

ENROLLED RESOLUTION 165-6

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 the City of New Berlin requested in a letter dated August 17, 2010, an amendment to the Adopted Regional Water Quality Management Plan (City of 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 November 10, 2010, and preparation of a report entitled "Amendment to the Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin" dated December 2010, said Plan amendment was adopted by the Southeastern Wisconsin Regional Planning Commission on December 1, 2010, and by the New Berlin City Council on November 16, 2010, 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 recommend 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 December, 2010 is hereby approved, signifying the County's agreement with the change to the "Regional Water Quality Management Plan" identified in the amendment document.

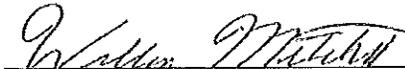
BE IT FURTHER RESOLVED that the Waukesha County Clerk shall transmit a certified copy of this Resolution to the Southeastern Wisconsin Regional Planning Commission and the City of New Berlin Clerk upon its adoption.

COMMISSION ACTION

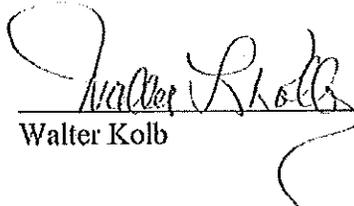
The Waukesha County Park and Planning Commission, after giving consideration to the subject matter of the Resolution, hereby recommends approval of the following: "Amendment to the Regional Water Quality Management Plan for the City of New Berlin, Waukesha County, Wisconsin" in accordance with the attached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

