

AMENDMENT TO THE

REGIONAL WATER QUALITY MANAGEMENT PLAN

WATERFORD/ROCHESTER AREA

AS ADOPTED BY THE

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

DECEMBER 2003

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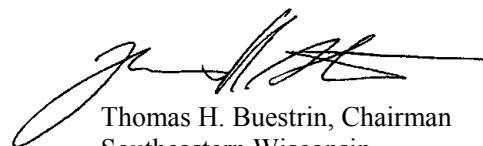


SUBJECT: Certification of Amendment to the Adopted Regional Water Quality Management Plan (Waterford/Rochester Sanitary Sewer Service Area)

TO: The Legislative Bodies of Concerned Local Units of Government within the Southeastern Wisconsin Region, namely: the County of Racine, the Villages of Rochester and Waterford, the Towns of Rochester and Waterford, and the Western Racine County Sewerage District.

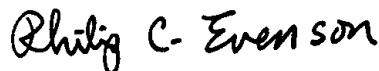
This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held at the Milwaukee Theater, Milwaukee, Wisconsin, on the 3rd day of December 2003, the Commission did by unanimous vote of all Commissioners present, being 16 ayes and 0 nays, and by appropriate Resolution, 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 Waterford/Rochester 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 4th day of December 2003.



Thomas H. Buestein, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:



Philip C. Evenson, Deputy Secretary

RESOLUTION NO. 2003-20

**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
(WATERFORD/ROCHESTER 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 24th day of April 1996, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the Waterford/Rochester sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 141 (2nd Edition), *Sanitary Sewer Service Area for the Waterford/Rochester Area, Racine County, Wisconsin*, April 1996, as amended; and

WHEREAS, by letters dated August 19, 2002 and September 18, 2003, the Western Racine County Sewerage District requested that the Commission amend the Waterford/Rochester 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 Western Racine County Sewerage District to Amend the Waterford/Rochester 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 Western Racine County Sewerage District and the Regional Planning Commission on November 19, 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;

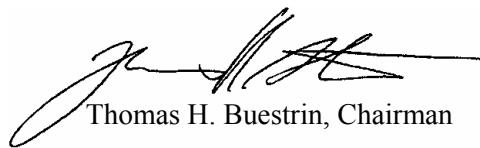
NOW, THEREFORE, BE IT HEREBY RESOLVED:

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 24th day of April 1996 to include the refined Waterford/Rochester sewer service area, as set forth in SEWRPC Community Assistance Planning Report No. 141 (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.

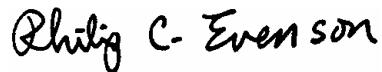
The foregoing resolution, upon motion duly made and seconded, was regularly adopted at the meeting of the Southeastern Wisconsin Regional Planning Commission held on the 3rd day of December 2003, the vote being: Ayes 16; Nays 0.



A handwritten signature in black ink, appearing to read "J. H. Buestrin".

Thomas H. Buestrin, Chairman

ATTEST:



A handwritten signature in black ink, appearing to read "Philip C. Evenson".

Philip C. Evenson, Deputy Secretary

SEWRPC STAFF MEMORANDUM

RESPONSE TO REQUEST BY THE WESTERN RACINE COUNTY SEWERAGE DISTRICT TO AMEND THE WATERFORD/ROCHESTER SANITARY SEWER SERVICE AREA

INTRODUCTION AND BACKGROUND

By letters dated August 19, 2002 and September 18, 2003, the Western Racine County Sewerage District (WRCSD) requested that the Southeastern Wisconsin Regional Planning Commission assist the District in the consideration of certain proposed amendments to the sanitary sewer service area tributary to the WRCSD sewage treatment facility. That area is currently documented in SEWRPC Community Assistance Planning Report No. 141 (2nd Edition), *Sanitary Sewer Service Area for the Waterford/Rochester Area, Racine County, Wisconsin*, dated April 1996, as amended. The basic purpose of the amendments would be to include within the planned Waterford/Rochester sanitary sewer service area certain lands located adjacent to, but outside, the currently adopted sewer service area.

PROPOSED CHANGES TO THE SEWER SERVICE AREA

Four areas are proposed to be added to the Waterford/Rochester sewer service area, as indicated by the red hatch pattern on Map 1. These areas are described below.

Area A

This area is proposed to be added to the sewer service area by the Village of Waterford. It encompasses a total of 361 acres, including 18 acres of existing urban land and street rights-of-way and 343 acres of agricultural and related land. Less than one acre has been identified as environmental corridor or small wetland. The area includes lands referred to as the Mamerow property along with certain adjacent small parcels which have been included to maintain overall regular boundaries for the sewer service area.

It is envisioned that Area A would be developed primarily for residential use, with some neighborhood commercial and school and other institutional uses. A preliminary concept plan for the area envisions that much of the residential development would be clustered in an effort to maintain open space. It is estimated that this area would accommodate 600 households and a population of 1,570 persons under full development conditions.

Area B

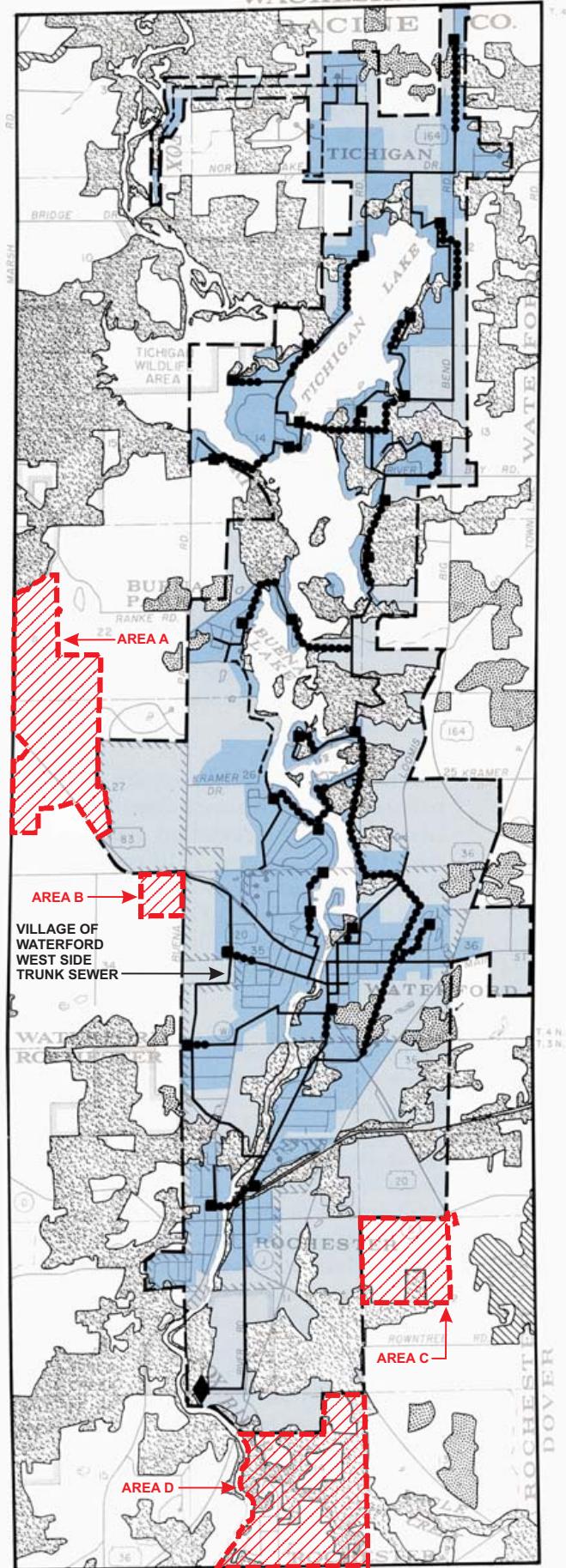
This area is proposed to be added to the sewer service area by the Village of Waterford. It encompasses a total of 41 acres, including 13 acres of existing urban land and street rights-of-way and 28 acres of agricultural and related land; no environmentally significant lands have been identified. It is envisioned that this area would be developed for residential and, possibly, limited commercial uses. It is estimated that this area would accommodate 95 households and a population of 145 persons under full development conditions.

Area C

This area is proposed to be added to the sewer service area by the Town of Rochester. It encompasses a total of 161 acres, including 18 acres of primary environmental corridors and small wetlands; 16 acres of existing urban land and street rights-of-way; and 127 acres of agricultural and related land. It is envisioned that this area would be developed for residential use. It is estimated that this area would accommodate 140 households and a population of 370 persons under full development conditions.

