

ENROLLED RESOLUTION 164-10

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 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 the City of New Berlin requested in a letter dated August 4, 2009, an amendment to the Adopted Regional Water Quality Management Plan (New Berlin Sanitary Sewer Service Area), to add certain lands to the New Berlin Sanitary Sewer Service Area, and after due notice of a public hearing held on October 5, 2009, and preparation of a report entitled "Amendment to the Regional Water Quality Management Plan for the City of New Berlin" dated December 2009, said Plan amendment was adopted by the Southeastern Wisconsin Regional Planning Commission on December 2, 2009, and by the City of New Berlin Common Council on October 13, 2009, 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, and adoption is recommended.

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", dated December 2009, 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

{ ABSENT }

Robert Hutton



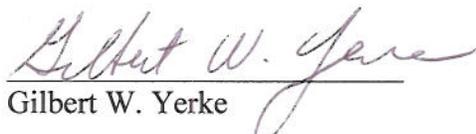
James Jeskewitz



Walter L. Kolb

{ ABSENT }

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: 2-26-2010, 

Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 3-1-10, 

Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/23/10

(RES) NUMBER-1640011

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.....
 25 G. YERKE.....AYE

2 T. ROLFS.....
 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-23

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-23

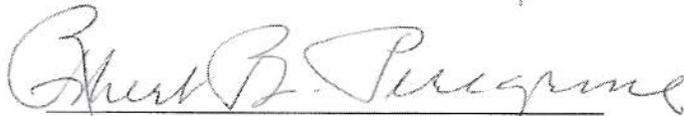
COMMISSION ACTION

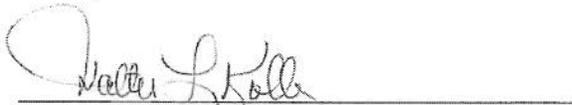
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the **Resolution**, hereby recommends **approval** of the following: "Amend the Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin dated December 2009" in accordance with the attached "Amendment".

