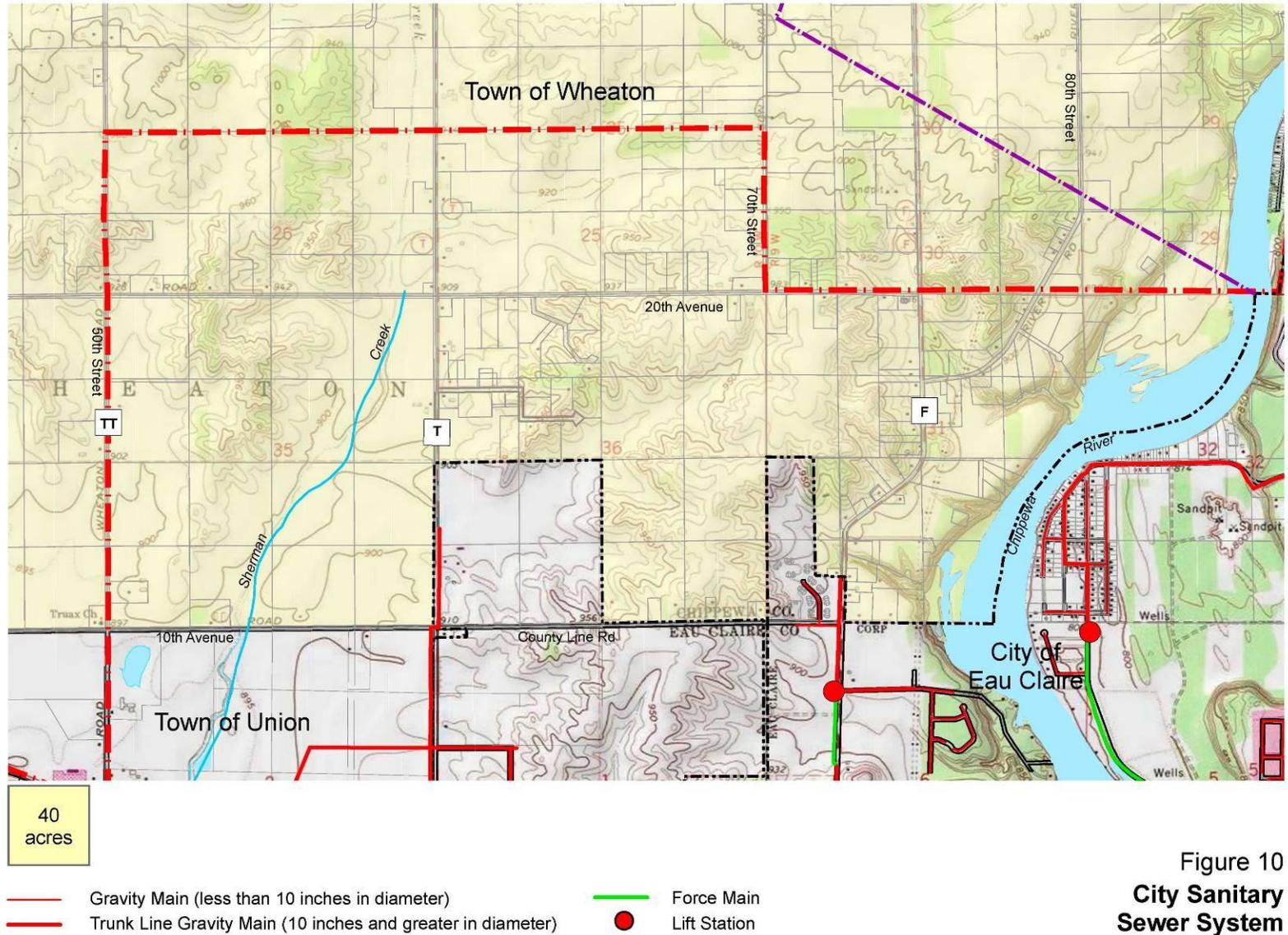


Figure 10
City Sanitary
Sewer System

Annexation Policies and Statutes

Methods of Annexation

Wisconsin law makes it difficult for a City to annex land from an adjacent Town. Under either of the two methods described below, a majority of the landowners in the annexation area must approve, in some cases more than once. The statutes governing annexation are found in 66.0217 through 66.0219 of Wisconsin Statutes.

If the court, after the hearing, is satisfied the requirements have been met, it may order an election on the question of referendum. If a majority of the electors in the territory in question approve of the annexation, the territory shall be annexed to the city.

Annexation Initiated by Electors

Annexation of land to a city by petition from the landowner(s) may be accomplished by either of two methods:

- a. If petitioned to the city by at least one-half of the landowners of the territory to be annexed, either in area or real property value, and two-thirds of the City Council approves the petition
- b. If at least half of the owners of real property either in area or value petition for a referendum and a majority of the electors in the territory vote to approve the annexation. The state Department of Administration may advise the town and the city whether it thinks the annexation is in the public interest (defined by what jurisdiction could best provide services and the shape of the territory to be annexed).

Annexation by Referendum Initiated by the City

The City Council by two-thirds majority may vote to apply to the circuit court for an order for an annexation referendum. The court may approve that application unless a protest petition is filed with the court by:

- a. The owners of more than one-half of the real property in assessed value in the territory proposed to be annexed, or
- b. A number of qualified electors residing in the territory equal to at least a majority of the votes cast for governor in the territory at the last gubernatorial election.

If the courts finds the protest petition to be insufficient, it shall hear all parties for or against the application.

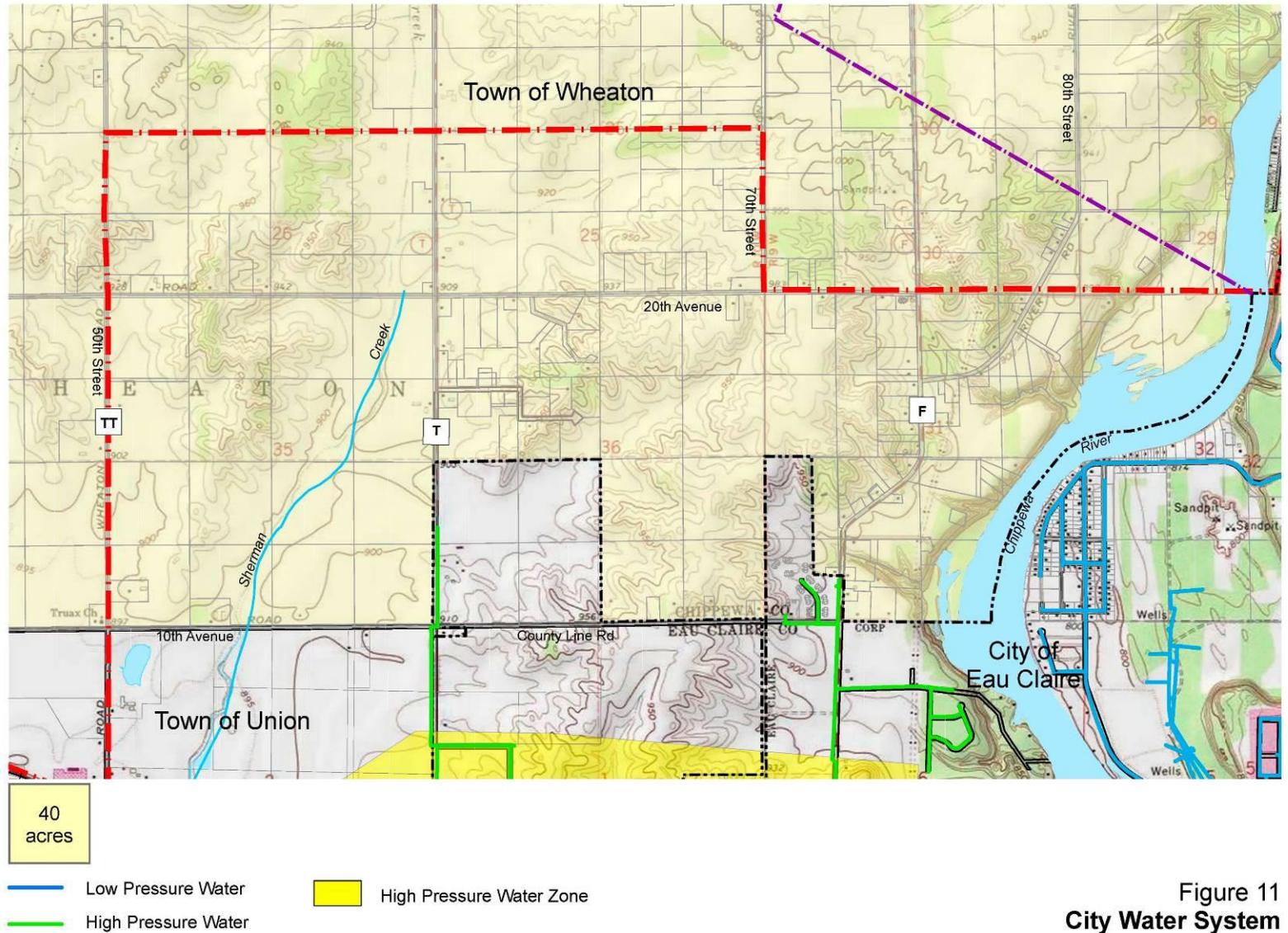


Figure 11
City Water System

Comparison of City and Town Development Standards

This section compares the land development regulations of the Town and the City of Eau Claire.

Town of Wheaton

Land development standards in the Town of Wheaton are guided primarily by the Chippewa County Zoning Ordinance (Chapter 70 of the County Code of Ordinances), which has been adopted by the Town, and which includes regulations on allowable land use by district, shorelands, floodplains, site development, signs, salvage yards and livestock. The County Shoreland regulations apply to all properties within 1,000 feet of designated lakes and 300 feet of designated streams.

Land division is regulated by Chapter 38, which has also been adopted by the Town, and which also addresses road design, stormwater management, wastewater systems, and preservation of natural features and amenities.

The County has adopted the State of Wisconsin Uniform Dwelling Code and Commercial Building Code.

City of Eau Claire

Land development standards in the City of Eau Claire are governed by the City’s zoning and subdivision regulations, which also address shorelands and floodplains, site planning elements such as grading, drainage, landscaping and fencing, and the design of streets and utility lines. The City also has a sign ordinance. The City has adopted the State of Wisconsin Uniform Dwelling Code and Commercial Building Code.

