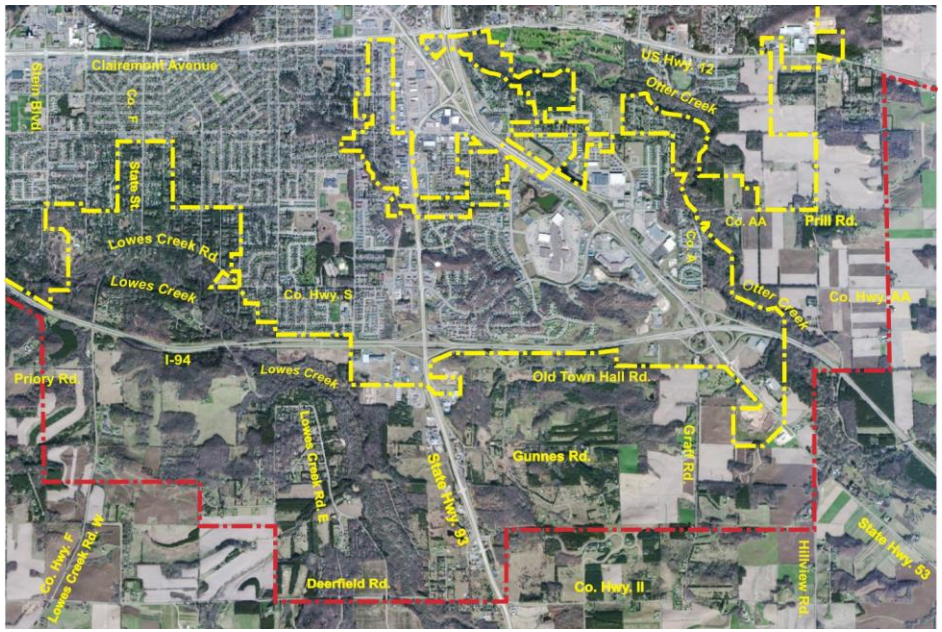
Draft for Public and Agency Review

City of Eau Claire Sewer Service Area Plan

Town of Washington

Analysis of Conditions and Issues



City of Eau Claire Sewer Service Area Plan

Town of Washington

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 Washington

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

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 subdivision ordinances to incorporate standards for land division in the Eau Claire Urban 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 City of Eau Claire and the five Town boards 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 Washington is located south of Eau Claire and east of the City of Altoona. There are also two peninsulas of the town that jut into the body of Eau Claire on the south and east. The Urban Sewer Service Area in the Town is bisected by the Lowes Creek valley, which is framed by hills to the west and east.

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. These two features are described in a subsequent section of this analysis.

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

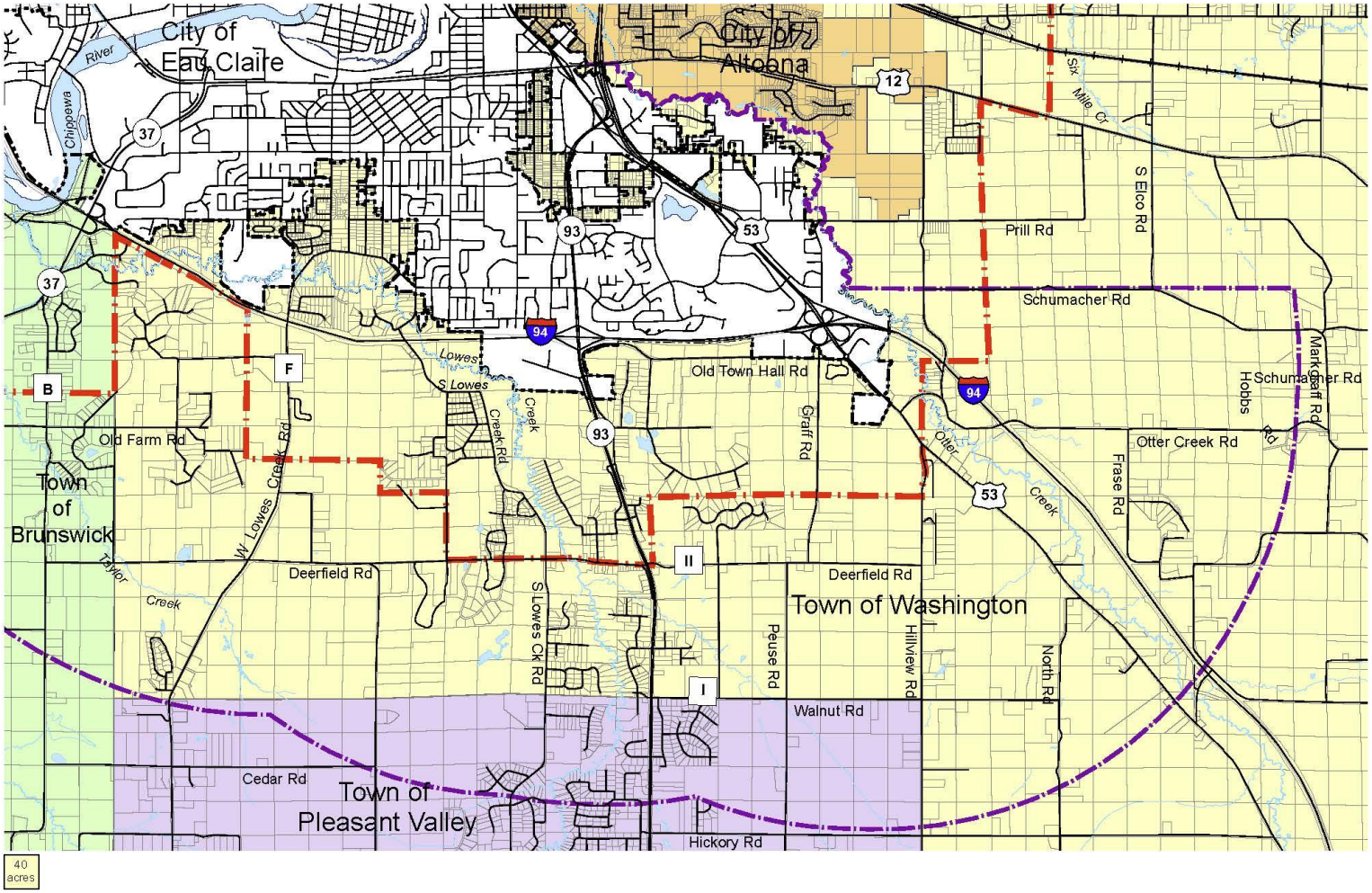


Figure 1
Town Location and Growth Management Areas

Summary of Conditions and Issues

Summary of Conditions

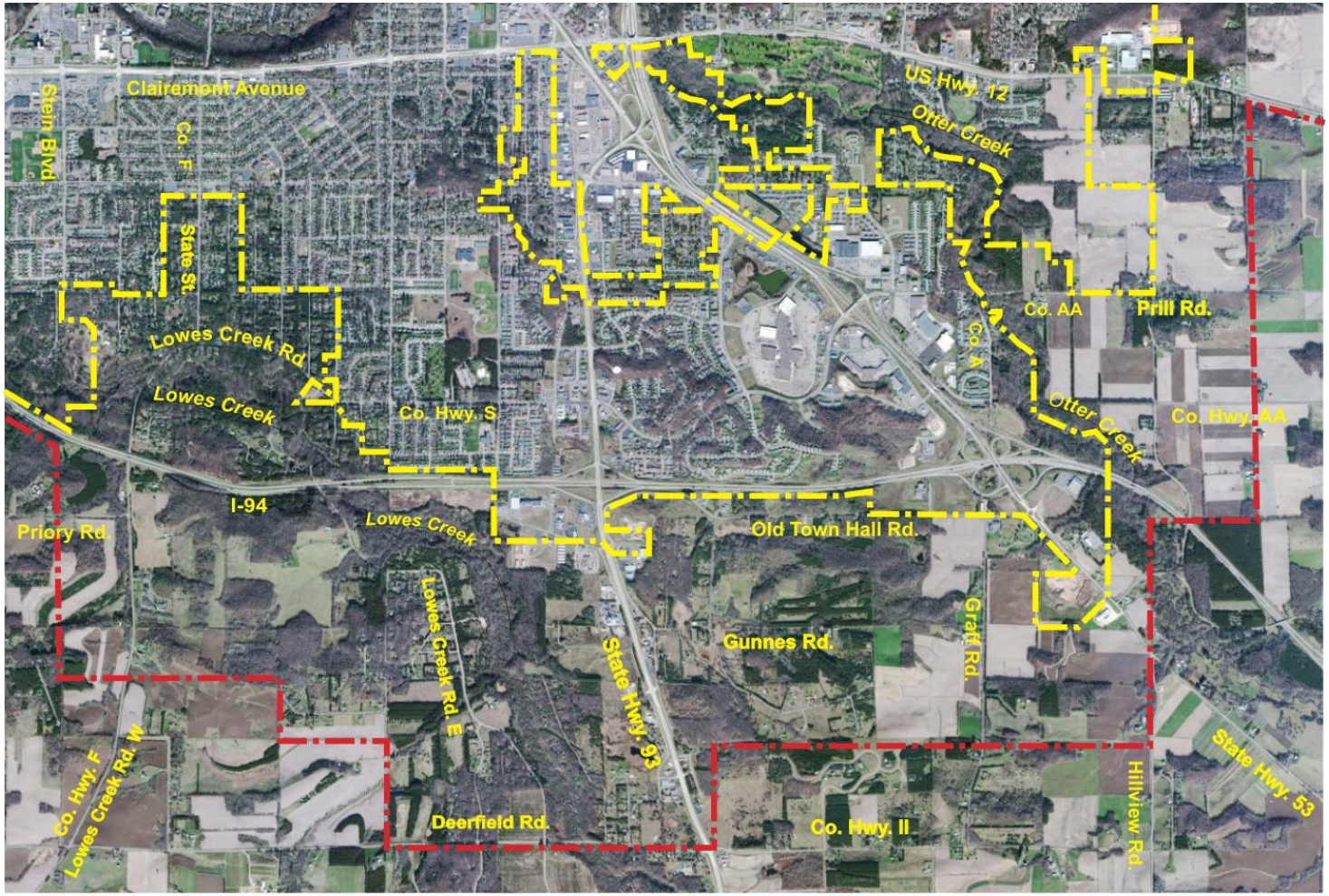
These key conditions or findings may have a bearing on the growth management plan for the Urban Sewer Service Area of the Town of Washington.

- The study area has beautiful **land forms**, forest, streams and vistas. **Lowes Creek County Park** along with **Lowes and Otter Creeks** are major natural amenities for housing, recreation and sustainability.
- One of the major thrusts of the **residential development pattern** around Eau Claire has been to the south along the Highway 93 corridor, including the study area.
- **I-94 and US 53** are physical barriers between the study area and the rest of the City of Eau Claire.
- **Road access** is provided primarily by US 53, Wisconsin 93, County F and East Lowes Creek Road.
- **Sewer and water lines** may feasibly be extended into the Town along four corridors: County Highway F, East Lowes Creek Road, Highway 93 and Highway 53.
- There is a substantial number of **residential lots already platted** in the Urban Sewer Service Area, particularly between West Lowes Creek Road and US Highway 53.
- There remains approximately 1,838 undeveloped acres of **land planned and zoned for residential development** that can be served with City sanitary sewer and water lines in the Urban Sewer Service Area.
- The pattern of **large lots, steep slopes, mature forest and discontinuous local streets** will make urbanization of the study area somewhat inefficient and more expensive.
- There is potential for additional **commercial development** in the Highway 93 corridor in infill locations.
- The land development and public improvement recommendations of the **Lowes Creek water quality study** must be followed for the health of that special natural resource.
- There are some locations of **steep slope** that are not amenable to development but which can be incorporated into future neighborhoods and not completely block growth patterns.

