

AMENDMENT TO THE

**REGIONAL WATER QUALITY
MANAGEMENT PLAN**

CITY OF NEW BERLIN

AS ADOPTED BY THE

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

JUNE 1993

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SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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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 Washington County Courthouse, West Bend, Wisconsin, on the 16th day of June 1993, the Commission did by unanimous vote by 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 proposed sanitary sewer service area for the City of New Berlin 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 Waukesha, Wisconsin, this 17th day of June 1993.

David B. Falstad, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kurt W. Bauer, Deputy Secretary

RESOLUTION NO. 93-20

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 66.945(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, at a meeting held on the 7th day of December 1987, 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; and

WHEREAS, by letter dated October 22, 1992, 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 to include lands located adjacent to, but outside, the 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, which memorandum concludes that the plan amendment requested by the City of New Berlin is sound and in the public interest; 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 May 11, 1993; and

WHEREAS, Section 66.945(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 amended on the 7th day of December 1987 to include the initial refined New Berlin sewer service area, as set forth in SEWRPC Community Assistance Planning Report No. 157, 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 Industry, Labor, and Human Relations 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.

THIRD: That a true, correct, and exact copy of this resolution, together with the aforereferenced 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 16th day of June 1993, the vote being: Ayes 16; Nays 0.



David B. Falstad, Chairman

ATTEST:



Kurt W. Bauer, 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 October 22, 1992, the City of New Berlin requested that the Southeastern Wisconsin Regional Planning Commission amend the New Berlin sanitary sewer service area 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, November 1987. The basic purpose of the amendment would be to include within the planned New Berlin sewer service area certain lands located immediately adjacent to the adopted sewer service area to accommodate proposed residential development.

BACKGROUND

The Regional Planning Commission recognizes that, like other long-range plans, sanitary sewer service area plans should be periodically reviewed to assure that the plans continue to properly reflect regional and local urban development objectives. In addition, when it is determined by the operator of the sewage treatment facility, or by the local unit of government involved, that a sewer service area refinement or amendment is necessary, the operator of the sewage treatment facility, or the local unit of government involved, may request the Regional Planning Commission for assistance in undertaking the technical work required in the necessary sewer service area plan refinement or amendment effort.

As shown on Map 1, the area proposed to be added to the City of New Berlin sewer service area, tributary to the Milwaukee Metropolitan Sewerage District sewage treatment facilities, encompasses approximately 232 acres, and is located in U.S. Public Land Survey Section 36, Township 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin.

About 11 acres, or about 5 percent of the area, are encompassed within residential land uses and include five housing units; about 35 acres, or about 15 percent of the area, are encompassed within secondary environmental corridor lands consisting of wetlands, woodlands, and significant wildlife habitat; and the remaining 186 acres consist of prime agricultural and other open space lands proposed to be developed for residential use.

