# Rib Mountain Addendum for the Incorporation Submittal

FOR THE VILLAGE OF RIB MOUNTAIN

Marathon County, Wisconsin



Submitted: February 17, 2023

# Addendum #1 TERRITORY BEYOND THE CORE

#### **BACKGROUND**

The purpose of this Addendum to Rib Mountain's original submittal for incorporation is to answer questions based on feedback received from the Public Hearing held for Incorporation for the Town of Rib Mountain on Tuesday, January 24, 2023. Incorporation Board members and staff have requested Rib Mountain to provide more information on the Territory Beyond the Core and the acreage that accounts for the request for exemption. Additionally, Rib Mountain was asked to provide detail on the comprehensive zoning code update project. The following information will address these requests.

# INFORMATION ON TERRITORY BEYOND THE CORE

Rib Mountain has requested a waiver to Section 1(b), Territory Beyond the Core due to the "water, terrain, and geography preventing such development" as expressed in detail in the original submittal and clarified further in this Addendum.

# ENVIRONMENTALLY SENSITIVE AREAS (ESA'S) & PUBLIC LANDS

As identified under attached Map 24, there are development limitations in the Territory Beyond the Core due to environmental sensitive restrictions such as steep slopes, floodplains, and wetlands. Additionally, nonmetallic mines, managed forest lands, and public lands including Rib Mountain State Park and Nine Mile Recreation Area (with potential acquisition/project boundary expansion) also limit development. After careful analysis with North Central

Wisconsin Regional Plan Commission, it was determined to illustrate the development limitations all together, rather than breaking down each category. This is due to the amount of overlap as shown in Table B. The large lot and estate development in the Territory Beyond the Core has essentially peaked with most new homes constructed within the utility boundary as shown in Map 22 of the submittal; therefore, there is no indication further substantial development will take place due to environmental restrictions making it very challenging for this area to be developed within the next three years.

### **ADDITIONAL LIMITATIONS**

Soil conditions in the community have assisted in minimal growth in the Territory Beyond the Core and outside of the utility boundary. Map 08 of the submittal illustrates soil limitations for on-site septic systems identifying "Very Limited" areas in the community. As described in Exhibit 02, page 12 of 13, Natural Resources Conservation Services describes "Very Limited" as. "soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected." This is another feature with the ESA's that provides substantial limitations in the areas outside of the core.

#### ZONING

Current zoning in the Territory Beyond the Core is predominately Estate Residential (ER-1), Rural Residential (RR), and Rural Agricultural (1 & 2). In Rural Residential and the Rural Agricultural Zoning Districts, development is limited to one dwelling unit for every 35 acres with a minimum lot size of 35 acres. This zoning prevents dense development that one would find in the urban core. Rib Mountain's Future Land Use Map (Map 16 of the submittal) also shows the land as rural residential. For the areas outside of the utility boundary that are most conducive for residential development. you will find the territory zoned suburban residential (SR-2) which is substantially within the core. There are no significant changes projected because there are restrictions. With current zoning code updates, there could be additional development to lot sizes less than 35 acres: however, it would take substantial investment to expand sewer and water services in certain areas that may allow for increased development. This not likely to happen within the next three years.

Additionally, Rib Mountain has a Steep Slope Overlay Zoning District which is defined as areas which contain a gradient of 12% or greater, (equivalent to a 10-foot elevation change in a distance of 83 feet or less), as shown on USGS Topographic Maps (or more detailed site-specific topographic information) covering the Town of Rib Mountain. Upon the proposal of development activity on any property which contains a steep slope, the petitioner shall prepare a detailed site analysis and upon those steep slopes being identified, they shall remain in an undisturbed state except for the land uses permitted in Section 17.054 (i.e. passive outdoor recreation) per the requirements of Subsection 17.056(10) of the Town of Rib Mountain Municipal Code.

# LIMITATIONS OF UTILITIES & DEVELOPED PROPERTY

Another challenge facing the growth of the Territory Beyond the Core is limited utilities. The current Sanitary District 208 Plan as identified in Map 18 of the submittal does not extend much further beyond the Core and we are governed by the Wausau MPO and Wisconsin Department of Natural Resources allowing us to increase this boundary. The costs associated with sewer and water extension within the current 208 boundary would be extensive and, in many cases, cost prohibitive. Many of the additional costs would be associated with the identified environmental restrictions.

