

## WCWRPC Review

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

**Project:** Oakwood Business Park Lot 4  
**Requesting Entity:** City of Eau Claire  
**Request Received:** received by WCWRPC on 1/9/12  
**Review Date:** January 10, 2012

---

### **Overview of the Amendment Request**

The City of Eau Claire has prepared a thorough and 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 eliminate 1.38 Acres of the Environmentally Sensitive Area of slopes greater than 20% from Lot 4/R-3P, Keystone Crossing of the 2003 Oakwood Business Park General Development Plan. The 1.38 acres includes 0.45 acres of slopes in excess of 20% that must be removed to create the required vision triangle at the intersection of Keystone Crossing and Bullis Farm Road.
2. The Environmentally Sensitive Area and the SSP Map shall be amended in the said location to allow the grading of the lot to expand the future developable area. The boundary is amended with a condition of approval that no construction may occur until an Erosion Control Plan is approved by the City of Eau Claire.

#### **Proposed ESA Change**

Steep slope loss for  
vision triangle - 0.45 acres  
  
Steep slope loss for  
developable lot - 0.93 acres  
  
Total ESA loss - **1.38 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).

### **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:

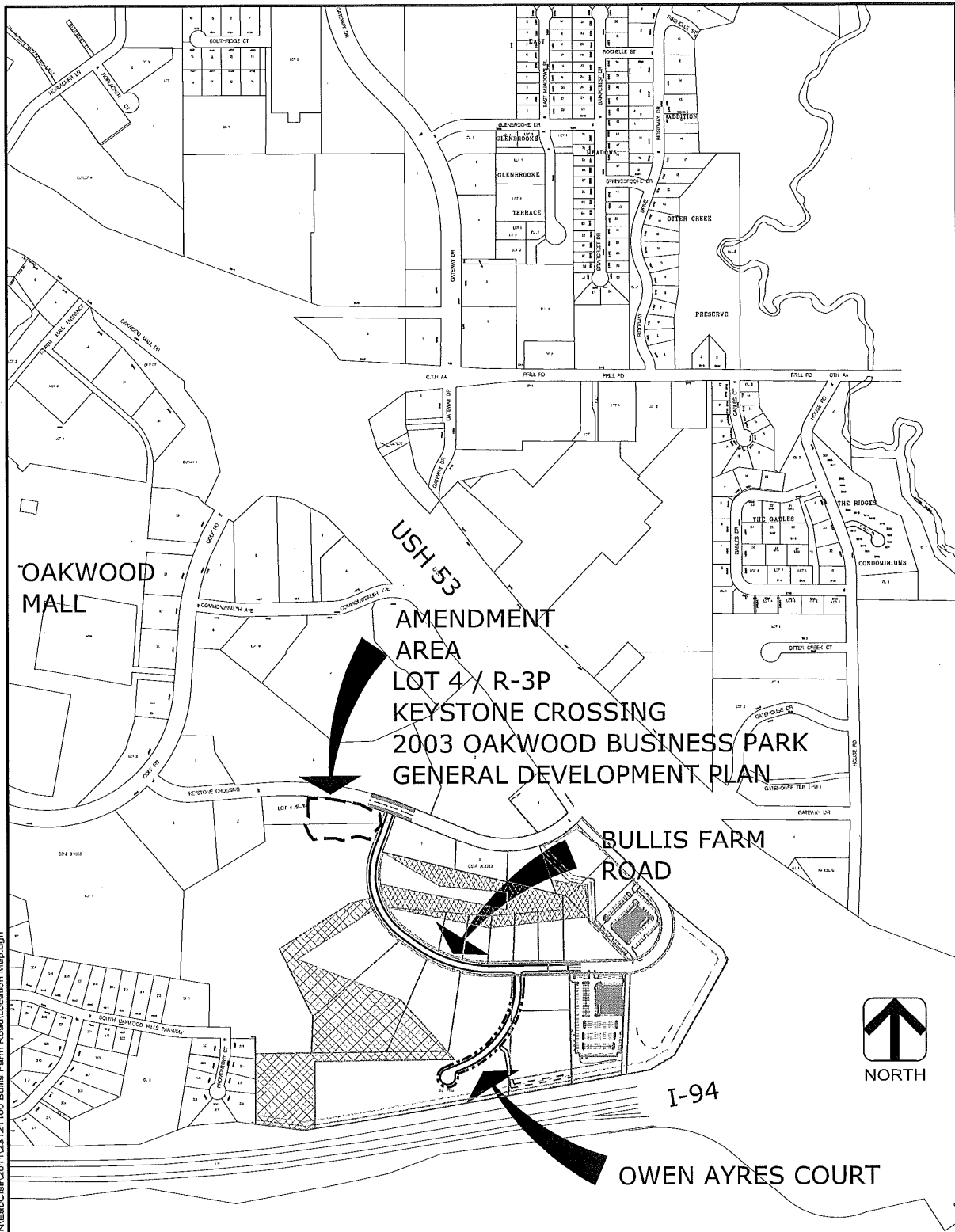
- 1) Requests of this type should be submitted to the WCWRPC by the governmental entity that will be servicing the proposed area with sufficient information for an informed recommendation.
- 2) A proposed Type IV amendment necessitates a meeting between the developer, the municipality, WCWRPC, and WDNR 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 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 southeast side of Eau Claire within the SSA. The request area is located on Keystone Crossing between Golf Road and Commonwealth Avenue. A location map and map of the amendment area showing the ESAs are attached on the following pages.