Area D

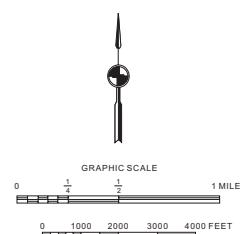
This area is proposed to be added to the sewer service area by the Town of Rochester. It encompasses a total of 374 acres, including 174 acres of primary environmental corridors, 80 acres of existing urban land and street rights-of-way, and 120 acres of agricultural and related land. The primary environmental corridor on the subject site, as shown on Map 1, includes about 8 acres of floodplain which is expected to eventually revert to



Map 1

RECOMMENDED AMENDMENT TO THE WATERFORD/ROCHESTER SANITARY SEWER SERVICE AREA

- [Symbol: Dashed Box] PRIMARY ENVIRONMENTAL CORRIDOR
- [Symbol: Hatched Box] SECONDARY ENVIRONMENTAL CORRIDOR
- [Symbol: Dotted Box] ISOLATED NATURAL RESOURCE AREA
- [Symbol: Blue Box] AREA SERVED BY PUBLIC SANITARY SEWERS: 1995
- [Symbol: Light Blue Box] PLANNED SANITARY SEWER SERVICE AREA
- [Symbol: Red Box with Z] AREAS PROPOSED TO BE ADDED TO THE WATERFORD/ROCHESTER SANITARY SEWER SERVICE AREA
- [Symbol: Dashed Line] PLANNED SANITARY SEWER SERVICE AREA BOUNDARY
- [Symbol: Diamond] EXISTING PUBLIC SEWAGE TREATMENT FACILITY
- [Symbol: Square] EXISTING PUMPING STATION
- [Symbol: Dots] EXISTING FORCE MAIN
- [Symbol: Solid Line] EXISTING TRUNK SEWER



Source: SEWRPC.

a natural condition and become part of the adjacent existing environmental corridor. Included in Area D is a nearly fully developed residential subdivision which is currently served by onsite sewage disposal systems.

The developable land within Area D is expected to be developed for residential use. It is estimated that this area would accommodate 170 households and a population of 440 persons under full development conditions.

In combination, the four areas proposed to be added to the Waterford/Rochester sewer service area encompass 937 acres, including 192 acres of environmentally significant land, 127 acres of existing urban development, and 618 acres of agricultural and related land. The areas proposed to be added would accommodate about 1,000 households and a population of about 2,500 persons upon full development. The areas would also accommodate an estimated additional 95 acres of institutional and commercial land.

Maps 2 to 5 present a more detailed delineation of the proposed sewer service area and of the environmentally significant lands within. The boundaries of the environmentally significant lands shown on these maps have been updated to reflect year 2000 conditions.

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

The increase of 937 acres would expand the overall area of the Waterford/Rochester sewer service area by 14 percent. The proposed additions would accommodate about 2,500 persons under full development conditions. Including the proposed additions, the buildup population of the Waterford/Rochester sewer service area would increase to about 16,800 persons. This lies within the year 2020 population projection range of 10,100 to 17,200 persons for the Waterford/Rochester area embodied in the regional land use plan.

The estimated population under buildup conditions and the year 2020 population projections cited above do not include the seasonal population. There were about 170 seasonal housing units in the Waterford/Rochester sewer service area in 2000.

CONCERNS RAISED BY THE TOWNS OF ROCHESTER AND WATERFORD

Officials from the Town of Rochester and the Town of Waterford have expressed opposition to the expansion of the sewer service area to include the Mamerow property, which comprises most of Area A on Map 1. A letter from the Rochester Town Clerk to the attorney for the Western Racine County Sewerage District (WRCSD) dated May 23, 2003, indicates that the Rochester Town Board and Plan Commission are opposed to the addition of this area. The Waterford Town Board indicated its opposition to the inclusion of this area in a letter to the attorney for the WRCSD dated May 16, 2003. In a letter to the WRCSD dated September 2, 2003, the Waterford Town Board objected to the addition to the District of any town lands by any other unit of government without the written permission of the Town Board. These letters are reproduced in Appendices A, B, and C of this report.

The WRCSD responded to the concerns raised by the Towns of Rochester and Waterford in a letter, drafted by the WRCSD attorney and dated October 30, 2003, addressed to the Regional Planning Commission staff and copied to the respective Towns. That letter is reproduced as Appendix D.

The concerns raised by the Towns of Rochester and Waterford are of two general types: concerns related to sewerage system capacity and land use-related concerns. A summary of the concerns raised by Town of Rochester and Waterford officials and the response by the WRCSD is presented below. Also presented below is a response by the Regional Planning Commission staff to the Towns' concerns.

Concerns Regarding Sewerage System Capacity

Town Concerns

Town of Rochester officials raised several concerns regarding the impacts of the proposed development on sewerage

system capacity. These include the following: 1) concern regarding the ability of Waterford's west side trunk sewer to handle the increased flows attendant to the proposed development; 2) concern regarding the ability of WRCSD's main trunk sewer, running through Rochester, to handle the increased flows and regarding how the proposed addition would impact current plans to upgrade the trunk sewer; and 3) concern regarding how the proposed addition would impact the capacity (presumably treatment plant capacity) available to the Town of Rochester.

WRCSD Response

With respect to the first concern, the WRCSD indicated that the Village of Waterford's new west side trunk sewer was planned and built to serve development in the Mamerow property area. The WRCSD indicated that conservative projections of the carrying capacity of the trunk sewer range from 2.86 million gallons per day (mgd) at the intersection of STH 20 and 83 to 4.57 mgd at its connection with the WRCSD trunk sewer. The WRCSD concludes that, were the Mamerow property to be developed in accordance with the preliminary concept plan for the area, the Village's new trunk sewer should have ample capacity to accept and convey the increased flows.

With respect to the second concern, the WRCSD indicated that, while the capacity of the WRCSD's trunk sewer leading to the Rochester pumping station is adequate given current flows, and would be adequate to accommodate flows from the Mamerow property, the capacity will have to be increased in the future to accommodate planned growth in the area. The WRCSD indicated that, under the District's facility plan, this improvement is scheduled to be made in 2010. The WRCSD concludes that the addition and development of the Mamerow property will not prompt the expenditure of any significant capital sums that were not projected in its facility plan.

With respect to the third concern, the WRCSD indicated that the District is undergoing a significant expansion of its treatment plant capacity, noting that the planning for this expansion took into account a planning area significantly larger than the District's current boundaries, anticipated residential growth in areas beyond the current sewer service area, and utilized population projections closely tracking the Regional Planning Commission's high-growth projections. The WRCSD concluded that, while the Mamerow property is not currently in the District's sewer service area, the facility expansion has anticipated and been designed to handle possible residential development there.

Also with respect to the third concern, the WRCSD indicated that it does not allocate any specific amount of treatment capacity to the municipalities which it serves, and that the District exists to meet the sewage treatment needs of all the municipalities to the fullest extent possible. The WRCSD indicated that, when a new development is proposed and a request for service made, the District has traditionally examined its ability to serve the proposed development without regard to whether capacity would remain for development proposed elsewhere at a later date. The WRCSD noted that there should be sufficient capacity for all four municipalities given the high-growth projection used in the facility planning process. The District noted further that, if it becomes apparent that the pace of growth is such that the District's ability to meet the municipalities' future needs may be in jeopardy, it would begin the planning to increase treatment plant capacity.

Regional Planning Commission Staff Response

The Regional Planning Commission staff independently reviewed the concerns relating to sewerage system capacity raised by the Town of Rochester. With regard to the capacity of the Village of Waterford west side trunk sewer for the area to be added to the sewer service area, the Commission staff reviewed the design criteria for that trunk sewer as provided to the Commission in June 2000, as part of the sewer extension review process. Review of the design data indicated that the Village's west side trunk sewer was designed to serve nearly all of the lands proposed to be added to the west side of the service area as well as certain other lands in that vicinity. Review of the design data indicated that the Village's west side trunk sewer has adequate capacity to serve the area proposed to be added to the west side of the Waterford/Rochester sewer service area.

With regard to the capacity of the WRCSD main trunk sewer, the Commission staff reviewed the October 2002 WRCSD sewerage system facility plan.¹ That plan contained an evaluation of the WRCSD trunk sewer system and

¹*Strand Associates, Inc., Wastewater Interceptor and Treatment Plant Facilities Plan, Western Racine County Sewerage District, October 2002.*

identified a need to upgrade the main trunk sewer downstream from the location where the Village of Waterford west side trunk sewer connection is made to the WRCSD sewage treatment plant. That trunk sewer upgrading is planned for about 2010. The trunk sewer evaluation was made with input on future flows from the communities involved, including the Village of Waterford. Thus the plans for the WRCSD facilities appear to have adequately addressed the issue raised.

With regard to the capacity of the WRCSD sewerage system, review of the above-referenced facilities plan indicates that the sewerage system planning has been put in place to provide capacity for the sewer service area including the areas currently proposed to be added.

Based upon its review of the issues raised regarding the sewerage system capacity, and based upon its review of the October 30, 2003, letter from the WRCSD relating to these issues, the Commission staff finds no reason to object to the proposed addition of Area A on the basis of sewerage system capacity considerations.