Table A

Description	Acres	Percent
CORE	5,507	33%
Existing 9 Mile and		
Expansion Area	4,037	24%
Existing Rib Mountain State		
Park and Expansion Area	3,165	19%
Summary outside the		
CORE		
Developed (includes water)	1,805	11%
Possible Development		
Areas	691	4%
Development Limitations	1,352	8%
Totals	16,557	100%

As identified in Table A above, there is approximately 1,352 acres that has various development restrictions outside of the identified core. The remaining acreage in the Territory Beyond Core is already developed in accordance with the current Zoning allowances and Rib Mountain's Future Lane Use which was recently updated in 2020. In addition, the acreage developable is inaccessible due to environmental restrictions (i.e., wetlands) and would require significant infrastructure to develop into buildable lots.

Table B

Outside the Core	Acres
Developed (includes water)	1,805
Possible Development Areas	691
Floodplain	144
Floodplain and Tax Exempt	16
Floodplain and Tax Exempt and Steep Slopes	8
Floodplain and MFL	83
Floodplain and Steep Slopes	6
Floodplain and Wetlands	275
Floodplain and Wetlands and MFL	153
Floodplain and Wetlands and	
Tax Exempt	36
MFL	110
Steep Slopes	153
Steep Slopes and MFL	25
Tax Exempt	48
Tax Exempt and Steep Slopes	8
Wetlands	257
Wetlands and MFL	23
Wetlands and Steep Slopes	6
Total Acres	3,848

Table B illustrates the different categories making up Map 24 with areas identified as "Development Limitations" and is a further breakdown of Table B. Additional information was asked to provide the acreage for each item requested in the waiver or if we were to include them as one. describe why. By providing the breakdown of the limitations including areas of overlapping limitations, we believe this identifies the difficulties of trying to provide accurate information for acres correlated to each limitation. The green rows are singular limitations, the orange is overlapping limitations, and the purple are existing developed areas.

The white row (Possible Development Areas) is the remaining balance where development is possible, though it's not a 1:1 application. In those areas, access may

be difficult or not possible reviewing Map 24 and other provided documents. Zoning regulations require setbacks from right-of-way, side yard, and rear yards up to 50 feet. Lastly, while Map 24 identifies limitations including wetlands, there may be areas of the community that upon further investigation, are determined to be wetlands or have depth to bedrock constraints not allowing development. In summary, we believe the acreage identified as "Possible Development Areas" have the potential to be far less than identified through this analysis.

# COMPREHENSIVE ZONING CODE UPDATE

Mentioned during our Tuesday, January 24, 2023, Public Hearing, the community is in the process of a comprehensive zoning code update to our Chapter 17 Zoning Ordinance. This project was on the heels of the Rib Mountain Drive/TID 1 Master Plan & Corridor Study, both projects the Town used Ayres & Associates as the consultant. Exhibit A provides an overview of the work that's been done.

Chapter 17 was adopted in 1994 and has not been evaluated overall since that time. It was a recommendation from the Corridor Study to do a comprehensive review. One of the top priorities of the project was to facilitate continued success of the Rib Mountain Drive Corridor, with Rib Mountain Drive our "Mainstreet" and central hub. Key stakeholders in the community know the Mainstreet is essential for the community to thrive in the generations to come. The new zoning changes anticipate having minimal impact on development for Territory Beyond the Core in Rib Mountain. Within the Core, form-based zoning will move the community towards a "Rib Mountain Center" development, which is something you would find in a typical village or city.

#### **CONCLUSION**

When Rib Mountain started this process in June 2021, Forrest & Associates was hired to determine whether the entire municipality could incorporate. The report concluded that Rib Mountain had ample argument to justify incorporating the entire community. See Exhibit B. It is important to emphasize "community" because there is distinction between what areas are identified as "Core" and "Territory Beyond the Core". It is considered Rib Mountain from north to south and east to west. The only thing that distinguishes the different areas within the community is the street names that divide between birds, flowers, and shrubs. All residents considered themselves part of Rib Mountain; therefore, we would request the submittal and this Addendum be determined to meet all the statutory requirements for incorporation.