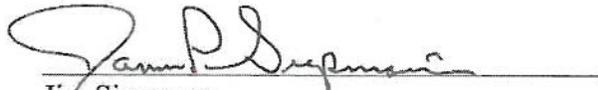
PARK AND PLANNING COMMISSION

January 21, 2010

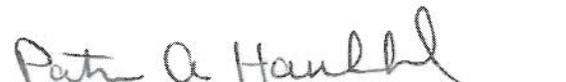

William Mitchell, Chairperson


Robert Peregrine, Vice-Chairperson

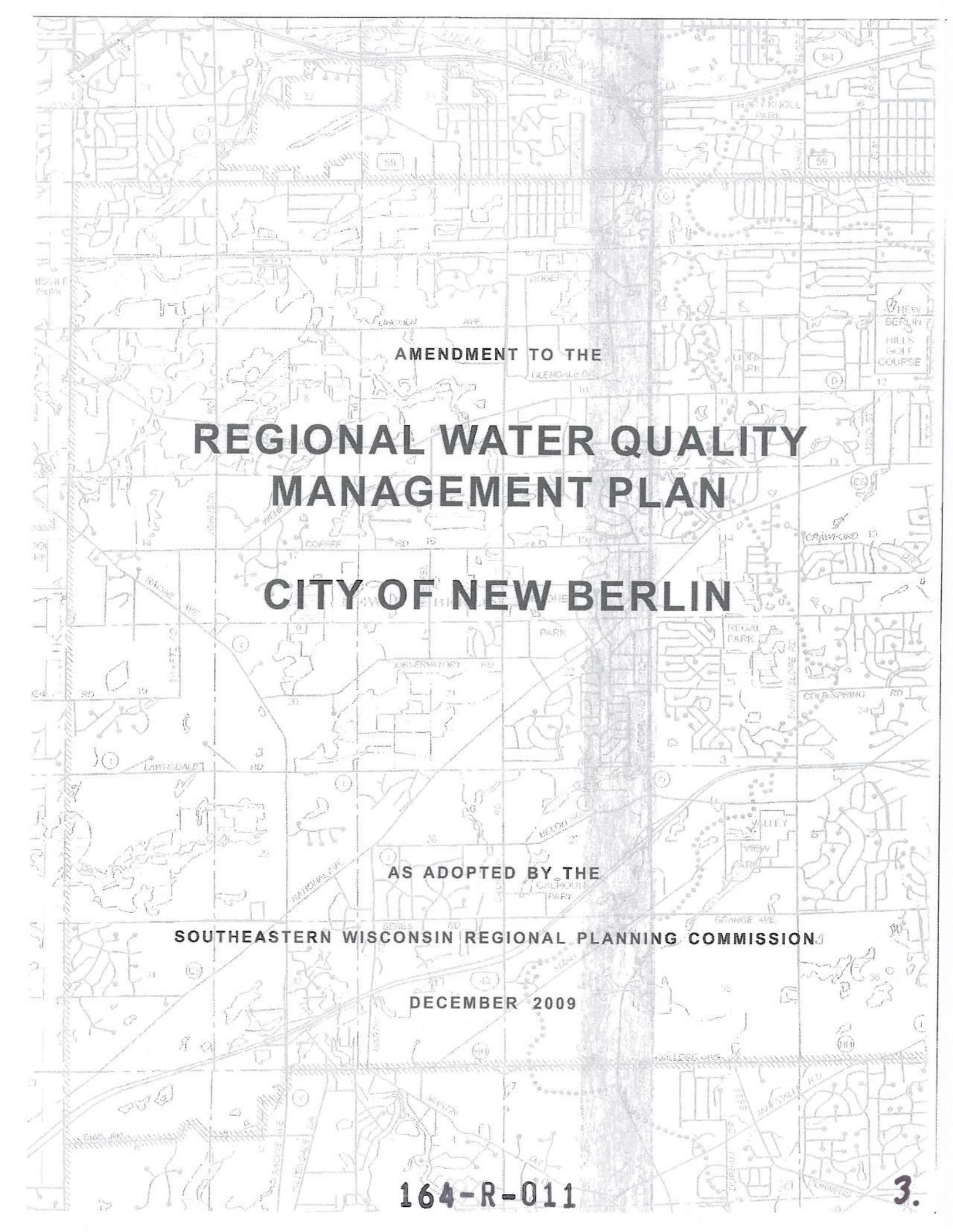

Walter Kolb


Jim Siepmann


Bonnie Morris


Pat Haukohl


Gary Goodchild



AMENDMENT TO THE
**REGIONAL WATER QUALITY
MANAGEMENT PLAN**
CITY OF NEW BERLIN

AS ADOPTED BY THE
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

DECEMBER 2009

164-R-011

**SOUTHEASTERN WISCONSIN
REGIONAL PLANNING COMMISSION**

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Adelene Greene,
Secretary
Robert W. Pitts

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Susan S. Greenfield
Mary A. Kacmarcik
Michael J. Mikasevich

MILWAUKEE COUNTY

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Daniel S. Schmidt
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Chairman

WAUKESHA COUNTY

James T. Dwyer
Anselmo Villarreal
Paul G. Vrakas

**SOUTHEASTERN WISCONSIN REGIONAL
PLANNING COMMISSION STAFF**

Kenneth R. Yunker, PE Executive Director
Stephen P. Adams Public Involvement and Outreach Manager
Nancy M. Anderson, AICP Chief Community Assistance Planner
Michael G. Hahn, PE, PH Chief Environmental Engineer
Christopher T. Hiebert, PE Chief Transportation Engineer
Elizabeth A. Larsen Business Manager
John G. McDougall Geographic Information Systems Manager
John R. Meland Chief Economic Development Planner
Dr. Donald M. Reed Chief Biologist
Donald P. Simon, RLS Chief Planning Illustrator
William J. Stauber Chief Land Use Planner

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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

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Serving the Counties of:

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WALWORTH
WASHINGTON
WAUKESHA



SUBJECT: Certification of Amendment to the Adopted Regional Water Quality Management Plan (New Berlin Sanitary 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 Milwaukee County War Memorial Center, Milwaukee, Wisconsin, on the 2nd day of December 2009, the Commission did by unanimous vote of all Commissioners present, being 15 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 3rd day of December 2009.

David L. Stroik, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kenneth R. Yunker, Deputy Secretary

164-R-011

5.

RESOLUTION NO. 2009-13

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, the Commission duly adopted amendments 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 August 4, 2009, 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 October 5, 2009; 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:

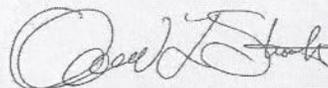
FIRST: That the regional water quality management plan for the Southeastern Wisconsin Region, being a part of the master plan for the physical development of the Region and comprised of SEWRPC Planning Report No. 30, Volumes One, Two, and Three, which was adopted by the Commission as a part of the master plan on the 12th day of July 1979, and which was subsequently amended to include the refined New Berlin sanitary sewer service area, 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.