**Table 7
Comparison of Land Development Regulations in USSA**

Feature	Town of Wheaton	City of Eau Claire
Local Residential Street Design		
Network	Connections to surrounding properties required; access spacing required	Connections to surrounding properties required; access spacing
Pavement	Depends on traffic and use	Required
Width – local residential	Street: ROW: 66 feet	Street: 30 feet ROW: 60 feet
Curb and gutter	Not required; depends on drainage needs	Required
Sidewalk	Not required	Required
Residential alleys	Ordinance is silent	Allowed
Surface Water Management		
	Must be adequate to handle expected demands; must be approved by Planning Commission.	Natural methods and infiltration given priority; sewer conveyance if available.
Site Development		
Landscaping	Planting and screening plan required for all sides.	Planting plan required; standards and guidelines adopted
Parking	Paving required for lots with five or more spaces	Paving required
Loading		Must be screened from view and paved
Outdoor storage, C or I	Must be screened from view from public roads. Must be screened from housing with a solid fence.	Where allowed, must be screened from view and paved

Feature	Town of Wheaton	City of Eau Claire
Lighting	Shielded	Must be screened from other sites
Grading and drainage	Erosion control and water management plans required	Erosion control and water management plans required
Review	By County staff and P & D Committee	By City staff, Plan Commission and Council
Parks		
	Parks are provided only by the County. No land dedication is required with plats.	No land dedication required with plats; sites are purchased; system plan is adopted
Signs		
Business identification signs	Allowed and regulated	Allowed and regulated
Advertising signs (billboards)	Allowed and regulated	Allowed and regulated
Residential Lot Sizes (minimum)		
Detached housing	Unsewered: 20,000 sf Sewered: 10,000 sf	Unsewered: 25,000 sf Sewered: 8,000 to 6,000 sf
Attached housing	20,000 square feet for first two units; 3,000 additional sf/unit beyond two.	3,000 to 1,000 square feet
Resubdividable	If area, setback, access and environmental requirements are met.	If larger than 1.5 acres
Commercial or Industrial Development		
Types of development	Wide range of land uses and intensities. More lenient on outdoor activities than the City.	Wide range of land uses and intensities. More restrictive on outdoor activities.

Feature	Town of Wheaton	City of Eau Claire
Setbacks	Generally greater than in the City	Generally smaller than in the Town
Wastewater Management		
	Individual, private facilities. Must meet County standards.	Municipal system
Water Supply		
	Individual, private wells. Must meet County standards.	Municipal system
Other Environmental Protection		
Environmentally Sensitive Areas per statute	Must be identified and protected	Must be identified and protected
Steep slopes	Development prohibited on slopes 30% or greater by Sewer Service Area Plan	Development prohibited on slopes 20% or greater by Sewer Service Area Plan
Forest cutting	Limited to shoreland areas.	Limited; replanting plan required.
Wetlands	Enforcement of state, federal and County rules by County staff	Enforcement of state, federal and City rules by City staff
Floodplains	State rules enforced by County ordinance	State rules enforced by City ordinance
Shorelands	State rules enforced by County ordinance	State rules enforced by City ordinance
Erosion control	Grading, filling and excavating regulated by City ordinance	Grading, filling and excavating regulated by City ordinance
Animal waste storage	Allowed in the Agriculture zoning district.	Not allowed
Gravel mining	Allowed and regulated by ordinance	Not allowed

Plans and Policies

for the Eau Claire Urban Sewer Service Area in the Town of Wheaton

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Plans and Policies

for the Eau Claire Sewer Service Area in the Town of Wheaton

Purpose and Summary

Purpose of this Plan

The City of Eau Claire and the five Towns abutting Eau Claire – Brunswick, Seymour, Union, Washington and Wheaton – recognize and acknowledge that the City has a legitimate role in ensuring that areas within the Eau Claire Sewer Service Area are carefully planned and developed. It is anticipated that at some point in the future these lands will be annexed and served by City’s public utility systems.

Thus, it is reasonable that the City requires that residential areas within the Sewer Service Area be developed in general accordance with the City’s *Comprehensive Plan*, municipal ordinances and design standards. The City and the Towns recognize that haphazard or premature development in these areas could prevent efficient use of land and inhibit efficient and cost-effective delivery of urban services.

Under the terms of the Intergovernmental Agreement signed in February 2011, the City and the five Towns agreed to amend their respective comprehensive plans and land division regulations and to jointly request amendment of the Eau Claire and Chippewa County land division ordinances to incorporate standards for land division in the Eau Claire Sewer Service Area. The specific terms of the Town’s amended comprehensive plan are described in this document. This work is intended to be consistent with the terms of that agreement.

The Phase One report analyzed conditions and identified issues in preparation for preparing in this second phase a plan for land use, land subdivision, roads, environmental protection, public utilities and possible cooperative boundary agreements in the Eau Claire Sewer Service Area.

This plan was prepared by the City of Eau Claire with participation by the Town of Wheaton for its portion of the Sewer Service Area that is reasonably anticipated to experience significant development within the next twenty years. The plan focuses on the transition from current use to an urban or urbanizing pattern while respecting remaining land uses. Each of the five extraterritorial plans was expected to be adopted by the City as an element of the *Eau Claire Comprehensive Plan*

Importantly, the extra-territorial plans will only be applied as property owners decide to petition the City for municipal boundary adjustments. In those instances, the City will annex the property in accordance with the *City of Eau Claire Comprehensive Plan* and State law.

Fringe growth planning is a cooperative effort for the best future of the community but it shall not prevent, delay or in any way limit consideration and approval of land use decisions subject to independent legislative action by any party.

Summary of the Plan

This plan guides the use of land and the extension of municipal utilities for properties that may be annexed to the City of Eau Claire in the Wheaton portion of the Urban Sewer Service Area during approximately 2014 through 2034.

Utilities

Owners must successfully petition to have their land annexed into the City before City sewer or water lines will be extended to serve their property. Trunk sewer and water lines are expected to be extended northerly from their end points along County Highway T and Jeffers Road (County Highway F).

The City may participate in the finance and construction of the trunk lines and assess the cost to benefiting landowners within the City for the service. For landowners outside the City, the assessment is deferred until annexation. Individual land developers will be responsible for building lines to serve their residential, commercial or industrial projects.

Roads

Collector and Local Roads are expected to be built by individual land developers, extending from the present system of Minor Arterial and Collector Roads. No additional Minor Arterial Roads are expected to be needed, although several current Arterial or Collector roads could be upgraded as traffic warrants.

Land Use and Design

The future land use designations in this plan apply only to properties that successfully petition for annexation. Until that time, the land use plan of the Town and the zoning of the County will guide land use.

Most land use for annexed properties is guided as either low-density housing or general industry. Mid-density attached housing such as townhouses may be built in conjunction with carefully designed neighborhoods that are predominately single-family housing.

Design guidelines are offered for residential neighborhoods.

Summary of the Analysis and Issues

Major Findings

These key findings were reported in the *Analysis of Conditions and Issues* for the Town of Wheaton:

- The **Urban Sewer Service Area** in the Town of Wheaton is the smallest of the five that abut the City of Eau Claire.
- Most of the study area is relatively **flat to rolling terrain** and devoted to farming. The **Chippewa River** is a major natural amenity but it is not easily viewed from the study area because it lacks public access and its edge is heavily forested.
- **Land nearest the Chippewa River** is forested and contains large-lot housing.
- There are **unsewered, semi-rural houses** located along the County Highways and in two clustered neighborhoods.
- **Road access** is provided primarily via the north-south County Highways T and F (known as Jeffers Road in Eau Claire). Highway T has an interchange with US 12.
- **Sewer and water lines** would most likely be extended into the USSA along County Highway T and F.
- There is a substantial amount of **undeveloped land in the City** of Eau Claire south of the Wheaton boundary, much of which is planned for industry. Jeffers Road Fields, an Eau Claire community park, is being developed immediately south of County Line Road.

Major Planning Issues

The following questions about development in the Urban Sewer Service Area of the Town of Wheaton will be explored and addressed during the plan preparation phase:

- What are the best techniques for helping new urban-scale development co-exist with the larger, semi-rural housing that is already in place?
- Will the owners of the unsewered semi-rural housing in the study area be interested in eventually receiving City sewer and water services?

- Should the County's farmland preservation areas encroach into the Sewer Service Area?
- Should steps be taken to alleviate the effect of the designated truck routes on existing and future road in the study area?
- How significant is the Sherman Creek flood plain within the study area and how might it influence future development?

Plan Goals

The goals of this plan by the City of Eau Claire for the Urban Sewer Service Area of the Town of Wheaton are:

- 1.** To provide **clear direction** regarding land development to owners who may petition to have their property annexed to the City of Eau Claire.
- 2.** To establish in the *Eau Claire Comprehensive Plan* the City's intentions for **future land use, roads, public utilities**, parks and environmental protection in those portions of the Wheaton Sewer Service Area that may reasonably be anticipated to experience significant development in approximately the next twenty years, 2014 through approximately 2034.
- 3.** To promote cost-effective **public facilities**, high-quality **urban development** and **environmental safeguards** in the Urban Sewer Service Area of the Town of Wheaton as property is annexed to the City.

Geographic Extent of Land Use Planning

It is always beneficial to begin a land use planning exercise with a general notion of how much land should be guided on the map for possible urban use and which locations should be designated as “rural” or “urban reserve” and planned as urban some other day in the distant future, if ever. In that way, the outward extent of future land use and utility staging maps can be drawn for planning purposes.

Nevertheless, it is not possible to accurately predict the land development decisions of the thousands of property owners in the Eau Claire Sewer Service Area or to conclusively forecast the number of acres of land that may be converted from rural to urban use.

Therefore, it is estimated that this *Fringe Growth Plan* should address enough land to accommodate by year 2030 a minimum of 232 acres for residential development in the Town of Wheaton plus additional acreage for industrial use. That residential estimate is based on the figures in Table 8, below.

Table 8 shows how many more people, households and housing units are forecast to be in the City of Eau Claire by year 2030. Of the 6,964 housing units forecast to be added to the City of Eau Claire between years 2010 and 2030, it is estimated that 20 percent of them will be located within the current City borders and 10 percent will be located in the present Town of Wheaton. The balance of the Eau Claire housing growth is forecast to occur in the other four Towns adjacent to Eau Claire and be annexed into the City through landowner petitions. Additional housing growth is forecast to occur in the Towns but not be annexed. Note that the 20-year forecast of housing growth, 6,964 units, is close to the estimate used in the 2005 *City of Eau Claire Comprehensive Plan* of 7,300 additional housing units between 2005 and 2025.

However, the plan map for future land use in Wheaton will have to address far more than the minimum number of residential acreage because it is not conclusively known which landowners will petition to annex their land to the City.

Likewise, locations shown on the plan map for future commercial or industrial use are subject to fluctuating market trends and individual decisions. Therefore, the future land use plan map guides those uses based on current trends and perceived intrinsic suitability. Factors that help make land suitable for commercial or industrial use include adjacent land use, utilities, major road access, visibility, slope and alternative value as housing.

**Table 8
City of Eau Claire Housing Growth Forecast from the Town of Wheaton**

	2000	2010	2030	Change 2010 to 2030	
Population	61,704	65,931	78,411		
Households	24,016	26,071	32,671	25%	6,600
Housing Units	24,895	27,507	34,471	25%	6,964
Detached Housing Units	13,470	15,702	19,677		
Attached Housing Units	10,602	11,805	14,793		
Total City Housing Units Growth					6,964
Within 2012 City Border					1,393
In Wheaton USSA					696
Other Towns' USSA					4,874
					20%
					10%

Forecast Acreage of Housing to Be Annexed in Sewer Service Area of Wheaton, 2014-2030	
Forecast Number of Housing Units	696
Assumed Units per Gross Acre	3.0
Estimated Housing Acreage	232

Forecast of population and households: Wisconsin Department of Administration, 2008
 Assumes that the housing vacancy rate stays the same from year 2010 to year 2030.
 File: Demographic Profiles and Forecasts.xls

Land Use and Design Plan

The purpose of this land use and design plan for the portion of the Eau Claire Sewer Service Area in the Town of Wheaton is to guide public and private actions in regard to the pattern of land use and development and to express ideas from other sections of the plan as they relate to land use. This section of the plan guides the pattern as well as the general appearance of land development after it is annexed into the City of Eau Claire.

