

AMENDMENT TO THE

**REGIONAL WATER QUALITY  
MANAGEMENT PLAN**

**CITY OF WHITEWATER**

AS ADOPTED BY THE

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

SEPTEMBER 2003

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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 (Whitewater Sanitary Sewer Service Area)

TO: The Legislative Bodies of Concerned Local Units of Government within and adjacent to the Southeastern Wisconsin Region, namely: the Counties of Jefferson and Walworth, the City of Whitewater, and the Towns of Cold Spring and Whitewater.

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held at the Ozaukee County Administration Building, Port Washington, Wisconsin, on the 10th day of September 2003, the Commission did by unanimous vote of all Commissioners present, being 12 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 Whitewater sanitary sewer service areas 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 11th day of September 2003.

Thomas H. Buestrin, Chairman  
Southeastern Wisconsin  
Regional Planning Commission

ATTEST:

Philip C. Evenson, Deputy Secretary

**RESOLUTION NO. 2003-11**

**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 (WHITEWATER 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, at a meeting held on the 1st day of March 1995, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the Whitewater sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 94 (2nd Edition), *Sanitary Sewer Service Area for the City of Whitewater, Walworth County, Wisconsin*, March 1995, and

WHEREAS, by letter dated June 30, 2003, the City of Whitewater requested that the Commission amend the Whitewater sanitary sewer service area to remove certain lands from the currently adopted sewer service area, and to add 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 Whitewater to Amend the Whitewater 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 aforereferenced staff memorandum, was the subject of a public hearing held jointly by the City of Whitewater and the Regional Planning Commission on August 25, 2003; 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;

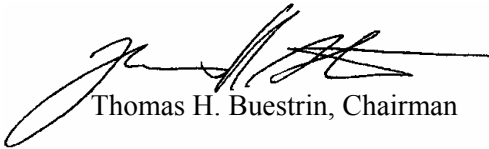
NOW, THEREFORE, BE IT HEREBY RESOLVED:

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 amended on the 1st day of March 1995 to include the refined Whitewater sewer service area, as set forth in SEWRPC Community Assistance Planning Report No. 94 (2nd Edition), 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.

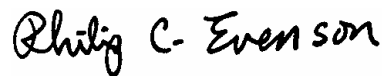
THIRD: That a true, correct, and exact copy of this resolution, together with the aforementioned SEWRPC staff memorandum, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals 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 10th day of September 2003, the vote being: Ayes 12; Nays 0.



Thomas H. Buestrin, Chairman

ATTEST:



Philip C. Evenson, Deputy Secretary

## SEWRPC STAFF MEMORANDUM

### RESPONSE TO REQUEST BY THE CITY OF WHITEWATER TO AMEND THE WHITEWATER SANITARY SEWER SERVICE AREA

#### INTRODUCTION AND BACKGROUND

By letter dated June 30, 2003, the City of Whitewater requested that the Southeastern Wisconsin Regional Planning Commission amend the Whitewater sanitary sewer service area tributary to the City of Whitewater sewage treatment facility. That area is currently documented in SEWRPC Community Assistance Planning Report No. 94 (2nd Edition), *Sanitary Sewer Service Area for the City of Whitewater, Walworth County, Wisconsin*, dated March 1995. The basic purpose of this amendment would be to include within the planned Whitewater sewer service area certain lands located immediately adjacent to, but outside of, the currently adopted sewer service area, and also to remove lands from that sewer service area.

#### AREA DESCRIPTION

Two areas are proposed to be added to the existing Whitewater sewer service area, as indicated by the red hatch pattern on Map 1. In combination, these areas encompass a total of 430 acres. Of this total, 48 acres are comprised of environmentally significant lands, including 10 acres of primary environmental corridor; 20 acres of secondary environmental corridor; and 18 acres of isolated natural resource areas. Another 78 acres are comprised of existing urban land uses and existing and planned road rights-of-way, including the proposed USH 12 bypass. Of the remainder of 304 acres, consisting of developable land located outside environmentally significant areas, 112 acres are envisioned to be developed for residential use and 192 acres are envisioned to be developed for commercial and industrial uses. When fully developed, the planned residential portion of the areas proposed to be added to the Whitewater sewer service area would accommodate about 240 housing units with a population of about 550 persons.

