

ENROLLED RESOLUTION 166-8

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 66.0309 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 May 3, 2011, an amendment to the Adopted Regional Water Quality Management Plan (New Berlin Sanitary Sewer Service Area), to add certain lands to the City of New Berlin Sanitary Sewer Service area, and after due notice of a public hearing held on July 25, 2011, and preparation of a report entitled "Amendment to the Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin" dated September 2011, said Plan amendment was adopted by the Southeastern Wisconsin Regional Planning Commission on September 14, 2011, and by the New Berlin Common Council on August 2, 2011, and

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

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA RESOLVES that the report entitled "Amendment to the Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin" dated September, 2011 is hereby approved, signifying the County's agreement with the change to the "Regional Water Quality Management Plan" identified in an amendment document adopted by the Southeastern Wisconsin Regional Planning Commission on September 14, 2011, and by the New Berlin Common Council on August 2, 2011.

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.

COMMISSION ACTION

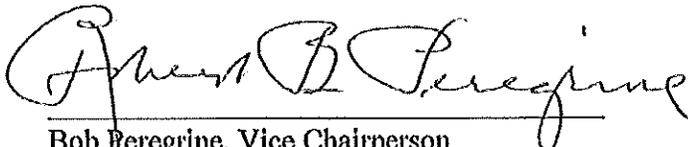
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Resolution, hereby recommends approval of the following: "Amendment to the Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin" in accordance with the attached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

PARK AND PLANNING COMMISSION

December 8, 2011



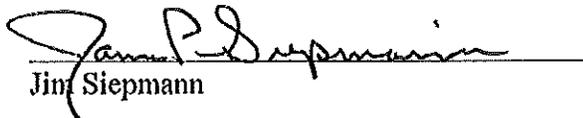
Gary Goodchild, Chairperson



Bob Peregrine, Vice Chairperson



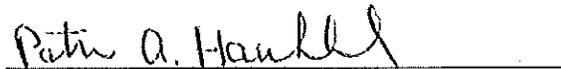
Walter Kolb



Jim Siepmann

(Absent)

Fritz Ruf



Patricia Haukohl



William Mitchell

AMENDMENT TO THE
GLENDALE DR.

REGIONAL WATER QUALITY MANAGEMENT PLAN

CITY OF NEW BERLIN

AS ADOPTED BY THE
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

SEPTEMBER 2011

**SOUTHEASTERN WISCONSIN
REGIONAL PLANNING COMMISSION**

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Adelene Greene,
Secretary
Robert W. Pitts

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**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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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 Concordia University, Mequon, Wisconsin, on the 14th day of September 2011, the Commission did by unanimous vote of all Commissioners present, being 19 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 15th day of September 2011.

David L. Stroik, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kenneth R. Yunker, Deputy Secretary

RESOLUTION NO. 2011-14

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 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 May 3, 2011, 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 July 25, 2011; 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. 2011-14

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 14th day of September 2011, the vote being: Ayes 19; 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 e-mail message dated May 3, 2011, 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 SBWRPC 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, the area to be added to the sewer service area encompasses an area of about 692 acres located in the southeastern portion of the City. The subject area includes about 60 acres of existing urban land, consisting primarily of residential land (30 housing units) and street rights-of-way, along with limited recreational and commercial land. The subject area includes about 216 acres of environmentally significant lands, comprised of secondary environmental corridors, isolated natural resource areas, and small wetlands and surface water areas located outside the environmental corridors and isolated natural resource areas. Included in the secondary environmental corridors are certain floodplain areas which do not currently have the resource features to be classified as environmental corridors, but which may be expected to eventually revert to more natural conditions and become part of the system of environmental corridors. The balance of the subject area consists of agricultural and other open land, encompassing about 416 acres.

Under the City of New Berlin comprehensive plan, the developable land within the subject area would be developed for residential and business park use. According to the comprehensive plan, future residential development in the subject area would accommodate just over 200 additional housing units.

The proposed expansion of the sewer service area is primarily intended to enable the provision of sanitary sewer service to planned future development within the subject area. Sewer service could potentially be extended to some existing development currently served by onsite wastewater treatment systems within the subject area on an as-needed basis.