Rib Mountain's request for waiver stems primarily from ESA's, public lands, currently zoned restrictions, limitations of utilities, and developed property. When considering the constraints for property beyond the core, there is little to no remainder of property suited for substantial growth. Therefore, this gives reason why Rib Mountain's waiver should be granted.

# Exhibit A

# COMMUNITY MEETING JANUARY 31, 2023 RIB MOUNTAIN ZONING CODE UPDATE

The Town of Rib Mountain has decided it is time to overhaul its zoning code in order to:

- Respond more to the policies found in the Comprehensive Plan and Rib Mountain Corridor Plan,
- Respond to legally required updates, and
- Make the document more user-friendly.



The work began in April of 2022, and with input from staff, and Ad Hoc Advisory Committee, and developer's round table discussion, the Plan Commission, and the Town Board, the following changes have been made.

# Layout of Code

- Moved most relevant items to the front (zoning districts and land use table) and least used in the back (definitions).
- Consolidated and reduced text within the subchapters: added matrixes and tables, removed/consolidated rationale and purpose, provided more direct sentences within sections (still in process).
- Reduced the number of sub-chapters from 13 to 10. This was done by moving Density and Intensity Standards
  and Bulk Regulations into the sub-chapter containing the Zoning District descriptions, thus placing all the
  information in on location.

#### **Zoning Districts**

- Eliminated and consolidated zoning districts where feasible. Reduced the number of base zoning districts from 20 to 13.
  - In most cases similar districts were combined or unused districts eliminated.
  - Three industrial districts were reduced to one.
- A new Rib Mountain Center District was added to address form-based development in the town center.
- For each base zoning district at table was added summarizing all the dimensional standards for principal and accessary dwelling units.
- For each base zoning district, a diagram showing the density and lot dimension standards will be added.
- Consolidated land use table into one matrix (Table of Uses) and referenced the table in other areas of the subchapter to eliminate redundancies.
- Updated the various land uses to align with current and future trends.
- Eliminated the various dwelling unit types and consolidated into broader categories providing clearer application for both Town staff and public.

#### Land Uses Regulations and Performance Standards

- Updated performance and site plan standards for development.
- Moved detail from Land Use Descriptions and updated Definitions (this is still in progress).
- Aligned detailed requirement for some development with the Table of Uses.

 Eliminated Special Use regulations and consolidated into administrative review process or conditional use process.

# Landscaping and Signage

- Some updates to the landscape subchapter are pending.
- Updated the signage ordinance to be in keeping with legislative requirements.

# Process/Procedures

- Created a sub-chapter specifically oriented to non-conforming uses and consolidate content.
- Removed fees from the ordinance to make a more user-friendly and more easily updated list of fees.

# Summary of (Base) Zoning District Changes

Rather than changing each district dramatically, we focused on combining similar districts and eliminating unused ones. Overlay districts, which add additional regulations in various areas, were left the same.

Old District	New District
RA-1-35	eliminated
RA-2-35ac	eliminated
Outdoor Recreation (OR-35a)	Open Space Preserve (OS/P)
Rural Residential (RR-35ac)	Rural Living (RL)
Countryside Residential (CR-5ac)	Rural Estate (RE)
Estate Residential (ER-1)	
Suburban Residential (SR-2)	Rural Neighborhood (RN)
Suburban Residential (SR-3)	Suburban Neighborhood (SN)
Suburban Residential (SR-4)	Urban Neighborhood (UN)
Mixed Residential (MR-4)	Rural Mix (RM)
Urban Residential (UR-8)	eliminated
Estate Office (EO)	eliminated
Suburban Office (SO)	Neighborhood Commercial (NC)
Neighborhood Commercial (NC)	
Suburban Commercial (SC)	General Commercial (GC)
Urban Commercial (UC)	Rib Mountain Center (RMC)
Central Commercial (CC)	
Suburban Industrial (SI)	General Industrial (GI)
Urban Industrial (UI)	eliminated
Heavy Industrial (HI)	eliminated
Unified Development District	Planned Development (PD) & Corridor Commercial (CC)

# Exhibit B

Analysis of Potential Incorporation of the Town of Rib Mountain,
Marathon County, Wisconsin

Prepared by:

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Forrest & Associates, LLC

June, 2021



# **ACKNOWLEDGEMENTS**

# **Town Board of Supervisors**

Allen Opall, Town Chair

Brad Conklin, Supervisor

Dan Fiorenza, Supervisor

Gerry Klein, Supervisor

Fred Schaefer, Supervisor

# **Town Staff**

Gaylene Rhoden, Town Administrator

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Paul Kufahl, Building Inspector/Deputy Zoning Administrator

Scott Turner, Superintendent of Streets and Parks

Nicole Dunbar, Finance Director

# **Town of Rib Mountain Incorporation Analysis**

# **Purpose:**

The purpose of this report is to communicate to the Town Board whether incorporating the town in its entirety is possible. Regardless of the conclusions drawn and/or implied in this report, there can be no assurance that the Town may become incorporated, since it is the responsibility of the Wisconsin Department of Administration and the duly appointed Incorporation Review Board to determine if an Incorporation advances. Should they determine that Incorporation is warranted, it is then referred to the Town electors in a referendum to make the final decision on becoming a Village.

# **Introduction:**

This report will focus on existing land use and development, as well as a review of population growth, and population projections for the future. It will further assess the impact of geography and geology as it affects both population growth and distribution of development throughout the Town. It is intended to evaluate various factors to help indicate whether the entire Town, versus a portion of the Town, potentially qualifies for incorporation.

Physical factors associated with land use and population will be examined in a cursory fashion to assess the influence on existing and future land use. These factors include soil association analyses, bedrock, and steep slopes that either encourage or hinder development.

Thank you to Town Administrator Gaylene Rhoden and Director of Community Development Jared Wehner for their assistance with information to support the preparation of this document. Their insight into the development of the Town, and their provision of information regarding physical constraints that affect growth and development in the Town were invaluable. The 2020 Comprehensive Plan, as prepared by the North Central Regional Planning Commission, was used extensively to provide technical information, data and maps.

# **Population:**

The population of the Town is estimated at 7,001 for 2020. This compares to the 2010 Census count of 6,825, and the 2000 Census of 6,945. (The 2000 final census number was adjusted due to errors discovered after the Census was published.) This indicates a stable population, which trended away from the rapid growth experienced in Rib Mountain during the 1970's and 80's.

The population has remained generally static over the past 20 years increasing by a net gain of 56, or .008 percent during this time.

This lack of population growth can be attributable to three factors:

- The 2008 recession which resulted in the housing crash;
- The lack of available lands for housing development due to limited to severe geologic conditions;

• The abundance of public lands that make up a significant portion of the Town.

The Town's Comprehensive Plan contains population projections for the next twenty years, which reflects maintenance of a stable population base, with a projection of 7,190 in 2030, and 7,080 in 2040. Future growth constraints are a reflection in the last two factors, noted above.

With a population of 7,001 the Village of Rib Mountain would rank in the top 50 of the largest Villages in Wisconsin.

The following Table shows a comparison of Rib Mountain to other communities in the Wausau Metropolitan Area.

Table 1 - Wausau Metropolitan Area Population Comparison				
Municipality	-	2010	2020	
City of Wausau		39,106	38,884	
Village of Weston		14,868	15,646	
Village of Kronenwetter		7,210	8,158	
Town of Rib Mountain		6,825	7,001	
Village of Rothschild		5,269	5,328	
City of Mosinee		3,988	4,124	
Village of Maine		2,588	2,619	
Town of Stettin		2,554	2,595	
Town of Mosinee		2,174	2,206	
City of Schofield		2,169	2,201	
Town of Marathon		1,048	1,037	
	Total:	86,592	88,581	

Source: Wisconsin Demographic Services Center

# **Land Use:**

As a general overview, Rib Mountain is characterized by the presence of two significant natural features; Rib Mountain State Park and Nine Mile Forestry Unit. (See Map 1 – RECREATION FACILITIES). Most development in the Town has taken place to the north and east of the mountain, extending toward the Wisconsin River. Much of the Town consists of residential development with most commercial development concentrated along CTH "N" and at interchanges on US Highway 51 (County Roads "N" and "NN"). The area south of the mountain and north and east of Nine Mile Forestry Unit consists primarily of large lot, residential estate development. These are generally related to pockets where soils and topography permit this development to occur. (See Map 2 – EXISTING LAND USE)

The following Table 2 shows a breakdown of land uses by type in the Town.