Two areas are proposed to be removed from the existing Whitewater sewer service area, as indicated by the green hatch pattern on Map 1. In combination, these areas encompass 490 acres, and include 105 acres of secondary environmental corridor. The remainder of 385 acres was formerly envisioned for urban uses requiring sanitary sewer service, including 225 acres of residential use and 160 acres of commercial and industrial uses. When fully developed, the planned residential portion of the areas proposed to be removed from the Whitewater sewer service area would have accommodated about 300 housing units with a population of about 700 persons.

A detailed delineation of the proposed changes to the sanitary sewer service area and of the environmentally significant lands within is shown on Maps 2 to 5. The boundaries of the environmentally significant lands on these maps have been updated to reflect conditions in 2000.

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

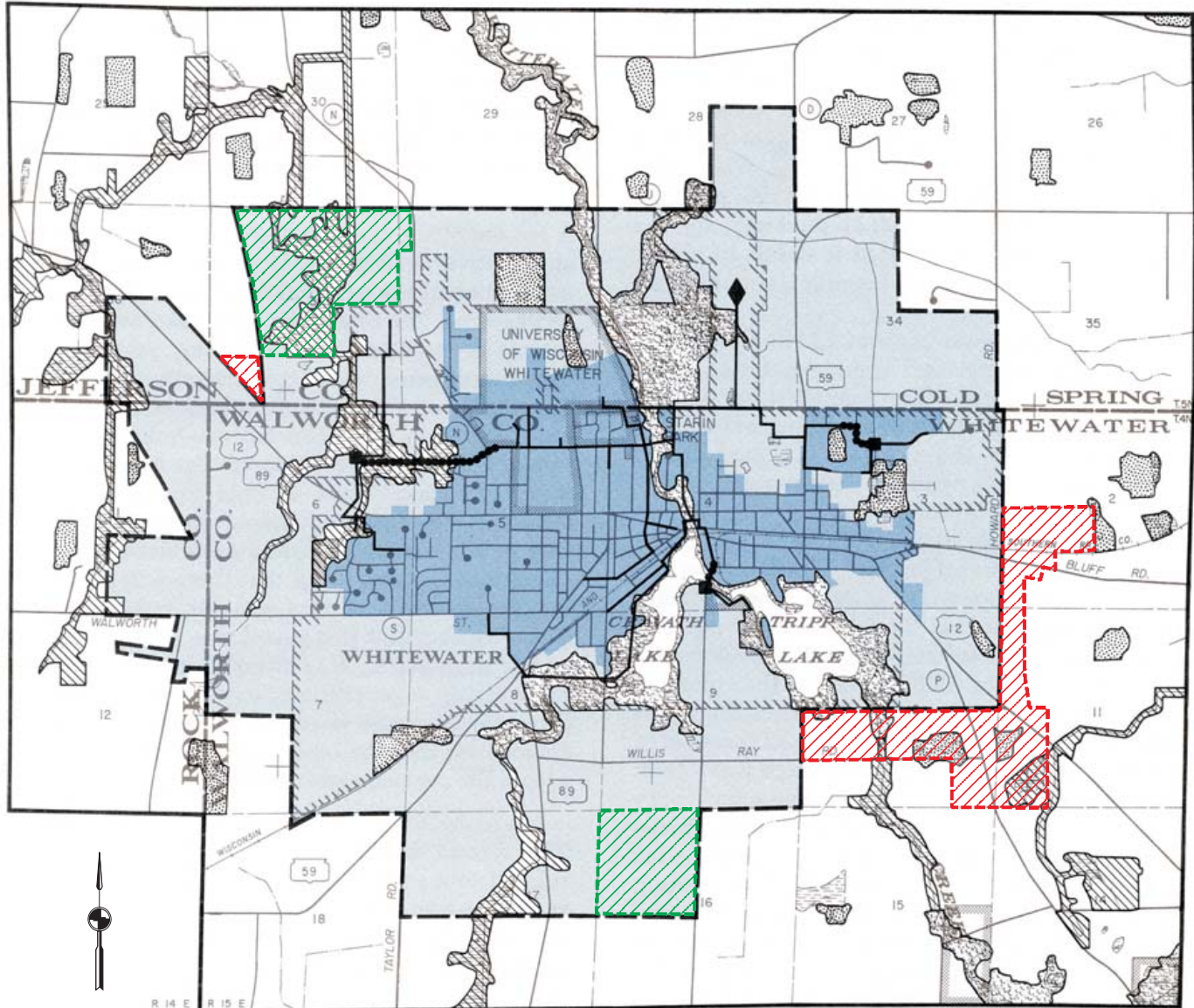
The proposed changes to the Whitewater sanitary sewer service area—addition of 430 acres and removal of 490 acres—are essentially offsetting. Because the population proposed to be added to the sewer service area is about the same as that proposed to be removed, the buildout population of the sewer service area—that is, the estimated population which could be accommodated upon full development of the sewer service area—would not change significantly and would continue to be within the year 2020 population projection range for this area embodied in the regional land use plan.

#### WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the amended Whitewater sanitary sewer service area plan presented herein, 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.

# Map 1





## RECOMMENDED AMENDMENT TO THE WHITEWATER SANITARY SEWER SERVICE AREA









GRAPHIC SCALE

0 1/4 1/2 1 MILE

0 1125 2250 3375 4500 FEET

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  EXISTING AREA SERVED BY PUBLIC SANITARY SEWER SYSTEM: 1990
-  PLANNED SANITARY SEWER SERVICE AREA
-  PLANNED SANITARY SEWER SERVICE AREA BOUNDARY

-  EXISTING TRUNK SEWER
-  EXISTING FORCE MAIN
-  EXISTING PUMPING STATION
-  EXISTING PUBLIC SEWAGE TREATMENT PLANT
-  LANDS PROPOSED TO BE ADDED TO THE CURRENTLY ADOPTED WHITEWATER SANITARY SEWER SERVICE AREA
-  LANDS PROPOSED TO BE REMOVED FROM THE CURRENTLY ADOPTED WHITEWATER SANITARY SEWER SERVICE AREA

Source: SEWRPC.

## COST EFFECTIVENESS ANALYSIS

The proposed additions to the Whitewater sanitary sewer service area are immediately adjacent to the currently approved sewer service area tributary to the City of Whitewater sewage treatment plant. The nearest other public sanitary sewer systems are all located approximately ten miles or more from the subject areas. Consequently, no further analysis is deemed necessary to conclude that the subject areas would be served most cost-effectively through connection to the City of Whitewater sewage treatment plant.

## SEWAGE TREATMENT PLANT CAPACITY IMPACT ANALYSIS

The existing City of Whitewater sewage treatment facility has a hydraulic design capacity of 3.65 million gallons per day (mgd) on an average annual flow basis. The current flow rate in 2002 was about 1.6 mgd on an average annual basis. Under the proposed amendment, there is no significant change in the anticipated sewage flow under buildout conditions because the proposed additions to, and deletions from, the planned sewer service area are essentially offsetting. Thus, the impacts of the proposed sewer service area changes on sewage treatment plant capacity are not significant.

## PUBLIC REACTION TO THE PLAN AMENDMENT

### **Public Hearing**

A public hearing was held on August 25, 2003, at the Whitewater Municipal Building to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the City of Whitewater and the Regional Planning Commission. A summary of the plan amendment was presented, including a description of the lands proposed to be added to, and deleted from, the sewer service area and the environmentally significant lands within.

During the public comment period, the Chairman of the Town of Whitewater raised two concerns. First, he expressed a concern that the owners of the land affected by the proposed sewer service area amendment had not been notified of the amendment by the City of Whitewater or the Regional Planning Commission. Second, he expressed concern about the proposed addition to the sewer service area of certain lands located north of Willis Ray Road which, he indicated, were wetlands; he indicated that the lands in question had not been identified as environmental corridors or isolated natural resource areas on the maps in the plan report. He indicated that he had, of his own accord, contacted most of the owners of land in the areas proposed to be added to the sewer service area. He said that the landowners expressed concern about the lack of personal notification about the proposed amendment and concern about the inclusion of what they believed to be wetland areas in the sewer service area. The concern regarding the inclusion of wetlands was echoed during the public comment period by another Town resident who rented some of the land in question for farming.