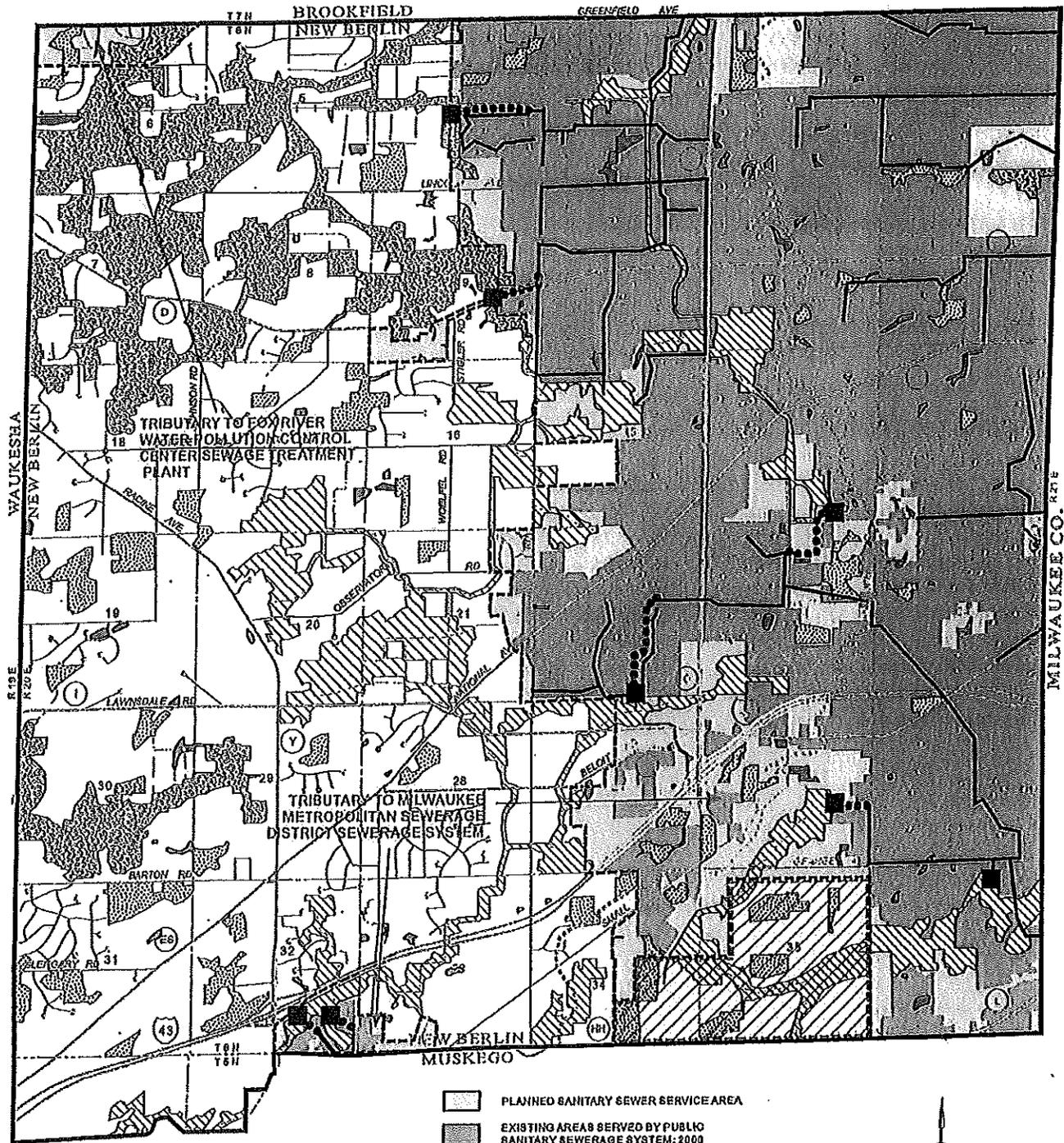
More detailed delineations of the amended sewer service area and of the environmentally significant lands within are shown on the aerial photographs reproduced as Maps 2 and 3. The environmentally significant lands shown on Maps 2 and 3 have been updated to reflect the most recent available natural resource and floodplain information.

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

The proposed addition of 692 acres to the New Berlin sanitary sewer service area represents an increase in the planned sewer service area of about 6 percent.

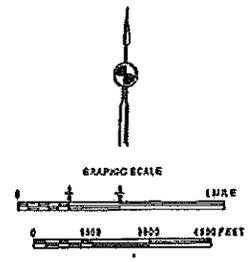
Map 1

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 FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  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.