Major Planning Issues

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

- What should be done to address the **irregular border** between the City and the Town in parts of the study area?
- What should be the southern extent of commercial development in the **Highway 93 corridor**?
- Should commercial and industrial development be planned for the **Highway 53 corridor**?
- What are the best techniques for helping new urban-scale development **co-exist** with the larger, semi-rural housing that is already in place?



Town Boundary (approximate)

Urban Sewer Service Area Boundary

40 Ac.

Figure 2
Aerial Photograph of the Urban Sewer Service Area

Forecast of Population and Households

The number of households in Eau Claire County is forecast by increase by 18 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 7,000 households. The great majority of this growth is expected to be in and around the City of Eau Claire, including the Town of Washington. 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 Washington.

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, Eau Claire County, 2000 – 2030

	2000	2010	2030	Change 2010 to 2030	
Population	93,142	98,736	118,728		
Households	35,822	39,493	46,519	18%	7,026
Housing Units	37,474	42,015	49,490	18%	7,475
Detached Housing Units	23,870	26,873			
Attached Housing Units	13,604	15,142			

Forecast of population: Wisconsin Department of Administration, 2008
Assumes that the housing vacancy rate stays the same from year 2010 to year 2030.

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

	2000	2010	2030	Change 2010 to 2030	
Population	6,995	7,182	9,154		
Households	2,555	2,758	3,203	16%	445
Housing Units	2,615	2,888	3,354	16%	466
Detached Housing Units	2,092	2,272			
Attached Housing Units	523	543			

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 Washington 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

City of Eau Claire	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	20%
In Washington USSA	2,089	30%
Other Towns' USSA	3,482	

Forecast Acreage of Housing to Be Annexed in Sewer Service Area of Washington, 2014-2030

Forecast Number of Housing Units	2,089
Assumed Units per Gross Acre	3.0
Estimated Housing Acreage	696

File: Demographic Profiles and Forecasts.xls

Current Parcelization and Land Use Patterns

Figure 3 illustrates the parcelization of the Town, and it can be seen that there are many semi-rural lots in the range of 1.5 to 10 acres within the Sewer Service Area and the three-mile Extra-territorial Plat Review Area. These existing subdivisions will make it difficult if not impossible to achieve urban residential densities 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 Washington and the City of Eau Claire.

As indicated by Table 4, there are 3,252 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 1,838 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 4,600 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. Thus, it is a loose estimate.

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

	Parcels	Gross Acres	Portion Assumed Developable	Net Developable	Existing Housing Units	Current Average Ac. / Unit
Agricultural and Forestry	67	1,449	70%	1,014	-	
Farmsteads	17	340	70%	238	17	20
Vacant Lots > 2 acres	65	293	80%	234	-	
Occupied Lots > 2 acres	184	1,170	30%	351	184	6
Total developable land for Washington		3,252		1,838		
Potential additional units at 2.5 per gross acre					**4,594**	

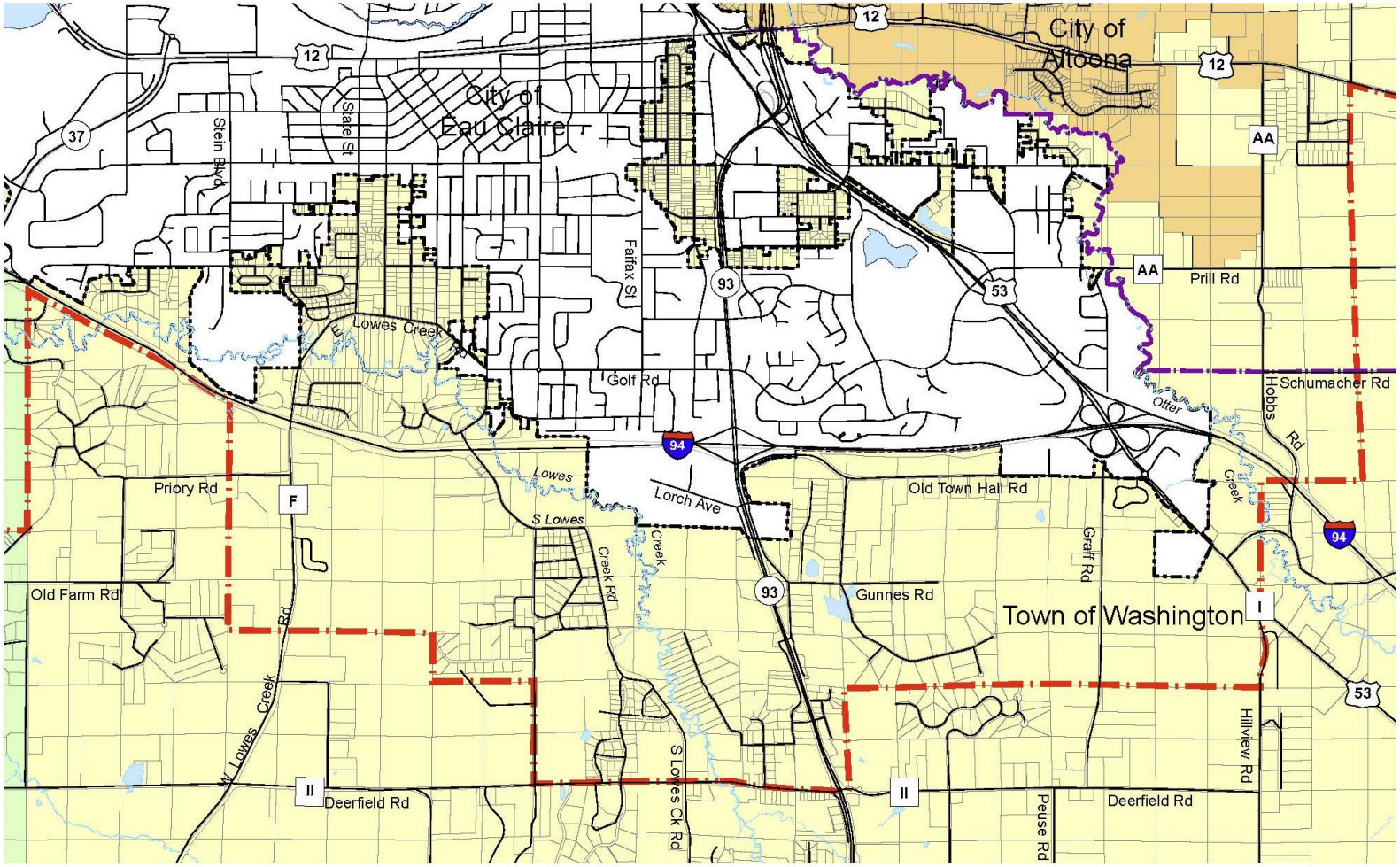


Figure 3
Pattern of Land Parcels

Growth Management Controls and Land Use Plans

Extra-territorial Plat Approval 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 of Altoona overlaps with part of the ETJ of Eau Claire in the Town of Washington. 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 Washington are listed under the sub-section titled Amended Town of Washington 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 on page 12 under the section titled Amended Town of Washington 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.

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 trunk sewer 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 Washington is illustrated by Figure 1, Town Location and Growth Management Areas.

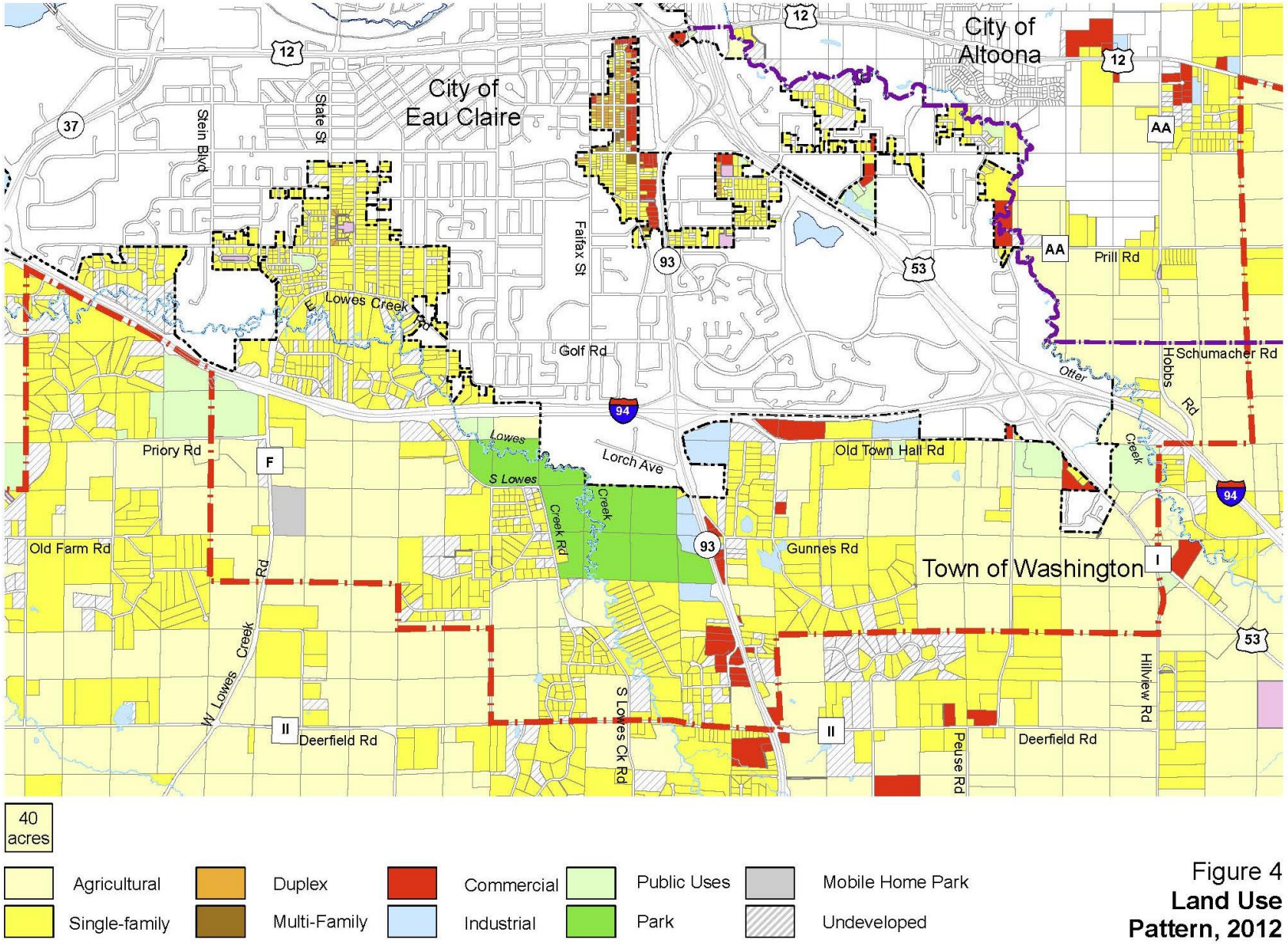


Figure 4
Land Use Pattern, 2012

Town of Washington Land Use Plan, 2009

The Town of Washington 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 Washington. The Plan acknowledged the existence of the Extra-territorial Plat Review Jurisdictions of the Cities of Eau Claire and Altoona.

The **Rural Transition Area** is intended to preserve certain areas in farming or other open space until more intensive development may be appropriate. The area will be regulated consistent with the policies of the Rural Preservation area, which means, among other things, that the **minimum residential lot size will be 5 acres** until that transition occurs. The area may transition to commercial or industrial use, depending on nearby land uses.

The **Rural Residential Area** provides for unsewered housing development on parcels as small as **2 acres**. It also allows clustered housing at slightly higher densities.