### **Response to Concerns Raised at the Public Hearing**

The public hearing on the proposed amendment was noticed in the *Whitewater Register* on August 14, 2003, and August 21, 2003. The notice indicated that proposal was on file and open for public inspection at the City of Whitewater Zoning Administrator's Office, and that further information could be obtained by contacting the City of Whitewater or Regional Planning Commission offices. Copies of the draft report documenting the proposed amendment were sent to the Town of Whitewater, the Town of Cold Spring, Walworth County, and Jefferson County. It is not the practice of the Commission to notify individual landowners of proposed sewer service area amendments; such notification may be done at the discretion of the concerned sewage treatment plant operator.

Subsequent to the hearing, the Regional Planning Commission staff reviewed the delineation of environmentally significant lands within the areas proposed to be added to the sewer service area. It was discovered that an 8.5-acre wetland, located in the west half of the southwest quarter of U.S. Public Land Survey Section 11 and in the east half of the southeast quarter of U.S. Public Land Survey Section 10, Township 4 North, Range 15 East, was not reflected on the maps in the preliminary draft report as presented at the public hearing. This omission has been rectified on the maps in the final report as set forth herein. In addition, the boundary of a secondary environmental corridor in this



vicinity were adjusted very slightly on the maps in the final report to more precisely reflect conditions evident on year 2000 aerial photographs.

Based upon a review of the hearing record, no change to the proposed sewer service area amendment was deemed necessary other than the changes to the mapping of environmentally significant lands noted above.

It should be noted that the environmentally significant lands shown on the maps in this report are a representation of conditions at the time of the aerial photography on which the maps are based and that such physical features may change over time from natural or human causes. Therefore, the presence and location of wetlands, navigable waters, floodplains, and similar features should be field verified by developers prior to any land disturbing activity.

#### LOCAL GOVERNMENT SUPPORT FOR THE PLAN AMENDMENT

The Whitewater City Council adopted the sewer service area plan amendment on September 2, 2003.