The land use plan is the central element of the *Fringe Growth Plan*. Although there are other plan elements, they are each related to the land use plan as they each have a geographic component. Consequently, there is some overlap, and other elements provide more detail on certain subjects mentioned in this section.

The policies of this chapter are expected to be implemented through the City's zoning and subdivision ordinances.

Summary of Land Use and Design Objectives

Objective 1: Sustainable Growth

Guide land use so that perimeter growth is compact, contiguous and connected to the city, is consistent with the policies of the *Eau Claire Comprehensive Plan*, and is sustainable economically, environmentally and fiscally. See page 47.

Objective 2: Future Pattern of Land Use

Follow a pattern for future land use that is consistent with the objectives of this plan and with the Intergovernmental Agreement. See page 48.

Objective 3: Residential Neighborhoods

Guide residential development so that it creates neighborhoods not just subdivisions. See page 54.

Objective 4: Commercial and Industrial Areas

Plan intensive industrial development as a natural extension of the pattern to the south along Highway T. See page 57.

Objective 5: Design Guidelines for Compatible Growth

Build new neighborhoods and districts that create lasting value while protecting prior investments. See page 57.

Objective 6: Land Use Plan Implementation

Provide an efficient and understandable means for property to come into the City's jurisdiction. See page 66.

Objective 1: Sustainable Growth

Guide land use so that perimeter growth is compact, contiguous and connected to the city, is consistent with the policies of the *Eau Claire Comprehensive Plan*, and is sustainable economically, environmentally and fiscally.

Compact, Contiguous and Connected

Any land development within the Eau Claire Sewer Service Area (SSA) will essentially be contiguous to the City because the SSA is relatively small and adjacent to Eau Claire. Ideally, subdivisions would grow outward in concentric rings, but that is often not the case as individual decisions either accelerate or postpone the day that land changes from semi-rural to urban. But over time, intervening parcels that were “skipped over” will likely be developed and gaps in the pattern will be filled.

A discontinuous pattern of development, even within the SSA, often makes it difficult to pay for extending sewer and water lines. The procedure for special assessing the cost of certain public improvement to benefiting landowners is established in state law (Wis. Stats. 66.07) but still sometimes leads to difficult political decisions about whether to impose costs on owners who are not ready or willing to develop their land. This is a major reason why the City was eager to avoid being circled by residential lots in the one-to-five-acre range and why it will look most favorably on subdivision applications that involve a simple extension of City utilities or roads.

Land that is zoned and used exclusively for farming is exempt from special assessments for sanitary sewer, water or drainage improvements, but may be denied use of those improvements.

Consistency with the *Comprehensive Plan*

This Fringe Area Plan will become an element of the *Eau Claire Comprehensive Plan*, which includes general guidance on development patterns and many specific policies regarding the design, timing and nature of

public and private improvements. Thus, City staff and officials may refer to other parts of the Comprehensive Plan when reviewing applications for annexation, land development or utility extensions.

Sustainable Growth

The careful use of this plan will help make urban land development around Eau Claire economical and feasible for private owners. It will generate enough revenue to the City, County and School District to cover the costs of the services and facilities that they provide to support that development. And, it will safeguard critical aspects of the natural environment, particularly water, upon which our future depends.

Sustainable land use also involves including new development within the City of Eau Claire, which is equipped to support it and which provides services to the entire region, while not burdening the Towns with growth that cannot be serviced by their agricultural tax base. In short, the most sustainable approach to regional development is to keep the city highly urban and the towns decidedly rural.

Objective 2: Future Pattern of Land Use

Follow a pattern for future land use that is consistent with the objectives of this plan and with the Intergovernmental Agreement

The Land Use Plan Map, Figure 12, depicts the general pattern of use that would be available to landowners who successfully petition the City for annexation of their property. The Town’s adopted land use plan map and the County’s zoning regulations will remain in force until such annexation. Those two documents reflect the Intergovernmental Agreement between the City and the Town signed in 2011, which generally restricts unsewered residential subdivisions to a density of 1 new parcel per 10 acres. For more detail, refer to the section below, “Base Density for Residential Development in the Sewer Service Area.”

Plan Land for Either Urban or Rural Use with a Few Exceptions

The basic theme of the Intergovernmental Agreement and this plan is that land in the Urban Sewer Service Area should be available for efficient and economic urban growth. To accomplish that, land should remain in a rural condition until it is served with City sewer and water then built – in the case of housing -- at a density of at least 2.5 housing units per gross acre. Unsewered residential development with parcels in the range of 1 to 9 acres per house are to be avoided because they cannot feasibly be converted to urban densities unless special provisions are made at the time of the plat.

Base Density for Residential Development in the Sewer Service Area

The City of Eau Claire will continue to monitor the Intergovernmental Agreement between the Town and the City to ensure that land in the Town of Wheaton that is within the Sewer Service Area will be regulated for use at a “rural” density so that it may later be platted and developed to “urban” density in an economical and efficient manner. To maintain rural densities prior to annexation, the Intergovernmental Agreement requires that land

divisions for residential purposes in the Sewer Service Area of the Town will be restricted to an overall base density of 1 single family lot per 10 acres. Exceptions to this policy are listed below.

Exceptions to the Base Residential Density

Exceptions to the standard of 1 lot per 10 acres may be considered based on these criteria:

- (1) **Infill Lots:** The proposed lots are infill lots that meet the following criteria:
 - a. The proposed lots are in areas that have been previously divided into smaller lots.
 - b. The proposed lots cannot be reasonably served with city utilities due to natural barriers, i.e., creeks or hills, man-made barriers, major highways, or significant existing development.
 - c. It would be cost prohibitive to serve the proposed lots with City utilities.
 - d. Creating the proposed lots is a means of lessening development pressure on larger tracts of land outside the USSA.
 - e. The proposed lots must be created by a Certified Survey Map (4 lots or fewer).
 - f. The proposed lots must be reasonably consistent in size with the existing adjacent lots.

These exceptions are normally intended for land that is under Town jurisdiction but they could also be applied to land that has been successfully annexed to the City.

- (2) **Shared Private Utilities:** The proposed lots will be served by a sewer connected to a common wastewater treatment system approved under COMM 83, Wisconsin Administrative Code. All sewer mains, trunk, and lateral lines must meet City of Eau Claire standards for such facilities. If the proposed lots will be served by a community water supply system approved under NR 811, all water lines and mains must meet City of Eau Claire standards for such facilities. The lots must meet the access and lot design standards of the City of Eau Claire and the respective Town. The proposed lot layout for the overall parcel

must provide for efficient re-subdividing for urban densities and cost-effective and orderly extension of public streets and utilities at the time that public utilities are available to the site. In addition, the property must be part of a cooperative boundary agreement approved pursuant to § 66.0307 Wis. Stats., requiring the current owner and any future owner of the divided lots to annex to the City of Eau Claire at the time that any adjoining contiguous parcel is annexed or petitions to annex and public sanitary sewer service and public water supply are available from the City of Eau Claire.

- (3) **Cooperative Boundary Agreement:** The proposed lots are in an area subject to a Cooperative Boundary Agreement between the Town of Wheaton and the City of Eau Claire that expressly permits land divisions at densities greater than the 1 single-family lot per 10 acres. Cooperative boundary agreements, which are authorized under Section 66.0307 of Wisconsin Statutes, are described in Appendix A.

Interim Land Platting and Development

In order to allow efficient and economical future urban growth which is consistent with the Intergovernmental Agreement, the Town must consider the following criteria in its review of proposed residential land divisions for properties in the Sewer Service Area that are still under its jurisdiction:

- (1) The proposed lot layout for the overall parcel shall provide for the future efficient resubdividing for higher urban densities.
- (2) Each lot shall meet health code requirements for on-site sewage treatment and private water wells.
- (3) The proposed lot layout for the overall parcel shall locate houses and other structures on building sites that have the least impact on environmentally sensitive areas and are less well suited for farming and agricultural uses.
- (4) The remainder of the overall parcel not developed with lots and roads shall require a conservation easement or other form of protection precluding further development until such time as urban services can be provided.

Land Use Plan for Properties that Are Annexed to the City

Property owners who are considering a petition to annex their land to the City and receive municipal utilities and services should anticipate that their property will be zoned consistent with the use shown by Figure 12 and described in Table 9.

This *Fringe Growth Plan* is a broad guide and the preference of the City. Land use is ultimately controlled by the zoning district, which is part of a City ordinance. State law requires consistency between this land use plan and the zoning approved for a property.

The City Council will consider many factors in any land use planning and zoning application including the rights and desires of the landowner, the interest of neighboring owners in the use and enjoyment of their land, potential impacts on the natural environment, and the anticipated effect on the cost or capacity of public facilities or services.

The City will use the Land Use Plan Map shown by Figure 12 and the land use categories defined in Table 9 as the general pattern of future physical development of lands that may be annexed from the Town of Wheaton. Land must be annexed to the City before this plan and the subsequent zoning apply.

Medium-Density Housing

Various forms of attached housing at a moderate density should be built throughout the Wheaton Urban Sewer Service Area. Builders are encouraged to propose projects that sensitively combine detached and attached forms of housing, that protect existing single-family housing, and that observe the site and housing design guidelines presented under Objective 3, herein.

Development in the Floodplain

A substantial amount of land along Sherman Creek is designated as either “floodway” or “flood fringe” by the Federal Emergency Management Agency and, consequently, regulated by the City of Eau Claire through its Floodplain Overlay Zoning District. The “floodway” is the land nearest a river or a creek where flood waters would run with force, whereas the “flood fringe” is the area that would be merely inundated.

Along the Chippewa River, there is only a narrow band of “floodway” and small areas of “flood fringe” because of the steep slope of the river bank there.

Land can be developed for housing or business in the “flood fringe” but the buildings must be elevated by earthen fill and/or flood-proofed. In the floodway, no structures may be erected that would substantially displace flood waters or interfere with their flow. Thus, if land development occurs in the flood fringe, it will involve additional costs to elevate structures, typically by excavating depressions for flood water storage and mounding the excavated earth.

This land use plan indicates that a combination of single-family and, optionally, attached housing may be built in compliance to the flood protection regulations. Housing may be clustered or elevated on fill among open spaces to achieve environmental or public safety objectives.

In these flood fringe locations, the Planned Development zoning overlay district may be applied over the base zone district to allow clustering and other variances to the normally required building set-backs and lot sizes.

Wetland Protection

Wetlands that are along designated streams or lakes are protected for their natural qualities by the City under its Shoreland-Wetland zoning district. “Shoreland” means wetlands within the following distances from the ordinary high-water mark of navigable waters: 1,000 feet from a lake, pond or

flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. Only very limited construction of buildings or roads, or filling, is allowed on any wetland in those locations. Locations for the Shoreland-Wetland zoning district are not delineated on the Land Use Plan map.

Conservancy Lands

The Conservancy zoning district may be applied to protect in their natural state certain locations, especially those related to water. This zoning district may supplement or overlap the Floodplain and the Shoreland-Wetland zoning districts. Locations for the Conservancy zoning district are not delineated on the Land Use Plan map but may include areas along the Chippewa River.

Existing and Future Rural Residential Development

There are several locations in the Sewer Service Area in the Town of Wheaton that are already developed with large-lot, semi-rural housing. It is acknowledged that these neighborhoods will not likely be resubdivided into new, smaller parcels for housing.

For the sake of consistency with the current *Eau Claire Comprehensive Plan*, they are shown on Figure 12, Land Use Plan, as Low-Density Housing, which is the same plan category applied to locations for future urban-size lots that have City sewer and water service.