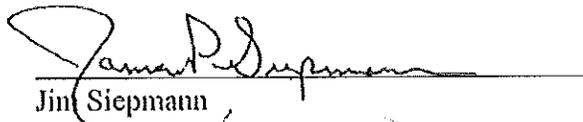
PARK AND PLANNING COMMISSION

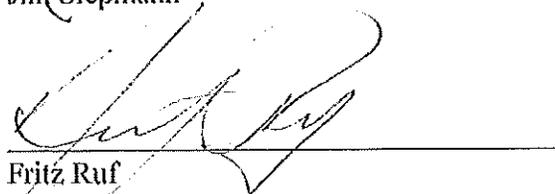
January 6, 2011

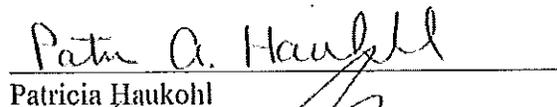

William Mitchell, Chairperson


Bob Peregrine, Vice Chairperson

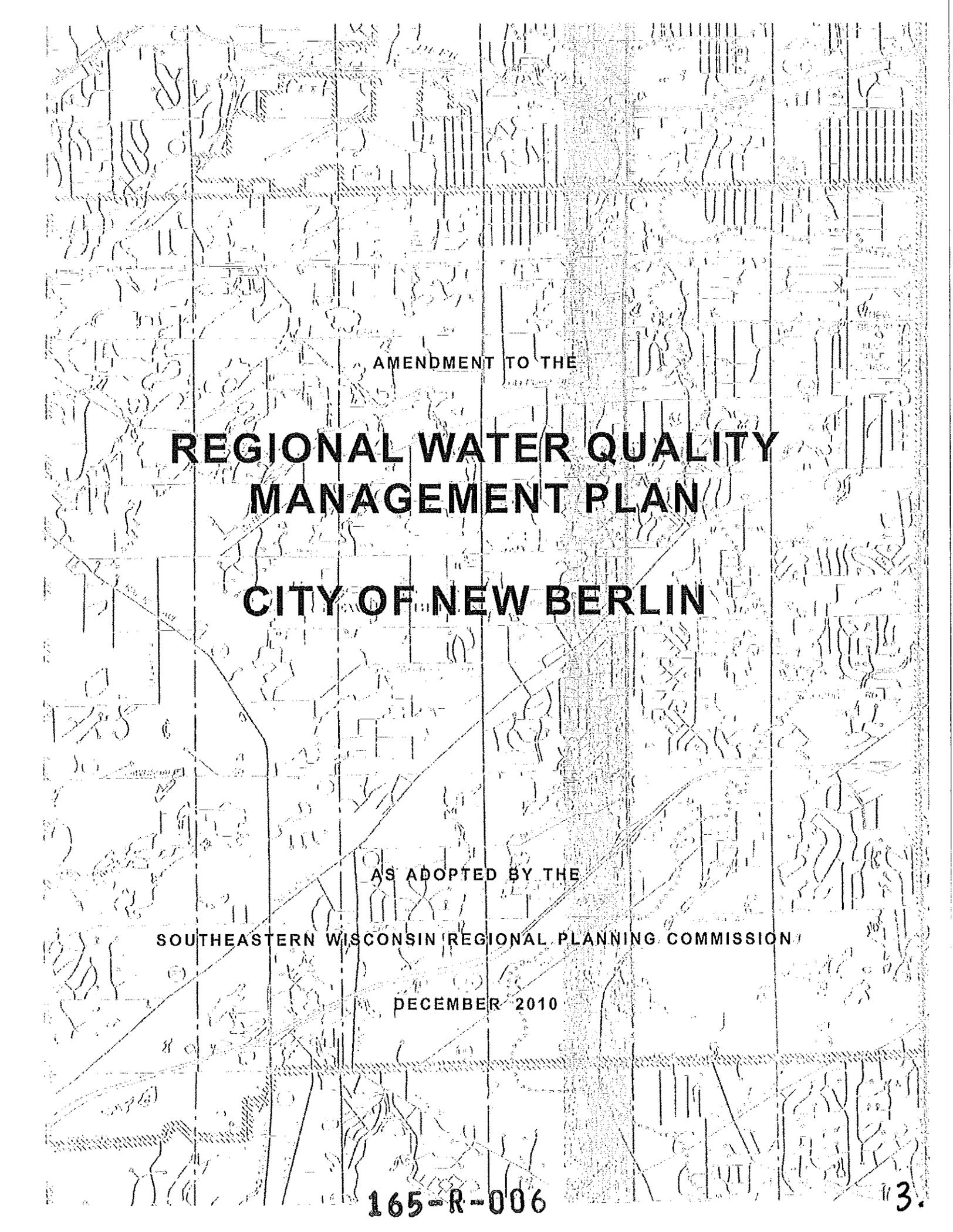

Walter Kolb


Jim Siepmann


Fritz Ruf


Patricia 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 2010

165-R-006

3.

**SOUTHEASTERN WISCONSIN
REGIONAL PLANNING COMMISSION**

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Adelene Greene,
Secretary
Robert W. Pills

RACINE COUNTY

Gilbert B. Bakke
Susan S. Greenfield
Mary A. Kacmarcik

MILWAUKEE COUNTY

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Thomas H. Buestrin
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WASHINGTON COUNTY

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

WAUKESHA COUNTY

James T. Dwyer
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 •

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

Serving the Counties of:

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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 the Milwaukee County War Memorial Center, Milwaukee, Wisconsin, on the 1st day of December 2010, the Commission did by unanimous vote of all Commissioners present, being 16 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 2nd day of December 2010.

David L. Stroik, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kenneth R. Yunker, Deputy Secretary

RESOLUTION NO. 2010-16

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 August 17, 2010, 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 November 10, 2010; 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. 2010-16

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 1st day of December 2010, the vote being: Ayes 16; 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 17, 2010, 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 Maps 1 and 2, the area to be added to the sewer service area is a 7.7-acre parcel located at 16385 W. Small Road in the City of New Berlin. The parcel would be developed for warehouse and office use, serving as an expansion of the BuySeasons facility to the south. There are no environmental corridors or isolated natural resource areas on the property.

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

The proposed addition of 7.7 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 area 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 November 10, 2010, 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, two area residents expressed objections to the proposed sewer service area amendment. They expressed concerns about potential impacts of the proposed development on the surrounding area and concerns about the adequacy of buffering/tree planting at the site. They also expressed concern as to whether there is sufficient capacity in the sewerage system to accommodate the proposed development.

