

ENROLLED RESOLUTION 168-1

AMEND THE REGIONAL WATER QUALITY MANAGEMENT PLAN FOR
THE CITY OF MUSKEGO, 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 Muskego requested in a letter dated December 19, 2012, an amendment to the Adopted Regional Water Quality Management Plan Muskego Sanitary Sewer Service Area to add certain lands to the City of Muskego Sanitary Sewer Service area, and after due notice of a public hearing held on January 22, 2013, and preparation of a report entitled "Amendment to the Regional Water Quality Management Plan for the City of Muskego, Waukesha County, Wisconsin" dated March 2013, said Plan amendment was adopted by the Southeastern Wisconsin Regional Planning Commission on March 13, 2013 and by the Muskego Common Council on January 22, 2013, 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 Muskego, Waukesha County, Wisconsin" dated March 2013 is hereby approved signifying the County's agreement with the change to the "Regional Water Quality Management Plan" identified in the amendment document.

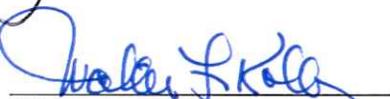
BE IT FURTHER RESOLVED that the Waukesha County Clerk shall transmit a certified copy of this Resolution to the Southeastern Wisconsin Regional Planning Commission and the City of Muskego Clerk upon its adoption.

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

Presented by:
Land Use, Parks, and Environment Committee

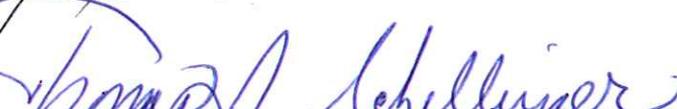

James A. Heinrich, Chair


Jim Batzko


Walter L. Kolb


Pamela Meyer


Fritz Ruf

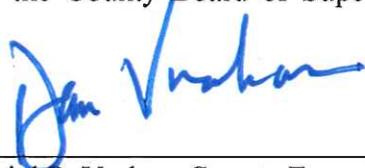

Thomas J. Schellinger


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: 5/28/13, 
Kathleen Novack, County Clerk

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

Approved: X
Vetoed: _____
Date: 6-3-13, 
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-05/28/13

(RES) NUMBER-1680001

1 C. SLATTERY.....AYE
3 R. MORRIS.....
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.....AYE
21 W. ZABOROWSKI.....AYE
23 K. HAMMITT.....AYE
25 G. YERKE.....AYE

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

TOTAL AYES-23

TOTAL NAYS-00

CARRIED X

DEFEATED _____

UNANIMOUS X

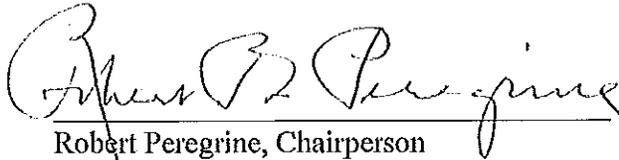
TOTAL VOTES-23

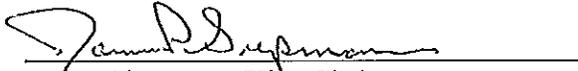
COMMISSION ACTION

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 Muskego, Waukesha County, Wisconsin dated March 2013" in accordance with the attached "Amendment".

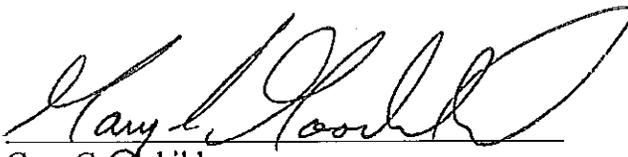
PARK AND PLANNING COMMISSION

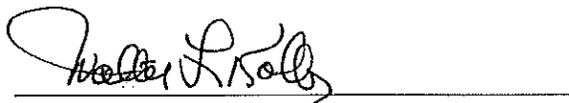
April 4, 2013


Robert Peregrine, Chairperson

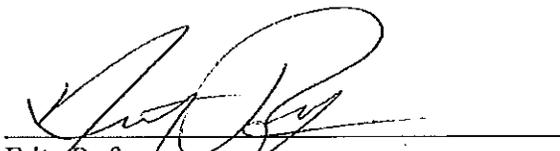

James Siepmann, Vice Chairperson

(Absent)
William Mitchell


Gary Goetchild


Walter Kolb

(Absent)
Pat Haukohl


Fritz Ruf

**SOUTHEASTERN WISCONSIN
REGIONAL PLANNING COMMISSION**

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Adelene Greene,
Secretary
Robert W. Pills