In addition, there are locations that are anticipated to be developed only as similar large-lot housing. These locations might:

- A: Be annexed but still developed with large lots and on-site wastewater systems because they are too difficult or costly to serve with City utilities and are clearly seen as “infill” sites, or
- B: They might never be annexed and qualify as “exceptions to the base residential density of 1 house per 10 acres” as described in the Intergovernmental Agreement.

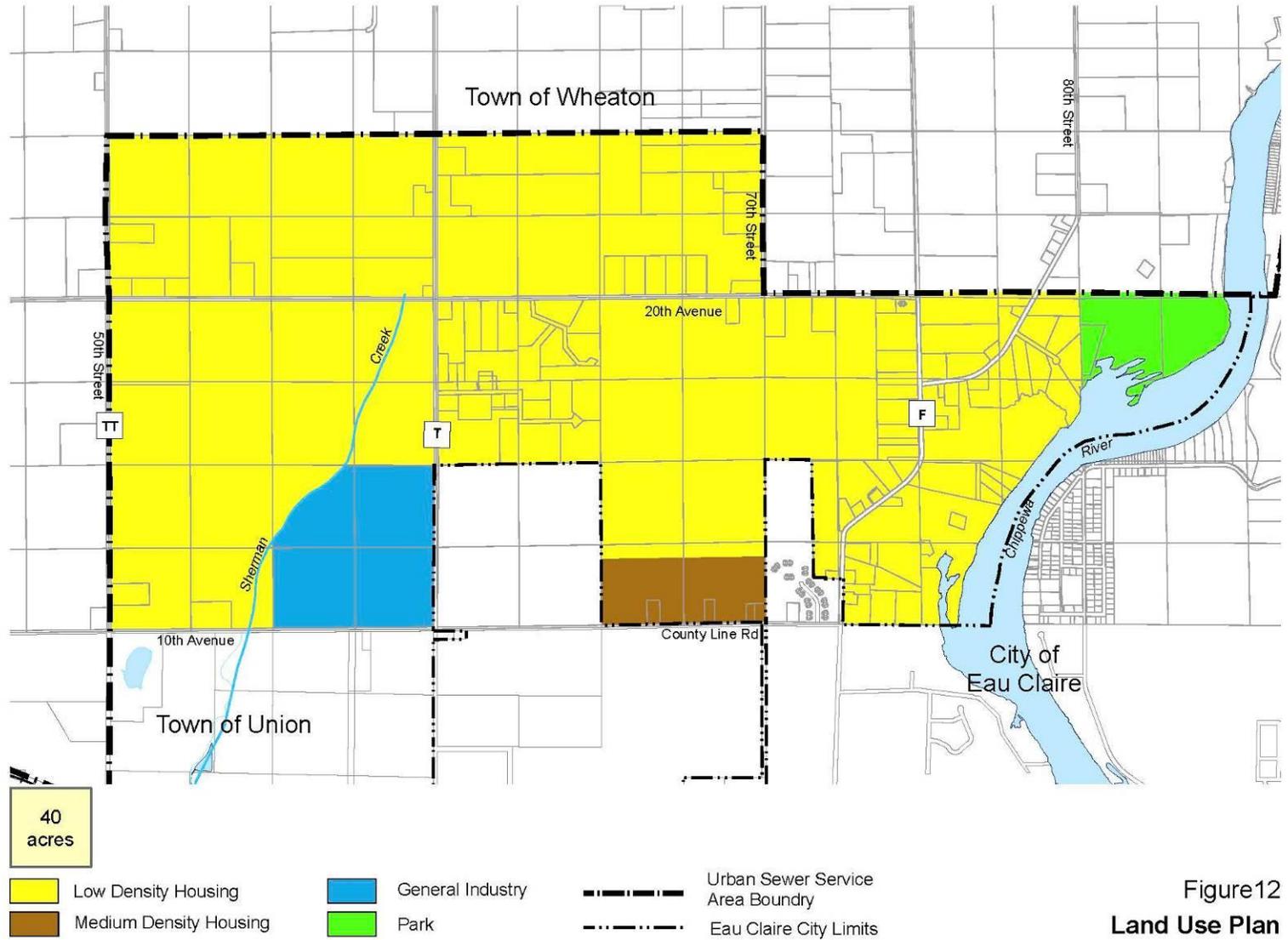


Figure12
Land Use Plan

**Table 9
Land Use Plan Categories and Proposed Zoning Districts**

Categories of the Land Use Plan Map	Allowed Land Uses and Preferred Location Characteristics	Potential Zoning District(s)
Low-Density Housing	<p>The Low Density Housing category includes single-family housing, two-family housing plus low-density attached housing. Allowable densities range from approximately 2.5 to 6 housing units per gross acre, with lot sizes in the range of 6,000 square feet and up.</p> <p>Suitable locations may encompass a wide range of topography, cover, access, views and amenity but are best not adjacent to potential nuisances such as highways or industry.</p>	<p>R-1, One-Family District R-2, One- and Two-Family District TND, Traditional Neighborhood Planned Development Overlay District</p>
Medium-Density Housing	<p>Small-lot detached houses, duplexes, townhouses. 4-, 6- and 8-unit buildings with individual exterior entrances, and small apartment buildings are included in this category. The density is expected to be in the range of 5 to 12 housing units per gross acre.</p> <p>This land use category should be used where there is good traffic access, between single-family housing and commercial or industrial land uses, and at high-amenity locations. Attached housing may also be included in a Planned-Unit Development or a Traditional Neighborhood along with single-family housing.</p>	<p>R-2, One- and Two-Family District RM, Mixed Residential District R-3 Low Rise Multiple Family District TND, Traditional Neighborhood Planned Development Overlay District</p>
General Industry	<p>This category includes manufacturing, warehousing and the processing of raw materials that may involve heavy truck traffic, gravel mining and outdoor storage of goods or materials.</p> <p>This land use plan category should be applied where there is direct access from arterial or major collector roads and where physical and visual separation from housing can be achieved. Likewise, separation and buffering from surface water is usually imperative as runoff sometimes is extreme or may carry harmful materials.</p>	<p>I-2, Heavy Industrial District</p>
Park	<p>Public parks. Locations of future parks on Figure 12 are only conceptual. Parks should be located where they can service housing or take advantage of special natural resources.</p>	<p>P, Public Properties District</p>

Objective 3: Residential Neighborhoods

Guide residential development so that it creates neighborhoods not just subdivisions.

Neighborhoods should grow to have identity, beauty and individual character.

Growing within the Context of the Existing Town Setting

The City will help each development applicant recognize that their project will be located amidst long-established semi-rural houses, farm fields and businesses, similar to every new development whether the location is the center or the perimeter of the community. However, in perimeter locations, urban development is introducing a dramatic change to the landscape, the public facilities and the local community.

Although each property owner will be conferred certain property rights by the City when their site is annexed and rezoned, there is still a variety of ways that the new buildings, roads and open spaces can be located and oriented. That design process must respect the critical features of the natural environment and the sensibilities of the neighbors.

Yet, while trying to “fit in,” the investor should also be striving to add a piece to the growing urban fabric. That is, the project ought not to be semi-rural but, rather, urban and connected to existing or future urban neighborhoods and districts.

Contiguous and Compact Outward Growth

Ideally, each new neighborhood will be a logical outward addition to the City without use of long, narrow necks of connecting land. Each new residential neighborhood should make provisions for road and utility connections in all four cardinal directions if possible. Circumstances may make full connectivity infeasible, however. These may include intervening development or major natural features such as steep slopes, streams, floodplains or rock outcroppings.

Plan for the Long-Term

New residential neighborhoods should be designed for the day when all of its surroundings have been urbanized. That is, the road, sidewalk and utility connections, the surface water drainage and the configuration of lots and housing types should be such that when the vicinity is fully developed, the area will be an integrated whole.

Accommodating Various Types of Housing

The land use plan guides most residential growth toward low-density housing, which means single-family detached units and a few duplex buildings.

However, it is anticipated that developers will work to also meet a growing demand for other types of housing, whether owner-occupied or rental, for young families, singles, empty-nesters and seniors. In this area, the land use plan will accommodate these alternatives in the form of townhouses and similar buildings that have individual exterior entrances, or apartments, which have interior entries. As attached housing units are different from what presently exists in this area, it will be important to follow the Design Guidelines for Compatible Growth that are presented below.

Accommodating Commercial and Industrial Development

Commercial or industrial development may be accommodated adjacent to residential neighborhoods in the Sewer Service Area of Wheaton as long as the two are separated for the protection of each.

Businesses should be separated from housing by the use of setbacks, open space, landscaping, fencing, building orientation and separate access routes. Commercial and industrial development should normally link its traffic immediately back to a collector or arterial street without a link to an adjacent residential neighborhood.

The best location for non-residential growth is west of County Highway T south of 15th Avenue, which will be a natural extension of the industrial area planned in the City along Highway T.

At this time, the City is not planning for a continuous band of business or industry along County Highway T all the way to State Highway 29 as that would probably diminish the traffic function of the highway, harm the viability of other such locations that are more centrally located and contribute to inefficient use of land. Another node of business and industry is occurring around the interchange of County Highways T and 29 in the Town of Wheaton. In addition, Eau Claire believes that the identities of the City and the Town will be differentiated by having a band of housing or farmland between those two business areas.

Link Major Roads

Although not shown on Figure 14, Road Functional Classification Plan, there should evolve a pattern of collector roads that will connect across square-mile neighborhoods and form a network of roads one step on the functional scale below the County Highways.

Preserve and Connect Natural Corridors

The Town of Wheaton has several valuable natural resources including Sherman Creek and its floodplain, the Chippewa River and its steep, forested banks, and the mature woods along the river and Jeffers Road (County Highway F).

The study area is also rich in agricultural soils, like much of the Town of Wheaton. The City of Eau Claire is working to keep prime soils and farms in production by planning for compact urban growth with public sewer and water services instead of a pattern of large lots.

Therefore, the City will work with land developers who may petition for annexation to coordinate preserving and, where possible, linking key natural resources including mature forests, floodplains, shorelands, wetlands and steep slopes.

Natural resources may be preserved either as private open space in the form of back yards and similar set-asides or by giving the land to the City in fee or through an easement. Priority for accepting land dedications will be given to these properties that have the highest natural resource value and that form part of a larger network. Greenways should be sufficiently wide to allow undisturbed growth of native vegetation, accommodate flood waters, filter runoff and allow wildlife movement.

Part of the frontage of the Chippewa River in the Urban Sewer Service Area near 20th Avenue that is prone to flooding is planned to be permanently protected, perhaps as public park. This public recreational and open space would be part of a park planned by the Town that may extend along the river one Quarter Section north of 30th Avenue.

Walking and Bicycling

Neighborhoods should be designed for ease of walking and bicycling within and between neighborhoods. Local streets should be interconnected to the extent feasible and the use of cul-de-sacs should be minimized. Sidewalks should be installed along both sides of each residential street as per City policy.

Neighborhood and Community Parks

Land for a neighborhood-scale park of approximately 10 acres should be acquired between County Highway T and F in the study area. A second neighborhood park is advisable west of Highway T, perhaps adjacent to Sherman Creek in the planned residential area.

These parks will supplement the large riverfront floodplain open space near 20th Avenue, Jeffers Road Fields and Northwest Community Park, which are south of 10th Avenue.

