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October 28, 2022

VIA EMAIL – Tim.Asplund@wisconsin.gov

Timothy R. Asplund
Chief, Water Resources Monitoring Section
Wisconsin Department of Natural Resources
101 S. Webster Street
Madison, WI 53707

Re: City of Eau Claire – Sewer Service Area Amendment Application

Dear Mr. Asplund:

Please accept this letter on behalf of our client, CDPG Developers LLC (“**CDPG**”) in support of the City of Eau Claire’s application (the “**Application**”) to amend the Chippewa-Eau Claire Urban Sewer Service Area (the “**SSA**”). This letter is intended to supplement the letter submitted to the West Central Wisconsin Regional Planning Commission on August 4, 2022.

For several years, CDPG has worked to create the Orchard Hills development (the “**Orchard Hills Development**”) on the south side of Eau Claire. LaVerne Stewart is the long-time owner of the property (the “**Stewart Property**”) which will serve as the site of the Orchard Hills Development. Earlier this year, Mr. Stewart and another neighboring landowner, Todd Hauge, filed a unanimous petition for annexation into the City of Eau Claire (the “**Annexation Petition**”). The Eau Claire City Council approved the Annexation Petition on June 14, 2022. A corresponding annexation ordinance was subsequently adopted and effective June 21, 2022.

Accordingly, the Stewart Property is now part of the City of Eau Claire, and CDPG has begun working with City staff on development issues related to incorporating this project into the City. CDPG also exercised its option to purchase the Stewart Property in August of 2022, and closed on Phase I (the first forty acres) on October 21. CDPG will acquire the balance of the Stewart Property in two additional phases, and will own all of the property by 2024.

As part of the overall development process, Everyday Surveying and Engineering, LLC also submitted a request on Mr. Stewart’s behalf that the City consider an amendment to the SSA. The City Council subsequently authorized the City to request consideration and approval of a Type I – Sewer Service Plan Amendment for the Orchard Hills Development. The Application is now before the Wisconsin Department of Natural Resources (the “**DNR**”) for consideration.

This amendment will ensure that the Stewart Property is fully incorporated into the sewer service area. That will facilitate the Orchard Hills Development. CDPG wishes to voice its support for the proposed amendment and requests that the DNR approve it, because approval of the SSA amendment is a critical step in the orderly future development of Eau Claire's south side.

About the Development Group and Orchard Hills

CDPG consists of four principal members, each of whom has a longstanding connection to Eau Claire and real estate development in some capacity. **Holzinger Homes** is located in Altoona, Wisconsin, and constructs custom homes and related activities such as cabinetry and flooring installation. The owner, Paul Holzinger, was the 2020 president of the Chippewa Valley Home Builders Association. **Chippewa Valley Excavating** is a family-owned business located in Bloomer, Wisconsin, and has been in business for almost twenty years performing excavation, grading, septic installation and maintenance, and trucking services throughout the Chippewa Valley. **Trend Stone Surfaces** is located in Eau Claire, Wisconsin, and provides high-quality stone products for construction purposes. **C&E Wurzer Builders** is located in Eau Claire, Wisconsin, and has been designing and developing new homes throughout the Chippewa Valley for many years.

Collectively, CDPG is a local group of builders who remain committed to working with the City of Eau Claire and other stakeholders to assure that the Stewart Property is developed in an environmentally-conscious, sustainable manner that furthers the City's vision of "smart" growth and meets a variety of socio-economic and demographic goals. While development plans and platting of the proposed project remain in the early stages, the expectation is that it will feature an overall moderate population density and a mixture of single family, twin home, and multifamily units. The development will incorporate bike trails, walking trails, and appropriate green space, will address any traffic safety issues and other related concerns in due course, and will be constructed in a manner that takes advantage of existing topography and avoids impacting any environmentally sensitive areas of the property. The project will be similar to many other existing developments on Eau Claire's south side.

CDPG's development efforts originally envisioned keeping the Stewart Property in the Town of Washington. Over the course of two years, strong opposition to the project crystalized around two issues: water quality concerns and traffic safety. After substantial assessment and discussion, the CDPG team realized that annexation of the Stewart Property into the City of Eau Claire would resolve many of these issues. Annexation, of course, was only the beginning. Provision of city services to the Orchard Hills Development is a critical component of the process, and the SSA needs to be amended to *fully* include the annexed area.¹

The SSA Amendment

The City's Application was initially submitted to the West Central Wisconsin Regional Planning Commission ("**WCWRPC**") for review. The WCWRPC staff report recommended *approval* of the proposed SSA Amendment. However, the Metropolitan Policy Council ("**MPO**"), at its meeting on September 28, 2022, essentially ignored that report (and its assessment of water quality issues

¹ As the record at the MPO hearing reflects, a portion of the property is actually already in the SSA.

in the area) and instead issued an advisory recommendation *against* the SSA Amendment. As will be discussed in greater detail, that advisory recommendation was largely based on ancillary concerns that have nothing to do with the nature of SSAs generally or the justifications for this amendment.

The essential function of urban sewer service areas is to protect and improve regional water quality.² The Federal Clean Water Act contemplates the treatment of sewage through a sanitary wastewater treatment plan in urban or transitional areas. The DNR is charged with oversight of sewer service planning as a result of both federal and state water pollution legislation.³ The MPO was properly reminded of the function of the SSA by the WCWRPC in the staff report, which noted that “SSA Plans are, at their core, *water quality plans*.” [Emphasis added].

Under Wis. Adm. Code NR 121.07(2)(a), SSAs are subject to mandatory review and potential revision every five years. The purpose of such reviews is to identify areas of new growth, or other new “transitional” areas in a community, to properly *protect* ground and surface waters. As all parties recognize, no review or revision of *this* SSA has occurred for more than *fifteen* years. Both City staff and WCWRPC staff have indicated that *had* such a review occurred, this area would likely *already be* in a revised SSA.⁴ Instead, the stagnancy of the SSA means it is no longer as responsive to, or reflective of, the evolving demographics and development of the Eau Claire metropolitan area as it needs to be.⁵

Even *if* an SSA has been reviewed and revised in accordance with the code requirements, it can still be *amended* during the intervals in the review cycle to address any unexpected events or changes in circumstance. Any suggestion to the contrary is essentially to *disregard* the fundamental importance of SSAs – namely, to adequately assess, and protect, regional water quality based upon the *actual facts* related to a particular urban area.

The facts here are straightforward, and not open to serious debate. The City’s Application to amend the SSA properly addresses regional water quality issues and acknowledges the projected growth in this area on Eau Claire’s south side. No party presented any evidence to the contrary to the MPO, and none of the articulated rationales to reject the proposed amendment have anything to do with regional water quality or the *protection* of local ground or surface water.

The proposed changes are relatively modest and do not need to wait for a full-scale review or revision of the SSA. It is simply a “boundary swap,” and WCWRPC staff appropriately concluded

² See 33 U.S.C. § 1251 (identifying national policy for the development of “areawide waste treatment management planning processes”).

³ See <https://dnr.wisconsin.gov/topic/SurfaceWater/SSAPPlanning.html> (last accessed October 28, 2022).

⁴ The proposed amendment area is already bordered by the current SSA on two sides, and a portion of the Orchard Hills Development is already within the current SSA. In addition, the area which is expected to include the entire trunk line or interceptor of the planned sanitary extension is already within the SSA. The practical effect of approval would therefore be to ensure the extension of sewer services for residential lots in the western portion of the proposed subdivision.

⁵ Eau Claire remains one of the fastest growing areas in Wisconsin. The Wisconsin Department of Administration reports that Eau Claire County was one of only seven counties (out of seventy-seven) that grew by more than 2,000 residents in the past *two years* alone. The City of Eau Claire is growing faster than *any other city in the state* except for Madison. That growth requires development. New development requires adjustment, whether of zoning regulations or other urban planning tools such as the SSA.

that the proposed amendment is consistent with the policies and procedures *applicable to SSAs*. It is appropriate for the City to provide municipal sanitary service to the receiving area, and likewise clearly reasonable for the proposed “donor area” to be removed from the SSA from the perspective of overall regional water quality. The City’s Application to amend the SSA should be approved.

Objections to the SSA Amendment and the MPO Advisory Vote

The objections to the City’s Application to amend the SSA have essentially *ignored* the question of regional water quality or the expectation that an amendment should be approved if it works to further the general purpose of the SSA (i.e., the protection of water quality and proper *planning* for urban sanitary wastewater treatment).

For example, objectors at the MPO meeting invariably raised *developmental* concerns relating to the Orchard Hills Development itself, such as traffic safety on existing town roads or the effect a large-scale development might have on area schools. Neither of these concerns relates in any way to *regional water quality*. They will instead be addressed in due course during the development process (as they would in the context of *any* development project). CDPG certainly anticipates working with the City as part of a development agreement to consider the concerns of the Town of Washington or town residents about traffic flow patterns connected with the development. While many of the vocalized concerns are connected to *existing* traffic safety issues on the *current* town roads, CDPG would still expect these issues to be implicated during the upcoming development discussions.

CDPG also anticipates that to the extent this development, over the course of the years it will take to fully construct, has an impact on the student population of the Eau Claire school system, the school system will respond as it has to past demographic shifts and either change boundary lines or consider additional construction. Those are nothing more than the practical realities facing *all* growing communities. CDPG submits that to suggest these ancillary considerations should override an assessment of regional water quality is essentially to pretend that the growth (and corresponding need to reassess the SSA) is not already happening.

The Town of Washington likewise opposed approval of the SSA amendment. During the course of the Town’s comments at the MPO meeting, the entire focus was on the Town’s opposition to *the annexation* of the Stewart Property. The status of that dispute is as follows: following the enactment of the annexation ordinance, the Town filed suit against the City. CDPG has intervened in that litigation. The City has moved to dismiss the suit on the grounds that the Town did not seek review by the Department of Administration prior to initiating litigation. Both the City and CDPG anticipate that the Town’s complaint will ultimately be dismissed. However, the matter remains pending, and the Town suggests that consideration of the amendment should be postponed until after the litigation is resolved.

This argument, of course, also has nothing whatsoever to do with regional water quality or wastewater planning. The record is clear – and, in truth, essentially undisputed. The SSA amendment is logical and appropriate from a *water quality perspective* given the overall demographics and anticipated growth in the Eau Claire metropolitan area. Amendment of the SSA is independent from – and not contingent upon – the annexation. Plan approval should be based

upon water quality protection, and the water quality basis for decisions on SSA plans (or amendments) *must be found in NR 121*.⁶ While the annexation litigation *may* have an impact on the ultimate development of the Stewart Property, it should have *no effect* on consideration of the City's Application.

Finally, the record of the MPO hearing indicates that at least some of the MPO members who voted to recommend against approval of the Application did so because of the apparent longstanding delay in SSA review. For example, one member suggested that a vote against the Application would hold the DNR "accountable" for the lack of periodic review.⁷

CDPG is the developer of the Stewart Property, and has begun the process of acquiring the land (Phase I has closed, and the remaining land will be acquired in two additional phases over the course of the next two years). The initial request that the City consider revision of the SSA was premised upon the anticipated development of the Stewart Property. The City determined that given the anticipated development, a modification of the SSA was appropriate, and submitted the Application for review. CDPG questions why *it* should somehow be "accountable" for the apparent lack of revision of the existing SSA over past fifteen years.

The only legitimate basis for approval (or denial) of the proposed amendment should be connected to regional water quality concerns and be premised upon NR 121. A desire to hold the DNR "accountable" for delays in SSA review is simply not a valid basis to oppose an amendment, and in fact should be viewed as the complete opposite – namely, a refusal to consider the proposed amendment *on its own merits* in light of regional water quality and wastewater treatment planning.

As the City has noted in its Application, the proposed SSA amendment is responsive to the evolving demographics and housing demand in the Eau Claire community. The Application, the WCWRPC staff report, and the various supplemental materials provided by the City are all consistent with the facts – namely, that the proposed SSA amendment is appropriate under the circumstances. The City has demonstrated that there is a clear basis for modifying the SSA in light of the stated goal of such plans – namely, the protection of water resources in urban areas through public wastewater collection and treatment systems. Provision of city services to this area, rather than relying on private septic systems, makes practical sense – it is, ultimately, the better option for the reasons outlined by the City and reflected in the WCWRPC staff report.

Nothing in the record supports the notion that the proposed extension of services and the proposed "boundary swap" is somehow *detrimental* from a regional water quality perspective. Instead, the record unequivocally supports the City's position that the DNR can – and should – approve the Application immediately, with any full-scale review of the SSA to follow separately.

In sum, my client supports the SSA amendment because it will allow the Orchard Hills Development to fully connect to City sewer and water service. As has been outlined in the WCWRPC staff report and the City's application, the amendment is justified from the standpoint

⁶ See <https://dnr.wisconsin.gov/topic/SurfaceWater/SSAPlanning.html> (last accessed October 28, 2022).

⁷ See Minutes of the Chippewa-Eau Claire MPO Policy Council, September 28, 2022.

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of regional water quality and wastewater treatment planning. CDPG requests that the SSA Amendment be approved.

Please let me know if you have any questions.

Sincerely,

BAKKE NORMAN, S.C.



William E. Wallo

WEW

cc: Eau Claire City Attorney
CDPG Developers LLC

**ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED
FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)**

Form 1600-8

Rev 6-90

Department of Natural Resources (DNR)

Region or Bureau

Watershed Management-Central Office

Type List Designation

NOTE TO REVIEWERS This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., _____ (date).

Contact Person

Tim Jones

Title. Water Resources Management Specialist

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P.O. Box 7921

Madison, WI 53703

Telephone Number (608) 266-7768

Applicant Southeastern Wisconsin Regional Planning Commission

Address 916 N. East Avenue, P.O. Box 1607 Waukesha, WI 53187-1607

Title of Proposal Sanitary Sewer Service Area for the Village of Dousman and Environs

Location County Waukesha City/Town/Village Village of Dousman, Portions of the Towns of Ottawa and Summit

Township Range Section(s) T7N R17E S27, 34 and T6N R17E S4, 9, 10

PROJECT SUMMARY - DNR Review Information Based on

List documents, plans, studies or memos referred to and provide a brief overview.

The sewer service area update and related documents for this environmental analysis are found in the Southeast Wisconsin Regional Planning Commission (SEWRPC) community assistance planning report 192, 2nd Edition, Sanitary Sewer Service Area for the Village of Dousman and Environs March 2000. This amendment was proposed by the Village of Dousman to update the area's sewer service area plan to reflect regional recommendations. These recommendations are documented in SEWRPC Planning Report No. 45, A Regional Land Use Plan for Southeastern Wisconsin: 2020 (December 1997), SEWRPC Report No. 209, A Development Plan for Waukesha County, WI (August 1996), and the Village's land use plan as set forth in the Village of Dousman Master Land Use Plan (adopted 1999). The SSA plan and proposed amendment include the delineation of and preservation recommendations for environmentally sensitive lands. Environmentally sensitive lands are areas on which sewered development should not occur. This EA focuses on the amendment areas only.

Under Wisconsin Administrative Code NR 121, the delineation of a sewer service boundary includes the identification of areas appropriate for current and future sewered development. Communities may also develop without sanitary sewer by utilizing onsite sewage systems. Where sewered service is available within a reasonable proximity, onsite systems may not provide an equivalent cost-effective and environmentally sustainable option for wastewater management. This environmental analysis focuses on the potential impacts of providing sanitary sewer service within the proposed revision to the sewer service area boundary.

The proposed amendment involves lands adjacent to the existing Village of Dousman SSA in Waukesha County, Wisconsin. The proposed amendment is dispersed among several sections in T6N-T7N, R17E. The gross revised Dousman Sanitary Sewer Service Area encompasses 3.3 square miles, including 0.9 square miles of primary environmental corridor, 0 square miles of secondary

environmental corridor, 24 acres of isolated natural resource areas, and 9 acres of wetlands and surface water areas less than five acres in size. Therefore, about 1 square mile, or 30 percent, of the gross expanded SSA is identified as environmentally significant or sensitive. This proposed service area involves adding 0.9 square miles to the existing service. This proposed addition is intended to accommodate a year 2020 population of between 3,100 persons (intermediate-growth centralized plan) and 5,300 persons (high-growth decentralized plan). The refined Dousman SSA tributary to the Village of Dousman would accommodate a resident population of about 4,300 persons (assuming full development of vacant lands) at an overall density of 2.6 dwelling units per net residential acre.

Treatment Plant Capacity

Wastewater treatment for land within the proposed amendment area will be provided by the Village of Dousman Sewage Treatment Facility (upgraded and expanded in 1983), which has a design hydraulic loading capacity of 0.35 million gallons per day (mgd) on an average annual flow basis. This plant discharges to the Bark River. In 1995, the average annual flow rate was 0.25 mgd. The increase in population at full build-out is estimated to result in a flow of about 0.60 and 0.80 mgd on an average annual flow basis, depending on the sewage flows generated by new commercial and industrial land uses. The northwestern Waukesha County sewerage system plan recommends that the Village of Dousman sewage treatment plant undergo modest modifications by the year 2010.

Justification of Need

The proposed amendment was requested by the Village of Dousman to service lands to be developed in the next 20 years. The area's previous SSA boundary was for the year 2000. The proposed service area involves adding 0.9 square miles to the existing Year 2000 service area to accommodate a year 2020 population of 4,300 persons assuming full development of vacant land at an average of 2.6 dwelling units per net residential acre.

Population/Growth Projection

This expanded service area will accommodate an estimated Year 2020 population of 4,300 which lies at the upper end of the Year 2020 growth forecasts for this area by SEWRPC -- the forecast of the intermediate growth-centralized scenario and the high growth decentralized scenario (3,100 and 5,300 persons respectively). The population in 1995 was estimated to be about 3,250 persons.

Documents presented and discussed in this analysis include the following:

- * Southeastern Wisconsin Regional Planning Commission (SEWRPC) Community Assistance Planning Report No. 192 *Sanitary Sewer Service Area for the Village of Dousman and Environs, Waukesha County, Wisconsin* (Exhibit A)
- * Map of proposed land uses (Exhibit B)
- * Historic and Archeological Sites (Exhibit C)
- * NR 121, Wisconsin Administrative Code (Exhibit D)
- * Lower Rock River Basin Plan (1998) (Exhibit E)

DNR EVALUATION OF PROJECT SIGNIFICANCE (complete each item)

1 Environmental Effects and Their Significance

Discuss the short-term and long-term environmental effects of the proposed project, including secondary effects, particularly to geographically scarce resources such as historic or cultural resources, scenic and recreational resources, prime agricultural lands, threatened or endangered species or ecologically sensitive areas, and the significance of these effects (The reversibility of an action affects the extent or degree of impact)

This sewer service area (SSA) plan update proposes an increase in the areal extent of the Dousman sewer service area by 0.9 square miles and designates a number of areas in the parcel as environmentally sensitive. Therefore, this environmental analysis focuses on potential impacts associated with the addition of these particular parcels into sewered service. The status quo, or continued use of private on-site systems in this area will remain in effect under a "no action" scenario. Proposed additions are located specifically northeast and southwest of the existing SSA, in the Village of Dousman, T7N R17E S34; the Town of Summit, T7N R17E S27; and the Town of Ottawa, T6N R17E S4, 9, 10.

Short-Term Impacts of the Proposed Project:

Construction Impacts:

- * Noise, dust, congestion (traffic), and habitat disturbance:
- * Increased quantity of stormwater flow, particularly to the Bark River Watershed and Scuppernong Creek and the associated wetland systems, which are located adjacent to the proposed southern amendment area. Additionally, impacts to areas with existing development and downstream systems from land disturbance associated with sewer line construction, development, and reduced infiltration should be anticipated.
- * Reduced water quality of wetlands and surface waters of these river systems, which may include increased nutrients, solids, bacteria, metals and polycyclic aromatic hydrocarbons (and other organics) from stormwater conveyance from increased development and reduced infiltration
- * Possible dredge and fill of wetlands during land disturbance activities and development of hydric soils, which will likely displace the local hydrologic flow and affect regional hydraulics during and subsequent to sewer system development.

Historic/Cultural Area:

Historic structures and/or archeological sites are located in two sections of the proposed amendment area: T7N R17E S27 (NW ¼) and S34 (SE ¼). These areas have not been surveyed (site surveys) for archaeological remains; thus, there is a possibility that unreported remains are present (Exhibit C). These areas should be assessed by the state archeologist or the state historian prior to construction activity.

Endangered/Threatened Species and Natural Areas:

The endangered resources review using the Natural Heritage Inventory Database determined that there are a few endangered and threatened species known to exist in the primary and secondary corridors and isolated natural resources areas within the plan boundaries. Comprehensive endangered resources surveys have NOT been completed for the area, so the data are likely incomplete.

Heritage Resource	Description
Nelson Oak Woods and Lowlands T6N R17E Sections 9, 10	Southern Dry-Mesic Forest; disturbed oak woods and adjacent lowlands containing sedge meadow and tamarack relict bordering the Bark River. The upland woods contain an active great blue heron rookery. Threatened bird species include the Red-Shouldered Hawk and the Acadian Flycatcher.
Fish Species: slender madtom (<i>Noturus exilis</i>), starhead topminnow (<i>Fundulus dispar</i>), pugnose shiner (<i>Notropis nubilus</i>); Crustacean: a side-swimmer (<i>Crangonyx gracilis</i>); Mussel: ellipse (<i>Lemnaea ellipsiformis</i>).	Found in the Bark River from upstream reach, T7N R17E S19, to downstream reach T6N R17E S5.

Environmentally sensitive areas:

SEWRPC has identified environmentally sensitive areas (ESA) associated with water resource features within the proposed gross Waukesha SSA that conform to the WDNR's definition of ESA. The proposed gross Dousman Sanitary Sewer Service Area encompasses 3.3 square miles, including 0.9 square mile of primary environmental corridor, 0 square miles of secondary environmental corridor, 24 acres of isolated natural resource areas, and 9 acres of wetlands and surface water areas less than five acres in size. Therefore a total of approximately 1.0 square mile of the gross expanded SSA is identified as environmentally significant or sensitive.

The large amount of corridor is not surprising as the service area lies along a major stream valley (Bark River and Scuppernong Creek) and within the Kettle Moraine area of southeastern Wisconsin. Additionally, Utica and Spring Lake are located within the current service area. Wetland and buffer areas associated with water resources should be left undeveloped to maintain their functional values.

SEWRPC designation of primary and secondary environmental corridors and isolated natural resource areas are based, in part, on the size (length, width and acreage) of the area, which may or may not have a direct positive correlation with a resource's ecological value or significance. Thus, there can be environmentally significant lands in the planning area in which an ecologically valuable resource does not conform to the size standards prescribed by SEWRPC. The following are SEWRPC's size standards for environmental corridors and isolated natural resource areas (Exhibit A).

Primary Corridor: At least 400 acres in size, at least two miles long, and a minimum width of 200 feet.

Secondary Corridor: A minimum of 100 acres and a minimum length of one mile.

Isolated Natural Resource Area: At least 5 acres in size

The following is the Department's definition of environmentally sensitive areas based on language in NR121.

"Areas to be considered for exclusion from the SSA because of the potential for adverse impacts on the quality of the waters of the state from both point and nonpoint sources of pollution include but are not limited to wetlands, shorelands, floodways and floodplains, steep slopes, highly erodible soils and other limiting soil types, groundwater recharge areas and other such physical constraints." (NR121.05 (1)(g) 2. (c)) (Exhibit D)

Resource Areas:

The following are major environmentally sensitive areas that will likely be affected by urban development associated with this amendment.

Location	Site Name and Species Found	Site Description
T6N R17E S9, 10	<p>Nelson Oak Woods and Lowlands</p> <p>This is a woodland known to support state designated endangered or threatened birds Acadian Flycatcher (<i>Empidonax virens</i>), and the Red-Shouldered Hawk (<i>Buteo lineatus</i>)</p>	<p>Development is already located along the north, east, and northwest perimeter of Nelson Oak Woods. However, construction of sewer lines and associated road work etc., and increased residential development (density) will likely affect the woodland resource and its associated lowlands which may result in pollutant increases and enhanced stormwater problems if preventative measures (i.e., permanent stormwater controls) are not taken.</p> <p>Increased residential development and traffic will likely result in habitat disturbances for breeding birds that nest or migrate in the woodland (there is a great blue heron rookery located in this area).</p>
T7N R17E S27, 33,34	<p>Bark River</p> <p>This is a water known to support state designated endangered or threatened fish species: slender madtom (<i>Noturus exilis</i>), starhead topminnow (<i>Fundulus dispar</i>) and pugnose shiner (<i>Notropis nubilus</i>). In addition there is one species of threatened mussel, the ellipse (<i>Venustaconcha ellipsiformis</i>), and one species of crustacean, a side-swimmer (<i>Crangonyx gracilis</i>).</p>	<p>A major stream (full recreational, warm water sport fishery) passing through the Town of Summit and Village of Dousman. The river is bordered by various types of development and is the point of discharge for the Dousman wastewater treatment facility.</p>
T6N R17E S4, 9, 10	Scuppernong Creek	<p>Perennial stream that discharges into the Bark River to the west of the Village of Dousman. Will follow the entire southern and western border of the proposed SSA addition in Section 4, 9, 10. Endangered and threatened species found in the Bark River are identified above.</p>
T7N R17E S33 and T6N R17E S4	Utica Lake	A 14-acre spring lake with critical herptile species habitat.
T6N R17E S3	Spring Lake	A 14-acre spring lake with critical herptile species habitat.

□SEWRPC policies allow five-acre lot development in primary corridor, thus obfuscating intended protection that primary corridor designation is to provide.

For the reasons stated earlier, all areas identified as environmentally sensitive in the plan should be protected. Also, we encourage a closer look at the environmental corridors and isolated resource areas that may need to be crossed to develop surrounding areas. *All efforts to protect the integrity of the corridors should be undertaken.* Also, implementation of stormwater management practices for new and existing development should be encouraged to provide adequate stream protection for water quality.

Other Resource Conditions

Within the amendment area, there are some tracks where soils pose limitations for residential development. These soils are associated with the wetland areas along the area's wetlands, lakes and streams and should be taken into consideration when development occurs. Generally, many of these soils are part of environmental corridors. However, there may currently be septic or private sewerage systems serving some of these areas at this time and if so, these existing developments would be better served by connection to public sewers. The inherent limitations of these soils can not be overcome by enlarging the lot size and will likely result in ponding and runoff of partially treated wastes into surface waters (from SEWRPC Planning Report No. 30, 1978).

Significance of Short-Term Impacts:

Increasing impervious surfaces are relatively permanent. Some urban BMPs can be used during development of roads, driveways, parking lots, etc. to abate degradation of natural resources.

- Onsite stormwater detention/retention facilities should be built into development plans. These facilities should mimic the natural setting as much as possible. Since 1993, Waukesha County has had an erosion control ordinance based on a model ordinance developed by the WDNR and the League of Wisconsin Municipalities. In addition, the Village of Dousman should, if it hasn't already, adopt a construction erosion control ordinance that is based upon a model ordinance developed by the League of Wisconsin Municipalities.
- Wetlands should not be used for stormwater treatment but primarily for environmental corridor/natural areas and habitat values; stormwater flows should be slowed before they reach wetland areas - *and buffers of 75 feet or greater should be implemented around wetland areas to protect wildlife and water quality.*
- *Secondary corridors and small headwater streams* should not be used for "economical drainageways", but *should be protected to conserve natural hydrologic flows and groundwater recharge.* Streams, lakes and wetlands should be preserved with a sizable buffer to allow free movement of animal species and to slow stormwater flows to prevent scouring and sedimentation in these areas.
- All wetlands, floodplains, and steep slopes associated with waterbodies should be off limits for development based on possible impacts to water quality; this protection should be applied despite or regardless of the type of environmental corridor designation.

Long-Term Impacts of the Proposed Project

One major long-term impact of this project will stem from the rapid development in both Oconomowoc and Waukesha. The rapid pace of growth in these areas encourages and legitimizes the type of urban sprawl that the Department of Natural Resources is trying to reduce in urbanizing regions. This sprawl and its associated impervious surface areas have been linked to water quality impacts written of and analyzed in numerous public journals, newspaper articles, etc.

- Water quality, quantity, economic, social, and ecological habitat and potential wildlife impacts from hydrologic modifications, including enhanced flashiness of flow regimes and increased pollutant loads from roof drains,

street and parking lot runoff, deicers, spills, and oil and grease. Enhanced delivery of total suspended solids, bacteria, metals and organics (polychlorinated aromatic hydrocarbons) to surface waters, with potentially substantial changes to the quality and character of the waterbodies.

- ☐ Operational, maintenance and upgrade costs for WWTP and infrastructure development must be anticipated as the treatment plant nears its design capacity, which will occur prior to full build-out of this sanitary sewer service area.
- ☐ Long-term primary impacts include effects from enhanced suburban sprawl over large land areas. SEWRPC allows five-acre lot development in primary environmental corridor, which results in habitat fragmentation. Growth of outlying areas versus infill and vertical development of existing urban areas is associated with:
 - ☐ Loss of prime agricultural land
 - ☐ Loss of existing rural character in the outlying township
 - ☐ Ecological, social and economic costs associated with an increase in air and noise pollution, traffic congestion, waste generation, spills, need for new and enhanced infrastructure in city and outlying areas.
- ☐ Air quality impacts from new industrial, commercial and residential land uses could be significant. Individual impacts will have to be addressed on a case-by-case basis through the State air operation permit process. An increase in the accompanying vehicular traffic and associated air pollution emissions is likely from increased commercial and industrial activity.

Significance of Long-Term Impacts:

- ☐ Loss of prime agricultural land in Waukesha County is irreversible and permanent for foreseeable future.
- ☐ Loss of existing rural character in the townships of Summit and Ottawa is irreversible and relatively permanent for the foreseeable future.
- ☐ Increase in air and noise pollution, traffic congestion, waste generation, spills is relatively irreversible and permanent as long as the industrial, commercial and residential development is implemented as planned.
- ☐ Loss of wildlife and extirpation of endangered species and loss of unique communities/habitats is permanent and irreversible.

2 Significance of Cumulative Effects

Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

The Village of Dousman is seeking approval of the sewered development plan boundary as proposed to meet anticipated land requirements to the year 2020. The cumulative impacts of the area's growth will include increased traffic, jobs, air pollution and stormwater runoff with accompanying sedimentation and pollution. The cumulative impacts also include loss of rare and endangered wildlife, wetlands, prime agricultural land, groundwater recharge areas, woodlands, wildlife intolerant to urbanization, and rural community character. The transitional edge between urban and rural land use is pushed out farther from the center of the urban area causing land use speculation and increases in property values.

This SSA Plan's public hearing has provided an opportunity for public participation concerning the area's future development. All plans however, should be reviewed from time to time to be sure that they represent the most current ideas and knowledge available. Wisconsin Administrative Code, NR 121, requires periodic sewer service area plan updates.

Significance of Risk

- a Explain the significance of any unknowns, which create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analysis would eliminate or reduce these unknowns?

The current sewer extension provisions of Chapters NR 110 and ILHR 82, Wis. Adm. Code, provide implementation authority for the plan.

While SEWRPC's sewer service area plan report does not secure protection of all environmentally sensitive lands within the amendment area, the opportunity for development to create adverse impacts in ignorance of water quality protection rules is diminished because the plan provides notice that the protection of wetlands and shorelands is required through other state and federal laws.

It is highly recommended that communities rezone areas identified as environmentally sensitive to conservancy for their long-term protection.

Wetlands and navigable streams represent the major features within the subject environmentally sensitive areas. All wetlands and streams within the boundary of the proposed amendment to the sewer service area should be protected through either the implementation of sewer service area plan itself or the Army Corps 404 wetland permit process, water quality standards for wetlands (Wis. Adm. Code, NR 103), and Wisconsin Administrative Code NR 115, the shoreland wetland program for unincorporated areas which are administered locally by counties.

SEWRPC policy provides for the protection of environmentally sensitive areas within primary environmental corridors but allows development of environmentally sensitive areas designated secondary environmental corridors or isolated natural resource areas, at the discretion of the local unit of government. However, any development proposal that would have a significant adverse water quality impact on environmentally sensitive lands, requiring a Clean Water Act - Section 404 Permit or a Wisconsin State Statute - Chapter 30 Permit, is required to also obtain DNR water quality certification. WDNR administers Chapter NR 103, which specifies state water quality standards. Analysis of whether the proposed project will meet the qualitative standards set out in NR 103 is required through the water quality certification procedure; this analysis is required of any action affecting a wetland, regardless of the size of that wetland.

Stormwater management plan development is required for any construction site activity disturbing five or more acres of land, pursuant to Chapter NR 216, Wisconsin Administrative Code.

If there were insufficient industrial and commercial lands within the sewer service area to meet the demand, it's possible that development would occur with onsite sewage disposal systems. Within the relatively high densities of urban area development sanitary sewer generally has less adverse impact on the environment than numerous onsite sewage systems, particularly as the onsite systems become old. The delineation and protection of environmentally sensitive areas through the sewer service area planning process is a positive secondary impact. The Facility Planning and Wastewater Permitting Programs oversee the maintenance of wastewater treatment standards and capacity.

- b Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

None.

Significance of Precedent

Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.

The approval of the subject plan provides significant direction for the community's future growth but does not

foreclose future options that could have positive affects on the environment. Sewer service area plans allow amendment procedures to respond to new information and demands relative to providing water quality protection in a development setting. NR 121 requires periodic SSA plan updates.

5 **Significance of Controversy Over Environmental Effects**

Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy

The project may be perceived as a contribution to urban sprawl. However, without a sewer service area plan to exclude the sewered development of environmentally sensitive lands, the adverse impact upon water quality through the development of environmentally sensitive areas could be significant. While SSA planning may not provide positive environmental impacts other than water quality protection; (such as air pollution or traffic impacts), the net environmental concern and benefit it generates through the community planning process may be broadly beneficial.

ALTERNATIVES

Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects. (Refer to any appropriate alternatives from the applicant or anyone else)

Alternatives exist to the proposed action, including the 1) No action scenario, and 2) the proposed action with implementation of a series of recommendations designed to reduce the significance of short and long term water quality impacts.

No Action

The no action plan would require the continued reliance for residential development and treatment of wastewater on private onsite facilities. This scenario, currently in effect, does not include the environmentally sensitive area delineations and protection measures as that enumerated in the proposed SSA plan. Thus, there is potential for local development to occur utilizing onsite sewage disposal systems the placement of which is not excluded in some environmentally sensitive areas. The WDNR believes that this alternative is not preferred due to the potential for local development to occur without water quality assessment and protection measures and the likelihood of continued health and environmental problems posed by high groundwater levels and failing septic systems.

Proposed Action - With Recommendations to Reduce Adverse Water Quality Impacts

- ☐ To reduce the significance of wetland alterations, wetlands should not be used for stormwater treatment but for environmental corridor/natural area and habitat values.
- ☐ Archaeological resources in the planned site area should be investigated and protected if necessary before earth moving activity occurs.
- ☐ Water quantity and quality impacts from increased commercial, residential and industrial discharges and stormwater flows should be abated through:
 - ☐ Developing a comprehensive stormwater management plan for the entire area including the design and development of stormwater retention facilities and use of BMPs (preferably nonstructural) in future growth areas to abate pollutant loads to surface waters during and after construction activities take place, on a landscape or regional scale.
 - ☐ An assessment of water quantity impacts from groundwater withdrawals should be conducted using the hydrologic model currently being developed for the SEWRPC region.

- ☐ A wellhead protection ordinance for the Village of Dousman should be developed and a wellhead protection area delineated if one is not currently available. A source water protection area for the public water supply should be delineated and protected. Local development plans should be coordinated with any setbacks and/or restrictions in the wellhead protection ordinance.
- ☐ Development (as necessary) and implementation of construction site erosion control ordinances for construction activities on sites smaller than that regulated under state building code requirements.
- ☐ If and when the time is necessary, considerable planning should take place among the village, the county, DOT, DNR and SEWRPC to design an expanded transportation infrastructure that will minimize impacts to surface waters and will maximize the utility of the designed roads. Care should be taken to avoid the design of a superhighway that cuts off people from their environment and that encourages "sprawl".
- ☐ Special protection should be given to all remaining wildlife and wetlands in the project area and downstream. Pressure will be placed on downstream resources as development is extended out. Fragmentation of wildlife areas and habitat should be minimized. It is highly recommended that communities rezone areas identified as environmentally sensitive to conservancy for their long-term protection.
- ☐ Infilling of vacant lots for future development should be encouraged over the use of existing agricultural or vacant/undeveloped lands on the outskirts of the sewer service area.
- ☐ The use of wetlands and railroad right-of-ways should be discouraged, if not prohibited, for sewerline laterals due to the sensitivity of wetlands and the likelihood of rare plant species in railroad right-of-ways.
- ☐ A protection plan should be developed and implemented for the adjoining wetland communities and floodplain resources associated with the lake systems and the Bark River and Scuppernong Creek systems.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

List agencies, citizen groups and individuals contacted regarding the project (include DNR personnel and title) and summarize public contacts, completed or proposed.