Land Use-Related Concerns

Town Concerns

Town of Waterford officials raised a number of concerns about the nature of the development proposed for Area A and the potential impacts of that development. The Town's concerns are summarized below:

1. The Town indicated that the proposed expansion is in conflict with the Town of Waterford land use plan, which designated the area as general farming prime agricultural land.
2. The Town indicated that the residential development of the magnitude indicated in the preliminary concept plan for the area would have negative impacts—including increased traffic; increased school costs; increased tax rates; inefficient provision of sewer, water, police, fire, and rescue services; loss of prime farmland; creation of urban sprawl; and reduction in the area's small town/village atmosphere.
3. The Town indicated that it is attempting to curb development through smaller subdivisions with larger lots and less impact on schools and traffic, and attempting to maintain rural atmosphere. The Town noted that Area A is located on mostly well-drained soils and that the vast majority of the area has soils suitable for conventional and mound sewage disposal systems. The Town noted that the area could be developed with larger estate-sized parcels or mini-farms, without the need for sanitary sewer.
4. The Town indicated that the proposed expansion is in conflict with the Village of Waterford land use plan of June 22, 1998.

Town of Rochester officials reiterated the concern raised by Town of Waterford officials regarding the potential impacts of the proposed development on schools and other services, noting that the density allowed in sewered development will have a much greater impact on schools and other services than if the area were developed at rural densities as part of unsewered development.

WRCSD Response

In its October 30, 2003, letter to the Regional Planning Commission, the WRCSD indicated that, with respect to the various population density and land use issues raised by the Towns, the District believes that these concerns, while legitimate, do not properly fall within the scope of its responsibilities. The WRCSD indicated that the decisions giving rise to these concerns are the province of each municipality and that these issues are most appropriately and effectively addressed at the municipal level.

Regional Planning Commission Staff Response

The development of Area A at urban residential densities as envisioned in the preliminary concept plan, even if the development were to utilize cluster designs, would be in conflict with the Town of Waterford land use plan for this area. The Town land use plan is documented in SEWRPC Community Assistance Planning Report No. 217, *A Land*

Use Plan for the Town of Waterford, dated May 1995, and in *Amendment to the Land Use Plan for the Town of Waterford*, dated September 2001. The Town land use plan identifies most of Area A as prime agricultural land, and under the Town plan, prime agricultural lands are proposed to be retained in agricultural-related uses. As noted above, in its May 16, 2003, letter to the WRCSD, the Waterford Town Board indicated a preference for larger estate-sized parcels or mini-farms, without the need for sanitary sewers, as opposed to urban development served by public sanitary sewers in this area.

The Village of Waterford amended its land use plan in January 2003, adding the balance of the Mamerow property to its planned residential area. With that amendment, nearly all of Area A has been designated for future residential use under the Village land use plan. Prior to that amendment, the Village land use plan had identified the northerly limit of the Village's planned residential development area as the southerly line of the Hickory Hollow subdivision, extended west to STH 83.

Clearly, the land use recommendations for Area A embodied in the currently adopted land use plans of the Town and Village of Waterford are in conflict. These conflicts underlie the Town of Waterford's objections to the addition of Area A to the sewer service area.

From the Regional Planning Commission's perspective, the issues involved are local land use issues which should be resolved through cooperative intergovernmental planning by the Town and Village. The resolution of such local land use conflicts is outside the scope of the sewer service area planning process.

Given its advisory nature under State enabling legislation, the Regional Planning Commission takes the position that the determination of specific boundaries of a sewer service area is largely a local matter. The Commission's function is confined to ensuring that locally proposed sewer service area boundaries are consistent with Chapter NR 121 of the *Wisconsin Administrative Code*, including provisions that the sewer service area overall is sized in accordance with 20-year population projections and that environmentally significant lands are properly taken into account.

Since, as noted above, the estimated population of the expanded sewer service area under buildout conditions (including Areas B, C, and D, as well as Area A) is within the Commission's projection range for the Waterford/Rochester sewer service area for the year 2020, and since environmentally significant lands have been properly identified, the Commission staff finds no reason to object to the proposed addition of Area A to the sewer service area—conflicts between the Village and Town of Waterford land use plans for the area notwithstanding.

The Commission staff conclusion should not be construed as diminishing the legitimacy of the Town of Waterford land use plan recommendations for the area. Both the Town and Village development positions related to the lands concerned can be defended. Rather, what this situation underscores is the failure of Wisconsin municipal powers legislation in general, and Wisconsin planning enabling legislation in particular, to effectively deal with local government land use conflicts in metropolitan areas created by changing municipal boundaries.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the amended Waterford/Rochester 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. In addition, the provision of public sanitary sewer service to those lands within the planned sanitary sewer service area which are currently developed and served by onsite sewage disposal systems may be expected to reduce the pollutant loadings from the existing onsite sewage disposal systems to both surface and ground waters. 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.

COST-EFFECTIVENESS ANALYSIS

The proposed additions to the Waterford/Rochester sanitary sewer service area are contiguous with the currently approved sewer service area tributary to the WRCSD sewage treatment plant. The nearest other public sanitary sewer service area, that of the City of Burlington, is located approximately 2 to 4 miles from areas A, B, and C. The Burlington sewer service area is located about one quarter mile from the southwest corner of Area D, but on the opposite side of the Fox River at that point. Consequently, no further analysis is deemed necessary to conclude that the subject areas would be served most cost-effectively through connection to the WRCSD sewage treatment plant.

SEWAGE TREATMENT PLANT CAPACITY IMPACT ANALYSIS

The current hydraulic design capacity of the Western Racine County Sewerage District (WRCSD) sewage treatment plant is 1.0 million gallons per day (mgd) on an average annual flow basis and 1.3 mgd on a sustained wet weather flow basis. The current hydraulic loading to the plant is estimated at 0.8 mgd on an average annual flow basis. The sewage flow anticipated to be generated by the areas proposed to be added to the Waterford/Rochester sewer service area is about 0.40 mgd on an average annual flow basis upon full buildout of the areas.

In 2002, the WRCSD completed sewerage system facility planning² to evaluate the future sewage conveyance and treatment needs of the District's service area. That facility plan was based upon design population levels of 16,200 and 24,000 persons for the years 2020 and 2040, respectively. The facility plan recommended that increased sewage conveyance and treatment capacity be constructed in stages to meet the future needs. Detailed plans and specifications for the sewage treatment plant expansion needed for the year 2020 are under preparation, with construction expected to begin in 2004. Upon completion of that expansion, the plant capacity will be 2.5 mgd on an average annual basis and the expanded plant will be designed to serve 16,200 persons, similar to the buildout population of the planned sewer service area, including the four areas proposed to be added.

Based upon the foregoing, the sewage treatment capacity expected to be available will be adequate to serve the service area, including the areas proposed to be added under the sewer service area plan amendment.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on November 19, 2003, for the purpose of receiving comments on the proposed amendment to the Waterford-Rochester sewer service area. The hearing was sponsored jointly by the Western Racine County Sewerage District (WRCSD) and the Regional Planning Commission. Minutes of the public hearing are presented in Appendix E.

At the hearing, Regional Planning Commission staff described the proposed amendments to the Waterford/Rochester sewer service area. The staff then summarized the concerns raised by the Towns of Waterford and Rochester regarding the proposed addition of Area A in letters submitted prior to the hearing, and summarized as well the preliminary responses of the WRCSD and the Regional Planning Commission staff to those concerns—all as set forth in the preliminary draft report on the proposed sewer service area amendment as presented for review at the hearing.

During the public comment period, a number of individuals spoke against the addition of Area A to the sewer service area. These individuals included the Town of Waterford chairman, three Town of Waterford supervisors, the president of the Town of Waterford Sanitary District No. 1, and certain other Town of Waterford residents. One town supervisor also submitted written comments opposing the inclusion of Area A; those written comments are included in the hearing minutes in Appendix E. During the public comment period, the president of the Village of Waterford spoke in favor of adding Area A to the sewer service area.

²*Strand Associates, Inc., Wastewater Interceptor and Treatment Plant Facilities Plan, Western Racine County Sewerage District, October 2002.*

Subsequent to the hearing, the President of the Waterford Sanitary District No. 1 submitted written comments expressing concerns about the potential impacts attendant to the development of Area A, particularly the potential impact on groundwater. These comments are also included in Appendix E.

Review of the record of the hearing indicates that most of the concerns raised by the individuals speaking against the addition of Area A had been raised in the letters of opposition submitted by the Towns of Rochester and Waterford prior to the hearing and previously described in this report. These concerns largely centered on sewerage system capacity issues and broader issues growing out of different visions for future land use and utility system development in this area. Several individuals expressed concern about an issue not previously raised in the letters of opposition from the towns—namely, the potential impact of the proposed residential development in Area A on groundwater levels, including the impact on existing wells in the vicinity. In addition, one individual questioned the number of households which might be accommodated in Area A as indicated on page 1 of this report, suggesting that the actual number may be at least 200 households more than indicated.³

WRCSD ACTION ON THE PROPOSED PLAN AMENDMENT

Following the hearing, the Western Racine County Sewerage District commissioners approved the proposed sewer service area amendment as shown on Map 1, the vote being four in favor and one opposed.