RACINE COUNTY

Gilbert B. Bakke
David Eberle
Peggy L. Shumway

MILWAUKEE COUNTY

Marina Dimitrijevic
William R. Drew,
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James T. Dwyer

**SOUTHEASTERN WISCONSIN REGIONAL
PLANNING COMMISSION STAFF**

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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
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Serving the Counties of:

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WAUKESHA



SUBJECT: Certification of Amendment to the Adopted Regional Water Quality Management Plan (Muskego 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 Muskego, and the Milwaukee Metropolitan Sewerage District.

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held at the Civil War Museum, Kenosha, Wisconsin, on the 13th day of March 2013, 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 Muskego 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 14th day of March 2013.

David L. Stroik, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kenneth R. Yunker, Deputy Secretary

168-R-001

5.

RESOLUTION NO. 2013-02

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 (MUSKEGO 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 Muskego sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 64 (3rd Edition), *Sanitary Sewer Service Area for the City of Muskego, Waukesha County, Wisconsin*, December 1997, as amended; and

WHEREAS by letter dated December 19, 2012, the City of Muskego requested that the Commission amend the Muskego 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 Muskego to Amend the Muskego 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 Muskego and the Regional Planning Commission on January 22, 2013; 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 Muskego 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.

RESOLUTION NO. 2013-02

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 13th day of March 2013, 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 MUSKEGO TO AMEND THE MUSKEGO SANITARY SEWER SERVICE AREA

INTRODUCTION

By letter dated December 19, 2012, the City of Muskego requested that the Southeastern Wisconsin Regional Planning Commission amend the City of Muskego sanitary sewer service area tributary to the Milwaukee Metropolitan Sewerage District as that area is currently documented in SEWRPC Community Assistance Planning Report No. 64 (3rd Edition), *Sanitary Sewer Service Area for the City of Muskego, Waukesha County, Wisconsin*, dated December 1997, as amended. The basic purpose of the amendment would be to include within the planned sewer service area certain land located immediately adjacent to, but outside, the currently adopted sewer service area.

AREA DESCRIPTION

The area proposed to be added to the Muskego sewer service area is shown on Map 1. The area encompasses about 2.8 acres, including about 0.7 acre of secondary environmental corridor and 2.1 acres of other open land. It is anticipated that the subject parcel would be developed as a single-family residential homesite, consistent with the City of Muskego comprehensive plan, which designates the area for residential development at a density of at least two acres per dwelling unit.

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 updated 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 2.8 acres to the Muskego sanitary sewer service area represents an increase in the planned sewer service area of less than 0.1 percent.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the Muskego sanitary sewer service area plan, it is envisioned that all new urban development within the planned sewer 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.