Date	Contact	Comment Summary
03/29/00	Tim Jones	Received final plan for review
05/00	ER	Received Endangered Resources Information
05/00	Facilities and Lands	Received Archeological/Historical Resource data
05/00	Tim Jones	Began Drafting EA
06/00	Tim Jones	Completed Drafting EA
06/00	Tim Jones	Submitted for Public Comment Period

☐ On-site inspection or past experience with site by evaluator

Project Name: _____ County: _____

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s 111, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s 111, Stats., and Ch. NR 150, Wis. Adm. Code

Complete either A or B below

A EIS Process Not Required


☐

The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department on this project.

B Major Action Requiring the Full EIS Process

☐

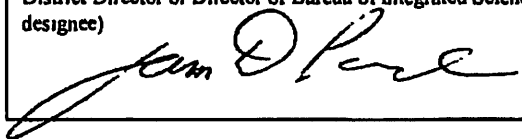
The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator 	Date Signed 7/12/00
Noted Regional Waste Supervisor	Date Signed

Number of responses to news release or other notice

0

Add Discussion of Any Comments Received

Certified to be in compliance with WEPA	
District Director or Director of Bureau of Integrated Science Services (or designee) 	Date Signed 7/12/2000

Douglas SSA, Waukesha County

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats.

This notice is provided pursuant to section 227.48(2), Stats.

Press Release, June 15, 2000
FOR IMMEDIATE RELEASE

For more information contact: Tim Jones, (608) 266-3221, Wisconsin Department of Natural Resources (jonest@dnr.state.wi.us)

The Village of Dousman has requested Department of Natural Resources approval of an expansion to the Dousman Sewer Service Area. A sewer service area plan delineates areas requested for sewered development and "environmentally sensitive areas", which are considered unsuitable for development based on the potential for adverse water quality impacts. The Department has prepared an environmental assessment (EA) to evaluate the effects of the amendment proposal.

The proposed amendment adds 0.9 square miles of land to the existing Dousman and Environs Sewer Service Area to be used for mixed density residential, commercial, industrial, recreational and open space uses. The acreage requested is based on an intermediate-to-high growth, decentralized development scenario developed by the Southeast Wisconsin Regional Planning Commission (SEWRPC) in their Year 2020 Land Use Plan for the region. The village's population in 1995 was estimated to be approximately 3,250 persons. This expanded service area is designed to serve a population of 4,300 by the Year 2020 at an overall *average* density of 2.6 dwelling units per net residential acre according to Tim Jones, DNR Watershed Management Specialist.

The areas to be developed involve land adjacent to environmentally sensitive resources such as the Nelson Oak Woods and Lowlands, the Bark River, Scuppernong Creek and the area's many lakes, including Utica Lake and Spring Lake. In addition, stormwater from development may affect resources downstream of the Bark River such as Rome Millpond. According to DNR records, the sensitive areas involved provide habitat for aquatic and terrestrial species, providing an interconnected habitat corridor among the area's many aquatic resources.

The proposed amendment may result in adverse effects on the water quality of the region as well as downstream resources if stormwater management and erosion controls are not implemented, Jones said. Innovation should be used to enhance groundwater infiltration, which is critical for protecting stream and wetland water quality and ground water supplies. Development of street and neighborhood designs and best management practices that maximize stormwater infiltration will reduce potential impacts to water resources, particularly the area's many springs and wetlands.

The environmental assessment can be obtained from Tim Jones (WT/2), Bureau of Watershed Management, Wisconsin DNR, P.O. Box 7921, Madison WI 53707, (608) 266-3221, jonest@dnr.state.wi.us. Public comments are welcome and may be submitted to Tim Jones by 4:30 p.m. June 30, 2000.

NO COMMENTS

7/16/00

RECEIVED

Jan,

-TJS

COULD YOU PLEASE LOOK THIS EA

OVER & SIGN-OFF ON IT. THANKS

Tim Jones WT/2 6-3221.

ENVIRONMENTAL ANALYSIS AND DECISION ON THE NEED
FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Form 1600-8 Rev. 6-90

March 20, 2002 Draft

Department of Natural Resources (DNR)

District or Bureau Southeast Region
Type List Designation

NOTE TO REVIEWERS: This document is a DNR environmental analysis that evaluates probable environmental effects and decides on the need for an EIS. The attached analysis includes a description of the proposal and the affected environment. The DNR has reviewed the attachments and, upon certification, accepts responsibility for their scope and content to fulfill requirements in s. NR 150.22, Wis. Adm. Code. Your comments should address completeness, accuracy or the EIS decision. For your comments to be considered, they must be received by the contact person before 4:30 p.m., _____.

(date)

Contact Person	Terry Lohr
Title	Program Planning Analyst
Address	T. Lohr, WT/2 P.O. Box 7921 Madison, WI 53703
Telephone:	Terry Lohr (608-267-2375)

Applicant: Southeastern Wisconsin Regional Planning Commission

Address: 916 N. East Avenue, P.O.Box 1607 Waukesha, WI 53187-1607

Title of Proposal: Sanitary Sewer Service Area for the City of Waukesha and Environs

Location: Waukesha County, City of Hartford, and Environs. The study area considered for revising the Hartford sanitary sewer service area consists of the entire City of Hartford, all of the Town of Hartford; and portions of the Towns of Polk and Rubicon (Dodge County) and the Village of Slinger. The total study area is 54.9 square miles: 5.8 in the City of Hartford, 31.2 in the Town of Hartford, 3.9 in the Town of Polk, 11.9 in the Town of Rubicon, and 2.1 in the Village of Slinger. These areas are based on the 2000 civil divisions boundaries and include areas in the following. Township 10, Range 17 East, Sections 1-3, 10-12, 13-15, 22-24.

PROJECT SUMMARY

The sewer service area update and related documents for this environmental analysis are found in the Southeast Wisconsin Regional Planning Commission (SEWRPC) community assistance Planning Report 92, 3rd Edition, Sanitary Sewer Service Area for the City of Hartford and Environs September, 2001. This amendment was proposed by the City of Hartford to update the area's sewer service area plan to reflect regional recommendations found in the SEWRPC's 2020 Land Use Plan. By letter dated February 16, 1999, the City of Hartford requested the Regional Planning Commission revise the currently adopted second edition Hartford sanitary sewer service area with a design year of 2020. The revised SSA plan includes delineation and preservation of environmentally sensitive lands. Environmentally sensitive lands are areas where sewered development should not occur.

Under Chapter NR 121, Wisconsin Administrative Code, the delineation of a sewer service boundary includes the identification of areas appropriate for current and future sewered development. Communities may also develop without sanitary sewer by utilizing onsite sewage systems. Where sewer service is available within a reasonable proximity, onsite systems may not provide an equivalent cost-effective and environmentally sustainable option for wastewater management. This environmental analysis focuses on the potential impacts of providing sanitary sewer service within the proposed revised sewer service area boundary.

The proposed amendment included the entire City of Hartford, all of the Town of Hartford, portions of the Towns of Polk and Rubicon (Dodge County) and the Village of Slinger. Lands and surface water encompassed in the primary environmental corridors of the Hartford study area in 1995 totaled 8.6 square miles, or about 16 percent of the total study area. Lands and surface water encompassed within secondary environmental corridors totaled 2.8 square miles, or about 5 percent of the total study area. Lands and surface water encompassed within isolated natural resource areas totaled 1.2 square miles, or about 2 percent of the study area. About 105 acres or 0.3 percent of the study area was encompassed within wetlands and surface water areas less than five acres in size. In total, all environmentally significant lands in the Hartford study area encompassed 12.8 square miles, or about 23 percent of the study area.

The planned Hartford sanitary sewer service area is 3.7 square miles or 29 percent larger than the currently adopted sewer service area. All of the proposed additions to the Hartford and environs sewer service area lie adjacent to the currently adopted sewer service area. The nearest other public sanitary sewerage system, the Village of Slinger system, is located adjacent to the eastern portion of the existing Hartford sewer service area, and at least one mile from the areas proposed to be added. The most cost effective means of providing public sanitary sewer service to the entire Hartford area appears to be through the City of Hartford sewerage system.

Treatment Plant Capacity

Sewage from the Hartford area, including the Pike Lake area, and the Town of Rubicon Sanitary District No. 1 is treated at the City of Hartford sewage treatment facility. Construction was recently completed to upgrade and expand the Hartford sewage treatment plant providing for a design capacity of 3.4 million gallons per day (mgd) on an average annual basis. The average flow in the year 2000 was about 2.0 mgd and served about 11,300 people.

Population Projection

The recently expanded City of Hartford sewage treatment plant was designed to serve a population of 15,900. Year 2020 regional plan population projections for the sewer service area range from about 14,200 to 22,000 persons (including about 500 people in the Dodge County portion of the sewer service area), while full development of the planned sewer service area at densities envisioned in the city land use plan would result in a population of about 22,700 people (including some 500 people in Dodge County). The recently expanded sewage treatment plant should be able to meet wastewater treatment needs in the area over the next two decades. Future facility planning may be needed toward the end of that period, particularly if growth and development in the area occur at the high end of the projected range.

DNR EVALUATION OF PROJECT SIGNIFICANCE

1. Environmental Effects and Their Significance

This sewer service plan update proposes an increase in the Sanitary Sewer Service Area for the City of Hartford and Environs 16.5 square miles (30 percent of the total study area of 54.9 square miles) and designates a number of areas in the parcel as environmentally sensitive. Therefore, this environmental analysis focuses on potential impacts associated with the addition of these particular parcels into sewered service. The status quo, or continued use of private on-site systems in this area will remain in effect under a "no action" scenario.

Short-Term Impacts of the Proposed Project:

Construction Impacts:

- * Noise, dust, congestion (traffic), and habitat disturbance
- * Increased quantity of stormwater flow
- * Reduced water quality of wetlands and surface waters which may include increased nutrients, solids, bacteria, metals and polycyclic aromatic hydrocarbons (and other organics) from stormwater conveyance from increased development and reduced infiltration
- * Possible dredge and fill of wetlands during land disturbance activities and development of hydric soils, which will likely displace the local hydrologic flow and affect regional hydraulics during and subsequent to sewer system development.

Historic/Cultural Area:

There are a number of historic properties in the area identified to be added to the sewer service area. No portion of the project area has been surveyed for archaeological remains; thus, there is a possibility that unreported remains are present.

Endangered/Threatened Species and Natural Areas:

The endangered resources review using the Natural Heritage Inventory Database determined that the Least Darter (ETHEOSTOMA MICROPERCA) may be present in the area to be added to the service area. Other endangered and threatened species may also be present in the primary and secondary corridors and isolated natural resources areas within the plan boundaries. Moreover, comprehensive endangered resources surveys have not been completed for the area, so the data are likely incomplete.

Location	Site Name and Species Found	Site Description
Rubicon River – Pike Lake	Etheostoma Microperca (Least Darter)	

Location	Site Name and Species Found	Site Description

Ecologically sensitive areas:

SEWRPC has identified environmentally sensitive areas (ESA) associated with water resource features within the expansion of the SSA

SEWRPC designates primary and secondary corridors and isolated natural resource areas based, in part, on the size (length, width and acreage), of the area, which may or may not have a direct positive correlation with a resource's ecological value or significance. Thus, there can be environmentally significant lands in the planning area in which an ecologically valuable resource does not conform to the size standards prescribed by SEWRPC. The following are SEWRPC's size standards for environmental corridors and isolated natural resource areas (Exhibit A).

Primary Corridor At least 400 acres in size, at least two miles long, and a minimum width of 200 feet.

Secondary Corridor A minimum of 100 acres and a minimum length of one mile.

Isolated Natural At least 5 acres in size

The following is the Departments definition of environmentally sensitive areas based on language in NR121.

"Areas to be considered for exclusion from the SSA because of the potential for adverse impacts on the quality of the waters of the state from both point and nonpoint sources of pollution include but are not limited to wetlands, shorelands, floodways and floodplains, steep slopes, highly erodible soils and other limiting soil types, groundwater recharge areas and other such physical constraints." (NR121.05(1)(g)2.c.) (Exhibit D)

Resource Areas

The following are major environmentally sensitive areas that will likely be affected by urban development associated with this amendment.

Resource Area and Location	Site Description
Rubicon Lowlands – Town of Hartford (T10N, R18E, Sections 15, 21, 22).	Moderate quality southern sedge meadow along the Rubicon River; 30 acres
STH 60 Swamp – Town of Hartford (T10N, R18E, Sections 14, 23).	Lowland hardwood swamp of moderate quality, containing some northern elements. Dominated by yellow birch and black ash; 32 acres
Pike Lake Sedge Meadow (T10N, R18E, Section 23, Town of Hartford); 131 acres, owned by DOT.	Good-quality dry mesic woods that has suffered from past disturbance, including grazing and selective logging. The irregular kettle moraine topography includes a prominent wooded kame at the southeast corner;

For the reasons stated earlier, all areas identified as environmentally sensitive in the plan should be protected. Also, we encourage a closer look at the environmental corridors and isolated resources which may need to be crossed to develop surrounding areas. *All efforts to protect the integrity of the corridors should be undertaken.* Also, implementation of stormwater management practices for new and existing development should be encouraged to provide adequate stream protection for water quality.

⊥SEWRPC policies allow five acre lot development in primary corridor, thus obfuscating intended protection that primary corridor designation is to provide

⊥⊥ Data from Memorandum Report No. 93, *A Regional Water Quality Management Plan for Southeast Wisconsin: An Update and Status Report*.

Additional critical species habitats in the SSA area (and directly adjacent) include:

Other Resource Conditions

Within the amendment area, there are some tracks where soils pose limitations for residential development. These soils are associated with the wetland areas along the area's many wetlands, lakes and riverine floodplains and should be taken into consideration when development occurs. Generally, many of these soils are part of environmental corridors. However, there may currently be septic or private sewerage systems serving some of these areas at this time. If so, these existing developments would be better served by connection to public sewers as the inherent limitations of these soils can not be overcome by enlarging the lot size and will likely result in ponding and runoff of partially treated wastes into surface waters (from SEWRPC Planning Report No. 30, 1978).

Significance of Short-Term Impacts:

Increase in impervious surfaces are relatively permanent. Some urban BMPs can be used during development of roads, driveways, parking lots, etc. to abate degradation of natural resources.

- ! Onsite stormwater detention/retention facilities should be built into development plans. These facilities should mimic the natural setting as much as possible.
- ! Wetlands should not be used for stormwater treatment but primarily for environmental corridor/natural areas and habitat values; stormwater flows should be slowed before they reach wetland areas - ***and buffers of 75 feet or greater should be implemented around wetland areas to protect wildlife and water quality.***
- ! ***Secondary corridors and small headwater streams*** should not be used for "economical drainageways", but **should be protected to conserve natural hydrologic flows and groundwater recharge**. Waterbodies and wetlands interconnecting the cluster lakes should be preserved with a sizable buffer to allow free movement of animal species and to slow stormwater flows to prevent scouring and sedimentation in wetland areas.
- ! All wetlands, floodplains, and steep slopes associated with waterbodies should be off limits for development based on possible impacts to water quality; this protection should be applied despite or regardless of the the type of environmental corridor designation.

Department approval of this sewer service area plan amendment allows sewered development in the proposed area. As a single component of the land development process that includes streets, all utilities, building construction, parking area construction, etc., sewers are usually located in areas where earthmoving work would occur anyway (under streets). The sanitary sewer line installation probably has substantially less environmental impact than the coinciding earthmoving work on those sites. The industrial and commercial development that follows the land subdivision process causes an increase in stormwater runoff from roof tops and parking lots, and reduces the amount of groundwater recharge area.

Although the proposed sewer system will replace mainly existing onsite systems, the presence of a sewer system may enhance development in the area, increasing the amount of impervious surfaces in the area. Increases in impervious surfaces are relatively permanent; however, some urban best management practices can be used during development of sewer lines, roads, driveways, parking lots, etc. to abate the degradation of natural resources associated with an increase in impervious surfaces.

Recommended Steps to Reduce the Significance of Short-Term Impacts

- ! To reduce the significance of wetland alterations, wetlands should not be used for stormwater treatment but primarily for environmental corridor/natural areas and habitat values.

- ! Erosion control practices should be installed and properly maintained on all areas under development to minimize runoff.
- ! Implementation of stormwater management practices for new development should be encouraged to provide adequate stream protection for water quality.
- ! Infilling of vacant lots for future development should be encouraged over the use of existing agricultural or vacant/undeveloped lands on the outskirts of the sewer service area.
- ! The use of wetlands and railroad right-of-ways should be discouraged, if not prohibited, for sewerline laterals due to the sensitivity of wetlands and the likelihood of rare plant species in railroad right-of-ways.

Long-Term Impacts of the Proposed Project

One major long-term impact of this project will stem from the development of medium and low density residential development. While some of these are partially developed with septic systems, installation of sewers at large lot sizes encourages and legitimates the type of urban sprawl that the Department of Natural Resources is trying to reduce in urbanizing regions. This sprawl and its associated impervious surface areas have been linked to water quality impacts written of and analyzed in numerous public journals, newspaper articles , etc.

- ! Water quality, quantity, economic, social, and ecological habitat and potential wildlife impacts from hydrologic modifications, including enhanced flashiness of flow regimes and increased pollutant loads from roof drains, street and parking lot runoff, deicers, spills, and oil and grease. Enhanced delivery of total suspended solids, bacteria, metals and organics (polychlorinated aromatic hydrocarbons) to surface waters, with potentially substantial changes to the quality and character of the waterbodies.
- ! Operational, maintenance and upgrade costs for WWTP and infrastructure development should be anticipated as the treatment plant nears its design capacity.
- ! Long-term primary impacts include effects from enhanced suburban sprawl over large land areas. SEWRPC allows five acre lot development in primary environmental corridor, which results in habitat fragmentation. Growth of outlying areas versus infill and vertical development of existing urban areas is associated with:
 - ! Loss of prime agricultural land
 - ! Loss of existing rural character in the outlying township
 - ! Ecological, social and economic costs associated with an increase in air and noise pollution, traffic congestion, waste generation, spills, need for new and enhanced infrastructure in city and outlying areas.
- ! Air quality impacts from new industrial, commercial and residential land uses could be significant. Individual impacts will have to be addressed on a case-by-case basis through the state air operation permit process. An increase in the accompanying vehicular traffic and associated air pollution emissions is likely from increased commercial and industrial activity.

Significance of Long-Term Impacts:

- ! Loss of prime agricultural land is irreversible and permanent for foreseeable future.
- ! Loss of existing rural character is irreversible and relatively permanent for the foreseeable future.

- ! Increase in air and noise pollution, traffic congestion, waste generation, spills is relatively irreversible and permanent as long as the industrial, commercial and residential development is implemented as planned.
- ! Loss of wildlife and extirpation of endangered species and loss of unique communities/habitats is permanent and irreversible.

2. Significance of Cumulative Effects.

Discuss the significance of reasonably anticipated cumulative effects on the environment (and energy usage, if applicable). Consider cumulative effects from repeated projects of the same type. Would the cumulative effects be more severe or substantially change the quality of the environment? Include other activities planned or proposed in the area that would compound effects on the environment.

The City of Hartsford and Environs is seeking approval of the sewer development plan boundary as proposed to meet anticipated land requirements to the year 2020. The cumulative impacts of the area's growth will include: increased traffic, jobs, air pollution and stormwater runoff with accompanying sedimentation and pollution. The cumulative impacts also include loss of rare and endangered wildlife, wetlands, prime agricultural land, groundwater recharge areas, woodlands, wildlife intolerant to urbanization, and rural community character. The transitional edge between urban and rural land use is pushed out farther from the center of the urban area causing land use speculation and increases in property values.

This SSA Plan public hearing has provided an opportunity for public participation concerning the area's future development. All plans however; should be reviewed from time to time to be sure that they represent the most current ideas and knowledge available. Wisconsin Administrative Code, NR 121, requires periodic sewer service area plan updates.

3. Significance of Risk

a. Explain the significance of any unknowns which create substantial uncertainty in predicting effects on the quality of the environment. What additional studies or analysis would eliminate or reduce these unknowns?

The current sewer extension provisions of Chapters NR 110 and ILHR 82, Wis. Adm. Code, provide implementation authority for the plan.

While SEWRPC's sewer service area plan report does not secure protection of all environmentally sensitive lands within the amendment area, the opportunity for development to create adverse impacts in ignorance of water quality protection rules is diminished because the plan provides notice that the protection of wetlands and shorelands is required through other state and federal laws.

It is highly recommended that communities rezone areas identified as environmentally sensitive to conservancy for their long-term protection.

Wetlands and shorelands represent the major features within the subject environmentally sensitive areas. All wetlands and shorelands within the boundary of the proposed amendment to the sewer service area should be protected through either the implementation of sewer service area plan itself or the Army Corps 404 wetland permit process, water quality standards for wetlands (Wis. Adm. Code, NR 103), and Wisconsin Administrative Code NR 115, the shoreland wetland program for unincorporated areas which are administered locally by counties.

SEWRPC policy provides for the protection of environmentally sensitive areas within primary environmental corridors but allows development of environmentally sensitive areas designated secondary environmental corridors or isolated natural resource areas, at the discretion of the local unit of government. However; any development proposal that would have a significant adverse water quality impact on environmentally sensitive lands, requiring a Clean Water Act - Section 404 Permit or a Wisconsin State Statute - Chapter 30 Permit, is required to also obtain DNR water quality certification. WDNR administers Chapter NR 103 which specifies state water quality standards. Analysis of whether the proposed project will meet the qualitative standards set out in NR 103 is required through the water quality certification procedure; this analysis is required of any action affecting a wetland, regardless of the size of that wetland.

Stormwater management plan development is required for any construction site activity disturbing five or more acres of land, pursuant to Chapter NR 216, Wisconsin Administrative Code.

If there were insufficient industrial and commercial lands within the sewer service area to meet the demand, it's possible that development would occur with onsite sewage disposal systems. Within the relatively high densities of urban area development sanitary sewer generally has less adverse impact on the environment than numerous onsite sewage systems, particularly as the onsite systems become old. The delineation and protection of environmentally sensitive areas through the sewer service area planning process is a positive secondary impact. The Facility Planning and Wastewater Permitting Programs oversee the maintenance of wastewater treatment standards and capacity.

- b. Explain the environmental significance of reasonably anticipated operating problems such as malfunctions, spills, fires or other hazards (particularly those relating to health or safety). Consider reasonable detection and emergency response, and discuss the potential for these hazards.

None.

4. Significance of Precedent

Would a decision on this proposal influence future decisions or foreclose options that may additionally affect the quality of the environment? Describe any conflicts the proposal has with plans or policy of local, state or federal agencies. Explain the significance of each.

The approval of the subject plan provides significant direction for the community's future growth but does not foreclose future options which could have positive affects on the environment. Sewer service area plans allow amendment procedures to respond to new information and demands relative to providing water quality protection in a development setting. NR 121 requires periodic SSA plan updates.

5. Significance of Controversy Over Environmental Effects

Discuss the effects on the quality of the environment, including socio-economic effects, that are (or are likely to be) highly controversial, and summarize the controversy.

The proposed amendment to the City of Hartford and Environs sewer service area is large and there is known *public* controversy regarding the environmental effects of this sewer service area plan. However, without a sewer service area plan to exclude the sewered development of environmentally sensitive lands, the adverse impact upon water quality through the development of environmentally sensitive areas could be significant. While SSA planning may not provide positive environmental impacts other than water quality protection; (such as air pollution or traffic impacts), the net environmental concern and benefit it generates through the community planning process may be broadly beneficial.

ALTERNATIVES

Briefly describe the impacts of no action and of alternatives that would decrease or eliminate adverse environmental effects. (Refer to any appropriate alternatives from the applicant or anyone else.)

Alternatives exist to the proposed action, including the 1) No action scenario, and 2) the proposed action with implementation of a series of recommendations designed to reduce the significance of short and long term water quality impacts.

No Action

The no action plan would require the continued reliance for residential development and treatment of wastewater on private onsite facilities. This scenario, currently in effect, does not include the environmentally sensitive area delineations and protection measures as that enumerated in the proposed SSA plan. Thus, there is potential for local development to occur utilizing onsite sewage disposal systems the placement of which is not excluded in some environmentally sensitive areas. The WDNR believes that this alternative is not preferred due to the potential for local development to occur without water quality assessment and protection measures and the likelihood of continued health and environmental problems posed by high groundwater levels and failing septic systems.

Proposed Action - With Recommendations to Reduce Adverse Water Quality Impacts

- ! To reduce the significance of wetland alterations, wetlands should not be used for stormwater treatment but for environmental corridor/natural area and habitat values.

- ! Archaeological resources in the planned site area should be investigated and protected if necessary before earthmoving activity occurs.
- ! Water quantity and quality impacts from increased commercial, residential and industrial discharges and stormwater flows should be abated through:
 - ! Developing a comprehensive stormwater management plan for the entire area including the design and development of stormwater retention facilities and use of BMPs (preferably nonstructural) in future growth areas to abate pollutant loads to surface waters during and after construction activities take place, on a landscape or regional scale.
 - ! An assessment of water quantity impacts from groundwater withdrawals should be conducted using the hydrologic model currently being developed for the SEWRPC region.
 - ! A wellhead protection ordinance for the City of Waukesha should be developed and a wellhead protection area delineated if one is not currently available. A source water protection area for the public water supply should be delineated and protected. Local development plans should be coordinated with any setbacks and/or restrictions in the wellhead protection ordinance.
 - ! Update floodplain maps along the Fox River and associated tributaries as appropriate as well as evaluate secondary floodplain impacts on downstream areas; and rezoning land to provide protection for both land owners and the hydrology of the project and downstream area should occur over time.
 - ! Development (as necessary) and implementation of construction site erosion control ordinances for construction activities on sites smaller than that regulated under state building code requirements.
- ! If and when the time is necessary, considerable planning should take place among the city, the county, DOT, DNR and SEWRPC to design an expanded transportation infrastructure that will minimize impacts to surface waters and will maximize the utility of the designed roads. Care should be taken to avoid the design of a superhighway that cuts off people from their environment and that encourages "sprawl".
- ! Special protection should be given to all remaining wildlife and wetlands in the project area and downstream. Pressure will be placed on downstream resources as development is extended out. Fragmentation of wildlife areas and habitat should be minimized. It is highly recommended that communities rezone areas identified as environmentally sensitive to conservancy for their long-term protection.
- ! Infilling of vacant lots for future development should be encouraged over the use of existing agricultural or vacant/undeveloped lands on the outskirts of the sewer service area.
- ! The use of wetlands and railroad right-of-ways should be discouraged, if not prohibited, for sewerline laterals due to the sensitivity of wetlands and the likelihood of rare plant species in railroad right-of-ways.
- ! A protection plan should be developed and implemented for the adjoining wetland communities and floodplain resources associated with the Fox River, Pebble Brook Creek, Mill Creek, Red Wing Creek, Genessee Creek and other waters that feed the Vernon Marsh.

SUMMARY OF ISSUE IDENTIFICATION ACTIVITIES

List agencies, citizen groups and individuals contacted regarding the project (include DNR personnel and title) and summarize public contacts, completed or proposed.

Date	Individual	Action
10/01	Lisa Helmuth	Received plan for review
03/02	Terry Lohr	Received revised plan for review

On-site inspection or past experience with site by evaluator.

Project Name:

County:

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

☐ A. EIS Process Not Required

The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department on this project.

☐ B. Major Action Requiring the Full EIS Process

The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Number of responses to news release or other notice:	Signature of District Staff Specialist or Bureau Director	Date Signed
	Signature of Director or Designated Representative	Date Signed

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats.

This notice is provided pursuant to section 227.48(2), Stats.

Project Name: City of Hartford and Environs Sewer Service Area Amendment County: Waukesha

DECISION (This decision is not final until certified by the appropriate authority)

In accordance with s. 1.11, Stats., and Ch. NR 150, Adm. Code, the Department is authorized and required to determine whether it has complied with s. 1.11, Stats., and Ch. NR 150, Wis. Adm. Code.

Complete either A or B below:

A. EIS Process Not Required

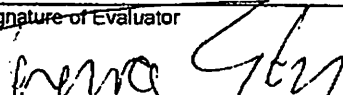


The attached analysis of the expected impacts of this proposal is of sufficient scope and detail to conclude that this is not a major action which would significantly affect the quality of the human environment. In my opinion, therefore, an environmental impact statement is not required prior to final action by the Department.

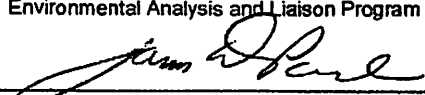
B. Major Action Requiring the Full EIS Process



The proposal is of such magnitude and complexity with such considerable and important impacts on the quality of the human environment that it constitutes a major action significantly affecting the quality of the human environment.

Signature of Evaluator 	Date Signed 5/7/02
---	-----------------------

Number of responses to news release or other notice:

Certified to be in compliance with WEPA	
Environmental Analysis and Liaison Program Staff 	Date Signed 5/6/02

NOTICE OF APPEAL RIGHTS

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to sections 227.52 and 227.53, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

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Note: Not all Department decisions respecting environmental impact, such as those involving solid waste or hazardous waste facilities under sections 144.43 to 144.47 and 144.60 to 144.74, Stats., are subject to the contested case hearing provisions of section 227.42, Stats.

This notice is provided pursuant to section 227.48(2), Stats.



NEWS RELEASE
Wisconsin Department of Natural Resources
101 S. Webster, Madison, WI 53702
Phone: 608-266-0426
E-mail: pardej@dnr.state.wi.us

FOR RELEASE: April 16, 2002

**CONTACT: Terry Lohr, Planning and Policy Analyst, 608-267-2375,
lohrt@dnr.state.wi.us**

SUBJECT: Sewer Service Area Amendment, City of Hartford and Environs

Madison, Wis. – The Wisconsin Department of Natural Resources has prepared an environmental assessment for the proposed sanitary sewer service area amendment for the City of Hartford and surrounding areas in Waukesha and Dodge counties.

The study area consists of the entire City of Hartford, all of the Town of Hartford, and portions of the Towns of Polk and Rubicon (Dodge County) and the Village of Slinger. The total study area is 54.9 square miles: 5.8 in the City of Hartford, 31.2 in the Town of Hartford, 3.9 in the Town of Polk, 11.9 in the Town of Rubicon, and 2.1 in the Village of Slinger. The plan is based on population projections for the area between 14,200 to 22,700 people in the year 2020.

The amendment was proposed by the City of Hartford to update the area's sewer service area plan to reflect regional recommendations found in the South East Wisconsin Regional Planning Commission's 2020 Land Use Plan. The revised plan includes delineation and preservation of environmentally sensitive lands. Environmentally sensitive lands are areas where sewered development should not occur.

The department's environmental assessment focuses on the potential impacts of providing sanitary sewer service within the proposed revised sewer service area boundary. The goal of the department's plan approval is to protect water resources in the area by directing development away from environmentally sensitive areas and to control water pollution through planned sewered development.

The proposed Department action is not anticipated to result in significant adverse environmental effects. The Department has made a preliminary determination that an environmental impact statement will not be required for this action. Copies of the environmental assessment that led to the DNR's preliminary determination can be obtained from Mr. Terry Lohr, Planning and Policy Analyst, Wisconsin Department of Natural Resources, 101 S. Webster Street, Madison, WI 53702, 608-267-2375, lohrt@dnr.state.wi.us.

Public comments, either written or oral, on the environmental assessment are welcome and must be submitted to Mr. Lohr no later than 4:30 p.m. May 3, 2002.



January 25, 2022

Project No. BC0082 (2021-02)

Mr. Devin Yoder, Lead Planner
Brown County Planning Department
305 E. Walnut Street, Room 320
P.O. Box 23600
Green Bay, WI 54305-3600

Subject: Brown County SSA Amendment for the Town of Lawrence, Brown County Sewerage Plan 2040

Dear Mr. Yoder:

We received the Town of Lawrence amendment submittal package from Brown County on November 11, 2021, which involves the addition of 295.72 acres. The project area in the Town of Lawrence includes 213.88 acres of undeveloped lands, 63.65 acres of developed land including rights-of-way, and 18.19 acres of environmentally sensitive areas. The subject area will provide public sewer for the development of Project Badger, a 600,000 square foot facility designed to employ over 1,000 people. DNR approves this amendment request with this administrative decision letter.

Description of Amendment Area

This Lawrence SSA amendment is located in the Ashwaubenon Creek Subwatershed of the Lower Fox River Basin. Ashwaubenon Creek is a federally-listed impaired water and is part of a larger Total Maximum Daily Load (TMDL) strategy to restore water quality standards in streams within the Lower Fox River Basin.

Wastewater Treatment System

GBMSD staff reviewed this application and determined that based on the flow estimates provided in the submittal the De Pere Wastewater Treatment Facility will have adequate capacity to treat wastewater from the amendment area. The additional acreage will connect to an existing interceptor near the I-41/CTH S interchange. The existing Ninth Street 10-inch sanitary interceptor extends to the west side of I-41 at Little Rapids Road. Utilizing this connection minimizes new infrastructure for the amendment.

Environmentally Sensitive Areas

The amendment area includes all or portions of tributaries to Ashwaubenon Creek, a highly studied system within the larger Duck, Apple, and Ashwaubenon Creek Watershed (See Attachment C). Ashwaubenon Creek is a federally listed impaired water, with documented water quality issues from total phosphorus, total suspended sediment. Brown County has delineated 18.19 acres as environmentally sensitive (Attachment B) based on state and federally approved definitions in the Brown County Sewerage Plan and the Wisconsin Areawide Water Quality Management Plan. If a modification to any of these ESA acres is sought, a SSA Plan amendment must be reviewed and approved by Brown County and the Wisconsin DNR.

Local and State Review

On October 1, 2021, the Brown County Planning Commission (BCPC) received a request for an amendment to the 2040 Brown County Sewage Plan from McMahon Associates Inc., an agent representing the Town of Lawrence. The Brown County Planning Commission held a public hearing which resulted in unanimous project support and transmittal of the amendment request to DNR on November 11, 2021, with the following condition.

- *Utilize proper erosion control and stormwater management best practices at the time of development for the area described in this proposal.*

Conditions of Approval

It is expected that the applicant will work with DNR, Brown County, and NEW Water to maintain and improve overall water quality in the watershed. The overall project should minimize impacts to Ashwaubenon Creek, a federally listed impaired water, and its tributaries, by addressing potential increases in stormwater, erosion, and loss of riparian areas. Prevention techniques can minimize local sources of total phosphorus and suspended solids to these managed waters.

Note that this approval does not endorse any development in or modification of the 18.19 acres identified as ESA in the application. Accordingly,

- A formal SSA Plan amendment process will be required for any modifications to new or existing ESAs.
- If an action that involves modification to a non-navigable portion of a delineated ESA is planned, the applicant will be required to obtain a navigability determination and provide it with its amendment submittal package.
- A successful amendment request is also required prior to a finding of conformance through the Water Quality Conformance Review process ("208 Letter") and prior to any earth moving activity that may directly affect ESAs and local water quality.

Statewide AWQM Plan Amendment

This amendment is a formal update to the state's Areawide Water Quality Management Plan and the *2040 Brown County Sewage Plan* and will be sent to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the federal regulations 40 CFR, Part 35. This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats. The approval of this sewer service area amendment does not constitute approval of any other required local, state, or federal permit for sewer construction or associated land development activities.

Appeal Rights

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Sincerely,



Timothy R. Asplund, Chief
Monitoring Section, Bureau of Water Quality
Wisconsin DNR

cc:

Cole Runge, AICP – Planning Director, BCPC
Lisa Helmuth – Water Resources Specialist, DNR Madison
Andrew Hudak – Water Resources Field Supervisor, DNR Oshkosh
Heidi Schmitt Marquez – Wastewater Field Supervisor, DNR Green Bay
Andrew Dutcher – Facility Plan Review Program, DNR Madison

Tuesday, January 26, 2022

Appendix A: Submittal Letter

PLANNING COMMISSION

Brown County



305 E. WALNUT STREET, ROOM 320
P.O. BOX 23600
GREEN BAY, WISCONSIN 54305-3600
PHONE (920) 448-6480 FAX (920) 448-4487
WEB SITE: www.browncountwi.gov/departments/planning-and-land-services

COLE RUNGE
PLANNING DIRECTOR

November 11, 2021

Lisa Helmuth, Water Resources Management Specialist
Bureau of Water Quality
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921

FILE: SSA 2021-02 (LAW) Major

Re: Town of Lawrence Sewer Service Area (SSA) Amendment to Add 295.72 Acres to the Town of Lawrence SSA

Dear Ms. Helmuth:

On November 3, 2021, the Brown County Planning Commission staff held a public hearing to review the above-referenced major SSA amendment. The amendment was requested by McMahon Associates, an agent representing the Town of Lawrence. The request proposed the addition of 295.72 acres to the Town of Lawrence SSA. The purpose for the SSA amendment is to expand the sewer service area for anticipated development off Mid Valley Drive and around the I-41/County Highway S interchange.

The Brown County Planning Commission staff approved the amendment with one condition: to utilize proper erosion control and stormwater management best practices at the time of development for the area described in the proposal. Please find enclosed the Brown County Planning Commission public hearing notice and staff report with maps addressing the subject amendment.

The enclosed amendment materials are hereby being transmitted to the Wisconsin Department of Natural Resources for informational purposes. Please feel free to call me if you have any questions concerning this matter. In addition, please provide a copy of any correspondence relating to this matter to:

Matt Greely
McMahon Associates, Inc.
P.O. Box 1025
Neenah, WI 54957-1025

Respectfully,

A handwritten signature in dark ink, appearing to read "Devin Yoder".

