

April 16, 2025

RE: Type IV Minor Amendment request to remove 0.9 acres of wetland ESA within the proposed Whitetail Woods residential development in the City of Altoona

### **Overview**

The City of Altoona has requested a Type IV Minor Amendment as provided for within the *Chippewa Falls-Eau Claire Urban Sewer Service Area Plan* (SSA Plan) to allow for the filling and removal of 3,960 s.f. (.0909 acres) of delineated wetland environmentally sensitive area (ESA).

### **Background**

On 3/24/25, WCWRPC received a 208-conformance review request from Everyday Surveying & Engineering (ES&E) for a sanitary sewer extension that would serve a residential development named Whitetail Woods consisting of 60.34 acres total within the City of Altoona. As part of WCWRPC's review, it was noted that a wetland ESA would be encroached upon (filled) as part of the project. The 208 review request included documentation that on 5/9/24, WDNR had issued a Nonfederal Wetland Exemption Determination letter for the wetland area.

After follow-up conversation with ES&E and City of Altoona representatives, WCWRPC contacted WDNR on 4/8/25, seeking guidance given the previous WDNR determination. On 4/9/25, WDNR Water Quality Program staff replied that:

"From the information you provided, it appears an SSA plan amendment is required to bring the project into conformance. If this qualifies as a minor amendment under the approved SSA plan (as it seems it would), then that expedited process could be followed. You may also consider the findings provided in the DNR wetland letter as justification in your review/approval of the amendment. Note that the DNR letter is not an approval or permit decision per se, but just documentation of its status under Federal jurisdiction and whether any mitigation would be required due to the size or quality of wetlands impacted if DNR were to issue a permit."

On 4/9/25, WCWRPC notified ES&E and the City that a Type IV Amendment application would be required and that the project may qualify for a minor amendment. On 4/15/25, a Type IV Amendment request with narrative was received from the City of Altoona.

### **Related SSA Plan Policy**

A wetland within the SSA Plan is defined on page 55:

- **Wetlands** – *Any area in which water is at, near, or above the surface long enough to support hydrophytic vegetation or water-loving plants and which has soils indicative of wet conditions as defined by NR 103, Wisconsin Administrative Code.* Wetlands may be seasonal or permanent and are sometimes referred to as swamps, marshes, or bogs. Wetlands may or may not be mapped as part of the Wisconsin Wetlands Inventory. If potential wetlands or wetland-indicator soils exist, a site-specific survey and/or certified wetland delineation may be required. Additional wetland

setbacks may be required by the State, county, or local government, but the setback area is not considered part of the ESA.

The SSA Plan's definitions and policies make no distinctions regarding wetland quality.

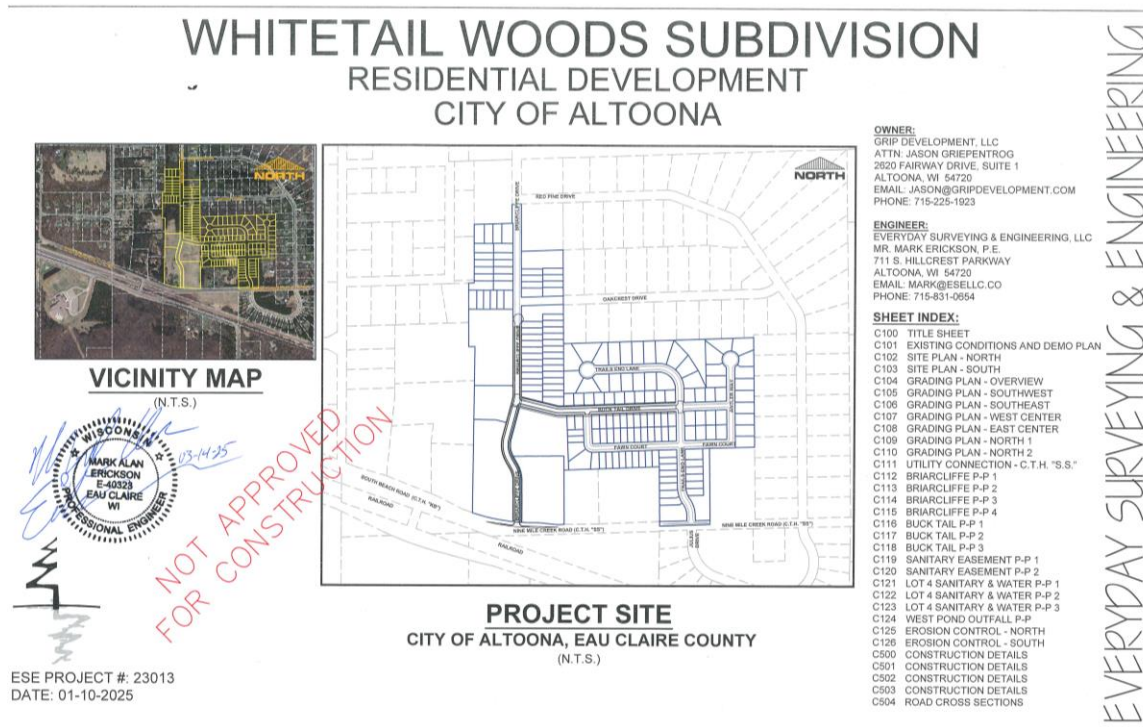
Policies 2.1.4 and 2.1.5 of the SSA Plan are particularly relevant for this Amendment request:

Policy 2.1.4 A request for a Type IV (ESA) Sewer Service Area Amendment for which less than one (1) acre of ESA is affected shall be considered a minor amendment. In such cases, the amendment may be approved by WCWRPC following consultation with and concurrence by local WDNR staff. WCWRPC and local WDNR staff have the discretion to require the full amendment review and approval process as described in Chapter 6.4.

Policy 2.1.5 A Type IV (ESA) Sewer Service Area Amendment should only be approved in unusual circumstances where no reasonable alternative exists and/or when the encroachment is necessary to mitigate or remedy an existing environmental problem as determined by the municipality's Plan Commission.<sup>1</sup>

### Overview of Project Scope

The City's amendment request narrative (attached) described the project location, existing land uses/cover, and the proposed residential development project. Below and on the next page are key pages from the plan set showing the location, existing conditions, and grading plan with proposed development.



<sup>1</sup> Note: Consistent with this policy, WCWRPC defers to the local municipal in determining whether "no reasonable alternative exists or if an encroachment is necessary to remedy an environmental problem.





## WCWRPC Findings

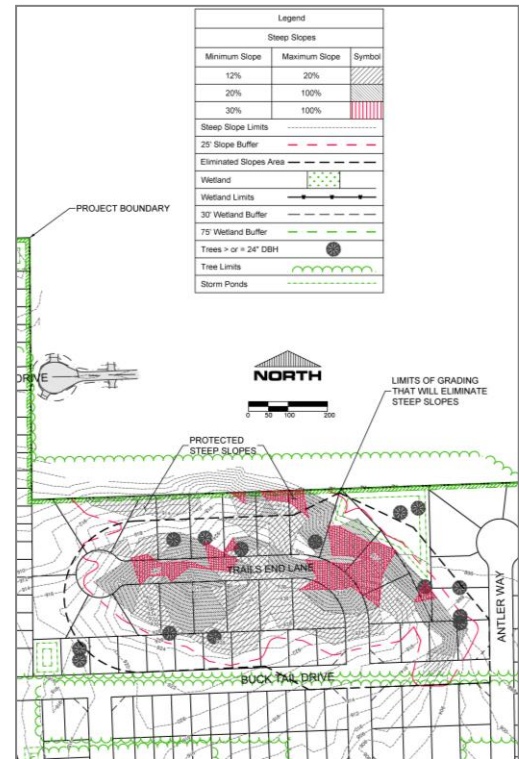
West Central Wisconsin Regional Planning Commission staff conducted a review comparing the development project as described in the amendment application and other materials provided with the Chippewa Falls/Eau Claire Urban Sewer Service Area Plan for 2025 (SSA Plan). Based on our review, WCWRPC makes the following findings:

- **The sanitary sewer extension and the 60.34-acre project area are located within the urban Sewer Service Area boundary.**
- The nearest surface water is Lake Altoona, which is approximately 0.22 miles north of the far north extent of the project area.
- Steep slope ESAs in excess of 20% exist in the northeast part of the project site within Outlot 7. Since these slopes are not in close proximity to another known ESA, they are classified as Class B steep slopes under the SSA Plan. **Some Class B steep slopes of 20+% would be encroached upon** by the proposed Trails End Lane and associated residential lots as shown on the map excerpt to the right from ES&E.

Under the current SSA Plan, steep slope ESAs should not be encroached upon by any intensive land disturbances (e.g., structures, parking areas, clearing, grading), with certain unavoidable exceptions. However, given that these are Class B slopes, a 208 review approval without a SSA Plan amendment for the encroachment of Class B slopes is allowable under SSA Plan policies if documentation is provided showing: (1) the City has approved the engineering plans (i.e., grading, stabilization, & erosion control plans) for the area and (2) the City Plan Commission has determined that the steep slope encroachment was necessary to remedy an existing environmental problem and/or that no reasonable alternative exists to avoid the loss of the steep slopes.

