

WCWRPC Review

Chippewa Falls/Eau Claire Urban Sewer Service Area Plan Request for Type IV Amendment

Project: Fairway Drive Town Homes, Lots 40, 59, 60
Requesting Entity: City of Altoona
Request Received: received by WCWRPC on 1/11/12
Review Date: January 11, 2012

Overview of the Amendment Request

The City of Altoona has prepared a complete request to the WDNR for a Type IV – Plan Amendment as described below:

1. It is requested that the Sewer Service Plan map be updated to recognize, then eliminate the Environmentally Sensitive Area of slopes greater than 20% from Lots 40, 59, & 60 of the Fairway Drive Town Homes development.
2. The Environmentally Sensitive Area and the SSA Plan Map shall be amended in the said location to allow the construction of town homes. The boundary is amended with a condition of approval that no home construction may occur until an Erosion Control Plan is approved by the City of Altoona.

Proposed ESA Change

Steep slope loss for
 Lot 40 - 0.063 acres
 Steep slope loss for
 Lots 59 & 60 - 0.092 acres
 Total ESA loss - **0.155 acres**

The primary text and justification from the City's request, along with select maps, are attached for reference.

Sewer Service Area (SSA) Planning Background

The *Chippewa Falls/Eau Claire Urban Sewer Service Area Plan for 2025* (SSA Plan) was developed to meet the pertinent requirements of the Federal law (Section 201 and Section 208), Wisconsin NR121, and WDNR planning guidance. This SSA Plan, as a component of the WDNR water quality management plan, establishes the framework within which wastewater facility plans and sewer extensions are reviewed under NR121. The MPO serves as the local policy committee for the development (and update) of the SSA Plan, and has an important advisory role in any plan amendments.

What is a Type IV Amendment?

The SSA Plan delineates those areas with a potential for future sewer development by 2025, excluding environmentally sensitive areas (e.g., floodplains, wetlands, slopes greater than 20%, endangered species or habitats, sinkholes). A Type IV amendment is a change to the plan to allow for the extension of sewer service to an area delineated as an environmentally sensitive area (ESA). The area's SSA Plan did not identify a specific total acreage of ESA lands within the SSA due to the lack of reliable topographic data and in anticipation of the floodplain mapping updates (which have been completed in the time since the plan's adoption). **In this case, the ESAs to be eliminated were not identified in the adopted SSA Plan.**

Process for Plan Amendments

According to the approved SSA Plan, all requests for Type IV amendments will be reviewed in a case-by-case, site-specific manner. The plan recognizes the possible conflict between development and preservation of ESAs, and this amendment is an attempt to allow both to co-exist. The following steps are required:

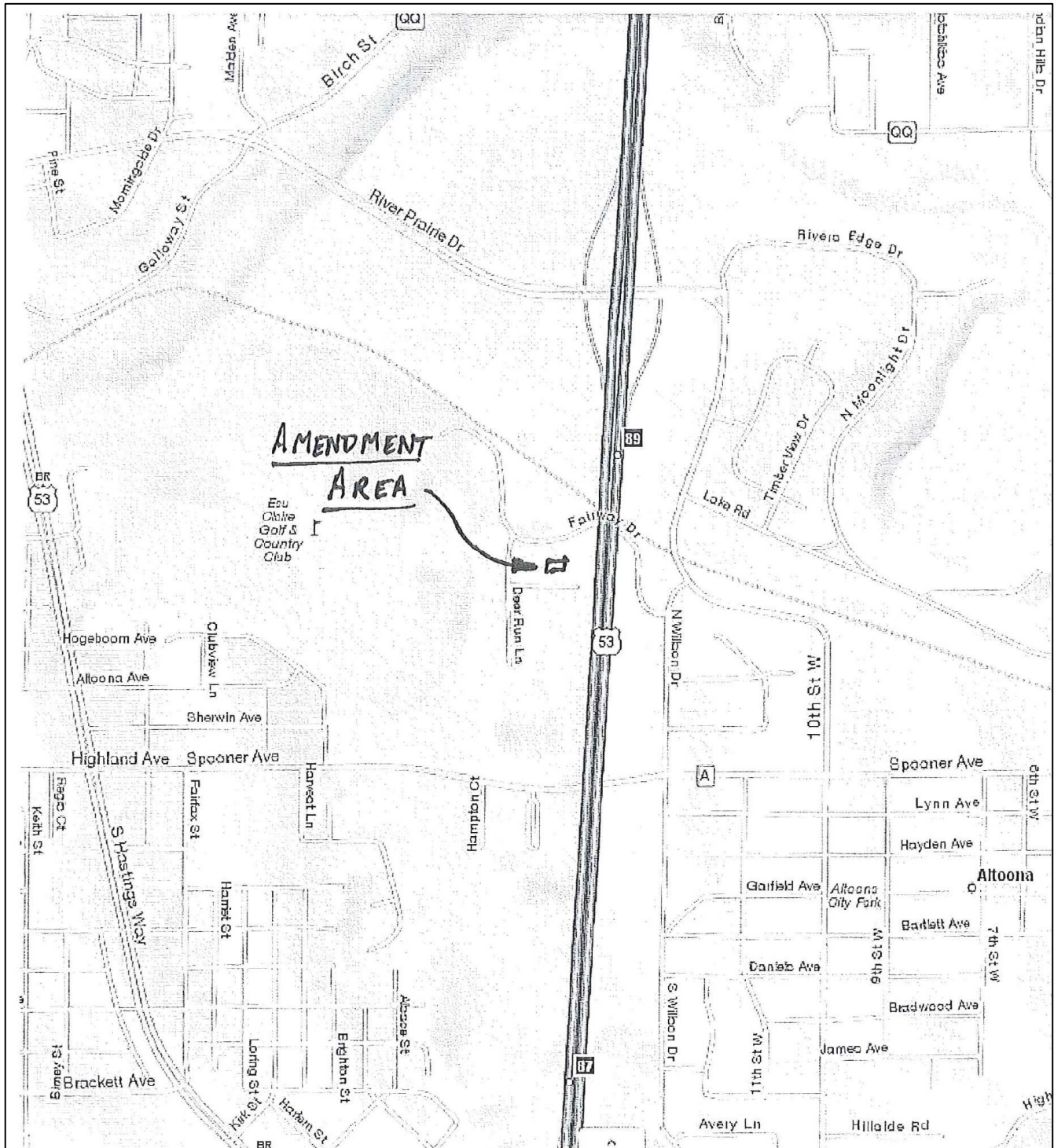
- 1) Requests of this type should be submitted to the WCWRPC by the governmental entity that will be servicing the proposed area with sufficient information for an informed recommendation.
- 2) A proposed Type IV amendment necessitates a meeting between the developer, the municipality, WCWRPC, and WDNR during the analysis of a proposal to eliminate or minimize disagreements and misunderstandings early in the process. *In this case, a series of phone and e-mail conversations took place between the Project Engineer, City, WCWRPC, and WDNR in lieu of a meeting. The developer's engineer provided a revised ESA map based on these discussions.*
- 3) WCWRPC and regional WDNR staff will cooperatively review and analyze the proposed amendment based on four criteria identified later in this report. *Due to current restructuring in WDNR, regional WDNR staff was not available to assist with this review.*
- 4) Based on the cooperative review, WCWRPC will report the findings of the analysis to the MPO. The MPO will then review the request and recommend approval or disapproval of the amendment. According to the SSA Plan, "[a]ll changes in the plan require an amendment which must be approved by the MPO with final approval being made by the WisDNR, with the exception of a Type IV amendment which only requires WisDNR approval."
- 5) This amendment involves areas with slopes greater than 20% which requires from the developer an erosion control plan incorporating the best available management techniques using guidance from the Wisconsin Construction Site Best Management Handbook (WDNR, April 1989). The developer must also satisfy the following hydraulic criteria on all sites of the proposed development: all post-development discharges from the site for a 3-year, 24-hour frequency storm shall be equal to or less than the pre-development peak discharges from the site for a 3-year, 24-hour frequency storm. However, this stormwater management requirement is not to supersede any local ordinances in place.

It is the responsibility of the municipality to review and ensure proper implementation of the proposed erosion control plan. Upon approval of the erosion control plan by the municipality, it will send a letter stating approval to WDNR. Approval of the erosion control plan by the municipality is needed for the issuance of a Type IV Amendment by the WDNR.

- 6) Following the MPO's action, the amendment request will be forwarded to the WisDNR for final approval.

Site Description

The area of the proposed plan amendment is located on the west side of Altoona between Fairway Drive and Wilderness Lane. The USH 53 bypass is just east of the development and the Union Pacific Railroad right-of-way is located nearby to the north. A location map and map of the amendment area showing the ESAs are attached on the following pages. Overall, the subject property is wooded with a rolling terrain. Due to close its proximity to the railroad, some of the topographic features on the property may be related to past railroad uses, such as clearing track right-of-way and spurs.



Key Activities Pertaining to this Amendment Request

- Street and utilities have already been developed within 150 feet of the amendment area, including Fairway Drive to the north.
- Some lots of the larger development to the northwest were previously graded to allow for construction of walk-out basements.
- The City of Altoona has approved a re-zoning request for the area to allow for the development. The General Implementation Plan and preliminary plat has been submitted to the City by the developer and will be on the agenda for February.

Review of the Request Based on Relevant Criteria

CRITERIA 1. There will be no significant adverse water quality and/or environmental impact associated with providing sewer service to the area.

WCWRPC is not staffed with a licensed engineer, so we rely heavily on the applicant municipality and the Wisconsin Department of Natural Resources for the review of such requests.

The City of Altoona amendment justification notes that the site is not located near, nor directly discharges into, any streams or rivers. The proposed development is approximately 1,250 feet (0.23 miles) from Otter Creek, the closest surface water.