Devin Yoder, Senior Planner

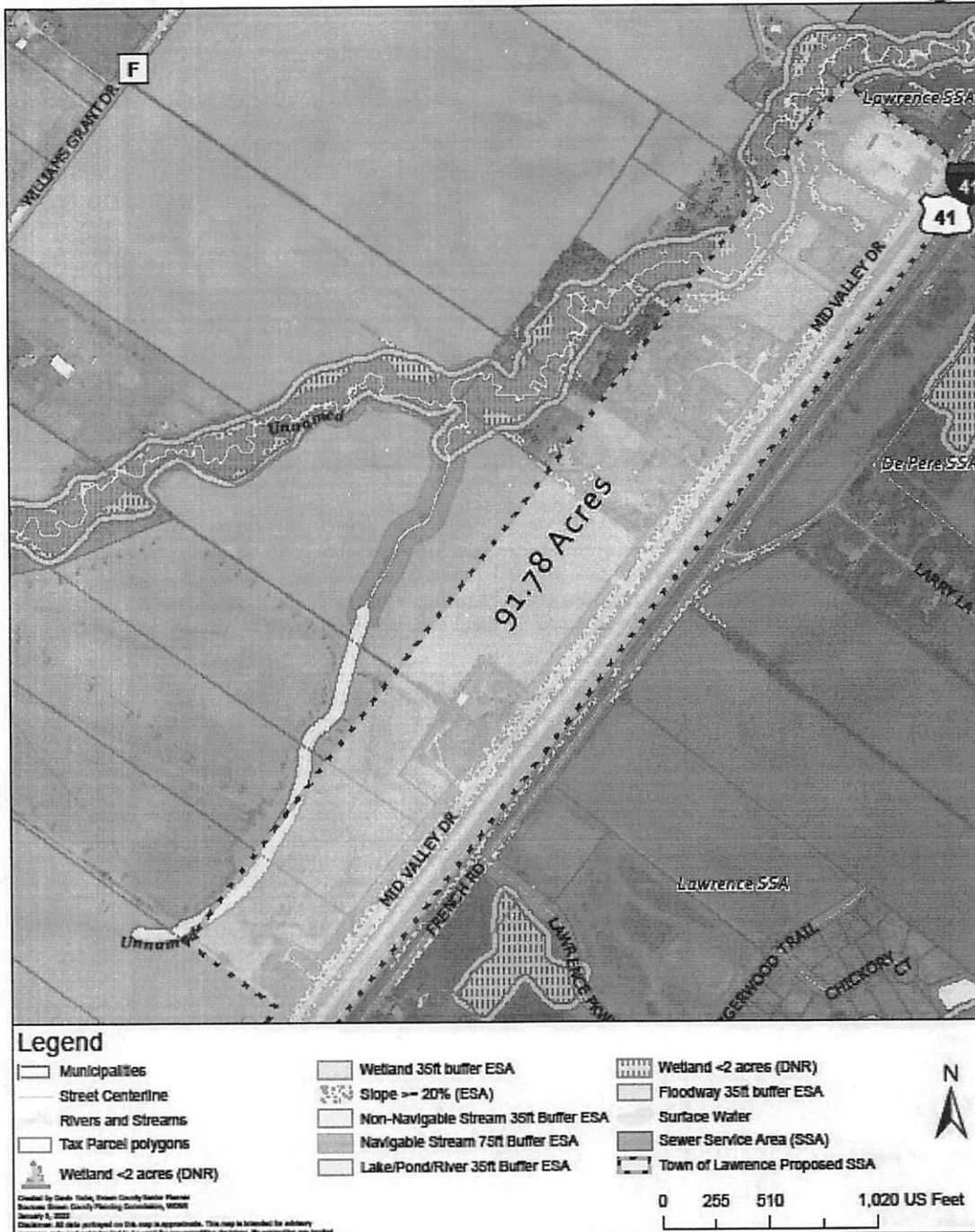
DY:jm
Attachments



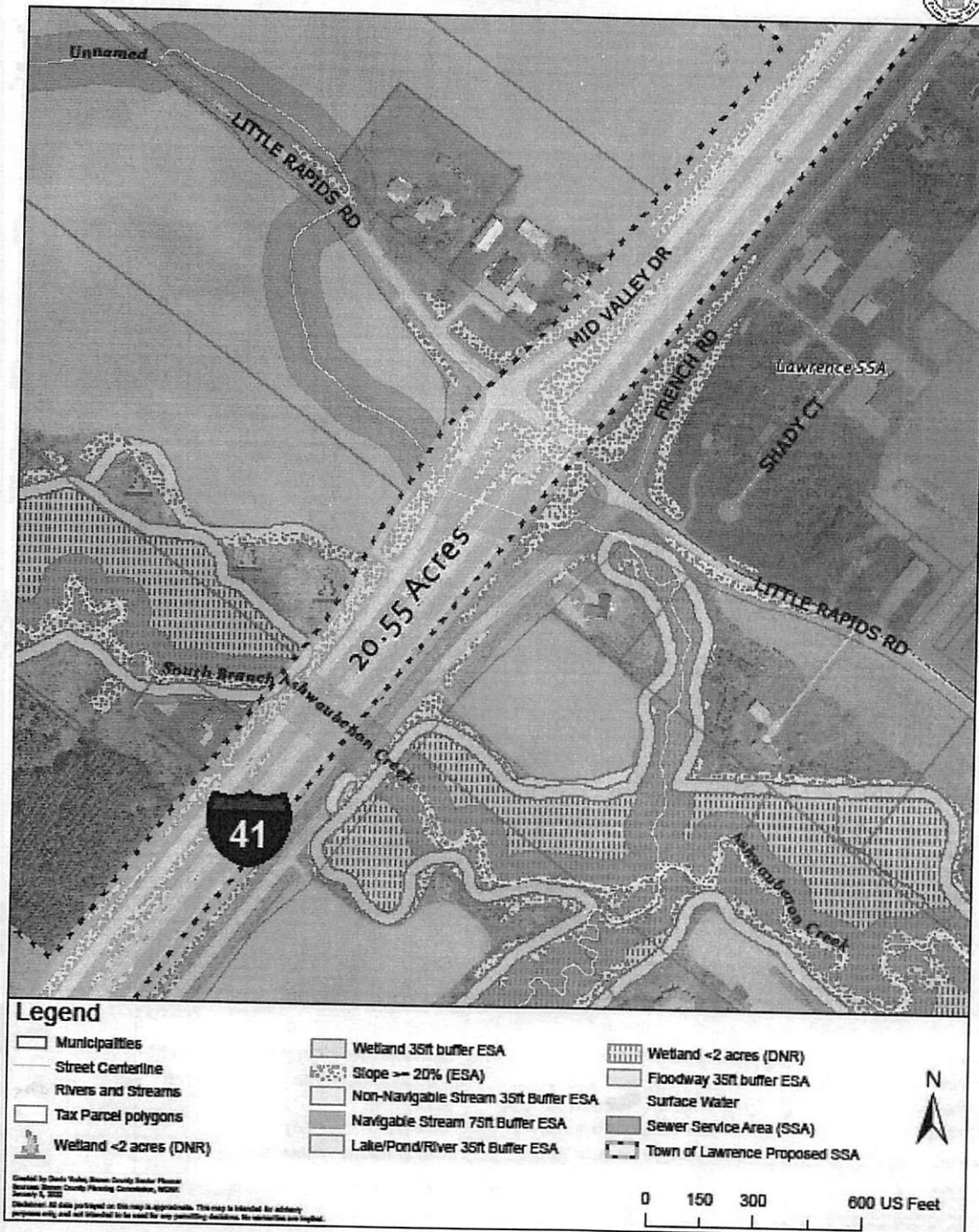
Tuesday, January 26, 2022

Appendix B: Project Maps

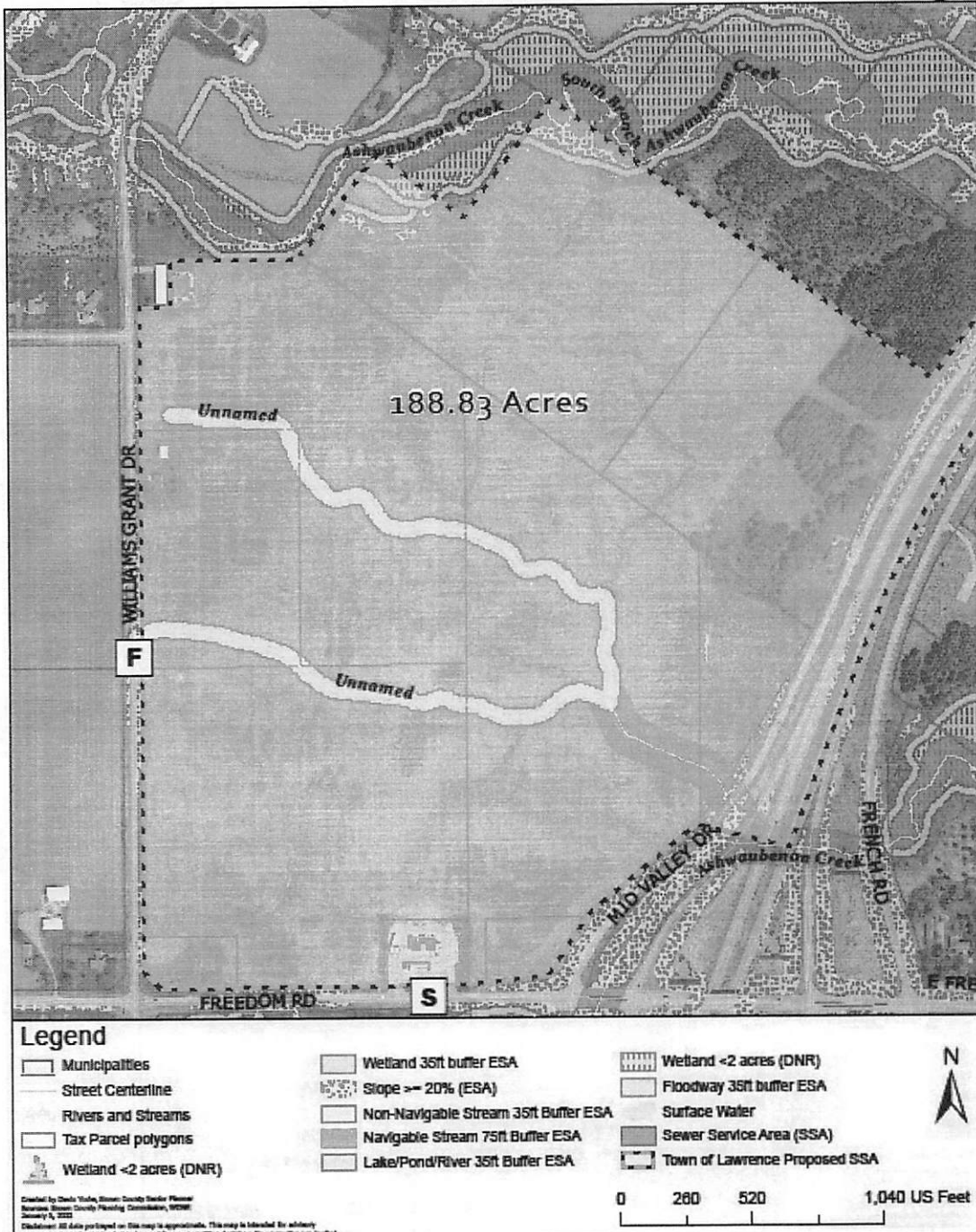
Sewer Service Area Amendment - Town of Lawrence Northern Area



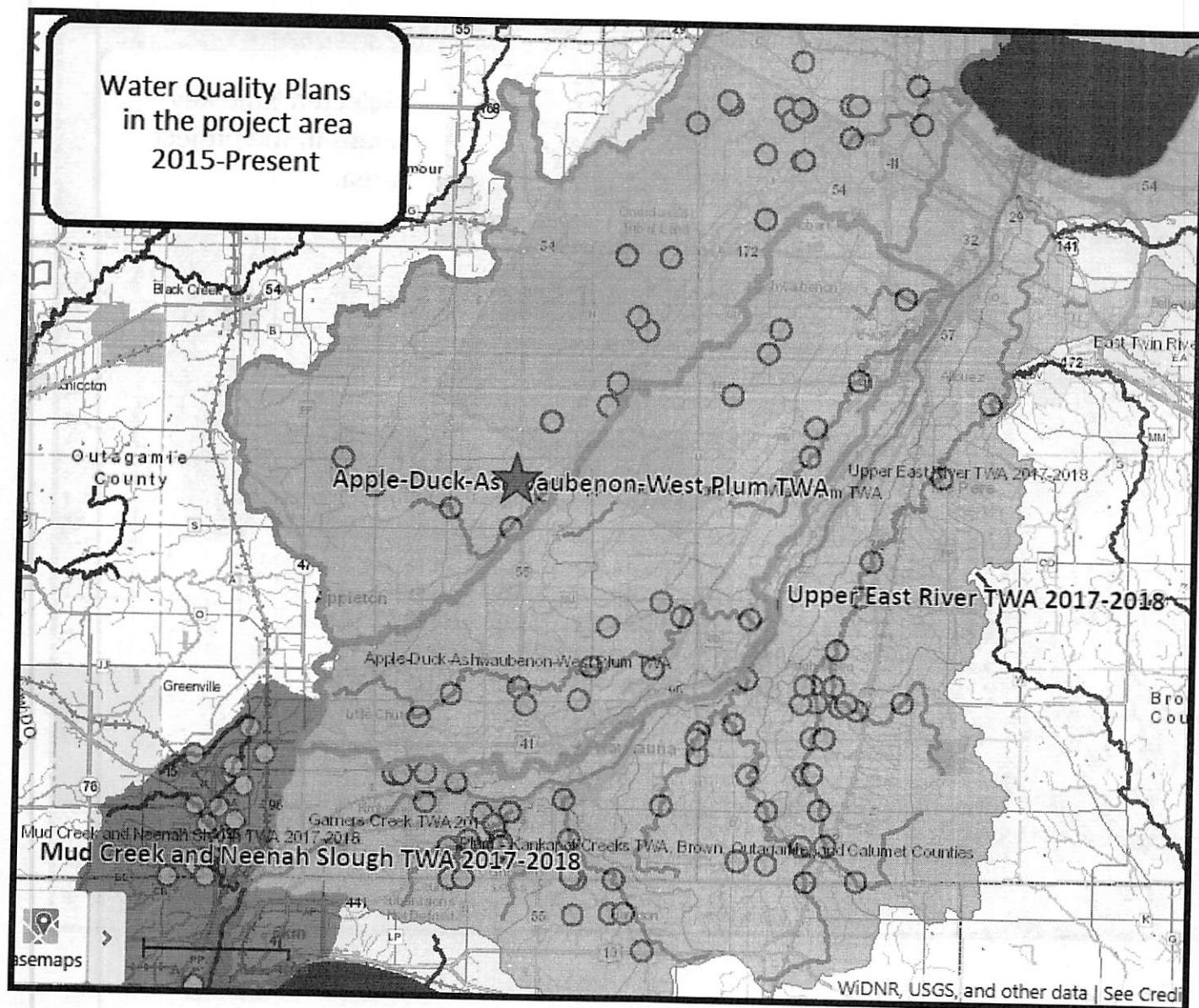
Sewer Service Area Amendment - Town of Lawrence Middle Area

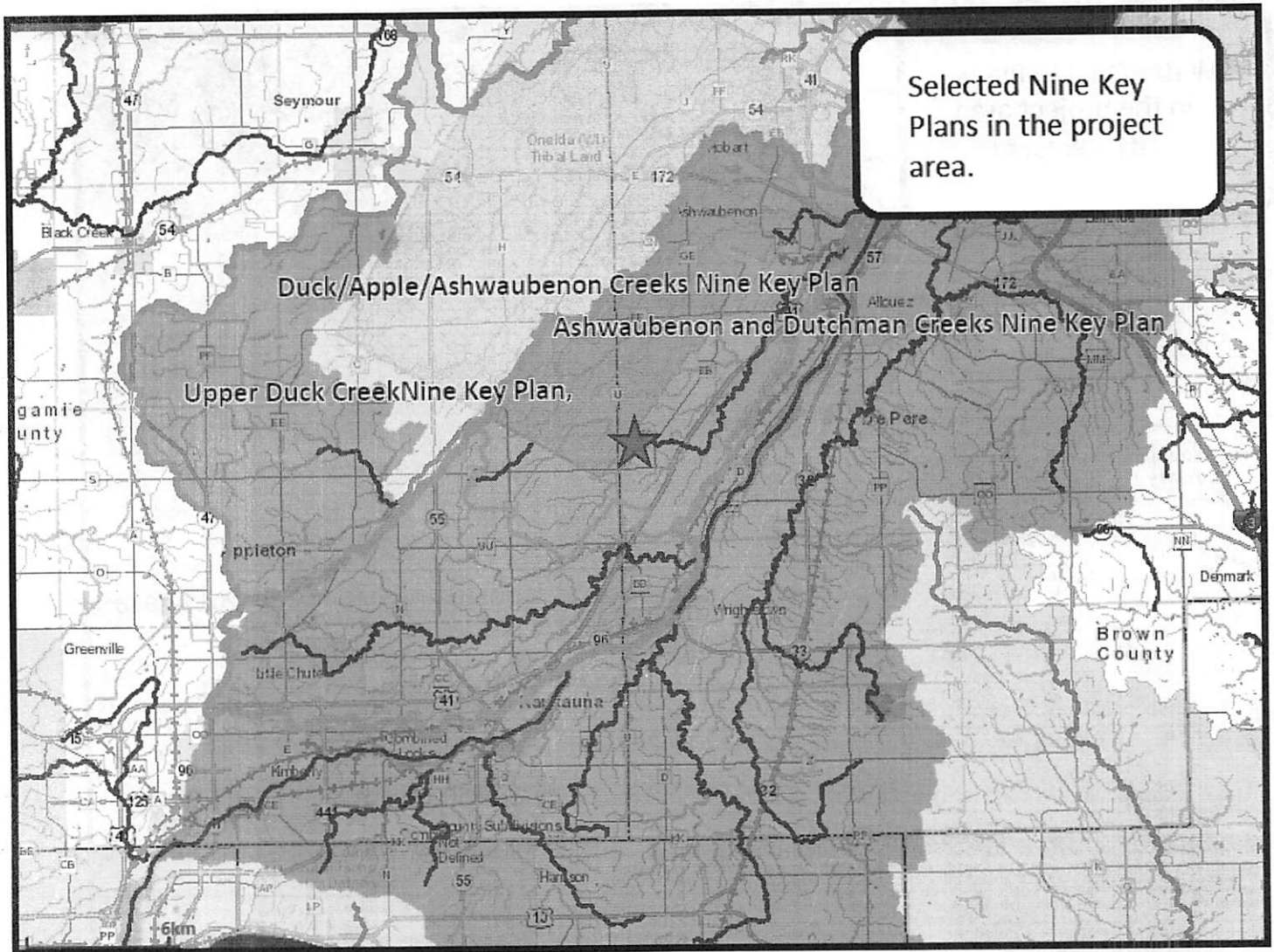


Sewer Service Area Amendment - Town of Lawrence Southern Area



Appendix C. Duck Apple Ashwaubenon Creek Watershed





State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



June 28, 2022

Project No. BC0083

Mr. Devin Yoder, Lead Planner
Brown County Planning Department
305 E. Walnut Street, Room 320
P.O. Box 23600
Green Bay, WI 54305-3600

Subject: Brown County SSA Amendment for the Village of Hobart, Brown County Sewerage Plan 2040

Dear Mr. Yoder:

We received the Village of Hobart amendment submittal package from Brown County on April 27, 2022, which involves the removal of 15.5 acres along Autumn Joy Drive.

Description of Amendment Area

The proposed amendment is 15.5 acres of land, and the purpose for the amendment request is to extend sewer along the future right-of-way of Autumn Joy Drive for residential development. This amendment is located in the **Ashwaubenon Creek Subwatershed of the Lower Fox River Basin**. Ashwaubenon Creek is a federally-listed impaired water and is part of a larger Total Maximum Daily Load (TMDL) strategy to restore water quality standards in streams within the Lower Fox River Basin.

Environmentally Sensitive Areas

The proposed SSA amendment area is near the headwaters of the Hemlock Creek watershed. The watershed is a subwatershed of Ashwaubenon Creek Watershed. The proposed amendment area does not have any waterways in it, but is straddled by two unnamed streams, one 480 feet to the north of the amendment area, and one 750 feet to the south.

Ashwaubenon Creek is an impaired river, with low dissolved oxygen and degraded habitat. The Village of Hobart has an erosion control and stormwater management ordinance, and any future development in this area will have to comply with these requirements to receive permits to proceed with any work. In the developable area, parcel HB-362-5 has one wetland area identified as too small to delineate along the northern parcel boundary, approximately 280 feet east of the western property line. This area would be identified on any future land division documents for the future residential parcels and will be protected.

Cost-Effectiveness

Public water and sewer service are currently in place along Copilot Way to the east of the project area. The connection costs to these systems will be shared by the village and private developers. The existing downstream sewer and water mains were sized to ultimately serve the proposed area, requiring no further upgrades.

Sewage Conveyance and Wastewater Treatment

This amendment proposes that Autumn Joy Drive will have an 8-inch sanitary sewer line extended from Copilot Way to South Pine Tree Road. The proposed extension will then drain from the Village of Hobart into the Village of Ashwaubenon by an 18-inch gravity sewer. Both the extension and the downstream interceptors have the capacity to handle the wastewater from this area. NEW Water's De Pere facility is the treatment facility for this area.

Local and State Review

On April 6, 2022, the Brown County Planning Commission held a public hearing which resulted in project support and transmittal of the amendment request to DNR (see attachment).

Statewide AWQM Plan Amendment

This amendment is a formal update to the state's Areawide Water Quality Management Plan and the *2040 Brown County Sewerage Plan* and will be sent to the US Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the federal regulations 40 CFR, Part

35. This review is an integrated analysis action under s. NR 150.20 (2) (a) 3, Wis. Adm. Code. By means of this review, the Department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Stats. The approval of this sewer service area amendment does not constitute approval of any other required local, state, or federal permit for sewer construction or associated land development activities.

Appeal Rights

Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to sections 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to file a petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with section NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with section NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Sincerely,



Timothy R. Asplund, Chief
Monitoring Section, Bureau of Water Quality
Wisconsin DNR

cc:

Cole Runge, AICP – Planning Director, BCPC
Lisa Helmuth – Water Resources Specialist, DNR Madison
Andrew Hudak – Water Resources Field Supervisor, DNR Oshkosh
Heidi Schmitt-Marquez – Wastewater Field Supervisor, DNR Green Bay
Andrew Dutcher – Facility Plan Review Program, DNR Madison

Thursday, January 20, 2022

SUBMITTAL LETTER

PLANNING COMMISSION

Brown County



305 E. WALNUT STREET, ROOM 320
P.O. BOX 23800
GREEN BAY, WISCONSIN 54305-3600
PHONE (920) 448-8480 FAX (920) 448-4487
WEB SITE www.browncountywi.gov/departments/planning-and-land-services

COLE RUNGE
PLANNING DIRECTOR

April 27, 2022

Tim Asplund
Monitoring Section Chief
WDNR - Bureau of Water Quality
PO Box 7921
Madison, WI 53707-7921

Re: Village of Hobart Sewer Service Area (SSA) Amendment Request 2022-01 (HOB), Brown County

Dear Mr. Asplund:

The Village of Hobart has submitted a sewer service area amendment request to the *2040 Brown County Sewage Plan* to the Brown County Planning Commission. The proposed amendment is in the Village of Hobart, in the Ashwaubenon Creek (HUC 12: 040302040403). The proposed amendment is 15.5 acres of land, and the purpose for the amendment request is to extend sewer along the future right-of-way of Autumn Joy Drive for residential development.

On April 6, 2022, the Brown County Planning Commission staff held a public hearing to review the above-referenced major SSA amendment at the monthly planning commission board of directors meeting. The amendment was requested by the Village of Hobart., with Robert E. Lee & Associates Inc. acting as an agent representing the village.

The Brown County Planning Commission voted to approve a resolution to amend the sewer plan. Please find enclosed the Brown County Planning Commission staff report, maps, and supporting materials addressing the subject amendment.

The enclosed amendment materials are hereby being transmitted to the Wisconsin Department of Natural Resources for informational purposes. Please feel free to call me if you have any questions concerning this matter. In addition, please provide a copy of any correspondence relating to this matter to:

Jennifer Limatta, P.E.
Robert E. Lee & Associates, Inc.
1250 Centennial Centre Blvd
Hobart, WI 54155

Respectfully,

A handwritten signature in black ink, appearing to read "Devin Yoder".

Devin Yoder, Senior Planner

cc: Jennifer Limatta, P.E., Robert E. Lee & Associates, Inc.
Aaron Kramer, Village Manager, Village of Hobart

Thursday, January 20, 2022

Attachment H

RESOLUTION NO. 2022-02

**RESOLUTION OF THE BROWN COUNTY PLANNING COMMISSION
AMENDING THE ADOPTED AREAWIDE WATER QUALITY
MANAGEMENT PLAN FOR BROWN COUNTY**

WHEREAS, Chapter NR 121 of the Wisconsin Administrative Code, entitled *Areawide Water Quality Management Plans*, is authorized under Section 281.11 and Section 281.12(1) of the Wisconsin State Statutes to protect, maintain, and improve the quality and management of the waters of the state, ground and surface, public and private; and

WHEREAS, at a meeting held on the 2nd day of September 2015, the Brown County Planning Commission duly adopted a report entitled *2040 Brown County Sewage Plan* as the sanitary sewer service area planning element of the four areawide water quality management plans which pertain to Brown County; and

WHEREAS, by materials dated the 4th day of March 2022, the Village of Hobart, along with an agent titled Robert E. Lee & Associates, Inc., requested that the Brown County Planning Commission amend the 2040 Brown County Sewage Plan to add 15.5 acres of land to the currently adopted Village of Hobart sewer service area; and

WHEREAS, the proposed amendment to the *2040 Brown County Sewage Plan* is documented in a Brown County Planning Commission staff report attached hereto and made a part hereof, which concludes that the addition of the 15.5 acre area is sound and in the public interest; and

WHEREAS, at a meeting held on the 6th day of April 2022, the Brown County Planning Commission approved an amendment to the *2040 Brown County Sewage Plan* refining the Village of Hobart sewer service area to add the above-referenced acreage as noted in the staff report.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the *2040 Brown County Sewage Plan*, adopted by the Brown County Planning Commission on the 2nd day of September 2015 as the sanitary sewer service area planning element of the four areawide water quality management plans which pertain to Brown County, be amended in the manner identified in the Brown County Planning Commission staff report attached herein.

BE IT FURTHER RESOLVED that the Director of the Brown County Planning Commission is authorized to submit findings to the Wisconsin Department of Natural Resources and the Wisconsin Department of Safety & Professional Services that public and private sanitary sewer extensions to serve anticipated development on the lands concerned are in conformance with, and would serve to implement, the adopted Areawide Water Quality Management Plans for Brown County as herein amended.

BE IT FURTHER RESOLVED that a true, correct, and exact copy of this resolution, together with the aforementioned Brown County Planning Commission staff report shall be forthwith distributed to the Village of Hobart and to such other bodies, agencies, or individuals as the law may require or as the Brown County Planning Commission or its Board of Directors at its discretion shall determine and direct. The proposed amendment to the Areawide Water Quality Management Plans for Brown County for the subject SSA amendment, upon motion duly made and seconded, was adopted at the meeting of the Brown County Planning Commission Board of Directors held on the 6th day of April 2022, being approved with 31 ayes, 0 nays, and 0 abstentions.

BROWN COUNTY PLANNING COMMISSION

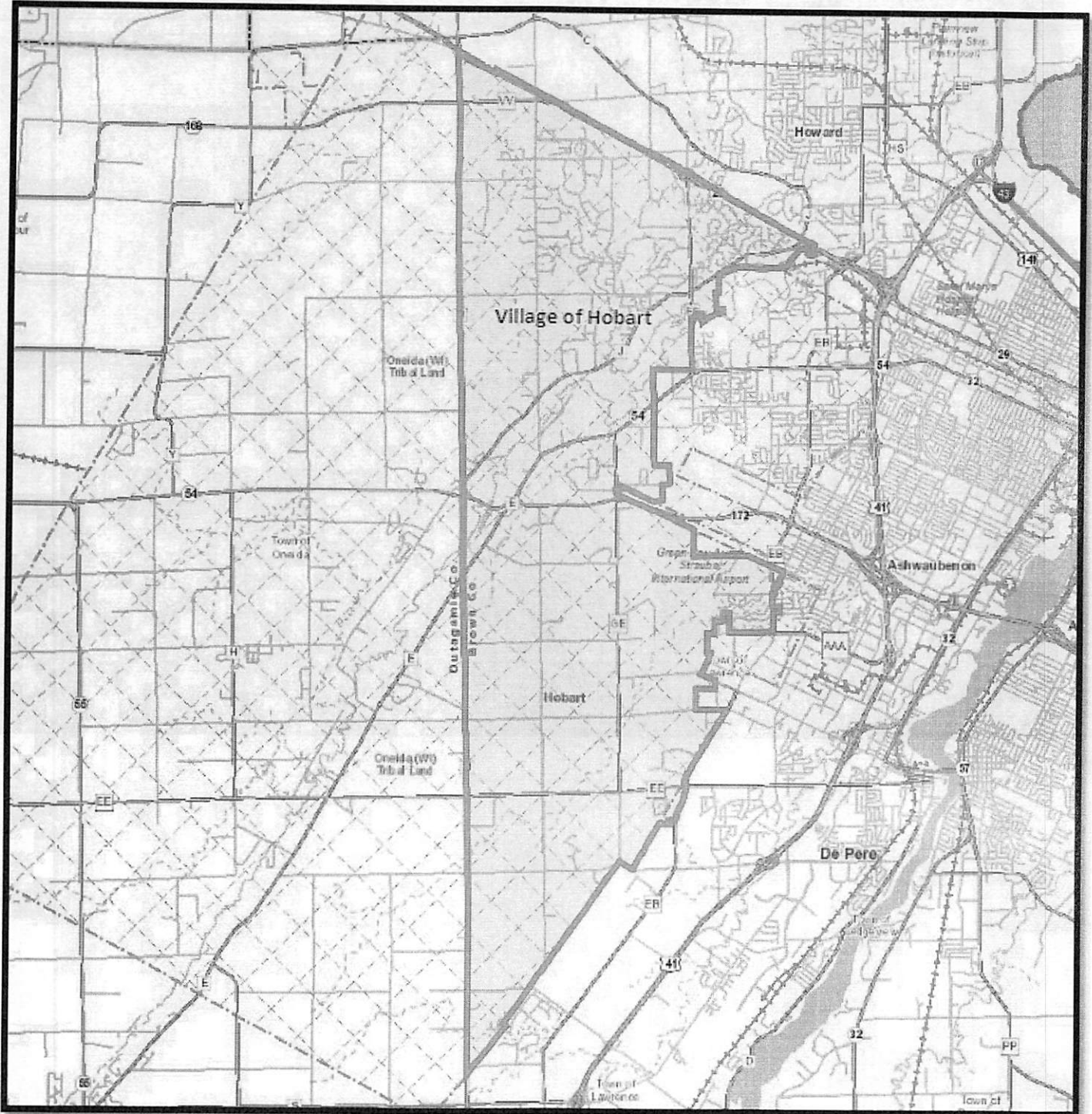

Norbert Dantine, Jr., President

ATTEST:


Cole Runge, Planning Director

PROJECT MAPS

Village Location



Project Site





Demographic Services Center's 2022 Population Estimates: Wisconsin's Moderate Population Growth Continues

State Population Estimate, 1/1/2022: 5,949,155
Change from Census 2020: 55,437 or 0.94%

The Demographic Services Center develops annual population estimates for each Wisconsin municipality and county. Wisconsin's population estimate continued to grow in calendar year 2021, reaching a total population of 5,949,155 by January 1, 2022.

- In calendar year 2021, Wisconsin added roughly 26,773 housing units, reflecting a healthy rate of housing unit increase (+1.0%).

Net Change in Housing Units
CY 2021: 26,773 or 1.0%
CY 2020: 22,059 or 0.8%

- The estimated average household size continues to ebb slightly, in keeping with a long-term trend, although this decrease may seem modest compared to prior decades' decreases in household sizes. This decrease slightly dampens the estimated population increase.

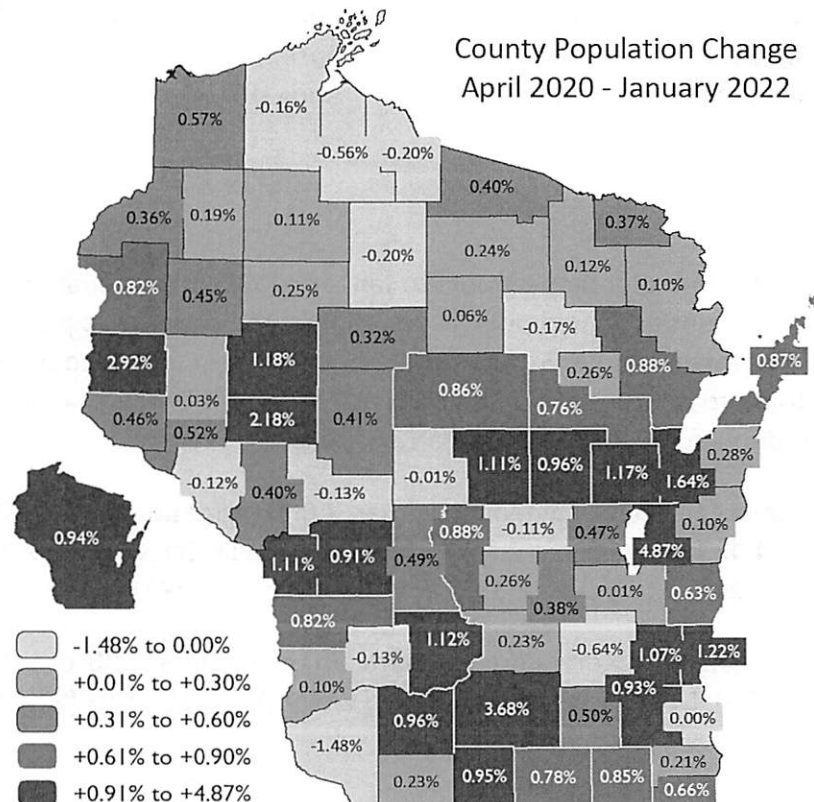
Average Household Size	
January 2022 Est.	2.353
April 2020 Census	2.365
April 2010 Census	2.429
April 2000 Census	2.498
April 1990 Census	2.611
April 1980 Census	2.770
April 1970 Census	3.224

County Estimates

- From April 2020 (the reference census) to January 2022, it is estimated that 59 of Wisconsin's 72 counties gained population. Only three counties experienced population loss faster than -0.5% over that period. Losses in two counties were estimated to be so minor – less than one tenth of one percent – that, in estimation terms, their population change was nearly neutral.
- Counties estimated to have gained more than 2,000 residents since the 2020 Census are Brown (+ 4,420), Calumet (+ 2,555), Dane (+ 20,661), Eau Claire (+2,309), Outagamie (+2,233), St. Croix (+2,733) and Waukesha (+3,791).
- Change rates of 1.5% or more were estimated in the counties of Brown (+1.64%), Calumet (+4.87%), Dane (3.68%), Eau Claire (+2.18%) and St. Croix (+2.92%).

- Counties with estimated population decrease exceeding one-half of one percent are Ashland (-0.56%), Dodge (-0.64%) and Grant (-1.48%). Decreases in Dodge and Grant counties were driven by group quarters population change (not household population change). Ashland County's decrease was fewer than 100 residents.
- Eight of Wisconsin's nine most populous counties gained population since April 2020. In Milwaukee, Racine, and Rock counties, population change was modest.

Most Populous Counties (more than 150,000 residents)				
County Name	Final Estimate Jan 2022	Census Apr 2020	Numeric Change	Percent Change
Brown	273,160	268,740	4,420	1.64%
Dane	582,165	561,504	20,661	3.68%
Kenosha	170,272	169,151	1,121	0.66%
Milwaukee	939,487	939,489	- 2	0.00%
Outagamie	192,938	190,705	2,233	1.17%
Racine	198,138	197,727	411	0.21%
Rock	164,959	163,687	1,272	0.78%
Waukesha	410,769	406,978	3,791	0.93%
Winnebago	172,542	171,730	812	0.47%



Municipal Estimates

- Roughly sixty-five percent of the state's 1,851 municipalities are estimated to have added population from April 1, 2020 to January 1, 2022. Of the 509 municipalities that are estimated to have lost population, 424 have decreased by less than one percent.

Municipalities that	Census 2010 to 1/1/2021
gained population	1,205
had no change	137
lost population	509

- Among municipalities with over 40,000 residents, population change after the 2020 Census was generally modest to moderate. A city could have relatively few sites for cost-effective housing starts, while supporting development in nearby suburban or exurban areas.