CONCLUDING RECOMMENDATION

As noted above, most of the concerns raised by the individuals speaking at the public hearing against the addition of Area A substantially had been raised in the letters of opposition submitted by the Towns of Rochester and Waterford prior to the hearing. The main additional concern raised at the public hearing—concern about potential groundwater impacts attendant to the development of Area A, and related impacts on existing wells in the area—is legitimate, as are concerns regarding impacts on traffic and the provision of public services, including schools. These concerns are an outgrowth of the differences between Town and Village land use objectives for this area as expressed in their land use plans. The only avenue for addressing these issues and resolving these differences is cooperative planning by the Town and Village.

Based upon its review of the public hearing record, the Regional Planning Commission staff finds no reason to alter its preliminary conclusions regarding the proposed addition of Area A as expressed on pages 5 and 6 of this report. The staff finds no reason to object to the proposed addition of Area A on the basis of sewerage system capacity considerations or on the basis of conflicting recommendations for this area set forth in the land use plans of the Town of Waterford and Village of Waterford. The staff finds the proposed additions of Areas A, B, C, and D, as shown on Map 1, to be consistent with the provisions of Chapter NR 121 of the *Wisconsin Administrative Code*. The staff recommends that the Regional Planning Commission approve the amendments to the Waterford/Rochester sewer service area shown on Map 1.

³ The estimate of about 600 households (occupied housing units) which would be accommodated in Area A presented on page 1 of this report is based upon the following assumptions for the portion of Area A located north of STH 83: 600 new housing units to be developed in the area covered by the preliminary concept plan for the area and about 35 new housing units in other areas likely to be developed for residential use, along with a 4 percent vacancy rate—yielding just over 600 incremental households. No new housing was assumed for the portion of Area A located south STH 83 since the Village of Waterford staff indicated that this area would not likely be developed for residential use.

Map 2

ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY
SEWER SERVICE AREA FOR THE WATERFORD/ROCHESTER AREA

U. S. Public Land Survey Sections 22 and 27
Township 4 North, Range 19 East



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

PLANNED SANITARY SEWER SERVICE AREA

GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces the corresponding portions of Map 8-3, page 25, and Map 8-5, page 27, of SEWRPC Community Assistance Planning Report No. 141 (2nd Edition), Sanitary Sewer Service Area for the Waterford/Rochester Area, Racine County, Wisconsin, April 1996.

Photography Date: April 2000

GRAPHIC SCALE

0 200 400 600 800 FEET

Source: SEWRPC.

Map 3

**ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY
SEWER SERVICE AREA FOR THE WATERFORD/ROCHESTER AREA**

**U. S. Public Land Survey Section 34
Township 4 North, Range 19 East**



PRIMARY ENVIRONMENTAL CORRIDOR

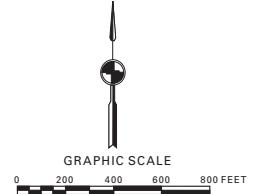
ISOLATED NATURAL RESOURCE AREA

PLANNED SANITARY SEWER SERVICE AREA

GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces the corresponding portion of Map 8-5, page 27, of SEWRPC Community Assistance Planning Report No. 141 (2nd Edition), *Sanitary Sewer Service Area for the Waterford/Rochester Area, Racine County, Wisconsin*, April 1996.

Photography Date: April 2000



Source: SEWRPC.

Map 4

ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY
SEWER SERVICE AREA FOR THE WATERFORD/ROCHESTER AREA

U. S. Public Land Survey Section 12
Township 3 North, Range 19 East



PRIMARY ENVIRONMENTAL CORRIDOR

SECONDARY ENVIRONMENTAL CORRIDOR

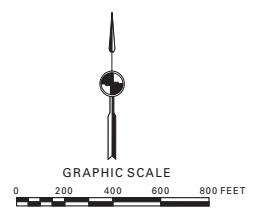
WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE

PLANNED SANITARY SEWER SERVICE AREA

GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces the corresponding portion of Map 8-8, page 30, of SEWRPC Community Assistance Planning Report No. 141 (2nd Edition), Sanitary Sewer Service Area for the Waterford/Rochester Area, Racine County, Wisconsin, April 1996.

Photography Date: April 2000



Source: SEWRPC.

Map 5

ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY
SEWER SERVICE AREA FOR THE WATERFORD/ROCHESTER AREA

U. S. Public Land Survey Section 14
Township 3 North, Range 19 East



PRIMARY ENVIRONMENTAL CORRIDOR

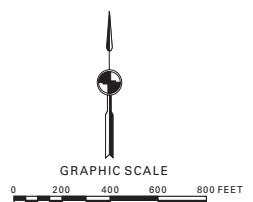
WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE

PLANNED SANITARY SEWER SERVICE AREA

GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces the corresponding portion of Map 8-10, page 32, of SEWRPC Community Assistance Planning Report No. 141 (2nd Edition), *Sanitary Sewer Service Area for the Waterford/Rochester Area, Racine County, Wisconsin*, April 1996.

Photography Date: April 2000



Source: SEWRPC.

APPENDICES

Town Of Rochester

Betty J. Novy, Clerk
P.O. Box 352
Rochester, WI 53167

(262)534-5742
Fax (262)534-4084
Town Hall 203 West Main
Rochester, WI 53167
email: rochestertown@wi.rr.com
website: <http://townrochesterwi.us>

May 23, 2003

Atty. Timothy J. Pruitt
Hostak, Henzel & Bichler
P.O. Box 516
Racine, WI 53401-0516

Dear Atty. Pruitt,

Please be advised your request for comment on the proposed amendment of the sewer service area to include the Mamerow property was reviewed by both our Plan Commission and Board at their May meetings.

Both entities went on record *against* the addition based on the following concerns:

1. They were concerned about the ability of Waterford's new interceptor to handle the increased flows which would be created by intense development of an additional 400 acres.
2. It was questioned whether WRCSD's main interceptor (*running through Rochester*) also has the ability to handle these increased flows; and whether adding this property to the district creates additional burden to current upgrade plans.
3. There was also concern over how an addition of this size would impact Rochester's capacity down the road. Much of our sewer district is currently not developed. The Town would like assurance capacity will be reserved for these areas when they do.
4. The strongest objection was against the increased housing density that will occur by placing Mamerow farms in the sewer district. The density allowed in a sewered development will have a much greater impact on schools and other services than if the property is developed at rural densities (specifically unsewered development).

The Town Board is still considering Rochester's district boundaries and whether they wish any amendments. This item will be further discussed at their June meeting.

Sincerely,

Betty J. Novy
Betty J. Novy
Clerk

RECEIVED
MAY 27 2003

HOSTAK, HENZL & BICHLER, S.C.

Appendix B

TOWN OF WATERFORD
415 N. MILWAUKEE ST.
WATERFORD, WI 53185

May 16, 2003

Re: Western Racine Co. Sewerage Dist./Amendment of Sewer Service Area

RECEIVED
MAY 19 2003

Hostak, Henzel & Bichler
PO Box 516
Racine, WI 53401-0516

HOSTAK, HENZL & BICHLER, S.C.

Dear Hostak, Henzel & Bichler,

The Town of Waterford strongly objects to the proposed expansion of the Western Racine County Sanitary District Sewer Service area into the Mamerow/Bielinski property located in the town of Waterford, as described in your April 28, 2003 letter, for the following reasons:

1. The proposed expansion is in conflict with the Town of Waterford's Land Use Plan, which designated this area as A1 general farming prime agricultural land.
2. The proposed expansion is also in conflict with the Village of Waterford's Master Plan of June 22, 1998, which places the village's proposed limits to the south boundary line of Hickory Hollow Subdivision, extended west to Hwy. 83. The Town of Waterford recommends against sewer service going beyond this northern limit of the village's master plan.
3. A preliminary concept plan of the proposed Kettle Glen Development into the Mamerow/Bielinski property dated August 14, 2002 identified a total of 586 proposed residential units on 258.1 acres of the 320 acre total property.
4. Such a high density residential subdivision would have a negative effect on our quality of life. Traffic backups at our schools and in downtown Waterford would be made much worse. Hundreds of new students will flood our schools. The State of Wisconsin will soon no longer be paying for 2/3 the cost of new schools, placing the entire burden of school expansion on local taxpayers.
5. Residential development does not pay for the cost of services required to be provided, including schools. A development of this size will result in higher tax rates for the citizens who support it. Extending the Village of Waterford's limits so far to the northwest will also make providing sewer, water, police, fire and rescue services difficult and inefficient.
6. A development of this magnitude will eat up precious prime agricultural lands, create rural sprawl and diminish the small town/village atmosphere that our citizens enjoy. Bigger is not always better!
7. The Town of Waterford did not request this Sewer Service Area expansion, nor were we consulted or asked for input during the process of its development by Western Racine County Sanitary District or SEWRPC.
8. The Mamerow/Bielinski property is located on mostly well-drained property. As documented in our Town Plan, which was developed with Western Racine County Planning and Development and SEWRPC assistance. Maps 8 and 9 in the Town Plan indicate that the vast majority of the Mamerow/Bielinski property has soils suitable for conventional and mound sewage disposal systems.