The City will investigate linking those three parks with a trail corridor. A trail is already planned to connect Northwest Community Park and the soccer fields, and to extend that line via the Xcel Energy power line corridor, the Jeffers Road and 80th Street, and the lowland open space would be beneficial. The rights and privacy of the several landowners along that route would have to be taken into account, of course.

Objective 4: Commercial and Industrial Areas**Plan intensive industrial development as a natural extension of the pattern to the south along Highway T****Manufacturing and Warehousing**

As noted previously, a portion of the Sewer Service Area in the Town of Wheaton should be expected to accommodate a variety of industry that takes advantage of the good access to State Highway 29 and City utilities. A prime location for long-term industrial growth is the 120 to 160 acres bounded by Highway T, 10th Avenue and Sherman Creek. Eau Claire has planned industrial land use to the south and east of this site, and development is progressing north from US 12 / Wisconsin 124. However, this plan does not intend that business development would continue along Highway T to the business node in the Town of Wheaton near State Highway 29.

Post-Retirement Use of Aggregate Mining

One site south of 20th Avenue and west of Sherman Creek is devoted to mining or processing sand and gravel, stockpiling and hauling materials, and similar activities that require outdoor storage but little in the way of public facilities or services. This operation is planned to continue in its present configuration until the time comes that the owners wish to convert the site to other, more urban uses. Housing is the most likely post-retirement land use.

However, it is anticipated that this conversion may not occur until decades from now. Urban development may require some site regrading, drainage improvements, new access roads and similar facilities to make the change in a manner that is responsible to the environment and the public.

In the meantime, representatives of the County and the State should continue to monitor this and other outdoor operations for potential adverse effects on the Chippewa River, the creeks and their associated floodplains and wetlands.

The City encourages potential developers of industrial or commercial property in the Town of Wheaton who may petition for annexation and City services, to meet early with City staff and to plan the re-use of their property on a comprehensive and coordinated basis.

Objective 5: Design Guidelines for Compatible Growth

Build new neighborhoods and districts that create lasting value while protecting prior investments.

It is the objective of the City that new development should co-exist comfortably with what was built in the Towns previously. Although the sense of “living in the country” will be diminished as new housing arrives, the prior residents should be helped to feel that their environment has been afforded a degree of respect. These guidelines should be observed when designing new residential, commercial or industrial districts.

Transitions to Existing Semi-Rural Housing

- Transitions between new neighborhoods and existing housing should be made at the rear lot line rather than across a shared street whenever possible.
- Housing densities should be lowest near pre-existing housing.
- When an existing large-lot house is integrated into a new plat, an oversized lot should be created for the older house to preserve some sense of its rural past.



An example of semi-rural housing in the vicinity

Lot Sizes and Lot Widths

- The larger lots in a new plat should be located adjacent to any existing semi-rural housing or sensitive nature resources such as a creek, floodplain, wetland or steep slope.
- Parcels for new single-family housing should range up to one-half acre in size and down to approximately 8,000 square feet. Lot sizes should be adjusted to protect sensitive natural features, respect the context of prior development and take advantage of traffic access.

Street Design

- New local residential streets should have a public right-of-way 60 feet wide and a paved street width of 32 feet as measured to the back of the curb. Each local residential street should have concrete curb and gutter. (The right-of-way is the land owned by the City for the street.)
- A complete local residential street includes trees in the boulevard (the green space behind the curb in the public right-of-way) and a sidewalk on both sides of the street.
- The width of public collector or local streets and their rights-of-way are presented in the sub-section titled Road System Plan.

Sidewalks

- There should be a public sidewalk along both sides of every new local or collector in the City of Eau Claire unless deferred by the City Council based on the provisions of the City sidewalk standards.

Street Trees

- A public street design that includes trees in the green space between the curb and the sidewalk (the boulevard) is a desirable feature. Street trees frame the street and provide continuous shade and a sense of formality that harmonizes and unites the housing.



Local residential streets should have a public right-of-way of 60 feet, which will allow space for private utilities, street trees and even a sidewalk on one or two sides.

Housing Orientation and Porches

- New housing should relate well to the **public street** by having a primary doors and windows facing a **public sidewalk**. Houses should be set approximately 30 feet from the front property line.
- A **front porch** is an ideal feature to help make the transition from the public street or sidewalk to the private house. Porches also pull attention away from the visual impact of a front-facing garage door.

House Style

- It is suggested but not required that house design be based on classic American styles; that each house have a front porch or raised patio; that there is a diversity of colors on each block; and that accent features include contrasting window trim, shutters and so forth.



New houses should relate well to the public street. The front door should be visible and prominent. A porch may be used to provide a welcoming transition from the public space of the street to the private space of the house.

Lot Grading

- Mass grading should be used as little as practical, particularly in sloping or forested areas. Houses should be sited with regard to the contours of the land.



Custom grading can help preserve natural resources while creating attractive building sites.

Locations for Attached Housing

- Attached housing should be located closest to the major roads while detached housing may be located toward the interior of a tract. Attached housing may also serve as a transitional land use between commercial and single-family areas.
- Attached housing should not be located immediately adjacent to existing semi-rural housing.
- Parks and large public open spaces may serve to reduce the perceived density of attached housing, set it off from other forms of housing and create amenities that create lasting value for all housing.
- While street connections should be made between areas of attached and detached housing, the connections should be indirect.

Context and Character for Attached and Mid-Density Housing

- Attached housing such as townhouses should emulate single-family detached housing in its basic architectural elements. That is, the primary entrance should face the public street, the roof should be pitched rather than flat, and sides facing a public or private street of the building should have windows.
- The garage door for townhouses and similar housing should be recessed into the building.
- Open parking areas for residents or visitors should be to the rear or side of attached housing rather than between the building and the public street. Any parking along a public street should be softened with plantings, berms or low masonry walls. Each housing unit should have at least one covered parking space.
- Building volume should be broken with recesses and projections such as porches, dormers and bays. Volume may also be broken with multiple roof and ridge lines perpendicular to one another or offset in such a manner as to avoid single rooflines.
- Building scale can be reduced with projections that step down toward the street such as porches or entry overhangs. Attached housing should not exceed two and a half stories in height.
- Designers should consult the *City of Eau Claire Multi-Family Housing Design Manual*, which is on file with the Department of Community Development.



A primary design objective for attached housing should be to emulate the basic architectural features of a single-family, detached house. As with single-family housing, the front entrance should relate to the street and the visual strength of the garage door should be minimized. Single-family houses on narrow lots with the garages to the rear (lower right) are an attractive and efficient form of housing that makes a nice transition from larger lots to attached housing.

Design Guidelines for Commercial or Industrial Development

Transitions to Nearby Housing

- New commercial or industrial development must be designed to co-exist with nearby current or future housing through proper site planning, traffic management, open space, landscaping, screening and architecture, as described below.
- New commercial or industrial developments should have screening and transition treatments as described in Section 18.20.170 of the City Zoning Code, Screening between Districts.

Building Locations

- Commercial and industrial buildings should be located on their sites in a way that concentrates their noise, traffic, lights and unsightly features away from nearby housing. The building itself may be the least objectionable element of the commercial development, particularly if care is taken with exterior materials, landscaping and lighting.
- Main buildings should provide a clear view of the public entry from the adjacent public street. Each principal building on a site should have a highly visible entry featuring canopies, overhangs, arcades, raised corniced parapets over the door, peaked roof forms, arches and/or display windows.
- Driveways should be set at least 10 feet from interior property lines for snow storage and landscaping.
- All setbacks should be planted in accordance with the landscape setback treatments described in these guidelines.
- Site design must be consistent with the requirements of Section 18.45 of the City's zoning ordinance, Site Plans.
- Pedestrian and bicycle circulation to the building and to the site should be a consideration.

Traffic Management

- Commercial or industrial traffic must be segregated from residential traffic by locating those facilities closest to the major roads, using access roads that are separate from residential streets, and discouraging customer traffic from taking the short route through adjacent residential neighborhoods. In particular, large-truck traffic must be directed immediately to industrial access roads and the state or county road systems.

Site Landscaping and Screening

- Each new commercial or industrial site should be landscaped to provide a visually pleasing relationship to the public street and to soften the visual effect of the development on nearby housing. Plantings should be located on both the perimeter and certain interior locations of the site.
- Major existing trees should be preserved and integrated into each site plan when feasible.
- Earthen berms or opaque fences should be used to supplement plantings when making the transition between residential and commercial or industrial sites.
- Screening in the form of landscaping and fences should be used to buffer the visual effect of outdoor storage, trash handling, truck docks and parking lots.
- The requirements of the City of Eau Claire Landscape Manual should be followed.

Parking and Loading

- The appearance of parking lots should be softened by perimeter landscaping that includes trees and shrubs. Large parking lots should have internal islands with trees.
- Parking lots should not be located adjacent to current or future housing sites. When that relationship is unavoidable, a generous planting scheme should be used to soften the transition.
- There should be a perimeter setback of at least ten feet for parking lots, which should be used to plantings and fencing.
- Truck loading docks should face away from the public street or else be screened from view of the street by a wing wall or dense plantings.
- Off-street parking and loading areas should be designed consistent with the basic regulations of Section 18.25 of the Eau Claire zoning ordinance.
- Convenient bicycle parking should be provided.



Commercial and light industrial buildings should include perimeter landscaping, planted islands in the parking lots and an obvious entrance that is visible from the public street.



Industrial buildings can be attractive if properly sited and designed. When using truck docks, it is important to face them away from the public street.

Service and Storage Areas

- Any outdoor storage must be screened from off-site view by an opaque fence or wall.
- Trash enclosures must be shielded from residential locations by the principal building and/or a wall. The noise generated during the collection process can be a major nuisance for residents.

Sidewalks

- There should be a public, concrete sidewalk along both sides of each collector street. Council deferral of sidewalks is based on City sidewalk policies.
- Bicycle path and marked lanes will be provided as per the City’s Bike/Pedestrian Plan.

Signs

- The light from on-premise business signs should be designed to be not more than minimally visible from nearby housing if at all.
- Wall signs should be in proportion to the wall. Freestanding signs that list more than one business should be designed to appear as a single sign. Monument signs are preferred over pole signs.
- On-premise signs must follow the regulations of Section 16.16 of the City Code.

Exterior Lighting

- Exterior lighting must be shielded cut cut-off fixtures to keep the light on the site as per the City’s Exterior Lighting Manual standards.



Commercial or industrial wall signs should be integrated into the façade design. Freestanding signs for multiple tenants should appear as a single sign from a distance.

Objective 6: Land Use Plan Implementation

Provide an efficient and understandable means for property to come into the City's jurisdiction.

Zoning Regulations

It is not anticipated that amendments to the City of Eau Claire zoning ordinance will be needed to accomplish this fringe growth management plan as it applies to locations that may be annexed from the Town of Wheaton.

Process and Criteria for Annexing Land to the City

There are three methods by which landowners can have their property annexed to the City: unanimous annexation, direct annexation and annexation by referendum. These and two other methods of annexation are described in Appendix A of this plan.

Public Sewer and Water Systems Plan

This section describes the general pattern and process for extending the major sewer and water lines to new urban areas of the City of Eau Claire along with a reiteration of how the agreement with the Town will safeguard that potential before land changes jurisdiction.

Objective 7: Extending Trunk Sewer and Water Lines

Cooperate with developers of newly-annexed land to provide City utilities economically and efficiently.