The **Rural Residential Cluster Area** allows housing on parcels of **1 to 5 acres** in exchange for preserving at least **40 percent of the subdivision in its natural state**. The plan allows for such conservation areas to be later developed if annexed to the City of Altoona or Eau Claire and served by municipal utilities. This is a wise policy for locations within the Urban Sewer Service Area. The land owner must petition for annexation and the Town must release the owner from the conservation agreement.

The **Rural Commercial Area** has been applied along Highway 93 and in one location along Highway 53. This area, as the name implies, allows businesses, especially those that serve agricultural or rural needs.

Amended Town of Washington Land Use Plan, 2011

In 2011, the Town of Washington amended its 2009 comprehensive 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 Washington 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.

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.

Note that the Town of Washington has many areas of large-lot semi-rural housing already developed. Consequently, there will likely be exceptions granted to the ten-acre minimum lot size (described on the next page) on the basis of infill lots and locations that cannot be reasonably served with City utilities because of natural barriers or cost. These locations are expected to be in and around the areas planned as Rural Residential and Rural Residential Cluster on Figure 6.

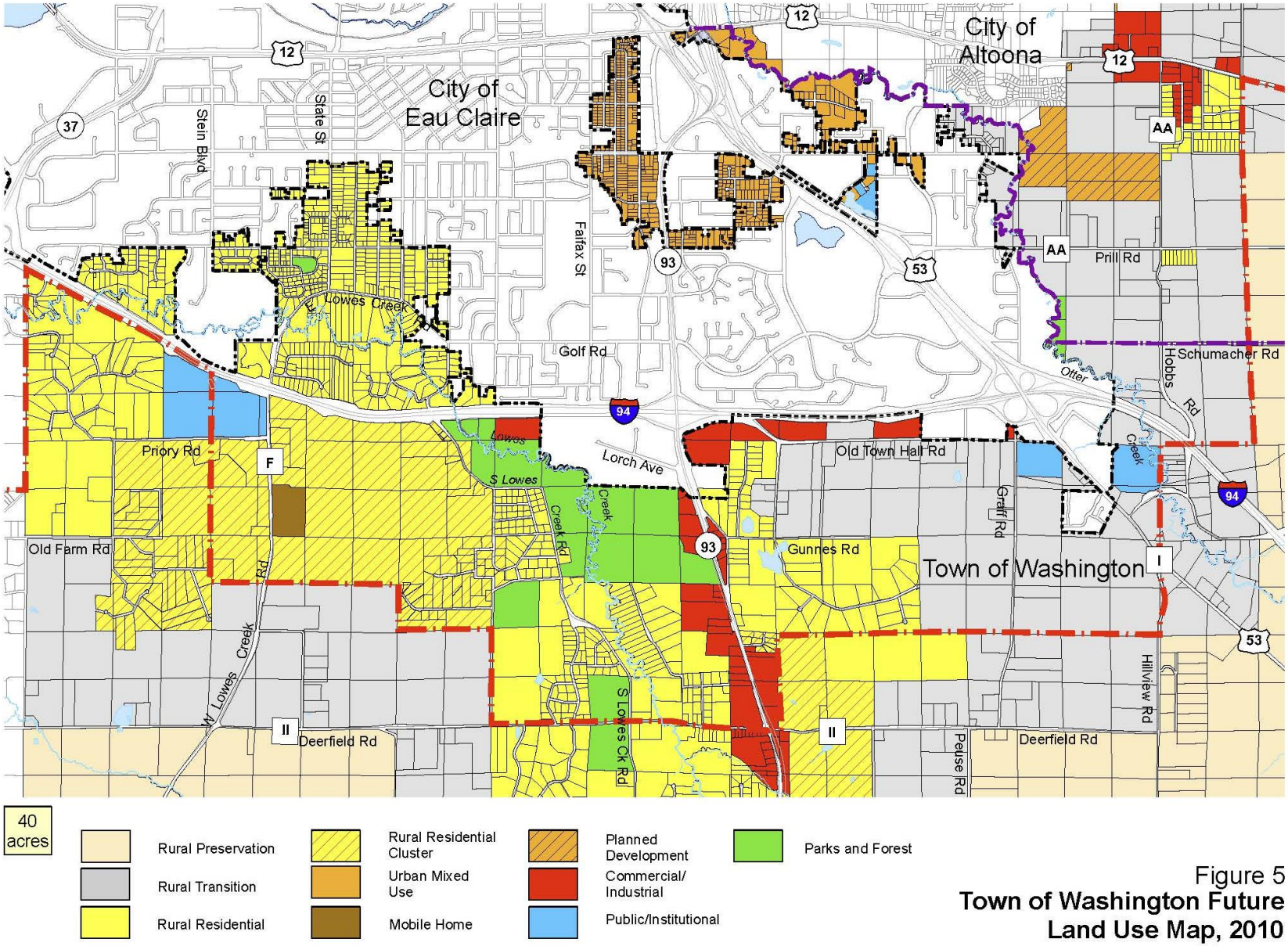


Figure 5
Town of Washington Future Land Use Map, 2010

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 densities must be no greater than 1 dwelling unit per 2 acres for Rural Residential planning districts or 1 per 5 acres for Rural Preservation and Rural Transition planning districts.

Base Density

Land divisions for residential purposes shall be permitted 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 Washington 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 T*own of Washington Comprehensive Plan*, as amended, and applicable ordinances of the Town of Washington 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**.

Criteria for 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.

Criteria for exceptions to base residential density standard:

(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

Non-residential land divisions within the USSA are regulated on the basis of land use and lot size and dimensions under existing zoning and subdivision codes. 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.

Non-residential land divisions outside the USSA shall be regulated on the basis of land use and lot dimensional requirements in County and Town regulations and plans. The following general policies shall apply to non-residential development outside the USSA but within the ETJ:

(1) The preferred commercial uses in rural areas are agricultural-related uses, such as, veterinarian clinics, greenhouses/nurseries, or agricultural implement dealers.
(2) Industrial and commercial development shall be encouraged to locate near incorporated areas, existing business developments, or along collector and arterial roadways.
(3) When rezoning is requested, only that portion of land necessary for the contemplated use shall be rezoned.

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

Highways 53 and 93 are recognized as major entry corridors for both the Town of Washington 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 Eau Claire 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 Highway 53 (North of County Highway I / Otter Creek Road) and Highway 93 (North of County Highway II), as shown on Figure 5.

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.

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 Washington and the City of Eau Claire as well as property owners and stakeholders.

Eau Claire County Land Use Plan

Eau Claire County updated its *Comprehensive Plan* on September 18, 2012, to exactly reflect the amended *Town of Washington Comprehensive Plan* (which was originally adopted in 2009 and amended in 2011). The amended County plan includes all of the provisions from the amended Town plan pertaining to density, land divisions, utilities, cooperative boundary agreements and the map of future land use in the Urban Sewer Service Area. Those provisions were described under the preceding subsection titled Amended Town of Washington Comprehensive Plan, 2011.

The amended County plan includes the following features that supplement the Town's plan amendment and inform the *Fringe Growth Management Plan* as it applies in the Town of Washington:

Rural Residential

This land use plan classification encourages semi-rural, large lot housing in the part of the Town that is closest to the City. The primary intent of this classification is to identify areas suitable for future non-farm residential development. Residential lots may be as small as two acres. Rural residential areas include lands that are delineated as existing residential properties or vacant platted areas. In addition, some undeveloped land has been included where subdivision expansion is likely to occur. These additional areas tend to be adjacent to existing rural subdivision or where local roads and utilities exist to efficiently and economically serve the area.

Rural Residential Cluster

In these locations, slightly smaller lots made be allowed in exchange for preserving areas with natural, agricultural or cultural importance and for the use of subdivision design guidelines contained on pages 2-23 and 3-6 of the County plan.

The Rural Transition Classification on the County Land Use Plan Map

This classification identifies land near developed areas that should be preserved in mainly farming in open space until such time as more intensive development is appropriate. The Rural Transition areas potentially represent prime candidates for intergovernmental agreements that lay out specific plans for land use, boundary changes and fiscal arrangements.

The Urban Mixed Use Classification on the County Land Use Plan Map

This classification identifies a small area that is suitable for a broad range of commercial, institutional, recreational and residential land uses that might be served by public utilities within the next 20 years. Residential densities higher than allowed in the County's Rural Residential classification require the use of City sanitary sewer connections. These are also called "Smart Growth Areas" within the County plan.

Rural Preservation

In Washington, this classification is only used outside of the Urban Sewer Service District. The intent of this classification is to protect productive agricultural and forestry land. The County's preferred housing density is one unit per 20 or more acres although the Town comprehensive plan may be as dense as one unit per five acres. (Washington adopted the five-acre minimum residential lot size in their 2009 plan.)

Natural Resources Protection Overlay

This district is intended to protect sensitive natural resources such as wetlands, floodplains, slopes greater than 20 percent and shoreland areas (1,000 feet of navigable lakes or 300 feet of navigable streams).

Cooperative Boundary Agreements

The County encourages the development of cooperative boundary agreements, or joint extraterritorial zoning commissions, between incorporated municipalities and adjacent towns to address long-term annexation, boundary and development issues.

Municipal Plat Review Areas

This Plan recognizes that the City of Eau Claire has the statutory right to plan for land uses within its Extra-territorial Plat Review Jurisdiction. The plan formulated by the City of Eau Claire for areas within its Extra-territorial Plat Review Jurisdiction may differ from the *Eau Claire County Comprehensive Plan*, or from the plans of applicable Towns. All municipal future land use maps are incorporated into the County plan for reference purposes. Petitioners of development proposals within municipal plat review areas are advised that their development proposal may need approval by the County, town, and applicable municipality.

Municipal Urban Sewer Service Areas

Within municipal plat review areas, or planned urban sewer service areas, developments should be arranged for potential infill development to facilitate the delivery of future municipal utilities. (For example, placing the building envelope to one side of a lot to facilitate the future subdivision of the remaining lot, or clustering lots together in one corner of the parcel allowing for future development of the remaining open space.)

City of Eau Claire Land Use Plan

The Land Use chapter of the *City of Eau Claire Comprehensive Plan* (2005) designates the land within the Urban Sewer Service District of the Town of Washington primarily as "Future Neighborhood." According to the plan, this classification indicates locations where housing and supportive commercial and non-residential development is expected to occur. The City intends that there be a mixture of types of housing in these locations. This also implies service by the City's sewer and water systems upon annexation to the City and petition by the property owners.

Commercial development is planned along portions of Highways 93 and 53. Three parks are shown along with the Town Hall site and the County Fairgrounds.

Portions of the town that are already served by public sewer and water systems are planned as Low Density Housing.

The arrangement of residential densities and types is expected to be determined through future sub-area plans.