Appendix B (cont.)

– 2 –

May 16, 2003

Map 11 documents that much of the property has sand and gravel deposits. This property could be developed in the town with larger estate sized parcels or mini-farms without the need for sanitary sewer. Nearby developments, such as Hickory Hollow and Mamerow's subdivision, as well as scatter residential parcels on the east side of Hwy. 83, and along the west side of north Buena Park road all are served successfully with on-site sewage disposal systems.

9. The Town of Waterford is attempting to curb development with smaller subdivisions with larger lots and less impact on schools and traffic, while attempting to maintain a rural atmosphere.
10. If this land is added to the Western Racine County Service Area, only developers and special interest groups will benefit, not the taxpayers.

Respectfully,

The Waterford Town Board

tm
cc: WRCSD Commissioners, c/o Lynn Tamblyn
Bill Stauber, SEWRPC

PHONE: 262-534-2350
FAX: 262-534-6606

Appendix C

Town of Waterford

Office of the Chairman
415 N. Milwaukee St.
Waterford, WI 53185
Phone: 262-534-2350
Fax: 262-534-6606

September 2, 2003
Western Racine County Sewer District
c/o Lynn Tamblyn
5436 Scenery Rd.
Waterford, WI 53185

Dear Western Racine County Sewer District,

The Town of Waterford has no desire to add any additional properties to the Waterford Sanitary District #1, in regards to the Western Racine County Sewer District plant expansion proposal/SWRPC Facilities Expansion study.

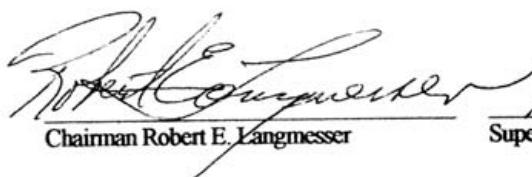
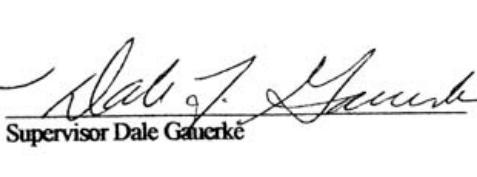
The Town of Waterford does reserve the right to adjust the sanitary service area to the existing sanitary district boundary to accommodate development as it may be needed for future growth.

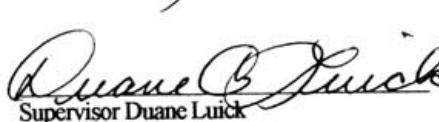
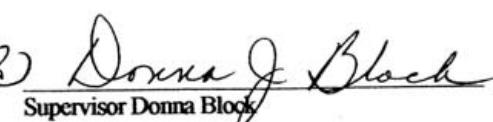
The Town of Waterford *strongly* objects to any additional town lands being added to the Western Racine County Sewerage District by any other governmental unit without the written permission of the Waterford Town Board.

The Town of Waterford is attempting to maintain a steady rate of growth with smaller subdivisions and larger lots resulting in less impact on schools and traffic while maintaining a rural atmosphere.

Some properties in the Town of Waterford are located in well-drained areas with suitable soils that could be developed into larger estate-sized parcels or mini-farms without the need for sanitary sewer.

Respectfully,

 
Chairman Robert E. Langmesser Supervisor Dale J. Gauerke

 
Supervisor Duane C. Luick Supervisor Donna J. Block


Supervisor Don Baumgart

cc: Bill Stauber, SEWRPC
Hostak, Henzel & Bichler

Appendix D

H O S T A K

◆

H E N Z L

◆

B I C H L E R

ATTORNEYS AT LAW

Robert R. Henzl
Robert H. Bichler
James W. Hill
Stephen J. Smith
Thomas M. Devine
Timothy J. Pruitt
Susan M. Perry
David A. Wolfe
JoAnne Braese-Jaack
Kristin M. Cafferty
Cheryl A. Hagen
Elaine Sutton Ekes
Christopher A. Geary
Erik R. Guenther

Of Counsel:

Kenneth F. Hostak

October 30, 2003

Bill Stauber
Southeastern Wisconsin Regional Planning Commission (SEWRPC)
916 N. East Avenue
PO Box 1607
Waukesha, WI 53187-1607

Re: WRCSD Response to Municipalities' Concerns

Dear Mr. Stauber:

We represent the Western Racine County Sewerage District. You recently asked that District prepare a written response to several concerns that were raised by the Towns of Waterford and Rochester in letters dated May 16, 2003 and May 23, 2003, respectively. More specifically, you asked that the District provide a detailed response to three issues raised by Rochester, namely capacity concerns relating to Waterford's new interceptor, the District's main interceptor, and the District's treatment capacity generally, as well as more generalized concerns raised by Waterford as to the impact of increased population densities made possible by sewerered development. Please accept this letter, which has been reviewed and approved by the District Commission and which is also being sent to the Towns, as the District's response.

Relating to the ability of the Village of Waterford's new West Side Interceptor to handle the increased flows that would result from a sewerered development of the Mamerow parcel, this interceptor was planned and designed to serve the development of this area. The West Side Interceptor runs from the intersection of STH 83 and STH 20 to North River Road generally along the west side of the Fox River. It is constructed of pipe with sizes increasing from 18 inch diameter at the intersection of STH 83 and 20, to 24 inch diameter at its connection to the District's interceptor. The West Side Interceptor crosses the Fox River using two inverted siphon pipes. Conservative projections of the carrying capacity of the West Side Interceptor range from 2000 gpm (2.86 MGD) at the intersection of STH 20 and 83, to 3200 gpm (4.57 MGD) at its connection with the WRCSD interceptor. Consequently, were the Mamerow property to be developed in accordance with the concept plan that has been proposed, the Village's new interceptor should have ample capacity to accept and convey the increased attributed flows.

Bill Stauffer
October 10, 2003
Page 2

The full flow capacity of the District's main interceptor, which runs through the Town of Rochester, is 5.25 MGD at its connection to the Village of Waterford's West Side Interceptor. The District's interceptor, which runs along North River Road, currently experiences a peak flow of somewhat less than 3 MGD at this point, which is just upstream of the Rochester Pumping Station. While the capacity of the District's interceptor leading into the Rochester Pumping Station is adequate given current flows, and would be adequate to accommodate flows from the Mamerow property, the capacity will have to be increased in the future to accommodate planned growth in the area. The District's Facilities Plan projected this improvement to be made in 2010. Hence, the addition and development of the Mamerow property will not prompt the expenditure of any significant capital sums that were not projected in the District's Facilities Plan.

Respecting the impact that extending service to the Mamerow development may have on the District's ability to serve growth in other municipalities, two factors should be borne in mind. First, the District is currently undergoing a significant expansion of its treatment plant capacity. In the process of preparing the facilities plan supporting this expansion, the District's engineers reviewed local land use plans, consulted with local municipal leaders, and reviewed regional growth projections prepared by SEWRPC in order to anticipate the growth the facility would be called upon to accommodate. In the interest of prudent planning, the facilities plan ultimately utilized a planning area significantly larger than the District's current boundaries, anticipated residential growth in areas adjacent to, but not within, the current sewer service area, and utilized population growth estimates closely tracking SEWRPC's "high-growth, decentralized" projections, at least through 2020. (See attached exhibits.) Consequently, although the Mamerow property is not currently within the District's sewer service area, the facilities expansion has already anticipated and been designed to handle possible residential development in this area.

Second, it must be pointed out that the District does not allocate any specific amount of treatment capacity to any of the municipalities it serves. Instead, the District takes the approach that it exists to meet the sewage treatment needs of all the municipalities it serves to the fullest extent possible. Accordingly, when a new development is proposed and a request that it be served by the District made, the District has traditionally examined its ability to serve such development without regard to whether sufficient capacity would remain available for hypothetical development elsewhere at a later date. As noted above, there should be sufficient capacity for all four municipalities given the high growth population projections used by the District's engineers in the planning process. If, however, it becomes apparent that the pace of growth is such that the District's ability to meet the municipalities' future needs may be in jeopardy, the

Bill Stauffer
October 10, 2003
Page 3

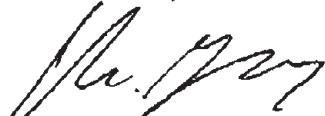
District will begin—as it did in the case of the present expansion—the planning necessary to increase its treatment capacity.

Finally, respecting the various population density and land use issues that were raised in the Towns' letters, the District believes that these concerns, while certainly legitimate, do not properly fall within the scope of its responsibilities. The choices and decisions giving rise to these concerns are exclusively the province of each municipality. As such, these issues are most appropriately and most effectively addressed via the political processes available at the municipal level.

We hope that this response adequately addresses the concerns that have been raised. If you have additional concerns or questions as to the above, however, please do not hesitate to contact us. Thank you.

Sincerely,

HOSTAK, HENZL & BICHLER, S.C.