Wisconsin's Most Populous Cities (over 40,000 residents)					
Municipality Name	County	Final Est. 2022	Census 2020	Numeric Change	Percent Change
Appleton	Multiple Counties	75,605	75,644	- 39	- 0.05%
Brookfield	Waukesha	41,430	41,464	- 34	- 0.08%
Eau Claire	Multiple Counties	70,587	69,421	1,166	1.68%
Fond du Lac	Fond du Lac	44,470	44,678	- 208	- 0.47%
Green Bay	Brown	107,369	107,395	- 26	- 0.02%
Janesville	Rock	66,206	65,615	591	0.90%
Kenosha	Kenosha	100,051	99,986	65	0.07%
La Crosse	La Crosse	52,160	52,680	- 520	- 0.99%
Madison	Dane	279,012	269,840	9,172	3.40%
Milwaukee ⁵	Multiple Counties	577,309	577,922	- 613	- 0.11%
New Berlin	Waukesha	40,426	40,451	- 25	- 0.06%
Oshkosh	Winnebago	66,929	66,816	113	0.17%
Racine	Racine	77,240	77,816	- 576	- 0.74%
Sheboygan	Sheboygan	50,139	49,929	210	0.42%
Waukesha	Waukesha	71,146	71,158	- 12	- 0.02%
Wausau	Marathon	40,199	39,994	205	0.51%
Wauwatosa	Milwaukee	48,638	48,387	251	0.52%
West Allis	Milwaukee	60,068	60,325	- 257	- 0.43%

Among the state's most populous cities, the City of Madison was estimated to have the fastest proportional change (+3.40%) and the largest numeric change (+9,172).



Executive Summary

Eau Claire City, WI
Eau Claire City, WI (5522300)
Geography: Place

Prepared by Esri

Eau Claire ci...

Population

2010 Population	66,638
2020 Population	69,421
2022 Population	70,047
2027 Population	70,996
2010-2020 Annual Rate	0.41%
2020-2022 Annual Rate	0.40%
2022-2027 Annual Rate	0.27%
2022 Male Population	49.1%
2022 Female Population	50.9%
2022 Median Age	33.8

In the identified area, the current year population is 70,047. In 2020, the Census count in the area was 69,421. The rate of change since 2020 was 0.40% annually. The five-year projection for the population in the area is 70,996 representing a change of 0.27% annually from 2022 to 2027. Currently, the population is 49.1% male and 50.9% female.

Median Age

The median age in this area is 33.8, compared to U.S. median age of 38.9.

Race and Ethnicity

2022 White Alone	85.9%
2022 Black Alone	1.5%
2022 American Indian/Alaska Native Alone	0.6%
2022 Asian Alone	5.5%
2022 Pacific Islander Alone	0.1%
2022 Other Race	1.1%
2022 Two or More Races	5.3%
2022 Hispanic Origin (Any Race)	3.3%

Persons of Hispanic origin represent 3.3% of the population in the identified area compared to 19.0% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 30.3 in the identified area, compared to 71.6 for the U.S. as a whole.

Households

2022 Wealth Index	65
2010 Households	27,084
2020 Households	28,864
2022 Households	29,170
2027 Households	29,641
2010-2020 Annual Rate	0.64%
2020-2022 Annual Rate	0.47%
2022-2027 Annual Rate	0.32%
2022 Average Household Size	2.25

The household count in this area has changed from 28,864 in 2020 to 29,170 in the current year, a change of 0.47% annually. The five-year projection of households is 29,641, a change of 0.32% annually from the current year total. Average household size is currently 2.25, compared to 2.25 in the year 2020. The number of families in the current year is 15,041 in the specified area.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units.

Source: U.S. Census Bureau. Esri forecasts for 2022 and 2027. Esri converted Census 2010 data into 2020 geography.

October 14, 2022



Executive Summary

Eau Claire City, WI
Eau Claire City, WI (5522300)
Geography: Place

Prepared by Esri

Eau Claire ci...

Mortgage Income

2022 Percent of Income for Mortgage	16.9%
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Median Household Income

2022 Median Household Income	\$64,160
2027 Median Household Income	\$75,283
2022-2027 Annual Rate	3.25%

Average Household Income

2022 Average Household Income	\$83,623
2027 Average Household Income	\$97,067
2022-2027 Annual Rate	3.03%

Per Capita Income

2022 Per Capita Income	\$34,843
2027 Per Capita Income	\$40,501
2022-2027 Annual Rate	3.06%

Households by Income

Current median household income is \$64,160 in the area, compared to \$72,414 for all U.S. households. Median household income is projected to be \$75,283 in five years, compared to \$84,445 for all U.S. households

Current average household income is \$83,623 in this area, compared to \$105,029 for all U.S. households. Average household income is projected to be \$97,067 in five years, compared to \$122,155 for all U.S. households

Current per capita income is \$34,843 in the area, compared to the U.S. per capita income of \$40,363. The per capita income is projected to be \$40,501 in five years, compared to \$47,064 for all U.S. households

Housing

2022 Housing Affordability Index	130
2010 Total Housing Units	28,377
2010 Owner Occupied Housing Units	15,323
2010 Renter Occupied Housing Units	11,761
2010 Vacant Housing Units	1,293
2020 Total Housing Units	29,987
2020 Vacant Housing Units	1,123
2022 Total Housing Units	30,468
2022 Owner Occupied Housing Units	17,557
2022 Renter Occupied Housing Units	11,613
2022 Vacant Housing Units	1,298
2027 Total Housing Units	31,082
2027 Owner Occupied Housing Units	18,136
2027 Renter Occupied Housing Units	11,505
2027 Vacant Housing Units	1,441

Currently, 57.6% of the 30,468 housing units in the area are owner occupied; 38.1%, renter occupied; and 4.3% are vacant. Currently, in the U.S., 58.2% of the housing units in the area are owner occupied; 31.8% are renter occupied; and 10.0% are vacant. In 2020, there were 29,987 housing units in the area and 3.7% vacant housing units. The annual rate of change in housing units since 2020 is 0.71%. Median home value in the area is \$205,174, compared to a median home value of \$283,272 for the U.S. In five years, median value is projected to change by 4.96% annually to \$261,397.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units.

Source: U.S. Census Bureau. Esri forecasts for 2022 and 2027. Esri converted Census 2010 data into 2020 geography.

October 14, 2022



Executive Summary

Eau Claire County, WI
Eau Claire County, WI (55035)
Geography: County

Prepared by Esri

Eau Claire Co...

Population

2010 Population	98,736
2020 Population	105,710
2022 Population	107,199
2027 Population	109,124
2010-2020 Annual Rate	0.68%
2020-2022 Annual Rate	0.62%
2022-2027 Annual Rate	0.36%
2022 Male Population	49.3%
2022 Female Population	50.7%
2022 Median Age	36.5

In the identified area, the current year population is 107,199. In 2020, the Census count in the area was 105,710. The rate of change since 2020 was 0.62% annually. The five-year projection for the population in the area is 109,124 representing a change of 0.36% annually from 2022 to 2027. Currently, the population is 49.3% male and 50.7% female.

Median Age

The median age in this area is 36.5, compared to U.S. median age of 38.9.

Race and Ethnicity

2022 White Alone	87.9%
2022 Black Alone	1.2%
2022 American Indian/Alaska Native Alone	0.5%
2022 Asian Alone	4.2%
2022 Pacific Islander Alone	0.1%
2022 Other Race	1.1%
2022 Two or More Races	5.0%
2022 Hispanic Origin (Any Race)	3.0%

Persons of Hispanic origin represent 3.0% of the population in the identified area compared to 19.0% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 26.8 in the identified area, compared to 71.6 for the U.S. as a whole.

Households

2022 Wealth Index	77
2010 Households	39,493
2020 Households	42,880
2022 Households	43,546
2027 Households	44,417
2010-2020 Annual Rate	0.83%
2020-2022 Annual Rate	0.69%
2022-2027 Annual Rate	0.40%
2022 Average Household Size	2.35

The household count in this area has changed from 42,880 in 2020 to 43,546 in the current year, a change of 0.69% annually. The five-year projection of households is 44,417, a change of 0.40% annually from the current year total. Average household size is currently 2.35, compared to 2.35 in the year 2020. The number of families in the current year is 25,005 in the specified area.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units.

Source: U.S. Census Bureau. Esri forecasts for 2022 and 2027. Esri converted Census 2010 data into 2020 geography.

October 14, 2022



Executive Summary

Eau Claire County, WI
Eau Claire County, WI (55035)
Geography: County

Prepared by Esri

Eau Claire Co...

Mortgage Income

2022 Percent of Income for Mortgage	17.4%
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Median Household Income

2022 Median Household Income	\$69,641
2027 Median Household Income	\$81,647
2022-2027 Annual Rate	3.23%

Average Household Income

2022 Average Household Income	\$89,937
2027 Average Household Income	\$104,537
2022-2027 Annual Rate	3.05%

Per Capita Income

2022 Per Capita Income	\$36,657
2027 Per Capita Income	\$42,671
2022-2027 Annual Rate	3.08%

Households by Income

Current median household income is \$69,641 in the area, compared to \$72,414 for all U.S. households. Median household income is projected to be \$81,647 in five years, compared to \$84,445 for all U.S. households

Current average household income is \$89,937 in this area, compared to \$105,029 for all U.S. households. Average household income is projected to be \$104,537 in five years, compared to \$122,155 for all U.S. households

Current per capita income is \$36,657 in the area, compared to the U.S. per capita income of \$40,363. The per capita income is projected to be \$42,671 in five years, compared to \$47,064 for all U.S. households

Housing

2022 Housing Affordability Index	121
2010 Total Housing Units	42,151
2010 Owner Occupied Housing Units	25,087
2010 Renter Occupied Housing Units	14,406
2010 Vacant Housing Units	2,658
2020 Total Housing Units	44,966
2020 Vacant Housing Units	2,086
2022 Total Housing Units	45,872
2022 Owner Occupied Housing Units	28,760
2022 Renter Occupied Housing Units	14,786
2022 Vacant Housing Units	2,326
2027 Total Housing Units	46,948
2027 Owner Occupied Housing Units	29,770
2027 Renter Occupied Housing Units	14,647
2027 Vacant Housing Units	2,531

Currently, 62.7% of the 45,872 housing units in the area are owner occupied; 32.2%, renter occupied; and 5.1% are vacant. Currently, in the U.S., 58.2% of the housing units in the area are owner occupied; 31.8% are renter occupied; and 10.0% are vacant. In 2020, there were 44,966 housing units in the area and 4.6% vacant housing units. The annual rate of change in housing units since 2020 is 0.89%. Median home value in the area is \$229,596, compared to a median home value of \$283,272 for the U.S. In five years, median value is projected to change by 5.20% annually to \$295,865.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units.

Source: U.S. Census Bureau. Esri forecasts for 2022 and 2027. Esri converted Census 2010 data into 2020 geography.

October 14, 2022

Compliance Maintenance Annual Report

Eau Claire Wastewater Treatment Facility

Last Updated: Reporting For:

5/31/2022

2021

Influent Flow and Loading

1. Monthly Average Flows and BOD Loadings

1.1 Verify the following monthly flows and BOD loadings to your facility.

Influent No. 702	Influent Monthly Average Flow, MGD	x	Influent Monthly Average BOD Concentration mg/L	x	8.34	=	Influent Monthly Average BOD Loading, lbs/day
January	6.8874	x	304	x	8.34	=	17,489
February	7.0775	x	326	x	8.34	=	19,271
March	7.1097	x	328	x	8.34	=	19,433
April	7.1670	x	318	x	8.34	=	19,005
May	7.1142	x	362	x	8.34	=	21,473
June	7.3210	x	339	x	8.34	=	20,687
July	7.4777	x	322	x	8.34	=	20,084
August	7.8490	x	314	x	8.34	=	20,526
September	7.7990	x	329	x	8.34	=	21,426
October	8.0800	x	355	x	8.34	=	23,942
November	7.7213	x	328	x	8.34	=	21,142
December	7.4794	x	338	x	8.34	=	21,095

2. Maximum Monthly Design Flow and Design BOD Loading

2.1 Verify the design flow and loading for your facility.

Design	Design Factor	x	%	=	% of Design
Max Month Design Flow, MGD	12	x	90	=	10.8
		x	100	=	12
		x	100	=	12
Design BOD, lbs/day	28000	x	90	=	25200
		x	100	=	28000

2.2 Verify the number of times the flow and BOD exceeded 90% or 100% of design, points earned, and score:

	Months of Influent	Number of times flow was greater than 90% of	Number of times flow was greater than 100% of	Number of times BOD was greater than 90% of design	Number of times BOD was greater than 100% of design
January	1	0	0	0	0
February	1	0	0	0	0
March	1	0	0	0	0
April	1	0	0	0	0
May	1	0	0	0	0
June	1	0	0	0	0
July	1	0	0	0	0
August	1	0	0	0	0
September	1	0	0	0	0
October	1	0	0	0	0
November	1	0	0	0	0
December	1	0	0	0	0
Points per each		2	1	3	2
Exceedances		0	0	0	0
Points		0	0	0	0
Total Number of Points					0

Compliance Maintenance Annual Report

Eau Claire Wastewater Treatment Facility

Last Updated: Reporting For:

5/31/2022

2021

3. Flow Meter

3.1 Was the influent flow meter calibrated in the last year?

- ☒ Yes Enter last calibration date (MM/DD/YYYY)

9/30/2021

- ☐ No

If No, please explain:

4. Sewer Use Ordinance

4.1 Did your community have a sewer use ordinance that limited or prohibited the discharge of excessive conventional pollutants ((C)BOD, SS, or pH) or toxic substances to the sewer from industries, commercial users, hauled waste, or residences?

- ☒ Yes

- ☐ No

If No, please explain:

4.2 Was it necessary to enforce the ordinance?

- ☐ Yes

- ☒ No

If Yes, please explain:

5. Septage Receiving

5.1 Did you have requests to receive septage at your facility?

Septic Tanks Holding Tanks Grease Traps

- ☒ Yes

- ☒ Yes

- ☐ Yes

- ☐ No

- ☐ No

- ☒ No

5.2 Did you receive septage at your facility? If yes, indicate volume in gallons.

Septic Tanks

- ☒ Yes 945170 gallons

- ☐ No

Holding Tanks

- ☒ Yes 2420410 gallons

- ☐ No

Grease Traps

- ☐ Yes gallons

- ☒ No

5.2.1 If yes to any of the above, please explain if plant performance is affected when receiving any of these wastes.

Plant performance was monitored, quality control measures were taken. performance was not affected

6. Pretreatment

6.1 Did your facility experience operational problems, permit violations, biosolids quality concerns, or hazardous situations in the sewer system or treatment plant that were attributable to commercial or industrial discharges in the last year?

- ☐ Yes

- ☒ No

If yes, describe the situation and your community's response.

Compliance Maintenance Annual Report

Eau Claire Wastewater Treatment Facility

Last Updated: Reporting For:
5/31/2022 2021

6.2 Did your facility accept hauled industrial wastes, landfill leachate, etc.?

- Yes
- No

If yes, describe the types of wastes received and any procedures or other restrictions that were in place to protect the facility from the discharge of hauled industrial wastes.

Curt Manufacturing, LPI, and LDPI neglected to sample in a six month period. All three industries were short staffed and experiencing turnover. They were notified and expected to be more diligent in the future.

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

Eau Claire Wastewater Treatment Facility

Last Updated: Reporting For:

5/31/2022

2021

Effluent Quality and Plant Performance (BOD/CBOD)

Outfall No. 001	Monthly Average Limit (mg/L)	90% of Permit Limit > 10 (mg/L)	Effluent Monthly Average (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
January	30	27	7	1	0	0
February	30	27	12	1	0	0
March	30	27	8	1	0	0
April	30	27	6	1	0	0
May	30	27	5	1	0	0
June	30	27	3	1	0	0
July	30	27	3	1	0	0
August	30	27	4	1	0	0
September	30	27	6	1	0	0
October	30	27	9	1	0	0
November	30	27	7	1	0	0
December	30	27	7	1	0	0
* Equals limit if limit is <= 10						
Months of discharge/yr				12		
Points per each exceedance with 12 months of discharge					7	3
Exceedances					0	0
Points					0	0
Total number of points						0

NOTE: For systems that discharge intermittently to state waters, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge. Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

1.2 If any violations occurred, what action was taken to regain compliance?

2. Flow Meter Calibration

2.1 Was the effluent flow meter calibrated in the last year?

☐ Yes Enter last calibration date (MM/DD/YYYY)

☒ No

If No, please explain:

Exempt from needing one on WPDES permit

3. Treatment Problems

3.1 What problems, if any, were experienced over the last year that threatened treatment?

none

4. Other Monitoring and Limits

4.1 At any time in the past year was there an exceedance of a permit limit for any other pollutants such as chlorides, pH, residual chlorine, fecal coliform, or metals?

☐ Yes

☒ No

Compliance Maintenance Annual Report

Eau Claire Wastewater Treatment Facility

Last Updated: Reporting For:
5/31/2022 2021

If Yes, please explain:

4.2 At any time in the past year was there a failure of an effluent acute or chronic whole effluent toxicity (WET) test?

☐ Yes

☒ No

If Yes, please explain:

4.3 If the biomonitoring (WET) test did not pass, were steps taken to identify and/or reduce source(s) of toxicity?

☐ Yes

☐ No

☒ N/A

Please explain unless not applicable:

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

Eau Claire Wastewater Treatment Facility

Last Updated: Reporting For:

5/31/2022

2021

Effluent Quality and Plant Performance (Total Suspended Solids)

Outfall No. 001	Monthly Average Limit (mg/L)	90% of Permit Limit >10 (mg/L)	Effluent Monthly Average (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance	90% Permit Limit Exceedance
January	30	27	5	1	0	0
February	30	27	6	1	0	0
March	30	27	3	1	0	0
April	30	27	3	1	0	0
May	30	27	3	1	0	0
June	30	27	1	1	0	0
July	30	27	0	1	0	0
August	30	27	1	1	0	0
September	30	27	3	1	0	0
October	30	27	6	1	0	0
November	30	27	3	1	0	0
December	30	27	4	1	0	0
* Equals limit if limit is <= 10						
Months of Discharge/yr				12		
Points per each exceedance with 12 months of discharge:					7	3
Exceedances					0	0
Points					0	0
Total Number of Points						0
NOTE: For systems that discharge intermittently to state waters, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge. Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$						
1.2 If any violations occurred, what action was taken to regain compliance?						

0

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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2021

Effluent Quality and Plant Performance (Ammonia - NH3)

1. Effluent Ammonia Results

1.1 Verify the following monthly and weekly average effluent values, exceedances and points for ammonia

Outfall No. 001	Monthly Average NH3 Limit (mg/L)	Weekly Average NH3 Limit (mg/L)	Effluent Monthly Average NH3 (mg/L)	Monthly Permit Limit Exceed ance	Effluent Weekly Average for Week 1	Effluent Weekly Average for Week 2	Effluent Weekly Average for Week 3	Effluent Weekly Average for Week 4	Weekly Permit Limit Exceed ance
January	29		.242	0					
February	29		1.139	0					
March	29		.607	0					
April	29		.049	0					
May	29		.091	0					
June	29		.127	0					
July	29		.216	0					
August	29		.284	0					
September	29		.956	0					
October	29		1.118	0					
November	29		.382	0					
December	29		.477	0					
Points per each exceedance of Monthly average:									10
Exceedances, Monthly:									0
Points:									0
Points per each exceedance of weekly average (when there is no monthly average):									2.5
Exceedances, Weekly:									0
Points:									0
Total Number of Points									0

0

NOTE: Limit exceedances are considered for monthly OR weekly averages but not both. When a monthly average limit exists it will be used to determine exceedances and generate points. This will be true even if a weekly limit also exists. When a weekly average limit exists and a monthly limit does not exist, the weekly limit will be used to determine exceedances and generate points.

1.2 If any violations occurred, what action was taken to regain compliance?

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Effluent Quality and Plant Performance (Phosphorus)

1. Effluent Phosphorus Results

1.1 Verify the following monthly average effluent values, exceedances, and points for Phosphorus

Outfall No. 001	Monthly Average phosphorus Limit (mg/L)	Effluent Monthly Average phosphorus (mg/L)	Months of Discharge with a Limit	Permit Limit Exceedance
January	1	0.807	1	0
February	1	0.281	1	0
March	1	0.263	1	0
April	1	0.284	1	0
May	1	0.669	1	0
June	1	0.194	1	0
July	1	0.213	1	0
August	1	0.261	1	0
September	1	0.344	1	0
October	1	0.632	1	0
November	1	0.292	1	0
December	1	0.271	1	0
Months of Discharge/yr			12	
Points per each exceedance with 12 months of discharge:				10
Exceedances				0
Total Number of Points				0

0

NOTE: For systems that discharge intermittently to waters of the state, the points per monthly exceedance for this section shall be based upon a multiplication factor of 12 months divided by the number of months of discharge.

Example: For a wastewater facility discharging only 6 months of the year, the multiplication factor is $12/6 = 2.0$

1.2 If any violations occurred, what action was taken to regain compliance?

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Biosolids Quality and Management

1. Biosolids Use/Disposal

1.1 How did you use or dispose of your biosolids? (Check all that apply)

- ☒ Land applied under your permit
☐ Publicly Distributed Exceptional Quality Biosolids
☐ Hauled to another permitted facility
☐ Landfilled
☐ Incinerated
☐ Other

NOTE: If you did not remove biosolids from your system, please describe your system type such as lagoons, reed beds, recirculating sand filters, etc.

1.1.1 If you checked Other, please describe:

2. Land Application Site

2.1 Last Year's Approved and Active Land Application Sites

2.1.1 How many acres did you have?

2237.20 acres

2.1.2 How many acres did you use?

1174.1 acres

2.2 If you did not have enough acres for your land application needs, what action was taken?

2.3 Did you overapply nitrogen on any of your approved land application sites you used last year?

☐ Yes (30 points)

☒ No

2.4 Have all the sites you used last year for land application been soil tested in the previous 4 years?

☒ Yes

☐ No (10 points)

☐ N/A

0

3. Biosolids Metals

Number of biosolids outfalls in your WPDES permit:

3.1 For each outfall tested, verify the biosolids metal quality values for your facility during the last calendar year.

Outfall No. 002 - SLUDGE

Parameter	80% of Limit	H.Q. Limit	Ceiling Limit	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	80% Value	High Quality	Ceiling
Arsenic		41	75		4.6			<3.1			<3.6		4.1				0	0
Cadmium		39	85		<7			<7			<7		<7				0	0
Copper		1500	4300		308			301			370		402				0	0
Lead		300	840		<32			<32			<32		37				0	0
Mercury		17	57		.86			<.9			<1.1		<1.2				0	0
Molybdenum	60		75		18			12			13		16			0		0
Nickel	336		420		22			18			21		20			0		0
Selenium	80		100		15			14			14		18			0		0
Zinc		2800	7500		850			736			727		865				0	0

3.1.1 Number of times any of the metals exceeded the high quality limits OR 80% of the limit for molybdenum, nickel, or selenium = 0

Exceedence Points

☒ 0 (0 Points)

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o 1-2 (10 Points)

o > 2 (15 Points)

3.1.2 If you exceeded the high quality limits, did you cumulatively track the metals loading at each land application site? (check applicable box)

o Yes

o No (10 points)

● N/A - Did not exceed limits or no HQ limit applies (0 points)

o N/A - Did not land apply biosolids until limit was met (0 points)

3.1.3 Number of times any of the metals exceeded the ceiling limits = 0

Exceedence Points

● 0 (0 Points)

o 1 (10 Points)

o > 1 (15 Points)

3.1.4 Were biosolids land applied which exceeded the ceiling limit?

o Yes (20 Points)

● No (0 Points)

3.1.5 If any metal limit (high quality or ceiling) was exceeded at any time, what action was taken?
Has the source of the metals been identified?

0

4. Pathogen Control (per outfall):

4.1 Verify the following information. If any information is incorrect, use the Report Issue button under the Options header in the left-side menu.

Outfall Number:	002
Biosolids Class:	B
Bacteria Type and Limit:	Fecal Coliform
Sample Dates:	01/01/2021 - 03/31/2021
Density:	1,686
Sample Concentration Amount:	CFU/G TS
Requirement Met:	Yes
Land Applied:	Yes
Process:	Anaerobic Digestion
Process Description:	Anaerobic Digestion

Outfall Number:	002
Biosolids Class:	B
Bacteria Type and Limit:	Fecal Coliform
Sample Dates:	04/01/2021 - 06/30/2021
Density:	12,806
Sample Concentration Amount:	CFU/G TS
Requirement Met:	Yes
Land Applied:	Yes
Process:	Anaerobic Digestion
Process Description:	Anaerobic Digestion

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Outfall Number:	002		0																												
Biosolids Class:	B																														
Bacteria Type and Limit:	Fecal Coliform																														
Sample Dates:	07/01/2021 - 09/30/2021																														
Density:	1,688																														
Sample Concentration Amount:	CFU/G TS																														
Requirement Met:	Yes																														
Land Applied:	Yes																														
Process:	Anaerobic Digestion																														
Process Description:	Anaerobic Digestion																														
Outfall Number:	002		0																												
Biosolids Class:	B																														
Bacteria Type and Limit:	Fecal Coliform																														
Sample Dates:	10/01/2021 - 12/31/2021																														
Density:	1,881																														
Sample Concentration Amount:	CFU/G TS																														
Requirement Met:	Yes																														
Land Applied:	Yes																														
Process:	Anaerobic Digestion																														
Process Description:	Anaerobic Digestion																														
<p>4.2 If exceeded Class B limit or did not meet the process criteria at the time of land application.</p> <p>4.2.1 Was the limit exceeded or the process criteria not met at the time of land application?</p> <p>○ Yes (40 Points)</p> <p>● No</p> <p>If yes, what action was taken?</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>																															
<p>5. Vector Attraction Reduction (per outfall):</p> <p>5.1 Verify the following information. If any of the information is incorrect, use the Report Issue button under the Options header in the left-side menu.</p> <table border="1"> <tr> <td>Outfall Number:</td> <td>002</td> </tr> <tr> <td>Method Date:</td> <td>02/08/2021</td> </tr> <tr> <td>Option Used To Satisfy Requirement:</td> <td>Volatile Solids Reduction</td> </tr> <tr> <td>Requirement Met:</td> <td>Yes</td> </tr> <tr> <td>Land Applied:</td> <td>Yes</td> </tr> <tr> <td>Limit (if applicable):</td> <td>>=38</td> </tr> <tr> <td>Results (if applicable):</td> <td>48</td> </tr> </table> <table border="1"> <tr> <td>Outfall Number:</td> <td>002</td> </tr> <tr> <td>Method Date:</td> <td>05/10/2021</td> </tr> <tr> <td>Option Used To Satisfy Requirement:</td> <td>Volatile Solids Reduction</td> </tr> <tr> <td>Requirement Met:</td> <td>Yes</td> </tr> <tr> <td>Land Applied:</td> <td>Yes</td> </tr> <tr> <td>Limit (if applicable):</td> <td>>=38</td> </tr> <tr> <td>Results (if applicable):</td> <td>50</td> </tr> </table>				Outfall Number:	002	Method Date:	02/08/2021	Option Used To Satisfy Requirement:	Volatile Solids Reduction	Requirement Met:	Yes	Land Applied:	Yes	Limit (if applicable):	>=38	Results (if applicable):	48	Outfall Number:	002	Method Date:	05/10/2021	Option Used To Satisfy Requirement:	Volatile Solids Reduction	Requirement Met:	Yes	Land Applied:	Yes	Limit (if applicable):	>=38	Results (if applicable):	50
Outfall Number:	002																														
Method Date:	02/08/2021																														
Option Used To Satisfy Requirement:	Volatile Solids Reduction																														
Requirement Met:	Yes																														
Land Applied:	Yes																														
Limit (if applicable):	>=38																														
Results (if applicable):	48																														
Outfall Number:	002																														
Method Date:	05/10/2021																														
Option Used To Satisfy Requirement:	Volatile Solids Reduction																														
Requirement Met:	Yes																														
Land Applied:	Yes																														
Limit (if applicable):	>=38																														
Results (if applicable):	50																														

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Outfall Number:	002		0
Method Date:	08/16/2021		
Option Used To Satisfy Requirement:	Volatile Solids Reduction		
Requirement Met:	Yes		
Land Applied:	Yes		
Limit (if applicable):	>=38		
Results (if applicable):	50		
Outfall Number:	002		0
Method Date:	10/25/2021		
Option Used To Satisfy Requirement:	Volatile Solids Reduction		
Requirement Met:	Yes		
Land Applied:	Yes		
Limit (if applicable):	>=38		
Results (if applicable):	63		
<p>5.2 Was the limit exceeded or the process criteria not met at the time of land application?</p> <p><input type="radio"/> Yes (40 Points)</p> <p><input checked="" type="radio"/> No</p> <p>If yes, what action was taken?</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>			
<p>6. Biosolids Storage</p> <p>6.1 How many days of actual, current biosolids storage capacity did your wastewater treatment facility have either on-site or off-site?</p> <p><input checked="" type="radio"/> >= 180 days (0 Points)</p> <p><input type="radio"/> 150 - 179 days (10 Points)</p> <p><input type="radio"/> 120 - 149 days (20 Points)</p> <p><input type="radio"/> 90 - 119 days (30 Points)</p> <p><input type="radio"/> < 90 days (40 Points)</p> <p><input type="radio"/> N/A (0 Points)</p> <p>6.2 If you checked N/A above, explain why.</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>			
<p>7. Issues</p> <p>7.1 Describe any outstanding biosolids issues with treatment, use or overall management:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div>			

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Eau Claire Wastewater Treatment Facility

Last Updated: Reporting For:
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Staffing and Preventative Maintenance (All Treatment Plants)

<p>1. Plant Staffing</p> <p>1.1 Was your wastewater treatment plant adequately staffed last year?</p> <ul style="list-style-type: none">● Yes○ No <p>If No, please explain:</p> <div></div> <p>Could use more help/staff for:</p> <div></div> <p>1.2 Did your wastewater staff have adequate time to properly operate and maintain the plant and fulfill all wastewater management tasks including recordkeeping?</p> <ul style="list-style-type: none">● Yes○ No <p>If No, please explain:</p> <div></div>	
<p>2. Preventative Maintenance</p> <p>2.1 Did your plant have a documented AND implemented plan for preventative maintenance on major equipment items?</p> <ul style="list-style-type: none">● Yes (Continue with question 2) <input type="checkbox"/><input type="checkbox"/>○ No (40 points) <input type="checkbox"/><input type="checkbox"/> <p>If No, please explain, then go to question 3:</p> <div></div> <p>2.2 Did this preventative maintenance program depict frequency of intervals, types of lubrication, and other tasks necessary for each piece of equipment?</p> <ul style="list-style-type: none">● Yes○ No (10 points) <p>2.3 Were these preventative maintenance tasks, as well as major equipment repairs, recorded and filed so future maintenance problems can be assessed properly?</p> <ul style="list-style-type: none">● Yes<ul style="list-style-type: none">○ Paper file system● Computer system○ Both paper and computer system○ No (10 points)	0
<p>3. O&M Manual</p> <p>3.1 Does your plant have a detailed O&M and Manufacturer Equipment Manuals that can be used as a reference when needed?</p> <ul style="list-style-type: none">● Yes○ No	
<p>4. Overall Maintenance /Repairs</p> <p>4.1 Rate the overall maintenance of your wastewater plant.</p> <ul style="list-style-type: none">● Excellent○ Very good○ Good○ Fair○ Poor <p>Describe your rating:</p> <div>Great preventative Maintenance program and staff that take pride on their work</div>	

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Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Operator Certification and Education

1. Operator-In-Charge

1.1 Did you have a designated operator-in-charge during the report year?

- Yes (0 points)
- No (20 points)

Name:

TYLER E FADNESS

Certification No:

36762

0

2. Certification Requirements

2.1 In accordance with Chapter NR 114.56 and 114.57, Wisconsin Administrative Code, what level and subclass(es) were required for the operator-in-charge (OIC) to operate the wastewater treatment plant and what level and subclass(es) were held by the operator-in-charge?

Sub Class	SubClass Description	WWTP	OIC		
		Advanced	OIT	Basic	Advanced
A1	Suspended Growth Processes	X			X
A2	Attached Growth Processes				
A3	Recirculating Media Filters				
A4	Ponds, Lagoons and Natural				
A5	Anaerobic Treatment Of Liquid				
B	Solids Separation	X			X
C	Biological Solids/Sludges	X			X
P	Total Phosphorus	X			X
N	Total Nitrogen				X
D	Disinfection	X			X
L	Laboratory	X			X
U	Unique Treatment Systems				
SS	Sanitary Sewage Collection	X	NA	X	NA

0

2.2 Was the operator-in-charge certified at the appropriate level and subclass(es) to operate this plant? (Note: Certification in subclass SS is required 5 years after permit reissuance.)

- Yes (0 points)
- No (20 points)

3. Succession Planning

3.1 In the event of the loss of your designated operator-in-charge, did you have a contingency plan to ensure the continued proper operation and maintenance of the plant that includes one or more of the following options (check all that apply)?

- ☒ One or more additional certified operators on staff
- ☐ An arrangement with another certified operator
- ☐ An arrangement with another community with a certified operator
- ☐ An operator on staff who has an operator-in-training certificate for your plant and is expected to be certified within one year
- ☐ A consultant to serve as your certified operator
- ☐ None of the above (20 points)

If "None of the above" is selected, please explain:

0

4. Continuing Education Credits

4.1 If you had a designated operator-in-charge, was the operator-in-charge earning Continuing Education Credits at the following rates?

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OIT and Basic Certification: ○ Averaging 6 or more CECs per year. ○ Averaging less than 6 CECs per year. Advanced Certification: ● Averaging 8 or more CECs per year. ○ Averaging less than 8 CECs per year.	
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Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Financial Management

<p>1. Provider of Financial Information</p> <p>Name: Vicki Franson</p> <p>Telephone: 715 839 8156 (XXX) XXX-XXXX</p> <p>E-Mail Address (optional): vicki.franson@eauclairewi.gov</p>													
<p>2. Treatment Works Operating Revenues</p> <p>2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?</p> <p>● Yes (0 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ No (40 points)</p> <p>If No, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?</p> <p>Year: 2021</p> <p>● 0-2 years ago (0 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ 3 or more years ago (20 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ N/A (private facility)</p> <p>2.3 Did you have a special account (e.g., CWFPP required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?</p> <p>● Yes (0 points)</p> <p>○ No (40 points)</p>	0												
REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]													
<p>3. Equipment Replacement Funds</p> <p>3.1 When was the Equipment Replacement Fund last reviewed and/or revised?</p> <p>Year: 2021</p> <p>● 1-2 years ago (0 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ 3 or more years ago (20 points) <input type="checkbox"/><input type="checkbox"/></p> <p>○ N/A</p> <p>If N/A, please explain:</p> <div style="border: 1px solid black; height: 20px; width: 100%;"></div> <p>3.2 Equipment Replacement Fund Activity</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">3.2.1 Ending Balance Reported on Last Year's CMAR</td> <td style="width: 10%; text-align: right;">\$</td> <td style="width: 30%; border: 1px solid black; text-align: right;">10,932,552.92</td> </tr> <tr> <td>3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)</td> <td style="text-align: right;">\$</td> <td style="border: 1px solid black; text-align: right;">0.00</td> </tr> <tr> <td>3.2.3 Adjusted January 1st Beginning Balance</td> <td style="text-align: right;">\$</td> <td style="border: 1px solid black; text-align: right;">10,932,552.92</td> </tr> <tr> <td>3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)</td> <td style="text-align: right;">\$</td> <td style="border: 1px solid black; text-align: right;">1,301,167.90</td> </tr> </table>	3.2.1 Ending Balance Reported on Last Year's CMAR	\$	10,932,552.92	3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	\$	0.00	3.2.3 Adjusted January 1st Beginning Balance	\$	10,932,552.92	3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	\$	1,301,167.90	
3.2.1 Ending Balance Reported on Last Year's CMAR	\$	10,932,552.92											
3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	\$	0.00											
3.2.3 Adjusted January 1st Beginning Balance	\$	10,932,552.92											
3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	\$	1,301,167.90											

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3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*)

-

\$ 0.00

3.2.6 Ending Balance as of December 31st for CMAR Reporting Year

\$ 12,233,720.82

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

3.3 What amount should be in your Replacement Fund?

\$ 12,233,720.82

0

Please note: If you had a CWFP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the SectionInstructions link under Info header in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?

● Yes

○ No

If No, please explain.

4. Future Planning

4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?

