

# Chippewa County Planning & Zoning Department

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Date: November 10, 2011

To: Area Jurisdictions, Interested Parties

From: Ryan Brown, County Planner

Re: Proposed Amendments to Town of Wheaton's Comprehensive Plan

Dear Area Jurisdictions, Interested Parties,

The Town of Wheaton has initiated an amendment process for the Town of Wheaton Comprehensive Plan. This amendment is in response to the Intergovernmental Agreement signed with the City of Eau Claire and also addresses high density residential potential in currently residentially developed areas. The revisions made to the Land Use Element addressing high density residential development are shown by the original text being struck-through and with all added text being in red and underlined. The future land use map was replaced and is now found as Exhibit A in Appendix A. Both Appendix A and B are being added in response to the new requirements detailed in the aforementioned intergovernmental agreement.

For details on the public hearing, please reference the published notice below.

(Publish – Chippewa Herald – November 12, 2011 & November 29, 2011)

TOWN BOARD  
TOWN OF WHEATON, WI  
NOTICE OF PUBLIC HEARING

In accordance with Chapter 66.1001(4)(d) of the Wisconsin Statutes, the Town of Wheaton's Town Board will hold a public hearing at 7:00 pm at the Town of Wheaton Town Hall on December 13, 2011. The purpose of this hearing is to receive comments regarding proposed amendments to the Land Use Element and the addition of two appendices regarding the recent intergovernmental agreement with the City of Eau Claire to the Town of Wheaton Comprehensive Plan. Copies of the amendment will be available at the public hearing and on the Town of Wheaton's website (<http://www.townofwheaton.com/>). To make other arrangements to view or obtain a copy of the amendment prior to the hearing, please contact Ryan Brown – County Planner at 726-7942 or [ryanbrown@co.chippewa.wi.us](mailto:ryanbrown@co.chippewa.wi.us).

For those unable to attend the public hearing, written comments should be sent to Ryan Brown, Chippewa County, 711 N. Bridge St., Chippewa Falls, WI 54729 and must be received prior to 4:30 pm December 12<sup>th</sup> 2011.



**5 years**

Over the first five years, we project 70 new residences, 30 additional commercial acres, the conversion of 200 acres of agricultural to other uses, 255 forested acres converted to other uses, and an additional 75 manufacturing acres.

**10 years**

Within ten years, we project 162 new residences, 100 new commercial acres, conversion of 700 acres of agricultural land and 360 acres of forest land to other uses, and 150 new manufacturing acres.

**15 years**

In fifteen years, we project 243 new residences, 150 additional commercial acres, 1,200 acres of agricultural land and 390 acres of forest land converted to other uses, and 225 new industrial acres.

**20 years**

In twenty years, we project 324 new residences, 200 additional commercial acres, 1,600 acres of agricultural land converted to other uses, 520 forest land acres converted to other uses, and 300 additional manufacturing acres.

The figures presented above indicate residential development occurring under the current five-acre minimum lot size regulation. If the Town or Chippewa County zoning were to consider cluster subdivisions, which would allow smaller lot sizes in exchange for maximizing open space, the space consumed by residential development could be reduced. Assuming one-half of new subdivisions in Wheaton are cluster subdivisions with a 2.5 acre minimum lot size, the amount of land consumed could be reduced by over 400 acres over the next 20 years. This is shown in Table 9-4 below.

Table 9-4  
Land Use Consumption by Residential Subdivision Type

Years	Acres Consumed by Subdivision Type		
	5-Acre Minimum, Conventional Subdivisions	Half 5-Acre Minimum Conventional Subdivisions, Half Cluster Subdivisions (2.5 Acre Min.)	All Cluster Subdivisions (2.5 Acre Minimum)
5	350	262.5	175
10	810	607.5	405
15	1,215	912.5	607.5
20	1,620	1,215	810

Source: SEH

**Intergovernmental Agreement with the City of Eau Claire and surrounding towns**

The Town of Wheaton has signed an intergovernmental agreement with the City of Eau Claire that outlines the policies governing land division within the 3 mile extraterritorial plat review area that is afforded to the city by statute. This agreement includes a future land use map that replaces the

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existing adopted future land use map. Details of this agreement including the new future land use map can be found in Appendix A.