Timothy J. Pruitt
tpruitt@hhb.com
Christopher A. Geary
cgeary@hhb.com

CAG/

cc: Betty J. Novy, Town of Rochester
Tina Mayer, Town of Waterford
WRCSd Commissioners

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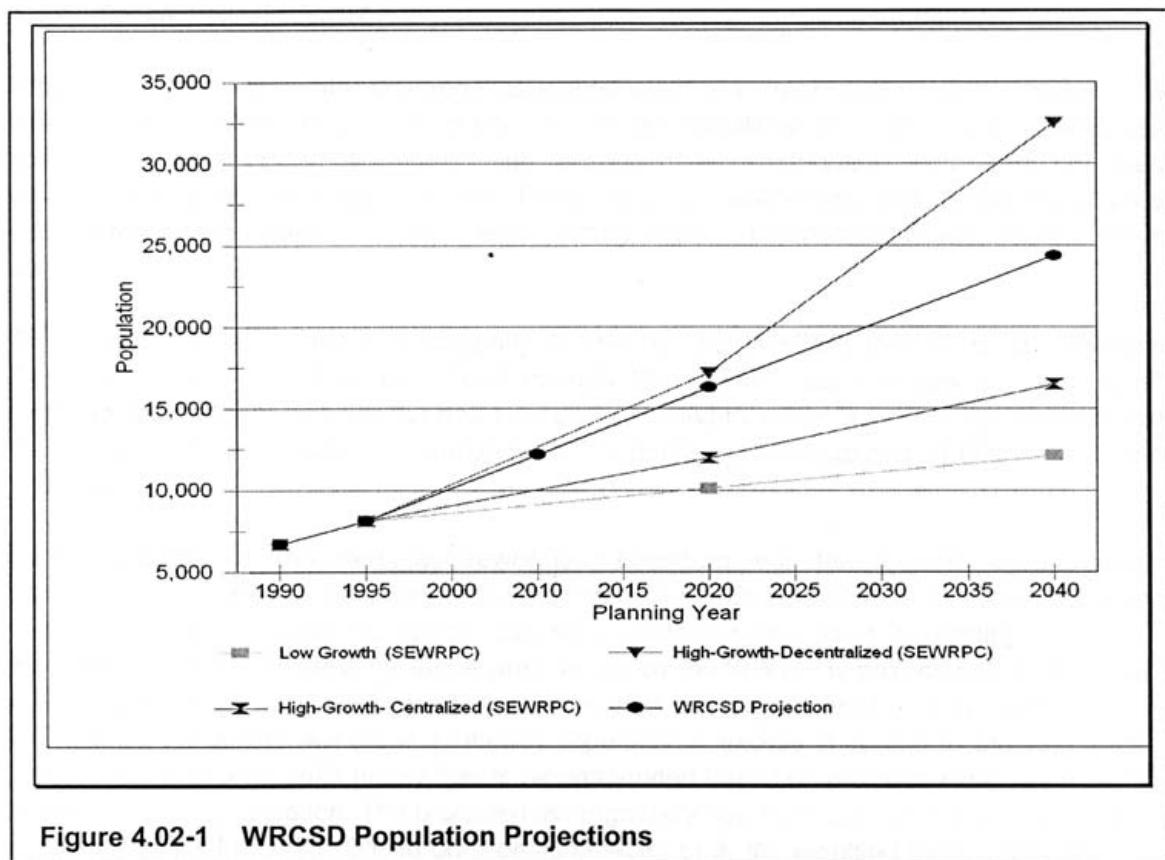


Figure 4.02-1 WRCSD Population Projections

Current and future population projections within each of the contributing municipalities are shown in Table 4.02-2. These projections were developed using local land use planning information, feedback from municipal leaders, and development assumptions.

Municipality	1990 ^a	1995 ^a	2000 ^c	2020 ^b
Waterford SD No. 1	2,940	3,540	4,761	5,370
Village of Waterford	2,480	3,080	4,048	7,670
Rochester UD No. 1	400	500	500	1,840
Village of Rochester	900	1,000	1,149	1,450
Total	6,720	8,120	10,458	16,230

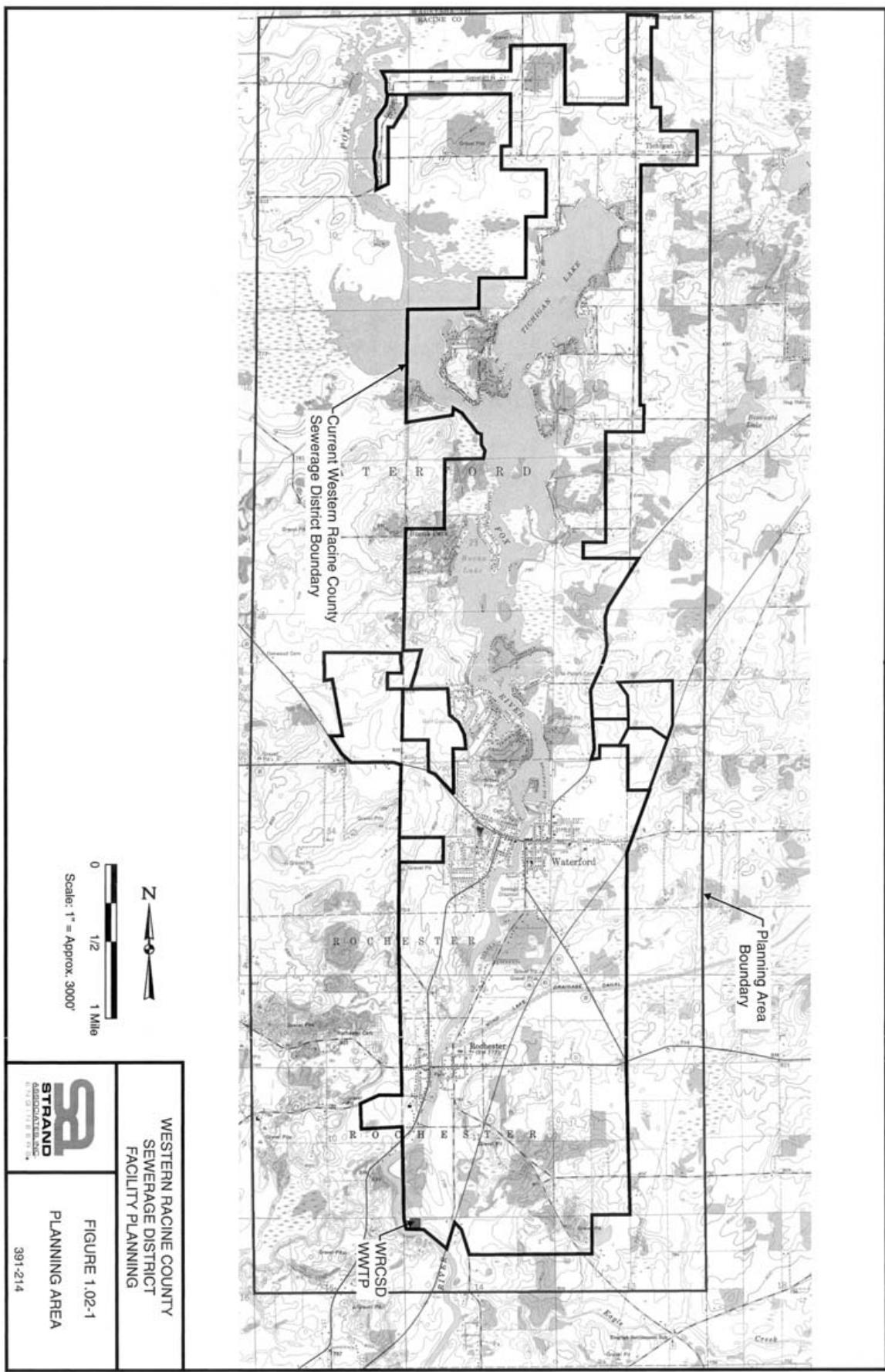
^a Population and projections noted in Sanitary Sewer Service Area For the Waterford/Rochester Area, Racine County, Wisconsin, SEWRPC, 1996.

^b Based on local land use plans and development assumptions.

^c 2000 values based on census data. Waterford SD No. 1 based on Waterford North CDP, and Rochester UD 1 based on an estimated 500 people.

Table 4.02-2 Year 2020 Population Projections

Appendix D (cont.)



**WESTERN RACINE COUNTY SEWERAGE DISTRICT
MINUTES OF PUBLIC HEARING
At Waterford Town Hall, 415 N. Milwaukee Street, Waterford, WI
November 19, 2003**

Joint public hearing with Southeastern Wisconsin Regional Planning Commission (SEWRPC) to receive public comments regarding the possible expansion of the Waterford/Rochester sewer service area.

Commissioners present: Gil Bakke, Lynn Tamblyn, Harold Halbach, Jim Joseph and Vincent Klemko.

Southeast Wisconsin Regional Planning (SEWRPC) staff present: William Stauber.

