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February 14, 2025

To the City of Eau Claire Zoning Policy Advisory Committee,

The end is in sight to a completed zoning code rewrite! We'd like to give a huge thank you to Ned Noel and the Eau Claire City staff that have worked hard with the consultants on developing this zoning code. We know that it's a huge project and can be challenging to balance everyone's needs into one cohesive plan.

A committee of our members met to review the code and there are sections we support as great changes or additions to the code but do have concerns in other area, especially with regards to impacting affordable housing and the overall housing market. We know there is a lot of information here but feel this is important information for you to be aware of in looking at the zoning code.

### Positive Changes

There have been some great changes from the first initial drafts to this proposed draft, including the removal of language regarding the garage requirements on twin homes and other small multi-family units. This would have had dramatic impacts on the housing market. We also support the new language regarding in-fill development that will ensure the character of the neighborhoods is retained. The proposed bird glass code also seems reasonable to us.

Another area that has had a lot of discussion was regarding the tree preservation plan and the tree canopy (17.07). We appreciate and support the reduction of the requirement of DBH from 60 percent to 30 percent. This seems more feasible from a development perspective.

### Residential Use Standards – Balcony & Patio Requirement (17.03)

One of our areas of big concern is the **requirement of a balcony or patio for 75% of units in a multi-family building**. While we know that this is an appealing amenity and looks aesthetically pleasing, this requirement would add on dramatic costs onto a multi-family project. While many developers choose to add this amenity, they can also charge more in rents for it to offset the costs. But requiring it can add on dramatic costs to what could otherwise be affordable housing projects. According to our research of recent projects, balconies can range from \$6,000 – 9,000 for each balcony. This can add up quickly and has to be covered in the rental income and can equate to at least \$150 per unit additional in rent. The Fairway, a project in Altoona, was originally planned to have balconies but this feature added \$600-700,000 onto the cost of the project, so they had to be removed to make the project feasible. Patios also add a cost for the concrete pad. With the new common space requirement, is it also necessary to require this feature? Especially given that many landlords who have these features note that they are not highly used spaces.

### Residential Use Standards – Mixed Residential District Requirement (17.03)

In the Mixed Residential District, the proposed code states that any single-family homes must be served by an alley. We know the focus is to try and get higher density and mixed residential districts, like Orchard Hills, but this requirement would require adding additional roadways that add expensive to the development and added roads for the City to maintain. If this were to remain in the code, we believe that most developers would not include single family homes in a



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MR district development because of the added cost and the impact on the single family home design that would not meet the desires of most home buyers.

Another area of concern in this section was the maximum number of row houses allowed being 8. Depending on the land use and layout, there may be times that 10 or 12 units may use the land better. This had been recommended in the last round of code and we'd like to mention this again for consideration.

### **Building Design Standards (17.05)**

We appreciate the desire to have quality housing in the City of Eau Claire and you have to weigh if cost or aesthetics are more important. But we believe you can have buildings that look nice that don't require expensive materials. One of our biggest concerns has to do with the masonry requirements that applies to buildings with 20 feet or more of façade. By district there are different masonry requirements, including 30% minimum for UR and MR and 50% minimum for NR and GR districts. To put this into perspective, masonry costs \$36 – 40 / square foot. Vinyl siding costs about \$4 per square foot and LP SmartSide costs about \$5 per square foot. ***So a 100 square feet of frontage would cost \$3,600 for masonry vs \$400-\$500 for siding!*** And this cost is being targeted to multi-family buildings and smaller multi-family units which are the best options for affordable housing. A nice building can be designed with a lot less masonry or even no masonry, using a mix of materials and colors. Making this a requirement could impact whether or not a project is financially viable.