Table 2 - Existing Land Use – 2015*			
Land Use Type	Acres	Percent	
Agricultural	675	4.1	
Commercial	339	2.1	
Governmental	122	0.8	
Industrial & Quarry	334	2.0	
Outdoor Recreation	4,859	30.0	
Residential	3,118	18.4	
Transportation	1,097	6.7	
Water	990	6.0	
Woodlands	4,919	29.9	
Total:	16,453	100.0	

<sup>\*</sup>In the Update of the Comprehensive Plan for the Town, prepared by the North Central Regional Planning Commission in 2020, it contained a Table (Table 8-1) presenting a breakout of Land Use Types. For this report, the Table has been modified by consolidating Multi-Family and Residential types, and defining Industrial into Quarry & Industrial. This is more descriptive since there is a fairly insignificant amount of manufacturing base in the Town. In addition, the acreage and percentages have been rounded to make the table more readable.

There are several observations that can be made regarding land use types. First, agricultural lands consist of an extremely low percentage of the Town total at 4.1 percent. For the overwhelming majority of Towns, this percentage is much higher, and is usually the majority type use in most cases. Agriculture is concentrated in the far western portion of the Town along Thornapple Road. Second, Outdoor Recreation use represents 30 percent of the total, which is an uncommonly large amount. Third, Woodlands consume another 29.9 percent, which covers areas that are on the steeper slopes of Rib Mountain and Mosinee Hill, and the wetlands and floodplain areas of the Town.

The future land use (See Map 3 – FUTURE LAND USE) remains a reflection of existing land use, with no significant changes projected.

# **Geologic Factors:**

## **Soils Types:**

There are five different soil associations present in Rib Mountain. Areas adjacent to the Big Rib and Wisconsin rivers consist of Mahtomedi-Fordum-Sturgeon. Most of the Nine Mile Creek area contains Cathro-Seelyeville soils. The area encompassing and surrounding Rib Mountain consists of Fenwood-Rietbrock-Rozellville soils. Other soil associations include Mosinee-

Meadland-Dancy and Marathon-Mylrea-Moberg. All these soil types range from moderate to severe limitations for development.

The soils in Rib Mountain have limited to severe constraints for Septic Tank Absorption Fields, and therefore the Town has created the Rib Mountain Sanitary District that serves a significant part of the residential and commercially developed areas of the Town. Map 3 – UTILITIES & COMMUNITY FACILITIES shows the area served by the Rib Mountain Sanitary District.

Further analysis reveals that the balance of the Town has "very limited" soil ratings for the use of Private On-site Wastewater Treatment Systems (POWTS) that include septic tanks, use of mound systems or holding tanks. While some areas of Rib Mountain have private waste disposal systems, they are severely restricted by high bedrock and wetlands which limit the use of conventional septic systems.

# **Steep Slopes:**

Very steep topography limits development in many areas, particularly on Rib Mountain and the Mosinee Hill area east of CTH "KK". Development at high elevations can pose challenges for public water service and private wells are generally not practical. Steep slope development is typically at a low density. Developing on steep slopes is expensive. There are initial expenditures for improvements such as roads and utilities. The construction of roads on steep slopes often calls for substantial grading, extra-wide rights-of-way to accommodate road slopes, retaining walls, and steeply sloping embankments, which can also require expensive long-term maintenance.

Running public utilities in areas of steep slopes require additional expense as shallow bedrock is usually encountered, causing additional expense for construction.

Steep slopes are particularly susceptible to damage resulting from site disruption, primarily related to soil erosion, with damage likely to spread to areas which were not originally disturbed. Such erosion reduces the productivity of the soil, results in exacerbated erosion downhill, and results in increased sedimentation in drainageways, wetlands, streams, ponds and lakes. Rib Mountain has enacted a Steep Slope Overlay Zoning District to protect against such damage.

# **Impact of Geologic Factors on Land Use:**

The area south of County Trunk Highway "N" are characterized by large lot, estate residential development, and scattered pockets of "rural" subdivisions. The residential estate parcels are characterized by lots generally in excess of 5 acres. These are the result of the severe limitations for traditional residential development.

(See Map 5 – NATURAL RESOURCES).