Gil Bakke, President of Western Racine County Sewer District (WRCSD), called the meeting to order at 7:00 PM and then turned it over to Chris Geary, WRCSD Attorney, who introduced the Commissioners, Tom Foltz, WRCSD Engineer and Bill Stauber from SEWRPC. Geary announced that the purpose of the meeting was to discuss the possible expansion of the district's sewer service area and what the procedures were. Geary requested that Stauber give a brief introduction before the hearing.

Stauber indicated that SEWRPC's major role and the reason why they are involved is to make sure the suggested boundaries are consistent with the State Administrative Codes which governs such sewer service areas. Stauber then briefed the public on the preliminary draft for the four areas of proposed change by reviewing them on the map as well as summarizing the comments/concerns from some of the municipalities and WRCSD's responses addressing the concerns. Stauber announced that the four areas encompassed approximately 937 acres and is estimated at about 1,000 households.

Dale Gauerke, Town of Waterford Supervisor, indicated several points of concern: 1.) The Mamerow property would accommodate 600 households and a population of 1570 people under full development, but on a pre-concept plan from the developer, that was only on 258 of the 361 acres. Gauerke questioned the potential of developing the other 103 acres which could possibly add another 237 units. 2.) Gauerke commented on the wording on the response regarding the main interceptors capacity, stating the current flows and the Mamerow property can be accommodated, but would have to be increased for planned growth in the area. Gauerke believed the sentence should have stated that the interceptor could accommodate the planned growth area but would have to be increased to accommodate the Mamerow property. Gauerke asked if the interceptor would be necessary if the Mamerow property was not added to the service area, what the projected cost is and how it would be paid for. Gauerke stated he felt that the District commenting that they could simply increase the treatment capacity was insensitive to the taxpayers who are going to have to "foot the bill" in one form or another. 3.) Gauerke asked what the effect to the water table would be and if a new water tower and well have to be added. Gauerke also asked about the Village of Waterford's existing problem with iron treatment problems. Gauerke asked if the Sanitary District would monitor the groundwater levels and replace wells if they dry up. Gauerke suggested a hydrology study be done. 4.) Gauerke commented on the already serious problem with traffic and that the final phase of Fairview has not even been completed yet. Gauerke stated that adding 1000 more cars per day from the Mamerow property would be compounding the problem. 5.) Gauerke stated that the development would also impact the schools and other services. 6.) Gauerke stated the Mamerow property has soils suitable for conventional on-site sewage systems and the property could be developed within the Town of Waterford on 3-5 acre estate-sized parcels without the need for sanitary sewer which would have 1/10th of the impact on all the issues and no impact on the main interceptor or the sewer plant's capacity. Gauerke announced that both the Town of Waterford and the Town of Rochester are opposed to the addition of the Mamerow property and urged the Commission to vote no to the proposal to add this property into the sewer service area.

Bakke asked if Foltz could comment on the capacity/interceptor issue. Foltz responded that if the West side interceptor does start to carry at its full capacity, there will have to be an expansion of WRCSD interceptor that runs along River Rd. Foltz stated that as indicated in the facilities plan at about 2010 there will have to be either an increase in pipe size flowing into the Rochester Lift Station from the existing 27" pipe to a 42" pipe (single line) or alternatively running parallel a 27" line which was already provided for in the West side interceptor design. Foltz announced that at the time of capacity of the WRCSD interceptor upstream of the Rochester Lift Station is reached the size will have to be increased and that the idea is that the improvement be made at the time other work on River Rd. would be done. Foltz stated he didn't see it happening immediately, but if there were major

Appendix E-1 (cont.)

road construction or improvements, then WRCSD would look at putting in the increased capacity of the pipe there to handle it. Foltz stated that down the road, it is projected that the interceptor from Rochester to the treatment plant would have to be increased as full build out in the sewer service area would be achieved which would require growth significantly in excess of the Mamerow property. Costs projected for around 2010 would be just under \$2 million in improvements to the interceptor to accommodate future flows. Paid for with low interest Clean Water Fund Loan obtained from the state, or if sewage district has adequate reserves. Foltz concluded that the facilities plan that was prepared is capable to handle the resulting load from the Mamerow property, or from the West side interceptor.

Bob Osberg, Town of Waterford resident, asked if the estimated \$2 million was figured with inflation and is concerned about "all this" taking place at the time with State aids not coming in to the municipalities. Bakke asked Foltz if inflation was considered in the figure. Foltz responded that they were not that the figures were from 2002 dollars.

Larry Gabrysiak, Town of Waterford resident, expressed concern about the impact developing the Mamerow property would have on the schools and how that would be funded. Gabrysiak also expressed his concern on the traffic problems that would increase and urged the Commission to not annex the property into the sewer service area.

Randy Niewolny, Village of Waterford resident, stated he understands the concerns of the other residents, but announced that the Commission was not responsible for handling growth, but to decide whether or not WRCSD can take on the property. Niewolny feels if the Commission doesn't go along with the expansion of the service area, then they shouldn't go ahead with the plant expansion, they should just do necessary upgrades and maintenance. He feels the residents shouldn't pay for an expansion that is already in the plans to do that nobody is ever going to use. Niewolny also discussed the impact fees that are to pay for the debt.

Robert Langmesser, Town of Waterford Chairman, explained that there had been massive development between the Town and the Village in the last 15 years and that there were problems that have occurred. Langmesser stated he knew the user fees would be raised. Langmesser also announced that he felt that the problems that already exist should be corrected before expansion.

David Richmond, Village of Waterford President, stated he felt all of the questions and concerns from the correspondence have been answered. Richmond announced that the concerns regarding the schools, traffic, service and water are real objections and are out there. Richmond stated that the Village of Waterford has talked about the traffic, met with WI DOT and that they have been talking about the water and have put a lot of time and effort on other resources trying to resolve the problems. Richmond stated that the Village does recognize that there are two entities and that they have to work together. Richmond also stated that the Village's intentions are to develop the residential property within the district before taking on new development that is outside the Village of Waterford. Richmond stated he does not see any reason why the Commission should not go forward with the expansion.

Myron Ciesielski, Waterford Sanitary District #1 President and Planning Commissioner, announced that he is opposed to the sewer expansion for the reasons of tax burden, public safety, loss of country atmosphere, traffic congestion and the disregard for the Town of Waterford's Land Use Plan. Ciesielski also stated that he was in complete agreement with the Town of Waterford's letter of disagreement of the expansion to WRCSD. Ciesielski also stated that he believes expansion and development should take place, but should be done at a reasonable and sensible rate.

Don Baumgart, Town of Waterford Supervisor, commented that he knew you can always build a sewer system that works, but wanted to know if the growth should be rapid or slow. Baumgart also commented that the developers will be the winners in the situation and the tax payers (Town and Village) will be the losers.

Jean Hilton, Town of Waterford Resident, located in area B, wanted to know what the policy was regarding the annexation and who would say she had to hook up to the municipal sewer.

Diane Schleicher, Village of Waterford Administrator, announced that she (Hilton) would have to petition to be annexed into the Village.

Appendix E-1 (cont.)

Mike Beach, Town of Waterford Resident, announced that along with all the other issues that had been brought up, his major concern was the ground water. Beach stated that his pond had dropped 5 feet over the past couple of years and is sure the expansion will impact the wells in the area. Beach urged the Commission not to annex the area into the sewer service area.

Robert Langmesser asked if the service area is expanded, who would pick up the expense if/when people's wells go dry. Bakke asked Foltz, although the question involves hydrology, if he could respond to Langmesser's question. Foltz responded that he did not have an answer to the question. Richmond stated he didn't know the answer to the question, but the proposal is to amend the sewer service area, not annexation of land or the drilling for wells.

Jerry Crawford, Town of Waterford Resident, stated he felt that the expansion is getting in between the Town and Village of Waterford and it should be tabled until the Town and Village can get together and come up with a land use plan. Crawford stated that the issues/concerns being brought up are serious issues.

Diane Schleicher announced that wells can not be drilled without hydrology tests, so you can't just "suck all the water from the neighbors."

Duane Luick, Town of Waterford Supervisor, announced that he knows the Mamerow property will be annexed into the Village and developed and all the problems mentioned are going to come and the tax payers are going to have to pay. Luick suggested tabling the issue until the Town and Village can come up with an agreement. Luick announced that along with losing State funds, the Town of Waterford's residents came and voted against a tax increase which resulted in loss of Town services. Luick asked for a dollar amount on the impact.

Jerry Crawford also asked for the dollar amount of the impact.

Bakke announced that WRCSD did not have an answer to such a question and that it is not in the Commission's province to deal with.

Duane Luick announced that is why he suggested the issue be tabled until the issue could be squared away.

Bakke stated that the Commission would have to decide whether they would like to do it that way or not.

Larry Gabrysiak asked the Village of Waterford again for an estimate on the plans for future schools and traffic. Gabrysiak stated he knew they were working on it, but wanted to know how they planned on handling the traffic with one bridge.