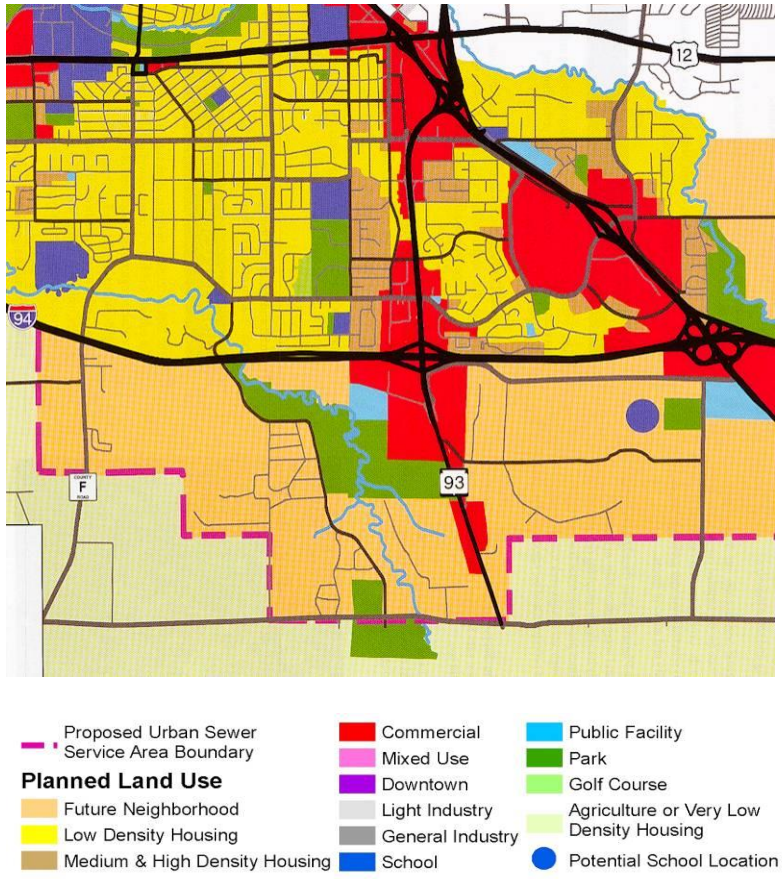


Figure 6:
City of Eau Claire Comprehensive Land Use Plan for the Town of Washington

Comparison between the Plans of the City and the Town

The amended comprehensive land use plan of the Town of Washington is 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 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/industrial land uses should be agriculturally-related.

Current Zoning Regulations

Figure 7 illustrates the pattern of zoning districts in the Town of Washington in 2012. The pattern of zoning generally follows the Town's land use plan map. Zoning in the Town is administered by Eau Claire County with permission from the Town. These generalized types of zoning are used within the Urban Sewer Service Area in the Town of Washington:

- Agricultural (5 acre to 40 acre minimum lot sizes)
- Rural homes (1 acre minimum lot size; on-site wastewater treatment and private well)
- Commercial (1 acre minimum lot size)
- Conservation (wetland, shoreland, floodplain, steep slopes)
- Low-density residential (urban-sized lots in the peninsulas served with City sanitary sewer and water)
- High-density residential (urban-sized lots and multiple-family buildings in the eastern peninsula served with City sanitary sewer and water)

However, 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 1-acre residential parcel could be created but the overall density of the subdivision must be no greater than 1 parcel per 10 acres.

The specific zoning districts have not been used here for the sake of simplicity and communication. Readers who are interested in learning the exact zoning of a site should obtain a copy of the Eau Claire County zoning ordinance and map from the County Department of Planning and Development.

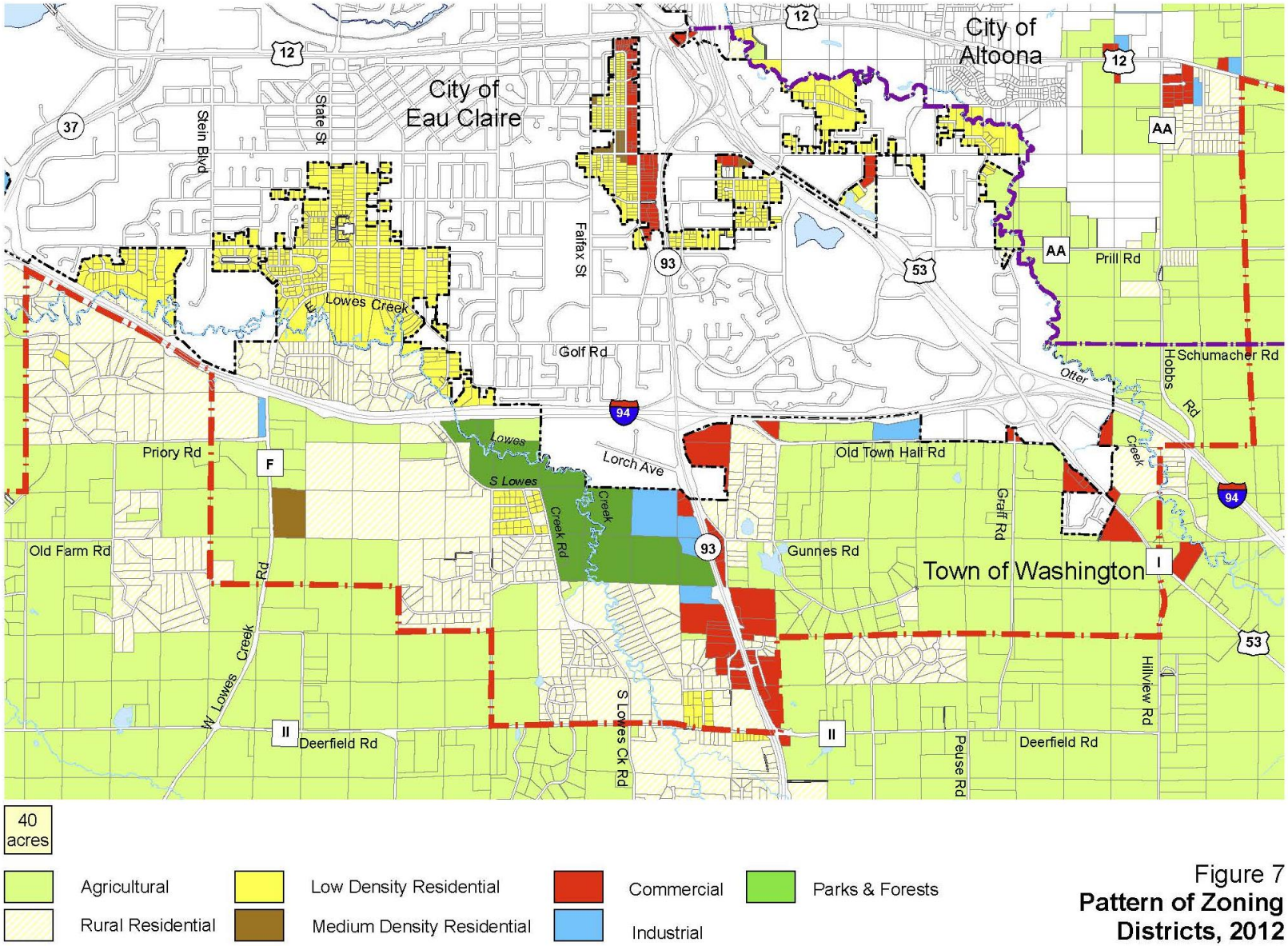


Figure 7
Pattern of Zoning Districts, 2012

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.*

The road functional classification plan, illustrated as Figure 8, 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 functional classifications in the Washington 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.

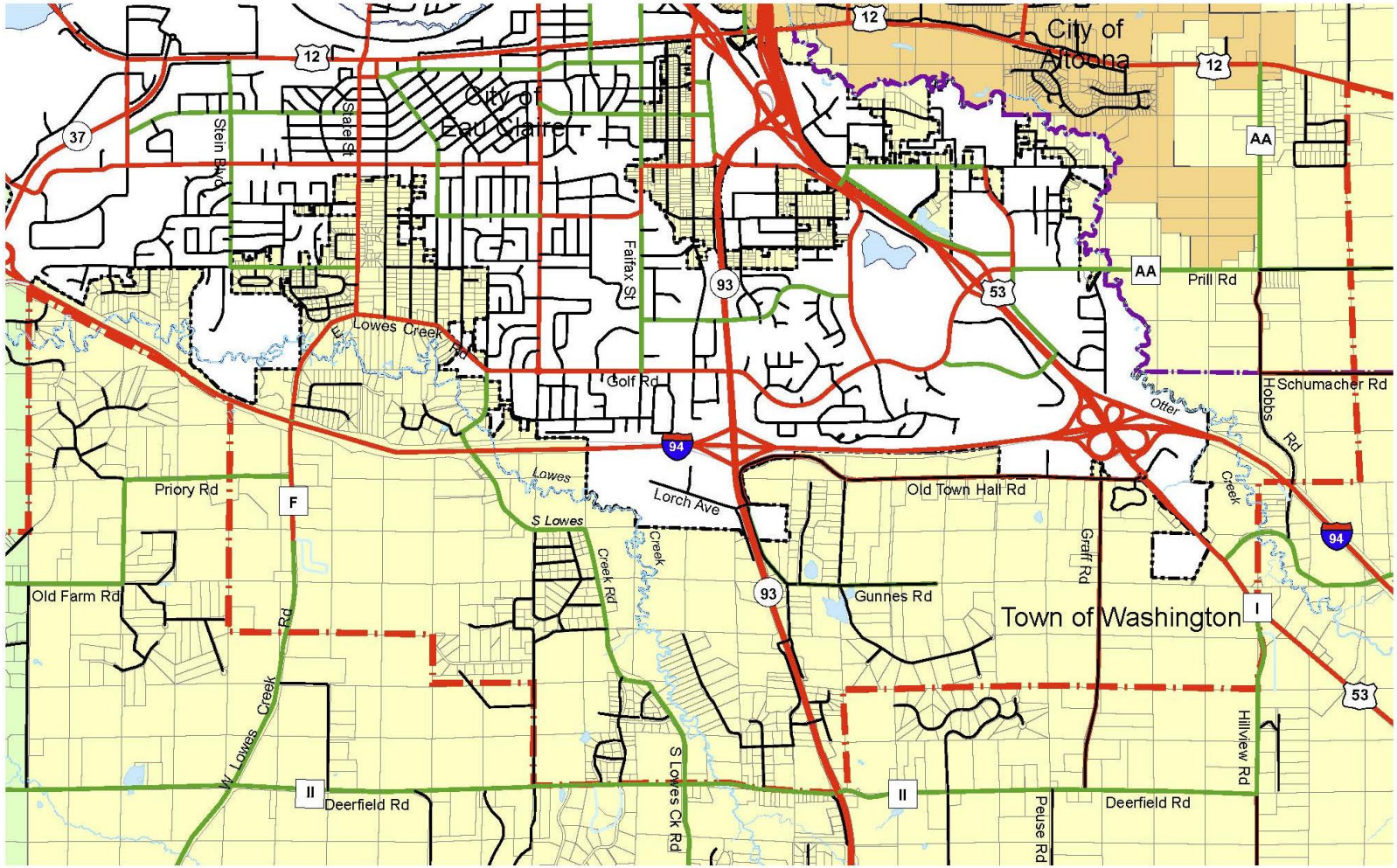


Figure 8
Road System, 2012

Table 5
Road Functional Class Characteristics

Class	Examples	Jurisdiction	R.0.W. Width	Through Lanes
Principal Arterial	I-94	Federal	90 to 300 feet	4 to 6
	US 53	Federal		
	US 12	Federal		
	Wisc. 12 / Clairemont Blvd.	State		
Minor Arterial	Lowes Creek Road W / Co. Hwy. F	County	72 to 150 feet	2 to 4
	Co. Hwy II	County		
	Co. Hwy. A	County		
	Old Town Hall Road	Town		
	Hamilton Avenue	City		
	London Road	City		
	State Street / Co. Hwy F	City or Town		
	Graff Road	City		
Collector	E. Lowes Creek Rd.	Town	66 to 76 feet	2 to 4
	Gunnes Road	Town		
	Prill Road	Town		
	Mall Drive	City		
	Fairfax Street	City		
	Lexington Blvd.	City		
	Skeels Avenue	City		
Local	All others	City or Town	60 to 66 feet	Not striped

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

Road Upgrades: Most of those planned roads exist but they may not all be built to match their planned characteristics. For instance, an existing road may be planned as a Minor Arterial but built to the level of a Collector Road. Based on the *Eau Claire Comprehensive Plan*, roads that may be functionally upgraded in the Town of Washington are listed in Table 6.