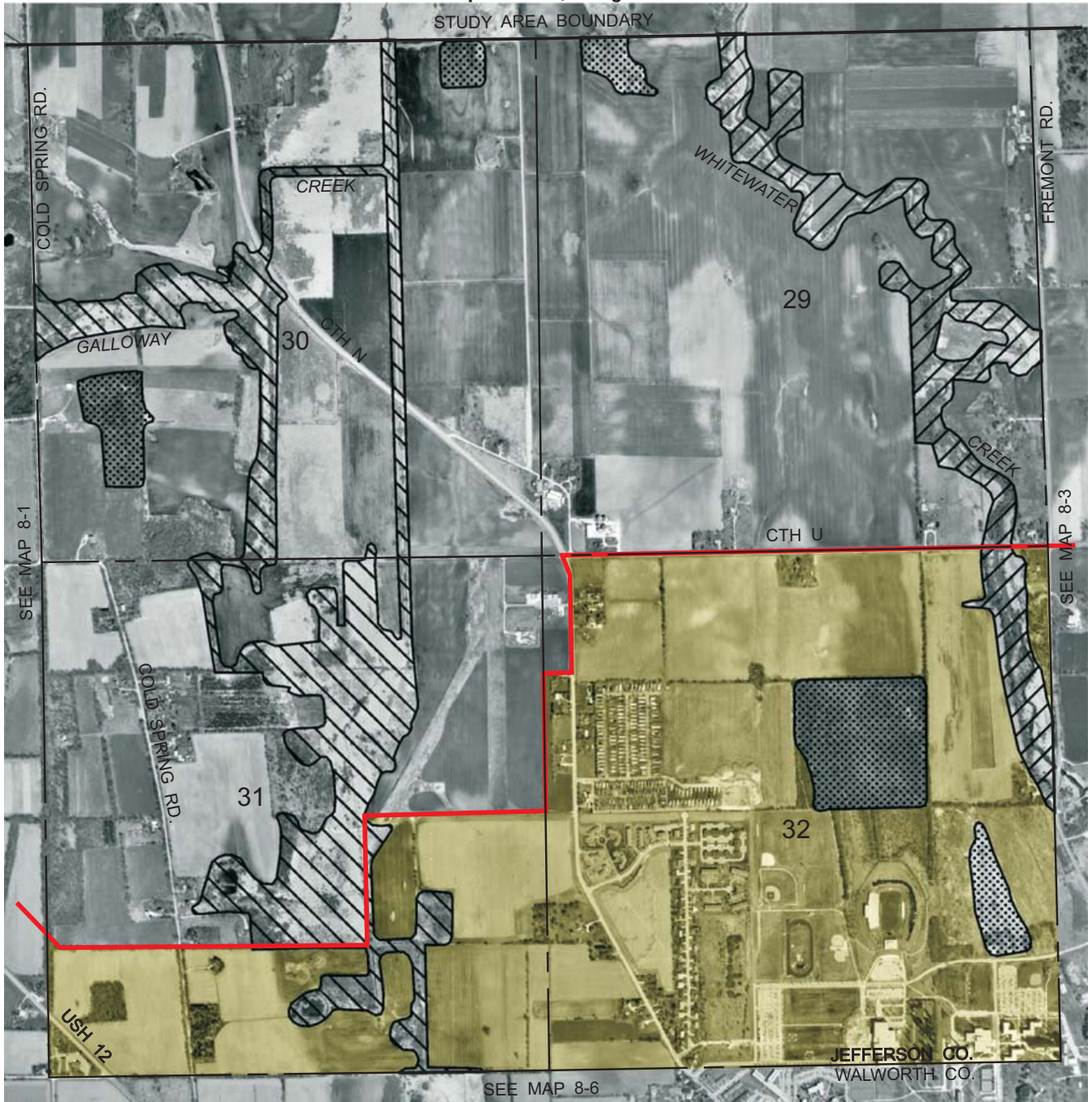
#### CONCLUDING RECOMMENDATION

Based upon the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission formally amend the sanitary sewer service area for the City of Whitewater as documented in SEWRPC Community Assistance Planning Report No. 94 in the manner identified on Map 1.

Map 2

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

U. S. Public Land Survey Sections 29, 30, 31, and 32  
Township 5 North, Range 15 East

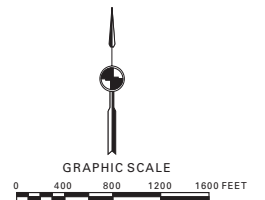


Photography Date: April 2000

- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA

- PLANNED SANITARY SEWER SERVICE AREA
- GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces Map 8-2, page 22, of SEWRPC Community Assistance Planning Report No. 94 (2nd Edition), *Sanitary Sewer Service Area for the City of Whitewater, Walworth County, Wisconsin*, March 1995.