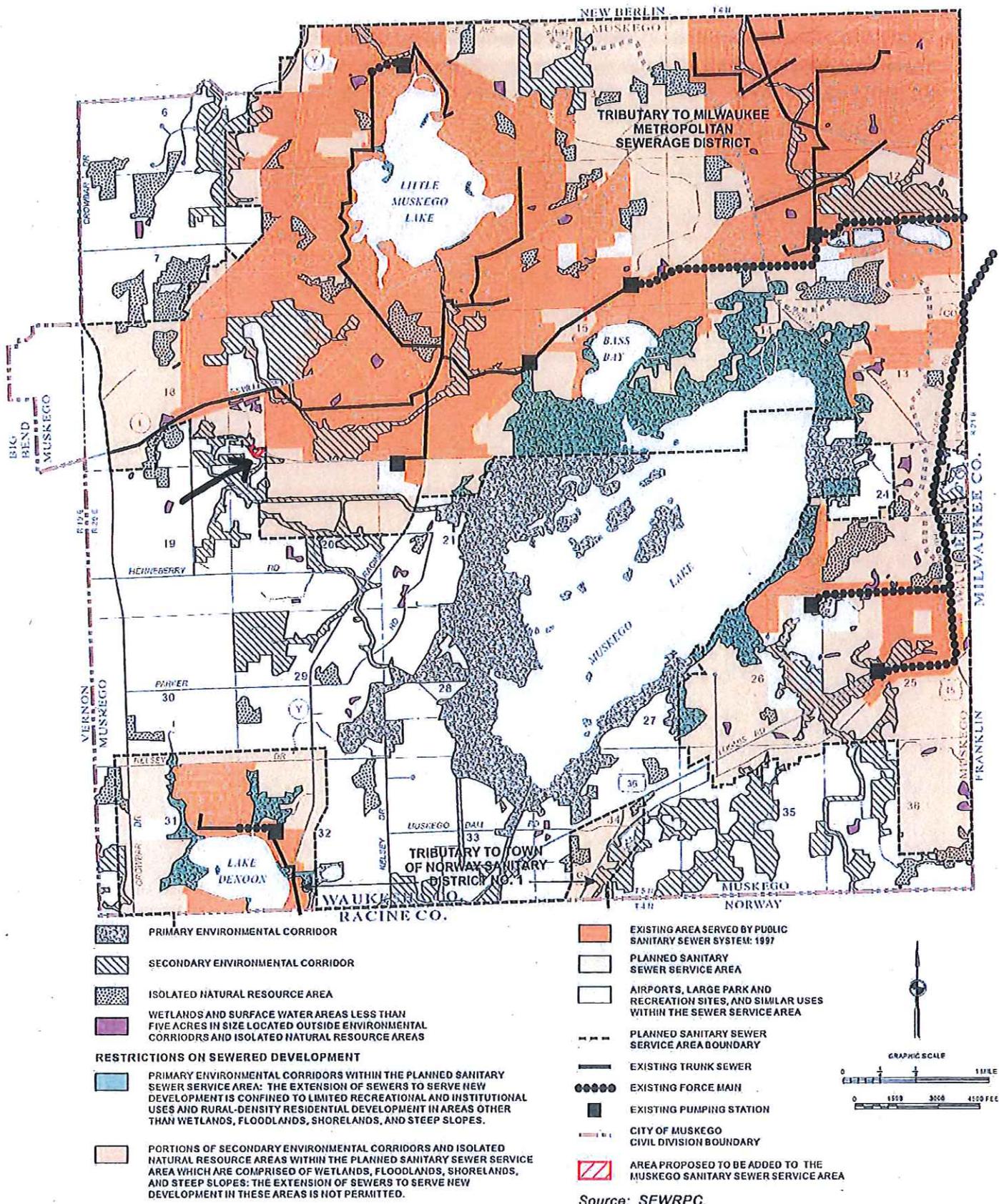
SEWERAGE SYSTEM CAPACITY IMPACTS

The proposed addition to the sewer service area would accommodate one single-family housing unit, with minimal impact on the capacity of the sanitary sewerage system.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on January 22, 2013, at the Muskego City Hall to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the City of Muskego and

PROPOSED AMENDMENT TO THE CITY OF MUSKEGO SANITARY SEWER SERVICE AREA



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 Muskego Common Council approved the amendment following the public hearing on January 22, 2013.

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.

