



July 7, 2015

DNR File No. NC-0002

Dennis Lawrence, AICP
North Central Wisconsin Regional Planning Commission
210 McClellan Street, Suite 210
Wausau, WI 54403

Subject: Amendment to the *Sewer Service Area Plan for the City of Merrill Urban Area*

Dear Mr. Lawrence:

We have completed our review of the subject amendment request submitted to the Department on June 15, 2015 by the North Central Wisconsin Regional Planning Commission. The Department hereby approves the sewer service area amendment request to add 33.03 acres and remove 35.91 acres from the sewer service area. The area to be removed is located east of Golf Road and west of the Wisconsin River. The area to be added is located east of Big Eddy Road and West of US Hwy 51.

The area to be incorporated into the sewer service area does include a wetland area of approximately 2.68 acres identified on WDNR's Surface Water Data Viewer. This area is designated as an environmentally sensitive area; sewer service is prohibited from environmentally sensitive areas within the sewer service area boundary.

The amendment was requested by the City of Merrill following the annexation of a 28.16 acre parcel of land adjoining the sewer service area with the intention of providing sewer service for commercial development.

The plan amendment becomes part of the *Sewer Service Area Plan for the City of Merrill Urban Area*, and will be forwarded 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 equivalent 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 local, state or federal permit that may be required for sewer construction or associated land development activities.

If you believe that you have a right to challenge this decision, you should know that the 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., 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 must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to section 227.42, Wis. 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. 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,

A handwritten signature in cursive script, appearing to read "Timothy R. Asplund".

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

cc:

Darryl Landeau, Senior Planner, North Central Wisconsin Regional Planning Commission

Tom Hayden, Merrill City Attorney

Steve Ohm, WDNR

Jim Klosiewski, WDNR

Tom Aartila, WDNR

Lisa Helmuth, WDNR

Josie Lathrop, WDNR

NORTH CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

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SERVING ADAMS, FOREST, JUNEAU, LANGLADE, LINCOLN, MARATHON, ONEIDA, PORTAGE, VILAS AND WOOD COUNTIES

MEMORANDUM

TO: Ms. Johanna Lathrop, WI Dept. of Natural Resources
FROM: Dennis Lawrence, AICP *DL*
DATE: June 15, 2015; Second Revision: June 30, 2015
RE: City of Merrill Sewer Service Area Boundary Amendment: Nortrax Site

The City of Merrill has submitted a request (see Attachment 2) to amend its sewer service area boundary in accordance with its Sewer Service Area Plan dated April 1996. The City is annexing a 28.162 acre parcel of land adjoining the current sewer service area with the intention of providing sewer service for commercial development. To incorporate the site into the sewer service area, the City proposes the addition of the development site plus additional area to balance the swap and to maintain boundary contiguity for a total of 33.03 acres to the sewer service area. The proposed development is a dealership for sales and service of heavy construction equipment. It is expected to be a \$15 million facility and will employ 20 people. This memorandum documents the NCWRPC's review and recommendation regarding this request.

The Sewer Service Area Plan Amendment Procedures on page 4-4 of the plan document identify a number of conditions upon which an acceptable amendment may be based. This amendment request fits the following condition from the plan:

"Sewer service area boundaries may be modified (acreage swap) provided there is no increase in the total acreage of the sewer service area."

The City proposes removal of a slightly larger area of land (35.91 acres), that is unlikely to be developed in the future, from the Sewer Service Area resulting in a slight net decrease in the size of the sewer service area. See NCWRPC map, Attachment 1, showing the addition, removal area and resulting new SSA boundaries.

The Amendment Procedures also establish a set of criteria for review of a proposed amendment on page 4-5. Our findings for each of these criteria are described below:

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Cost-effectiveness: The NCWRPC finds a high degree of cost-effectiveness associated with the proposal. The site to be incorporated into the sewer service area is part of the City's east side commercial growth node and was identified as commercial development in the City's 2007 Comprehensive Plan. It is immediately adjacent to the new Wal-Mart development in close proximity to the full range of commercial level City services including sewer. Whereas, the proposed swap-out property is significantly removed from the nearest sewer line and other services.

Environmental / Water Quality Impacts: The area to be incorporated into the sewer service area does contain a wetland area of approximately 2.68 acres identified on the WDNR's Surface Water Data Viewer. This wetland would be classified as an environmentally sensitive area. Sewer service is barred from environmentally sensitive areas within the sewer service area boundary. The area does not include other environmentally sensitive areas identified in the plan including surface waters, floodplains, areas of steep slope or wellhead protection areas. The site to be swapped out is adjacent to the Wisconsin River and associated floodplain. State, county and city environmental and development regulations are in place, and it is the City's intent to observe them, including required construction site erosion control for development of the site to be added to the sewer service area.

The City will serve the proposed development with existing sanitary sewer lines serving the Walmart site, which have more than adequate capacity to service the proposed project. The Merrill Wastewater Treatment Plant is currently operating at just over 1/3 of its design capacity of 3.06 million gallons per day. The proposed development, with only 20 employees and relatively low customer traffic will add a negligible amount of wastewater flow.

Based on these findings, there appears to be no significant adverse water quality impacts resulting from the proposed amendment to the Sewer Service Area.

Consistency with Regional Plan: The proposal advances several goals of the NCWRPC's Regional Livability Plan (aka Comprehensive Plan) such as encouraging future development to concentrate where existing services and facilities are available and protecting shoreland and wetland areas from potential intensive (aka urban) development. It promotes economic development in an area identified as a primary commercial growth center, and it encourages land uses and densities that promote efficient development patterns and relatively low municipal and utility costs. And finally, it discourages development in or near environmentally sensitive areas including wetlands and floodplains.