Table 6
Collector Roads Planned to Be Upgraded to Minor Arterial Roads

Road	From	To
Old Town Hall Road	Wisconsin Highway 93	US Highway 53
County Highway IA / Graff Rd.	Old Town Hall Road	County Highway II / Deerfield Road
County Highway II / Deerfield Rd.	County Trunk Highway F / West Lowes Creek Road	County Highway I / Hillview Road
County Highway F / West Lowes Creek Road	County Highway II / Deerfield Road	I-94

Source: Eau Claire Comprehensive Plan, Table 4-2, page 4-9.

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.

Planned Road Extensions: The following road segments in the Washington study area are designated in the *Eau Claire Comprehensive Plan* to be extended:

- Minor Arterial Road:
  Extend Gateway Drive (County Highway A) from East Clairemont Avenue in the City of Altoona to its existing alignment in the Town of Washington.
- Collector Roads:
  Extend Gunnes Road to Graff Road
  Future, yet-unplanned neighborhood Collector Roads

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 Washington.

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 7
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	½ mile
Collector	¼ mile	1/8 mile	¼ mile

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

Parks and Trails

Town of Washington Parks

There are six park or recreation sites in the Town of Washington:

- Two Little League-sized baseball diamonds and a conservancy area along Horlacher Lane
- Seven Mile Creek Park (W. Park Creek Road near the Eau Claire River, which is outside this study area)
- Lowes Creek County Park (along State Highway 93).
- Three wildlife areas for passive recreational use along E. Hamilton Avenue, Elayne Drive, and Nine Mile Creek Road.

There are no plans by the Town or Eau Claire County to acquire or develop any additional park or recreation open space in the study area at this time. However, the Town plans to maintain the Little League Diamond and Nine-Mile Creek Park as focus areas for community gatherings and recreation.

The Town will work with Eau Claire County to help ensure that Lowes Creek Park continues to meet area needs. The Town encourages the connectivity of local park and recreational facilities with regional facilities, via bicycle trials or marked routes on existing roads.

The Town will require all proposed residential subdivisions to dedicate land, or pay a fee in lieu thereof, for public parks, recreation, and open space acquisition and development.

Eau Claire County Parks and Trails

Lowes Creek County Park is a 250 acre park located in the Town of Washington south of I-94 between Lowes Creek Road and State Highway 93. Lowes Creek, a trout stream that flows through the park, is spanned by a bridge giving hikers and skiers access to both sides of the creek. In addition to fishing, the park has approximately five miles of fitness / hiking and cross country ski trails that are also open for mountain biking. Winter snowshoeing and pet walking trails are groomed to separate these activities from the skiing trails. A picnic shelter and pit toilets are located adjacent to the parking lot. Daily or annual vehicle entrance passes are required.

City of Eau Claire Parks and Trails

The Parks System chapter of the *Eau Claire Comprehensive Plan* (2005) proposes two new parks and one new trail in the study area. The proposed facilities are:

- A ten-acre playground adjacent near Graff Road. The location is subject to negotiation but ideally this park will be co-located with a future public elementary school. Planned facilities include a multiple-purpose open play area, children's play equipment, a basketball court and a picnic shelter.
- A thirty-acre Community Park near Lowes Creek and County Highway II. This land has already been deeded to the City for park development. Planned facilities include an open space, trails, a multiple-purpose open play area, children's play equipment, a basketball court and a picnic shelter.
- A multiple-use path along the eastern side of Otter Creek from Southeast Community Park to the border of the City of Altoona. This path would be part of an expansion of Southeast Community Park that will protect the wooded valley beyond the already-protected flood plain and buffer the effects of future urban development to the east.

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.

Southeast Community Park, located along Otter Creek, includes a dog park.

Natural and Cultural Resources

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

Eau Claire County Land and Water Resource Management Plan

The *Eau Claire County Land and Water Resource Management Plan* guides the reduction of soil loss and water pollution. State rules are incorporated in 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 enacted a storm water management and erosion control ordinance in 2006, which 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 Division of Eau Claire 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. In addition, the Land Conservation Division will monitor water quality in Lowes Creek semi-annually.

The Land Conservation Division of the Eau Claire County Department of Planning and Development 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)

Nonpoint Source Control Plan for the Lowes Creek Priority Watershed Project

Lowes Creek is classified as a Priority Watershed by the DNR because of its water quality and fish habitat. In 1993, the Wisconsin DNR prepared a plan to protect the water quality of the creek, *Nonpoint Source Control Plan for the Lowes Creek Priority Watershed Project.* Therefore, surface water management and land development in the Lowes Creek watershed should receive special attention by the City. Eau Claire will coordinate with the Town of Washington as well as Brunswick and Pleasant Valley to consistently apply the protection recommendations contained in that plan.

Lowes Creek, a trout stream, has benefited from public improvements that catch warm urban surface water runoff then filter it into the ground water where it cools before seeping back to the creek, much to the benefit of the sensitive fish.

Practices recommended by the DNR plan for the Lowes Creek watershed include:

- Using generous building **setbacks**
- Adopting and enforcing regulations on the design, construction and **maintenance** of on-site sewage systems
- Leaving yards in natural **vegetation**
- Controlling stream bank and gully **erosion**
- Controlling **agricultural** manure spreading
- Planting improved natural stream **buffers**
- Using detention **ponds** for flood control and water cleansing
- Using infiltration **ponds** and swales to remove pollutants and reduce temperatures
- Using **swales** rather than pipes to convey water
- Avoiding direct **discharges**
- Controlling **erosion** on construction sites
- Protecting steep **slopes**
- Building narrow **streets**
- Applying better **subdivision** design to slow, divert and reduce discharges
- Attenuating **runoff**
- Pre-treating **runoff**
- Monitoring, inspecting and maintaining management **practices**.

The ecology of Lowes Creek benefits from an undisturbed natural shoreline.

Eau Claire County Farmland Preservation Plan

The *Eau Claire County Farmland Preservation Plan* was adopted in 1983 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. The County was updating its farmland preservation plan in 2013.

Cultural Resources

The Town of Washington has a rich agricultural heritage and several farmsteads that have been in existence for a century or more. As development encroaches, it will be beneficial to preserve reminders of this farming and rural legacy. A splendid example of this inheritance is the circular dairy barn located along Lowes Creek Road.

Circular dairy barns were sometimes used in the past for efficient milking.

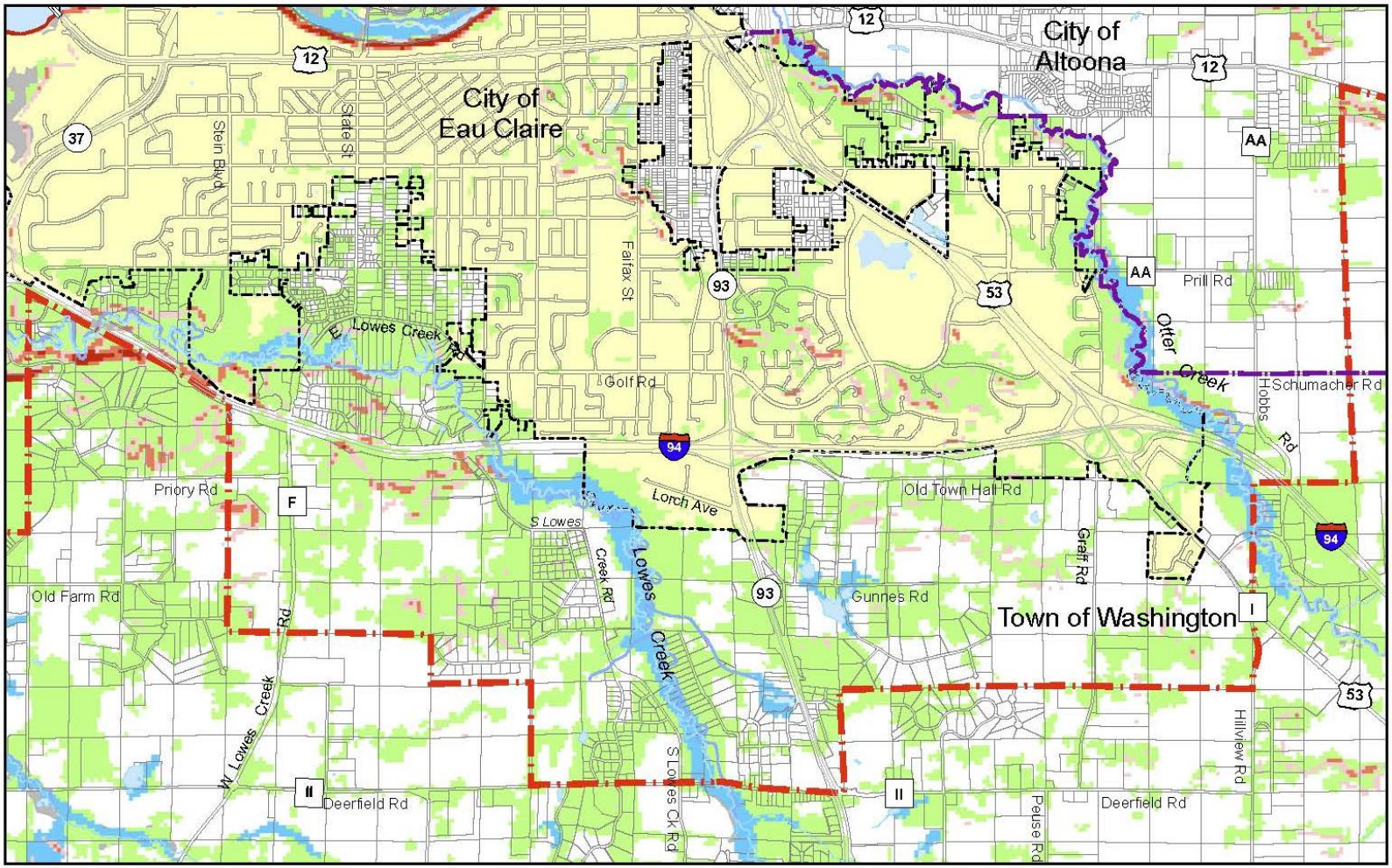


Figure 9
Major Natural Resources and Environmentally Sensitive Areas

Visual Character

The Town of Washington is blessed with abundant natural resources including forested hills, creeks and rolling farm fields. Pleasant vistas across the farm fields display red barns, houses on hillsides and verdant slopes. The landscape of the town is defined by three creeks: Otter on the east, Lowes in the middle, and Taylor to the west (mostly in the Town of Brunswick). Between the creeks are lines of tall, wooded hills.

Lowes Creek is a natural trout stream that runs north through the Town of Pleasant Valley, through the Towns of Washington and Brunswick, and to the Chippewa River.

Lowes Creek County Park is located near the western part of the Town and features 250 mostly wooded acres along the creek with hiking, skiing and mountain biking trails, fishing and picnicking areas.

The following images typify the landscape in the Town of Washington, a traditional barn, a corn field and wood lot, a rural greenhouse and a road that seems to disappear into the forest.

Capacities and Limitations of the Municipal Utilities

City Sanitary Sewer System

Sanitary sewer service is provided to the southeastern fringe of Eau Claire and nearby locations that may be annexed via an interceptor line that runs to the treatment plant along Golf and Grover Roads. That same line runs north along Highways 93 and 53 to serve the City of Altoona (through an agreement) and portions of Eau Claire north of the Eau Claire River. Figure 10, City Sanitary Sewer System, illustrates that pattern of the existing sewer interceptor and local service lines.

Sewer line extensions from the Golf-Grover interceptor to locations south of I-94 have already been constructed in the Highways 93 and 53 corridors. Future links may be built along County Highway F and East Lowes Creek Road. A sewer lift station (a pump) exists near a low spot near Highway 53 while a future lift station will be needed near Lowes Creek along County Highway F.

