

# Chapter 2: Background

History

Boundaries and Extraterritorial Jurisdiction

Prior Planning

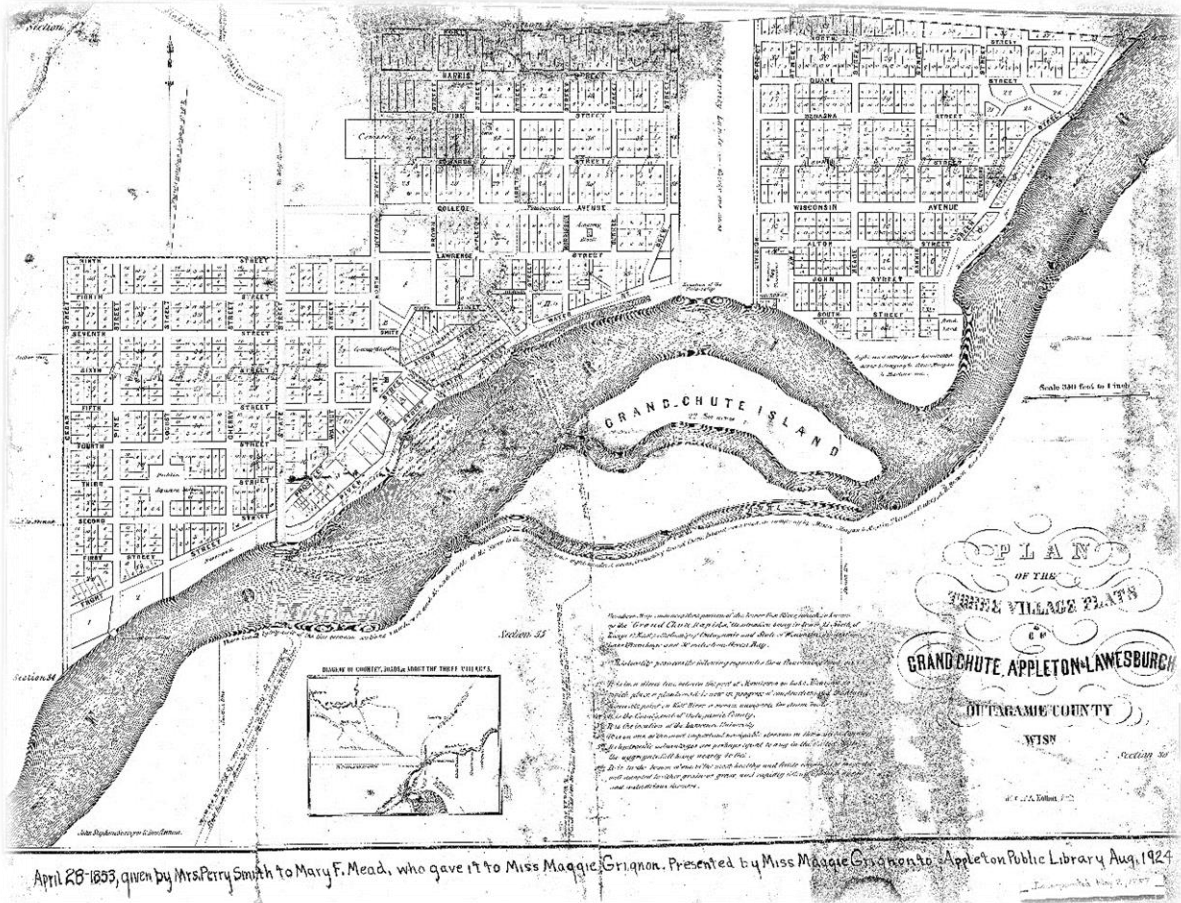


Figure 1 Three historic communities shaped downtown Appleton early on - the villages of Lawesburg, Appleton, and Grand Chute (Source: History Museum at the Castle)

Appleton is a community of 73,737 residents located in the Fox River Valley of northeastern Wisconsin. With its location at the crossroads of US Interstate 41 and US Highway 10, Appleton is part of one of the fastest growing urban areas in the State of Wisconsin. Appleton, which is 90 miles north of Milwaukee and 30 miles southwest of Green Bay, is experiencing growth and as such must analyze current and future demands for services and resources in order to ensure that the needs of its residents will be met. According to the Wisconsin Department of Administration, Appleton is projected to reach a population of 80,605 by the year 2040, a 9.3% increase over the State's official 2015 estimate.