### **Anti-Monotony Standards (17.10.06)**

The intent of this section is good, to ensure there is variety in subdivisions. However, the proposed code written would make developments much more difficult, would be hard to enforce and could have some unintended consequences. As it's written, it would require each subdivision of over 20 units to have at least 4 different 'models' that includes different elevations. The brings up a variety of concerns regarding this proposed change:

- In many developments the land itself determines what type of house is built and sometimes home types need to be grouped based upon topography.
- In developments with single family homes, very few are being built as spec homes. The lot is sold to a customer, then the customer hires the builder and selects their home. Will the homeowners now be limited on which floor plans and house type they can have? They can't choose one house because their neighbor has the same one, even if they may do something different with the garage doors, exterior materials, etc?
- What about developments where each lot has a different builder? Who is monitoring what each builder is building in each lot?
- How is this enforced? At what point is it determined and approved as to each house plan?
- We anticipate that developments may have trouble selling all the lots if the homeowners are limited on which house design they can choose to build. The more desirable homes will be built and the remaining ones that are less popular may be left for the infill lots and those may go unsold.
- Even twin homes are built based upon the popular floor plans. If 2 floor plans are the most popular, a development may need a higher percentage of those floor plans. If they're limited they may struggle to sell the remaining plans. Additionally, twin homes are not always built as spec homes, they are a time sold in advance to the customer based on the preferred floor plan and then the customer can pick out their finishes just like a single-family home.



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We would recommend variations that are more cosmetic and less structural, such as style of windows and doors, exterior materials, colors, and decorative accents (i.e. corbels, eyebrow accent, etc) as methods of promoting development diversity instead of trying to enforce restrictions on the housing model and floor plans that would be difficult to enforce, will infringe on property owner rights to choose what type of home they want to build, and could impact future lot sales.

#### **Landscape and Buffer Standards (17.05)**

Overall we appreciate the city wanting to add in more requirements for landscaping to improve the overall look of the city, but do caution that this will also add on additional costs for all levels of housing.

Our biggest concern in this section is the requirement of a Landscape Plan prepared a licensed Landscape Architect for all residential properties 3 units and more. We understand the desire for improved landscaping, however, there are only a few of these individuals in the Chippewa Valley and much of this work is hired out to large firms in Minnesota. From our research, we don't know of any local landscape companies who employ these types of individuals. We know this requirement is common for large commercial projects, our research shows that hiring a landscape architect would cost around \$3,000-\$4,000 for a smaller or more moderate project and more for larger projects. Most landscapers do have a designer on staff that could work on these types of plans, it would still add a cost but at a much lower amount than requiring a licensed architect.

Another area we see could be challenging is the 2-year financial guarantee required. Our builders and landscapers have expressed concerns because this could have a large cost associated with it and they see it as a permitting challenge.

#### **Residential Park Space (17.04)**

We express the concern for this requirement back in October. Requiring parkland dedication or fees in lieu of land can add on HUGE costs to housing. The City of Eau Claire already has a large number of parks to maintain, and the proposed code would require any development with 5 or more units to set aside land or pay an impact fee to the City. This is a small threshold to require a land dedication. And all development under 5 lots would be required to pay an impact fee. Impact fees to support existing parks are added fees that can significantly increase the cost of building new homes or land-based developments because the fees are passed on to the homeowner and renters. Impact fees are shown to limit the supply of new homes and negatively impact affordability.

#### **Tree Preservation (17.07)**

We are in support of some of the changes with regards to tree preservation, but we did want to bring attention to a few other areas. Under the proposed code, any lot that has 80 to 100 percent tree canopy would make development difficult and some of the recent projects that have happened would have not been able to move forward under this code. So, it could make future development more difficult in some areas, especially in-fill sites. This is something we just wanted ZPAC to be aware of.

Additionally, the requirement of a tree permit for any property owner to remove trees, but no more than 5 trees and one time within a three-year period, seems restrictive to property owners and we are concerned with the impact it has on how property owners can maintain and use their land.



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We appreciate your time in reviewing our comments and we are asking you take this information into consideration and request changes to the zoning code to promote housing affordability, produce more housing supply, and support diversity of choices and affordability.

Thanks for your consideration.

Christina Thrun  
Executive Officer

Pat Smith  
Government Affairs Chair

Affiliated With



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