East of Highway 53, future development will be served by either the City of Altoona (via the interceptor described above) or by the City of Eau Claire. A lift station near Otter Creek and County Highway AA (Prill Road) will collect wastewater from area to the east of Otter Creek and south of Hamilton Avenue (extended). Whether that area becomes annexed to Eau Claire or Altoona remains to be determined.

Thus, sanitary sewer service to urban development in the present Town of Washington will be via the five connections described above.

Within the Urban Sewer Service Area, there are several locations that have been divided into residential parcels that are not likely to ever be resubdivided and served with City wastewater lines. A few other small locations are so hilly that may not be economically feasible to serve because of the lift stations that will be required. Engineering analysis will be needed to conclusively make those decisions. Nevertheless, there remain large areas that are feasible to serve with sanitary sewer and develop at urban densities.

Service Agreements with the Town of Washington

Two portions of the Town of Washington receive sewer and water service from the City of Eau Claire, as described below.

Washington Heights

Washington Heights is a long and winding peninsula of the Town that extends into southeastern Eau Claire from approximately Otter Creek near the Hillcrest Golf and Country Club. Sewer service there was originally provided by the Washington Heights Sanitary District, which fed into the system that was owned and operated by the City of Altoona. When Altoona abandoned its treatment plant in favor of draining to the Eau Claire plant, the City acquired the sanitary distinct, in 1981. That district provided sanitary sewer services to an area that was once south of the City of Eau Claire, basically between Fairfax Street and London Road south of Clairemont Avenue. (The district also provided water service to locations in what became south-central Eau Claire, as described below.)

Under the purchase agreement, all properties in the district served by both sewer as well as water lines could continue receiving City service without annexation. New sewer connections were allowed in the former district without annexation. New water connections were allowed in the water service areas, but new sewer connections there require annexation.

All properties within the sewered portion of the district have municipal wastewater service. All have municipal water service.

All connections pay the same rate as City of Eau Claire customers. The sewer connection fees must be paid with the plumbing permit and cannot be placed on tax rolls.

Oakwood Hills and Lowes Creek Road Areas

A portion of the Town of Washington extends well north of I-94 and past Lowes Creek Road up the State Street corridor to nearly Hamilton Avenue. Part of the area north of Lowes Creek Road was once served by the Washington Sanitary District, which was acquired by the City in 1981 from the City of Altoona. The district also provided water service there. Since 1981, those properties have been served by the City of Eau Claire even though they remain in the Town of Washington. Most of the parcels still have no public sewer service, and a few in the State Street corridor do not have public water service, either.

The City of Eau Claire needed to extend sanitary sewer from its treatment plant to serve the newly annexed Oakwood Hills area and shopping center by crossing streets in the Town of Washington. Under a 1982 agreement, abutting properties along the route were allowed to connect to the City sanitary sewer lines without annexation but they were required to pay the sewer connection fee with the plumbing permit. No water service was involved with this agreement. For large undeveloped parcels along the route, only one sewer connection line was allowed per lot. Subsequent land division requires that the property be annexed to the City when sewer service is provided.

Under a separate agreement with the Town of Washington in 1987, the City was allowed, at the request of abutting property owners, to extend municipal utilities along Halsey Street from Hamilton Avenue to East Lowes Creek Road. Property owners along Halsey Street who wish to connect to that sewer line must join the City.

Wastewater Treatment in the Town of Washington

The vast majority (85 percent) of the Town of Washington relies on private sanitary service, with the exception of the Washington Heights area, which is connected to the City of Eau Claire system. Overall, the public sanitary sewer lines in the Town are in good condition.

Permits for private waste disposal systems are reviewed and issued by the Eau Claire City-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.

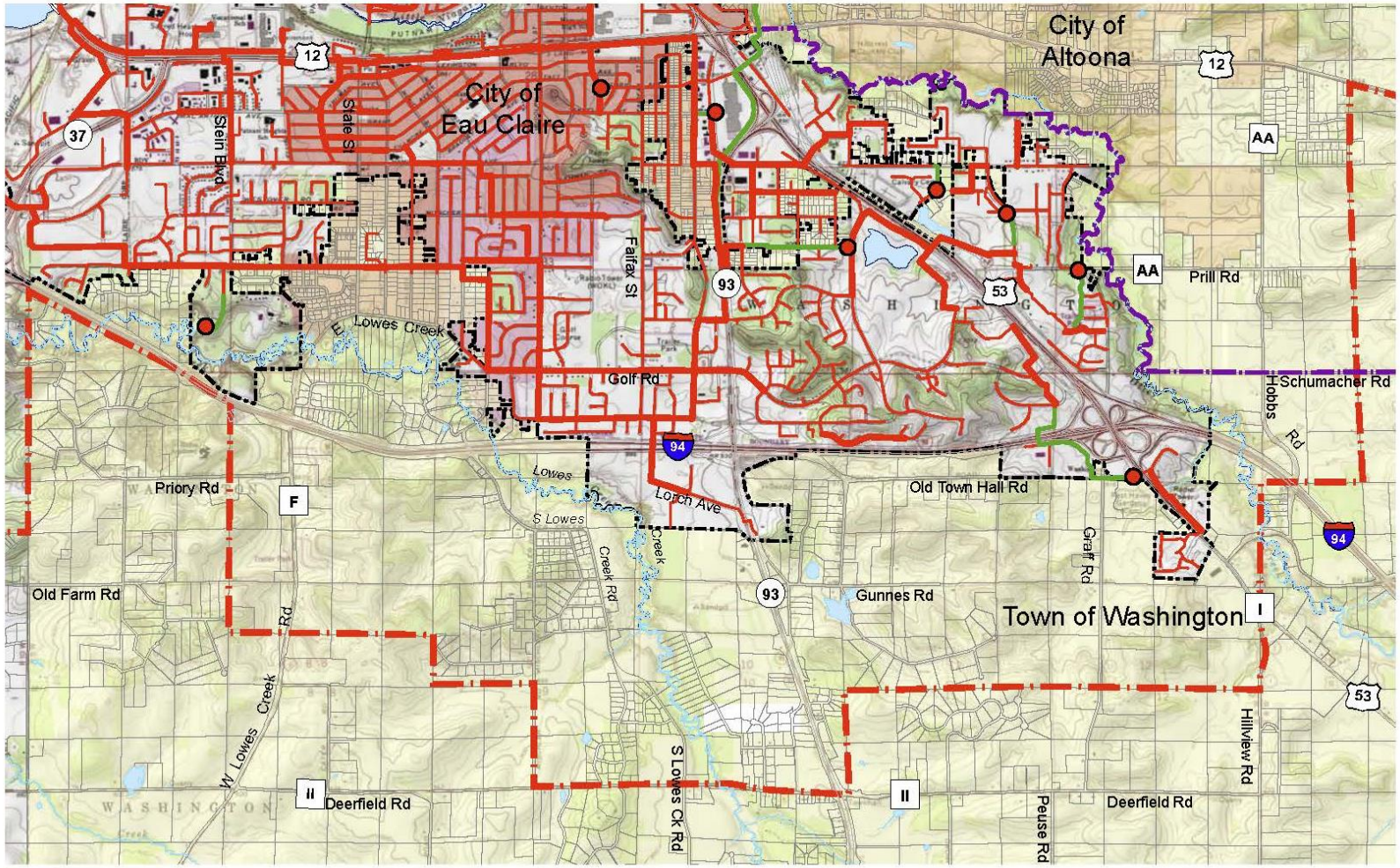


Figure 10
City Sanitary Sewer System

City Water System

The City of Eau Claire water system is divided into low pressure and high pressure zones. The high pressure zones involve use of additional pressure and storage towers, and sometimes pumps, to provide adequate water pressure at elevations higher than those served by the rest of the system. A high pressure zone exists in southeastern Eau Claire, as illustrated by Figure 11, City Water System.

To provide water to locations that may petition for annexation from the Town of Washington, low pressure water lines may be extended under I-94 along County Road F, South Lowes Creek Road and just west of Highway 93. The latter extension has already been built to serve commercial development south of the I-94 interchange.

The high pressure system can be extended to serve areas above elevation 935 between Highways 93 and 53. A line for that purpose has been installed under the freeway and along Highway 53 to initially serve a housing development there. Eventually, that service will be looped back to the existing high pressure system to equalize pressure throughout the lines and avoid water becoming stagnant. An additional high pressure zone will be needed to serve areas above elevation 935 to the west of Lowe's creek.

There is sufficient capacity in the water well and storage systems to serve growth forecast in the Urban Sewer Service Area during this 20 year planning period. Additional engineering analysis will be needed to determine whether an additional pressure tower will be needed in the high pressure zone south of I-94 between Highways 93 and 53.

Town Water Supply

Similar to sanitary sewer service, 80 percent of resident water needs are met through private wells. Approximately 20 percent of the households are served by the City of Eau Claire water supply. Although it is important to continue to monitor closely over time, no known water quantity or water quality issues exist at this time in the Town.

The Eau Claire City-County Health Department also administers rules governing new private water well location and existing private water systems. Examples of services provided by the department are:

- Environmental Health Specialists inspect and provide permits for new wells in the county
- Drinking water contamination problems are investigated
- Proper abandonment of wells is enforced
- Well permits are required for new wells
- Public drinking water systems are routinely inspected and sampled
- Advice is provided on identifying and correcting drinking water quality problems.

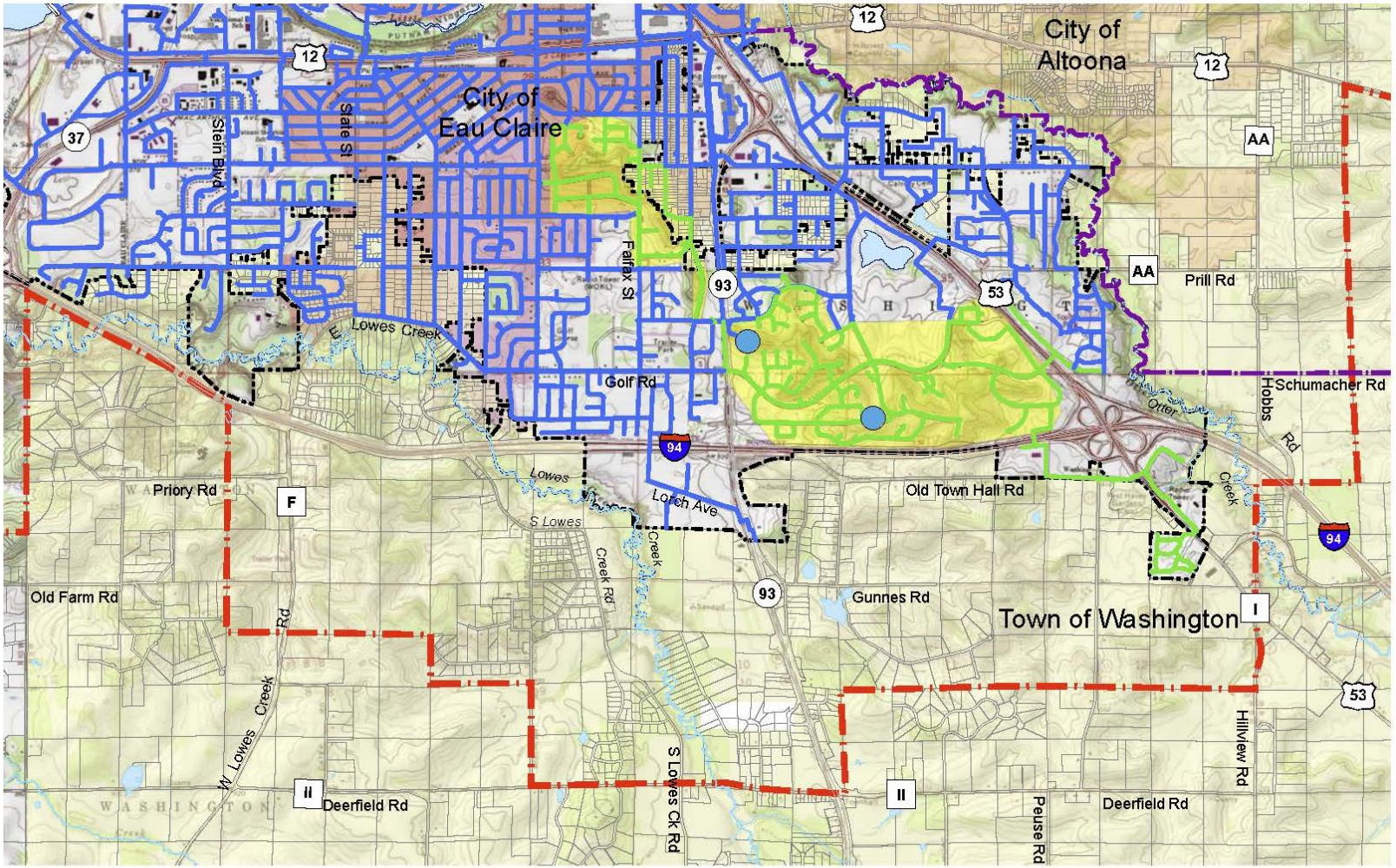


Figure11
City Water System

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.