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

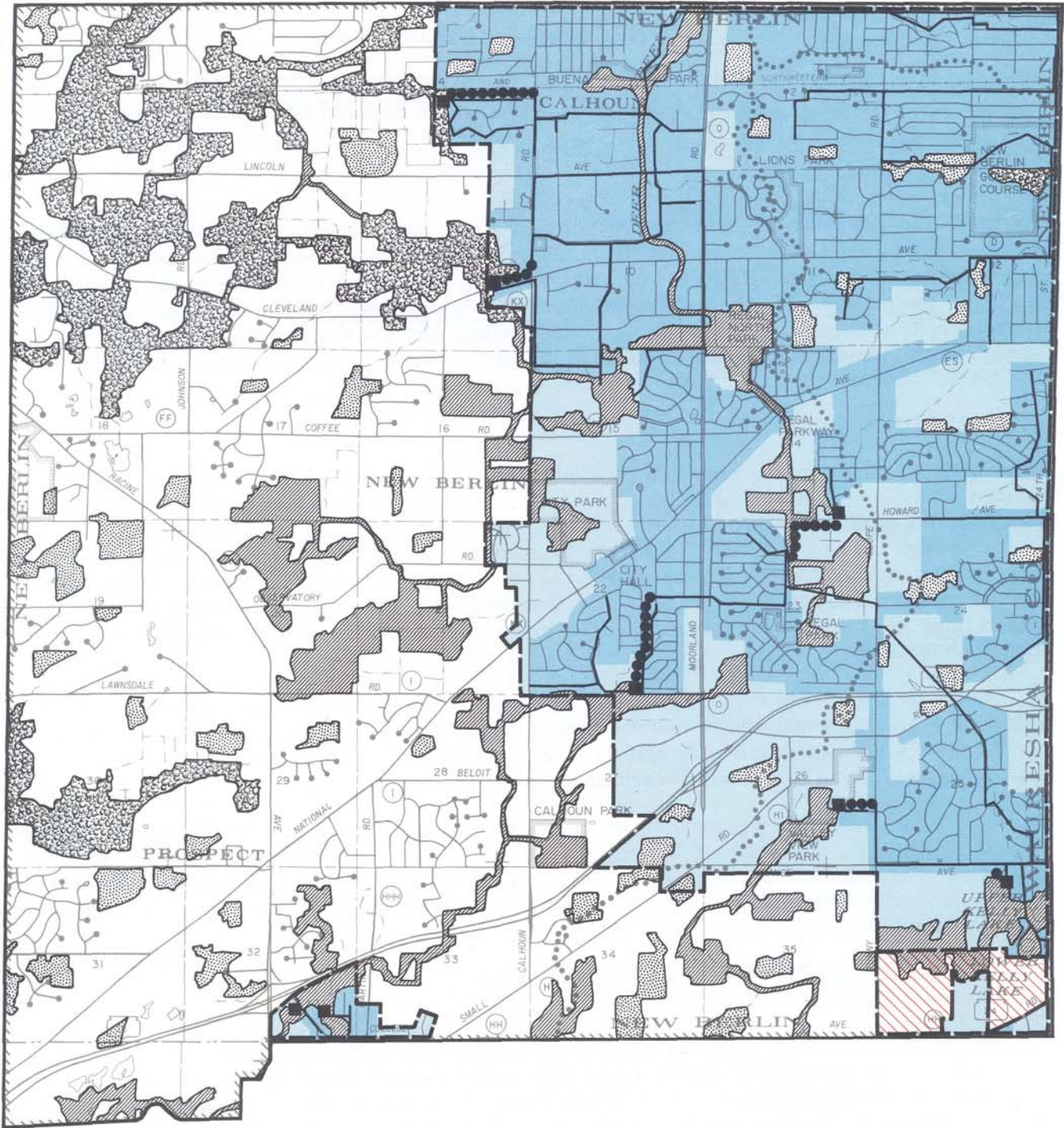
The revised year 2010 New Berlin sanitary sewer service area, including the subject additional lands, would encompass about 17.9 square miles and would include about 0.4 square mile of primary environmental corridor lands, about 1.2 square miles of secondary environmental corridor lands, and about 0.5 square mile of isolated natural area lands. Thus, about 2.1 square miles, or about 12 percent of the revised sewer service area, would be comprised of environmentally significant lands. The incremental new housing units envisioned to be located within the New Berlin sewer service area, including the subject lands, would approximate 4.0 housing units per net residential acre. This density lies within the recommended medium-density range for the New Berlin area of the Region identified in the adopted regional land use plan.

WATER QUALITY IMPACTS











It is envisioned that all urban lands located within the New Berlin urban service area, including those planned urban lands located within the subject area, would ultimately receive sanitary sewer service. It is also envisioned that all lands identified as primary environmental corridor within the New Berlin urban service area would not be

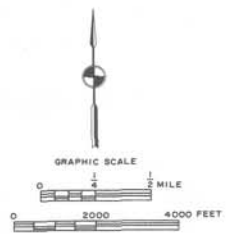
Map 1

RECOMMENDED REVISION TO THE NEW BERLIN SANITARY SEWER SERVICE AREA



LEGEND

- | | | | |
|---|--|---|---|
|  | PRIMARY ENVIRONMENTAL CORRIDOR |  | NET SANITARY SEWER SERVICE AREA (EXISTING) |
|  | SECONDARY ENVIRONMENTAL CORRIDOR |  | NET SANITARY SEWER SERVICE AREA (2010) |
|  | ISOLATED NATURAL AREA |  | EXISTING TRUNK SEWER |
|  | GROSS SANITARY SEWER SERVICE AREA BOUNDARY |  | EXISTING FORCE MAIN |
| | |  | EXISTING LIFT STATION |
| | |  | LANDS TO BE ADDED TO THE NEW BERLIN SANITARY SEWER SERVICE AREA |