RESOLUTION NO. 2009-13

THIRD: That a true, correct, and exact copy of this resolution, together with the aforementioned SEWRPC staff memorandum, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals as the law may require or as the Commission, its Executive Committee, or its Executive Director, at their discretion, shall determine and direct.

The foregoing resolution, upon motion duly made and seconded, was regularly adopted at the meeting of the Southeastern Wisconsin Regional Planning Commission held on the 2nd day of December 2009, the vote being: Ayes 15; Nays 0.



David L. Stroik, Chairman

ATTEST:



Kenneth R. Yunker, Deputy Secretary

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 August 4, 2009, 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 (MMSD) 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 outside the currently adopted sewer service area.

AREA DESCRIPTION

The area to be added to the sewer service area is the New Berlin West High School campus, located at 18695 W. Cleveland Avenue (see Map 1). The high school currently relies upon an onsite sewage disposal system. Inclusion of the site in the sewer service area will allow for the site to be connected to the New Berlin-MMSD sewerage system. The proposed addition to the sewer service area includes the Cleveland Avenue right-of-way between the high school and the currently adopted sewer service area, the expected alignment of the connecting sewer. This satisfies an MMSD requirement that sanitary sewer service area additions be contiguous with the currently adopted sewer service area. This requirement is unique to MMSD. Other properties located along the Cleveland Avenue right-of-way between the high school and the currently adopted sewer service area would not be able to be connected to the sewerage system without first amending the sewer service area plan. The proposed addition to the sewer service area, including the high school campus and road right-of-way, encompasses about 56 acres. The New Berlin High School campus is essentially fully developed with school facilities. The high school campus contains small remnant wetlands encompassing about two acres.

A more detailed delineation of the amended sewer service area and of the environmentally significant lands within is shown on the aerial photograph reproduced as Map 2. The environmentally significant lands shown on Map 2 have been revised to reflect the most recent available natural resource base information.

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

The proposed addition of about 56 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

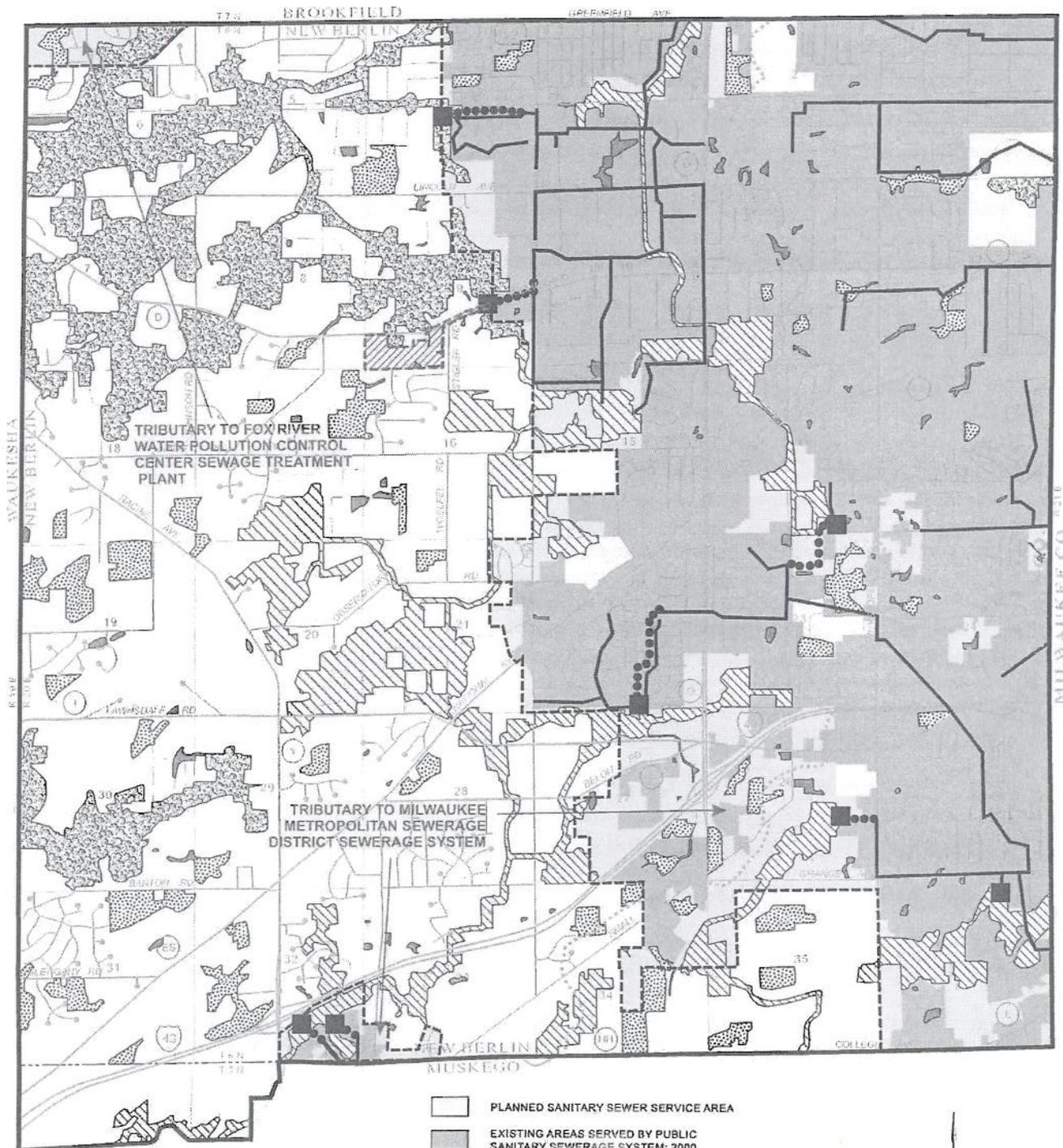
The proposed amendment would enable the provision of public centralized sanitary sewer service to the New Berlin High School, which currently relies upon an onsite sewage disposal system. This may be expected to eliminate the pollutant loadings from the existing onsite system to groundwater.