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

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.

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 Washington

Land development standards in the Town of Washington are guided primarily by the Eau Claire County Zoning Ordinance (Title 18), which has been adopted by the Town, and which includes regulations on land subdivision, shorelands, floodplains, signs and nonmetallic mining. The County Shoreland regulations apply to all properties within 1,000 feet of designated lakes and 300 feet of designated streams.

Other County land development regulations include private water systems (Chapter 8.12), private wastewater systems (Chapter 8.12), and solid waste disposal (Chapter 8.12). 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 8
Comparison of Land Development Regulations within the Urban Sewer Service Area

Feature	Town of Washington	City of Eau Claire
Local Residential Street Design		
Network	Connections to surrounding properties required; access spacing required	Connections to surrounding properties required; access spacing required
Pavement	Required	Required
Width – local residential	Street: 32 or 28 (w/o C-G) ROW: 66	Street: 30 feet ROW: 60 feet
Curb and gutter	Optional; ditches are typical	Required
Sidewalk	Not required	Required
Residential alleys	Prohibited	Allowed
Surface Water Management		
	Natural methods and infiltration given priority; sewer conveyance if available.	Natural methods and infiltration given priority; sewer conveyance if available.
Site Development		
Landscaping	Not required	Planting plan required; standards and guidelines adopted
Parking	Paving required	Paving required
Loading	Must be outside the public road right-of-way	Must be screened from view and paved
Outdoor storage, commercial or industrial	Only outdoor sales yards must be screened	Where allowed, must be screened from view and paved
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: 35 acres to 1 acre Sewered: 8,000 square feet	Unsewered: 25,000 sf Sewered: 8,000 to 6,000 sf
Attached housing	Not allowed in Sewer Service Area	3,000 to 1,000 square feet
Resubdividable	If 10 acres or smaller	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.	Wide range of land uses and intensities. More restrictive on outdoor activities.

Feature	Town of Washington	City of Eau Claire
Setbacks	Generally greater than in the City	Generally smaller than in the Town
Wastewater Management		
	Private on-site systems	Municipal system
Water Supply		
	Private on-site system; public system standards may differ from City's 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 County ordinance 17.05; soil loss regulated by Commission, ordinance and County Stewardship Program	Grading, filling and excavating regulated by City ordinance
Animal waste storage	Regulated by County ordinance	Not allowed
Gravel mining	Allowed by conditional use permit in A, I, C and Forestry zoning districts for site >10 acres; rezoning for site <10 acres	Not allowed

Plans and Policies

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

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Plans and Policies
for the Eau Claire Sewer Service Area in the Town of Washington

Purpose and Summary

Purpose of this Plan

The City of Eau Claire and the five Towns abutting Eau Claire – Brunswick, Seymour, Union, Wheaton and Washington – 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 Washington 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 Washington 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 southerly from Lowes Creek Road East and West, Lorch Avenue and US 53 or Old Town Hall Road.

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 new alignments for Minor Arterial Roads are expected to be needed, although several current Minor 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. 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 Washington:

- The study area has beautiful **land forms**, forest, streams and vistas. **Lowes Creek County Park** along with **Lowes and Otter Creeks** are major natural amenities for housing, recreation and sustainability.
- One of the major thrusts of the **residential development pattern** around Eau Claire has been to the south along the Highway 93 corridor, including the study area.
- **I-94 and US 53** are physical barriers between the study area and the rest of the City of Eau Claire.
- **Road access** is provided primarily by US 53, Hwy. 93, County F and East Lowes Creek Road.
- **Sewer and water lines** may feasibly be extended into the Town along four corridors: County Highway F, East Lowes Creek Road, Highway 93 and Highway 53.
- There is a substantial number of **residential lots already platted** in the Urban Sewer Service Area, particularly between West Lowes Creek Road and US Highway 53.
- There remains approximately 1,838 undeveloped acres of **land planned and zoned for residential development** that can be served with City sanitary sewer and water lines in the Urban Sewer Service Area.
- The pattern of **large lots, steep slopes, mature forest and discontinuous local streets** will make urbanization of the study area somewhat inefficient and more expensive.
- There is potential for additional **commercial development** in the Highway 93 corridor in infill locations.
- The land development and public improvement recommendations of the **Lowes Creek water quality study** must be followed for the health of that special natural resource.
- There are some locations of **steep slope** that are not amenable to development but which can be incorporated into future neighborhoods and not completely block growth patterns.

Major Planning Issues

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

- What should be done to address the **irregular border** between the City and the Town in parts of the study area?
- What should be the southern extent of commercial development in the **Highway 93 corridor**?
- Should commercial and industrial development be planned for the **Highway 53 corridor**?
- What are the best techniques for helping new urban-scale development **co-exist** with the larger, semi-rural housing that is already in place?

Plan Goals

The goals of this plan by the City of Eau Claire for the Urban Sewer Service Area of the Town of Washington 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 Washington 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 Washington 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 696 acres for residential development in the Town of Washington plus additional acreage for non-residential 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 30 percent will be located in the present Town of Washington. 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 Washington 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 Washington

City of Eau Claire	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	20%
In Washington USSA					2,089	30%
Other Towns' USSA					3,482	

Forecast Acreage of Housing to Be Annexed in Sewer Service Area of Washington, 2014-2030	
Forecast Number of Housing Units	2,089
Assumed Units per Gross Acre	3.0
Estimated Housing Acreage	696

File: Demographic Profiles and Forecasts.xls

Land Use and Design Plan

The purpose of this land use and urban design plan for the portion of the Eau Claire Sewer Service Area in the Town of Washington 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 Urban 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.

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.

Objective 3: Residential Neighborhoods
Guide residential development so that it creates neighborhoods not just subdivisions.

Objective 4: Commercial and Industrial Areas
Plan intensive non-residential development as a natural extension of the pattern to the south along Highway T.

Objective 5: Design Guidelines for Compatible Growth
Build new neighborhoods and districts that create lasting value while protecting prior investments.

Objective 6: Land Use Plan Implementation
Provide an efficient and understandable means for property to come into the City's jurisdiction.

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 Washington 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 Washington 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 Fi**gure 12, Land Use Plan**, 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 Washington. 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 Washington 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.

School-Park Site

A Quarter-Quarter Section of land west of the Town Hall is shown on the Land Use Plan map as a potential site for a future public elementary school in

combination with a City park. The Eau Claire School District and/or the City would have to purchase this property if they so decide. Any portion of the site that is not ultimately used for those public purposes should be planned for medium-density housing.

Development in the Floodplain

Narrow bands of land along both Lowes Creek and Otter Creek are 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.

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 single-family 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 Washington 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*, these locations 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.

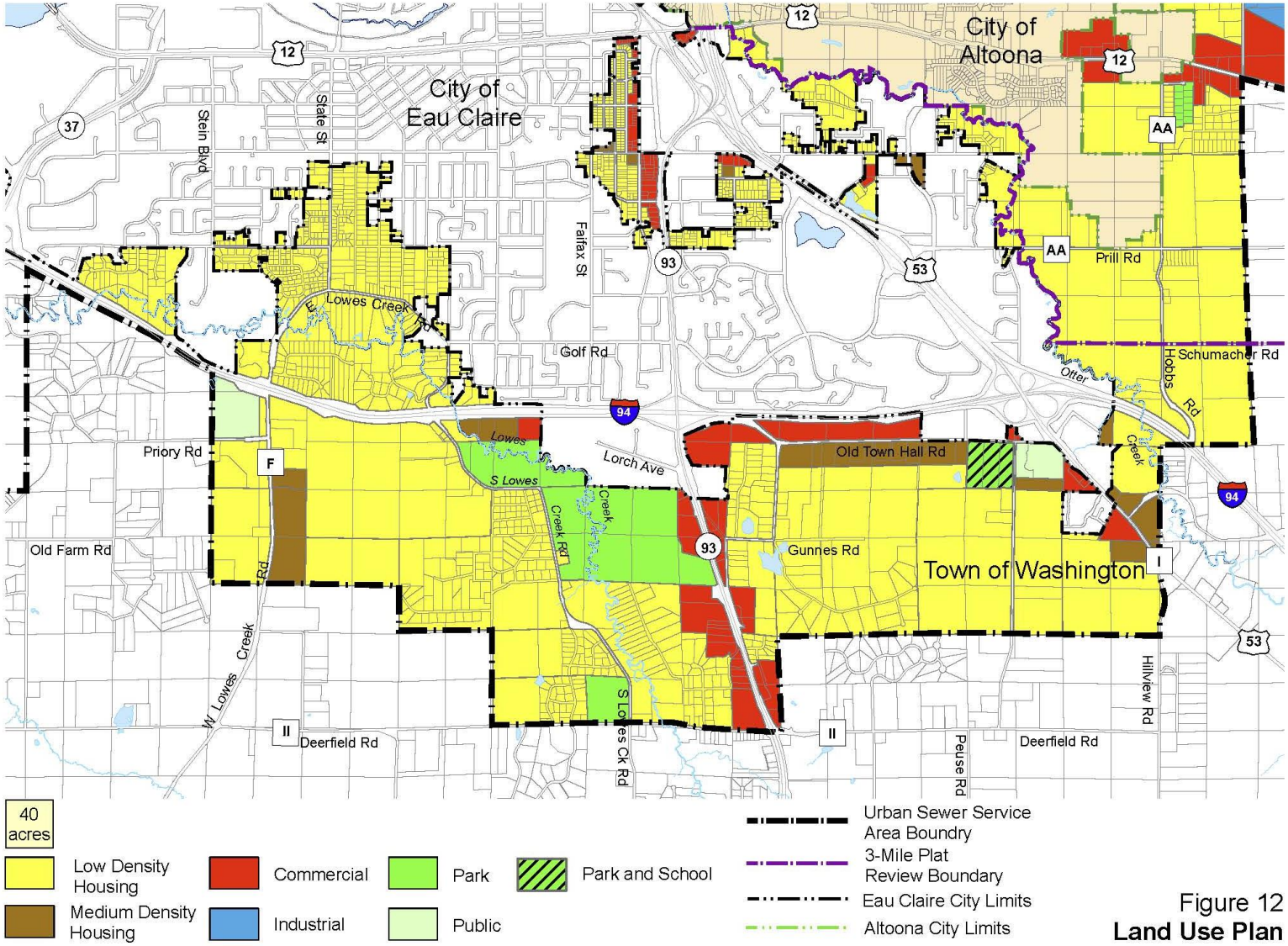

Figure 12
Land Use Plan

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	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. 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.	R-1, One-Family District R-2, One- and Two-Family District TND, Traditional Neighborhood Planned Development Overlay District
Medium-Density Housing	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. 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.	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
Commercial	Businesses providing retail trade or services for individuals or businesses. May also include office buildings. Flat sites with excellent traffic access and public visibility work best for this intensive type of development that generates many users every day.	C-1, C-1A, C-2, C-3
Park	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, Public Properties District
School	A public elementary school.	P, Public Properties District
Public-Institutional	Public buildings (such as a Town Hall), places of worship, and cemeteries.	R-1, One-Family District or P, Public Properties District

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 Washington 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 locations for commercial growth in the Town of Washington are along Highway 93 and Old Town Hall Road.