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 new urban development within the planned urban service area would receive sanitary sewer service. In addition, if needed, public sanitary sewer service could potentially be provided to some of the lands within the planned sanitary sewer service area which are already developed and served by onsite wastewater treatment systems. This would be expected to reduce pollutant loadings from the existing onsite wastewater treatment systems to both surface and ground waters. 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

Future wastewater flows from the subject area, estimated based upon the adopted City of New Berlin comprehensive plan, would be able to be accommodated via the wastewater flow allocations for the City of New Berlin under the Milwaukee Metropolitan Sewerage District (MMSD) year 2020 facilities plan. The base sanitary flow allocated under the year 2020 MMSD facilities plan to the sewershed containing the subject parcel is 0.448 million gallons per day (mgd), compared to an existing year 2000 flow of 0.029 mgd. The base flow from the subject area—estimated based upon planned land uses set forth in the City of New Berlin comprehensive plan—would approximate 0.211 mgd on an average annual basis.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on July 25, 2011, 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 amendment was presented prior to receiving public comment.

At the hearing, one area resident spoke in opposition to the proposed sewer service area amendment. He indicated that there is no need to set aside more land for residential or commercial development, or to expand the sewer service area to accommodate such development, because of the depressed real estate market. He questioned expanding the sewer service area if MMSD cannot handle it.

With respect to the need for the expansion of the sewer service area, the City Community Development Director, indicated subsequent to the hearing that the sewer service area amendment would facilitate expansion of the Westridge Business Park, which, he noted, is approaching full development. He indicated that developers have expressed interest in additional business park development in the area.

With respect to the MMSD capacity, the MMSD facilities plan anticipates that the subject area would be developed for urban use and served by sanitary sewers during the planning period—through the year 2020—and it provides planned sewerage system capacity to serve the subject area.

LOCAL ACTION ON THE PLAN AMENDMENT

Following the hearing on July 25, 2011, the City of New Berlin Plan Commission passed a resolution recommending that the New Berlin Common Council approve the sewer service area plan amendment. The New Berlin Common Council approved the amendment on August 2, 2011.

CONCLUDING RECOMMENDATION

The Regional Planning Commission's evaluation of proposed sanitary sewer service area amendments includes a consideration of whether the amendment is consistent with the regional land use plan, the regional water quality management plan, and the provisions of the *Wisconsin Administrative Code* governing water quality management plans, and whether established procedures for amending sewer service areas have been followed.

- **Consistency with the Regional Land Use Plan**
The regional land use plan recommends that, in addition to the infilling and redevelopment of existing urban centers, new urban development within the Region be accommodated through the orderly expansion of existing urban centers in locations and at densities which can be efficiently served by basic urban facilities, including sanitary sewer service, with the overall amount of new urban development consistent with projected growth in population and the economic base. The regional land use plan further recommends the preservation of primary environmental corridors and that consideration be given to the preservation of secondary environmental corridors and isolated natural resource areas. The proposed sewer service area amendment is consistent with these recommendations of the regional land use plan.
- **Consistency with the Regional Water Quality Management Plan**
The regional water quality management plan recommends that new urban development within the Region be provided with centralized sanitary sewer service. The plan designates a wastewater treatment plant to serve each of the urban centers within the Region that are identified in the regional land use plan. In the case at hand, the regional plan recommends that the New Berlin urban service area be served through the MMSD sewerage system. The proposed sewer service area amendment is consistent with these recommendations of the regional water quality management plan.
- **Consistency with Chapter NR 121 of the *Wisconsin Administrative Code***
Chapter NR 121 of the *Wisconsin Administrative Code* governs the preparation of areawide water quality management plans, including the component sewer service area plans. The code requires that sewer service areas be determined in a way that promotes cost-effective and environmentally sound waste collection and treatment and that is consistent with 20-year population projections. Under the code, sewer service area plans must identify lands that are to be excluded from sewer service because of physical or environmental constraints or potential adverse water quality impacts. The proposed sewer service area amendment is consistent with these provisions of the *Wisconsin Administrative Code*.
- **Consistency with Procedural Requirements**
As carried out by the Regional Planning Commission, the sewer service area amendment process must begin with a request to the Commission from the agency responsible for operation of the tributary wastewater treatment plant (or in the case of the MMSD service area, the concerned city or village) to process the amendment. A public hearing must be held on the proposed amendment; the hearing is jointly sponsored by the Regional Planning Commission and the requesting agency or unit of government. Subsequent to the public hearing, the requesting agency or unit of government must act to approve the amendment as presented at the hearing, approve a modified amendment, or deny the amendment. Only after approval by the requesting agency or unit of government will the proposed amendment be considered for adoption by the Regional Planning Commission as an amendment to the areawide water quality management plan. All of the Commission's procedural requirements have been met for this amendment.