## History

Appleton was settled in 1848, incorporated as a village in 1853, and became a city in 1857. The first white settlers in the area were fur traders who followed the Fox and Wisconsin Rivers. A series of rapids, the "Grand Chutes," required travelers to portage at the present site of Appleton.

Industry soon came to harness the power of the falling water. The first paper mill was constructed in 1853, and was followed by others in Appleton and elsewhere in the Fox Valley. While paper-making provided an industrial base on which the region grew, it has also left a legacy of environmental contamination in the river basin.

Hydroelectric power led to the City's pioneering use of electricity. In order to provide electricity to paper mills, the Vulcan Street Hydroelectric Central Station was constructed and began operation on November 25, 1882. The Vulcan Street Plant represents an early use of hydropower to generate electricity and perhaps one of the earliest examples of a hydroelectric plant operation that sold electricity commercially and provided incandescent lighting service to the public. On August 16, 1886, the Appleton Electric Street Railway Company began operation of five Pullman cars on the newly installed track, becoming the United States' first commercial electric street railway. Electric lights replaced gas lamps on College Avenue in 1912.

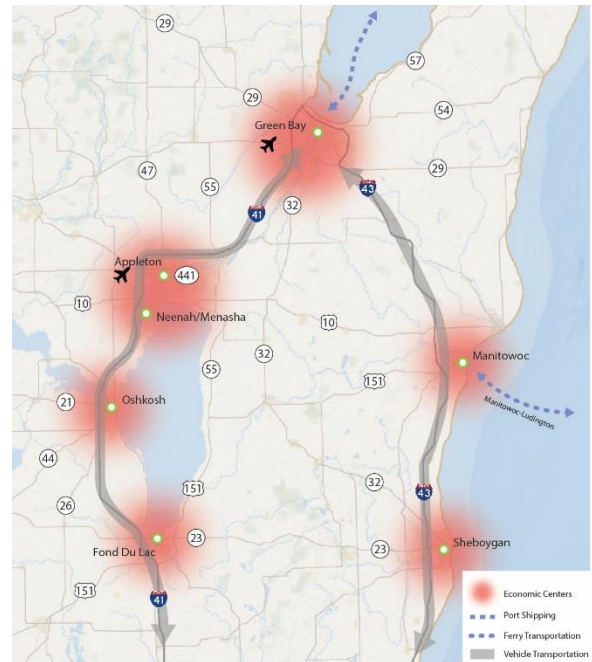


Figure 2 Map of northeast Wisconsin showing key economic centers



Figure 3 Fox River downstream from the College Ave. Bridge

Education has also played an important role in the City. Appleton has grown along with Lawrence University. Chartered in 1847, the school covers 84 acres of ground on the east side of the downtown, north of the Fox River. Appleton was named for an early benefactor of the college. The school attracts students from all over the United States and several countries, and brings many cultural programs to the community.

Appleton lays claim to being the site of the first enclosed shopping Mall in the United States. Valley Fair Shopping Center was constructed in 1954, although much of it was subsequently torn down and a portion was reused for commercial space. Today, the City's downtown retailers have specialized in order to successfully compete with the Fox River Mall and other commercial development along US Interstate 41 in the neighboring Town of Grand Chute.

### Boundaries and Extraterritorial Jurisdiction

The City's boundaries straddle Calumet, Outagamie, and Winnebago Counties. Appleton also neighbors the City of Menasha, the Villages of Little Chute, Kimberly, Harrison, and Fox Crossing, and the Towns of Freedom, Center, Vandebroek, Grand Chute, Buchanan, and Harrison. The large number of overlapping and adjacent government entities has made intergovernmental cooperation in the region difficult at times.

Appleton would normally have extraterritorial jurisdiction extending three miles beyond its borders into any adjacent towns, or to the midpoint between cities located within that area. The City of Appleton has, however, entered into boundary agreements with several of its neighbors that establish limits on the City's ability to annex new lands. While these boundary agreements limit the City's ability to annex lands, they allow the City to proceed with development decisions near these areas. Figure 4 depicts the boundary agreements, the specific details of which are discussed below.