Source: SEWRPC.

developed for intensive urban use. It is recognized, however, that certain land uses requiring sanitary sewer service could be properly located in the corridors, including park and outdoor recreation facilities, certain institutional uses, and, in some cases, very-low-density residential development consisting of single-family residences on five-acre lots.

The area to be added to the New Berlin sewer service area is proposed to be developed for residential land uses. Accordingly, assuming proper site development and construction practices, including appropriate soil erosion control practices, and compatible development within the secondary environmental corridors, or lands adjacent to such areas, there should be no significant adverse water quality impacts attributable to the development of the subject area.

COST-EFFECTIVENESS ANALYSIS

The lands in question lie immediately adjacent to the currently approved sanitary sewer service area. Moreover, areas currently served with public sewers are contiguous to the area proposed to be added to the service area. All of the areas to the north, east, and south of the subject area are part of the sewer service areas tributary to the Milwaukee Metropolitan Sewerage District sewerage system. No other public sewerage system is located in the vicinity. It is important to note that the type of development proposed would have to be provided with public sanitary sewer service. Consequently, no further detailed analyses were deemed to be required to conclude that the subject area would be sewered most cost-effectively through the public sewers tributary to the Milwaukee Metropolitan Sewerage District sewerage system.

SEWAGE TREATMENT PLANT CAPACITY IMPACT ANALYSIS

The size and capacity of the Milwaukee Metropolitan Sewerage District sewerage facilities were developed as part of the District's facility planning program.¹ That plan was based upon an estimated year 2005 sewer service area population of 52,000 persons in the City of New Berlin service area tributary to the Milwaukee Metropolitan sewerage system. That area, as defined in the District's facility plan, includes the 232-acre area that is the subject of this amendment. The sewer service area plan set forth herein is based upon a planned year 2010 population range of from 36,900 to 44,300 persons in the City of New Berlin sewer service area, including the subject 232-acre area. Since the planned population levels now envisioned in the City of New Berlin sewer service area are less than the planned population level used in the planning and design of the Milwaukee Metropolitan Sewerage District system, including the sewage treatment plant, there should be adequate capacity in this system to serve the City of New Berlin, including the subject 232-acre area.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on May 11, 1993, at the New Berlin City Hall to receive public comment on, and reaction to, the plan amendment. The hearing was sponsored jointly by the City of New Berlin and the Regional Planning Commission. A summary of the minutes of the public hearing is presented in Appendix A.

A brief summary of the sewer service area refinement process for the City of New Berlin was presented before receiving public comment. The rationale for refining and detailing the sanitary sewer service area tributary to the Milwaukee Metropolitan Sewerage District sewage treatment facilities was discussed, as was the importance of the final delineation of the service area. In addition, the significance of the environmentally sensitive lands within the subject area was discussed. Comments on the amendment and accompanying maps were then solicited.

¹ Milwaukee Metropolitan Sewerage District Wastewater System Plan, June 1980.

A review of the hearing record indicates that no substantive concerns were raised at the hearing. Accordingly, no changes were made to the proposed plan amendment as presented at the public hearing as reflected on Map 1.

