

## **Amendment to the 9/7/22 Staff Report**

### **Chippewa Falls/Eau Claire Urban Sewer Service Area (SSA) Plan Request for a Type I (“Land Swap”) Boundary Amendment**

**September 16, 2022**

The SSA Plan allows West Central Wisconsin Regional Planning Commission (WCWRPC) to revise its 9/7/22 staff report following the MPO Water Quality Technical Advisory Committee’s review. The following text replaces, in its entirety, recommendation 3.i. on page 19 of the 9/7/22 Staff Report pertaining to the 219.8-acre donor area:

- i. Given the extensive 100-year floodplain area, the importance of flood storage, the proximity to wetlands, and the lack of known plans to provide sanitary sewer service to the 219.8-acre donor area within the Town of Brunswick, it is agreed that the donor area is an environmentally desirable candidate to be removed from the Sewer Service Area. However, a strict interpretation of Policy 1.1.9 states that a boundary amendment shall not create a void within the SSA. In this case, the removal of the donor area acreage from the SSA would be a recognition that the area is not appropriate for sewered development given the preponderance of 100-year floodplain and wetlands.

Given that the SSA Plan is ultimately a water quality plan, WCWRPC conferred with WDNR staff regarding this contradiction. Initial feedback from WDNR staff recognized that the SSA Plan is a “starting point” and the broader intent of the Plan should be considered. WDNR staff suggested that there should be room for an exception to a SSA Plan requirement if there is good justification, especially if there is a water quality basis. However, the WDNR made it clear that this initial feedback was general and not specific to the circumstances of the currently proposed amendment. WDNR staff stated that they would consult with WDNR attorneys on the matter and provide an opinion prior to the 9/28/22 MPO Policy Council meeting and public hearing. This information was shared with the MPO Water Quality Technical Advisory at their 9/14/22 meeting.

Given that the SSA Plan is a water quality plan and that the donor area is in fairly close proximity to the boundary, it is WCWRPC staff’s opinion that the removal of the acreage and its ESAs from the SSA outweighs the strict adherence to Policy 1.1.9 when considering the goals and objectives of the SSA Plan overall. However, depending on feedback from the WDNR legal review, WCWRPC may modify our advisory recommendation at the 9/28/22 MPO Policy Council meeting and public hearing.

Regardless of the above, during the next SSA Plan update it is recommended that large, continuous environmentally sensitive areas be removed from the SSA if such ESAs would otherwise span the border of the SSA; this has the potential to result in the donor area no longer being a void (if the amendment is approved) given the other substantial areas of ESAs between the donor area and the current SSA boundary.

Please note that the above does not change WCWRPC’s advisory recommendation in the 9/7/22 staff report that the 219.8-acre donor area is a desirable candidate to be removed from the SSA, but recognizes that the legal review by WDNR may impact WCWRPC staff’s final recommendation regarding the above.