Ayres\_peri.plt.dwg  
 V:\ES\Eng\Eng\ENGIN\Map\2011\23121100 Bullis Farm Road\Location Map.dgn  
 9/28/2011

DES BY	DJP
DR BY	CRB
CHK BY	DLW
DATE	SEP 2011

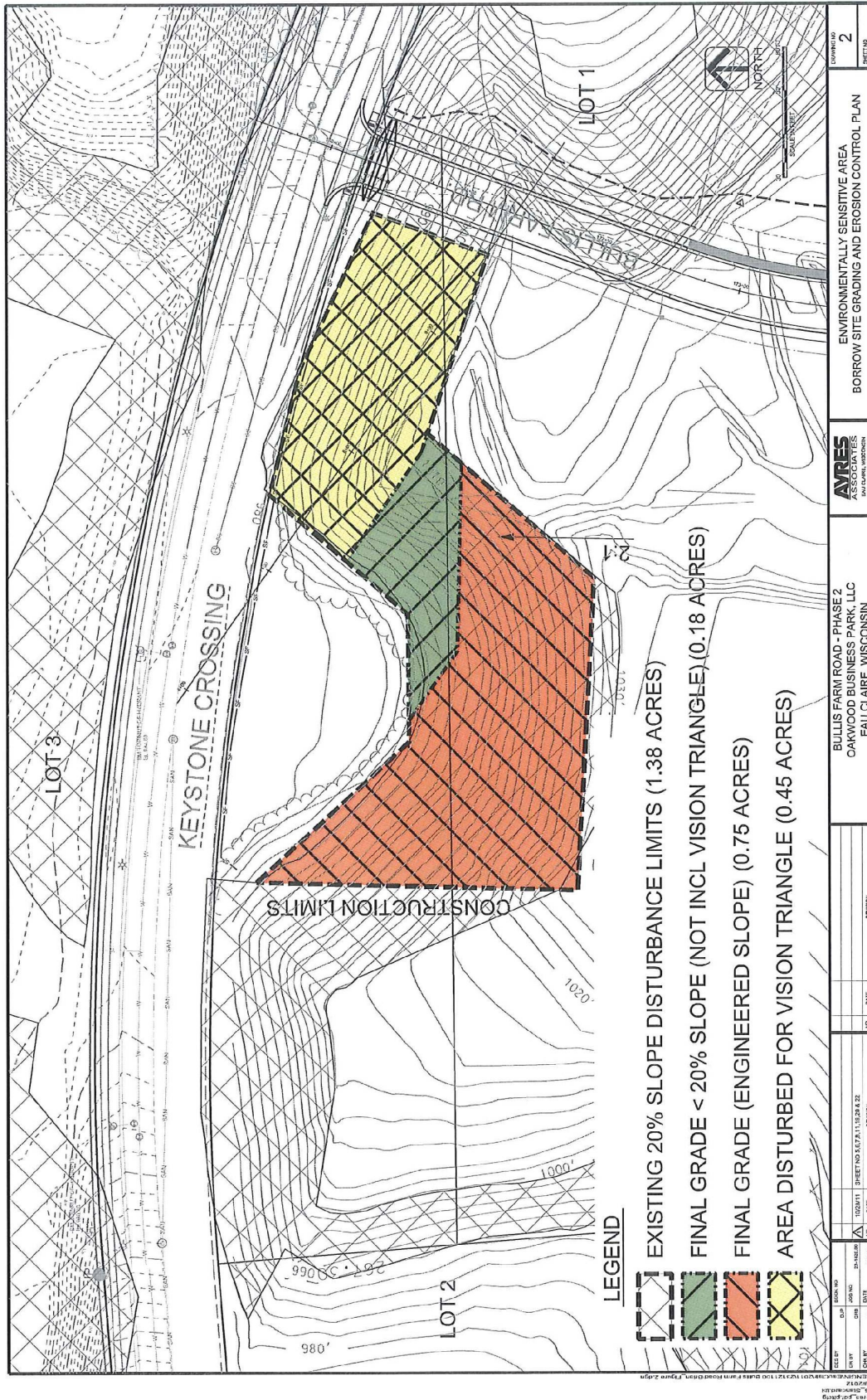
BULLIS FARM ROAD - PHASE 2  
 OAKWOOD BUSINESS PARK, LLC  
 EAU CLAIRE, WISCONSIN