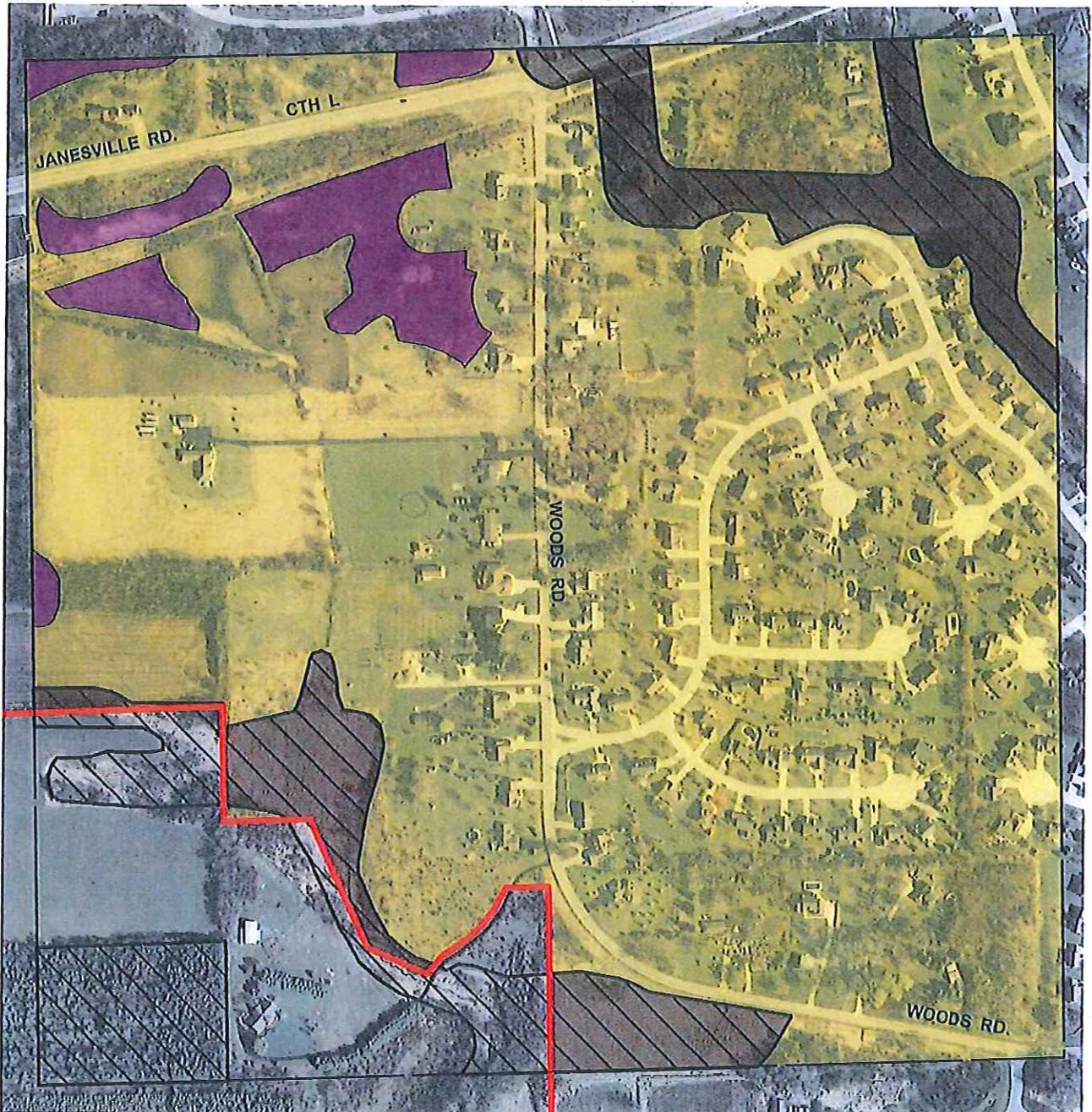
- **Consistency with the Regional Land Use Plan**
The regional land use plan recommends that, in addition to the infilling and redevelopment of existing urban centers, new urban development within the Region be accommodated through the orderly expansion of existing urban centers in locations and at densities 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 Muskego 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 wastewater 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 Muskego sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 64, 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 transmit the plan amendment to the U.S. Environmental Protection Agency for certification.

Map 2

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

Southwest Quarter of U.S. Public Land Survey Section 17
Township 5 North, Range 20 East



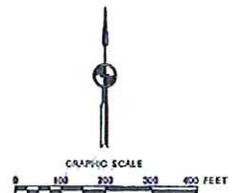
Photography Date: April 2010

-  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

RESTRICTIONS ON SEWERED DEVELOPMENT

-  PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED 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 Muskego, June 2005.



Source: SEWRPC.