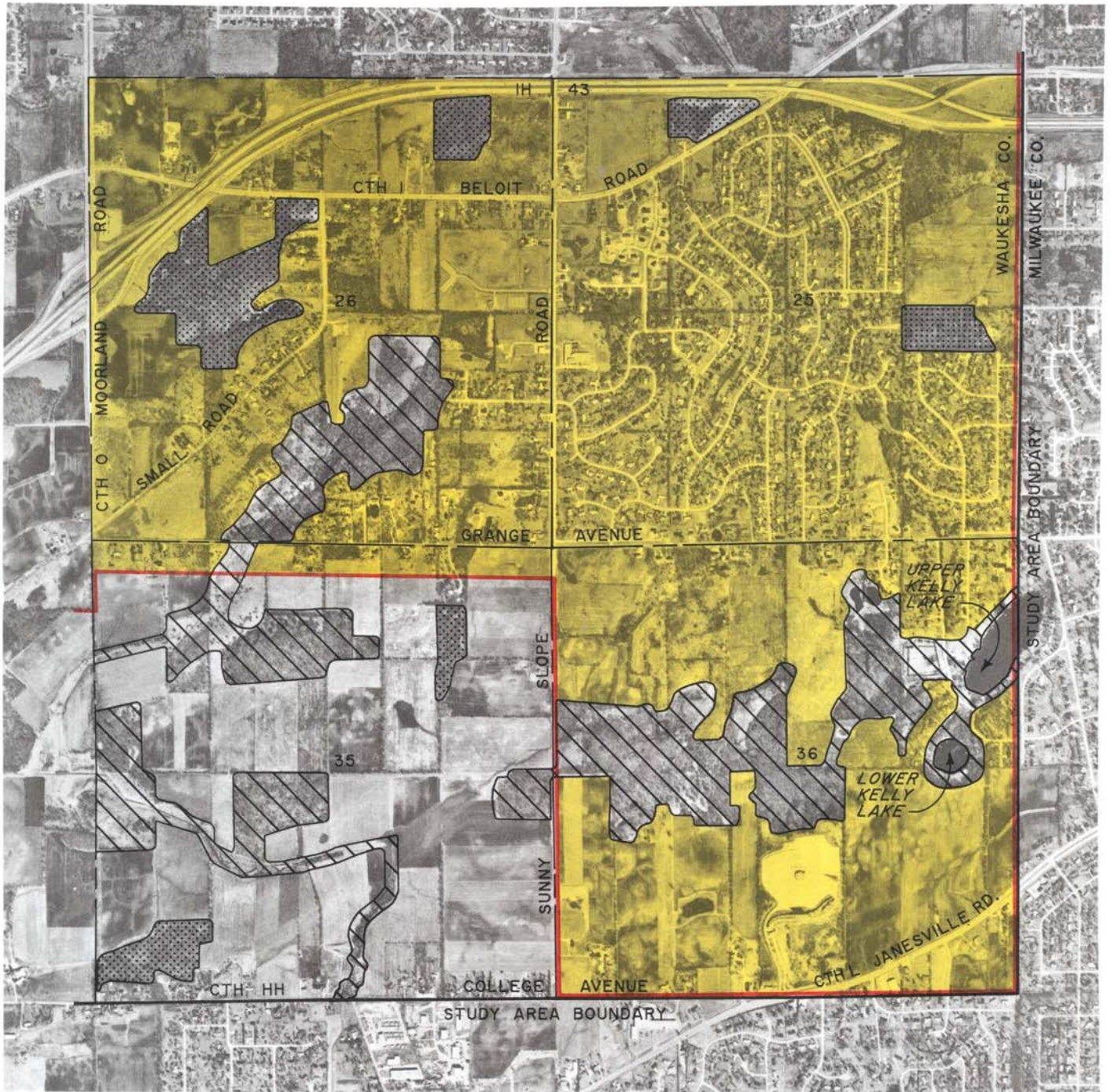
CONCLUDING RECOMMENDATION

Based upon the foregoing, it is recommended that the amended sanitary sewer service area as documented in the aforereferenced SEWRPC Community Assistance Planning Report No. 157 and identified on Map 1 be adopted. A more detailed delineation of the revised sewer service area and of the environmentally significant lands therein is shown on an aerial photograph reproduced as Map 2.





Map 2

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

U. S. Public Land Survey Sections 25, 26, 35, and 36
Township 6 North, Range 20 East



LEGEND

-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces Map 10-9, page 35, SEWRPC Community Assistance Planning Report No. 157, Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin.



Source: SEWRPC.

APPENDICES

Appendix A

MINUTES OF PUBLIC HEARING

City of New Berlin Sanitary Sewer Service Area May 11, 1993

The Public Hearing relative to the Amendment of the City of New Berlin Sanitary Sewer Service Area was called to order at 6:45 P.M. by Mayor Cera.