This map shows the extent to which natural features have impacted development within the Town. Note that there are significant area of steep slopes, wetlands, and flood plains. Areas of steep slope are further influenced by shallow bedrock conditions.

Evidence of the impact on development is illustrated by the distribution of building permits for new home construction. Since 2014 through 2021, there have been a total of 130 building permits issued. Of the total 117 are within the sanitary district, while only 13 have been issued outside the district.

# **Transportation Connectivity:**

Rib Mountain has excellent transportation connectivity for both internal and external transportation mobility. Facilities include Interstate-39/US Highway 51/State Highway 29. It is constructed to freeway standards providing a high level of service connecting to the Wausau Metro Area. US Highway 51 transitions into Interstate-39 to the south of the Highway 29/51/I-39 interchange providing connections to Stevens Point and Madison. State Highway 29 provides expressway access to Green Bay to the east and Eau Claire and Minneapolis/St. Paul to the west. Freeway access in Rib Mountain is provided at two interchanges – CTH "N" and CTH "NN". These interchanges provide direct access to the major commercial area along CTH "N", as well as excellent access for residents to the major highway systems that serve the Town and Wausau Area.

STH 29, US 51, CTH "N" and CTH "R" provide excellent access to the Wausau Metropolitan area.

(See Map 5 – TRANSPORTATION).

# **Summary and Conclusions:**

The focus of this study has been to evaluate the potential incorporation of the entire Town into a Village. Based upon the research and analysis conducted the following conclusions are presented:

- 1. Physical environments prevalent in Rib Mountain are vaguely similar to conditions existing in Richfield and Summit, both of which were approved by the Incorporation Review Board. Shallow bedrock and steep slopes were prevalent in Richfield, and protection of groundwater recharge was the issue in Summit. These unique geologic/geographic conditions aided in obtaining a waiver. Each municipality incorporated their entire town
- 2. Without going into a detailed analysis regarding a potential remnant Town resulting from the establishment of a separate Village boundary, it may be questionable whether a remnant would have the ability to remain viable, both in financial resources and population.
- 3. The Sanitary District is unique in its shape in that it is somewhat crescent or horseshoe shaped as it wraps around the Rib Mountain extending from west to east along CTH "NN", then south along CTH "N," then back to the west on the south side of the Mountain along CTH "N." If the Village were to be establish based on the Sanitary

District boundary and adjacent developed territory, it could make the area unable to meet the compactness test in the Incorporation Law.

- 4. Due to soil limitations and steep slopes, there is limited opportunity for further development within the Town outside the sanitary district. The large lot and estate development outside the sanitary district has essentially peaked. This has resulted in the town population remaining static over the past two decades, and future projections for growth out to 2040 have the Town population remaining stable.
- 5. One of the standards for incorporation requires that the "territory beyond the core" *shall have the potential for residential or other urban land use development on a substantial scale within the next 3 years.* It can generally be concluded this area cannot be developed to urban land uses within the prescribed timeframe. The standard, however additionally states: *The board may waive these requirements to the extent that water, terrain or geography prevents the development.* Due to the severe physical limitations, the Town would request that the territory beyond the core standard be waived for all areas of the Town with steep slope, depth to bedrock, soil limitations and publicly owned lands that preclude densities that meet the definition of "urban land uses."
- 6. Transportation connectivity is a positive attribute in support of incorporation. The transportation network provides access to the major business center located in the Town, provides access of residents to the Wausau Metropolitan area, as well as access to other parts of the State and other major metropolitan areas in the upper Midwest.
- 7. The Town currently functions like a Village, providing comparable urban services as the other communities within the Wausau Metropolitan area.
- 8. Rib Mountain State Park and Nine Mile Forestry Unit contribute to the quality of life and recreational opportunities to the area and region. Downhill skiing at Granite Peak on Rib Mountain and the Cross Country Ski Trails at Nine Mile are major draws from all over the Midwest, and would be valuable assets within the proposed Village. Both features should be included within the Village.
- 9. Based on this evaluation, a decision to proceed with incorporation of the entire Town can be justified. However, this includes the reminder that the ultimate decision remains with the Town Board. There is considerable effort and expense associated with following through the process. It is not without risk of being denied by the IRB, or having the referendum fail even if successful to that point.