Urban Sewer Service Area

The West Central Wisconsin Regional Planning Commission prepared the *Chippewa Falls – Eau Claire Urban Sewer Service Plan for 2025*, a document that meets the requirements of the Wisconsin Department of Natural Resources. The purpose of this plan is to:

1. Project future needs for sewer service and establish the geographic extent of the sewer service areas for the year 2025.
2. Provide technical data for designing cost-effective and environmentally sound sewage treatment configurations
3. Define the procedures for reviewing boundary and plan amendments
4. Identify sensitive environmental areas and protect them from development
5. Guide government interaction and be used to prepare community plans.

The outer limit of the Urban Sewer Service Area in the Town of Wheaton is shown on Figure 13, Conceptual Plan for Public Trunk Utilities and Service Areas. That limit will be in effect until at least year 2025, as the title of the regional plan implies. Only annexation petitions from owners of land within that limit will be considered by the City. And, City utilities will not be extended beyond that limit until at least year 2025, unless the boundary of this area is amended.

To establish the boundary shown in Figure 13, the regional plan estimated the amount of land that would be needed to accommodate development out to the year 2025 based on a forecast of households and jobs, minus the land that should be protected for environmental purposes. The analysis considered major undeveloped areas across the metropolitan area, both sewered and unsewered, and planned land use from the several local plans. The average and peak total sewage flows to each major sewage line (called interceptors) was estimated along with the average daily and peak flows to the two treatment plants.

Interim Limitations in the Urban Sewer Service Area

Land in the Urban Sewer Service Area will remain under the jurisdiction of the Town until it is annexed to the City, presumably after a petition from one of the landowners. Until land is so annexed, the City has a vital interest in seeing that it is not subdivided or developed in a way that would make eventual annexation and development at urban densities overly expensive or infeasible. Thus, the City entered into an Intergovernmental Agreement with the Town that limits development prior to annexation, and the Town adjusted its comprehensive land use plan and County zoning regulations accordingly.

The Intergovernmental Agreement states that the following standards for residential land division apply in the regional Urban Sewer Service Area:

- Land divisions for residential purposes shall be permitted based on an overall base density of **1 house per 10 acres**
- Proposed lot layouts shall provide for the future **efficient resubdividing** for urban densities and the efficient extension of public streets and utilities when they become available to the site.
- **Exceptions** to those standards will be considered for (a) infill lots, (b) lots that cannot be reasonably served with City utilities because of natural barriers or cost, (c) lots with community water and wastewater that are designed for future annexation and resubdivision.

Higher densities are allowed for property that is part of a **cooperative boundary agreement**. Such agreement would require the current owner and any future owner of the divided lots to annex to the City of Eau Claire when any adjoining contiguous parcel is annexed or petitions to annex and public sanitary sewer and water services are available from the City of Eau Claire.

General Criteria: The Town shall consider the following criteria in its review of proposed residential land divisions:

- (1) Each lot shall meet health code requirements for on-site sewage treatment and private water wells.
- (2) The proposed lot layout for the overall parcel shall locate houses and other structures on building sites that have the least impact on environmentally sensitive areas and are less well suited for farming and agricultural uses.
- (3) The remainder of the overall parcel not developed with lots and roads shall require a conservation easement or other form of protection precluding further development until such time as urban services can be provided.
- (4) The proposed lot layout for the overall parcel shall provide for the future efficient resubdividing for higher urban densities.

Please refer to the Analysis of Conditions chapter for further description of the Intergovernmental Agreement.

Sequence of Public Utility Improvements

Trunk sewer and water lines will be extended from the City's systems to serve land that is transferred from Town jurisdiction to City jurisdiction. Geographic features will dictate the routes for these main pipes to a large degree, particularly in the case of the sanitary sewer lines, which usually rely on gravity flow.

Therefore, annexation petitions will be most favorably considered if they allow the underground utilities to be extended in a cost-effective sequence.

Utility extensions that are not optimally efficient will be considered but the added cost will likely be passed on to the petitioner.

Figure 13 illustrates the general alignment for the extension of the sanitary sewer trunk line and the water trunk line from the City into the Town. Preliminary engineering indicates that the sanitary sewer system may be extended north from trunk lines located near the City limits along both County Highways T and F (Jeffers Road).

The trunk water system offers more alignment options because it does not rely on gravity flow, although it ought to be looped to ensure even pressure and continually fresh water. Nevertheless, the water lines often parallel with the sewer lines to support land development and reduce costs.

Extending City sewer and water lines into the study area appears to be an economical and efficient enterprise. However, to select the timing and alignment of any trunk utility extension, a future feasibility study will consider costs, land development benefits and landowner participation interest.

Feasibility Studies and Cost Sharing

In Eau Claire, the portion of the public sewer and water system that is located under the Local and Collector Roads in a new neighborhood is normally financed and installed by the land developer then given to the City at no cost. Occasionally, some of the extensions needed to get the pipes to the edge of the subdivision are also financed privately.

However, the cost of extending the trunk lines to the vicinity of the neighborhood -- lines that are intended to serve other neighborhoods as well -- are often financed and built by the City with the costs spread to landowners within the City for the broad benefit. For landowners outside the City, the assessment is deferred until annexation. The land developer may be required to pay some portion of the cost of building or improving roads that lead to his land.

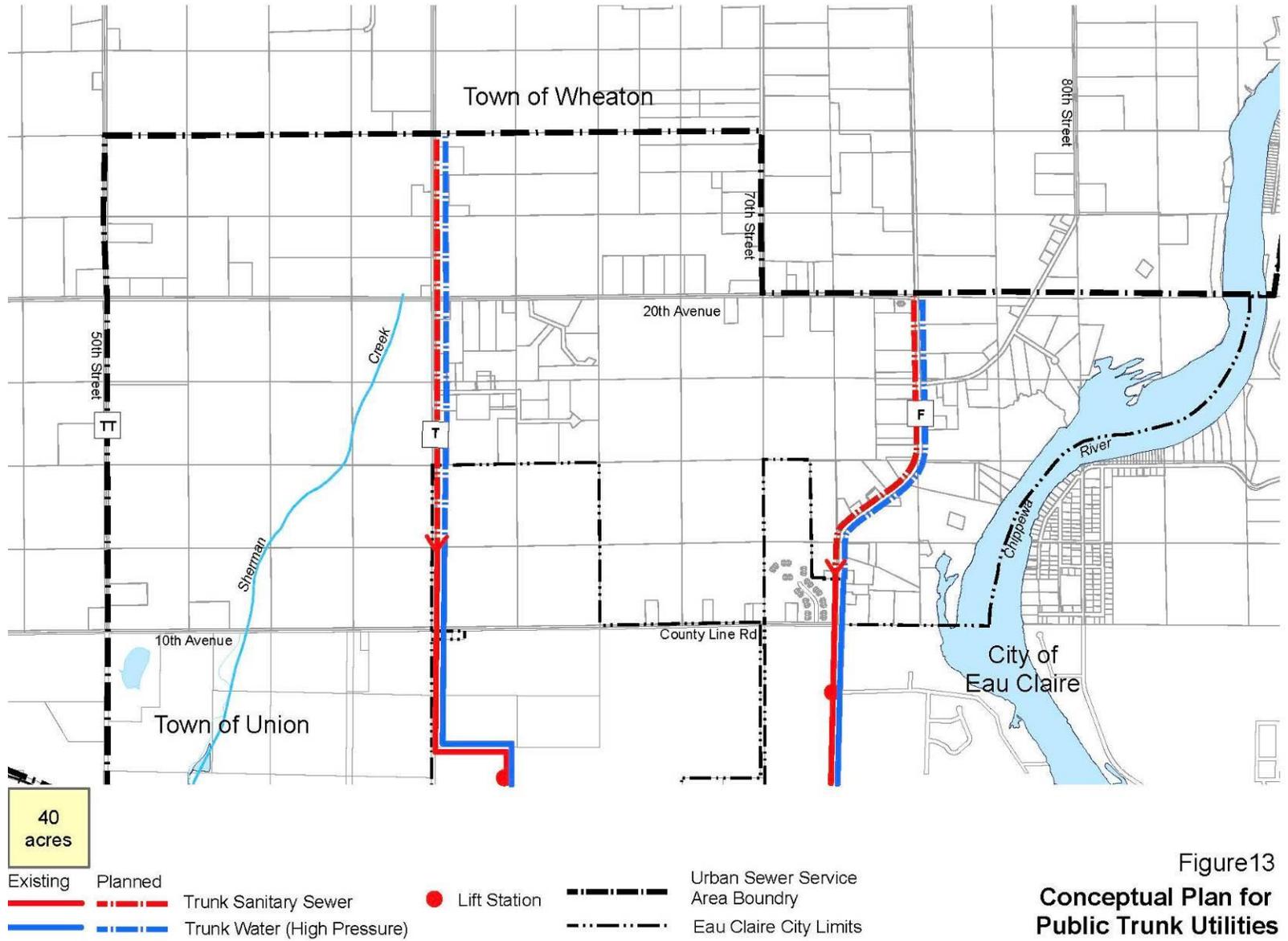


Figure13
**Conceptual Plan for
 Public Trunk Utilities**

Either before or after an annexation, one or more landowners may petition the City to study the cost of extending City trunk sewer, water and, perhaps roads, known as a feasibility study. Such studies estimate the project costs and propose how they will be shared among the benefiting landowners and, perhaps, the City. If the project is approved and built, the City would then distribute and assign the assessments to the benefiting lots within the City and defer the assessment for benefiting lots outside the City until annexation..

The Special Assessment Policy of the City of Eau Claire (June 22, 2004) describes the methods that may be used to distribute equitably the cost of various types of public improvements projects, the number of years that property owners will be given to repay their costs, and what percentage of certain costs may be borne by the City.

Further Studies

To support the analysis of land development by an owner or a developer, the City will prepare a preliminary engineering study of the probable alignment of trunk sewer and water lines to serve land in the Sewer Service area of the Town of Wheaton.

Road System Plan

Objective 8: Major New Roads

Cooperate with developers of newly-annexed land to create or upgrade Collector or Local Roads economically and efficiently.

A road system plan, if officially adopted by a city, county or state agency, can be used to regulate land development so that it does not unduly interfere with future road development. The government agency still has to acquire the land for a new road through either outright purchase or else by dedication during the subdivision process. The plan announces to prospective land subdividers and developers the road pattern intentions of the City or County.

The road system plan can prescribe the width of the land to be acquired for various types of roads, and it may also include standards for the location and design of the road itself.

Roads are usually classified as Local, Collector or Arterial, and each serves a different purpose in the network and each allows different degrees of access to and from land parcels. The location and design standards for the various classifications of urban roads are presented in Table 10. The lower a road is in the hierarchy, the more freedom there is for its alignment and access; that is, Local Roads have more latitude than do Arterials.

Additional Local Roads would have to be constructed to serve urban-scale development that may occur upon annexation of property. Future Local Roads are not shown on Figure 14 because their alignment is highly variable; land subdividers are given much discretion in their placement because they are closely tied to the design of development parcels. Nevertheless, designers of Local Roads are expected to follow the standards in Table 10 and other engineering details adopted by the City.

It is possible that additional Collector Roads could be built in the Urban Sewer Service Area., running from one side to the other of a square-mile-sized neighborhood.

It is certain that there will be no new corridors for Minor Arterial Roads such as County Highway T in the Urban Sewer Service Area of Wheaton. However, it is likely that County Highway F north of 20th Avenue will be upgraded from Collector to Minor Arterial status. An upward change in classification would imply that the road may eventually be rebuilt to more robust standards to accommodate higher traffic volumes and speeds.

