

ENROLLED RESOLUTION 167-2

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 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 the City of New Berlin requested in a letter dated October 18, 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 March 5, 2012, and preparation of a report entitled "Amendment to the Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin" dated June 2012, said Plan amendment was adopted by the Southeastern Wisconsin Regional Planning Commission on June 20, 2012, and by the New Berlin Common Council on April 10, 2012, 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.

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 June 2012 is hereby approved signifying the County's agreement with the change to the "Regional Water Quality Management Plan" identified in the amendment document.

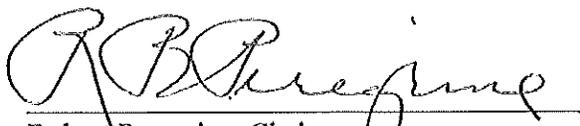
BE IT FURTHER RESOLVED that the Waukesha County Clerk shall transmit a certified copy of this Resolution to the Southeastern Wisconsin Regional Planning Commission and the City of New Berlin Clerk upon its adoption.

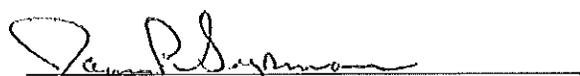
COMMISSION ACTION

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

July 19, 2012


Robert Peregrine, Chairperson


Jim Siepmann, Vice Chairperson


Walter Kolb


Gary Goodchild

Absent
Fritz Ruf

Patricia A. Haukohl (No)
Patricia Haukohl

(Absent)
William Mitchell

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

AS ADOPTED BY THE
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

JUNE 2012

167-R-002

**SOUTHEASTERN WISCONSIN
REGIONAL PLANNING COMMISSION**

KENOSHA COUNTY

Kimberly L. Breunig
Adelene Greene,
Secretary
Robert W. Pills

RACINE COUNTY

Gilbert B. Bakke
David Eberle
Peggy L. Shumway

MILWAUKEE COUNTY

William R. Drew,
Vice Chairman
John Rogers
John F. Welshan, Jr.

WALWORTH COUNTY

Charles L. Colman
Nancy Russell,
Treasurer
Linda J. Seemeyer

OZAUKEE COUNTY

Thomas H. Buestrin
William E. Johnson
Gus W. Wirth, Jr.

WASHINGTON COUNTY

Daniel S. Schmidt
Daniel W. Stoffel
David L. Stork,
Chairman

WAUKESHA COUNTY

Michael A. Crowley
Jose Delgado
James T. Dwyer

**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

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 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 Washington County Courthouse Government Center, West Bend, Wisconsin, on the 20th day of June 2012, 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 21st day of June 2012.

David L. Stroik, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kenneth R. Yunker, Deputy Secretary

167-R-002

RESOLUTION NO. 2012-05

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 October 18, 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 March 5, 2012; 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;

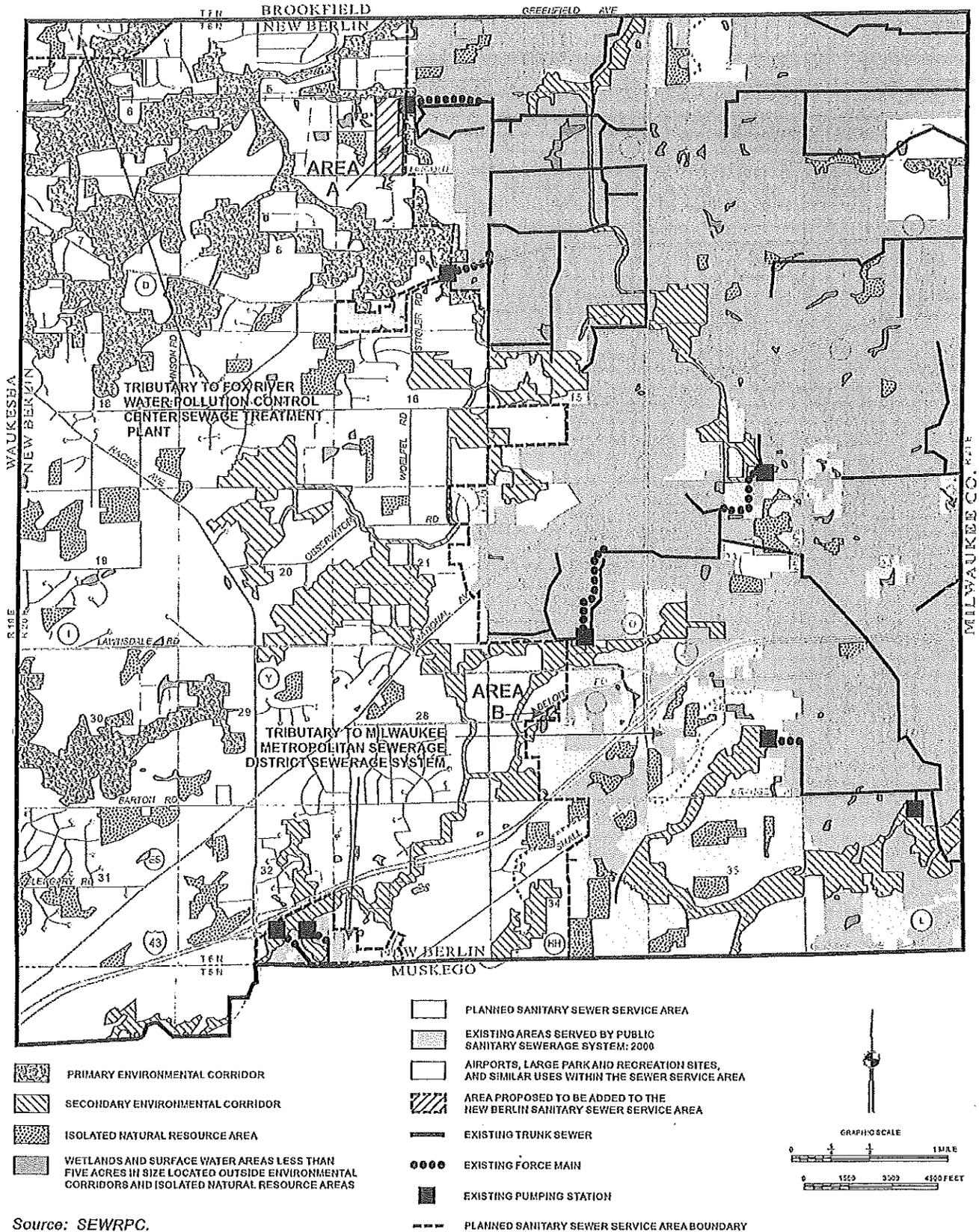
NOW, THEREFORE, BE IT HEREBY RESOLVED:

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 Safety and Professional Services 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.

Map 1

PROPOSED AMENDMENT TO THE NEW BERLIN SANITARY SEWER SERVICE AREA



SEWERAGE SYSTEM CAPACITY IMPACTS

The estimated base sanitary flow from Area A would approximate 0.082 million gallons per day (mgd). The estimated base sanitary flow from Area B, along with the vacant parcel to the east, would approximate 0.008 mgd. These flows 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 March 5, 2012, 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. No objections to the proposed amendment were expressed at the hearing.

LOCAL ACTION ON THE PLAN AMENDMENT

The New Berlin Common Council approved the amendment on April 10, 2012.

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

Southwest Quarter of U.S. Public Land Survey Section 4
Township 6 North, Range 20 East



Photography Date: April 2010

 PRIMARY 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

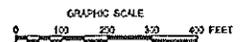
 PLANNED SANITARY SEWER SERVICE AREA

 GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

 PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.

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, March 1999.



Source: SEWRPC.

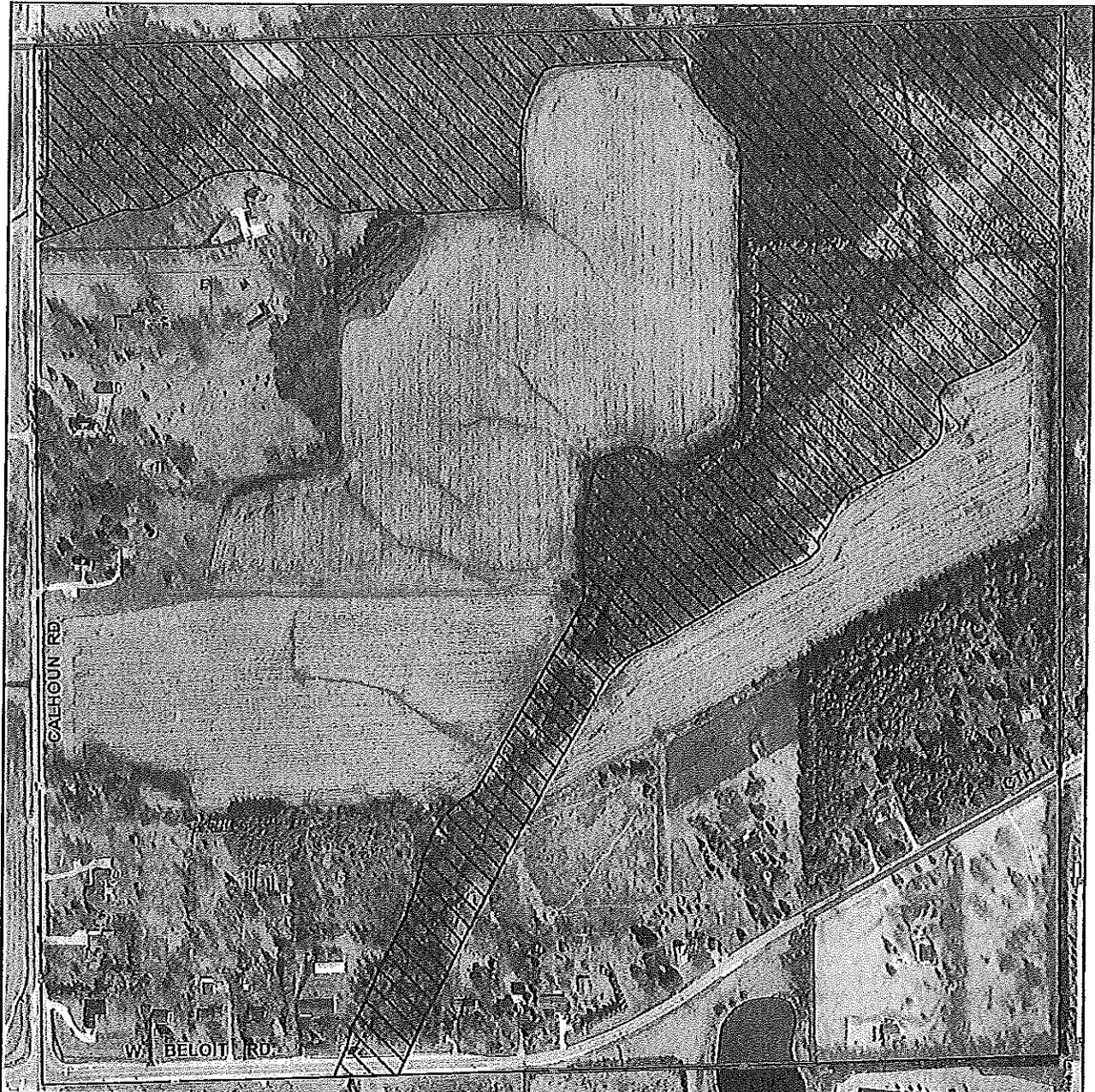
12.

167-R-002

Map 3

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

Northwest Quarter of U.S. Public Land Survey Section 27
Township 6 North, Range 20 East



Photography Date: April 2010



SECONDARY ENVIRONMENTAL CORRIDOR



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