● Yes - If Yes, please provide major project information, if not already listed below. ☐ ☐

○ No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	UPGRADING AND REHABILITATION OF AGING INFRASTRUCTURE	10300000	2022
2	INTERCEPTER SEWER LINING PROJECT.	150000	2022
3	Manhole rehabilitation	200000	2023
4	EC RIVER LIFT STATION UPGRADE.	1500000	2022
5	MARSTON LIFT STATION REHABILITATION.	700000	2022
6	MALL DRIVE LIFT STATION REPLACEMENT.	1265000	2022
7	SANITARY SEWER EXPANSION.	950000	2023
8	SCREW PUMP RE-BUILD.	1100000	2024
9	WWTP Security System	250000	2024
10	Flood Pump Replacement	250000	2025

5. Financial Management General Comments

ENERGY EFFICIENCY AND USE

6. Collection System

6.1 Energy Usage

6.1.1 Enter the monthly energy usage from the different energy sources:

COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations: 24

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	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
January	74,552	
February	62,700	
March	62,508	
April	59,490	
May	75,712	
June	57,574	
July	61,649	
August	63,849	
September	61,243	
October	61,345	
November	60,315	
December	52,312	
Total	753,249	0
Average	62,771	0

6.1.2 Comments:

6.2 Energy Related Processes and Equipment

6.2.1 Indicate equipment and practices utilized at your pump/lift stations (Check all that apply):

- ☐ Comminution or Screening
- ☐ Extended Shaft Pumps
- ☒ Flow Metering and Recording
- ☐ Pneumatic Pumping
- ☒ SCADA System
- ☒ Self-Priming Pumps
- ☒ Submersible Pumps
- ☒ Variable Speed Drives
- ☐ Other:

6.2.2 Comments:

6.3 Has an Energy Study been performed for your pump/lift stations?

- ☒ No
- ☐ Yes

Year:

By Whom:

Describe and Comment:

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6.4 Future Energy Related Equipment

6.4.1 What energy efficient equipment or practices do you have planned for the future for your pump/lift stations?

AS lift stations are replaced or updated All efficient equipment options are explored. (VFD's, LED lighting)

7. Treatment Facility

7.1 Energy Usage

7.1.1 Enter the monthly energy usage from the different energy sources:

TREATMENT PLANT: Total Power Consumed/Month

	Electricity Consumed (kWh)	Total Influent Flow (MG)	Electricity Consumed/ Flow (kWh/MG)	Total Influent BOD (1000 lbs)	Electricity Consumed/ Total Influent BOD (kWh/1000lbs)	Natural Gas Consumed (therms)
January	471,549	213.51	2,209	542.16	870	1,212
February	458,529	198.17	2,314	539.59	850	6,432
March	425,590	220.40	1,931	602.42	706	2,641
April	303,279	215.01	1,411	570.15	532	3,716
May	404,644	220.54	1,835	665.66	608	6,918
June	387,845	219.63	1,766	620.61	625	7,208
July	424,524	231.81	1,831	622.60	682	6,446
August	379,245	243.32	1,559	636.31	596	5,125
September	382,088	233.97	1,633	642.78	594	4,336
October	289,136	250.48	1,154	742.20	390	1,123
November	245,653	231.64	1,060	634.26	387	1,130
December	396,148	231.86	1,709	653.95	606	1,247
Total	4,568,230	2,710.34		7,472.69		47,534
Average	380,686	225.86	1,701	622.72	621	3,961

7.1.2 Comments:

7.2 Energy Related Processes and Equipment

7.2.1 Indicate equipment and practices utilized at your treatment facility (Check all that apply):

- ☒ Aerobic Digestion
- ☒ Anaerobic Digestion
- ☒ Biological Phosphorus Removal
- ☒ Coarse Bubble Diffusers
- ☒ Dissolved O2 Monitoring and Aeration Control
- ☐ Effluent Pumping
- ☒ Fine Bubble Diffusers
- ☒ Influent Pumping
- ☒ Mechanical Sludge Processing
- ☒ Nitrification
- ☒ SCADA System
- ☐ UV Disinfection
- ☒ Variable Speed Drives

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☐ Other:

7.2.2 Comments:

7.3 Future Energy Related Equipment

7.3.1 What energy efficient equipment or practices do you have planned for the future for your treatment facility?

Equipment replacement as needed with efficient equipment

8. Biogas Generation

8.1 Do you generate/produce biogas at your facility?

☐ No

☒ Yes

If Yes, how is the biogas used (Check all that apply):

☒ Flared Off

☒ Building Heat

☒ Process Heat

☒ Generate Electricity

☐ Other:

9. Energy Efficiency Study

9.1 Has an Energy Study been performed for your treatment facility?

☐ No

☒ Yes

☒ Entire facility

Year:

2008

By Whom:

Donnohue and Associates

Describe and Comment:

It was done in the last Facilities plan completed priory to the two phase upgrade of the plant.

☐ Part of the facility

Year:

By Whom:

Describe and Comment:

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Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Sanitary Sewer Collection Systems

1. Capacity, Management, Operation, and Maintenance (CMOM) Program

1.1 Do you have a CMOM program that is being implemented?

● Yes

○ No

If No, explain:

1.2 Do you have a CMOM program that contains all the applicable components and items according to Wisc. Adm Code NR 210.23 (4)?

● Yes

○ No (30 points)

○ N/A

If No or N/A, explain:

1.3 Does your CMOM program contain the following components and items? (check the components and items that apply)

☒ Goals [NR 210.23 (4)(a)]

Describe the major goals you had for your collection system last year:

1. Chemically treat 5000ft sewer main for root intrusion

2. repair 20 Manhole channels and bottoms

3. televise 20 miles of sewer main

4. Replace mall drive lift station

5. inspect interceptor manholes

6. epoxy line 30 Manholes to prevent I&I

7. rebuild riverview Lift station

Did you accomplish them?

○ Yes

● No

If No, explain:

Mall drive Lift station was not completed due to product availability and will be completed 2022

☐ Organization [NR 210.23 (4) (b)] ☐

Does this chapter of your CMOM include:

☒ Organizational structure and positions (eg. organizational chart and position descriptions)

☒ Internal and external lines of communication responsibilities

☒ Person(s) responsible for reporting overflow events to the department and the public

☒ Legal Authority [NR 210.23 (4) (c)]

What is the legally binding document that regulates the use of your sewer system?

Title 15: sewer & Sewerage ordinance

If you have a Sewer Use Ordinance or other similar document, when was it last reviewed and revised? (MM/DD/YYYY) 06/01/2021

Does your sewer use ordinance or other legally binding document address the following:

☒ Private property inflow and infiltration

☒ New sewer and building sewer design, construction, installation, testing and inspection

☒ Rehabilitated sewer and lift station installation, testing and inspection

☒ Sewage flows satellite system and large private users are monitored and controlled, as necessary

☒ Fat, oil and grease control

☒ Enforcement procedures for sewer use non-compliance

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☒ Operation and Maintenance [NR 210.23 (4) (d)]

Does your operation and maintenance program and equipment include the following:

- ☒ Equipment and replacement part inventories
- ☒ Up-to-date sewer system map
- ☒ A management system (computer database and/or file system) for collection system information for O&M activities, investigation and rehabilitation
- ☒ A description of routine operation and maintenance activities (see question 2 below)
- ☐ Capacity assessment program
- ☒ Basement back assessment and correction
- ☒ Regular O&M training

☒ Design and Performance Provisions [NR 210.23 (4) (e)] ☐ ☐

What standards and procedures are established for the design, construction, and inspection of the sewer collection system, including building sewers and interceptor sewers on private property?

- ☒ State Plumbing Code, DNR NR 110 Standards and/or local Municipal Code Requirements
- ☒ Construction, Inspection, and Testing
- ☐ Others:

0

☒ Overflow Emergency Response Plan [NR 210.23 (4) (f)] ☐ ☐

Does your emergency response capability include:

- ☒ Responsible personnel communication procedures
- ☒ Response order, timing and clean-up
- ☒ Public notification protocols
- ☒ Training
- ☒ Emergency operation protocols and implementation procedures

☒ Annual Self-Auditing of your CMOM Program [NR 210.23 (5)] ☐ ☐

☐ Special Studies Last Year (check only those that apply):

- ☐ Infiltration/Inflow (I/I) Analysis
- ☐ Sewer System Evaluation Survey (SSES)
- ☐ Sewer Evaluation and Capacity Management Plan (SECAP)
- ☐ Lift Station Evaluation Report
- ☐ Others:

2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning	<input type="text" value="95"/>	% of system/year
Root removal	<input type="text" value="25.5"/>	% of system/year
Flow monitoring	<input type="text" value="25"/>	% of system/year
Smoke testing	<input type="text" value="0"/>	% of system/year
Sewer line televising	<input type="text" value="4.6"/>	% of system/year
Manhole inspections	<input type="text" value="5"/>	% of system/year
Lift station O&M	<input type="text" value="12"/>	# per L.S./year
Manhole rehabilitation	<input type="text" value=".5"/>	% of manholes rehabbed
Mainline rehabilitation		

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	<input type="text" value="0"/>	% of sewer lines rehabbed
Private sewer inspections	<input type="text" value="0"/>	% of system/year
Private sewer I/I removal	<input type="text" value="0"/>	% of private services
River or water crossings	<input type="text" value="100"/>	% of pipe crossings evaluated or maintained
Please include additional comments about your sanitary sewer collection system below:		
<input type="text"/>		

3. Performance Indicators

3.1 Provide the following collection system and flow information for the past year.

<input type="text" value="34.6"/>	Total actual amount of precipitation last year in inches
<input type="text" value="32.99"/>	Annual average precipitation (for your location)
<input type="text" value="352"/>	Miles of sanitary sewer
<input type="text" value="24"/>	Number of lift stations
<input type="text" value="0"/>	Number of lift station failures
<input type="text" value="2"/>	Number of sewer pipe failures
<input type="text" value="1"/>	Number of basement backup occurrences
<input type="text" value="29"/>	Number of complaints
<input type="text" value="7.4"/>	Average daily flow in MGD (if available)
<input type="text" value="8.08"/>	Peak monthly flow in MGD (if available)
<input type="text"/>	Peak hourly flow in MGD (if available)

3.2 Performance ratios for the past year:

<input type="text" value="0.00"/>	Lift station failures (failures/year)
<input type="text" value="0.01"/>	Sewer pipe failures (pipe failures/sewer mile/yr)
<input type="text" value="0.00"/>	Sanitary sewer overflows (number/sewer mile/yr)
<input type="text" value="0.00"/>	Basement backups (number/sewer mile)
<input type="text" value="0.08"/>	Complaints (number/sewer mile)
<input type="text" value="1.1"/>	Peaking factor ratio (Peak Monthly:Annual Daily Avg)
<input type="text" value="0.0"/>	Peaking factor ratio (Peak Hourly:Annual Daily Avg)

4. Overflows

LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OVERFLOWS REPORTED **				
	Date	Location	Cause	Estimated Volume
None reported				

** If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.

5. Infiltration / Inflow (I/I)

5.1 Was infiltration/inflow (I/I) significant in your community last year?

☐ Yes

☒ No

If Yes, please describe:

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<div></div> <p>5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?</p> <p><input type="radio"/> Yes</p> <p><input checked="" type="radio"/> No</p> <p>If Yes, please describe:</p> <div></div> <p>5.3 Explain any infiltration/inflow (I/I) changes this year from previous years:</p> <div>Some sewer lines were replaced where I & I was know. I & I is not an issue anymore</div> <p>5.4 What is being done to address infiltration/inflow in your collection system?</p> <div>Areas of concerned are identified and either replaces or repaired</div>
--

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

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Grading Summary

WPDES No: 0023850

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Influent	A	4	3	12
BOD/CBOD	A	4	10	40
TSS	A	4	5	20
Ammonia	A	4	5	20
Phosphorus	A	4	3	12
Biosolids	A	4	5	20
Staffing/PM	A	4	1	4
OpCert	A	4	1	4
Financial	A	4	1	4
Collection	A	4	3	12
TOTALS			37	148
GRADE POINT AVERAGE (GPA) = 4.00				

Notes:

- A = Voluntary Range (Response Optional)
- B = Voluntary Range (Response Optional)
- C = Recommendation Range (Response Required)
- D = Action Range (Response Required)
- F = Action Range (Response Required)

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Resolution or Owner's Statement

Name of Governing
Body or Owner:

The City of Eau Claire

Date of Resolution or
Action Taken:

06/04/2022

Resolution Number:

Date of Submittal:

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):

Influent Flow and Loadings: Grade = A

Effluent Quality: BOD: Grade = A

Effluent Quality: TSS: Grade = A

Effluent Quality: Ammonia: Grade = A

Effluent Quality: Phosphorus: Grade = A

Biosolids Quality and Management: Grade = A

Staffing: Grade = A

Operator Certification: Grade = A

Financial Management: Grade = A

Collection Systems: Grade = A

(Regardless of grade, response required for Collection Systems if SSOs were reported)

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS

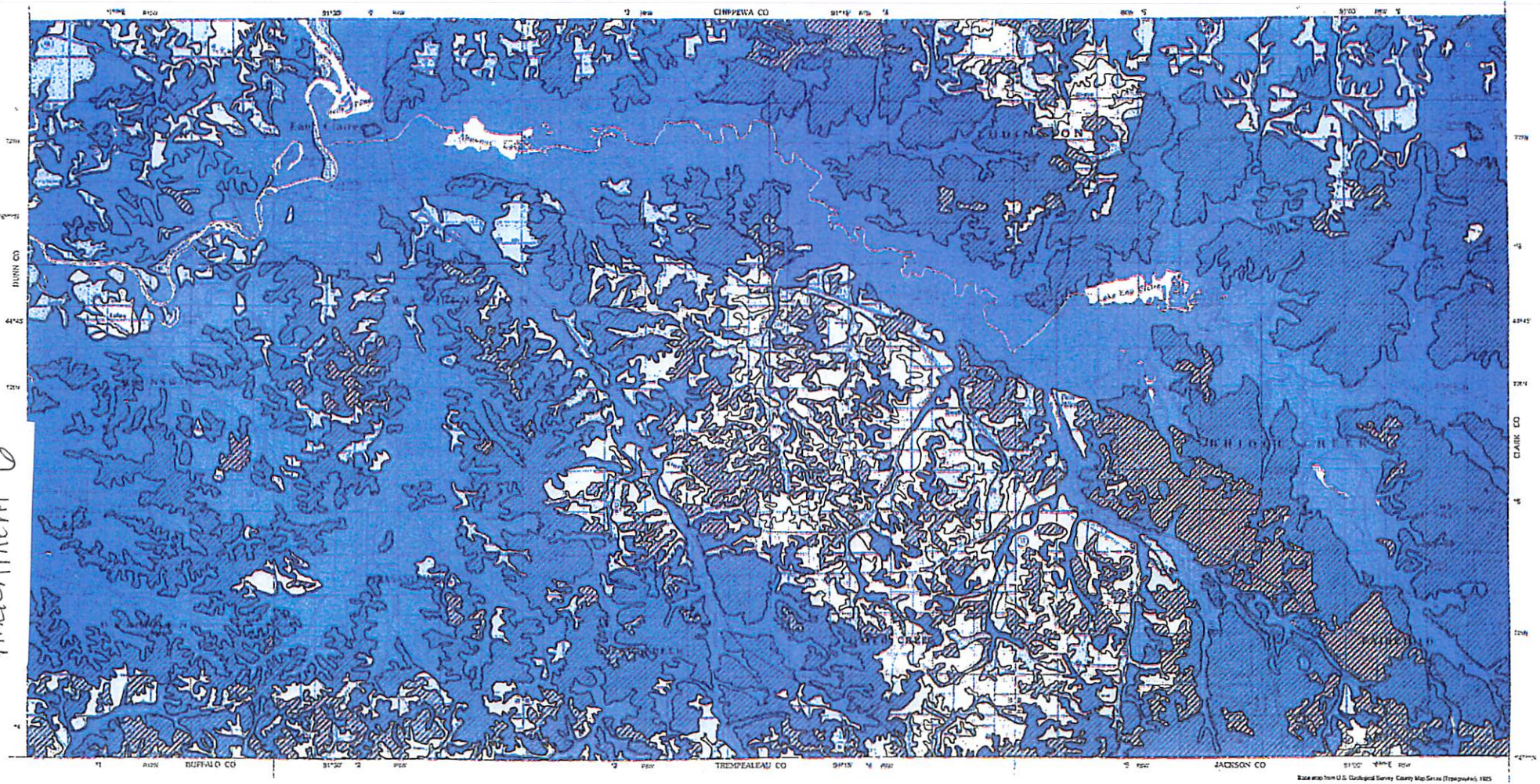
(Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)

G.P.A. = 4.00

The Goal of the City of Eau Claire's Waste water treatment plant is to Maintain a high level of treatment in a reliable and efficient manor for years to come.

SOILS OF EAU CLAIRE COUNTY, WISCONSIN, AND THEIR ABILITY TO ATTENUATE CONTAMINANTS

-Attachment 6





Introduction

Soils usually compose only the upper 2 to 4 feet of unconsolidated materials at the earth's surface. They are the basis of agricultural production; they provide the foundation for buildings and roads; if properly used, they aid in the treatment and recycling of wastes from homes, from the production of livestock and poultry, and from municipal and industrial sewage treatment plants. Soil characteristics (depth, texture, and permeability) are among the most significant factors that determine the rate and extent of groundwater recharge and the degree of natural protection against contamination. Land characteristics such as slope, vegetation type, and type of rock will, in conjunction with the soil, determine the overall potential of the environment to protect groundwater.

Glaciers moved across most of Eau Claire County tens or hundreds of thousands of years ago, leaving behind characteristic deposits of till (a poorly sorted mixture of sand, silt, clay, and boulders) and outwash (sand and gravel carried off the ice by meltwaters). Subsequent erosion and other geomorphic processes have removed many of these deposits; consequently, evidence of these early glaciations is sparse at the modern land surface, except in the northeastern part of the county where scots are formed in glacial till.

Although the last glacier to invade Wisconsin terminated north and northeast of Eau Claire County, its influence on the modern landscape was significant. Water from the melting ice moved through the country, forming a hydrologic River drainage system and leaving behind extensive deposits of sand and gravel, and silt and clay. Fine, silt-sized particles were carried great distances until the flow of the water slowed enough to allow deposition of these materials. Following the disappearance of the ice, these fine particles were picked up by the wind and deposited to varying depths on the land surface. Many of the modern soils in Eau Claire County formed in this silt material, which is called loess.

Many factors influence the type of soil that develops in an area: the parent material from which the soil formed, relief, climate, natural vegetation, drainage, and the time that the soil has had to form. Although the early glaciers modified the landscape in the county, relatively steep areas are common and soil erosion is a continuing problem. In some parts of Eau Claire County, the loess has been eroded and soils formed in residuum of the sandstone bedrock. Bedrock, either sandstone or shale, is within 5 feet of the land surface over about 164,000 acres (nearly 40% of the county).

For mapping, classification, and interpretive purposes, soils are grouped into soil series on the basis of similar physical and chemical characteristics, type of parent material, and arrangement of horizons or layers. A grouping of individual soils based solely on physical and chemical characteristics is required to evaluate the potential of soils for attenuating contaminants. An evaluation system was developed to assess those soil properties that play a role in the attenuation of potential groundwater contaminants resulting from land-use activities.

Capacity of soils to attenuate contaminants

Attenuation is a series of complex processes, all of which are not clearly understood. During attenuation, the soil holds essential plant nutrients for uptake by agronomic crops, immobilizes metals that might be contained in municipal sewage sludge, or removes bacteria contained in animal or human wastes. The soil is an integral part of the natural protection of groundwater from surface-applied contaminants.

limited, sometimes soils that retain contaminants become contaminated. Clearing contaminated soil can be as difficult as plowing contaminated groundcover. As the evaluation system progresses, there must be looked upon as a supplemental planning tool only, as a time- and cost-saving guide for preliminary screening. It is not intended to be a substitute for the more detailed soil analysis. This soil potential map does not replace the need for detailed on-site investigations. It does, however, reduce the number of areas to be studied in detail by identifying the areas of best and least attenuation potential. Local details have been generalized to fit the mapping scale, which cannot accommodate area local variations in soil characteristics.

This system evaluates the ability of the soil column (the A and B horizons) to attenuate potential contaminants resulting from activities above or within the soil zone. The soil-attenuation capacity is considered here only in general terms and is not contaminant-specific. Different contaminants may behave differently—some may be completely eliminated by soil organisms, some may be used by plants, some may be adsorbed on soil particles, and some may eventually pass through the soil system unenhanced.

Physical and chemical characteristics to establish soil ratings

For assessing soil potential for attenuation of contaminants in Eau Claire County, seven physical and chemical characteristics were selected for each soil series and were given weighted values (table 1). Values assigned to each characteristic were determined subjectively, with 1 being the poorest and 10 the best attenuation potential. These values were summed, and soils with total point scores within certain ranges were grouped into four soil associations, which, in turn, reflect different attenuation potentials (table 2). Soil associations consist of two or more dissimilar series that occur on the landscape in a regularly repeating pattern.

Information needed for this assessment was taken entirely from the Eau Claire County soil survey. All soil series mapped in the county were ranked on the basis of their characteristics as a natural barrier. Man-induced changes, such as tilling and dicing, may affect the attenuation potential of a natural barrier. Soil erosion and alteration has been observed at a number of sites and may be required. Areas in the county where the bedrock is within 5 feet of the surface are indicated on the map. Even though the rock may be covered with 2 to 4 feet of soil materials that have good capacity for contaminant attenuation, the proximity of the bedrock to the land surface still limits subsurface and surface land-use activities.

Soil attenuation potential

Slightly more than 72 percent of the land area (258,940 acres) in Eau Claire County is covered with soils that have the least potential for contaminant attenuation. Even though they are well drained, the coarse texture of deep, sandy soils such as Menasha and Plainfield series allows water to move through them very rapidly, thus minimizing contact between the percolating waters and soil particles and reducing contaminant attenuation. Boone and Plainbo soils form in 20 to 40 inches of sandy residuum from carbonate bedrock. Elkwood soils have 10 to 20 inches of clayey materials over plainfield sandstone. Longton and Cornbelt soils develop in sandstone and shale. Cornbelt and Longton are very shallow. Many of these shallow, residual soils form on steep slopes and are not well suited for any type of land use.

Soils with marginal potential for contaminant attenuation include those formed in up to 30 inches of silt materials over sandstone (Vesdum, Norden, Gale) and in similar thicknesses of loamy materials over sandstone (Hudson, Northfield) or outwash (Mardian, Lows, Dells). In their subsurface horizons, some of these soils display morphological features that indicate periods of saturation. Presence of a saturated zone within the soil column interrupts the attenuation processes and may allow contaminants to be introduced into the groundwater.

Soils with good potential to attenuate contaminants cover 33,310 acres (about 8% of the county). These soils have formed in 20 to 40 inches of loess over sandstone (J) or loess over outwash (Msiw). Seashell soils have developed in deep sand (J) and are normally well suited to crop and to have the greatest water potential. However, in East Carolina County Seaton soils would be considered to have the greatest potential for erosion. Seaton soils are ranked as having only good attenuation potential. Erosion removes the topsoil, thus affecting infiltration of water into the soil—a key part of the attenuation process. These soils are well suited for a variety of land uses, including agriculture, but must be managed carefully to control erosion.

containment attenuation. These are soils such as Sooton and M. Carroll, which formed in deep weathered basaltic andesite. The soils are generally 10 to 20 cm thick, and are underlain by 30 to 48 cm of basalt. Maximum attenuation occurs when water percolates slowly through the soil and soaks into the underlying basalt. Contaminant attenuation is maximized when the water table is high and in contact between contaminants and soil particles is maximized. Well ensured, radonium, uranium, and thorium are not mobile in these soils. These soils are not suitable for the isolation of soils in the future. These soils are well suited to all types of large-scale activities.

This map shows the distribution of soils in East Chukchi on the basis of their potential for containment attenuation. Soils with bedrock within 5 cm of the land surface are highlighted throughout the county. Soils with special management requirements dominate the county. Deep, flat, clayey soils are not suitable for the isolation of soils in the future. These soils are well suited to all types of large-scale activities. Contaminant attenuation is maximized when the water table is high and in contact between contaminants and soil particles is maximized. Well ensured, radonium, uranium, and thorium are not mobile in these soils. These soils are not suitable for the isolation of soils in the future. These soils are well suited to all types of large-scale activities.

Table 1. Ranking system for evaluating the attenuation potential of soils

Physical/chemical characteristics	Classes	Weighted values
Texture of surface (H) horizon	1. sil, sil, si c, sc, sc, sil, sc Mx, Mx, Mx, to s, h, si, organic material, one of listed classes with coarse fragment class modifiers	5 4 4 1
Texture of subsoil (H) horizon	c, sc, sc, si sil, sil, si Mx, Mx, Mx, to s, h, si, organic material, and c listed classes with coarse fragment class modifiers	12 7 4 1
Organic matter content	Muck Muck Organic humus, Sphagnum Humus/Aqueous material, and Litter Aqueous and Aqueous substances	3 3 2 1
pH Surface (H) horizon	<2.6 4.6-5	6 4
Depth of soil subsoil (A + B) horizons	>40 in. 30-40 in. 20-30 in. <20 in.	6 3 3 1
Permeability-subsoil (B) horizon	very low moderate high very high	10 7 4 1
Soil drainage class	wet drained not to moderately well drained moderately well drained somewhat poorly, poorly, and very poorly drained very wet, and somewhat wet	10 7 7 4 1

¹ Soil textural classes: l = loam, sil = silt loam, sd = sandy clay loam, si = silt, c = clay, sic = silt clay, cl = clay loam, siel = silt clay loam, sc = sandy clay, vfa = loamy very fine sand, vsl = very fine sandy loam, fs = loamy fine sand, fl = fine

[†] Based on the ordinal, subordinal, or subgroup levels of the soil classification system; soils are assigned a lower number if they are wet or less than 20 inches thick over bedrock; see county soil survey report.

[†] Based on the particle-size class at the family level of the soil classification system, type, and grade of structure, and consequently, the soil profile descriptions and classification here is more exact than most.

Table 2. Soil series in Eau Claire County listed by attenuation potential.

[illegible]² *Extraneous*.



October 27, 2022

Office of City Attorney
Phone: 715- 839-6006

Transmitted by Email Only: Tim.Asplund@wisconsin.gov

Timothy R. Asplund
Chief, Water Resources Monitoring Section
Wisconsin Department of Natural Resources
101 S. Webster Street
Madison, WI 53707

Re: City of Eau Claire Sewer Service Amendment Application

Please accept this letter on behalf of the City of Eau Claire and in support of its application to amend the Chippewa-Eau Claire Urban Sewer Service Area. This letter supplements the City's extensive application materials. It will focus on the water quality protection basis of the Wisconsin DNR's authority to review and approve urban sewer service areas and the factors it uses to review amendments and revisions. It will also review the process and standards DNR has applied to other similar applications that have received approval, the analysis of the West Central Wisconsin Regional Planning Commission ("WCWRPC") staff report and the proper lens through which to view the Metropolitan Planning Organizations advisory action. The SSA amendment request meets all federal and state water quality standards and objectives for the extension and service of public sanitary sewer services and accordingly, should be promptly approved.

Urban Sewer Service Areas ("SSA") were created to protect and improve water quality.¹ It is an objective of the Federal Clean Water Act to ensure the effective treatment of sewage most often through a sanitary wastewater treatment plant in urban or transitional residential urbanizing areas. The Department of Natural Resources ("DNR") is the state designated agency to implement this federal purpose and derives its authority to act on the SSA from this water quality federal legislative act.² The WCWRPC staff report correctly cites to this source of authority, and limitation, in advising the Metropolitan Policy Council ("MPO") prior to its advisory action.³

¹ "(5) it is the national policy that areawide waste treatment management planning processes be developed and implemented to assure adequate control of sources of pollutants in each State. [...] (7) it is the national policy that programs for the control of nonpoint sources of pollution be developed and implemented in an expeditious manner so as to enable the goals of this chapter to be met through the control of both point and nonpoint sources of pollution." 33 U.S.C.A §1251.

² "The legal authority for sewer service area planning is derived from federal and state water pollution control legislation." <https://dnr.wisconsin.gov/topic/SurfaceWater/SSAPPlanning.html>.

³ "SSA Plans are, at their core, water quality plans driven by Section 208 of the Federal Clean Water Act and Chapters NR 110 & 121 of the Wisconsin Administrative Code." Chris Straight Senior Planner WCWRPC Staff Report.

Unfortunately, the MPO made a recommendation that was not grounded in water quality or the law and as will be covered later should therefore be given consideration only to the extent its minutes reflect that some of its members provided comments addressing the water quality issues applicable to the amendment.

The SSA borders in urban planning areas are not static but subject to both amendment and mandatory periodic review not more than every 5 years.⁴ These required updates should identify new growth or transitional areas to best protect the ground and surface waters of the state through sanitary sewer collection and treatment facilities. The DNR has failed to conduct at least three mandatory Chippewa-Eau Claire Urban Sewer Service Area plan reviews during a period of noted growth in the Chippewa Valley and the WCWRPC region. The DNR should expect amendments and be prepared to promptly approve this and others to protect water quality until a review and expansion of the SSA can be completed. Expansion of the SSA boundaries during required periodic reviews, especially for a growing area, would have occurred and lessened if not eliminated the elevated response to this application. Even now, the amendment application asks the fairly unremarkable question of whether property in the City of Eau Claire that is suitable for residential development and has been expected to be developed, should be served by City sanitary sewer services. While the City joins others in commenting that the preferred means to adjust SSA boundaries is through a plan review and update, there is a present need for this amendment to serve private landowners ready to put their land to a permitted use in the City. The amendment meets all legal standards and is consistent with prior DNR amendment approvals. It should be approved now while WCWRPC and the DNR very soon thereafter begin a full SSA expansion review.

The WCWRPC staff report does an excellent job advising members of the review process and standards.⁵ The DNR recognizes that when amendments begin to occur that an overall review of the SSA is needed.⁶ The inverse is also true. When mandatory updates have been neglected by the DNR for a period of over 15 years then the DNR, WCWRPC and area local governments should expect SSA amendments. It is unfortunate that the mandatory SSA planning updates were neglected for so long, but that is not the fault of landowners of this developable land or the City, and it is not a lawful basis for denial of the amendment.⁷

⁴ "The department shall reevaluate the approval status of each areawide water quality management plan for designated areas at least every 5 years." Wis. Adm. Code NR 121.07(2)(a) (emphasis added).

⁵ "For a boundary swap amendment, the core question being asked is: Is it planned and appropriate to provide municipal sanitary sewer service to the receiving area (and vice-versa for the donor area)? This WCWRPC staff report is solely limited to an evaluation of the consistency of the proposed SSA Plan amendment request with the SSA Plan's policies and procedures. This report does not offer any opinions on related annexation or the goals, objectives, or policies found within respective municipal plans or ordinances." Chris Straight, Senior Planner WCWRPC Staff Report.

⁶ Wis. Adm. Code NR 121 calls for sewer service area plan status review and a possible plan update requirement every five years. Frequent sewer service area plan amendments or a community land use plan update are other signals that a plan update is probably in order.

⁷ Some MPO members, including Ms. Janssen Chair of the Town of Seymour, argued for a "no" advisory vote because of this overly long delay in an SSA plan update, who per the minutes stated: "realizes the WDNR will make its own decision on the amendment and because the WDNR has had 15 years to fund an update to the SSA and has not, she encourages members to vote "no" to hold the DNR accountable." Minutes of the Chippewa-Eau Claire MPO Policy Council, September 28, 2022.

Instead, this application for an SSA amendment should be approved and then the planning process immediately begun for a full amendment supported by the DNR as requested by WCWRPC staff.⁸ The regional plan has been neglected for overly long; in the interim the City and region have grown. This requested amendment meets all standards and is reasonable given the planning delay.

Population growth and expected population density of the SSA amendment are issues of recognized importance by the DNR for both plan updates and review of amendments.⁹ The Wisconsin Department of Administration (“DOA”) reports that Eau Claire County was one of just 7 counties that grew by over 2,000 residents between the 2020 census and 2022.¹⁰ This same report finds that the City of Eau Claire was the second fastest growing city with over 40,000 residents behind only Madison.¹¹ ESRI, a respected private demographics tracking company often used by community planners and economic development site selectors, also reports a growing city with about 5,000 more residents expected in 2027 than lived here in 2010.¹² With average household size continuing to decline, the number of new dwelling units built has increased even faster to meet demand at .47% annually in recent years and the need is projected to remain high over the next 5 years.¹³ New residents are here and more are finding Eau Claire attractive for the same reasons those current neighbors likely did in years past when they moved to this area and created new transitional growth. New, good neighbors are welcome and Eau Claire is prepared to work with developers and existing residents to create safe, friendly, inclusive, and environmentally sound new neighborhoods for all. As the City’s application indicates, the City is ready for this growth and wants it to occur in areas of low environmental impact, on public sanitary sewer and water to protect water quality, and in reasonably compact neighborhoods that offer diverse housing types affordable and welcoming to all.

There is nothing wrong with large lot single family homes in our community if properly located sufficiently distant from urban and urbanizing transitional housing areas to not prevent compact growth served by sanitary sewer; the City has a lot of it now and no doubt more will be built near this new amended area of the SSA and elsewhere. However, especially for a growing

⁸ “As reflected in the minutes, there appeared to be one important area of consensus among all participants—a recognition that a comprehensive update of the SSA Plan is very much needed and a desire for improved intergovernmental coordination on such matters.” Chris Straight, Senior Planner WCWRPC Transmittal Letter to DNR.

⁹ “**Population projections.** Updates to population projections are normally derived from data generated by the Wisconsin Department of Administration. ... **Population density.** Discuss the population density standard adopted in the sewer service area plan....” <https://dnr.wisconsin.gov/topic/SurfaceWater/SSAPPlanning.html>. The DNR has long applied these standards to grant amendments for public sewer service expansions to growing communities. See e.g. *Village of Dousman, July 12, 2000* and *City of Hartford and Environs, May 7, 2002*, wherein the DNR approved sewer service amendments with focus on water quality environmental benefits of public sewer services, despite some local opposition, with continued correct focus on water quality in recent approvals of sewer service amendments in Brown County for the Village of Hobart and Town of Lawrence. Attached as Attachment 1.

¹⁰ Eau Claire population growth of 2,309 residents by the DOA Demographic Services Center’s 2022 Population Estimates, Attachment 2.

¹¹ Reporting a 1.68% growth rate and an estimated 2022 population of 70,587. *Id.*

¹² 66,638 population reported in 2010 and expected at 70,996 with .41% annual rate of growth between 2010 and 2020. ESRI Executive Summary attached as Attachment 3.

¹³ *Id.*

community, there is a need for transitional housing areas to actually transition to a more urban city low-moderate density mix of housing to avoid overly expanding the urban footprint and doing so in a manner that consumes land and fails to use best means to preserve our water resources. A project density of 2.5 – 6.0 dwelling units/acre is considered low density by the City of Eau Claire. The total Orchard Hills subdivision related to this amendment has about 234 acres, some of which is already within the SSA and some of which will be preserved by plat as conservation green space to protect environmentally sensitive steep slopes as required by the City and encouraged by the DNR, thereby reducing developable acreage. The City's planning process continues and neighbor preferences for lower density will almost certainly be taken into consideration, reducing density potential even further. Past nearby developments integrating existing rural homes into a transitional urban density such as the Oakwood Hills or Grover and Stein Road areas, both on the City's southside, have become highly desired neighborhoods with a range of housing types and price points offering a mix of single family, twin homes, and small apartment buildings.¹⁴ Similar development patterns would result in about 600 – 1,000 housing units, balancing a need for housing and housing type diversity, with current residential neighbors expressing a preference for larger lots and lower density.

The Town of Washington ("Town") that neighbors the City in this area has itself seen considerable growth and has the potential for a great deal more given its size and the very small relative area impacted by the recent annexation and planned Orchard Hills residential project in the current and amended portions of the SSA. Concern that the Town is missing out on growth is both inapposite to the issue of the SSA amendment and inaccurate.¹⁵ Eau Claire County grew faster than the City of Eau Claire between 2010 and 2022 according to an ESRI report.¹⁶ Growth in the County has and is occurring in such neighboring communities as the Town. Those current residents reasonably concerned about change in their neighborhood are living where they are because of relatively recent past residential growth that has transitioned this area from agricultural to residential. The transition from rural ag to residential on a city's edge typically begins with some larger lot, low-density housing and later increases density through the private landowner requested extension of sanitary sewer. This is now occurring in this area similar to how it did for prior generations that may have found sanitary sewered housing on somewhat smaller city lots surprising or even unwelcome at first along Rudolph Road, State Street, Hamilton Avenue, Damon Street, Golf, or Grover Road. All are now excellent neighborhoods mixing prior larger rural lots with smaller transitional urban residential development while protective of water quality through use of public sanitary sewer services. It has worked to mix density and add city sewered developments next to earlier built private septic larger lots. There is room for both. Having those prior projects and this new one being developed on public

¹⁴ The R-1 One-Family and RM Mixed-Residential District are possible zones for this area currently identified as a rural transitional housing area. The R-1 District provides for "detached homes in areas of moderately low urban density", while the RM District is "established to provide for the development and maintenance of a complete mixture of small single-family homes, two-family homes, townhomes, garden apartments, and small apartment buildings; and to encourage moderately dense development which is compatible with existing and future single-family development, in either older neighborhoods or developing areas." Eau Claire City Code of Ordinances s. 18.04.020.

¹⁵ "Towns need to grow as well," said Town of Washington Chairperson Mike Peterson, according to Minutes of the Chippewa-Eau Claire MPO Policy Council, September 28, 2022.

¹⁶ 98,736 reported in 2010 and expected to grow to 109,124 by 2027 with an annual rate of growth of .68% between 2010-2020. ESRI Executive Summary attached as Attachment 4.

sanitary sewer protects water quality both in the new development and for those existing private well and septic systems.