Figure 14 illustrates the pattern of existing Minor Arterial, Collector and Local Roads.

Feasibility Studies and Cost Sharing

As with public utilities, Local and Collector Roads within a neighborhood or commercial district are usually financed and built privately in Eau Claire, but major improvements to off-site roads may be financed and built by the City or the County. The land developer may be required to pay some portion of the cost of building or improving roads that lead to his land.

Similar to the utility improvement process, a petition for annexation may be accompanied by a petition for the City to study the cost of extending a major off-site road, known as a feasibility study. Such studies usually propose how the costs will be shared among the benefiting landowners and, perhaps, the City.

Further Studies

No major road improvement studies are expected to be needed to support annexation and land development in the Urban Sewer Service Area of Wheaton. It appears that several residential neighborhoods and some industrial development can occur with Local and Collector Roads that are extended from the existing system.

**Table 10
Urban Road Functional Classification Standards for the Wheaton USSA**

	Definition, Purpose and Examples	Right-of-Way Needs	Typical Pavement Width	Number of Through Lanes	Facility Spacing	Parcel Access	Curb and Gutter	Pedestrian and Bicyclist Provisions	On-Street Parking
Minor Arterial	Augments and feeds the primary arterial system and is intended for moderate-volume and moderate-speed traffic movement. Access to abutting property is partially controlled. Example: <ul style="list-style-type: none"> ▪ County Highway T ▪ Jeffers Road north to 10th Ave. 	80 to 120 feet	Varies 36 to 64 feet	2 to 4 lanes	½ to 1 mile	Very limited and carefully located	Certain locations; may evolve from ditches to curbing	On bridges; Paved shoulders; Separated pathways	No
Collector	Collects and distributes traffic between arterial and local roads. Intended for short length trips while also providing access to abutting properties. Design of collector roads varies depending on the character and intensity of traffic generated by adjacent land development. Examples: <ul style="list-style-type: none"> ▪ 10th Avenue; 20th Avenue ▪ County Highway TT ▪ County Highway F north of 10th 	60 to 80 feet	32 to 36 feet	2	¼ to ½ mile	Limited	Yes	Sidewalk on at both sides; occasional striped bicycling lane	Yes
Local	Provides direct access to abutting property. Intended for low-speed, low-volume traffic movement and for short length trips. Design of Local Roads varies depending on the character and intensity of traffic generated by adjacent land development. Examples <ul style="list-style-type: none"> ▪ 17th Avenue ▪ 63rd Street 	60 feet	24 to 32 feet	Not striped	As needed	One per parcel	Yes	Sidewalks on both sides; interconnected streets or paths for bicycling	Both sides

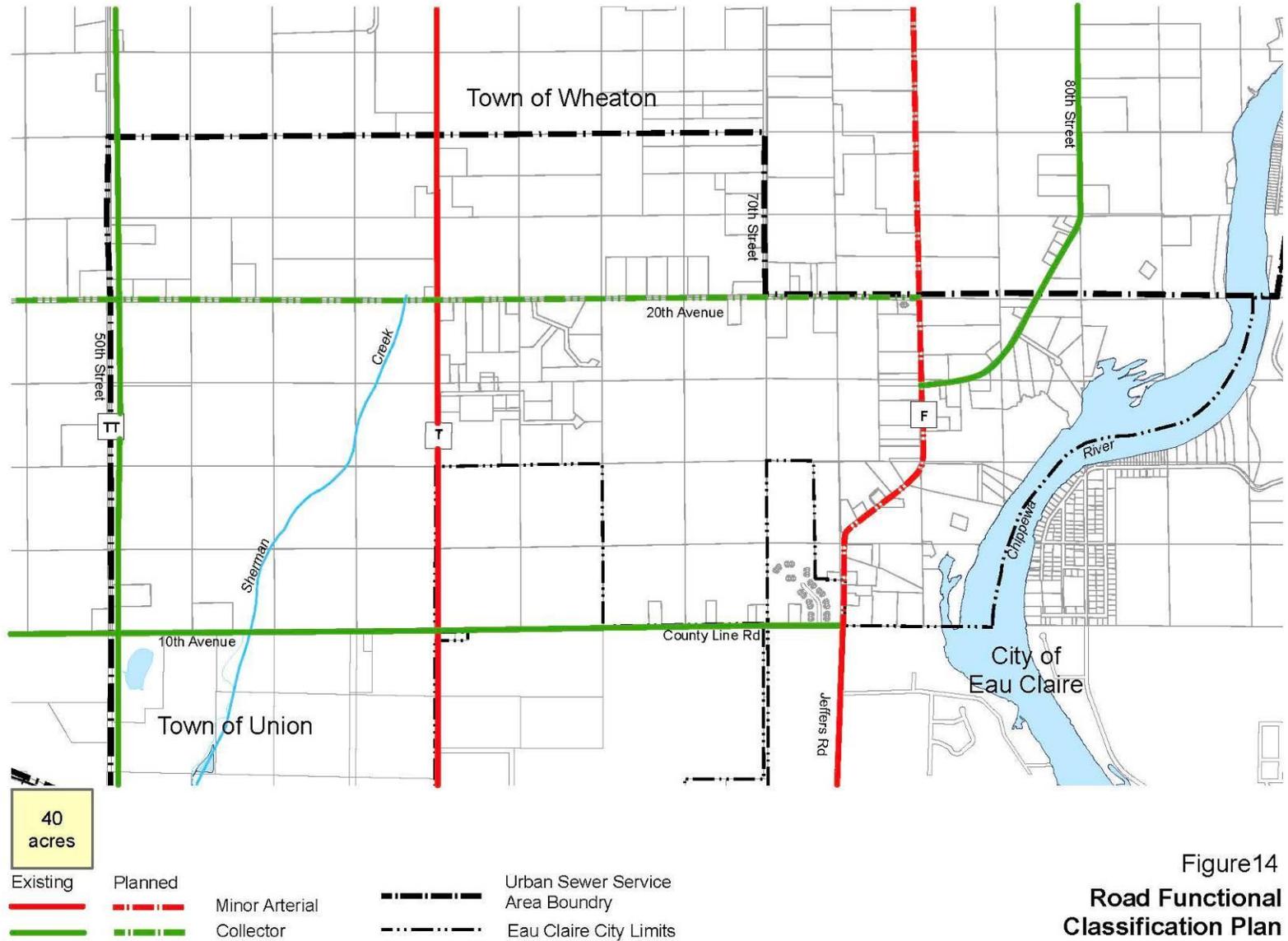


Figure 14
Road Functional
Classification Plan

Environmental Protection Plan

This section describes the regulations and practices that the City and other units of government will follow to safeguard significant environmental resources in the Urban Sewer Service Area.

Objective 9: Environmental Stewardship

Continue to practice a high level of environmental stewardship, particularly as it pertains to water resources, in land annexed from the Town of Wheaton.

The Urban Sewer Service Area of Wheaton is rich in natural resources, which include 1.25 miles of frontage on the Chippewa River, floodplains, wetlands, wooded hills and Sherman Creek.

Sherman Creek

As portions of the Sherman Creek watershed are annexed and urbanized, the City will ensure the guidelines of its surface water management plan are followed. Those practices will protect wetlands, prevent or mitigate floods, cleanse storm water before it reaches natural bodies of water, reduce the temperature of runoff and generally protect the natural and hydrologic characteristics of the creek. A natural buffer of unmowed vegetation will be required along the edge of the creek; tree planting will be encouraged for shade and habitat; buildings and parking lots will be set back from the creek; riparian lots will be drawn larger than others; and the natural meander of the creek will be protected or restored.

Wetlands

There are few wetlands in the sandy soils of the Wheaton Urban Sewer Service Area, and most of them appear in the floodplain of Sherman Creek or adjacent to the Chippewa River. In any case, the City will require that any wetlands be delineated before a development design is approved then protected from alteration or degradation. Jurisdiction over wetlands is often

shared or distributed among the City, the Wisconsin Department of Natural Resources and/or the US Army Corps of Engineers. Basically, wetlands cannot be filled, drained, flooded or altered in any way that diminishes their natural functions.

The City's wetland protection regulations are found in City Code Chapter 18.12, Shoreland-Wetland Overlay Zoning District. The City also sometimes applies Chapter 18.08, Conservancy Zoning District, to protect certain locations with high natural or aesthetic value such as lakes, rivers, wetlands, floodways, parks, or steep slopes.

Floodplains

The City of Eau Claire will continue to enforce its floodplain regulations to protect life, property and natural resources. The "floodway" is the land nearest a river or a creek where flood waters would run with force, whereas the "flood fringe" is the area that would be merely inundated. The City's Floodplain Overlay Zoning District regulations can be found in City Code Chapter 18.11.

In the floodplain but outside the floodway, buildings can be erected but they must be elevated by earthen fill and/or flood-proofed. In the floodway, no structures can be erected that would substantially displace flood waters or interfere with their flow.

If additional land development occurs in the floodplain, it will involve additional costs to elevate structures, typically by excavating depressions for water storage and mounding the excavated earth.

Surface Water Management

The City will apply the standards and practices found in its *Surface Water Management Plan* and related ordinances that describe infiltration, ponding and erosion control measures that are required during and after site construction.

The City will continue to apply and enforce the provisions of its *Surface Water Management Plan* and its WPDES Municipal Storm Water Discharge Permit with the Wisconsin Department of Natural Resources in newly annexed lands as it does throughout its jurisdiction.

Runoff from rainfall, snow melt or other activities will be collected on-site and treated with site-appropriate best management practices (BMPs) for pollutant removal prior to discharging into the public storm sewer system. New outfalls on the river and stream banks will be discouraged unless there is not a practical alternative.

Best Management Practices may include:

- Ponds to detain and filter runoff before it reaches a stream, natural lake or wetland. Surface water that runs off from a developed site must be cleansed through a man-made pond before it can be legally discharged into a natural wetland or stream. In addition, there are limitations on the rate and volume of water that runs from a site.
- Rain gardens
- Bio-filtration devices
- Vegetated swales

- Infiltration areas
- Pervious pavement
- Storage vaults under parking lots
- Oil and water separators.

BMPs may also include “good housekeeping” practices to keep pollutants from entering site runoff. These practices may include:

- Covering dumpster or material storage areas to prevent contact with rainfall
- Nutrient management programs to prevent over-use of fertilizers and/or pesticides
- Site designs that minimize paved areas and areas exposed to vehicular traffic.

Steep Slopes and Forests

Grading steep slopes is regulated by the City and WI DNR through the site plan and subdivision review process. No buildings are allowed on slopes greater than 20 percent without approval from the DNR. Tree cutting is regulated through negotiation in the development review process.

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Appendix A: Overview of Wisconsin Annexation Law and Practice

Annexation is the statutory process for transferring lands from unincorporated areas (towns) to incorporated areas (cities and villages). The *Wisconsin Statutes* outline several annexation processes in Chapter 66.0271. These processes usually involve four entities: (1) property owners (both public and private owners); (2) a town and possibly a county, in some circumstances; (3) a city or village; and (4), in counties with a population of 50,000 or more persons (currently 24 out of 72 counties), an advisory public interest review by the Municipal Boundary Review Section (MBR) of the Department of Administration. When so requested, the MBR will review annexation petitions received from municipalities located within smaller counties. The MBR reviews about 400 annexation petitions a year.