The majority of stormwater runoff from the site is collected and conveyed to an existing regional stormwater facility that was designed and constructed to serve the USH 53 bypass and surrounding residential development. The stormwater facilities is north of Fairway Drive and west of USH 53, and will be owned by the City of Altoona.

According to the NRCS Soil Survey of Eau Claire County, soils at the site are predominantly sandy with a high permeability rate, excessively drained, and low runoff potential. The runoff potential can increase with steeper slopes, though the overall erosion rating for the lots is “SLIGHT”, which is the lowest rating category.

Based on available records, no wetlands, endangered species, or endangered habitats have been identified in the immediate area, though the subject lots are forested and some rare species and/or high-quality natural communities have been identified within the geographic township.

CRITERIA 2. The proposed amendment is in compliance with the policies and goals of this plan.

The SSA Plan has three primary goals, with related objectives and policies under each. Each goal, and its relationship to the request, is summarized here:

Goal 1. Create an orderly and planned pattern of community growth

According to the City’s request, the proposal is consistent with the City of Altoona Comprehensive Plan and sewer service can be provided in a cost-effective manner. Sanitary sewer is already available from existing streets to the north and west of the subject lots, and within 150 feet from the amendment area. Lot 40 is located less than 100 feet from the USH 53 bypass to the east and a golf course is

located approximately 900 feet to the west. Other residential development is planned for the immediate area and the project is located within the SSA Plan boundary.

Goal 2. Protect water quality, natural resources, and sensitive natural areas.

Addressed as part of Criteria 1 above. The amendment would remove environmentally sensitive areas from the SSA Plan map. The grading will be re-shape and lower an area of linear slope on the subject lots. It is possible that this interesting looking slope was originally man-made as part of earlier railroad or farming activity.

Goal 3. Provide facilities and services in a efficient and environmentally sound manner.

Addressed as part of Criteria 3 below.

Regarding Compliance with Applicable SSA Plan Policies

The act of making the amendment request is consistent with the following SSA Plan policies:

- The SSA Plan includes policies that allows extensions or hookups to buildings on lots which are partially within an ESA if sufficient setbacks and erosion control measures are taken. Any change to an ESA delineation requires WDNR approval and a plan amendment.¹
- Best management practices for erosion and stormwater control are encouraged where sewered development is proposed for areas with slopes of 12 percent or greater. Any land disturbance or the footprint of any building or structure associated with sewered development, including but not limited to principal or accessory building, parking areas, or retaining walls, shall not encroach upon slopes 20% or greater, without a Type IV Sewer Service Area Plan amendment. Open decks and/or stairways on post and pier foundations may encroach upon slopes 20% or greater with approval of the local regulating authority. A naturally occurring steep slope of 20% or greater shall not be graded, filled, or otherwise altered to avoid these requirements.²
- All requests for Type IV amendments will be reviewed on a case-by-case, site-specific manner. A Type IV Amendment is requested by the municipality wishing to extend sewer service to an area delineates as an ESA.³

CRITERIA 3. Such sewerage service can be provided in a cost-effective manner.

Existing streets with sanitary sewer service are located within 150 feet of the amendment area. The amendment area is roughly 40 feet wide.

CRTIERIA 4. All appropriate local, state, and federal environmental permits (such as erosion control, wetland preservation, floodplain, etc.) have been granted for the proposed development.

To our knowledge, steep slopes are the only environmentally sensitive features at this site. The key activities in the previous section notes that the City of Altoona is just commencing with its review of the General Implementation Plan and plat. An Erosion Control Plan will also be developed. All related plans were/will be prepared by a Professional Engineer licensed to practice in the State of

¹ pages 55-56, Section 3.4.2

² page 79, Policy 2.1.5

³ page 91, Section 6.3.4

Wisconsin. An Erosion Control Plan must be approved by the City of Altoona prior to construction on the subject lots. The City may require additional stormwater management or erosion control measures which also must be met prior to construction. Construction site erosion control will be consistent with the techniques outlined by WDNR Technical Standards for Erosion Control.

Conclusions

This WCWRPC review was limited to the impacts of the proposed sewer extension in the context of the SSA Plan and does not constitute a land use, zoning, or subdivision plat review or engineering analysis of the site. Such additional reviews and analysis made be required by WDNR or the municipality.

WCWRPC identified no findings pertaining to the amendment request which conflict with the relevant SSA Plan criteria. The request appears to adequately address all four criteria based on the information provided by the City of Altoona.

A recommendation for approval of this amendment request by the MPO should include the condition that **any applicable land use, environmental, or erosion control permits are obtained and related plans implemented as required by the City of Altoona. Should the layout or uses of Lots 40, 59, or 60 be modified prior to recording of the plat, a revised map and legal description of the amendment areas to be removed from the SSA should be provided to WCWRPC.**

It should be noted that a Type IV SSA Plan amendment in the Chippewa Falls-Eau Claire area has been quite rare. The WDNR has stated that such amendments should be seldom used and avoided if possible which is consistent with the goals and policies of the approved SSA Plan.

Attachments

- Main text of the City of Altoona amendment request.