Figure 9-3 on the following page shows the Town of Wheaton's future land use. It is important to note that the Future Land Use map does not change zoning or subdivision regulations that are in place. Rather, this map serves to guide future growth over the next 20 years.

The areas marked High Density Residential are those locations that the Town would be most willing to consider allowing residential uses being located on lot sizes less than five acres in size. However, this would require a change to the Town's existing zoning ordinance.

## 9.2 Land Use Agencies and Programs

There are a number of available agencies and programs to assist communities with land use projects. Below are brief descriptions of various agencies and programs.

### *University of Wisconsin*

The UW-Madison, River Falls, Milwaukee, and Stevens Point school systems can provide research and outreach planning services to area communities.

### *West Central Wisconsin Regional Planning Commission (WCWRPC)*

Regional planning commissions provide planning assistance, assist local interests in responding to state and federal programs, serve as a coordinating agency for programs, and provide other technical and advisory assistance to local governments. For more information, visit [www.wcwrpc.org](http://www.wcwrpc.org).

### *Chippewa County*

Chippewa County has multiple departments that can aid in specific areas and specialties for land use projects. The Planning and Zoning Department administers on-site septic and well systems, as well as zoning in the Town.

The Land Conservation Department retains information on land and water resources, which should be consulted when considering development. This department also monitors runoff, waste collection, and farmland and woodland preservation.

## 9.3 Land Use Goals, Objectives and Policies

Based on the SWOT Analysis, the Vision Statement Process, and the effort to define key issues, a list of goals, objectives and policies have been drafted.

- A. **Goal** – The Town will strive to guide development in a manner that preserves the rural living and quality of life that residents enjoy.
- B. **Goal** – The Town encourages development designs that promote the preservation of open space and working lands.
- C. **Goal** – The Town will review, maintain, and update as necessary their zoning and subdivision ordinances.
  1. **Objective** – The Town will coordinate with Chippewa County and review County documents, in particular those pertaining to land use and resource management, to consider utilizing them in the Town.

2. *Objective* – The Town will define “high density residential” (as found in the future land use map on page 147 within Appendix A) as 1/3 of a 5 acre parcel or 1.66 acres within their land division ordinance. The Town recognizes that areas that are currently developed as residential will remain so and therefore will allow smaller lots to be developed in areas zoned R1, R2 or R3.
3. *Objective* – The Town recognizes that areas currently zoned AG will not have the new higher density potential and will work towards rezoning all areas within the Town currently zoned AG within residentially developed areas to their more appropriate residential zoning classification (i.e. R1, R2 or R3).
  - a. *Policy* – The Town will work with the Chippewa County Zoning Department to ensure there are zoning districts to accommodate desired growth.
  - b. *Policy* – The Town, in recognition of the recently signed intergovernmental agreement with the City of Eau Claire, will try to encourage in-fill development where possible inside of the Sewer Service Area and elsewhere in residential areas within the Town utilizing higher density lots.

# Appendix A

Signed October 11, 2011

## TOWN OF WHEATON COMPREHENSIVE PLAN AMENDMENT

### ETJ AREA LAND USE PLAN

#### 6.1 Background

The following Comprehensive Plan Amendment is proposed pursuant to the terms of the Intergovernmental Agreement between the six towns adjoining the City of Eau Claire and the City regarding land use and land division policies within the City of Eau Claire's Extraterritorial Jurisdiction (ETJ).

As part of the Intergovernmental Agreement, the participating units of government have agreed to amend their respective comprehensive plans and land division regulations and jointly request amendment of the Eau Claire and Chippewa County Land Division Ordinances to incorporate the provisions of the Intergovernmental Agreement.

