

ENROLLED RESOLUTION 163-8

AMEND THE REGIONAL WATER QUALITY MANAGEMENT PLAN FOR THE
CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

WHEREAS the Southeastern Wisconsin Regional Planning Commission, duly created by the Governor of the State of Wisconsin in accordance with Section 66.945(2) of the Wisconsin Statutes on August 8, 1960, upon the petition of the Counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington and Waukesha, has the function and duty of making and adopting a Master Plan for the physical development of the region, and

WHEREAS the Southeastern Wisconsin Regional Planning Commission prepared and adopted on July 12, 1979, a report entitled "Regional Water Quality Management Plan for Southeastern Wisconsin-Year 2000", (Southeastern Wisconsin Regional Planning Commission Report No. 30), and

WHEREAS the Waukesha County Board of Supervisors has supported, participated in the financing of, and generally concurred in the Regional Planning Programs undertaken by the Southeastern Wisconsin Regional Planning Commission and believes that the Regional Water Quality Management Plan for the Southeastern Wisconsin Region is a sound and valuable guide providing technical data and support to the concept of further refinement of the adopted Regional Land Use Plan, and

WHEREAS the County Board of Supervisors has adopted the "Regional Water Quality Management Plan for Southeastern Wisconsin – Year 2000", Planning Report No. 30 on October 23, 1979, in Resolution No. 140, and

WHEREAS by letter dated June 11, 2008, the City of New Berlin requested an amendment to the Adopted Regional Water Quality Management Plan (New Berlin Sanitary Sewer Service Area), to add certain land to the City of New Berlin Sanitary Sewer Service area, and after due notice of a public hearing held on August 11, 2008, and preparation of a report entitled, "Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin", dated December 2008, said Plan amendment was adopted by the Southeastern Wisconsin Regional Planning Commission on December 3, 2008, and by the New Berlin Common Council on September 23, 2008, and

WHEREAS the subject matter of this Resolution has been duly considered by the Waukesha County Park and Planning Commission and the Waukesha County Land Use, Parks and Environment Committee, which recommends its adoption.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA that the report entitled "Amendment to the Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin" dated December 2008, is hereby approved signifying the County's agreement with the change to the "Regional Water Quality Management Plan" identified in the amendment document.

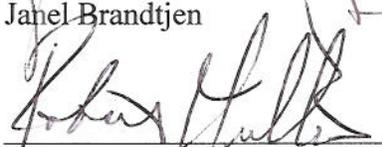
BE IT FURTHER RESOLVED that the Waukesha County Clerk shall transmit a certified copy of this Resolution to the Southeastern Wisconsin Regional Planning Commission and the City of New Berlin Clerk upon its adoption.

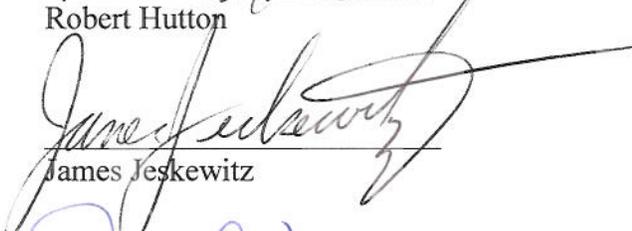
AMEND THE REGIONAL WATER QUALITY MANAGEMENT PLAN FOR THE
CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

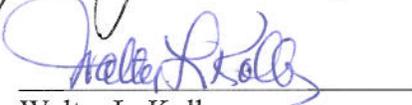
Presented by:
Land Use, Parks, and Environment Committee

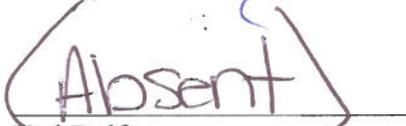

Fritz Ruf, Chair


Janel Brandtjen


Robert Hutton

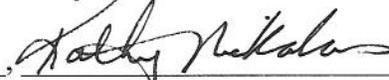

James Jeskewitz


Walter L. Kolb

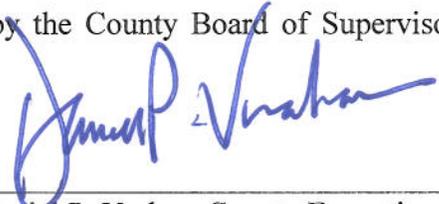

Ted Rolfs


Gilbert W. Yerke

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 2/27/09, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: x
Vetoed: _____
Date: 3-2-0, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/24/09