SEWERAGE SYSTEM CAPACITY IMPACTS

The subject area is included in the MMSD planning area as defined in the MMSD 2020 facilities plan completed in June 2007. The wastewater flows from the subject area were taken into account in the wastewater flow allocations for the City of New Berlin under that facilities plan.

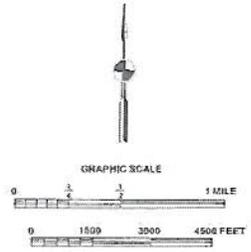
Map 1

PROPOSED AMENDMENT TO THE NEW BERLIN SANITARY SEWER SERVICE AREA



- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA
- WETLANDS AND SURFACE WATER AREAS LESS THAN 5 ACRES IN SIZE

- PLANNED SANITARY SEWER SERVICE AREA
- EXISTING AREAS SERVED BY PUBLIC SANITARY SEWERAGE SYSTEM: 2000
- AIRPORTS, LARGE PARK AND RECREATION SITES, AND SIMILAR USES WITHIN THE SEWER SERVICE AREA
- AREA PROPOSED TO BE ADDED TO THE NEW BERLIN SANITARY SEWER SERVICE AREA
- EXISTING TRUNK SEWER
- EXISTING FORCE MAIN
- EXISTING PUMPING STATION
- PLANNED SANITARY SEWER SERVICE AREA BOUNDARY



Source: SEWRPC.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on October 5, 2009, 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.

No objections to the proposed amendment were expressed at the hearing. Accordingly, no changes were made to the proposed plan amendment as presented at the public hearing.

LOCAL GOVERNMENT SUPPORT FOR THE PLAN AMENDMENT

The Common Council of the City of New Berlin adopted the plan amendment on October 13, 2009.

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.

Map 2

ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY SEWER SERVICE AREA FOR CITY OF NEW BERLIN

South Half of U.S. Public Land Survey Section 9
Township 6 North, Range 20 East

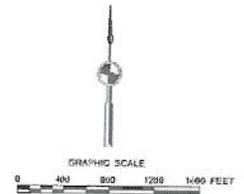


Photography Date: April 2005

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY
-  PLANNED SANITARY SEWER SERVICE AREA

NOTE: This map replaces the corresponding portion of Map 2, page 4, of SEWRPC Amendment to the Regional Water Quality Management Plan, City of New Berlin, March 1999.



Source: SEWRPC.