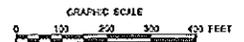


PLANNED SANITARY SEWER SERVICE AREA



GROSS SANITARY SEWER SERVICE AREA BOUNDARY

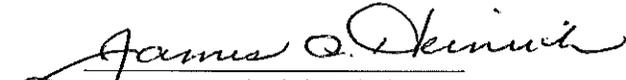
NOTE: This map replaces a portion of Map 2, page 4, of SEWRPC Amendment to the Regional Water Quality Management Plan, City of New Berlin, December 2010.



Source: SEWRPC.

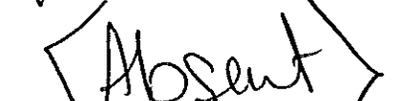
AMEND THE REGIONAL WATER QUALITY MANAGEMENT PLAN FOR THE
CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

Presented by:
Land Use, Parks, and Environment Committee


James A. Heinrich, Chair


Jim Batzko


Walter L. Kolb


Pamela Meyer


Fritz Ruf


Thomas J. Schellinger


Peter M. Wolff

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

Date: 8-31-12, 
Kathy Nickolaus, County Clerk

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

Approved: _____
Vetoed: _____
Date: 9-4-12, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/28/12

(RES) NUMBER-1670002

1 C. SLATTERY.....AYE
 3 R. MORRIS.....AYE
 5 J. BRANDTJEN.....AYE
 7 J. GRANT.....AYE
 9 J. HEINRICH.....AYE
 11 F. RUF.....AYE
 13 P. DECKER.....AYE
 15 W. KOLB.....AYE
 17 D. PAULSON.....AYE
 19 C. CUMMINGS.....NAY
 21 W. ZABOROWSKI.....AYE
 23 K. HAMMITT.....AYE
 25 G. YERKE.....NAY

2 D. FALSTAD.....AYE
 4 J. BATZKO.....AYE
 6 J. JESKEWITZ.....AYE
 8 P. HAUKOHL.....NAY
 10 D. SWAN.....AYE
 12 P. WOLFF.....AYE
 14 P. MEYER.....NAY
 16 M. CROWLEY.....AYE
 18 L. NELSON.....AYE
 20 T. SCHELLINGER....AYE
 22 P. JASKE.....NAY
 24 D. DRAEGER.....AYE

TOTAL AYES-20

TOTAL NAYS-05

CARRIED X

DEFEATED _____

UNANIMOUS _____

TOTAL VOTES-25