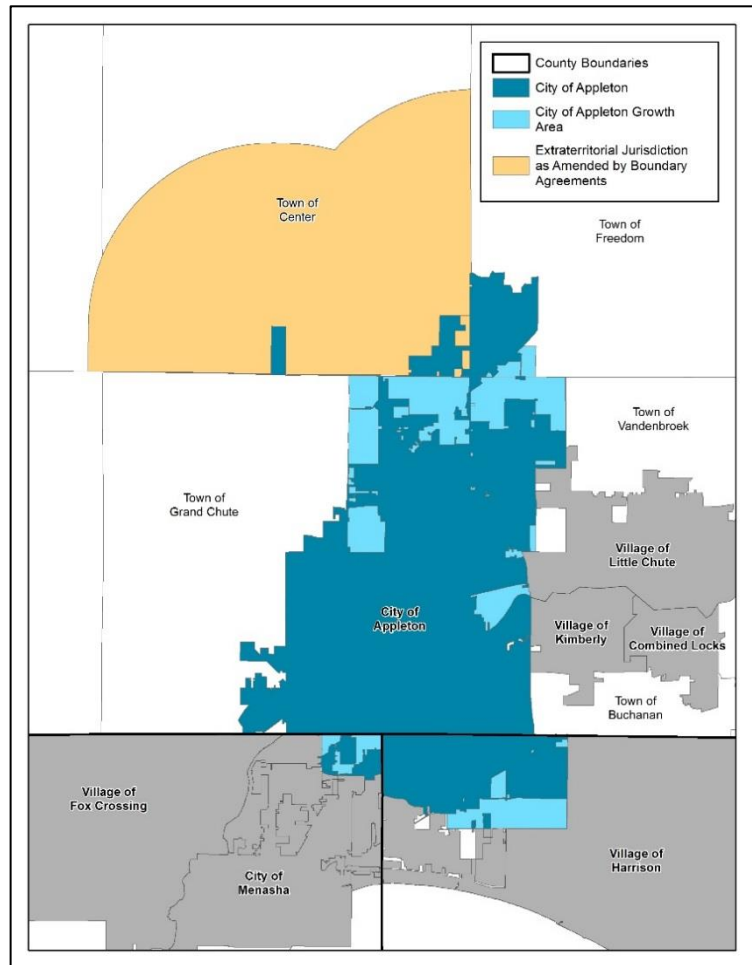


Figure 4 The City of Appleton and surrounding Towns and Municipalities



## Town of Menasha and the City of Appleton

This agreement was adopted by the City of Appleton and the Town of Menasha in August of 1999. As part of the agreement the two communities established a common boundary line and the City agreed not to annex non-consenting single-family residential properties in the Town, north or east of that boundary, for 20 years. The City also agreed that no annexation would occur without a corresponding detachment of a similarly valued property. Additionally, the City agreed to deny all requests for annexation based solely on building and code compliance issues. Both communities agreed to not challenge the existence of “town islands” or “city islands” that resulted from annexations under this boundary agreement. The Town agreed not to judicially oppose any annexation made by the City in accordance with the agreement, and the City agreed to meet with the Town and discuss mutual concerns about annexations prior to filing any petition. The agreement will remain in effect until 2019.

Additional matters covered in the agreement include the City assuming all costs for improvements and maintenance of the Red Oak Ravine. The City also agreed that it would not contest incorporation by the Town of Menasha or consolidation with the Town of Grand Chute. Finally, the agreement outlined the dissolution of Sanitary District #4 and the creation of a Town utility district that will provide sanitary sewer and water service to any City property lying within its service area at the same rates as charged to properties in the Town.

It should be noted that in 2015 a portion of the Town of Menasha incorporated as the Village of Fox Crossing. In 2016, an adjustment was made to the boundary line to attach the remaining territory in the Town of Menasha to the Village of Fox Crossing.

## City of Menasha and the City of Appleton

This agreement was adopted by the City of Menasha and the City of Appleton in September of 1992. The two communities agreed to a common boundary line and also agreed to detach properties on the opposite side of that boundary. Properties north of the boundary line were reserved for Appleton’s southward expansion, and properties south of the line were reserved for the City of Menasha’s eastward expansion. The parties agreed to work in good faith on public works projects of mutual benefit and to support one another against legal challenges brought by third parties, against annexation petitions concerning the affected properties. The agreement will remain in effect indefinitely unless terminated by mutual consent or breach of the agreement.

The agreement also states that the City of Menasha will support having the Waverly Sanitary District provide sewer and water services to City of Appleton properties within the Waverly Sanitary District’s service area at the same rates as properties in the City of Menasha.

