

Re-Cap on the City Council Action on the Zoning Code

Created by the Chippewa Valley Home Builders Association

On July 22, the Eau Claire City Council voted on a number of amendments to the proposed Zoning Code. However, the code is not yet approved because according to state statute, any zoning code amendments must be reviewed and voted on by Plan Commission before City Council can approve them. So on August 4 at 6:00 p.m. the Plan Commission will review the 4 new amendments approved and then the City Council will have another public hearing on August 11 at 6:00 p.m. and will vote on the code package with amendments at their meeting on August 12 at 4:00 p.m. ***So all of the amendments listed below are not confirmed until they go back through Plan Commission & City Council!***

We had some key wins on topics we had strongly advocated for support future housing development. However, there were no significant changes in the tree preservation policy that would have a positive impact on future development. Some smaller amendments were approved that will support property owner rights and provide an exemption for affordable housing, but the impact on future major development has not changed.

Wins for Housing & Property Owners:

- **Garage Design Standards** – Amendment to allow 1 – 4 unit residential structures to have a maximum front-loaded garage projection of 15 feet. (Proposed written code would have 2-4 units at 5 feet maximum projection.) Passed unanimously Ideally we wouldn't have any design standards on garages, but this is a big improvement and a big win for future development of twin homes and other small multi-family homes!
- **Multi-Building Multi-Family Design Standards** – Amendment that will reduce the number of design enhancements from 3 to 2 on multi-unit multi-building developments. This was a big win to reduce the cost to multi-family development by not requiring expensive designs or balconies/patios on buildings. Passed 10-1
- **Tree Preservation Exemption for 1- and 2-unit homes on existing lots regardless of size** – This topic was very contentious, and an initial amendment to exempt up to quad-plexes failed. Later in the evening another amendment was proposed that would exempt existing lots for single family homes and twin homes/duplexes, regardless of lot size, from the tree preservation ordinance. Passed unanimously (but with additional discussion – really needs public to ask council to continue to support this) The original amendment would have been better for in-fill housing, but this is still a win for existing property owners and small infill lots.
- **Tree Preservation Exemption for Affordable Housing Projects** – The tree preservation ordinance would not apply to projects containing at least 25% affordable housing units at or less than 60% County Median Income (CMI) rent and are deed restricted for 30 years. Passed 9-2
- **Tree Preservation expansion of simplified permitting process** – The simplified approval process would apply to up to ten trees (instead of 5). Passed unanimously

What else passed?

- **Bicycle Parking** – Reduce the distance of required bicycle parking for commercial properties to 25 feet or less from the primary entrance (instead of 50 feet as was proposed). Passed unanimously
- **Change the zoning district for Historic Randall Park Neighborhood** – After a lot of discussion and input from residents, they narrowly approved this amendment that will change the Randall Park zoning district to General Residential (GR). This zoning limits the gentle density infill that Neighborhood Residential (NR) has that was originally proposed. Passed 6-5.

What Amendments failed?

- **Tree Preservation amendment to increase the size of the diameter tree considered high value from 12" to 14"** – After a lot of discussion, but this *failed on a 4-7 vote. Sad for future housing*– This would have had a small impact on the cost of new development in the tree preservation. We had advocated for the diameter to be at 18 or 20", but had hoped for an increase of even 2 inches.
- **Tree Preservation exempt properties with 4 or fewer dwelling units on all existing lots regardless of size.** While this failed, it was replaced with a different amendment that did pass that exempted one- and two-family dwellings. *This failed 5-6.*
- **Tree Preservation amendment to require one- and two-unit homes to comply with tree preservation standards when obtaining a building, land disturbance or site development permit.** This was proposed by Councilmember Werthman after the amendment to allow 1-2 family dwelling units to be exempt regardless of the lot size, so that tree preservation standards would apply if a permit was pulled for a project (i.e. garage, new home, deck, etc). *This failed on 5-6 vote. Win for Property Owners!* While it was good this failed, with the close vote we could see this amendment come back up in the future.
- **Change the zoning district for Third Ward Neighborhood** – This failed to change the zoning district for Third Ward to GR, so NR would still be retained for this neighborhood. *This failed on a 4-7 vote.*

Additional Info from City Staff – During the City Council meeting, the City Forester and City Manager provided input on the impact of the proposed Tree Preservation ordinance on the city staff.

- From the City Forester Staudenmaier: *"The whole of the language, to be frank, is very difficult and will be very difficult for us to enforce especially with the level of staffing we currently have. I believe in the intent to try and preserve trees as much as we possibly can, but I don't believe that as the City Forestry Department that we would be able to adequately police or permit people to do this in any kind of meaningful way... If this is something that is expected of our department to actually manage, where we would actually be going out and permitting individual home owners,...it would come at an opportunity cost to the daily operations of our care and maintenance of our public trees that we have been normally charged with. And so having only 4 people for 30,000 trees that we are already trying to maintain, it would be prohibitive, quite frankly for us to be able to do this."*
- From City Manager Hirsch: *"Their department doesn't have enough staff and they are very much behind on stump grinding and replanting for our boulevard trees and other public trees. And they don't have the capacity to become tree inspectors. So we would be looking at adding a position of some type and the funding that comes from any mitigation fees needs to go into planting so we would have to see if it could replace something that they're currently doing which could allow us to move money into an inspector position. But then again if you have a low fee...it might not be enough money to pay for the work of the inspections. And as a reminder it's very unlikely that we will be able to add any positions next year and we may need to eliminate positions due to our increase in health insurance costs and our relatively low net new construction. So currently we're looking at a \$2 million gap that we're trying to close."*

Interpretation of Staff Capacity – The city forestry department is already struggling to maintain the trees they have and don't have the capacity to plant and maintain more trees through the tree preservation trees. And the tree preservation fees would not actually result in additional new trees being planted but would ultimately help fund the existing efforts of replanting boulevard trees and other public trees that need to be planted. And they would use the new tree fees to pay for the trees and shift other funds add the needed staff position to help implement the tree preservation policy.

Call to Action – How you can help

- CONTACT CITY COUNCIL and ask them to continue to SUPPORT THE TREE PRESERVATION AMENDMENT THAT will exempt 1 and 2 unit existing lots regardless of lot size.
- CONTACT CITY COUNCIL and help draw attention to the fact that based on the feedback from the city staff, it does not appear that the current tree preservation policy will actually result in more trees being planted, or that the city staff has the capacity to maintain more trees. So it is simplify a fee that doesn't result in additional canopy. The existing landscaping standards that require tree planting will have the most impact on ensuring future tree canopy in new developments.