With respect to the system capacity concerns, the existing BuySeasons facility currently generates about 2,500 gallons per day of wastewater. The proposed addition to the BuySeasons development would include one restroom facility and would result in a minimal increase in flow. Village officials confirmed that there is sufficient capacity in the existing sewerage system to accommodate the expanded BuySeasons facility. Moreover, the flow allocated under the year 2020 MMSD facilities plan to the sewershed containing the subject parcel is 0.448 mgd, compared to an existing year 2000 flow of about 0.029 mgd. The marginal increase in flow attendant to the proposed sewer service area expansion would be able to be accommodated under the year 2020 MMSD plan.

Concerns raised at the hearing regarding the type of use proposed for the subject property and the impacts on nearby areas are local land use planning considerations. The subject parcel is designated for future business park/industrial use under the City comprehensive plan and is zoned for such use. Village officials have indicated that tree planting and other buffering would minimize any impacts on adjacent areas.

LOCAL GOVERNMENT SUPPORT FOR THE PLAN AMENDMENT

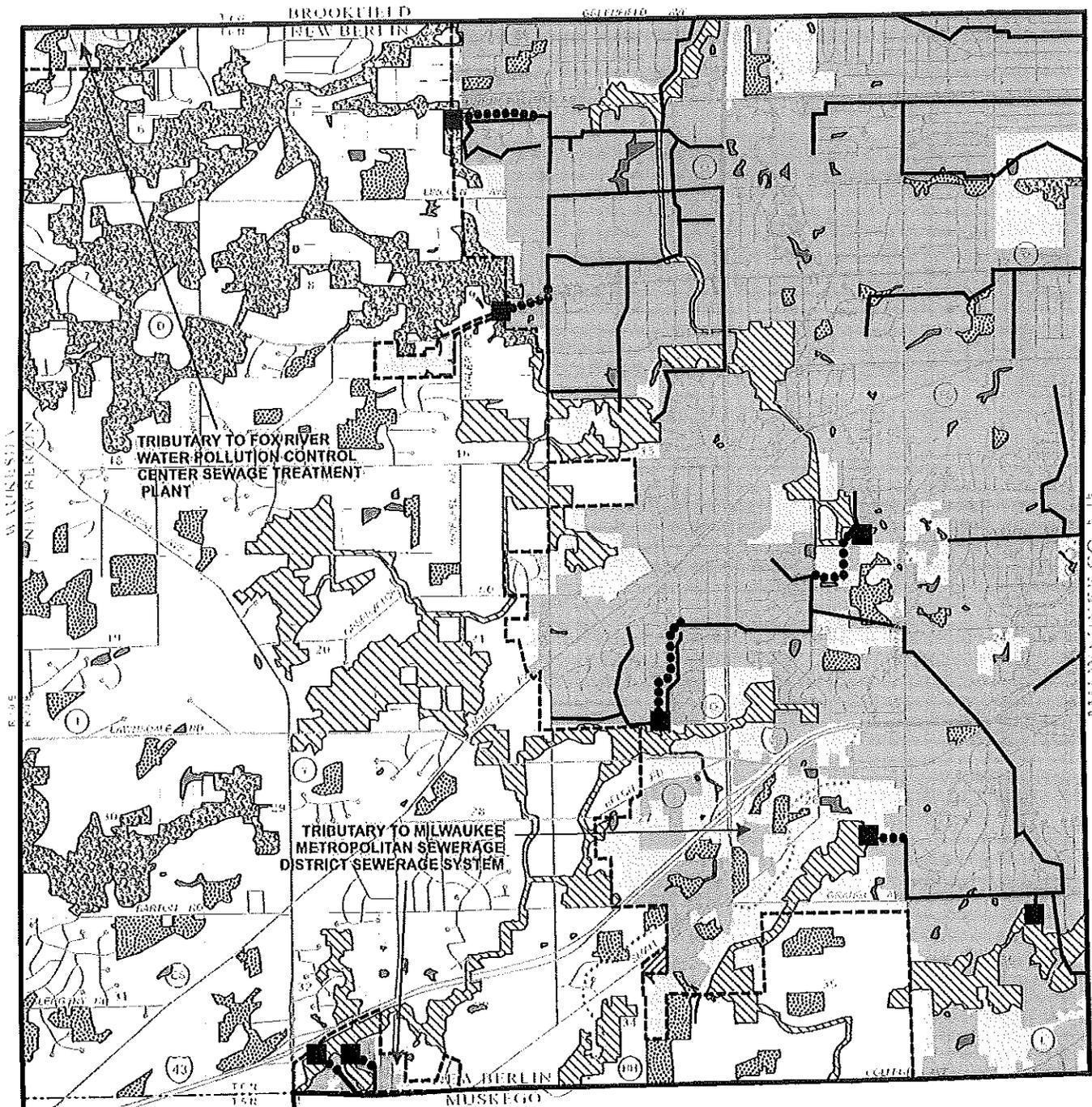
The City of New Berlin Plan Commission recommended approval of the proposed sewer service area plan amendment following the public hearing on November 10, 2010. The New Berlin City Council approved the amendment on November 16, 2010.