Roll call indicated the following were in attendance: Aldermen Shively, Strombeck, Fishler, Malone, and Bakic (arrived at 6:55 p.m.). Also present were City Clerk William Bowers, City Planner Steve Hoese, Asst. City Planner Ron Lee, Director of Public Works Pat Howell, City Engineer Mark Schmalz, and Division Engineer Joe Nowak. Alderman Krautkramer was excused.

City Clerk Bowers read the Notice of Public Hearing and also indicated that there was proof of publication and notice to the affected property owners. The notice is declaring an amendment to the City of New Berlin's Sanitary Sewer Service Area.

Mayor Cera explained the procedure of the Public Hearing.

Mayor Cera indicated that the revision was initially requested by Mr. Clark Tabert of Heritage Development, and the Common Council has recommended that this change be made. Mr. Tabert is proposing to develop a single family subdivision east of the drive-in theater property on Janesville Road. The State of Wisconsin requires that sanitary sewers cannot be extended within the approved sanitary sewer service area. The purpose of tonight's hearing is not to discuss the construction of sewers, but to amend the sanitary sewer service area to allow sewers to be extended into the area. If sewers are set to serve these lands, separate public hearings will be held on the assessable costs and will ultimately require Council approval. Tonight a briefing on the proposed amendment will be made by Mr. Bruce Ruben of SEWRPC, after which comments and questions can be made by those in attendance.

Mr. Bruce Ruben of SEWRPC gave a brief history of how we got to this point, starting in 1979. We suggested in our 208 Plan that periodically, maybe every five years, the City should review this sewer service area, and take into account changing development considerations. Late last year the City came to us and said they wanted to amend this report to include certain lands in the far southeast portion of the City.

The area to be included consists of approx. 232 acres of land. It is practically surrounded by the lands which were currently within the approved sewer service area. So it is a logical addition. There is approx. 186 acres of open land in this proposal that are suitable for additional residential development. From a cost-effective standpoint, the only way this area could be served efficiently is through MMSD. We believe this would be a reasonable addition to the New Berlin Sewer Service Area. If there is agreement amongst the Council, this amendment, as documented in the three-page report, would be provided to our Commission staff, with an adoption of a resolution of support from the City Council. After the Commission would act upon it, it would go to the DNR for their approval and amendment to the currently approved sewer service area, to enable sewers to be extended to this area.

Mayor Cera asked three times for anyone to speak in favor of this proposal?

Mayor Cera then asked three times for anyone to speak in opposition of this proposal?

Mayor Cera then asked if there were any questions.

Jean Crotty - 5345 S. Majors Dr. - If this part is added to the 2010 plan, then doesn't there have to be a part that is taken away, because this wasn't planned for. No, stated Mr. Ruben, in some situations where the community, relative to the size of their service area, is so large, that the DNR will look at it and say that you have plenty of land in your sewer service area to accommodate the envisioned growth of development. If you are going to add land in this area, you must subtract lands in another area. That is not the case in New Berlin, because the anticipated population increases are fairly significant, so it is not unusual for situations like this to add land without taking lands out of someplace else.

Mrs. Crotty then asked who will be paying for these sewers? Will any of it be paid on the property tax in any way, or is the utility and the developer paying for this? Director of Public Works Howell indicated that at this point we don't know because we don't know exactly what would be the anticipated plan of the developer, but I would hope that it would be the developers doing it. Mrs. Crotty commented that she would like to see that no cost is to the taxpayers in general, those who are presently on septic systems, that they would have to contribute, that it would be utility or the developer or both.

Rick Marlow - representing Mr. Claude Richardson - Mr. Richardson is a farmer who has retired long since down in Texas, and this is a portion of his property that is under contract as a lot of these parcels are, and it is certainly the cost of the developer to take care of the municipal services, and it will not impact on the City as far as the sewer and the water.

Alderman Shively asked what the soil conditions are and the possibility of building in that particular section. City Planner Hoeser stated that a majority of the land is good, and it has bearing capacity for residential structures. There are some areas of wetland and environmental corridor, primarily in the center, but the areas north and south of here are suitable for residential construction.

The Public Hearing was adjourned at 7:10 P.M.

nh