City staff have conceptually approved the Phase 1 civil plans, including grading/erosion control plans, and would conduct final approval once final platting and site plan reviews are completed. City staff also conducted a detailed site analysis in July 2024 of the proposed project which notes:

“As illustrated on the detailed site analysis there are slopes in excess of 20% on the northeast portion of the development area. 19.15.110 permits developments on slopes of this type only if the developer provides mitigation to a level acceptable to the Altoona City Engineer. The developer submitted civils outlining their proposed protections which have been reviewed by the City Engineer. As part of Phase 1, the developer is proposing to regrade areas classified as steep slopes along the north edge of Buck Tail Drive. This area will be graded to a 3:1 slope and will discharge to a vegetated swale. The 3:1 slope will be established using an erosion control mat. These best management practices are an acceptable mitigation method.”



The Altoona Plan Commission reviewed the steep slope requirements and impacts as part of preliminary plat approval on July 9, 2024 and recommended approval of the steep slope construction permissions and the Altoona City Council approved the preliminary plat and steep slope disturbance on July 11, 2024.

- Two wetland ESAs exist within the project area – Wetland A (about 0.42 acres) and the smaller Wetland B (about 0.0909 acres). A wetland determination for both Wetland A and B is attached as part of the City’s amendment request. Both Wetland A or B are isolated depressions; neither wetland has an inlet or outlet. As discussed in the City’s amendment application narrative:
  - Wetland A would be protected as part of Outlot 6; this outlot will be dedicated to the City for public uses with no stormwater facilities. According to the July 2024 staff report on the preliminary plat, City code requires a 75’ buffer from wetlands, and nearby streets were realigned to avoid the wetland buffer area to the maximum extent possible. The remaining proposed uses within Outlot 6 are permitted in the wetland buffer area. **The plans regarding Outlot 6 appear to be in conformance with the SSA Plan and no amendment action is needed regarding Wetland A.**
  - **Wetland B would be filled, which requires a Type IV SSA Plan Amendment.** The WDNR Nonfederal Wetland Exemption Determination from May 2024 is attached. The City of Altoona has approved the filling of this wetland. The filling/removal of this wetland was considered by the City as part of their July 2024 staff report, then considered at the Altoona Plan Commission and City Council meetings in July 2024 noted previously. Further, since the City’s zoning ordinance has a wetland zoning overlay district, the City Council took action on 8/22/24 to approve a wetland rezone petition to lift the wetland overlay for Wetland B and allow for its filling.
- The City’s amendment application also notes how the proposed project is consistent with the *City of Altoona Comprehensive Plan*.

### **WCWRPC Advisory Recommendations**

1. **Regarding the Class B Steep Slope encroachments**, the documentation of the City’s consideration of the steep slope ESA encroachment/regrading appears to meet minimum SSA Plan policies for allowing 208 conformance without a Type IV SSA Plan Amendment. WCWRPC recommends that these encroachments be addressed as part of the 208 review process with conditions that: (i) the City approves the final plat and the final grading/erosion control plans, and (ii) that no further encroachments are allowed in the future without additional review for SSA Plan conformance.
2. **Regarding Wetland A**, this wetland ESA will be protected as part of Outlot 6. Any future 208 conformance review will note and support this protection.
3. **Regarding Wetland B**, which is proposed to be filled, the small size of this wetland and the fact that it is an isolated wetland with no inlet/outlet suggests that: (i) its loss would

not have significant water quality impacts<sup>2</sup> if stormwater management is properly planned for and executed, and (ii) this proposed ESA encroachment can be addressed as a minor amendment under the SSA Plan. However, WCWRPC does not have the engineering/hydrologic analysis expertise to determine the water quality impacts from the potential loss of wetlands. WCWRPC recommends that WDNR Water Quality staff:

- a. determine whether a Type IV amendment should be allow for the removal (filling) of Wetland B as proposed, including any related conditions, and,
- b. confirm whether this amendment can be administratively addressed as a minor amendment.

Attachments (provided as a separate PDF)

pp 1-43	City of Altoona Type IV SSA Plan Amendment Application, April 2025
pp 44-45	WDNR Nonfederal Wetland Exemption Determination, May 2024
pp 46-57	City of Altoona Staff Report on Preliminary Plat, July 2024
pp 58-89	Construction Plan Set as of January 2025

cc: Taylor Greenwell, City of Altoona Planning Director

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<sup>2</sup> Given that the SSA Plan focuses on water quality, WCWRPC did not consider other potential impacts from the loss of wetlands, such as lost habitat or impacts to existing flora/fauna.