The fiscal and environmental water quality costs associated with as many as one thousand or more new residential units in this area far exceeds costs of providing necessary sanitary sewer and potable water through the existing City of Eau Claire sewer and water utilities. While other means are sometimes possible the Federal Clean Water Act as applied by the DNR has consistently and correctly noted that SSA expansion or amendment is a preferred means of water quality protection.¹⁷ At an approximate cost of \$15,000 per system, with more expensive mound systems likely needed, even 650 new dwelling units would cost \$10 million to install, let alone the considerable issues such a density of private systems would raise, including limited life, maintenance, and risk to nearby private wells and the ground and surface waters of the state.

The City's current SSA already includes a considerable portion of the planned residential development. Service extension from the current SSA boundary, which the amendment area borders on two sides, would be a typical residential subdivision utility buildout of mains and private laterals. Even the sanitary sewer interceptor extension from the current terminus of the City's sanitary system at Lorch Avenue through the existing SSA to the edge of this project is estimated to cost a much lower amount of \$2.0 - \$2.5 million. Most importantly, the laterals, mains, and interceptor would connect to a current City collection and wastewater treatment plant ("WWTP") that protects the waters of the state with a very low customer cost.¹⁸ The City holds a state WPDES permit and enjoys a current CMAR score of a perfect 100 in all areas reviewed by the DNR with a total 4.0 "A" grade.¹⁹ The WWTP was recently substantially upgraded and has ample effluent flow and BOD treatment capacity to accept wastewater from the development within the amendment area.²⁰ Protecting our shared water resources through the use of highly effective public wastewater collection and treatment systems such as the City's for sewage treatment in urban areas, and through timely urban area plan updates or as needed amendments to include newly urbanizing transitional housing areas, is precisely what the Federal Clean Act intends and requires.²¹

¹⁷ See e.g., *City of Hartford and Environs EA* in which noted threats to water quality include failing septic systems and the associated "large lots sizes [that] encourages and legitimizes the type of urban sprawl that the Department of Natural Resources is trying to reduce in urbanizing areas". Attachment 1.

¹⁸ Safe and effective treatment of residential waste through the Eau Claire WWTP costs customers a fraction of a cent to a few cents per gallon with a typical annual residential bill of about \$340 treating an average annual residential sewer volume of 50,864 gallons. With 1,000 dwelling units, public sanitary sewer will keep over 50 million gallons of private septic discharge out of the ground and surface waters of Orchard Hills and the Lowes Creek watershed.

¹⁹ The City's May 31, 2022 Compliance Maintenance Annual Report issued by the DNR is attached as Attachment 5.

²⁰ CMAR reports 0 incidents of the WWTP exceeding 90% of Influent Monthly Average BOD Loading capacity in 2021. The WWTP is designed to a 12.0 MGD capacity and per the report averages only about 7.4 MGD. *Id.*

²¹ "It is the purpose of this subchapter to require and to assist the development and implementation of waste treatment management plans and practices which will achieve the goals of this chapter[...]To the extent practicable, waste treatment management shall be on an areawide basis and provide control or treatment of all point and nonpoint sources of pollution, including in place or accumulated pollution sources." 33 U.S.C.A §1281. See also, 33 U.S.C.A §1288 requiring the "identification of treatment works necessary to meet the anticipated municipal and industrial waste treatment needs of the area" and providing financial and technical assistance to ensure water collection and treatment systems necessary for urban waste water and storm water.

The use of public wastewater collection and treatment is especially important in areas of higher concentrations of existing private wells and septic systems. The need is greater still when the area slated for development is less than ideal for private septic systems due to soil conditions pervasive in Eau Claire County, and the expected development area.²² The amendment area not only borders the SSA on two sides but it also borders existing rural pattern development on multiple sides. This prior residential growth has occurred in the Town on private septic systems. The hundreds of septic systems in the vicinity are all existing source points of discharge to the groundwater and the corresponding residential wells are potential human uptake pathways. The public waterway Lowes Creek is also in the vicinity. Adding hundreds more of such private septic point sources and potable water well pathways in close proximity should be avoided, especially when a better option exists. It is not that private septic systems cannot work, but they work through a necessary discharge to groundwater, which can find its way to surface waters. Septic system discharge can add nutrient load to the environment and every environment has a maximum carrying capacity. Once that carrying capacity is exceeded the impacts to ground or surface water can be substantial to human health and environmental quality. The capacity of the soils in the vicinity of Lowes Creek and this amendment area to attenuate biologic and bacterial contaminants contained in animal or human waste is limited.²³ Due to the quick draining, sandy soil conditions found in Eau Claire and specifically the location in question, the area is categorized as having the “least” capacity to attenuate or treat such wastes discharged from private septic systems.²⁴ Understandably then, many neighbors voiced concerns about the addition of more private septic systems to the area when the project area went through proposed Town development processes as a rural housing project on private well and septic. The City agrees with neighbor concerns that this area is better served by public sanitary sewer services, and urges that this amendment be approved. It is preferable for water resource protection, human health and safety, in the best interest of the current and future residents, and the community as a whole for the amendment to be approved.

While the City knows it is not alone in its concern for regional water quality, it stood almost alone among MPO representatives in focusing on that fundamental issue in the review of this SSA amendment.²⁵ Even though the WCWRPC staff report advised members water quality was the key issue for their review there were very few members who even spoke to that issue and none that contested the City and WCWRPC findings on water quality impact. A Town representative was afforded 5 minutes to speak to the proposed SSA amendment regarding this residential development in the City of Eau Claire. That person said not one word, not a single mention, of a water quality concern with the requested SSA amendment. Instead, complaints of

²² Soil borings completed for the developable area in this amendment and reviewed by the Eau Claire City-County Health Department show a depth of only 1-2 feet of soil over a sandstone bedrock in multiple locations, necessitating mound-style septic systems with sand fill, if septic were to be installed.

²³ “Slightly more than 72 percent of the land area in Eau Claire County is covered with soils that have the least potential for contamination attenuation.” Soils in the area of the amendment are generally of this lower attenuation type as the soils are typically sandy and often are present in only a thin layer of less than 5 feet from bedrock. *Soils of Eau Claire County, Wisconsin, and Their Ability to Attenuate Contaminates*. Attached as Attachment 6. <https://www.co.eau-claire.wi.us/home/showpublisheddocument/28538/636851267224330000>

²⁴ *Id.*

²⁵ Eau Claire City Council President Terry Weld stated “the best way to ensure groundwater quality in newly developed areas is with City sanitary sewer” as recorded in the Minutes of the Chippewa-Eau Claire MPO Policy Council, September 28, 2022.

the recent annexation of the land to the City were conflated with the requirement to review this amendment to the SSA based on water quality objectives. DNR should not make the same mistake. It must and we expect it will review the amendment under the Clean Water Act.

This is not an annexation review. That is governed by different state law and is subject to a different review process. The annexation was initiated by and the choice of all private landowners and the land joined with the City by legislative action of the Eau Claire City Council. Other private landowners in the vicinity not wishing to make the same choice are able to remain in the Town as state law permits. The DNR has no authority in that regard and this amendment does not have any legal effect on the status of the lands now within the City.²⁶ Similarly, the public commentary on current traffic issues and the state of Town roads are issues of current residential development permitted by and in the Town and are best directed to the Town, not the City, WCWRPC - or the DNR. The DNR has no authority to review current traffic issues experienced due to present development density and Town road conditions. Those portions of the neighborhood in the City, including the amendment area, will receive the same high-level of planning, design, and maintenance to ensure safe and effective pedestrian, bicycle and vehicular use as other City streets. However, City street or trail design is not before the DNR for review. The urban sewer service area is a water quality issue and this amendment furthers the protection of water quality for the planned development.

This is also not a land use dispute. It is understood and agreed by all that the area is a transitional residential area of the community, one that now by the choice of all the private landowners and lawful action of the City Council is within the City of Eau Claire. Concerns that this is somehow unfair or contrary to the reasonable and desired cooperative exchange between towns and cities are misplaced. While local agreements and codes establish differing lot sizes for development within and outside the SSA, the SSA is not static and the guidelines not without exception. The towns surrounding Eau Claire can and specifically owners of land within the Town often seek exceptions for developments in the Town but also within the SSA. In fact, at least 39 such exceptions have been sought by Town of Washington developers and landowners in approximately the last 10 years.²⁷ All but one of those were cooperatively approved by the City as rural infill of existing rural development patterns even in this recognized urbanizing area where public sanitary sewer service is preferable. The present amendment is the first SSA amendment, the first exception of sorts sought by landowners in the City. An exception driven by private landowners electing to develop land already partially within the current SSA but not fully following an overly long delay in SSA plan updates. A request to develop land straddling the SSA border that all agree should be a residential project but planning and SSA amendments have fallen behind growth patterns. A request made to address valid concerns about water quality raised by Town residents. It should be a fairly easy one. Under water quality standards applicable to this DNR review it is. When the Town is ready to again join the City in a

²⁶ The WCWRPC recommendation that the SSA amendment be conditioned upon the annexation is beyond the scope of authority granted to the WCWRPC or the DNR. As the DNR recognizes amendments may only be conditioned on water quality issues related to the authority delegated by the Federal Clean Water Act and Wis. Adm. Code NR 121. "Plan approval or denial should be based on water quality protection. The water quality basis for decisions must be found in NR 121." <https://dnr.wisconsin.gov/topic/SurfaceWater/SSAPlanning.html> (emphasis added).

²⁷ A timeframe that should have seen at least 2 SSA reviews and updates according the state law.

cooperative approach to regional growth and development it will be welcome, but it is not required for the DNR to approve this SSA amendment now.

The amendment is a Type 1 amendment meaning there is no net gain or loss of area within the SSA. For that to occur the lands proposed for inclusion must be offset by lands removed from the SSA. An issue was raised by WCWRPC in the staff report regarding whether the area proposed to be removed creates a so called “void.” This is a unique feature of the local regional plan and not binding upon the DNR under its Federal Clean Water Act and state regulatory mandates. However, it is also best understood as a positive of the proposed amendment as it excludes an environmentally sensitive area (“ESA”) from urbanized development. Doing so protects the ESA and creates a buffer from the development near the Chippewa River.²⁸ This furthers the intent and substantive requirements of the DNR review.²⁹ The area proposed for removal is in the floodway or flood fringe of the Chippewa River and any development should be very low density to minimize impact on the capacity of this area to accept and hold seasonal flood waters. Development in ESA’s is restricted throughout the sewer service area and these areas are not considered “voids” under regional planning guidelines. Further, this particular area is either adjacent or substantially near both the Chippewa River and the current edge of the SSA so as not to cause an undue disruption in the continuous and reasonably compact urban development patterns. The amendment does not create an impermissible “void” and the land removed by the proposed Type 1 Amendment to the SSA furthers state water quality objectives.

In conclusion, this amendment request is the unremarkable request to serve an area within the City of Eau Claire with municipal sanitary sewer. City borders were recently extended by annexation to include the land sought to be amended within the SSA. The annexation was a legislative decision initiated by all the private landowners consistent with state law. Although focused on by some in public comment, the issue is not before the DNR. There is a statutory judicial process to review annexations that require specific action by towns to initiate. A court will decide those issues with due process and in due time independent from this review.

DNR authority in this area is derived from federal and state water quality law that defines its scope of review. The recommendations and input from the MPO and others are applicable when based on the same water quality considerations and when not, are best directed to respective local governments for response and resolution. WCWRPC review standards are advisory in nature even when seemingly stated as mandatory given the limited advisory derivative authority they are provided as properly noted in the WCWRPC report and presentations. They are an important regional resource but as Mr. Straight indicated in his reports, they offer local feedback to the DNR on water quality issues related to the SSA and are not at all involved in annexation or land use decisions, those are matters for the landowners and local municipalities under state law. The DNR understands the proper scope of its review and has demonstrated it by consistently

²⁸ The DNR encourages “providing a buffer for environmentally sensitive features, which specifies the land area between the sensitive feature and potential development.”

<https://dnr.wisconsin.gov/topic/SurfaceWater/SSAPlanning.html>

²⁹ Sewer service area planning helps preserve clean water by preventing sewered development in environmentally sensitive areas where it would cause adverse impacts to the waters of the state. The decision to approve or disapprove a sewer service area plan or amendment needs to be based on whether environmentally sensitive areas in the planning boundary are accurately delineated and protected against adverse water quality impacts. *Id.*

approving similar amendments or SSA area expansions for growing communities in Waukesha, Verona, Hudson, and Green Bay areas among others in recent years and over the past 20 years.³⁰ Eau Claire is one of those growing communities. Regional growth combined with the overly long delay in an update of the urban sewer service area contributes to the need to utilize the SSA amendment process. This amendment is the best means to accommodate residential growth all recognize has and will continue to occur in this area while protecting the waters of our state.

The City is well-suited and capable to provide sanitary sewer to this transitional urbanizing area of Eau Claire. The amendment would provide sanitary sewer services in a cost-effective manner. Even at a conservative density forecast for this area it is not only more protective of the environment but more cost-effective to extend city sanitary sewer. The cost to extend into the development will be no greater than for any other urban subdivisions with costs shared between developer and in a manner consistent with other development agreements, subject to City Council review and approval. Public utilities also afford the benefits of longer life, regular maintenance, professional management, and related reduced risk of localized ground or surface water contamination. Sanitary sewer extension into the amendment area will be required by the City to avoid all ESA's, including steep slopes and wetlands. WWTP capacity is present both in flow and BOD loading. The City's WWTP was recently upgraded and received top scores in the most recent DNR review of operations under our WPDES permit. The City is growing and is, including its sanitary sewer utility, well positioned to respond to that growth in a manner that is protective of water resources. The amendment area is bordered by the current SSA on two sides. The planned private development is partially within the current SSA and as noted at the MPO hearing and transmittal letter to the DNR the entire trunk line or interceptor of the planned sanitary sewer extension is already within the SSA. The amendment is simply for sewer extension into those residential lots in the western portion of the subdivision. The City and landowner's request for a Type 1 amendment to the SSA meets all these stated and historically applied DNR water quality review standards and should be approved.

The City appreciates the considerable time and thoughtful approach of WCWRPC staff on this request and agrees with its staff report in most respects as explained in this and earlier filings. The City also thanks DNR water resource team members for their time and attention to this important issue.

Sincerely,

/s/ Stephen C. Nick

Stephen C. Nick
City Attorney
City of Eau Claire
203 S. Farwell Street
715-839-6006
stephen.nick@eauclairewi.gov

³⁰ See, e.g., *Village of Dousman*, July 12, 2000, *City of Hartford and Environs*, May 7, 2002, *City of Verona*, June 17, 2002, *Town of Lawrence*, January 25, 2022, *Village of Hobart*, June 28, 2022, among others of public record.

Dear Mr. Asplund,

10/27/2022

I am one of the members of the development team of the Orchard Hills Development in Eau Claire. I was born and raised in Eau Claire, have a business, and am raising my family here. Needless to say, this area means a lot to me.

In my 43 years of being in the town, I have witnessed many construction projects along the way, including: Oakwood Mall, North Crossing, 53 bypass, construction of many hospitals, expansion of Clairemont Ave, and many many developments that feed these. It's important to note that most of these developments were agricultural land in townships at one point.

Our development team started this project about 2 years ago. We received pushback from neighbors for a variety of reasons. One of the biggest sticking points we received was water quality concerns. We tried addressing this by including onsite community wastewater treatment systems in our design. This did not meet the concerns the neighbors had. They wanted more guarantee for clean and safe drinking water. The solution is simple with city services, and has become the only way to address the concerns they are having.

Eau Claire has grown, and is continuing to grow at a very fast rate. As you're probably aware, the SSA has not been updated for many years, and has not kept up with the growth Eau Claire is seeing. In fact, the boundaries were last updated in 1990.

Eau Claire is in need of expanding housing projects. If this amendment does not pass, I am concerned that the city will continue to get landlocked by township developments, which will result in more private septic, less density(2-5acre lots), and more urban sprawl. I can't help but not to think about what this area would look like had we not expanded the city over the 43 years that I've lived here.

I feel that the smart growth of Eau Claire depends on this decision, and I ask that you support the SSA amendment.

Thank you for your time,

Grady Wold
Trend Stone Surfaces, LLC

Rick Manthe

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P.O. Box 1784
Madison, WI 53701-1784
RManthe@staffordlaw.com
608.259.2684

October 25, 2022

VIA EMAIL

Tim.Asplund@wisconsin.gov

Tim Asplund
Natural Resources Program Manager
WI Department of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921

Re: Town of Washington's Support for MPO Decision Denying Eau Claire
SSA Amendment

Dear Mr. Asplund:

The Town of Washington provides this written comment in support of the West Central Wisconsin Regional Planning Commission ("MPO") decision to deny the City of Eau Claire's request to amend its sewer service area. The MPO made the correct decision, and the DNR should adopt it.

The MPO decision was based on the plan approved by the member communities and the DNR. Wis. Admin. Code NR § 121.04(2)(c)5. requires that a water quality plan have an amendment process. Both DNR and the MPO approved the SSA amendment process applicable to the City of Eau Claire's request, meaning that process controls SSA amendments. The City's requested amendment did not comply with the SSA Plan. Consequently, DNR should uphold the MPO decision and deny the SSA amendment.

In the summer of 2022, in conjunction with an annexation petition, the City submitted an application to amend its SSA. The attempted annexation is invalid for failing to comply with mandatory statutory requirements and has been challenged by the Town. Critically, the annexation petition, despite being labeled unanimous, did not have approval from Eau Claire

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County even though the County owns approximately 120 acres of territory proposed to be annexed. Despite the invalidity of the annexation petition, the City proceeded with the proposed SSA amendment which includes the addition of area in the Town of Washington to the SSA and the removal of area in the Town of Brunswick from the SSA.

All Eau Claire SSA amendments must comply with the goals and policies of the Chippewa Falls/Eau Claire Urban Sewer Service Area Plan-2025 (“Plan”). Plan at 103-104. The Plan specifies that “using the words ‘will’ or ‘shall’ are mandatory and regulatory aspects of the *Chippewa-Eau Claire Urban Sewer Service Plan*.” Plan at 82. Policy 1.1.9, in turn, requires that “Proposed plan amendments ... shall not create a void within the service area.” Plan at 83 (emphasis added). The City proposes to remove land in the Town of Brunswick from the SSA that results in a void within the SSA area. It therefore violated this mandatory and rudimentary requirement. That alone justifies the MPO’s decision.

The Plan also requires that “[s]ewer extensions that reflect the contiguous and compact pattern of development should receive priority over extensions that will contribute to urban sprawl.” *Id.* at 82. The area proposed to be added to the City SSA is approximately 1.8 miles from the City’s border. Any residential development that occurs will require installation of utilities a significant distance from the City’s current boundary. Lowes Creek Park and additional farmland would separate the area proposed for inclusion in the SSA from the City. This would be a prime example of urban sprawl and does not result in a contiguous or compact pattern of development.

The Plan also requires that “[f]uture residential development should occur adjacent to existing development to contain costs of public service provisions, and reflect compact and orderly development.” Plan at 83. This amendment would result in high costs to extend municipal services and would be the antithesis of compact and orderly development. There are no nearby developments within the City. The City would need to extend miles of infrastructure just to reach the area. A nearby residential subdivision already has private onsite water systems and will not hook up to City utilities. Therefore, the proposal does not comply with this policy.

Finally, the Plan provides that “the Sewer Service Area Plan (SSA Plan) and boundary should not be used to promote nor hinder annexation petitions....” *Id.* The City only sought an SSA amendment because the City is attempting to annex the territory. The SSA amendment and annexation petition are inextricably linked. There is no doubt the City is using the SSA amendment process to promote annexation.

These policies cannot be ignored. The policies were important enough to the MPO member communities to specifically incorporate them as requirements for all SSA amendments. The

October 25, 2022

Page 3

DNR specifically approved the MPO's SSA plan. Therefore, the City must be required to comply with the policies chosen by the member communities. The MPO determined the City's application did not, and the DNR should affirm the MPO decision.

Reversing the MPO decision would have negative ramifications. SSA plans help guide decision-makers. Here, the MPO applied the facts to its policies and found the application deficient. Reversing that decision would undermine the entire purpose of SSA plans: to guide decision-making. SSA plans would be devalued if the standards they create and apply could be overruled. It would also remove any incentive towns have to work with cities and villages on regional planning efforts, as their adopted policies could be ignored by incorporated municipalities. These factors all favor adopting the MPO decision.

The Town of Washington appreciates the opportunity to provide comments in favor of the MPO decision. Please feel free to contact me if you have any questions or need additional information.

Sincerely,

STAFFORD ROSENBAUM LLP

A handwritten signature in black ink, appearing to read "Rick Manthe", with a long horizontal flourish extending to the right.

Rick Manthe

RAM:mai

Dear Mr. Asplund,

E-mail date: 09/30/2022

I am a Town of Washington resident and also own rental property in the City of Eau Claire. At this time, I am against bringing sewer and water to the Orchard Hills Development and am against the annexation of this property to the city for the following reasons:

- This land is out of the Sewer Service District and the land between it and the city has not been developed with Sewer and Water. It will be decades before it is developed. This is not the time or place to develop this land with sewer and water.
- If this is developed, it will be an island located far from City services.
- The cost to run sewer and water as well as have the upkeep for it is not what I want my tax dollars being spent on.
- The current neighbors were initially concerned with the safety of 117 homes and the amount of cars coming in and out of this area. This number will be much, much higher only increasing the level of safety concerns for not just neighbors but the wildlife that calls this area home.
- The initial proposal that would have relied on individual and group septic systems also having pipes going through wetlands. These wetlands are needed so that current neighbors do not end up having issues with runoff. The density they are now proposing only increases impervious surfaces in an area already dealing with runoff issues. Please talk to neighbors that currently have runoff issues.

Developing land needs to be done in a thoughtful manner and the land needs to meet certain criteria. Not all land is right for development and this certainly isn't... the County voted down initial septic based proposals and yet the developer continues to push for more density. Steep hills, blind corners, wetlands, far from the city, does not have surrounding infrastructure for homes and now proposed commercial lots? This developer has no regard for neighbors nor thoughtful development that meets what the land can handle.

This entire process has been a developer looking to build as much as he can to make as much as he can without regard for neighbors or the land itself.

Please agree with the MPO's decision to vote against updating the SSA district to include the Orchard Hills development. It is not the right time for this decision.

Sincerely,
Elizabeth Ivankovic

Good afternoon Mr. Asplund,

e-mail date: 11/18/2022

My name is Jim Fey and I reside at 1133 Rainetta Dr in Eau Claire, WI with my wife Stephanie and 5 kids. Our house is located on the Northside of the property being considered for annexation and, unfortunately, one of the most negatively impacted. I am writing to voice our opposition and concerns regarding the annexation of the Laverne Stewart property (AKA Orchard Hills) and adjacent property into the City of Eau Claire. The plan of a high-density development with multi-story apartments on this property will not only negatively impact the environment it will significantly diminish all that we have grown to love and appreciate about the amazing natural landscape and wildlife surrounding our neighborhood. I understand some of the property is a designated wetland that directly feeds Lowes Creek and the area is not currently in the City's water/sewer district. Surely a development of this magnitude will cause considerable damage to our wells, drinking water, and the water run-off directly impacting and polluting Lowes Creek. It will also destroy the woodlands and meadows in the area that are home to deer, fox, owls, turkey, bear, the occasional pheasant, along with many other species. Now, I understand that a private person should be able to sell their property as they see fit. While we disagreed with the initial proposal from the developer of roughly 110 homes, along with proposed "neighborhood" septic systems, we never thought the City of Eau Claire would annex the area and turn it into over 1000 homes/apartments/duplexes. Speaking for myself, if we would have known our initial opposition to the first proposal would now result in annexation and 10 times the number of residences, we would have worked with the original planners and likely come to an agreement based on original scope of the project.

Has the DNR completed due diligence on the environmental impact the annexation will have on the area and the surrounding residences? If so, can you please share with us the findings of your environmental impact study? In the unfortunate event the annexation is allowed to move forward, we need to be assured our water and environment will not be negatively impacted now and in the future. Most importantly, considering the enormous toll this annexation will have on the environment and our neighborhood, we are pleading with the DNR to deny the annexation request from the City of Eau Claire for the Orchard Hills development.

Sincerely,

Jim and Stephanie Fey

October 10, 2022

Mr. Tim Asplund, Natural Resources Program Manager
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707-7921

Sent electronically to: tim.asplund@wisconsin.gov

Re: Comments on the SSA boundary amendment requested by the City of Eau Claire

Dear Mr. Asplund:

Thank you for the opportunity to provide comments on the proposed Sewer Service Area (SSA) swap being requested by the City of Eau Claire. We are adjacent landowners to the area being requested to be added to the SSA and are **opposed to the SSA swap**. We respectfully request the WDNR heed the recommendations of the Metropolitan Planning Organization Technical Advisory Committee and Policy Council and deny the SSA amendment request for the many reasons described in this letter.

1. The location of the existing sewer service area (SSA) on Hwy 37 and adjacent to I-94 makes a lot of sense and is likely why the area has been included in the SSA for so many years (at least since 2005). Developments of 1551 housing units for 5000 people (as is being proposed by the city) should be located on and near substantial roadways and adjacent to the city providing walking access to essential services including health care, work, and schools, to name a few.
2. The cost to extend water and sewer to this area is estimated by the city to be \$3 - \$4 million as the distance is nearly 2 miles from the city limits. As stated above, the current SSA is adjacent to the city limits and would require an extension of feet or perhaps yards instead of miles.
3. Removing the land currently in the SSA will create a void within the sewer service area which is strictly prohibited by the West Central Wisconsin Regional Planning Commission sewer service area plan.
4. The land being proposed for the swap contains multiple steep slopes, wetlands, and ridgelines.
5. The land being proposed for the swap is surrounded by two local roads (22' wide, unlined Township roads) and a one-mile stretch of a hilly county road with inadequate site distance concerns identified in a Traffic Impact Analysis by an outside consultant (TADI) in 2020.
6. The land being proposed for the swap is surrounded by 500 acres of land with 26 homes. Over 85% of the land surrounding this SSA "recipient" land is zoned A-1, A-2 or AP. This land has been identified in all planning documents (Town, County, City) as a Rural Transition area anticipating an eventual development density similar to that of the surrounding acreage and surrounding area of anywhere from 45 – 117 homes, less than 10% of what is being proposed by the city.
7. The Western Wisconsin Comprehensive Plan (Plan) indicates planning at the urban fringe should be done using a staged annexation process to prevent leap-frog development, irregular boundaries, and service delivery problems. According to the documents submitted by the city with this amendment request, there are approximately 1,160 acres of land already in the planned sewer service area, most of which are north of this land and south of the city's boundary that are being "leaped" over to get to this land.

8. Approving this land swap is precedent-setting. That is, if this swap is allowed, developers will **only** pursue land outside the current SSA to avoid the 10-acre minimum lot size requirement - one elderly landowner at a time. This will create a large void between the real city limits and land 2 miles or more from the city limits.
9. The city has stated that this land and its subsequent development are needed to provide adequate housing for the area. According to census data, the city of Eau Claire has gained 7,309 people from 2000 to 2022. The city is seeking to place 5,000 people on these 234 acres meaning 68% of the population gained in the past 22 years would be housed on 1 percent of the city's land. This would result in a population density for these 234 acres of 13,500 people per square mile – over 6 times that of the city's population density (Eau Claire's current population density is 2,145 people per square mile) and 100 times greater than that of the Town of Washington which entirely surrounds this land.
10. The land being proposed for the swap was recently annexed into the city illegally. As such, the annexation is currently being challenged by the Town and will likely be overturned in court. Specifically, the annexation petition was submitted as a unanimous annexation request even though only 2 of the 3 landowners signed the annexation petition. A ruling to overturn the annexation would put the land back under Township jurisdiction and negate the need for city water and sewer to this land.

Thank you for your consideration of our concerns and for your denial of this SSA swap request in accord with the MPO's recommendation.

Respectfully,

Gary and Tina Ball

Gary and Tina Ball and family

Hi Tim:

e-mail date: 11/01/2022

I am writing to express my opposition to the SSA amendment in Eau Claire County regarding the proposed Orchard Hills Development.

The unprecedented move to bypass long term city and township planning and effectively create a community twice the population of Mondovi out the countryside is unwise.

This move would give new meaning to the term urban sprawl through uncontrolled expansion of urban areas into a locale that is now rural.

Please deny the SSA amendment approval.

Sincerely,
Tom Geary

October 9, 2022

Tim Asplund
Wisconsin Department of Natural Resources
PO Box: 7921
Madison, WI 53707-7921



Re: Opposition to City of Eau Claire SSA Amendment

My name is Brian Binczak, President of the Friends of Lowes Creek Neighborhood Association (FLCNA). I wanted to share our opposition to the City of Eau Claire SSA Amendment. The FLCNA neighborhood aligns with the Technical Advisory Committee (TAC) and Metropolitan Planning Organization (MPO) (opposed by 9-2 vote) in not recommending this amendment, as well as the State of Wisconsin Department of Administration's recommendation of this land being best suited for Township development. There are numerous reasons for this opposition which I detail below:

Concerns:

Existing Litigation/Agreements:

- Pending litigation on the annexation of this property (Township of Washington v. City of Eau Claire).
- This land was part of an intergovernmental agreement with the Township of Washington to remain as Township development.
- The Development team has worked the past 2 years with Eau Claire County, the Township of Washington, and the neighbors. In February, they asked to table their proposal at the county so that they could work on a Township/County solution. (Figure 5) Instead of working with the neighborhood group, they pursued annexation.

Creating a high density City in the middle of the County:

- This property is over 2.25 miles from the nearest city street, creating an island from the rest of city property. (see Figure 1 and Figure 2)
 - Isolation from the city and city services (bus routes, walking distances to schools, etc.)
 - Funnels all traffic to the city through (2) rural residential neighborhood roads. (Figure 3)
- The current proposal for this property is up to 1500 units (~5000 people), with projections of 15,000 vehicles per day entering/exiting this development.
 - Deerfield (Cty II) is the only "Major Collector" road near this development.
 - Deerfield/Mischler intersection does not meet Intersection Sight Distance Requirements (ISD) as identified by EC County Highway and independent traffic analysis.
 - A 2nd outlet on Deerfield was rejected by the EC Highway Dept. due to not meeting sight distance requirements. (Figure 3).
- **Conclusion:** A high density city development would create 15,000 vehicles per day to "cut through" (2) rural residential neighborhoods, or use Deerfield Rd. which has documented concerns with high volume traffic. Even developments in Eau Claire of 40 homes, are on or within 1000ft of 4 lane highways. (Figure 4)

Environmental Concerns:

- This property has numerous Environmentally Sensitive Areas (Wetlands that feed the Lowes Creek Class 2 trout stream as well as slopes >20°).
- Steep hills that follow the curvature of the land lead in and out of this development. (Figure 5)
- Current concept is to run 1.7 miles of Sewer piping through the Lowes Creek County Park and under the Lowes Creek Trout Stream.

Over 500 Township and City of Eau Claire residents have signed a petition against this proposed high density development. The State of Wisconsin Department of Administration recommends this land be developed in the Township, not in the City. By placing high density housing this far out, it would create a small city in the middle of the county. We ask that you take the recommendation of 500+ residents, Technical Advisory Committee, Metropolitan Planning Organization and the State of Wisconsin in not approving this SSA amendment.

Thank you,

Brian Binczak
President Friends of Lowes Creek Neighborhood Association

Figure 1: This property is on an island, isolated from the rest of the city property

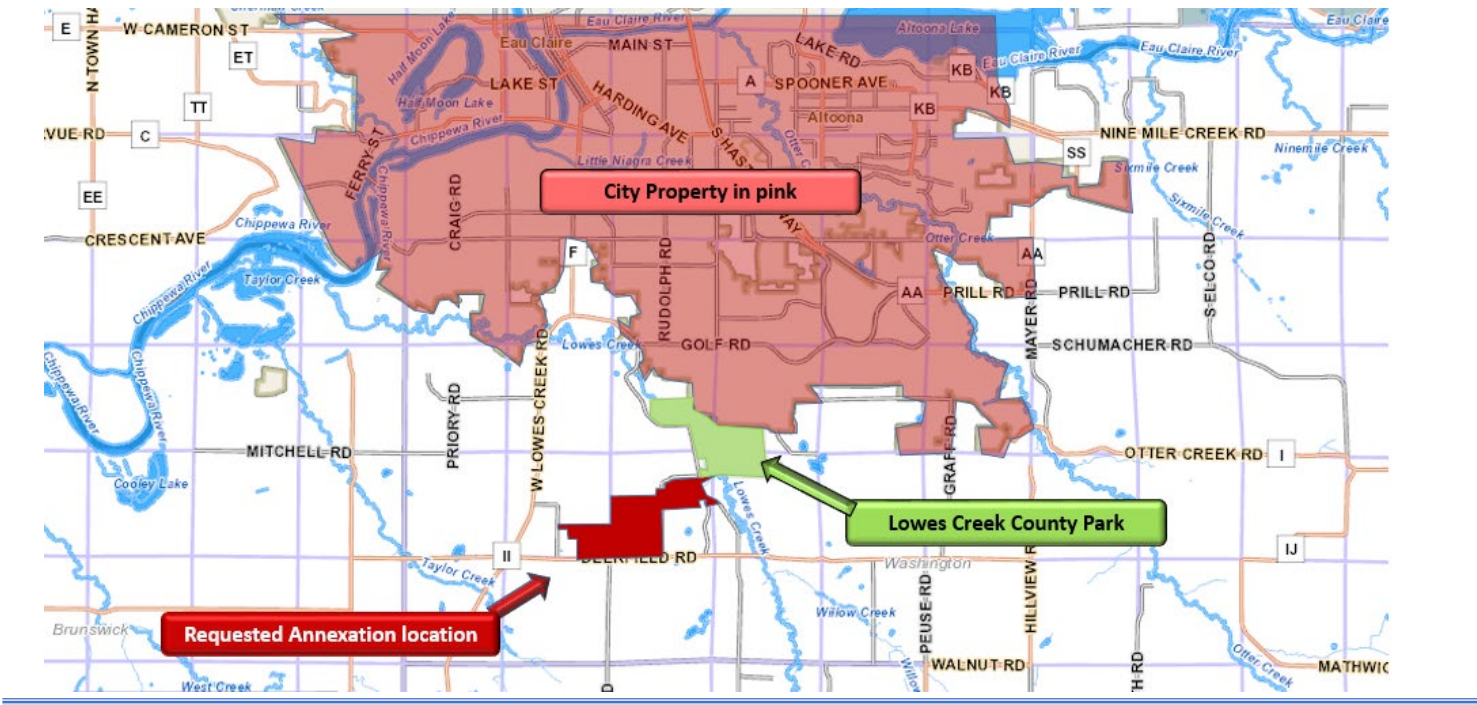


Figure 2: Shortest distance to town is 2.25miles – driving through rural roads.

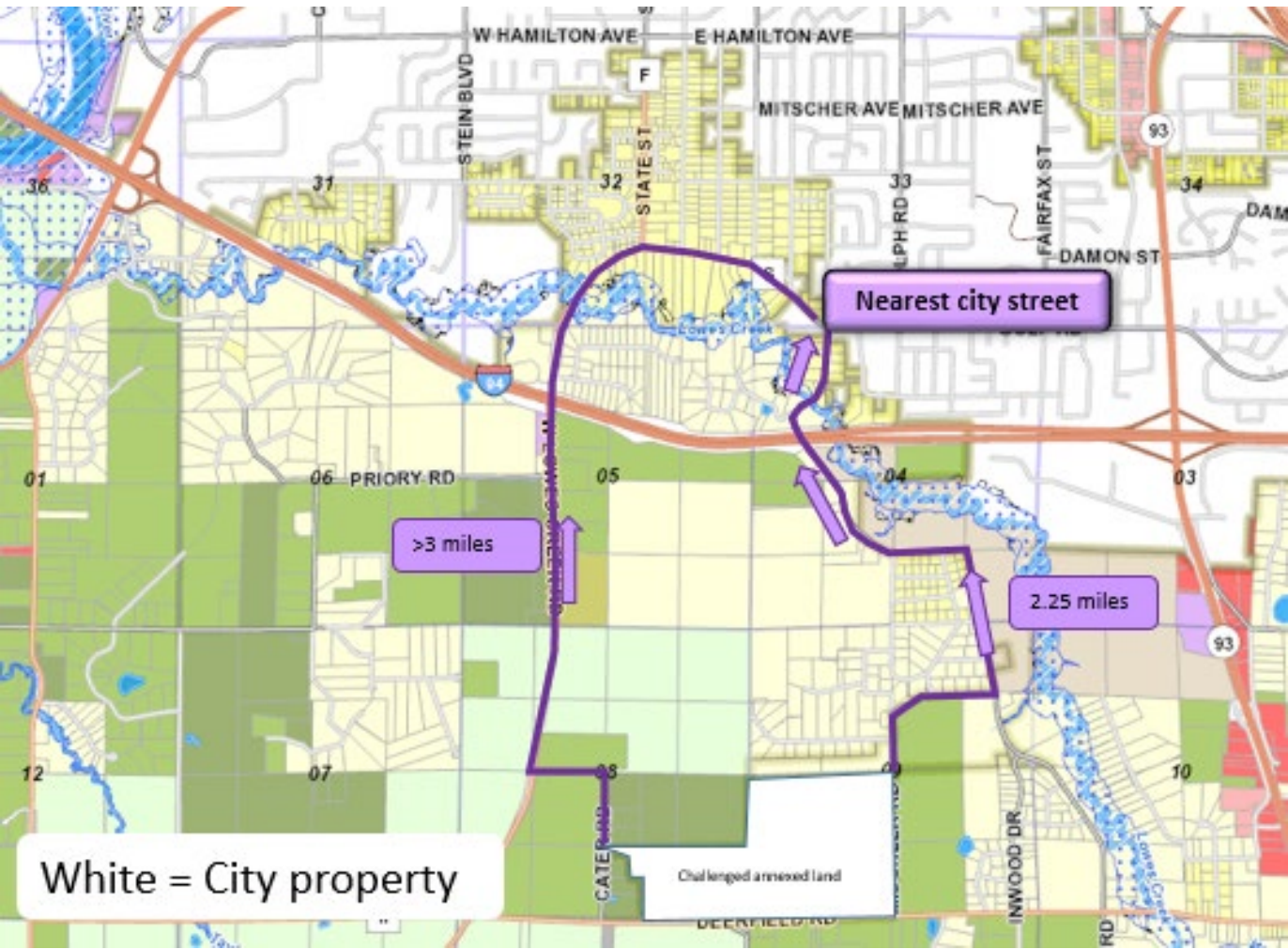


Figure 3: Multiple locations on Major Collector Rd (CTH II/Deerfield) have sight distance concerns



Figure 4: The requested amendment does not have acceptable roadways to support the high density.