The initial term of this Agreement shall be for ten (10) years and shall automatically renew for a second ten (10) year term unless one of the Parties notifies the others at least 90 days prior to expiration that it does not desire to renew.

The ETJ land use and land division policies and the Future Land Use Map depicted herein supersede and replace the land use map, land use classifications, and policies in Section 3 of the existing *Town of Wheaton Comprehensive Plan* with respect to areas within the ETJ. Areas outside the ETJ are unaffected by this amendment.

#### 6.2 Classes of Land

The Town of Wheaton recognizes and acknowledges that there are two general classes of land within the ETJ:

- A. Areas within both the ETJ and the Sewer Service Area (SSA) delineated by the regional MPO and adopted by WDNR; and
- B. Areas within the City's ETJ, but not within the SSA.

The current boundaries of the SSA, as delineated in the *Chippewa Falls/Eau Claire Urban Sewer Service Area Plan for 2025* approved by the Metropolitan Planning Organization (MPO) on May 3, 2006 and the

WDNR on July 5, 2007, and the City's current ETJ, are depicted on the attached Future Land Use Map. Any future adjustments to the SSA shall be made pursuant to State law and regulations, which currently requires approval of the MPO and WDNR and amendment of the *City of Eau Claire Comprehensive Plan*.

### **6.3 Policies for Residential Land Divisions Within the SSA**

At some point in the future, areas within the SSA will likely be annexed and attached to the City of Eau Claire's public utility systems. The Town recognizes that haphazard or premature development in these areas could prevent efficient use of the land resource and inhibit efficient and cost-effective delivery of urban services at the time such areas are developed at urban densities.

The Town establishes the following standards for residential land divisions within the portion of the ETJ within the SSA:

- A. Land divisions for residential purposes shall be permitted based on an overall base density standard of one single family lot per ten (10) acres.
- B. 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 re-subdividing for higher urban densities.
- C. Exceptions to the one lot per ten (10) acre density standard shall be considered based on the following criteria:
  - (1) 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 SSA.
  - e. The proposed lots must be created by a Certified Survey Map (4 lots or less).
  - f. The proposed lots must be reasonably consistent in size with the existing adjacent lots.
- (2) 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. The proposed lots are in an area subject to a Cooperative Boundary Agreement between the Town of Wheaton and the City of Eau Claire that expressly permits land divisions at densities greater than the one single-family lot per 10 acres.

#### **6.4 Policies for Residential Land Divisions in the ETJ but Outside the Chippewa Falls/Eau Claire SSA**

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

The following are standards for residential land divisions within the portion of the ETJ outside the SSA:

- A. 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) *Rural Residential (RR) and Rural Residential Cluster (RRC) areas*: Maximum base density of one dwelling unit per two (2) acres. (See attached Future Land Use Map).

(2) (2) *Rural Preservation (RP) and Rural Transition (RT) areas: Maximum base density of one dwelling unit per five (5) acres. (See attached Future Land Use Map).*

B. The Town shall consider the following criteria in its review of 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 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 proposed land division shall be consistent with the comprehensive plan of the respective Town.

C. Exceptions to base residential density standard shall be considered based on the following criteria:

- (1) 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) The proposed lots are in a conservation subdivision that is regulated and approved under the Conservation Subdivision Ordinance of Chippewa County and meet the following criteria:
  - a. Proposed lots in areas classified as Rural Preservation (RP) and Rural Transition (RT), as depicted on the ETJ Future Land Use Map, shall not exceed a maximum density of one single-family lot per five (5) acres of potentially development land with minimum lot sizes not less than one (1) acre. As an example, this formula would yield up to 8 one-acre lots in a conservation subdivision and 32 acres of preserved farmland for a parcel with 40 acres of potentially developable land.