In Wisconsin, annexations are typically designed and initiated by landowners, and not by villages or cities. Landowners can petition a city or village to have their land annexed. Landowners can shop around for the best deal on public services and regulations, including bringing in unwilling landowners.

Cities and villages can only accept or reject the petition. As a result, cities and villages often have to rely upon incremental annexation to address local needs. This may result in oddly shaped municipal boundaries and can frustrate the best planning efforts by cities, villages, and towns when they are not working cooperatively to address annexation issues. Annexations do not automatically result in a change in school district attendance areas, school district boundaries, and urban service area boundaries.

Types of Annexation

There are several different methods by which annexation may occur.

Unanimous Approval

The most common form of annexation involves direct annexation by unanimous approval. This type of annexation involves a single property owner or group of property owners who decide to have property they own in a town annexed to a city or village for sewer or other municipal services not available in the town, or for other reasons.

This type of annexation begins with a petition signed by all of the electors residing in the territory and the owners of all of the real property included within the territory to be annexed. The petitioners must submit the signed annexation petition to the clerks of each city, village, and town affected by the annexation.

If the annexation is within a county with a population of 50,000 or more, the petitioner must, within five days of sending the petition to the local clerks, send a copy of the petition, a scale map, and legal description of the territory to be annexed to the MBR for an advisory review. The city or village must review the advice of the MBR, if any, before enacting an annexation ordinance. The city council or village board adopts an annexation ordinance by two-thirds vote.

Direct Annexation

The next most common form of annexation, though used far less frequently than the unanimous approval petition, is direct annexation. A direct annexation begins by electors and property owners publishing a class 1 notice, of "intention to circulate an annexation petition" in a newspaper with general circulation in the territory proposed for annexation.

The "notice of intent to circulate" petition must be signed by a majority of electors in the territory who cast votes for governor in the last gubernatorial election, and either the owners of one-half the real property in value or in land area. If no electors reside in the territory, then the owners of either one-half the real property in value or land area in the territory must sign the petition.

The "notice of intent to circulate petition" must be sent, within five days of publication to: the clerk of each municipality affected, each school district affected, and each owner of land within the territory proposed for annexation. If the municipality is within a county with a population of 50,000 or more persons, the notice, a legal description, and a scale map of the proposed annexation must be mailed, within five days after publication, to the MBR. The annexing city or village must review the MBR's advice before accepting or rejecting the annexation.

If there are electors in the territory who do not wish to be annexed, the electors may challenge the annexation by petitioning for a referendum to be held in the area proposed for annexation. Opposing electors may prevail because of the small percentage of electors required to sign the petition.

Annexation By Referendum

The annexation by referendum method of annexation is rarely used. It is meant to provide an open process for annexation. The method begins with a referendum on the issue of annexation. The petition for a referendum is filed with a village or city. The petition must be signed by at least 20 percent of the electors in the territory who cast votes in the last gubernatorial election. The

referendum is voted upon by the electors of the town. The success or failure of the referendum determines whether the annexation process should proceed.

Annexation of Owned Territory

Land owned by a city or village may be annexed to the city or village by an ordinance adopted by the governing body of the city or village. The land does not have to be contiguous to the city or village to be annexed. However, if the land is not contiguous, it may be annexed under this provision only if the use of the land is not contrary to any town or county zoning ordinance. Also, no privately owned parcels may be subsequently attached to the annexed city-owned parcel.

Annexation by Court-Ordered Referendum

An annexation by court-ordered referendum allows a city or village to initiate an annexation proceeding by asking the circuit court to order a referendum on the question of annexation. This process is seldom used.

The Petition

The three most common methods--unanimous approval, direct annexations, and annexation by referendum--involve the use of a petition submitted by some combination of landowners and/or electors. While the statutes do not specify the exact form of an annexation petition, the MBR requires that petitions contain the following information:

1. A statement of purpose
2. The name of the city or village to which annexation is proposed.
3. The name of the town(s) from which the territory is proposed to be detached.
4. A legal description of the territory proposed to be annexed.
5. A map that accurately reflects the legal description of the property to be annexed. The map must show the boundary of the annexing city, and its relation to the boundary of the territory proposed for annexation.
6. A graphic scale shall appear on the map face.
7. The population of the territory to be annexed must be specified.

Annexation Maps

Because state agencies use annexation maps for various purposes, they need to be sufficiently accurate so as to enable state and local agencies to properly determine whether highway and road right-of-way, wetlands, floodplains, etc., may be included or excluded by the proposed annexation. Although certified survey maps and subdivision plats are not required by statute, they nevertheless offer the most assurance that the necessary information will be portrayed.

Review of Municipal Annexations by the State

Only municipal annexation petitions filed in counties having a population of 50,000 or more require review by the MBR in the Department of Administration. This involves a 20-day review and follows the criteria outlined in the *Wisconsin Statutes*. The review is advisory. Nevertheless, the advice of the MBR must be considered by the annexing municipality before passing an annexation ordinance. The criteria used by the MBR are:

- (1) Whether governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town or by some other village or city whose boundaries are contiguous to the territory proposed for annexation;
- (2) The shape of the proposed annexation and the homogeneity of the territory with the annexing municipality and any other contiguous city or village.
- (3) "Consideration of the objectives recognized by the legislature---to prevent haphazard, unrealistic and competitive expansion of municipalities which disregards the overall public interest."

Annexations submitted to the MBR for review are assigned a number and entered into a computer data base. The petition is copied and sent to the clerks of the annexing municipality and the town, along with a cover letter containing basic questions pertaining to the state's review. All parties have 10 days to respond with any issues or concerns, in order for the state to complete its review within the allotted 20 days.

In complex circumstances and with the consent of the parties, the MBR may request additional processing time and information, or suggest other remedies, including mediation and alternative dispute resolution.

Filing with the Office of the Secretary of State

Upon adoption of an annexation ordinance by a city or village, the clerk must immediately file a certified copy of the annexation ordinance with the Office of the Secretary of State. Failure to file an ordinance with the Secretary of State may reduce state and federal aids based on population, equalized value, and road mileage.

State and federal agencies rely on copies of annexations sent to the Office of the Secretary of State for critical information. For example, failure to file an annexation means that the Wisconsin Department of Transportation will be unaware of the municipality's new territory. Therefore, any present or future road mileage within the annexed territory would not be included when local transportation aids are calculated. This may mean a loss of transportation aid for this municipality and, a loss of state shared revenue, and may potentially create other jurisdictional problems.

Other Annexation Issues

Land annexed must be contiguous to the annexing city or village, unless a municipality is annexing city or village owned lands. Some significant degree of contact between the city or village and the territory to be annexed is necessary.

Since December 2, 1973, cities and villages have been prohibited from creating a town area which is completely surrounded by the city or village (also known as a "town island"). So long as 2 or more separate jurisdictions (the annexing municipality and another town, city, or village) touch remaining town lands, no town island is created.

There is also a relationship between annexations and incorporations. The publication of a "notice of intent to incorporate territory" can effectively halt annexations from town territory until the incorporation matter is resolved.

Finally, county shoreland, erosion control, and stormwater management ordinances and town erosion control and stormwater management ordinances in effect prior to annexation remain in force until a city or village enacts an ordinance at least as restrictive as the regulation in effect at the time of annexation or incorporation.

**Table A-1
Comparison of Cooperative Boundary Agreements and Annexation**

	Cooperative Agreements	Annexation
Landowner initiates?	No	Yes
Town participates in decision?	Yes	No
Who reviews?	DOA, with comments from county planning agency and/or RPC	City or village (and DOA in counties of 50,000 or more)
Who decides?	All affected municipalities and DOA	City or village
Appealable action?	Yes, Chapter 227	Yes, by town
Possible binding referendum?	No, advisory only	Yes
Permanent?	Yes, period fixed by participants, may be amended upon request, following review and approval by DOA	Yes, unless city or village receives petition requesting detachment and receiving municipality concurs
Easily accomplished?	No (1/2 year or more to prepare)	Yes, but could trigger litigation
Type of process	Comprehensive	Incremental
Involves planning	Yes	No
Protection for town and affected landowners	Yes	No (except referendum election may be required)
Involves service sharing	Yes	No
Protection for extending municipal sewer and water to towns	Yes (untested)	No
Prevents subsequent annexations?	Yes, for territory contained within the cooperative agreement	No

Appendix B: Cooperative Boundary Agreements

Cooperative boundary agreements are authorized under Section 66.0307 of Wisconsin Statutes and may specify where, when and how property may be annexed into one jurisdiction from another. They are the most thorough and complete method for developing boundary agreements in Wisconsin, are a valuable tool for local communities and are a welcome alternative to protracted conflicts and litigation over municipal boundary and land use issues.

Features of Cooperative Boundary Agreements

- Broad notice to area residents and jurisdictions.
- A public hearing and comment period.
- Possible referendum. Residents may petition for an advisory referendum on the agreement.
- A jointly developed cooperative plan for the agreement territory that is consistent with each community's comprehensive plan and that may address future streets, sidewalks and trails, layout of neighborhoods, design standards, zoning, and public facilities such as parks, municipal buildings, stormwater management, and utilities.
- Review by the Department of Administration. The Department may approve, deny, or recommend changes. The Department also defends the agreement against appeal.

Benefits of Cooperative Boundary Agreements

Cooperative – While annexation and incorporation tend to pit neighboring communities against one another, boundary agreements provide a chance to focus on shared values, points of agreement, and solutions that can benefit everyone.

Proactive – While annexation and incorporation put area communities in a reactive mode, cooperative boundary agreements enable communities to proactively guide their future.

Flexible – While statutory boundary change mechanisms such as annexation are rigid in their scope and process, cooperative boundary agreements provide communities with tremendous flexibility. Communities may determine the issues to be resolved, the size of agreement area, whether municipal boundaries will change or not change over time, the duration of the agreement, what services will be provided and by whom, the timing and financing of capital improvements, and how the area will be regulated and by whom. Communities have the discretion to creatively craft their own solutions to their issues.

Certainty – While annexations, consolidations, and incorporations are unpredictable, cooperative boundary agreements put communities in charge of their future. This certainty also benefits landowners, developers, businesses, and other community stakeholders.

Broad Participation – The public notice, public hearing, public comment, and advisory referendum features of the cooperative boundary agreement process ensure that a wide range of affected residents and stakeholder groups participates in developing the agreement. Because they helped create it, these participants are more likely to support the agreement's adoption and implementation.

Economical – A cooperative boundary agreement can save money by avoiding costly litigation. Also, the agreement's plan for the territory can identify service sharing opportunities and avoid costly duplication of services and capital facilities. Finally, towns with an adopted cooperative boundary agreement are authorized to utilize TIF districts.

Long Term – Cooperative boundary agreements must be a minimum of 10 years' duration, but are usually considerably longer. They allow for a much longer duration than the 10 year maximum permitted by boundary agreements entered into under s. 66.0301 Wis. Stats. – Wisconsin's general intergovernmental agreement statute.

Enforceable – Cooperative boundary agreements safeguard community and landowner interests by providing a written contract that is approved by the state. The state is also responsible for defending the agreement against appeal.

State and Regional Coordination – State agencies, regional planning commissions, and counties are required to review and comment on proposed cooperative boundary agreements. This provides a great opportunity to coordinate state and regional plans, projects, and programs with local community activities and desires. For example, it helps to ensure that the state and regional permits and approvals necessary for development will be available when needed.

Source: Wisconsin Department of Administration