## Village of Little Chute and the City of Appleton

The Village of Little Chute and the City of Appleton adopted this agreement in March of 1996. The communities agreed to a common boundary line, stating that all land west and north of the boundary is reserved for the City of Appleton's expansion, and all land east and south of the boundary is reserved for Village of Little Chute's expansion. The parties agreed to work in good faith on public works projects of mutual benefit and support one another against legal challenges brought by third parties against annexation petitions concerning properties affected by the agreement. The agreement also states that both municipalities will treat property owners of either municipality identically regarding the provision of water or sewer services. The agreement will remain in effect indefinitely unless terminated by mutual consent or breach of the agreement.

## Town of Grand Chute and the City of Appleton

This agreement was adopted by the City of Appleton, the Town of Grand Chute, and the Town of Grand Chute Sanitary Districts #1 and #2 in March of 1992. The agreement established a boundary between the City and the Town, with those areas west of the boundary reserved for the Town, and those areas east of the boundary reserved for Appleton's future expansion. The Town of Grand Chute further agreed that it would not oppose annexations within the City's designated expansion area. The agreement established an area within the Town that would receive City sanitary sewer service without the precondition of annexation, an agreement to share the cost of a sewer loop through the Town, and creation of an additional connection between City and Town water infrastructure. Finally, the City agreed not to oppose any incorporation petition submitted by the Town. The agreement will remain in effect indefinitely unless terminated by mutual consent or breach of the agreement. It is anticipated that future sewer development east of N. Richmond St. will be annexed into the City.

## Town of Freedom and the City of Appleton

This agreement between the Town of Freedom and the City of Appleton went into effect in January of 2004. It established a boundary between the two municipalities, with those areas west of the boundary to remain in the Town, and those areas east of the boundary reserved for City expansion. The agreement laid out a revenue sharing arrangement where the City will pay the Town an annual sum during the first twenty years of the agreement. The City agreed to not create a tax incremental district within the City's growth area, or contest future incorporation by the Town. The agreement will remain in effect until 2054.

## Town of Harrison and the City of Appleton

The Town of Harrison and the City of Appleton adopted an agreement in January of 1999. It established a boundary between the two municipalities, with the City agreeing to not annex any territory east or south of this boundary for fifty years, and to not annex any non-consenting properties north or west of this boundary for twelve and a half years. Additionally, the City agreed that a number of non-consenting owners annexed to the City could detach their property from the City during that twelve and a half year period. These properties would be automatically annexed back to the City after this period. The agreement outlined cooperation in sanitary sewer service provision and the extension of Eisenhower Road, and the City agreed to not challenge any incorporation by the Town.

## Village of Harrison and the City of Appleton

In 2013, the Village of Harrison incorporated as an independent municipality, after initially meeting the Incorporation Review Board's standards. Later that year, the boundary line was significantly changed to transfer land from the Town of Harrison to the Village of Harrison, leaving only the City of Appleton and City of Menasha growth areas remaining in the Town. In 2015 and early 2016, several annexations within the City of Appleton growth area have been adopted and/or initiated by the Village of Harrison.

## Prior Planning

Several plans previously completed by the City of Appleton, along with Winnebago, Outagamie, and Calumet Counties, the East Central Wisconsin Regional Planning Commission, and neighboring municipalities were reviewed as part of the 2016 update to the City's 2010-2030



Comprehensive Plan. The recommendations in these plans were reviewed for consistency and serve as a basis for intergovernmental cooperation.

### City of Appleton Comprehensive Plan 2010-2030

The City of Appleton Comprehensive Plan 2010-2030 was originally adopted in 2010. The plan was updated in 2016.

### City of Appleton Downtown Plan

The City of Appleton adopted its Downtown Plan in 2007. In 2010, it was updated and included as Chapter 14 within the City of Appleton Comprehensive Plan 2010-2030. In 2016, the chapter was rewritten alongside the 2016 updates to the City of Appleton Comprehensive Plan 2010-2030, and remained included as Chapter 14 of that plan.

### City of Appleton Vision 20/20 Comprehensive Plan

The City adopted its **Vision 20/20 Comprehensive Plan** in 1996. This plan addressed general issues including land use, housing, economic development, transportation, parks and open space, public utilities and facilities, urban design, and historic preservation.

Downtown revitalization, redeveloping blighted areas, resolving land use conflicts, and historic preservation were discussed as well as developing new areas in and adjacent to the City. Growth areas were identified on the north and southeast boundaries of the City. A discussion of other sections of the plan can be found in the background analysis of subsequent chapters of this plan.