(RES) NUMBER-1630008

1 D. FALSTAD.....AYE
 3 R. HUTTON.....AYE
 5 J. JESKEWITZ.....AYE
 7 P. HAUKOHL.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 P. DECKER.....AYE
 15 P. MEYERS.....AYE
 17 J. TORTOMASI.....AYE
 19 S. WIMMER.....AYE
 21 W. ZABOROWSKI.....AYE
 23 J. PLEDL.....AYE
 25 G. YERKE.....AYE

2 T. ROLES.....AYE
 4 J. DWYER.....AYE
 6 J. BRANDTJEN.....AYE
 8 T. SCHELLINGER.....AYE
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 B. MORRIS.....AYE
 16 D. PAULSON.....AYE
 18 K. CUMMINGS.....AYE
 20 P. JASKE.....AYE
 22 P. GUNDRUM.....AYE
 24 W. KOLB.....AYE

TOTAL AYES-25

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-25

RECEIVED

DEC 9 2008

DEPT OF PARKS & LAND USE

AMENDMENT TO THE

REGIONAL WATER QUALITY MANAGEMENT PLAN

CITY OF NEW BERLIN

AS ADOPTED BY THE

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

DECEMBER 2008

RECEIVED

DEC 9 2008

DEPT OF PARKS & LAND USE

163-R-008

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 •

TELEPHONE (262) 547-6721
FAX (262) 547-1103

Serving the Counties of:

KENOSHA
MILWAUKEE
OZAUKEE
RACINE
WALWORTH
WASHINGTON
WAUKESHA



SUBJECT: Certification of Amendment to the Adopted Regional Water Quality Management Plan (New Berlin Sewer Service Area)

TO: The Legislative Bodies of Concerned Local Units of Government within the Southeastern Wisconsin Region, namely: the County of Waukesha, the City of New Berlin, and the Milwaukee Metropolitan Sewerage District

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held at the Wisconsin Department of Transportation M-Change Building, Milwaukee, Wisconsin, on the 3rd day of December 2008, the Commission did by unanimous vote of all Commissioners present, being 13 ayes and 0 nays, and by appropriate Resolution, a copy of which is made a part hereof and incorporated by reference to the same force and effect as if it had been specifically set forth herein in detail, adopt an amendment to the regional water quality management plan, which plan was originally adopted by the Commission on the 12th day of July 1979, as part of the master plan for the physical development of the Region. Said amendment to the regional water quality management plan pertains to the revised New Berlin sanitary sewer service area and consists of the documents attached hereto and made a part hereof. Such action taken by the Commission is recorded on, and is a part of, said plan, and the plan as amended is hereby transmitted to the constituent local units of government for consideration, adoption, and implementation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and cause the Seal of the Southeastern Wisconsin Regional Planning Commission to be hereto affixed. Dated at the City of Pewaukee, Wisconsin, this 4th day of December 2008.

Thomas H. Buestrin, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Philip C. Evenson, Deputy Secretary

RESOLUTION NO. 2008-11

RESOLUTION OF THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION AMENDING THE ADOPTED REGIONAL WATER QUALITY MANAGEMENT PLAN, THAT PLAN BEING A PART OF THE MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE REGION CONSISTING OF THE COUNTIES OF KENOSHA, MILWAUKEE, OZAUKEE, RACINE, WALWORTH, WASHINGTON AND WAUKESHA IN THE STATE OF WISCONSIN (NEW BERLIN SANITARY SEWER SERVICE AREA)

WHEREAS, pursuant to Section 66.0309(10) of the *Wisconsin Statutes*, the Southeastern Wisconsin Regional Planning Commission, at a meeting held on the 12th day of July 1979, duly adopted a regional water quality management plan as documented in the three-volume SEWRPC Planning Report No. 30, *A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000*; and

WHEREAS, at a meeting held on the 7th day of December 1987, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the New Berlin sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 157, *Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin*, November 1987, as amended; and

WHEREAS, by letter dated June 11, 2008, the City of New Berlin requested that the Commission amend the New Berlin sanitary sewer service area to include certain lands located outside of the currently adopted sewer service area; and

WHEREAS, the proposed amendment to the regional water quality management plan is documented in a Commission staff memorandum entitled, "Response to Request by the City of New Berlin to Amend the New Berlin Sanitary Sewer Service Area," attached hereto and made a part hereof; and

WHEREAS, the requested change to the regional water quality management plan, as documented in the aforementioned staff memorandum, was the subject of a public hearing held jointly by the City of New Berlin and the Regional Planning Commission on August 11, 2008; and

WHEREAS, Section 66.0309(9) of the *Wisconsin Statutes* authorizes and empowers the Regional Planning Commission, as the work of making the whole master plan progresses, to amend, extend, or add to the master plan or carry any part or subject thereof into greater detail;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

FIRST: That the regional water quality management plan for the Southeastern Wisconsin Region, being a part of the master plan for the physical development of the Region and comprised of SEWRPC Planning Report No. 30, Volumes One, Two, and Three, which was adopted by the Commission as a part of the master plan on the 12th day of July 1979, and which was amended on the 7th day of December 1987 to include the initial refined New Berlin sewer service area, as set forth in SEWRPC Community Assistance Planning Report No. 157, be and the same hereby is amended in the manner identified on Map 1 of the aforementioned SEWRPC staff memorandum.