**AYRES**  
 ASSOCIATES  
 EAU CLAIRE, WISCONSIN

LOCATION MAP

FIGURE NO  
 1  
 SHEET XXX





Significant development has already occurred or is proposed for the general area, including commercial-retail, commercial-office, and multi-family housing. Considerable grading for Bullis Farm Road immediately adjacent to the site amendment area has already been completed.

The specific use for the 0.93-acre developable lot has not yet been proposed, though commercial-office or similar use is anticipated. As the previous map shows, the proposed project would encroach upon steep slopes. The grading to be performed as part of this amendment cuts into the hillside, but leaves the top of the hill intact.

### **Key Activities Pertaining to this Amendment Request**

2003	A General Development Plan for Oakwood Business Park was approved by the City of Eau Claire.
2004	Sanitary sewer was constructed on Keystone Crossing which is available to serve the amendment areas.
July 2006	A development agreement for construction of Bullis Farm Road was entered into which required the grading necessary to form the vision triangle encompassed by this request.
Sept 2011	City of Eau Claire Plan Commission approved the restoration grading and site plans which included a condition that the SSA plan be amended due to slopes in excess of 20%. The City also requires new, undisturbed conservancy land be preserved by the developer to replace the steep slope conservancy which is being lost due to the proposed grading.
Sept 2011	WDNR issued a WPDES Construction Site Storm Water Runoff Permit (Facility FIN 45552) for the project after evaluation of potential storm water discharges.

### **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 Eau Claire amendment justification notes that the site is not located near, nor discharges directly into any streams. The proposed development is approximately 1.3 miles west of the area's outfall to Otter Creek, the closest surface water.

Stormwater runoff from the site is conveyed to a regional stormwater pond and infiltration basin owned by the City of Eau Claire and is located along the far eastern extent of Bullis Farm Road in the NW quadrant of the I-94 and USH 53 intersection.

According to the NRCS Soil Survey of Eau Claire County, soils at the site are predominantly a well-drained loam with slopes up to 60 percent. Overall this soil type has a moderate susceptibility to erosion (K factor) in the Bullis Farm Road area considering the slopes involved.

Based on available records, no wetlands, endangered species, or endangered habitats have been identified in the immediate area, though some rare species and/or high-quality natural communities have been identified within the geographic township. Given the commercial development in the immediate area, and Intestate 94 and USH 53 in relatively close proximity, any potential value of the site as a wildlife corridor is diminished.

**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

This is an infill project; a SSA Plan boundary amendment is not needed. Properties nearby the site have already been developed, or are proposed, for commercial-retail, commercial-office, or multi-family housing. Sewer service and other utilities are already available to this lot from Keystone Crossing. According to the City's request, the proposal is consistent with the City of Eau Claire Comprehensive Plan and sewer service can be provided in a cost-effective manner.

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. As mentioned previously, replacement conservation land would be identified.

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.<sup>1</sup>
- 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.<sup>2</sup>

---

<sup>1</sup> pages 55-56, Section 3.4.2

<sup>2</sup> page 79, Policy 2.1.5



- 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.<sup>3</sup>

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

Sanitary sewer service on Keystone Crossing will serve this lot. Sewer service has been extended past the proposed amendment area in order to serve nearby commercial development and/or lots. There are no additional sewer extension costs to serve this lot beyond what was expended in 2004.

**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 timeline in the previous section summarizes the approvals and permits issued to date. All related plans were prepared by a Professional Engineer licensed to practice in the State of Wisconsin. An Erosion Control Plan must be approved by the City of Eau Claire prior to construction on this lot and will include measures as outlined in the City's request.

**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 Eau Claire.

A recommendation for approval of this amendment request by the MPO should include the condition that **any applicable environmental or erosion control permits are obtained and related plans implemented as required by the City of Eau Claire.**

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 Eau Claire amendment request.

---

<sup>3</sup> page 91, Section 6.3.4