CONCLUDING RECOMMENDATION

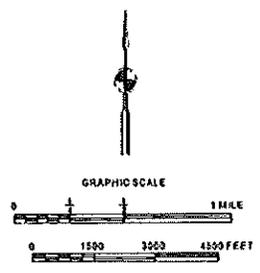
Based upon the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission formally amend the City of New Berlin sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No 157, in the manner shown on Map I.

Map 1

PROPOSED AMENDMENT TO THE NEW BERLIN SANITARY SEWER SERVICE AREA



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

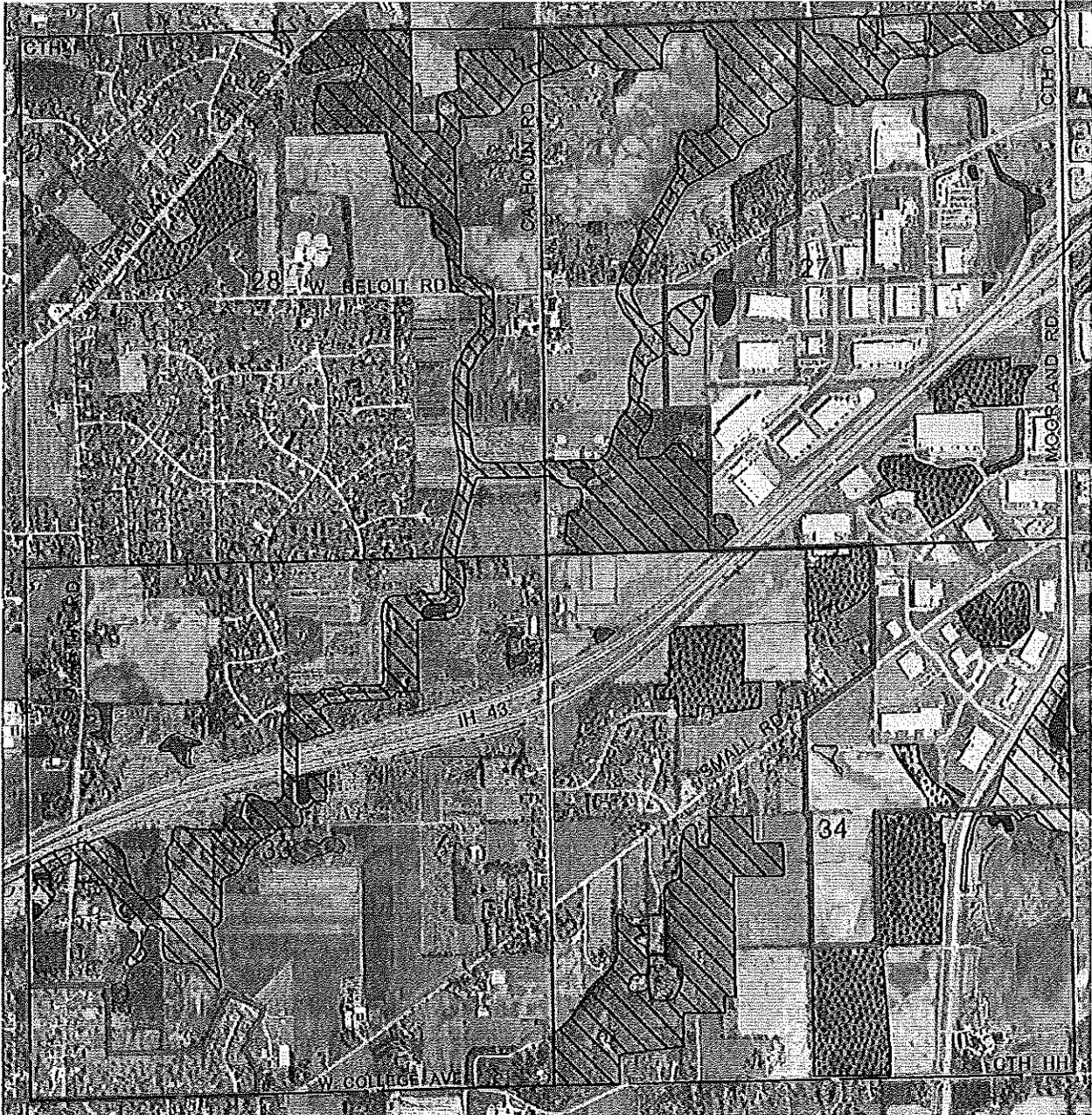


Source: SEWRPC.

Map 2

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

U.S. Public Land Survey Sections 27, 28, 33, and 34
Township 6 North, Range 20 East

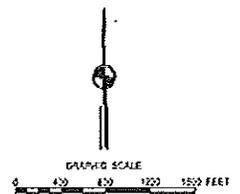


Photography Date: April 2005

-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  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

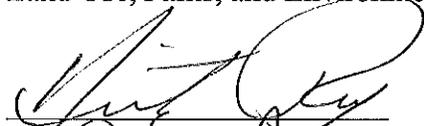
NOTE: This map replaces Map 2, page 4, of SEWRPC Amendment to the Regional Water Quality Management Plan, City of New Berlin, December 2008.



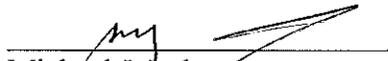
Source: SEWRPC.