### East Central Wisconsin RPC Year 2030 and 2040 Regional Comprehensive Plans

The mission of this plan, adopted in 2008, was to work together with citizens, local governments and interest groups to develop a comprehensive vision for the future of the ten county area through 2030, as well as to provide strategic policy guidance to help that vision become reality. An update to the Year 2030 Plan began in spring 2016. The updated regional plan will be entitled “Working Together: A 2040 Comprehensive Plan for the East Central Wisconsin Region.” When completed, the “Working Together” plan will outline a series of “best practices” that area counties and communities should consider in order to achieve better alignment and collaboration when dealing with issues of mutual (regional) concern. The plan will package the traditional nine Wisconsin Comprehensive Planning Elements into the following “themes”:

- A Regional Sense of Place
- A Livable Region
- A Connected & Mobile Region
- A Resilient Region I – Environment
- A Healthy Region
- A Smarter Region
- A Resilient Region II - Economy

### Winnebago County Comprehensive Plan: 2006

The **Winnebago County Comprehensive Plan** was adopted in March of 2006 to serve as a land use policy framework, balancing the needs of individual municipalities with the goals and objectives of the whole County. As such, the plan backs away from overly specific or regulatory measures, and emphasizes local control of planning decisions. The plan puts forth a set of



minimum standards and policies to be met by each community's local land use plan. These standards generally include technical requirements such as specific sources and techniques for calculating the amount of demand for land uses.

One issue the plan addresses in detail is the conversion of agricultural lands to urban uses. The plan describes a recent increase in minor residential subdivision activity. Small rural subdivisions containing four or fewer lots have become more prominent in the rural landscape due to desires of property owners to sell some land for reinvestment in their farming operations. The plan suggests that the increased development activity may be reducing the ability of farmers to operate without conflict from non-agricultural uses.

Transportation is another area of greater detail in the plan. The plan states that the increased carrying capacity, speed, and efficiency created by recently constructed highways throughout the County may increase the interest of homeowners to live in rural areas of the County. Conversely, the plan suggests that rail passenger service may be needed due to the increasingly congested highway system and delays at airports. Previous studies have indicated that passenger service between Green Bay and Milwaukee, passing through Winnebago County, could be feasible.

## Outagamie County Comprehensive Plan

The ***Outagamie County Comprehensive Plan*** was created to meet the requirements of the state's Smart Growth legislation, and contains the nine elements required by the legislation. The plan was adopted in 2008 by the County Board.

The plan notes that weaknesses affecting the County economy include a lack of unified vision, little regional visibility, poor brand recognition, too many government actors, an aging labor pool, and a lack of workforce housing. It notes several potential threats to the region, including changing housing preferences and economic impacts (work force) due to the aging population in the County, and concerns that the Valley Transit System will lose federal funding around 2010, despite its increasing ridership.

Some of the important recommendations coming from the plan include:

- supporting regional collaboration, including revenue sharing, joint marketing, multi-jurisdictional grant applications, and development of a regional revolving loan fund;
- encouraging long haul freight shipments by rail to reduce wear on County highways, and the creation of multi-modal transportation areas for freight transitions between rail and truck;
- developing a connected regional trail system that could include wider shoulders on County roads to allow bicycle and pedestrian trails;
- support for purchase of development rights (PDR) or transfer of development rights (TDR) programs to protect agricultural lands in the County; and
- cooperating with local jurisdictions to increase development densities in urban areas.

## Calumet County Comprehensive Plan

Adopted in May 2007, the ***Calumet County Year 2025 Comprehensive Plan*** is designed to be a reflection of residents' values and shared vision, a guide for managing change, and the foundation for achieving goals through policies, strategies, and an implementation plan. The plan was comprehensively amended in February 2012 to reflect updated statistical and factual data.

Calumet County identified a number of concerns related to agriculture. While the County expects that agriculture will remain an important part of the landscape and local economy, the number of farms in the County is expected to decline. A large number of farmers are expected to sell their land as they age and retire. This will lead to consolidation and larger farms in the County.

Some of the existing farm land may also be sold for development. Both the number of housing units and the population in Calumet County are expected to grow at nearly twice Wisconsin's average rate of growth in the next 30 years. Continued development in rural areas will create the need for increased public services such as police and fire protection.

In evaluating its prospects for economic development, the County believes there is likely be increasing interest in “value-added” businesses to complement small dairy and general farming operations. The County’s tourism industry is also expected to grow substantially, and will become a more dominant sector in the overall County economy.