Given all of 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. It is also recommended that the Milwaukee Metropolitan Sewerage District Commission similarly approve this sewer service area plan amendment and further recommended that the Wisconsin Department of Natural Resources approve this sewer service area plan amendment and certify the plan amendment through the Governor to the U.S. Environmental Protection Agency.

Map 2

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

U.S. Public Land Survey Section 34
Township 6 North, Range 20 East



Photography Date: April 2010

 SECONDARY ENVIRONMENTAL CORRIDOR

 ISOLATED NATURAL RESOURCE AREA

 WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

 SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

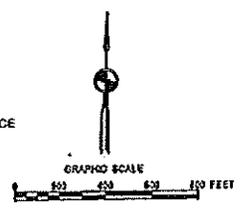
 PLANNED SANITARY SEWER SERVICE AREA

 GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

 PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPOSED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

NOTE: This map replaces a portion of Map 2, page 4, of SEWRPC Amendment to the Regional Water Quality Management Plan, City of New Berlin, December 2010.

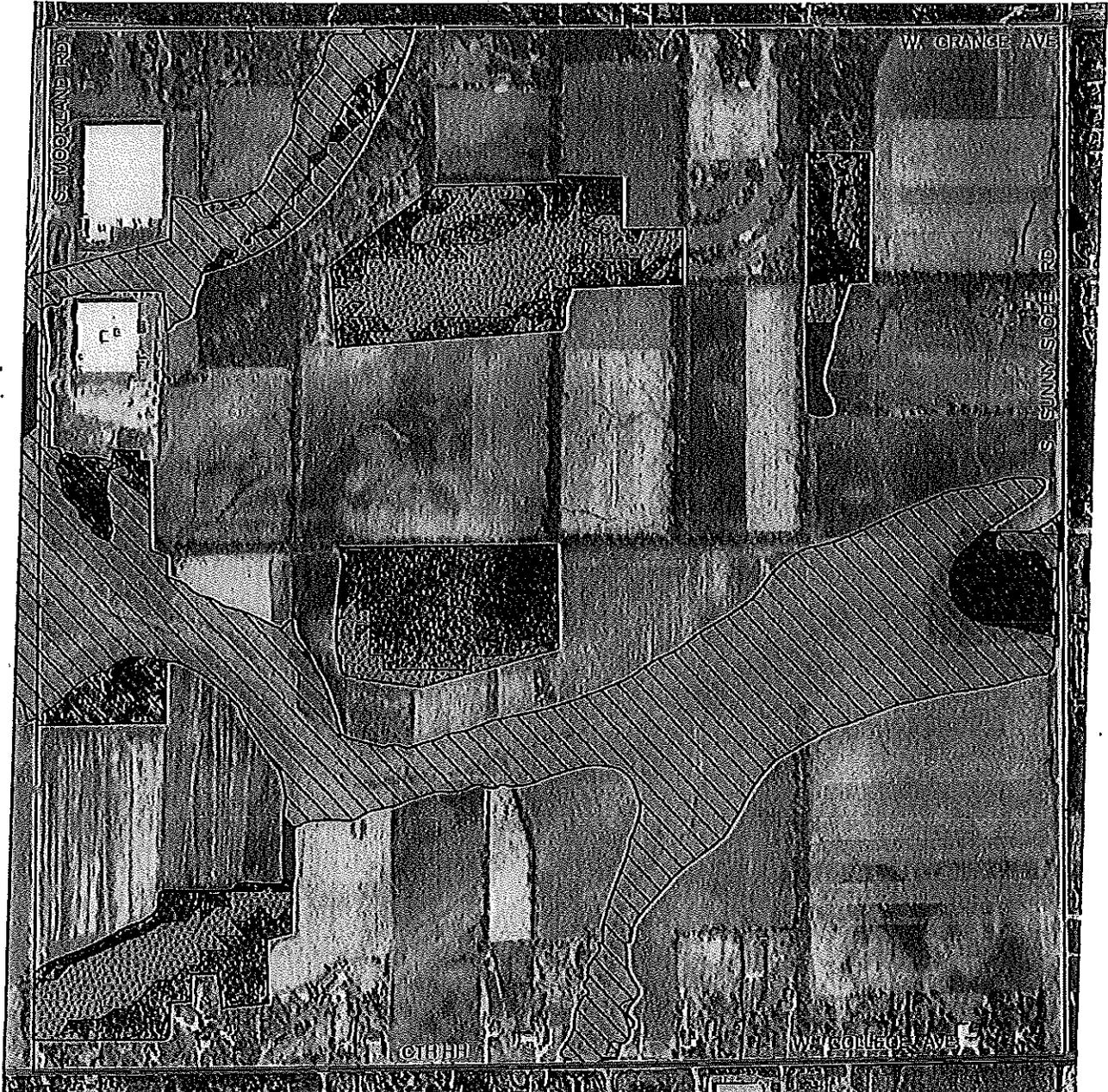


Source: SEWRPC.

Map 3

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

U.S. Public Land Survey Section 35
Township 6 North, Range 20 East



Photography Date: April 2010

 SECONDARY ENVIRONMENTAL CORRIDOR

 ISOLATED NATURAL RESOURCE AREA

 WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

 SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

 PLANNED SANITARY SEWER SERVICE AREA

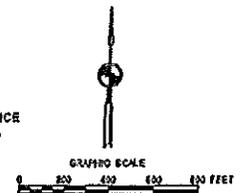
 GROSS SANITARY SEWER SERVICE AREA BOUNDARY

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Source: SEWRPC.

NOTE: This map replaces a portion of Map 3-0, page 15, of SEWRPC Amendment to the Regional Water Quality Management Plan, City of New Berlin, December 1997.

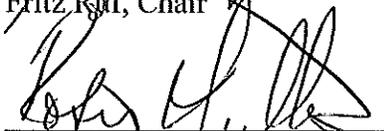


AMEND THE REGIONAL WATER QUALITY MANAGEMENT PLAN FOR
THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

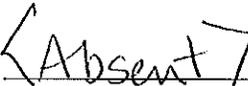
Presented by:
Land Use, Parks, and Environment Committee



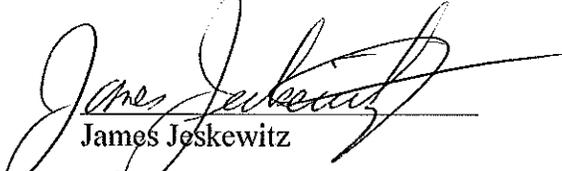
Fritz Ruf, Chair



Robert Hulton



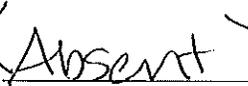
Michael J. Inda



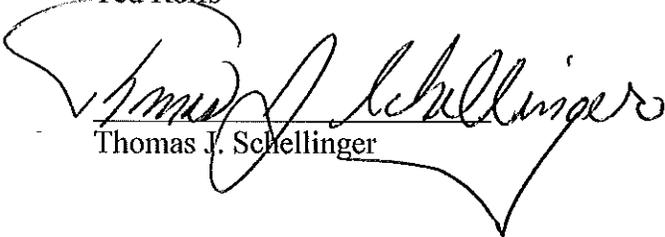
James Jeskewitz



Walter L. Kolb



Ted Rolfs



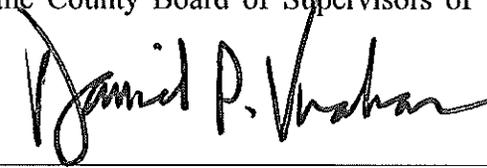
Thomas J. Schellinger

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

Date: 2-29-2012, 

Kathy Nickolaus, County Clerk

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

Approved: _____
Vetoed: _____
Date: 2-29-12, 

Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/28/12

(RES) NUMBER-1660008

- 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.....
- 19 S. WIMMER.....AYE
- 21 W. ZABOROWSKI.....AYE
- 23 D. DRAEGER.....AYE
- 25 G. YERKE.....AYE

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

TOTAL AYES-21

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-21