David Richmond announced that everyone knows that there is not an answer to the types of questions being asked until the end and they were not going to answer them at the meeting. Richmond also mentioned all the tax relief from the State and commented on why the State aids were cut.

Having heard the comments from the citizens and officials, Gil Bakke called the hearing to an end.

Bakke announced to the Commission that they had the choice to make the decision at the meeting, or to put off to a later date.

Joseph motioned to deal with upfront and accept the proposed expansion plan, seconded by Halbach. Bakke called for a vote: 4 in favor, 1 opposed (Tamblyn). Motion carried.

Halbach motioned to adjourn, seconded by Joseph. Motion carried. This was done at 8:05 PM.

Respectfully Submitted,
Heather Stratton, Recording Secretary

COMMENTS SUBMITTED BY TOWN OF WATERFORD SUPERVISOR AT PUBLIC HEARING

From: Dale Gauerke, Supervisor, Town of Waterford
To: Western Racine County Sewerage District Commissioners
Re: Proposed expansion of the Waterford/Rochester Sewer Service Area

1. On page 1 of the SEWRPC Staff Memorandum, under Part A, Paragraph 2, the final sentence, referring to the Mamerow property, states that "this area would accommodate 600 households and a population of 1570 persons under full development conditions." Area A is actually described as 361 acres in total. The developer, in a Preliminary Concept Plan dated 8/14/2002, identifies 586 residential units on 258.1 acres, with a net density of 2.3 units per acre. The memo's total does not take into account the additional 103 acres, which would add another 237 units, for a total of 823 households, not 600, for the entire 361 acres of Area A.
2. The full flow capacity of the District's main interceptor is discussed on page 2, paragraph 1 of the October 30, 2003 letter from Timothy Pruitt. Sentence 3 states "While the capacity of the District's interceptor leading into the Rochester Pumping Station is adequate given current flows, and would be adequate to accommodate flows from the Mamerow property, the capacity will have to be increased in the future to accommodate planned growth in the area." This statement would make more sense if it were turned around to state that the interceptor would be adequate to accommodate planned growth in the area, but would have to be increased to accommodate the Mamerow Property. The paragraph further states that the District's facilities Plan projected this improvement to be made in 2010. However, would the interceptor even be necessary if the Mamerow property were not added to the sewer service area? What is the projected cost of such a project? How would such a project be paid for? The comment that the District can simply again increase the treatment capacity is insensitive to the fact that taxpayers somewhere are, going to have to foot the bill whether it is in the form of taxes, grants, user fees, or other charges.
3. There also may be groundwater concerns relating to the development of the Mamerow property. The Village's new West Side Interceptor has a stated carrying capacity of 2.8 million gallons per day. This means that 2.8 million gallons of groundwater per day will have to be pumped out of Village wells. The Village is already having well and iron treatment problems with its new east side wells. Will a new water tower and wells have to be added on the Mamerow property to serve the proposed 600-800 new residences? If so, what would be the effect on the water table and existing residential wells in the area? The water table has dropped considerably recently, as evidenced by the condition of the farm ponds in the area. Ponds by Jim Steffens, the Hoppe farm, and Elam Buttles farm have completely dried up this year for the first time in more than 25 years. Will the Sanitary District monitor groundwater levels and replace wells if they dry up? Perhaps a hydrology study should be done to determine the effects of such a large development's water usage.

Appendix E-2 (cont.)

4. The Town of Waterford is not opposed to growth or progress, but we do oppose development of such a scale that will result in negative impacts on the quality of life of the community at large. The proposed development of the Mamerow property is twice as large as all the development in the Town of Waterford since the sewer district was created. Traffic through the Village of Waterford is already a serious problem, and the final phase of Fairview is not even completed yet. Police officers have to routinely wave cars through the stop sign at 1st and Main St. during the morning and evening rush hours. Add another 1000 cars per day from the Mamerow property, and the traffic problem will be compounded. Art Henning, the former Village President, was quoted in a June 27, 2002 Racine Journal Times article as saying "Traffic is so bad downtown. Now we want to put in a lot of homes out here (Mamerow farm) and make it worse." He went on to say "the village would be better enhanced by growth to the east of Hwy36." "That,,he said, wouldn't create extra traffic through the village." I agree with Mr. Henning.
5. A development of 600-800 residential units would also impact our schools and other services. The state will no longer be paying for 2/3 the construction costs of new schools, placing the entire burden of future school costs on district taxpayers.
6. The Mamerow property has soils suitable for conventional and mound on-site sewage disposal systems. This property could be developed within the Town of Waterford on 3-5 acre estate-sized parcels or mini farms without the need for sanitary sewer. Such a development would have 1/10th the density, create 1/10th the traffic, have 1/10th the impact on our schools, use 1/10th the groundwater, and have zero effect on the main interceptor or the sewer plant's capacity.
7. The Town of Waterford and the Town of Rochester both oppose adding the Mamerow farm (Area A) to the Western Racine County Sewerage District Service Area.
8. For these reasons, along with the reasons provided to the Commission in two previous letters from the Waterford Town Board, I urge the Commissioners to vote no to the proposal to add the Mamerow farm (Area A) to the Western Racine County Sewerage District Service Area.

Appendix E-3

*COMMENTS SUBMITTED BY PRESIDENT OF THE WATERFORD SANITARY
DISTRICT NO. 1 SUBSEQUENT TO THE PUBLIC HEARING*

Waterford Sanitary District No. 1
415 N Milwaukee Street
Waterford, WI 53185

Office (262) 534-4646

FAX (262) 534-6966

December 3, 2003

SEWRPC
Mr. Phil Evenson
916 N. East Avenue
P.O. Box 1607
Waukesha, WI 53187-1607

RE: Mamerow Farms property

Dear Mr. Evenson:

This letter is written with regards to concerns raised at the WRCSD hearing on November 19, 2003.

There were very legitimate concerns raised by town board officials, citizens of the township, and myself, President of the Waterford Sanitary District No. 1. The concerns included, but are not limited to, the loss of prime agricultural land, the number of households being added; increased traffic in downtown Waterford, only one bridge in the Village to handle this increase in traffic; the impact on schools; the need for an increase in emergency services; increase in taxes; the cost of expanding the main interceptor to accommodate this growth; and last, but certainly not least, the concern of groundwater levels.

The point I would like to address is that of the groundwater levels and the possibility of the negative affects this could pose. As should be noted in the WRCSD minutes from the, November 19, 2003 hearing, which at this time I am not privy to, citizens brought their concerns before the WRCSD regarding the possibility of their private wells drying up as many are not dug very deeply, and one citizen brought up the concern of his pond which has already dropped five feet this past year and what type of impact the pumping of groundwater would further have on it. There were no answers given to these concerns and at times the simple answer of "I don't know was as much comfort as could be given. Many bodies of water in this area are spring fed which would definitely be affected by the additional pumping of ground water. As stated in the November 28, 2003 issue of the Waterford Post, there could be an additional 2.3 million gallons per day pumped from the water table. The year of 2003 was indeed the lowest I have ever witnessed the water levels to be, and who is to know what the future holds.

I feel that a hydrology study be conducted before any further action on approval be taken. This is the least that could be done to insure the citizens in the area affected will not suffer any hardship with this future development, which I may add is not the only development occurring in this specific area. As already proven by the village development on Hwy, 164 & 36, it is much wiser to do your homework before proceeding than going ahead unprepared and resulting in civil litigation. This could indeed be the scenario should citizen's wells begin to dry up or any other hardships due to the drop in groundwater levels. It could be "said show me your past and I will tell you your future". I am recommending that the cart not be put before the horse in this venture.

Appendix E-3 (cont.)

Mr. Phil Evenson

Page Two

I have obtained information from the U.S. Department of the Interior, U.S. Geological Survey, a copy which follows, stating "The USGS is the Nation's largest water, earth, biological science, and civilian mapping agency and has the principal responsibility within the Federal government for providing hydrologic information and for appraising the Nation's water resources. Water resource activities in Wisconsin are conducted by hydrologists, hydrologic engineers, and others from the District office in Middleton and in field offices in Middleton, Merrill, and Rice Lake. Our mission is to develop and maintain a comprehensive water resources program responsive to the needs of Wisconsin, and the United States." Their address and phone number is:

Water Resources Survey Division
8505 Research Way
Middleton WI
(608) 828-9901

I am also submitting a copy of the DNR FAQ about the Groundwater Coordinating Council. In the second paragraph "Q. What is the purpose of the GCC? A. The GCC is directed by s. 160.50, Wis. Stats to "serve as a means of increasing the efficiency and facilitating the effective functioning of state agencies in activities related to groundwater management." At the end of this excerpt is where you can obtain more information.

I am requesting that either the representatives of the Village of Waterford voluntarily have a professional supervised study of the groundwater conducted before proceeding with this venture, or that this be a retirement attached to the approval to protect the residents that could be adversely affected.

I thank you for your consideration in this matter.

Sincerely,

WATERFORD SANITARY DISTRICT NO. 1

Myron P. Ciesielski
dlc

Myron P. Ciesielski
President

Attachments

/dlc