SECOND: That the Executive Director is authorized to submit findings to the Wisconsin Department of Natural Resources and the Wisconsin Department of Commerce that public and private sanitary sewer extensions necessary to serve the anticipated development on the lands concerned are in conformance with, and would serve to implement, the adopted regional water quality management plan as herein amended.

SEWRPC STAFF MEMORANDUM

RESPONSE TO REQUEST BY THE CITY OF NEW BERLIN TO AMEND THE NEW BERLIN SANITARY SEWER SERVICE AREA

INTRODUCTION

By letter dated June 11, 2008, the City of New Berlin requested that the Southeastern Wisconsin Regional Planning Commission amend the City of New Berlin sanitary sewer service area tributary to the Milwaukee Metropolitan Sewerage District as that area is currently documented in SEWRPC Community Assistance Planning Report No. 157, *Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin*, dated November 1987, as amended. The basic purpose of the amendment would be to include within the planned sewer service area certain lands located immediately adjacent to, but outside, the currently adopted sewer service area.

AREA DESCRIPTION

As shown on Map 1, two areas are proposed to be added to the sewer service area. These areas are described below:

- The northerly addition to the sewer service area—located along Beloit Road in U.S. Public Land Survey Section 27, Township 6 North, Range 20 East—encompasses about 4 acres, including an existing single-family home. It is envisioned that this area will be redeveloped for light industrial use.
- The southerly addition to the sewer service area—located generally west of Moorland Road in U.S. Public Land Survey Section 34, Township 6 North, Range 20 East—encompasses 41 acres. This site includes the recently constructed BuySeasons facility, which currently relies on a holding tank, and vacant land that would be available for expansion of the BuySeasons facility. The site includes 3 acres that have been identified as an isolated natural resource area as well as a 0.5-acre wetland.

More detailed delineations of the amended sewer service area and of the environmentally significant lands within are shown on the aerial photograph reproduced as Map 2. The environmentally significant lands shown on Map 2 have been revised from the previously published maps as set forth in SEWRPC Community Assistance Planning Report No. 157 to reflect environmental resources as shown on the most recent available aerial photography and the 2005 Wisconsin Wetland Inventory.

RELATIONSHIP OF THE PROPOSED CHANGE TO THE EXISTING SANITARY SEWER SERVICE AREA

The proposed addition of about 45 acres to the New Berlin sanitary sewer service area represents an increase in the planned sewer service area of less than 1 percent.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the New Berlin sanitary sewer service area plan, it is envisioned that all urban lands within the planned urban service area would receive sanitary sewer service. Assuming that all applicable Federal, State, and local permits are obtained and that proper site development and construction practices are employed, there should be no significant adverse water quality impacts attributable to the development of the planned sanitary sewer service area.

SEWERAGE SYSTEM CAPACITY IMPACTS

The wastewater flows from the subject areas would be able to be accommodated via the wastewater flow allocations for the City of New Berlin under the Milwaukee Metropolitan Sewerage District year 2020 facilities plan.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on August 11, 2008, at the New Berlin City Hall to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the City of New Berlin and the Regional Planning Commission. A summary of the plan amendment was presented prior to receiving public comment, including a description of the lands proposed to be added to the sewer service area and any environmentally significant lands located within.

During the public comment period at the hearing, a representative of the owner of the northerly parcel spoke in favor of adding that parcel to the sewer service area, indicating that sewer service is necessary to accommodate light industrial development there. Two City residents spoke against the proposed additions. One indicated that the proposed light industrial use for the northerly parcel was inconsistent with the City plan and zoning and expressed concern about additional industrial growth in the area. The other indicated general opposition to additional industrial growth.

LOCAL GOVERNMENT SUPPORT FOR THE PLAN AMENDMENT

Subsequent to the hearing, the City acted to change the zoning of the northerly parcel from residential to light industrial. The southerly site was already designated for light industrial use in the City plan. The New Berlin Common Council adopted the plan amendment adding both sites to the City sewer service area on September 23, 2008.

CONCLUDING RECOMMENDATION

Based upon the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission formally amend the City of New Berlin sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 157, in the manner shown on Map 1.