*Note: For the purposes of this Amendment, "potentially developable land" shall be 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 (RR) and Rural Residential Cluster (RRC), as depicted on the ETF Future Land Use Map, shall have a minimum lot size of at least one (1) acre in size and at least 40% of the potentially developable area within the parent parcel shall be placed under a conservation easement or comparable protection. As an example, this formula would yield a maximum of 24 single-family lots and 16 acres of protected open space for a parcel with 40 acres of potentially developable land.
- (3) 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.

### **6.5 Policies for Non-Residential Land Divisions**

- A. In areas delineated Rural Industrial or Rural Commercial on Exhibit A Future Land Use Map, the Town agrees to retain and apply no less than a 1.66 acre minimum lot size for all commercial and industrial land divisions.
- B. In areas not delineated Rural Industrial or Rural Commercial on Exhibit A, non-residential land divisions within the ETJ shall require a minimum lot size of 10 acres, unless an exception is approved by both the Town and the City or unless a lesser minimum lot size is allowed through a cooperative boundary plan or other form of intergovernmental agreement between the Town and the City.

Exceptions from the 10 acre minimum lot size standard shall be based on the following criteria:

- (1) The proposed lots are in areas that have been previously divided into smaller lots.
- (2) 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.

## **6.6 Adjustments to the Future ETJ Land Use Plan**

- A. Within areas classified as Rural Transition (RT) classification, new development shall be limited in accordance with all policies applicable to Rural Preservation (RP) classification. However, upon at least 75% of the lots within the RR and RRC classifications being developed and occupied, the respective Town and the City agree to reclassify a mutually agreed upon portion of the area designated RT to RR or RRC classifications. The specific areas to be reclassified will be determined jointly by the respective Town and the City at the time the 75% threshold is reached.
- B. Other adjustments to the ETJ Future Land Use Plan, during the term of the Intergovernmental Agreement, require concurrence from the City of Eau Claire.

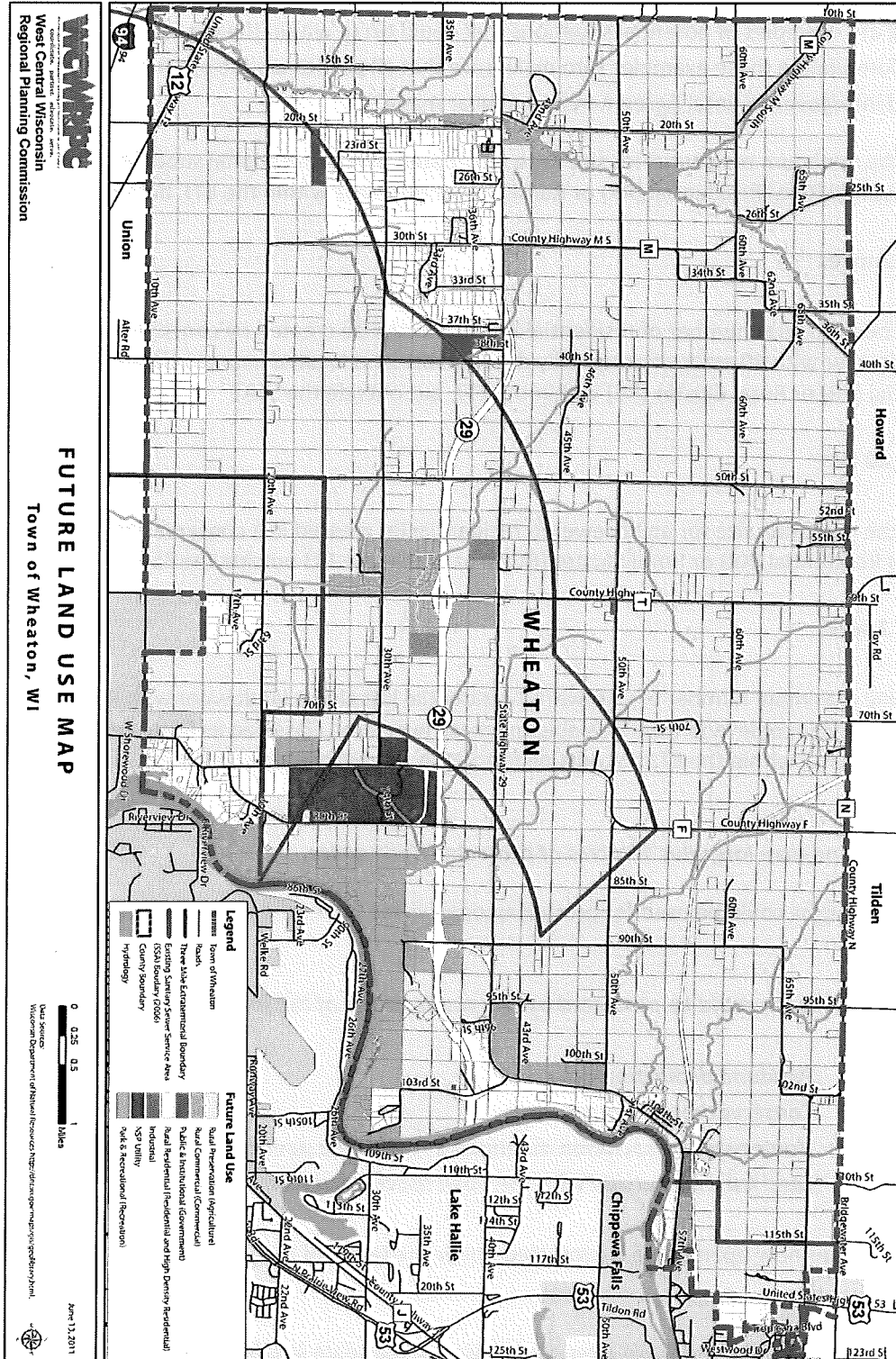
## **6.7 Highway Corridor Site Plan Review.**