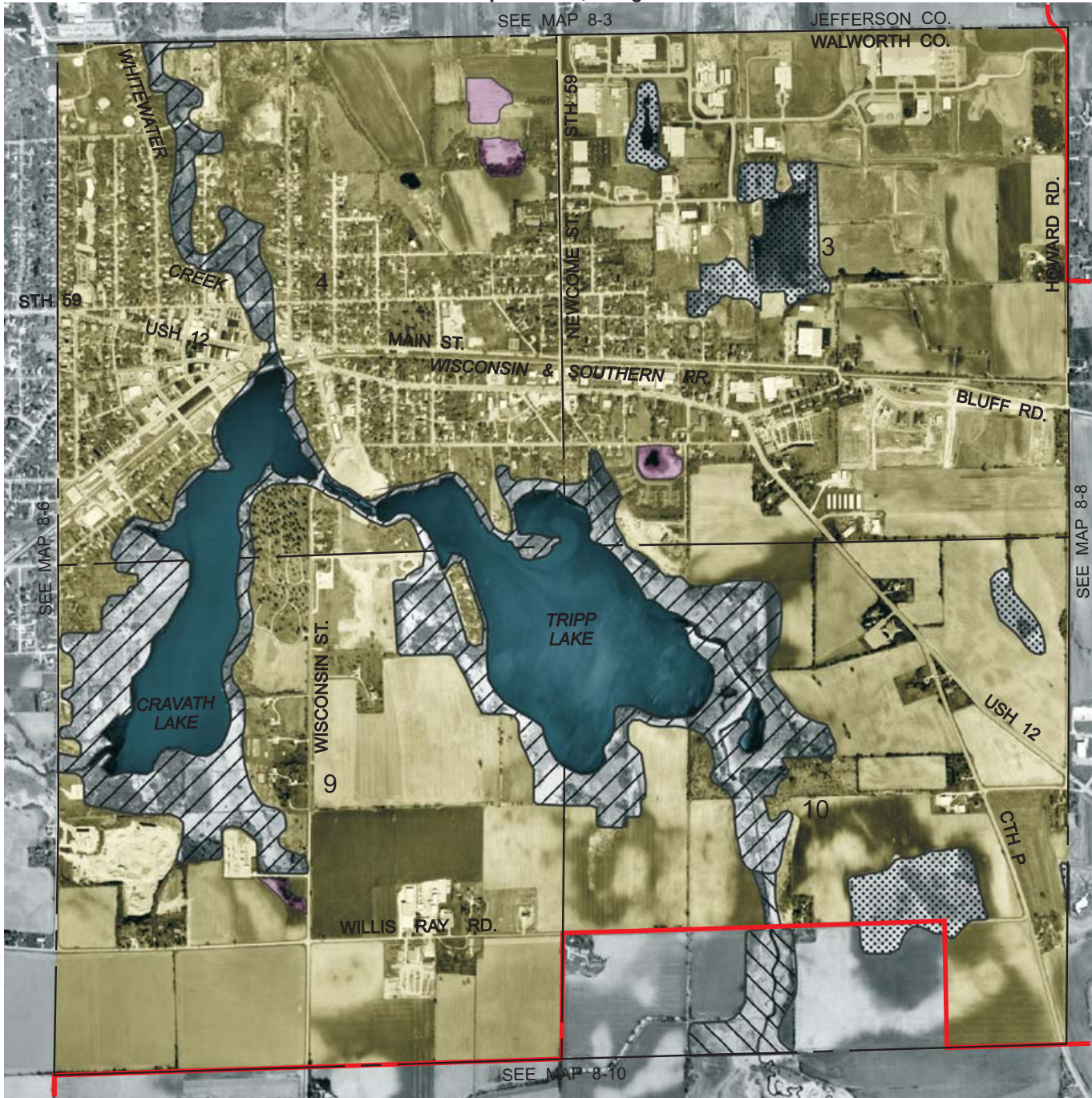
Source: SEWRPC.










Map 3

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

U. S. Public Land Survey Sections 3, 4, 9, and 10  
Township 4 North, Range 15 East

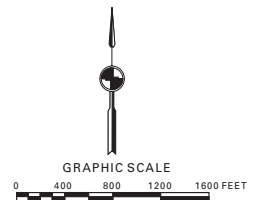


-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces Map 8-7, page 27, of SEWRPC Community Assistance Planning Report No. 94 (2nd Edition), *Sanitary Sewer Service Area for the City of Whitewater, Walworth County, Wisconsin*, March 1995.