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 Washington has several valuable natural resources including Lowes Creek and Otter Creek.

The study area is also rich in agricultural soils, like much of the Town of Washington. 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.

Lowes Creek County Park is a 250-acre sanctuary in the study area that is protected for its natural resources, especially Lowes Creek itself, and for active and passive recreation.

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

Figure 12, Land Use Plan, shows a 40-acre track for a neighborhood park and school site along Graff Road east of the Town Hall site.

Additional neighborhood parks, which might be in the 5 to 10 acre range, may be identified for acquisition through dedication or purchase as subdivision applications occur.

Objective 4: Commercial and Industrial Areas

Create economically viable and attractive commercial areas that serve the nearby neighborhoods

There are four locations in the Town of Washington for new or redeveloped commercial buildings:

1. Along London Road
2. Along East Hamilton Avenue
3. Along State Highway 93
4. Between Old Town Hall Road and I-94.

The first two locations are primarily in the redevelopment and infill category. The Highway 93 corridor has small locations for new development and may offer opportunities for more intensive use of land. Several properties along the northern side of Old Town Hall Road have good freeway visibility and access from both State Highway 93 and US Highway 53.

Commercial and industrial development should not stretch southeast along US 53 nor along State Highway 93 south of County Highway II in order to protect the appearance of these community entrances, to focus such development into existing clusters and to protect nearby housing.

Commercial and industrial properties are important for the local tax base and for jobs. Consequently, sites guided for these uses should not be permitted for housing. Likewise, the commercial or industrial land should be used intensively with only enough open space to provide an attractive public edge and to soften the visual effects on any nearby housing.

An important consideration for commercial development that is directly served by state or federal highways is the spacing and design of the access driveways. It is always preferable to serve from a Local Road any parcel, whether it is commercial, industrial or residential. The distance between driveways and the distance of a driveway from a street intersection is a prime consideration, particularly along the higher-classification roads. A permit from the Wisconsin DOT is always required to build a driveway to a state or federal road, while a similar permit is needed to access a County Highway.

Please refer also to the Design Guidelines for Commercial or Industrial Development on pages 60 through 63.

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.

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.

An example of semi-rural housing in the vicinity

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 is encouraged to 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 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 Washington.

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 are described in Appendix A of this plan.

Changing Irregular City Boundary Lines

The Town of Washington has one or more peninsulas of property that jut into the body of the City's jurisdiction, particularly the properties near Highway 53 and those immediately west of Otter Creek. It may be inconvenient and expensive for the Town (a rural community) to service those locations, which are urbanized and somewhat difficult to access. Portions of those areas that abut Eau Claire may be brought into the City via annexation, which is initiated by landowners in the territory.

If the Town and the City decide that it is in their mutual interests to transfer some properties to City jurisdiction, they could lay out a plan in advance through a cooperative boundary agreement. The agreement could smooth the process for evaluating annexation petitions from landowners. A cooperative boundary agreement may remove the need to go through the normal annexation process, or not, if the two jurisdictions so agree. Cooperative boundary agreements are further described in Appendix B.

A cooperative boundary agreement could be tailored by the two jurisdictions to address many factors, but they typically encompass:

- The geographic area in which annexations may be considered
- The future land use plan for areas that are transferred
- The pattern of roads and public utilities along with the improvements that must be made by the landowners or the City
- The responsibility for making public improvements to support new urban development (e.g., landowner, City, County, State)
- Any environmental protection improvements that may be needed
- The physical relationship between existing and new development
- The minimum size and proportions of property proposed for annexation
- The earliest date at which an annexation would be considered in various locations
- The process of public notice and review that will be used when the annexation petition is considered. This process may be different than the process prescribed in Wisconsin Statutes Chapter 66.0271.

Before deciding to approve any annexation petition, the City should evaluate:

- The property's financial costs and benefits
- The City's ability to support the property with municipal facilities and services
- The effect that the annexation may have on future growth management
- The effect that the annexation may have on community cohesion.

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 Washington 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.

Sanitary Sewer and Water Service Extensions

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 south from trunk lines located near the City limits Lowes Creek Road East and West, Lorch Avenue and the vicinity of Highway 53 and Hall Road. Sewer service east of Otter Creek may be provided from a Town lift station located along Prill Road near Otter Creek.

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.

Note that water service in the higher elevations of Washington will have to be designed for higher pressure similar to the water system in the vicinity of Golf Road.

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.

New sanitary sewer connections to properties in the former Washington Sanitary District that were receiving only water from the District will have to be annexed.

Figure 13
Public Trunk Utilities Plan

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.

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 Washington.

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 State Highway 93 in the Urban Sewer Service Area of Washington. However, it is likely that some Local Roads such as Hobbs Road, Old Town Hall Road and Graff Road could be reclassified as Collector Roads. 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 utility improvements, a petition for annexation may be accompanied by a petition 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 Washington. 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 Washington 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: ▪ Hwy. 93	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: ▪ W. Lowes Creek Road (County F) ▪ Prill Road	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 ▪ Gunnes Road ▪ Mischler Road	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

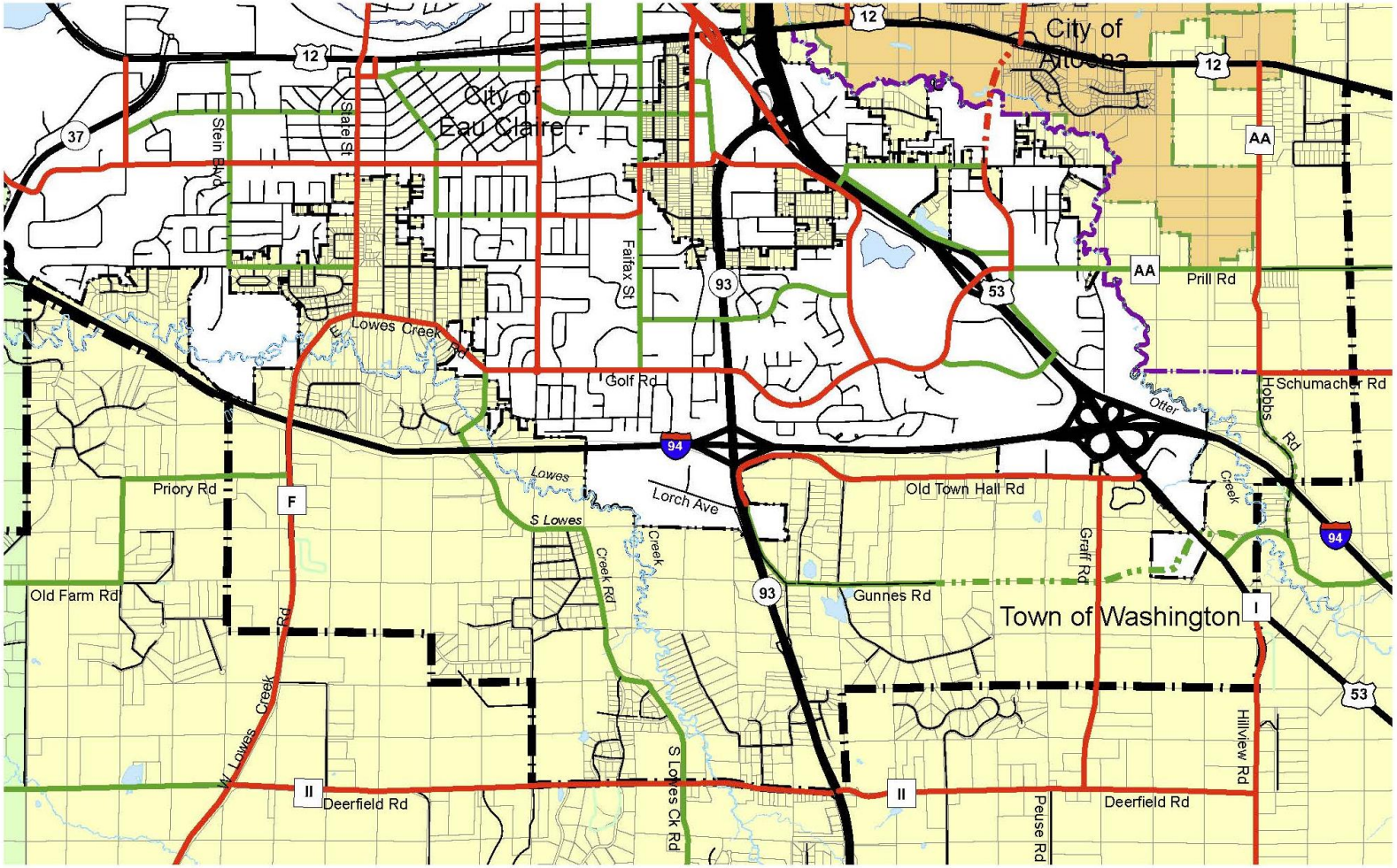

Figure 14
Road Functional Classification Plan

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 Washington.

The Urban Sewer Service Area of Washington is rich in natural resources, which include floodplains, wetlands, wooded hills and creeks.

Lowes Creek and Otter Creek

As portions of the Lowes Creek and Otter 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.

Lowes Creek is particularly valuable, as it is a cold, clear stream that supports trout. The Wisconsin Department of Natural Resources has designed Lowes as a Priority Watershed because of its water quality and fish habitat.

Surface water management and land development in the Lowes Creek watershed will receive special attention by the City. Lowes Creek is classified as a Priority Watershed by the DNR because of its water quality and fish habitat.

Lowes Creek, a trout stream, has benefited from City improvements that catch warm urban surface water runoff then filter it into the ground water where it cools before seeping back to the creek, much to the benefit of the sensitive fish.

The City of Eau Claire will coordinate with the Towns of Brunswick, Washington, Pleasant Valley to consistently apply the protection recommendations contained in the *Nonpoint Source Control Plan for the Lowes Creek Priority Watershed Project* prepared in 1993 by the Wisconsin Department of Natural Resources.

Practices recommended by the DNR plan for the Lowes Creek watershed include:

- Using generous building **setbacks**
- Adopting and enforcing regulations on the design, construction and **maintenance** of on-site sewage systems
- Leaving yards in natural **vegetation**
- Controlling stream bank and gully **erosion**
- Controlling **agricultural** manure spreading
- Planting improved natural stream **buffers**
- Using detention **ponds** for flood control and water cleansing
- Using infiltration **ponds** and swales to remove pollutants and reduce temperatures
- Using **swales** rather than pipes to convey water
- Avoiding direct **discharges**
- Controlling **erosion** on construction sites
- Protecting steep **slopes**
- Building narrow **streets**

- Applying better **subdivision** design to slow, divert and reduce discharges
- Attenuating **runoff**
- Pre-treating **runoff**
- Monitoring, inspecting and maintaining management **practices**.

The ecology of Lowes Creek benefits from an undisturbed natural shoreline

Wetlands

There are few wetlands in the sandy soils of the Washington Urban Sewer Service Area except in the floodplains of Lowes Creek or Otter Creek. 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 Wisconsin Department of Natural Resources 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.

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