- A. County Highway T and Highway 12 are recognized as major entry corridors for both the Town of Wheaton and the broader Eau Claire area. Nonresidential development along these highway corridors, as depicted in the Highway Corridor Site Plan Review Area Maps, shall be 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 shall be made by Chippewa County, which has zoning jurisdiction.
- B. The areas subject to site plan reviews include all lands within 1,000 feet from the r.o.w. lines of County Highway T and Highway 12, as shown on Exhibit B on page 10.
- C. The parties to the Intergovernmental Agreement have submitted a proposed Site Plan Review Ordinance to Chippewa County that will provide a mechanism for implementing the site plan reviews referenced in this section.

## **6.8 Subarea or Neighborhood Plans**

The Town encourages and supports further subarea or neighborhood planning for areas within, or immediately adjacent to, the SSA that are reasonably anticipated to experience significant development within a ten (10) year planning period. Participation in such planning efforts should include Town of Wheaton and City of Eau Claire, as well as property owners and other stakeholders.

# EXHIBIT A FUTURE LAND USE MAP



# Appendix B

## CASE STUDY SITUATIONS

The following are examples of potential situations that could occur within the City of Eau Claire ETJ. The intention of formulating these examples is to make sure that all parties are interpreting the language of the proposed Intergovernmental Agreement in a similar manner.

1. What is the minimum residential lot size for a lot created by a conventional subdivision or CSM in areas classified Rural Residential (RR) or Rural Cluster (RC) area within the ETJ, but outside the SSA?

**Answer: 2 acres**

2. What is the maximum number of residential lots that could be created by conventional subdivision by a landowner with 40 acres of potentially developable land located in areas classified Rural Residential (RR) or Rural Cluster (RC) within the ETJ, but outside the SSA?

**Answer: 20 lots**

3. What is the minimum size for an unsewered residential lot created in a conservation subdivision in the Rural Residential (RR) or Rural Cluster (RC) area within the ETJ outside the SSA?