Common Boundaries: The amendment areas have common boundaries with the current sewer service area and do not create voids with the service area.

Conclusion and Recommendation:

Based on our review of the preceding amendment criteria, the NCWRPC, as Designated Planning Agency, hereby recommends approval of the proposed plan amendment swap which results in a net loss of land area from the City of Merrill Sewer Service Area.

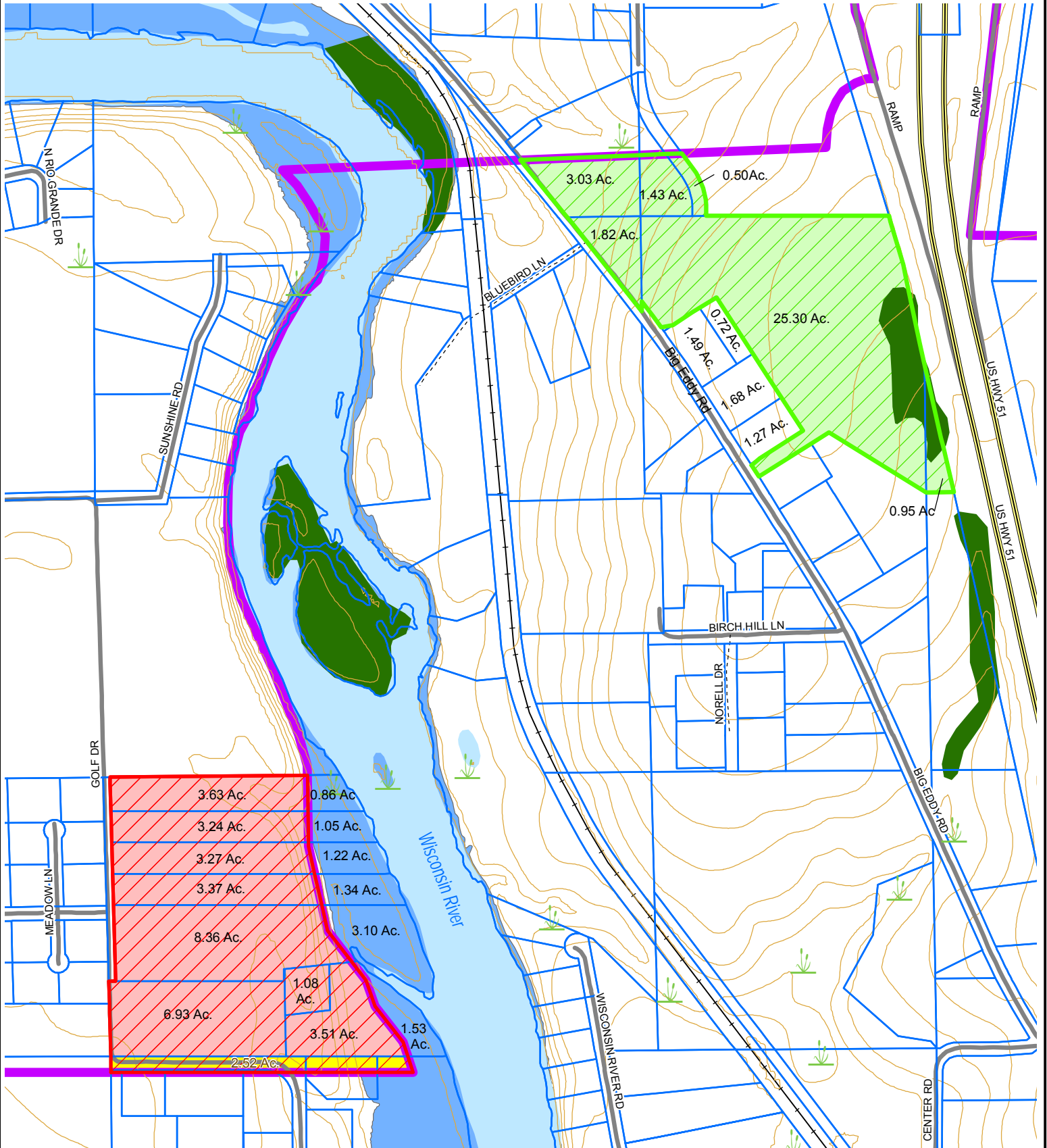
It should be noted that standard sewer service area practice today calls for buffer areas to be incorporated with the delineation of environmentally sensitive areas to account for margin of error in the mapping and to help maintain the functional integrity of the wetland area. As such, we recommend maintaining a minimum 75 foot buffer from the identified wetland area on the eastern edge of the sewer service area addition area.

This concludes our review of the Nortrax Amendment to the City of Merrill Sewer Service Area. If you have any questions or comments regarding this review, please feel free to contact me at 715-849-5510 extension 304 or email to dlawrence@ncwrpc.org.

Attachment 1

Addition & Removal Area (Swap) and New SSA Boundary Map
City of Merrill Sewer Service Area Boundary Amendment: Nortrax Site

City of Merrill - Sewer Service Area - Nortrax Boundary Amendment (Swap)



Legend

- Parcel Lines
- Contours 10ft
- Railroad
- Wetlands
- Floodway
- Sewer Service BND
- Proposed SSA BND Addition
- Proposed SSA BND Subtraction
- Mapping Error Adjustment

Map Revised Date: 6/30/2015