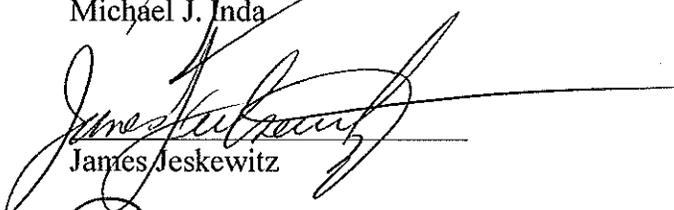
AMEND THE REGIONAL WATER QUALITY MANAGEMENT PLAN FOR
THE CITY OF NEW BERLIN, WAUKESHA COUNTY, WISCONSIN

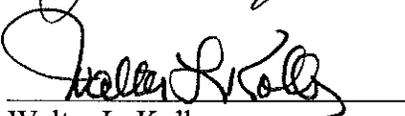
Presented by:
Land Use, Parks, and Environment Committee

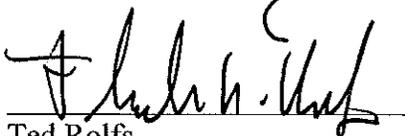

Fritz Ruf, Chair


Robert Hutton


Michael J. Inda


James Jeskewitz


Walter L. Kolb

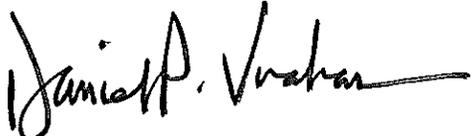

Ted Rolfs


Thomas J. Schelling

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

Date: 2-25-11, 
Kathy Nickolaus, County Clerk

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

Approved: X
Vetoed: _____
Date: 2-25-11, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-02/23/11

(RES) NUMBER-1650006

- 1 D. FALSTAD.....AYE
- 3 R. HUTTON.....AYE
- 5 J. JESKEWITZ.....AYE
- 7 P. HAUKOHL.....
- 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 K. CHIAVEROTTI.....
- 25 G. YERKE.....AYE

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

TOTAL AYES-21

TOTAL NAYS-00

CARRIED_____

DEFEATED_____

UNANIMOUS X

TOTAL VOTES-21