**Answer: 1 acre**

4. What is the maximum number of unsewered residential lots that a landowner with 40 acres of potentially developable land would be able to create in an area classified as Rural Residential (RR) or Rural Cluster (RC) within the ETJ but outside the SSA in a conservation subdivision in any of the six towns?

**Answer: 24 one-acre lots, plus 16 acres of protected open space.**

5. What mechanisms could be used for protecting open space under the conservation subdivision option?

**Answer: Open space could be protected by any combination of the following:**

***Parkland dedication***

***Conservation easement***

***Homeowner association management with the open space deed restricted***

***Land trust ownership with the open space deed restricted***

6. Who determines how open space is protected under the terms of the proposed intergovernmental agreement?

**Answer: The subdivider and town plan commission in the town in which the property is located.**

7. What is the minimum lot size for a residential lot created by a conventional subdivision or CSM in an area classified as Rural Preservation (RP) or Rural Transition (RT) within the ETJ, but outside the SSA?

**Answer: 5 acres**

8. What is the maximum number of residential lots that could be created by conventional subdivision by a landowner with 40 acres of potentially developable located in an area classified Rural Preservation (RP) or Rural Transition within the ETJ, but outside the SSA?

**Answer: 8 lots**

9. What is the minimum size for a lot created in a conservation subdivision in a Rural Preservation (RP) or Rural Transition (RT) area within the ETJ outside the SSA?

**Answer: 1 acre**

10. What is the maximum number of unsewered residential lots that a landowner with 40 acres of potentially developable land be able to create in an area classified Rural Preservation (RP) or Rural Transition (RT) within the ETJ but outside the SSA in a conservation subdivision in any of the six towns?

**Answer: 8 one-acre single lots, plus 32 acres of protected open space that could continue in farmland production.**

11. What is the minimum lot size for either a residential or commercial lot within the SSA in any of the six towns?

**Answer: 10 acres; unless land division is granted an exception under the terms described in the City of Eau Claire's Comprehensive Plan Objective 3, Policy 3 Non-Sewered Development.**

12. Who determines whether proposed lots in the SSA are granted exceptions under the terms described in the City of Eau Claire's Comprehensive Plan Objective 3, Policy 3 Non-Sewered Development?

**Answer: City of Eau Claire Plan Commission**

13. Under the terms of the proposed intergovernmental agreement, could the City of Eau Claire utilize its extraterritorial plat review powers anywhere within the ETJ to reject a proposed lot providing the minimum lot size is at least 10 acres?

***Answer: No***

14. Would the proposed intergovernmental agreement cover lots created by condominium plat?

***Answer: Yes***

15. What is the minimum lot size for a commercial lot in the Towns of Brunswick, Pleasant Valley, Seymour, and Washington in the ETJ, but outside the SSA?

***Answer: The lot sized is based on the Town and County Comprehensive Plan and Land Division Ordinances.***

16. What is the minimum lot size for a non-residential lot in the Town of Union or Town of Wheaton within the ETJ, but outside the SSA under the terms of the proposed intergovernmental agreement?

***Answer: The City of Eau Claire and Towns of Union and Wheaton agree to enter into intergovernmental negotiations to determine non-residential lot sizes both within and outside the SSA. Until an intergovernmental agreement is reached, the minimum lot size for a commercial lot would be 10 acres unless the proposed lot is granted an exception by the City of Eau Claire Plan Commission under the terms described in the City of Eau Claire's Comprehensive Plan Objective 3, Policy 3 Non-Sewered Development?***

17. What is the mechanism for converting Rural Transition (RT) areas to Rural Residential (RR) areas?

***Answer: When 75 percent of the area within the Rural Residential (RR) and Rural Cluster (RC) areas are developed and occupied, the City and respective Town will reclassify portions of the area classified at Rural Transition (RT) to Rural Residential (RR) or Rural Cluster (RC). The specific areas to be reclassified will be determined jointly by the respective Plan Commissions of the Town and City at the time that the 75 percent threshold is reached.***

18. What is the term of the proposed intergovernmental agreement?

***Answer: 10 years***

19. Is the boundary of the 3-mile ETJ automatically extended if the City's municipal boundaries expand?

***Answer: Yes***

20. What is the mechanism for either the City or respective Towns to amending the map or text of their comprehensive plans with respect to areas in the ETJ during the term of the intergovernmental agreement?