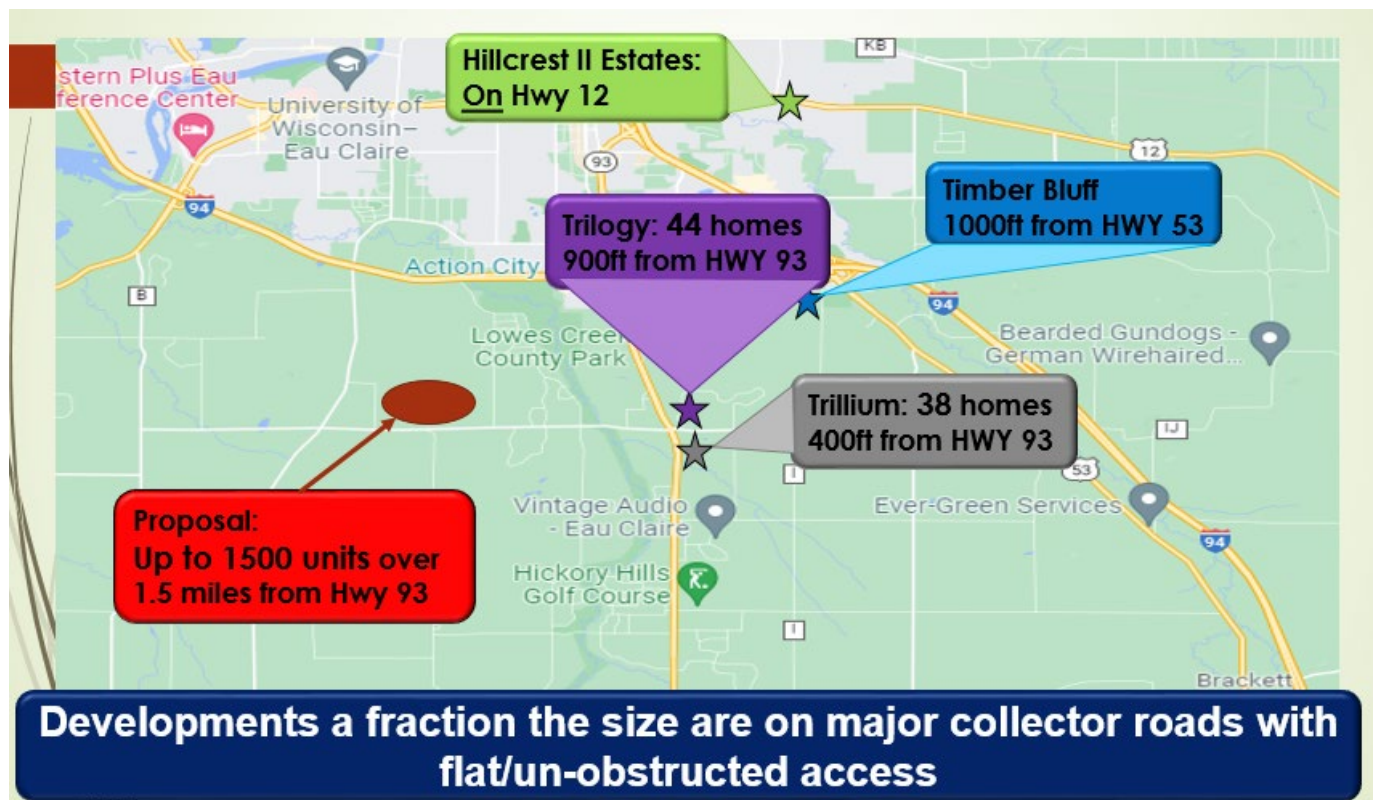


Figure 5: These are rural roads that follow the curvature of the earth (steep hills, no low shoulders, blind crests)



Marc & Roxi Hagel
Eau Claire, WI 54701

Hello Tim Asplund,

Thank You for allowing our input on the Orchard Hills development here in the Township of Washington, Eau Claire County. We are strongly opposed to this development as proposed. My property borders directly to the north of the development. We moved here in May of 2015, believing we were moving into a rural zone development. The zoning requirements & the Covenants made by Laverne Stewart, the original owner of these properties, have controlled what we can build and what it looks like. I was prevented from building a shed that would fit my needs on my property because of the water run off through the east side of my property, the set backs required of the rural zoning of Eau Claire County and Laverne's Covenants. I believe my home and mound system were built on the west side of my property to accommodate the run off coming off of the hills in this valley. You can see on Google Earth the history of these properties. There were years they didn't plant crops on portions of the land because of the water flow. Including my property from the culvert through the fields.

My original concerns started with our well water. We moved from a building development 5 miles from our current home. There were 12 homes there when we moved in to Interlachen Estates. As the building of homes progressed, we had to deal with our well water level dropping. We paid Ken Olson Well Drilling in 2009, who installed this well, to test our well. They lowered the pump to help with the flow. However, by 6/2012 Ken Olson had to drill our well to 155 ft and upgrade our pump to a 1hp to deliver a usable water supply again. The deeper well changed the quality, more iron and sediment, but a water softener helped. I have invoices if you wish for proof. When we moved to Rainetta Drive, there was over 75 homes in Interlachen. I was not the only one having well issues. I heard from neighbors about an ongoing change in their wells also. The wetlands down by Hwy 93 leading out of the development had dried up as well, showing a change in the aquifer there also. I tell you this to show that I have seen problems first hand of what building developments can do and these were 2 to 4+ acre lots in Interlachen.

When we moved onto Rainetta Dr we had 10 gallons a minute flow of clean clear water out of a 90 ft well. I do not have to condition the water to drink it out of the tap. No staining of sinks or porcelain. But if I turn on 2 outside faucets, I can run it dry. Once again lowering the pump has helped. This amount of water supply surprises me, because our property seems to be a focal point of the water running off of the surrounding hills to the farm fields, then to the Lowes Creek flowage. I have a couple of attachments and a video to show my concerns. From heavy rains and not so heavy. The culvert on the east side of my property directs the run off to the farm fields that supply Lowes Creek. I have walked the neighborhood questioning about their wells and have learned that many have had to drill deeper to maintain their water levels. The deeper they went, more they had to contend with iron and sediment, 150 ft or more. There are homes just north of me on a hill on Kathryn Dr, that are already at 200+ feet to get water. The homes on Evergreen Terrace are at 160+ft to have water with iron issues and they are at the same elevation as our home.

The Orchard Hills developers have proposed building multilevel homes bordering my property. Apartment Complexes of 5 family units per acre. Completely covering farm land water shed that permeates to the aquifer and flows to Lowes Creek. They propose varying levels of density throughout this development. They first came to us showing community septic systems for 40 homes in multiple places around the development. Each to serve the different section of homes. One of those was to be placed right at where the culvert drains through my yard. I believe it was not a smart idea with a huge in ground septic system to have the run off flow first through a septic system then to the aquifer and Lowes Creek. Now they want to cover all that farm land with parking lots, apartment complexes and roads. Directly diverting the rain run off from permeating the ground to straight to the Eau Claire

Sewage system. All because the developers claim that they can't afford to build here with out this density. Once again, it's all about the money.

Which brings me back to my fear of how this will affect all of the homes surrounding this development that would still be in the Town of Washington. With all of the rules and regulations of rural property lot size limits that the developers don't have to abide by. The changing of the aquifer that they think that would not be a problem by just supplying city sewer and water. How do we find out what would happen? Let them build this development to find out?

I truly believe it would affect all of the neighbors and Lowes Creek. I have already seen the results personally in Interlachen and other community developments being built in the area. Please refuse to let this happen here without knowing more about what could happen.

Marc & Roxi Hagel



Tim Asplund, Natural Resources Program Manager
Wisconsin Department of Natural Resources
Madison, WI 53707

E-mail date: 11/05/2022

Dear Mr. Asplund,

My wife and I are writing in regard to the proposed amendment to the Chippewa-Eau Claire Sewer Service Area. We urge you to REJECT the proposed swap amendment, for the following reasons:

1. The MPO Technical Advisory Committee voted to reject this proposal by a narrow 8-7 margin. They dug into the details of the proposal and determined that it did not merit approval.
2. The MPO itself soundly rejected this proposal by the overwhelming margin of 10-2 against. Once again, the facts were reviewed and a clear decision was made that this does not merit approval.
3. The annexation that this SSA amendment would enable is being challenged in court. If the annexation is rejected by the court, the requesters of this SSA amendment have stated in writing that they would retract their request to amend the SSA. At the very least, this vote should be delayed until after the court decision.
4. The annexation itself is a bold overreach of the city's authority. The Wisconsin Department of Administration reviewed the annexation proposal and recommended against it, stating that it was not in the best interests of the citizens of Wisconsin. The city annexed it anyway. The city's own comprehensive plan designated this land as suitable for low density housing consistent with the rural area in which it resides. But the development planned for this annexed area calls for two-thirds of the land to be built for medium and high density housing and commercial property! This is completely inconsistent with the city's own plan! They attempted to fix this embarrassing overstep by modifying their comprehensive plan AFTER they had already approved the annexation, so the development would then fit their modified plan. But the city's own planning commission didn't buy it and voted 8-1 to reject the amendment to the comprehensive plan. By approving this SSA amendment you would be encouraging and enabling the city to continue with its outrageous behavior of violating its own long term plans, and not acting in the best interest of Wisconsin citizens. Please don't allow that to happen.
5. Again, approval of this SSA amendment would result in a large amount of high density housing and commercial property being built on what was once fertile farmland. This would have an enormous impact on surface water runoff. A high percentage of the surface would be covered with impervious materials – concrete roads, parking lots, driveways, sidewalks, and patios, in addition to all the shingled roofs. Rather than percolating down into the soil, all the rain and snow melt would funnel down into Lowes Creek, a class 2 trout stream. I would hate to see a beautiful resource like Lowes Creek ruined by an overly ambitious development.

Thank you for your thoughtful consideration of this SSA amendment. We hope you will draw the same conclusion as the MPO and the MPO's Technical Advisory Committee, and REJECT this amendment. Thank you.

Brad and Sandra Flores
Eau Claire, WI 54701

Dear Mr. Asplund, DNR

E-mail date: 10/17/2022

The animals, birds, and plants vital to this area do NOT just live in a small 250 acre Lowes Creek park as you know being in WI DNR management. Have you spent any time in the Lowes Creek area? Animals and birds migrate constantly to find food, water and nests!

It's ridiculous to even believe our park won't be impacted by development. Many houses are planned on the several important smaller waterways that dump into Lowes Creek. Why do you think old man Kris Haugue had it locked in a Conservation Wildlife for over 30 years!?!?

He knew because he taught DNR courses at Stevens Point perhaps even you had him for a professor?

I'm sure he is rolling over in his grave knowing what his son Todd has done but you can make a difference if you have guts (I know you do!) and care one bit about land conservation (I know you do!) over money & foolish developments in a wetlands!!

Find other areas that would NOT impact such a valuable diminishing wildlife resource!

Kindest Regards,

Patty

Tim:

E-mail date: 10/01/2022

We are rural residential home owners in the Town of Washington, just south of the city limits of Eau Claire. Our "dead-end" rural residential street has 28 homes on it and borders the Lowes Creek County Parkland. As you know, the City of Eau Claire is vigorously and carelessly trying to annex two large parcels of farmland that is not adjoining the city's southern border far south of I-94. In order to reach and connect these distant farm parcels to the city's nearest border, they need to annex, and claim, part of our county's parkland in order for the city to run massive new water mains, sanitary sewer and stormwater giant piping runs, and electrical power lines and data/cable communication lines through our public and protected park, trout stream and forests in order to reach this township farmland - in turning into a grossly overpopulated new city subdivision which will sprawl too far south of the city.

Our affected township residents have been wondering all these months on where the Wisconsin DNR and your office stands on allowing the city of Eau Claire to wrongfully "assume" they have a right-of-way through the Lowes Creek County Park, as well as crossing through our Lowes Creek Class A Trout Stream found inside this beautiful Park - in order for them to potentially bulldoze a major utilities pathway for this new infrastructure off the southeast edge of our parkland? We are hoping and praying that your office and the DNR have the power and authority in PREVENTING and denying access of our public parkland and wildlife preserve to the city which believes it does not have to apply for County or State DNR permissions to cut through our park for the sake of running these major utility lines to newly proposed private properties, totaling about 100 to 150 new homes, with hundreds more to be added on in the future.

Currently, these two parcels of land the City of Eau Claire is trying to annex from our Town of Washington farmlands and apple orchard areas, identified as the "Haugen/Sewart Orchard Hills Project", is a huge overreach and land grab attempt by the city as these parcels could only be adjoined to the city's south border by way of making the southeast side of the Lowes Creek County Park its new "causeway" to run all the public utilities through it in reaching private properties - all of which are first and foremost for the profit making of the Wurzer Home Construction Company and its contractors, as well as enriching the current Haugen & Stewart landowners who are currently growing crops (food) on this decades old farmland in our rural community. How in the world can private property land owners, as well as the city of Eau Claire, believe they have the right to take our protected wildlife refuge and County Park with its pristine forests and streams - for the sake of enriching the personal wealth of private property owners and home builders by allowing the city to assume control over our rural Township Farmlands - THAT DO NOT border the city limit line?

Currently, as the Town of Washington land use and future development planning charts show, these two farmland parcels DO FALL into the Township's long range future plans for allowing "rural residential home neighborhoods" one day, but these Township rural residential zoning laws are much more responsible and appropriate in preserving the beauty of our Township's rural lands. The Township's rural residential house building codes stipulate that new homes be built upon a minimum of a two+ acre sized lot with its own well and septic system for each. Conversely, the City of Eau Claire wants these above-mentioned lands for new city sprawl neighborhoods with two to three times as many homes on this same land, along with multi-family units that are totally inappropriate and non-compatible with our otherwise beautiful rural living and its landscapes. Please Tim, your DNR office is our last best hope in preventing both the destruction of a part of our park and stream as well as the current pristine farmland which is still growing valuable food. The City has absolutely no business taking control and ownership of our Township rural farmland and certainly not our Public wildlife Parklands! Our Township does have a

lawsuit in progress against the City regarding the forced annexation of these township parcels amongst unanimous opposition of affected rural residents. We really need your office's help in keeping the city's property tax base aspirations from harming our park! Thank you for your kind attention in this matter.

Tom Koziol

Lowes Creek Estates Neighborhood (borders the south of Lowes Creek County Park)

Eau Claire (Town of Washington), WI 54701

Hi Tim,

E-mail date: 11/28/2022

I am a 40 year nearby resident to the Stewart annexation south of Eau Claire. My objection to the request to swap approved development for this inappropriate development is mostly due to the lack of common sense and common good in all regards.

The wetlands, steep topography, lack of reasonable and safe traffic movement, geologically undevelopable terrain are absolute barriers, but, as important to the region is the method of attempting this sleight of hand by the city.

The desperate budget problem Eau Claire faces is at the core of it all. Kite on a string through a public county park 3 miles from city land, multiple local, city, county and other administrative bodies voting against the Stewart proposal many times, plus 500 signatures of local homeowners protesting should be enough to bring common sense to the forefront and kill this project. However, the city really needs the tax revenue so it appears it's no holds barred to capture Orchard Hills as a revenue source.

The townships essentially all voted against sewer and water extension via a swap, now it's up to you, Tim, to not allow this inappropriate development to become a 1500 home city far from any services in Eau Claire except if somehow the DNR opens the door for sewer and water. That would be a huge mistake for the region for the next 100 years.

Please take the time to really understand what the city of Eau Claire is attempting to do and I am confident you will see it should not have city sewer and water.

Regards,

Mike O'Meara
Eau Claire, WI 54701

Greetings Tim,

e-mail date: 11/02/2022

I am writing you to express my opposition to the amendment put forward by the city of Eau Claire to put the Orchard Hills development into the cities SSA and removing an equivalent parcel of land currently in the SSA.

You will note that the Metropolitan Planning Organization voted 10 against and 2 for this amendment with the only 2 for votes coming from the Eau Claire and Altoona city representatives. The city of Eau Claire upon hearing that a development was being discussed for the LL Stewart property developed their underhanded plan to annex Lowes Creek County Park to get to the property without any discussion with the town of Washington. This is not right and I understand the town supervisors discuss with the way the city does business.

I would also like to point out why a 1550 unit development should not be considered for this location. This is a rural agricultural area and it is not conducive to an addition this large. Roads are narrow and unsafe for an estimated addition of 15,400 additional vehicle trips each day. It should be located near a major highway.

Thanks for your consideration and please follow the recommendation of the MPO and reject this amendment.

Sincerely Gary Hayden

e-mail date: 11/10/2022

I am contacting you regarding the Orchard Hills Development in the Town of Washington. My husband and I have lived here for over 50 years and have enjoyed the rural setting. We were required to have at least a one acre lot to build our houses on. We are not opposed to development for several reasons.

1. We feel that the level of housing that is being proposed is outrageous. We understand now that there could be 5 houses per acre.
2. Some of the proposal includes commercial development, such as a Kwik Trip and laundromat. We have been a residential and farm area in the past.
3. The roads are not built to handle that much expansion. We understand that when completed the area could house approximately 5,000 people.
4. Some of this expansion is proposed on wetlands.
5. The City of Eau Claire is proposing to put sewer and water through the Lowes Creek County Park to reach this area. This area is a long way from the city limits and if the two houses are annexed, the beautiful, remote park could have another 50 houses added to its boarder. The two houses have several acres of land and each acre could have 5 houses on it.

Please consider these concerns when you are presented with this proposal.

Thank you, Dianne and Arvid Faldet

Tim,

E-mail date: 11/03/2022

I'm writing to inform you of my opposition to the SSA amendment in Eau Claire county.

The proposed donor area would leave an area open (a void) in the SSA. I don't believe this is typical or ideal on any level. This proposed donor area could potentially be developed as it has been considered for such purposes in the recent past. Water issues were the concern inhibiting the development though it seems these water level concerns could be addressed, leaving the city to potentially purpose re-adding the area to the SSA. It seems to me wasted time and energy is at hand. We need to continually consider the long term outlook here - extending the SSA into the rural area at stake does not appear to be the wisest solution to the cities desire to add more housing area. If this passes I'm concerned that we're giving a green light moving forward, to create near sighted solutions - which years to come will be regretted and deemed unwise.

Thank you for considering the local voices,

Cassie and Andrew Draper

e-mail date: 11/10/2022

Proposed Population Density of Orchard Hills Comparison

234 Acres-1300 family units-5000 residents 3.86 souls per unit.

There are 640 acres in a square mile. You can fit 2.74 Orchard Hills Developments into 1 square mile.

For comparison, $5000 \times 2.74 = 13700$ residents per square mile.

Per 2020 US Census Figures-

Eau Claire has 32.04 sq/miles- 69441 residents. 2145/sq/mile

Chippewa Falls 11.86 sq/miles- 14731 residents, 1301/sq/mile

Cadott 3.4 sq/miles-1492 residents, 444 per sq/mile

Colfax 1.4 sq/miles-1186 residents, 855/sq/mile

Town of Washington 56.1 sq/miles-7752 residents, 128/sq/mile

Wausau 19.2 sq/mi-40172 residents, 2090/sq/mile

Madison 79.3 sq/mi-277166 residents, 3493/sq/mile

Milwaukee 96.2 sq/mi-573700 residents, 5964/sq/mile

(The only city that has had negative growth since 1960)

Eau Claire 2145/sq/mile residents divided by 2.74 = 782 residents

Even at Eau Claire's density, that equals no more than 202 homes if you CLEAR CUT all of Laverne Stewart's land.

Is this really SMART Growth?

Marc Hagel

Hello Mr Asplund,

Because of my attendance to a meeting with the developers and neighbors on 10-18-22. I've learned that the developers have plans to significantly increase the density of this development from the original plans.

Their explanation is that they can't afford to build here without this greatly added density.

I'm truly concerned of the impact on the local wetlands and Lowes Creek flowage if they go through with this.

From my past experiences, explained in my previous letter, this concerns me even more. This development would be

surrounded by homes in the Township of Washington that depend on wells and the runoff of rain that replenishes the

aquifer. The added non-permeable surface area would surely effect the necessary ground water replenishment. Their

proposed density is greater than Milwaukee, the largest city in Wisconsin. Please open the attachment with the

information I found from 2020 census numbers that vindicate my concerns.

Please do not approve this development as proposed.

Thank You for attention to this matter.

Marc Hagel

Eau Claire, WI 54701

Hello DNR,

e-mail date: 11/03/2022

Please listen to reason and all the surrounding towns/people who have spoken against amending the SSA. The town of Washington is able to protect this land, there is no reason for you to amend the SSA and do a swap of land. The city of Eau Claire needs to learn to be a good neighbor to the surrounding townships. They have a lot to learn in this area.

Thank you for your time,

Mariena Kent

Hi Tim,

e-mail date: 10/31/2022

I am writing to express my opposition to the SSA amendment in Eau Claire county.

Excluding the donor area would create a vacant donut hole in the SSA, which is unprecedented and highly not recommended (by the bylaws, I believe it is 1.1.9?).

It was voiced the donor area was at one time going to be developed and decided against because of water. It seems to me a developer could solve the water problem and it could still be developed. Seems very likely due to it's proximity to the city.

Passing the amendment specifically for a development, without updating the entire SSA with a long term plan in mind, creates a disorganized and dangerous precedent for future amendments being introduced for the purpose of new developments. This behavior of proceedings is expressly advised against.

Hi Tim,

E-mail date:10/17/2022

I am a 40 year nearby resident to the Stewart annexation south of Eau Claire. My objection to the request to swap approved development for this inappropriate development is mostly due to the lack of common sense and common good in all regards.

The wetlands, steep topography, lack of reasonable and safe traffic movement, geologically undevelopable terrain are absolute barriers, but, as important to the region is the method of attempting this sleight of hand by the city.

The desperate budget problem Eau Claire faces is at the core of it all. Kite on a string through a public county park 3 miles from city land, multiply local, city, county and other administrative bodies voting against the Stewart proposal many times, plus 500 signatures of local homeowners protesting should be enough to bring common sense to the forefront and kill this project. However, the city really needs the tax revenue so it appears it's no holds barred to capture Orchard Hills as a revenue source.

The townships essentially all voted against sewer and water extension via a swap, now it's up to you, Tim, to not allow this inappropriate development to become a 1500 home city far from any services in Eau Claire except if somehow the DNR opens the door for sewer and water. That would be a huge mistake for the region for the next 100 years.

Please vote no on this sewer and water request.

Thank you,

Mike O'Meara

Dear Mr. Asplund,

E-mail date: 09/30/2022

I attended the MOP commission meeting along with approximately 75 other Town of Washington land owners this past week. It helped me understand just how many things are wrong about the Orchard Hills Stewart/Hauge property issue.

Annexation and attempts to put in water and sewer to this area under the awaiting premise of a court decision that would nullify all of this. That does not make sense. There has been enough dishonesty and deception to cause the Town of Washington great concern.

The Town of Washington would like to grow our own township with housing and other opportunity amenities in a correct and legal manner. Part of the deception is the builders not being honest about involving our Friends of Lowes Creek neighbor organization. The developer noted in a recent meeting that he did indeed try to converse with us. He talked to one person.

Previously I've always believed the DNR was very concerned about the land. Water, wildlife, agriculture, farms, or housing was always overseen to be properly done by the DNR. We are asking for your support to deny the SSA amendment.

This SSA project has many people very confused about why the DNR would allow the sewer and water to be brought into a piece of land that is not contiguous to the city of Eau Claire.

Please do not authorize this water and sewer project to be approved. Thank you for your time and attention.

Blessings
Dori Pulse
54701

Hello Mr. Asplund et al,

e-mail date: 10/19/2022

The City of Eau Claire is anxious to gain its tax base with single and multifamily and commercial development spread the proposed 228 acre land SSA land swap, only recently annexed. The acreage is outside the planning area of Eau Claire's most recent and not revised for many years Comprehensive Plan. The need for an additional tax base can't be ignored. However, **the City's request ignores their own overall planning objective to achieve a contiguous and compact pattern of development over extensions that will contribute to urban sprawl.**

The City's request to extend sewer service to the proposed development is the result of a development proposal that has gone crazy, initially from 117 living units to 1,500. The development creates a huge balloon at the end of a sewer extension 2.2 miles entirely beyond the city original limits with a string through a fully wooded county park. It will traverse the length of county park to reach a tiny edge of the proposed property to be developed. No planning has been done to mitigate traffic through existing neighborhood town roads for over 15,000 daily traffic trips resulting from the development.

The area surrounding the proposed service area is undeveloped farmland and woods, with one residence. It is primarily surrounded by undeveloped farmland and woods and approximately ten residences.

Approval of the SSA will allow development that will jam an island MEGA city of an estimated 5,000 residents onto this rural landscape.

Unrelated to the statements above, **approval of the SSA land swap would encourage Eau Claire to completely cancel its gentlemen's long time agreement with the Town of Washington, as well as other towns surrounding Eau Claire, to work together as land is annexed in a controlled and judicious manner.**

Please do not approve the proposed service extension.

Thank you for consideration,

Glenn Reynolds

Eau Claire WI 54701

Hi Tim,

E-mail date: 10/17/2022

We are going on our 6th generation of family-owned land on F and II, next to Ferguson's and very close to this proposed development. My address is 509 Deerfield Road.

I am sure you've heard all the concerns about the ruining of the environment, etc.

I'll keep this short and sweet.....I am scared to DEATH about the traffic hazards this will create for EVERYONE! I wear a safety vest and blinking lights and can't count the number of times I have personally had to hit the ditch walking or biking out here. These roads are not wide and we barely have shoulders. Just pulling out of my driveway when people fly by faster than the posted 45MPH is a daily scare.

I grew up here, I'm a country kid with common sense.....the number of people I have seen since I've moved back here that seem to have ZERO concept of the traffic dangers that already exist is unreal.....people with their babies in strollers with no lights, reflectors, etc. Same thing with most walkers and bikers out here. It is already a death or 10 waiting to happen....so to plop down a virtual city????? 5,000 more people? probably triple the amount of cars????? IT IS DEATH AND/OR HORRIBLE ACCIDENTS THAT WILL HAPPEN.

PLEASE consider the safety of the people that already live here and to those that will be exposed to the safety hazards.

Joy Schumacher

Dear Mr. Asplund,

E-mail date: 10/03/2022

I am writing to register my (and our, as Vice President of the Friends of Lowes Creek neighborhood association and over 500 signatures opposed) opposition to the proposed change of the Eau Claire Sewer Service Area as requested by the City of Eau Claire. It is being requested to extend sewer service far out to an island of land in the Town of Washington which a development group and land owner petitioned The City to annex for the purposes of building out approximately 1300-1550 housing units.

The annexation is currently being challenged in court as an illegal annexation and is believed to have a high likelihood of being overturned.

Further, the annexation has been deemed "against the public interest" by the Wisconsin State Department of Administration in a letter dated May 23, 2022 after its review of the proposed annexation. See the first line (on page 23) of the DOA's opinion in the PDF attachment

Lastly, the Metropolitan Planning Organization, in its advisory capacity, voted 10-2 AGAINST approval of the proposed change to the Sewer Service Area.

Although we know that the change to the SSA is NOT an annexation (as explained by the Eau Claire City Engineering Director) it is inextricably tied to the current annexation petition and if it is approved and the annexation petition is deemed legal, the annexation would stand. If approved and annexation is deemed unlawful, The City would have the ability to resubmit annexation properly and proceed as they see fit, to the detriment of the Town of Washington.

Thank you for taking the time to read and share our request and information with the appropriate officials tasked with making the decision on the proposed change to the Eau Claire Sewer Service Area.

Thomas Hunt
FLC Vice President
Eau Claire, WI 54701

st for exation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102

wimunicipalboundaryreview@wi.gov
<https://doa.wi.gov/municipalboundaryreview>

Petitioner Information

Name: **Mr. LaVerne L. Stewart & Mr. Todd A. Hauge**

Phone: **715-559-3661** & **410-263-8356**

Email: **stewartlll@yahoo.com** & **tahauge@verizon.net**

RECEIVED

May 3, 2022

Municipal Boundary Review
Wisconsin Dept. of Admin.

Contact Information if different than petitioner:

Representative's Name: **Mark A. Erickson at Everyday Surveying and Engineering, LLC.**

Phone: **715-831-0654**

E-mail: **MARK@ESELLC.CO**

1. Town where property is located: **Town of Washington**

2. Petitioned City or Village: **City of Eau Claire**

3. County where property is located: **Eau Claire**

4. Population of the territory to be annexed: **2**

5. Area (in acres) of the territory to be annexed: **438.34**

6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel):
See Attached Information

Include these required items with this form:

1. ☒ Legal Description meeting the requirements of [s.66.0217 \(1\) \(c\)](#) [see attached annexation guide]
2. ☒ Map meeting the requirements of [s. 66.0217 \(1\) \(g\)](#) [see attached annexation guide]
3. ☒ Signed Petition or Notice of Intent to Circulate [see attached annexation guide]
4. ☒ Check or money order covering review fee [see next page for fee calculation]

(2021)

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$350 Initial Filing Fee (required with the first submittal of all petitions)
\$200 – 2 acres or less
\$350 – 2.01 acres or more

\$2,000 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)
\$200 – 2 acres or less
\$600 – 2.01 to 10 acres
\$800 – 10.01 to 50 acres
\$1,000 – 50.01 to 100 acres
\$1,400 – 100.01 to 200 acres
\$2,000 – 200.01 to 500 acres
\$4,000 – Over 500 acres

\$2,350 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Include check or money order, payable to: **Department of Administration**

DON'T attach the check with staples, tape, ...

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee & form received: 5-3-22

Payer: Everyday Surveying & Engineering LLC

Check Number: 002995

Check Date: 4-22-22

Amount: \$2350.00

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

- ☒ State the purpose of the petition:
 - Direct annexation by unanimous approval; OR
 - Direct annexation by one-half approval; OR
 - Annexation by referendum.
- ☒ Petition must be signed by:
 - All owners and electors, if by unanimous approval.
 - See 66.0217 (3) (a), if by one-half approval.
 - See 66.0217 (3) (b), if by referendum.
- ☒ State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

- ☒ The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
- ☒ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
- ☒ The land may NOT be described only by:
 - Aliquot part;
 - Reference to any other document (plat of survey, deed, etc.);
 - Exception or Inclusion;
 - Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- ☒ The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:
 - A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
 - Bearings and distances along all parcel boundaries as described.
 - All adjoining as referenced in the description.
- ☒ The map must include a **graphic scale**.
- ☒ The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

- ☒ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- ☒ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).

Petition for Annexation
under Wisconsin Statutes 66.0217 (2)

To the City Council of the City of Eau Claire, Wisconsin:

1. The undersigned hereby petition for direct annexation of the territory legally described attached hereto the City of Eau Claire, Eau Claire County, State of Wisconsin.
2. Attached hereto is a scale map which accurately reflects the legal description of the property to be annexed and the boundary of the annexing the City.
3. The current population of the territory to be annexed is 1.
4. The petition has been signed by the owners of all of the land within the territory proposed to be annexed, and by all of the electors residing within the territory proposed to be annexed.

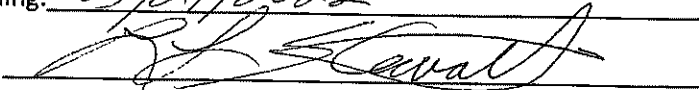
Owners of all Lands within the Territory

Proposed to be Annexed:

Name of the Owner: Laverne L. Stewart

Address of Owner: 5902 Mischler Road Eau Claire,

Date of Signing: 03/29/2022 WI 54701

Signature: 

Petition for Annexation
under Wisconsin Statutes 66.0217 (2)

To the City Council of the City of Eau Claire, Wisconsin:

1. The undersigned hereby petition for direct annexation of the territory legally described attached hereto the City of Eau Claire, Eau Claire County, State of Wisconsin.
2. Attached hereto is a scale map which accurately reflects the legal description of the property to be annexed and the boundary of the annexing the City.
3. The current population of the territory to be annexed is 1.
4. The petition has been signed by the owners of all of the land within the territory proposed to be annexed, and by all of the electors residing within the territory proposed to be annexed.

Owners of all Lands within the Territory

Proposed to be Annexed:

Name of the Owner: TODD A. HAUGE

Address of Owner: 5551 S. LOWES CREEK RD.
EAU CLAIRE, WI, 54701

Date of Signing: 3/29/2022

Signature: Todd A. Hauge

STEVEN FRANCIS
Notary Public-Maryland
Howard County
My Commission Expires
September 26, 2024

St.

ANNEXATION PETITION NARRATIVE

Lands currently within the Town of Washington, Eau Claire County, Wisconsin.

Purpose:

The petitioners desire to annex 13 parcels of their ownership and 5 parcels of public land to the City of Eau Claire to allow a future residential development to have sanitary sewer and water main services when the City makes the services available.

This will be direct annexation by unanimous approval.

The total area of the 18 parcels of land requesting to be annexed is 438.34 acres and currently has two (2) residents. Eau Claire County has a total population of 104,646 as of 2019.