Photography Date: April 2000



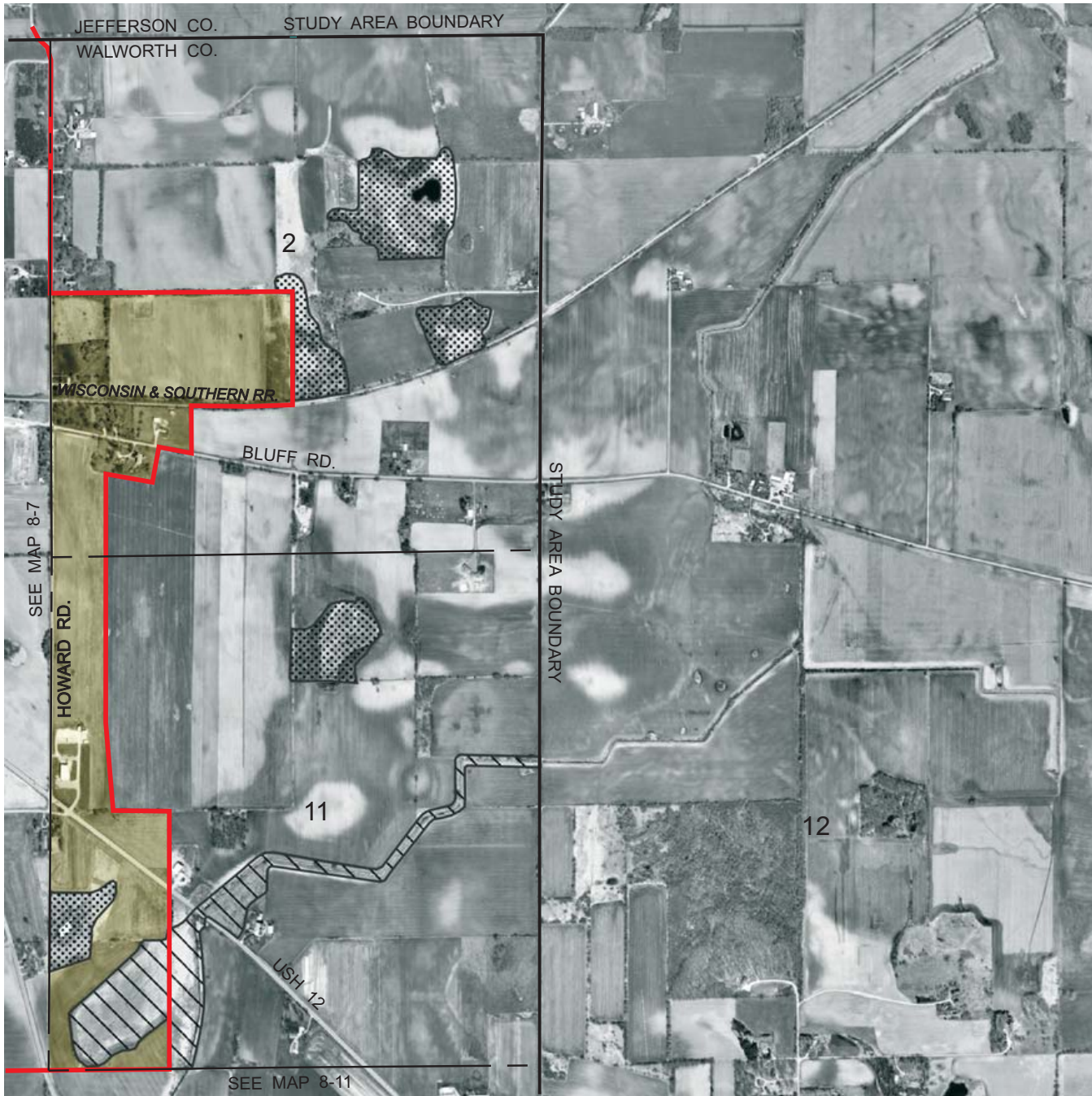
Source: SEWRPC.





Map 4



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

U. S. Public Land Survey Sections 2 and 11  
Township 4 North, Range 15 East

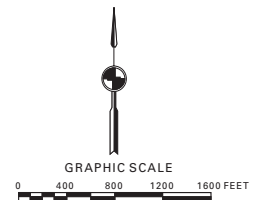


Photography Date: April 2000

-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA

-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces Map 8-8, page 28, of SEWRPC Community Assistance Planning Report No. 94 (2nd Edition), *Sanitary Sewer Service Area for the City of Whitewater, Walworth County, Wisconsin*, March 1995.



Source: SEWRPC.




Map 5

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

U. S. Public Land Survey Sections 15 and 16  
Township 4 North, Range 15 East

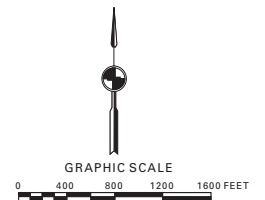


Photography Date: April 2000

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA

 GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces Map 8-10, page 30, of SEWRPC Community Assistance Planning Report No. 94 (2nd Edition), *Sanitary Sewer Service Area for the City of Whitewater, Walworth County, Wisconsin*, March 1995.



Source: SEWRPC.