***Answer:*** *The City and Towns may amend their Comprehensive Plans provided that such plan amendments shall be consistent with the approved Intergovernmental Agreement with respect to land divisions within the ETJ.*

21. What is the mechanism for changing the boundary of the SSA during the term of the intergovernmental agreement?

***Answer:*** *Any future adjustments to the SSA shall be made pursuant to State law, which requires approval of the MPO and WDNR, as well as amendment of the City of Eau Claire Comprehensive Plan.*

22. How will the site plan reviews for nonresidential developments along key highway entrance corridors referenced in Section 13.C be implemented?

***Answer:*** *Both the respective Town and City Plan will review the site plans for new nonresidential developments along key highway entrance corridors in the Eau Claire metropolitan area. The City and Town reviews are advisory. The final approvals and enforcement of the site plan regulations will be made by which ever County has zoning authority.*

23. What specific corridors are subject to site plan review?

***Answer:*** *City and Town advisory site plan review of new nonresidential developments shall occur within 1,000 feet of the following highways:*

*Interstate 94 and Highway 12 (Towns of Union and Wheaton) – East of Elk Creek Road  
Highway T (Towns of Wheaton and Union) – South of the Highway 29 Interchange  
High 53 (Town of Washington) – North of County Highway I (Otter Creek Road)  
Highway 93 (Town of Washington) – North of County Highway II  
Highway 37 (Town of Brunswick) – North of State Highway 85*

24. Do the City's site plan reviews affect land divisions within the identified corridors?

***Answer:*** *No. The site plan reviews are conducted at the time that preliminary building plans are submitted to the respective Town and County with zoning authority.*

25. What is the maximum number of lots a landowners with 7 acres in a Rural Residential area outside the SSA be allowed to create:

***Answer:*** *Two 2-acres lots and one 3-acre lot.*

26. What is the maximum number of lots a landowners with 7 acres in a Rural Residential area inside the SSA be allowed to create:

***Answer: No new lots may be created unless the proposed land division is granted an exception under the terms described in the Intergovernmental Agreement, which generally limits future land divisions in the SSA to areas which are already highly divided or lots that are in infill conditions.***

27. What is the maximum number of lots a landowner with 7 acres in a Rural Preservation or Transitional Residential area outside the SSA be allowed to create:

***Answer: No new lots may be created unless both lots are a minimum of 5 acres in area.***

28. What would be the impact of proposed Intergovernmental Agreement on existing conservation easements?

***Answer: Existing conservation easements and CSM restrictions in the ETJ but outside the SSA based on the four dwelling units per 40 acres density requirements would be allowed to be adjusted based on the prevailing density standards as reflected in the Intergovernmental Agreement and the mapping on Exhibit A. For example, all existing conservation easements and CSM restrictions in areas outside the SSA designated Rural Preservation or Rural Transition could be changed from a maximum development density of four dwelling units per 40 acres to a maximum development density of eight dwelling units per 40 acres. Any such changes would be at the initiation of the property owner or subdivider concurrent with the submittal of a new CSM. See the attached sample conservation easements.***

29. What would be the development standard for infill areas within the ETJ?

***Answer: Development densities in infill areas would be based on either the designated maximum density for the land use classification, as shown on Exhibit A, OR an exception for smaller lots sizes may be based on the size of surrounding lots, as provided for in Sections 10C(1) and 1(C)1 of the draft Intergovernmental Agreement. Any exceptions to the density standards specified in the Intergovernmental Agreement based on infilling must be reviewed and is subject to the approval of both the City of Eau Claire Plan Commission and the respective Town Board.***