Tax Parcels

Parcel Id	PIN	Alternate No	Name	Property Address	Acres
1802422609043100001	1802422609043100001	024113408000	EAU CLAIRE COUNTY		18.2500
1802422609044100002	1802422609044100002	024113506000	EAU CLAIRE COUNTY		9.8000
1802422609044200001	1802422609044200001	024113508000	EAU CLAIRE COUNTY		40.0000
1802422609044400002	1802422609044400002	024113602000	EAU CLAIRE COUNTY		31.3000
1802422609084300001	1802422609084300001	024115401000	STEWART, LAVERNE		21.5000
1802422609084400001	1802422609084400001	024115405000	STEWART, LAVERNE		39.3100
1802422609091100001	1802422609091100001	024115502000	EAU CLAIRE COUNTY		23.3300
1802422609091100003	1802422609091100003	024115503010	HAUGE, TODD		0.1950
1802422609091300001	1802422609091300001	024115510000	HAUGE, TODD		38.8000
1802422609091400003	1802422609091400003	024115601030	HAUGE, TODD		3.7200
1802422609091400004	1802422609091400004	024115601040	HAUGE, TODD		19.6610
1802422609091409000	1802422609091409000	024115601020	HAUGE, TODD	5551 S LOWES CREEK RD	1.5200
1802422609092300001	1802422609092300001	024115706000	STEWART, LAVERNE		8.7860
1802422609092400001	1802422609092400001	024115710000	STEWART, LAVERNE		5.5450
1802422609093100001	1802422609093100001	024115810000	STEWART, LAVERNE	5902 MISCHLER RD	40.0000
1802422609093200001	1802422609093200001	024115901000	STEWART, LAVERNE		40.0000
1802422609093300001	1802422609093300001	024115902000	STEWART, LAVERNE		40.0000
1802422609093400001	1802422609093400001	024115903000	STEWART, LAVERNE		40.0000
18 Total Records					

ANNEXATION BOUNDARY

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 4, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN. INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 1191808, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352050, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123, AS DOCUMENT NUMBER 610963. THE PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the East Quarter Corner of said Section 4;

Thence S88°42'51"W, 1294.31 feet along the East-West Quarter line of said Section 4 to the Point of Beginning;

Thence continuing along said East-West Quarter line S88°42'51"W, 1945.62 feet to the Northeast Corner of Certified Survey Map Number 1960, recorded in Volume 10 of Certified Survey Maps, on Pages 343-344, Document Number 837346;

Thence S01°14'06"W, 954.15 feet along the West line of said Certified Survey Map Number 1960 and a southerly extension thereof, to the North Corner of Lot 2, Certified Survey Map Number 1037, recorded in Volume 5 of Certified Survey Maps on Pages 274-275, as Document Number 665917, and the southwesterly right-of-way line of South Lowes Creek Road;

Thence S48°24'26"E, 306.50 feet along said right-of-way line;

Thence 394.93 feet along said right-of-way line and the arc of a curve, concave northeasterly, with a chord bearing of S63°15'10"E, a chord length of 390.53 feet, and a radius of 762.10 feet;

Thence S78°05'55"E, 96.46 feet along said right-of-way line;

Thence N88°41'18"E, 1204.62 feet along the southerly right-of-way line of South Lowes Creek Road;

Thence S52°50'23"E, 78.29 feet to the westerly right-of-way line of South Lowes Creek Road;

Thence S14°22'38"E, 657.70 feet along said westerly right-of-way line;

Thence S11°02'38"E, 602.62 feet along said westerly right-of-way line;

Thence S11°00'08"E, 469.77 feet along said westerly right-of-way line;

Thence N78°30'43"E, 392.91 feet;

Thence S11°00'17"E, 402.60 feet;

Thence S78°30'43"W, 392.93 feet to the westerly right-of-way line of South Lowes Creek Road;

Thence S11°00'08"E, 370.61 feet along said right-of-way line, to the northerly right-of-way line of Evergreen Terrace;

Thence S87°08'22"W, 1322.41 feet along said northerly right-of-way line; evergreen terrace?
 Thence S57°32'56"W, 181.55 feet along the northwesterly right-of-way line of South Lowes Creek Road;
 Thence 143.78 feet along said right-of-way line and the arc of a curve, concave northwesterly, with a chord bearing of S62°13'08"W, a chord length of 143.62 feet, and a radius of 882.00 feet;
 Thence S66°53'20"W, 182.49 feet along said right-of-way;
 Thence 88.98 feet along said centerline and the arc of a curve, concave southeasterly, with a chord bearing of S52°09'14"W, a chord length of 88.01 feet, and a radius of 173.00 feet to a point on the East line of said Southeast Quarter of the Northwest Quarter;
 Thence S00°18'57"E, 550.20 feet along said East line, to a point on the easterly extension of the southerly right-of-way line of Rainetta Drive;
 Thence S88°24'33"W, 307.21 feet along the southerly right-of-way line of Rainetta drive to the northeast corner of Certified Survey Map 2245, recorded in Volume 12 of Certified Survey Maps, on Page 143 as Document Number 919517;
 Thence S01°34'32"E, 249.88 feet to the southeast corner of said Certified Survey Map Number 2245;
 Thence S83°52'51"W, 252.46 feet along the southerly line of said Certified Survey Map Number 2245;
 Thence S88°25'21"W, 726.08 feet to the southwest corner of said Certified Survey Map Number 2245 and the southeast corner of Certified Survey Map Number 999, recorded in Volume 5 of Certified Survey Maps, on Page 204-205 as Document Number 657951;
 Thence S88°23'51"W, 683.18 feet to the Southwest corner of Certified Survey Map recorded in Volume 1, on Page 174 and the southeast corner of Wood Crest Highlands 2nd Addition recorded in Volume 11 of Plats, on Page 27 as Document Number 421167;
 Thence S88°33'52"W, 633.86 feet to the Southwest Corner of said Wood Crest Highlands 2nd Addition and the West line of the Northwest Quarter of said Section 9;
 Thence S00°06'08"W, 290.50 feet to the West Quarter Corner of Section 9;
 Thence S00°37'33"W, 1322.67 feet to the southwest corner of said Northwest Quarter of the Southwest Quarter;
 Thence S89°29'28"W, 1969.50 feet;
 Thence S89°23'23"W, 665.26 feet to the West line of the Southeast Quarter of said Section 8;
 Thence S00°56'51"W, 66.08 feet along said West line;
 Thence N89°26'19"E, 495.22 feet;
 Thence S00°58'53"W, 444.46 feet;
 Thence N89°57'54"E, 212.07 feet;
 Thence S01°07'29"E, 762.12 feet to the South line of the Southeast Quarter of said Section 8;
 Thence S89°04'56"E, 1906.92 feet to the Southwest Corner of said Section 9;
 Thence N88°02'22"E, 2642.12 feet to the South Quarter Corner of said Section 9;
 Thence N00°18'57"W, 2647.28 feet along the East line of the Southwest Quarter of said Section 9;
 Thence N87°57'41"E, 1894.05 feet along the South line of the Northeast Quarter of said Section 9;
 Thence N00°53'58"E, 208.00 feet;
 Thence N87°57'41"E, 194.52 feet to the westerly right-of-way line of South Lowes Creek Road;
 Thence S16°43'11"E, 214.74 feet along said right-of-way line to the South line of said Northeast Quarter;
 Thence N87°57'41"E, 379.00 feet to the East Quarter Corner of said Section 9;
 Thence S87°23'19"E, 338.60 feet along the South line of the Northwest Quarter of said Section 10 to the easterly right-of-way line of South Lowes Creek;ROAD
 Thence N53°07'37"W, 64.19 feet along said right-of-way;
 Thence 213.17 feet along said right-of-way and the arc of a curve, concave southwesterly, with a chord bearing of N63°53'45"W, a chord length of 212.29 feet, and a radius of 676.62 feet;
 Thence N72°55'17"W, 189.80 feet along said right-of-way;
 Thence 564.42 feet along said right-of-way and the arc of a curve, concave northeasterly, with a chord bearing of N45°49'10"W, a chord length of 543.61 feet, and a radius of 596.62 feet;
 Thence N23°20'44"W, 86.76 feet along said right-of-way;
 Thence N16°28'50"W, 47.93 feet along said right-of-way;

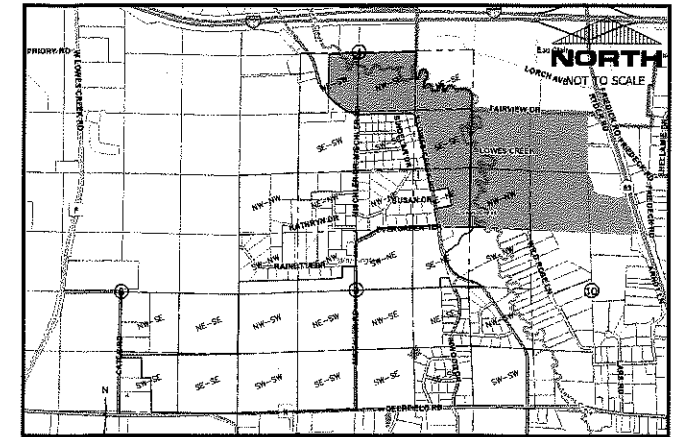
Thence N01°34'15"E, 106.62 feet along said right-of-way to a point lying 25 feet, more or less, northeasterly of the thread of an unnamed tributary to Lowes Creek and the beginning of a meander line;
Thence N45°31'11"E, 757.83 feet along said meander line, to a point lying N87°39'09"W, 95 feet, more or less, along the North line of the Southwest Quarter of the Northwest Quarter, said Section 10, from the thread of an unnamed tributary to Lowes Creek and the end of said meander line;
Thence N00°53'58"E, 1314.44 feet along the East line of the Northeast Quarter of said Section 9 to the Northeast Corner of said Section 9;
Thence N01°24'55"E, 1590.65 feet along the East line of the Southeast Quarter of said Section 4 to a point lying 59 feet, more or less, southerly of the northerly ordinary high water mark of Lowes Creek and the beginning of a meander line;
Thence N87°40'04"W, 1004.80 feet along said meander line;
Thence N41°30'35"W, 422.90 feet along said meander line to the West line of the Northeast Quarter of the Southeast Quarter of said Section 4, and a point lying 60 feet, more or less, southerly of the said ordinary high water mark;
Thence N01°23'53"E, 643.35 feet to the Point of Beginning.

Said parcel contains 19,094,359 square feet or 438.34 total acres, more or less, including those lands lying between the property line and meander line.

ANNEXATION MAP

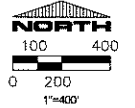
LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN. INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 1191808, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352050, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123, AS DOCUMENT NUMBER 610963.

VICINITY MAP



BEARINGS ARE REFERENCED TO THE EAST - WEST QUARTER LINE OF SECTION 4 ASSUMED TO BEAR S88°42'51"W.

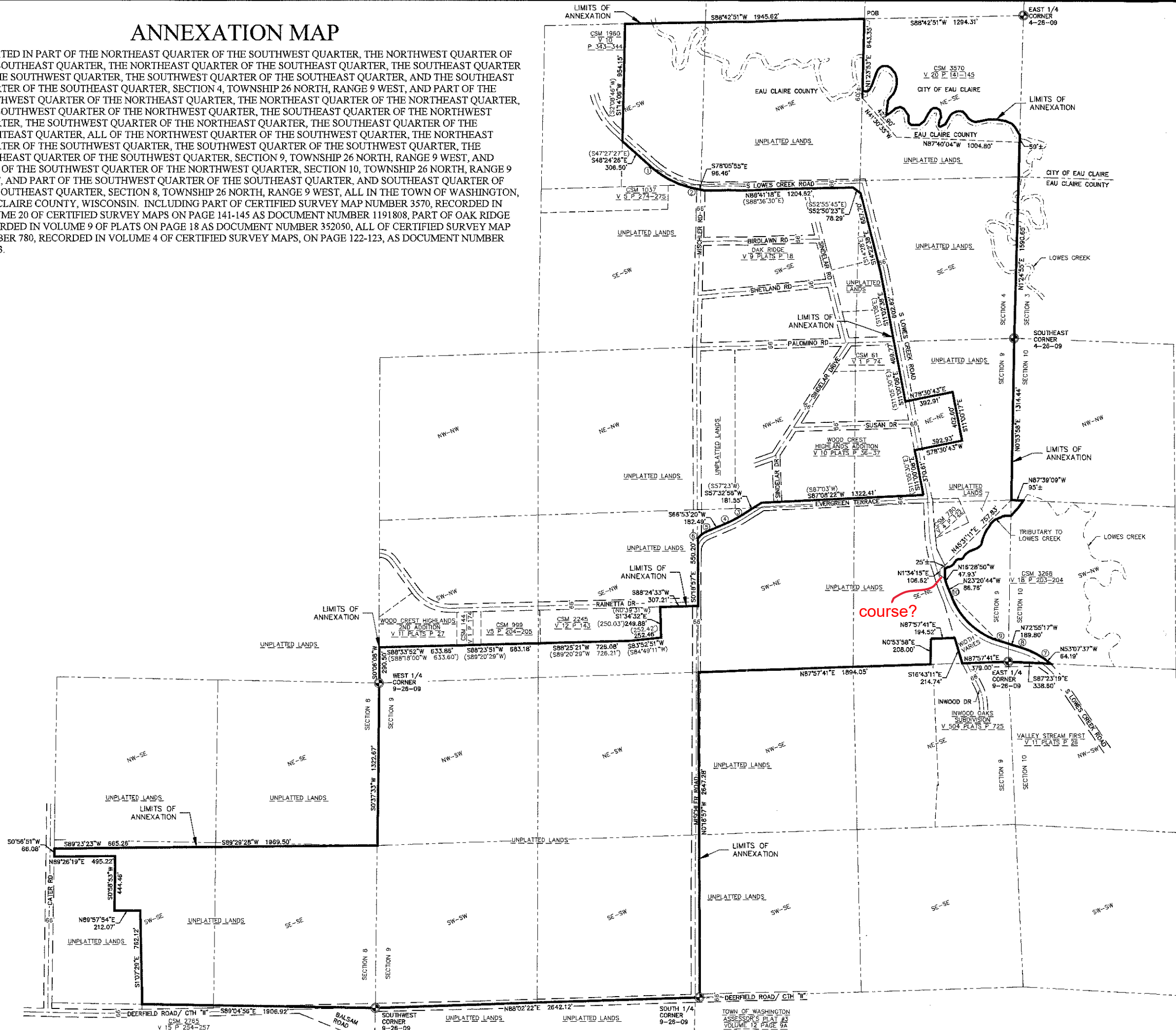
LEGEND
 PUBLIC LAND SURVEY MONUMENT
 POB POINT OF BEGINNING



CURVE TABLE

CURVE	RADIUS	CHORD BEARING	CHORD	ARC	DELTA	TANGENT IN	TANGENT OUT
1-2	762.10'	S43°15'10"E	390.53'	394.93'	29°41'30"	S48°24'25"E	S78°05'55"E
3-4	882.00'	S62°13'08"W	143.62'	143.78'	09°20'25"	S66°53'20"W	S57°32'56"W
5-6	173.00'	S52°09'14"W	88.01'	88.98'	29°28'13"	S66°53'20"W	S37°25'07"W
7-8	676.62'	N63°53'43"W	212.25'	213.17'	18°03'04"	N54°52'13"W	N72°55'17"W
9-10	596.62'	N45°49'10"W	543.61'	564.42'	54°12'11"	N18°43'05"W	N72°55'17"W

* Said parcel contains 19,094,359 square feet or 438.34 total acres, more or less.



EVERYDAY SURVEYING & ENGINEERING

1818 BRACKETT AVENUE • EAU CLAIRE, WI 54701

PH: (715) 831-0654 • EMAIL: INFO@ESELLC.CO





Memorandum

Community Development

May 20, 2022

To: Erich Schmidtke, Municipal Boundary Review—Department of Administration
From: Scott Allen, Director
Re: Stewart-Hauge Annexation Petition

Please accept this memorandum as a formal addendum to the City of Eau Claire's Annexation Review Questionnaire for this annexation petition. The submitted unanimous annexation petition is consistent with state law and otherwise in the public interest.

Contiguous, Compact, Suitable for Development

The annexation is compact, reasonable in size and shape, and contiguous to the City. The annexation reflects the need for additional reasonably compact urban development on public utilities in an area of recognized future residential growth while maintaining existing and future public park and green space.

Land is annexed under Wisconsin law at the initiation of private property owners and at their timing. No annexation is perfectly anticipated or planned for by local governments absent a possible, but not mandatory, local boundary agreement, which does not exist in this instance. However, both City and Town of Washington have planned that the private lands petitioned for annexation are suitable for residential development. The Town having already approved a residential project on these lands, but one not gaining County of Eau Claire approval.

The private lands petitioned for annexation are properly and more sustainably and safely developed on public City sewer and water. Neighbors have raised concerns about the development of this property in the Town that would result in the addition of many more private septic systems and wells in an area already overly utilizing such private septic systems to the potential detriment of environmental and human health, safety and welfare. Approximately half of the lands petitioned for annexation are in the City's urban sewer service area (SSA) and the remainder of the lands are abutting the SSA on two sides. The current SSA border extends eastward along CTH II toward STH 93 with lands north of CTH II generally within the SSA, the petitioned lands are all north of CTH II. The Eau Claire City Council has approved to apply for an amendment to the SSA and that process is underway and is entitled to approval. The City has existing sewer and water utility infrastructure south of I94 currently in several locations including along STH 93 and extended westward along Lorch Avenue with multiple means to extend these trunk lines for the safe, efficient, affordable public utility service to the petitioned lands.

The condition and safe design and construction of public roads and trails has been raised as a concern by existing neighbors. The petitioners, future residents of petitioned private lands, existing neighbors, and the general public will be best served by the redesign and construction of the rights of way to a cross section that includes safe widths, sightlines, sidewalks, and multi-modal trails consistent with existing City design standards and construction requirements of developments within the City. The City is ready, able and committed to ensure safe, efficient and attractive transportation and pedestrian infrastructure is installed prior to or concurrent with the expected phased construction of residential housing on the private petitioned lands.

Public Lands / Unanimous Annexation

Eau Claire County lands within the petition are held as rights of way or parkland for the public benefit of all. There is no expected change to the Eau Claire County Lowes Creek Park, and any change would only be at the decision of the County unrelated to the pending annexation petition. The County park is restricted in use by public ownership, deed restriction in part to educational use in addition to various public recreational uses, and by topography. The park is held in public trust for the benefit of all County residents currently with any potential change in future use speculative and again unrelated to the pending annexation. Wisconsin annexation law is greatly informed by the principle of self-determination by private property owners of useable acreage. The owners and residents of property initiate petitions based on preference of residence. Cities and villages decide whether to accept such petitions but neighbors, towns, and public owners of property held for the benefit of all do not. This is to avoid frustrating the sound development of useable land or obstructing the preference of what locality a resident prefers to live in. The rights of way and County parkland included in the pending unanimous annexation petition are not useable lands the legislature intended to be considered for determining necessary signatories. Doing otherwise would place the County in an untenable position of choosing between local governments equally in its jurisdiction and render an understandable reluctance to make such a choice into a default choice against annexation contrary to law and sound growth policies. As the courts have long informed us, excluding such public lands from consideration will avoid many problems and much litigation. The annexation petition is unanimous with all owners and electors of useable acres signing and requesting annexation to the City of Eau Claire.

Town Boundaries & Access

The Town will not be improperly, illogically or illegally divided by the annexation. The annexation is a modest expansion of existing City boundaries and planned growth areas for our community. Such annexable lands are very limited in supply requiring they be continuous to the City and on lands along which utility services can be efficiently extended. The petitioned land is suited for urban sewered residential development. The Town is large and will remain so following this annexation with only about 1% of its current territory included. No town island is formed and there are direct county and local roads providing multiple means for access. Furthermore, the Town and City have long demonstrated that we are able to solve the challenge Wisconsin annexation law gives us in terms of jurisdictional changes for local roads. We know how to and have often entered into intergovernmental agreements to construct, repair, and maintain our local roads whether in the City or Town for the shared benefit of our community. The same is possible and expected in and around the lands petitioned for annexation in this instance.

Public Interest & Comprehensive Plan Compliance

The annexation is in the public's interest. The Eau Claire community is growing, one of the fastest growing regions in the state and along with Dane County one of only two Counties in Wisconsin growing in working age populations. Our residents and the future residents we want to welcome need housing. The City's Comprehensive Plan calls for that growth to occur with a diversity of housing types and affordability, on relatively smaller lots for efficiency of provision of public services and preservation of open space elsewhere in and surrounding developed areas.

Chapter 2: Land Use & Growth Management Plan

Objective 1 – Sustainable Growth

Policy #10: Jurisdictional Changes

Use boundary agreements and annexation to help create a compact, attractive, and sustainable urban area distinct from the rural areas of adjacent Towns. Consider future expansion areas within the surrounding area.

Objective 3 – Perimeter & Regional Growth

Policy #5: Environmental Protection

On land annexed to the City, protect or restore sensitive or unique natural resources such as flood plains, steep slopes, major wooded areas, streams, wetlands, water quality, shorelines, and riverbanks through regulation and/or City investment.

If the petition private lands were developed on rural lots on up to 5 acre lots as sought by some neighbors there would be only about 80 homes built at a relatively high price point making them inaccessible financially to most. It would also require hundreds if not thousands of more acres to sprawl south of Eau Claire on similar large rural lots to meet the housing demand at the expense of open space for needed agriculture and green space for our rivers, wildlife, and shared benefit. This annexation is modest in size, reasonable in shape, efficiently served by the City, retains all public park and rights of way for continued public use and enjoyment, and will welcome many new residents to our community with much-needed quality housing while respecting the existing neighbors and neighborhood.



Scott H. Allen, AICP
Director

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645
Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner: **Stewart and Hauge**

Petition Number: **14502**

1. Territory to be annexed: From **TOWN OF WASHINGTON** To **CITY OF EAU CLAIRE**

2. Area (Acres): **4438**

3. Pick one: ☐ Property Tax Payments

OR

☐ Boundary Agreement

a. Annual town property tax on territory to be annexed:

\$ _____

a. Title of boundary agreement _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): _____

b. Year adopted _____

c. Paid by: ☐ Petitioner ☒ City ☐ Village

c. Participating jurisdictions _____

☐ Other: _____

d. Statutory authority (pick one)

☐ s.66.0307 ☐ s.66.0225 ☐ s.66.0301

4. Resident Population: Electors: **2** Total: **2**

5. Approximate **present land use** of territory:

Residential: **5** % Recreational: **30** % Commercial: _____ % Industrial: _____ %

Undeveloped: **65** %

6. If territory is undeveloped, what is the **anticipated use**?

Residential: **60** % Recreational: **40** % Commercial: _____ % Industrial: _____ %

Other: _____ %

Comments: _____

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☒ No

Plat Name: _____

8. What is the **nature of land use adjacent** to this territory in the city or village?

Vacant

In the town?: **Park, Single Family Farmland**

9. What are the **basic service needs** that precipitated the request for annexation?

☒ Sanitary sewer

☒ Water supply

☒ Storm sewers

☒ Police/Fire protection

☒ EMS

☒ Zoning

Other _____

10. Is the city/village or town capable of providing needed utility services?

City/Village ☒ Yes ☐ No

Town ☐ Yes ☒ No

If yes, approximate timetable for providing service:

City/Village

Town

Sanitary Sewers immediately

☐

☐

or, write in number of years.

0.5 - 2

Water Supply immediately

☐

☐

or, write in number of years.

0.5 - 2

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?

☒ Yes ☐ No

If yes, identify the nature of the anticipated improvements and their probable costs: TBD

11. Planning & Zoning:

a. Do you have a comprehensive plan for the City/Village/Town? ☒ Yes ☐ No

Is this annexation consistent with your comprehensive plan? ☒ Yes* ☐ No

** pending proposed/anticipated amendments*

b. How is the annexation territory now zoned? F2, RH, A2, A1

c. How will the land be zoned and used if annexed? R-1A

12. Elections: ☒ New ward or ☐ Existing ward? Will the annexation create a new ward or join an existing ward? For more information, please contact the Wisconsin Election Commission at (608) 266-8005, elections@wi.gov or see their annexation checklist here: <http://elections.wi.gov/forms/el-100>

13. Other relevant information and comments bearing upon the public interest in the annexation:

Prepared by: ☐ Town ☒ City ☐ Village

Name: Scott Allen

Email: planning@eauclaire.wi.gov

Phone: 715-839-4914

Date: 5-10-22

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

(March 2018)

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645
Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner: **Stewart and Hauge**

Petition Number: **14502**

1. Territory to be annexed: From **TOWN OF WASHINGTON**

To **CITY OF EAU CLAIRE**

2. Area (Acres): 421.72

3. Pick one: ☒ Property Tax Payments

OR ☐ Boundary Agreement

a. Annual town property tax on territory to be annexed:

\$ 1,456.55

a. Title of boundary agreement _____

b. Year adopted _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): 7,282.76

c. Participating jurisdictions _____

c. Paid by: ☐ Petitioner ☒ City ☐ Village

d. Statutory authority (pick one)

☐ s.66.0307 ☐ s.66.0225 ☐ s.66.0301

☐ Other: _____

4. Resident Population: Electors: 3 Total: 3

5. Approximate **present land use** of territory:

Residential: 1 % Recreational: 29 % Commercial: _____ % Industrial: _____ %

Undeveloped: 70 %

6. If territory is undeveloped, what is the **anticipated use**?

Residential: 58 % Recreational: 29 % Commercial: _____ % Industrial: _____ %

Other: 13 %

Comments: _____

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☐ No

Plat Name: _____

8. What is the **nature of land use adjacent** to this territory in the city or village?

Commercial

In the town?: Residential

9. What are the **basic service needs** that precipitated the request for annexation?

☐ Sanitary sewer ☐ Water supply ☐ Storm sewers

☐ Police/Fire protection ☐ EMS ☒ Zoning

Other _____

10. Is the city/village or town capable of providing needed utility services?

City/Village ☐ Yes ☒ No Town ☐ Yes ☒ No

If yes, approximate timetable for providing service:

Sanitary Sewers immediately

☐

☐

or, write in number of years. _____

Water Supply immediately

☐

☐

or, write in number of years. _____

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?

☐ Yes ☐ No

If yes, identify the nature of the anticipated improvements and their probable costs: _____

11. Planning & Zoning:

a. Do you have a comprehensive plan for the City/Village/Town?

☒ Yes ☐ No

Is this annexation consistent with your comprehensive plan?

☐ Yes ☒ No

b. How is the annexation territory now zoned? County Park, Agricultural and Rural Housing

c. How will the land be zoned and used if annexed? County Park, City Residential

12. Elections: ☐ New ward or ☐ Existing ward? Will the annexation create a new ward or join an existing ward? For more information, please contact the Wisconsin Election Commission at (608) 266-8005, elections@wi.gov or see their annexation checklist here: <http://elections.wi.gov/forms/el-100>

13. Other relevant information and comments bearing upon the public interest in the annexation:

See attached Addendum.

Prepared by: ☒ Town ☐ City ☐ Village

Name: Aleta Kauffman

Email: Kauffman@townofwashington.wi.gov

Phone: 715-834-3257

Date: 5/9/2022

(March 2018)

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

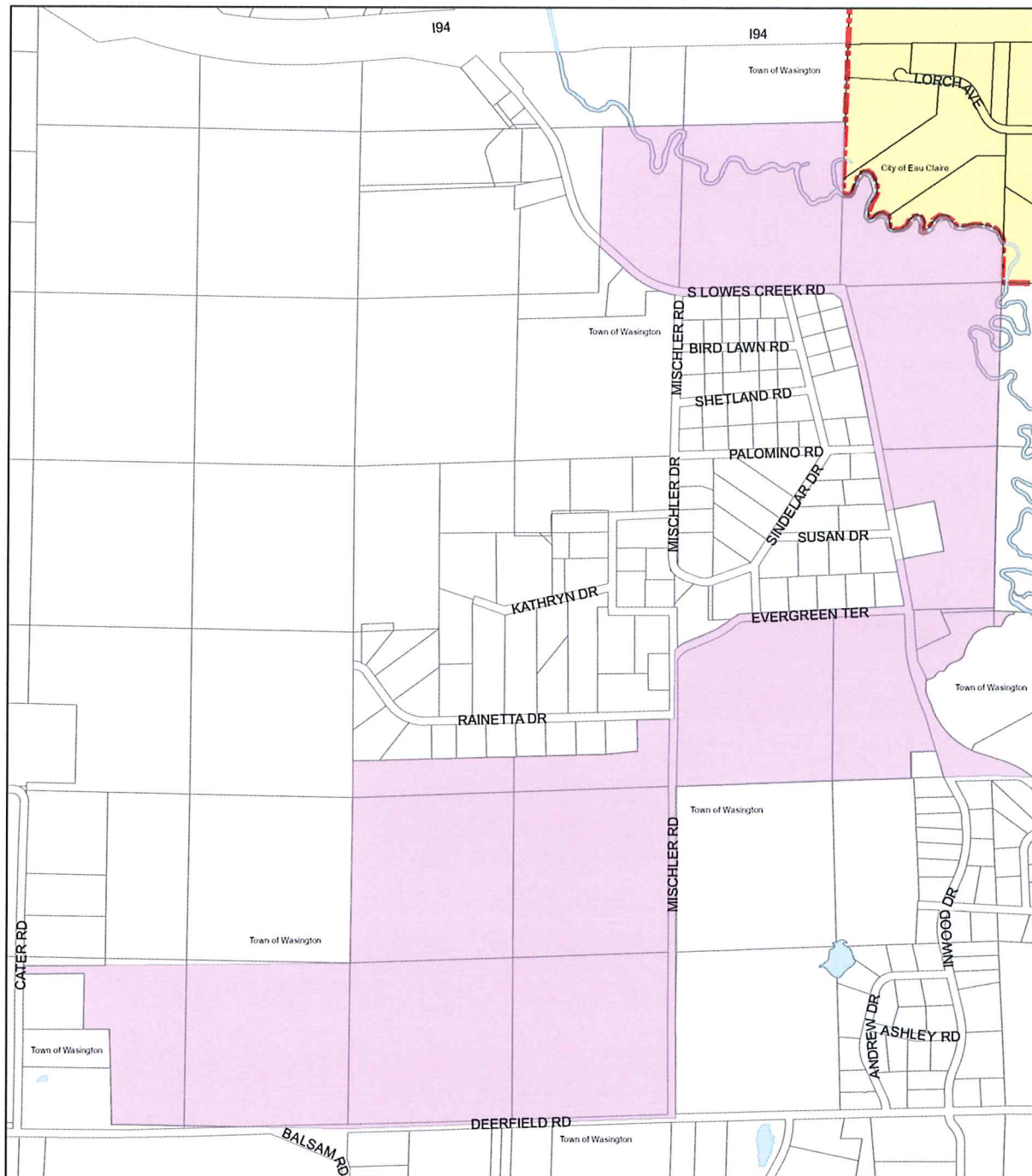
Addendum to Town of Washington's Response to Annexation Questionnaire

The Town has significant concerns regarding the utilities servicing the proposed annexation. Currently, the annexed land is not located within the City of Eau Claire's sewer service area ("SSA"). This annexation is an attempt to annex lands not within the SSA and far removed from the City limits. Developers previously determined that any development in this area did not require City services, as the developer planned a residential subdivision that would not connect to City services. It was only after the County denied a rezoning request that an annexation petition came forward.

Furthermore, the annexation would include an Eau Claire County park. The petitioners are using a County park to create a balloon on a string for the purpose of creating a subdivision a mile from the City limits. The County park does not require any City services. The County has not signed the petition, and the park is fully functional without any City services. The annexation would actually disrupt County parkland and environmental sensitive areas (creek crossing) for the installation of City infrastructure.

By roadway the proposed subdivision/development land is 2.2 miles from the City of Eau Claire by the shortest route. For this reason alone, the Town is in a better position to provide fire protection and emergency medical services to the territory. Additionally, the shape of the annexation nearly severs a large portion of the Town isolating it from the larger portion of the Town. Numerous town residents have contacted the Town expressing grave concerns that this annexation will make it exponentially more difficult to deliver Town services to residents bisected by the annexation. The Town shares those concerns, as fire protection, emergency medical services, snowplowing, and road maintenance will become exponentially more difficult to deliver given the odd shape of this proposed annexation.

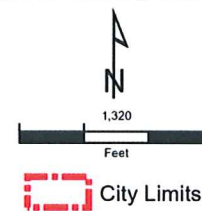
Indeed, annexation and the resulting development is not compatible with the City of Eau Claire Comprehensive Plan in terms of congruity, serviceability, and infrastructure requirements. These factors all decisively indicate the annexation is not in the public interest.



DATE
05/05/2022

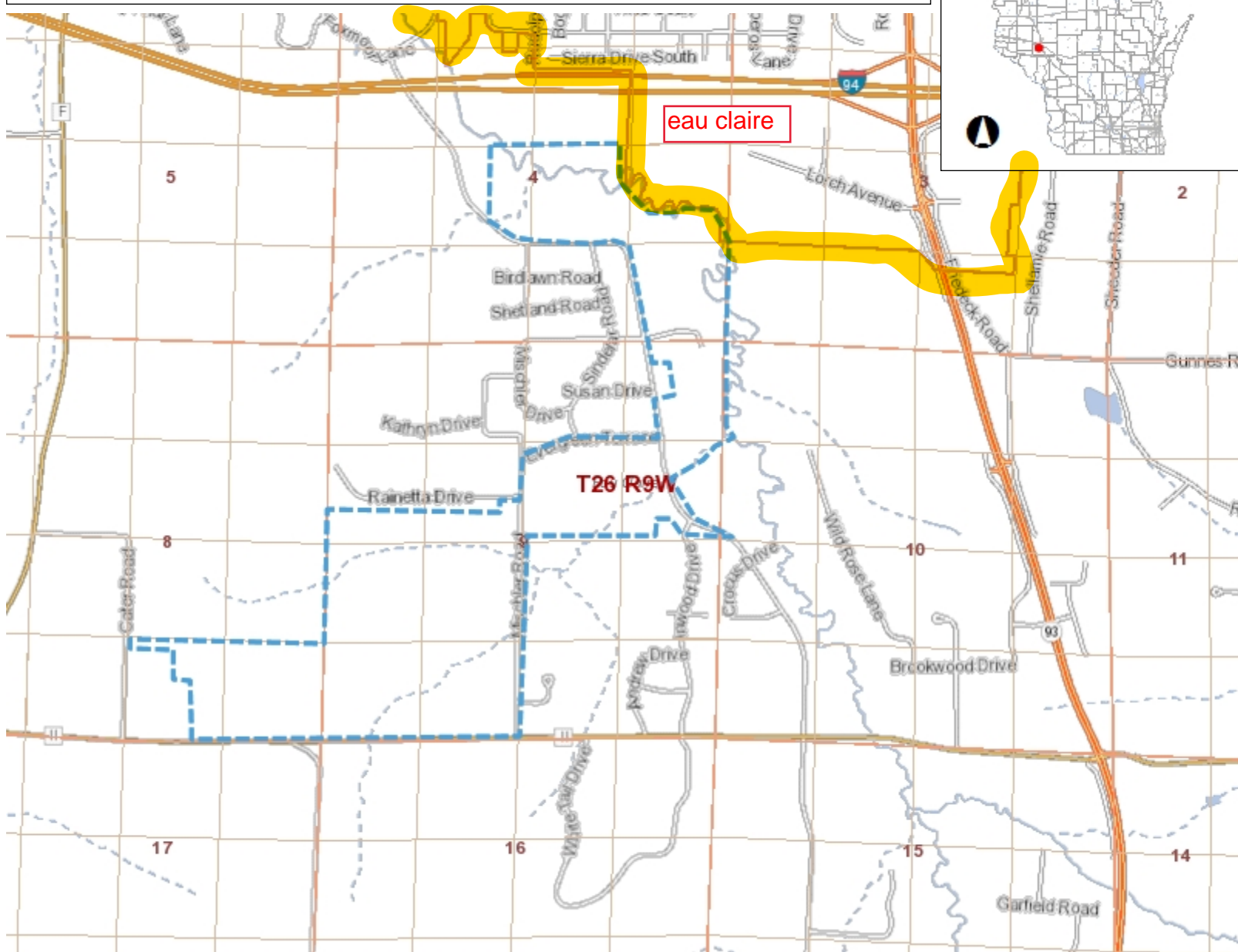
ANNEXATION FILE # 2022-3A

Lands located in ~~189~~ Town of Washington
Eau Claire County





Surface Water Data Viewer Map



Legend

- Township
- Section
- Quarter-Quarter
- County Boundary
- Cities, Towns & Villages
 - City
 - Village
 - Civil Town
- Municipality
- State Boundaries
- County Boundaries
- Major Roads
 - Interstate Highway
 - State Highway
 - US Highway
- County and Local Roads
 - County HWY
 - Local Road
- Railroads
- Tribal Lands
- Rivers and Streams
- Intermittent Streams
- Lakes and Open water

0.8 0 0.38 0.8 Miles

NAD_1983_HARN_Wisconsin_TM

1: 23,760

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

Notes

Nov 25 1892 Sat - The West Mountain



Scale 40 Chains to an Inch.

The above Map of Township N^o 26 North of Range N^o 9 West of the 4th Principal Meridian Wisconsin is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office, } C. M. Booth
Dubuque May 5th 1850. } Sur: Genl

Sur.^{re} Gen.^l



TONY EVERS

GOVERNOR

KATHY BLUMENFELD

SECRETARY-Designee

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

May 23, 2022

PETITION FILE NO. 14502

CARRIE RIEPL, CLERK
CITY OF EAU CLAIRE
PO BOX 5148
EAU CLAIRE, WI 54702-5148

JANELLE HENNING, CLERK
TOWN OF WASHINGTON
5750 OLD TOWN HALL ROAD
EAU CLAIRE, WI 54701-8948

Subject: STEWART AND HAUGE ANNEXATION

The proposed annexation submitted to our office on May 03, 2022, has been reviewed and found to be against the public interest.

In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city...." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory.

In this case, the shape of the proposed annexation is somewhat irregular. The proposed annexation is long and irregularly shaped, narrowing in places, and nearly bisects the Town. However, this shape appears to be similar to an annexation to the City of Sheboygan which was upheld in *Town of Wilson v. City of Sheboygan*, 2020 WI 16.

Regarding services, the Town appears better able to continue providing services to the annexation territory because the City appears to be in the early planning stages with services to this area. Only a portion of the proposed annexation is located within the City's approved sewer service area. The part of the annexation owned by Eau Claire County and used as parkland appears to be located within the approved sewer service area. The Eau Claire County parkland appear to be included in the annexation to gain contiguity to an area further to the south in Sections 8 and 9 which the Petitioners and the City propose to be developed with residential uses. Unfortunately, this area proposed for development currently lies outside of the sewer service area. This means that an amendment to the service area would be necessary. Furthermore, existing City sewer and water facilities are located more than a mile to the north, just off Interstate 94 along Lorch Avenue. Extending sewer and water facilities south to Sections 8 and 9 appears to be in the very early planning stages. Finally, it appears that the Town can better provide fire and EMS services because it is currently providing these services while the City is 2.2 miles away by roadway. The City did not address fire or EMS services in its questionnaire. As with sewer and water service, the City may be in the very early stages planning for fire protection and EMS services.

Notes: 1) It appears that the call in line 26 of the metes and bounds description to the northwesterly right of way line South Lowes Creek Road should be to Evergreen Terrace, and that the call in line 67 to South Lowes Creek should be to South Lowes Creek Road. 2) Petitioners state that this is a unanimous consent petition under s. 66.0217(2), Wis. Stats. However, it appears that Eau Claire County has not signed the petition, despite Eau Claire County parkland being included as part of this annexation as required by a unanimous consent petition.

Should the City decide to enact an ordinance accepting this annexation, the Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14502 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2576>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke", with a stylized flourish at the end.

Erich Schmidtke, Municipal Boundary Review

cc: petitioner