

AMENDMENT TO THE

**REGIONAL WATER QUALITY
MANAGEMENT PLAN**

**WALWORTH COUNTY
METROPOLITAN SEWERAGE
DISTRICT/ELKHORN SANITARY
SEWER SERVICE AREA**

AS ADOPTED BY

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

MARCH 2004

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

TO: The Legislative Bodies of Concerned Local Units of Government within the Southeastern Wisconsin Region, namely: the County of Walworth, the City of Elkhorn, the Town of Lafayette, and the Walworth County Metropolitan Sewerage District

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held at the Racine County Ives Grove Office Complex, Sturtevant, Wisconsin, on the 3rd day of March 2004, the Commission did by unanimous vote of all Commissioners present, being 17 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 Elkhorn 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 March 2004.

Thomas H. Buestrin, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Philip C. Evenson, Deputy Secretary

RESOLUTION NO. 2004-03

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 (ELKHORN 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 4th day of December 1991, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the Elkhorn sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 56 (2nd Edition), *Sanitary Sewer Service Areas for the Walworth County Metropolitan Sewerage District, Walworth County, Wisconsin*, November 1991, as amended; and

WHEREAS, by letter dated December 11, 2003, the Walworth County Metropolitan Sewerage District requested that the Commission amend the Elkhorn 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 Walworth County Metropolitan Sewerage District to Amend the Elkhorn 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 Walworth County Metropolitan Sewerage District and the Regional Planning Commission on February 10, 2004; 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;

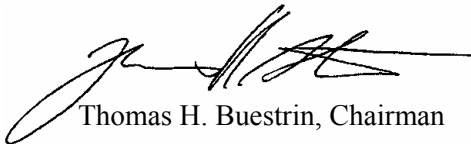
NOW, THEREFORE, BE IT HEREBY RESOLVED:

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 4th day of December 1991 to include the refined Elkhorn sewer service area, as set forth in SEWRPC Community Assistance Planning Report No. 56 (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.

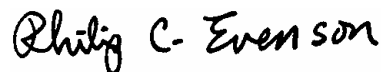
THIRD: That a true, correct, and exact copy of this resolution, together with the aforementioned SEWRPC staff memorandum, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals 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 March 2004, the vote being: Ayes 17; Nays 0.



Thomas H. Buestrin, Chairman

ATTEST:



Philip C. Evenson, Deputy Secretary

SEWRPC STAFF MEMORANDUM

RESPONSE TO REQUEST BY THE WALWORTH COUNTY METROPOLITAN SEWERAGE DISTRICT TO AMEND THE ELKHORN SANITARY SEWER SERVICE AREA

INTRODUCTION AND BACKGROUND

By letter dated December 11, 2003, the Walworth County Metropolitan Sewerage District (WalCoMet) requested that the Southeastern Wisconsin Regional Planning Commission amend the Elkhorn sanitary sewer service area as that area is currently documented in SEWRPC Community Assistance Planning Report No. 56 (2nd Edition), *Sanitary Sewer Service Areas for the Walworth County Metropolitan Sewerage District, Walworth County, Wisconsin*, dated November 1991, as amended. The basic purpose of the amendment would be to include within the planned sewer service area certain lands located immediately adjacent to, but outside, the currently adopted sewer service area.

AREA DESCRIPTION

The area proposed to be added to the Elkhorn sanitary sewer service area encompasses 44 acres located east of STH 11 and USH 12 in U.S. Public Land survey Section 31, Township 3 North, Range 17 East, in the City of Elkhorn (see Map 1). The subject area includes 5 acres of secondary environmental corridor and 39 acres of agricultural land. The 39-acre portion of the subject area is anticipated to be developed for residential use, accommodating about 230 residents.

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

The proposed addition of 44 acres to the Elkhorn sanitary sewer service area represents an increase in the planned sewer service area of about 1 percent, while the proposed residential development would increase the buildout population of the Elkhorn sewer service area by just over 1 percent. Thus, the areal extent and planned resident population of the Elkhorn sanitary sewer service area would not change significantly.

ENVIRONMENTALLY SIGNIFICANT LANDS

As noted above, the subject parcel includes areas encompassing about 5 acres which have been identified as secondary environmental corridors. The secondary environmental corridor lands within the subject parcel consist of wetlands. Under Wisconsin Department of Natural Resources regulations governing sanitary sewer service area extensions, sanitary sewers may not be extended to serve development in these areas.

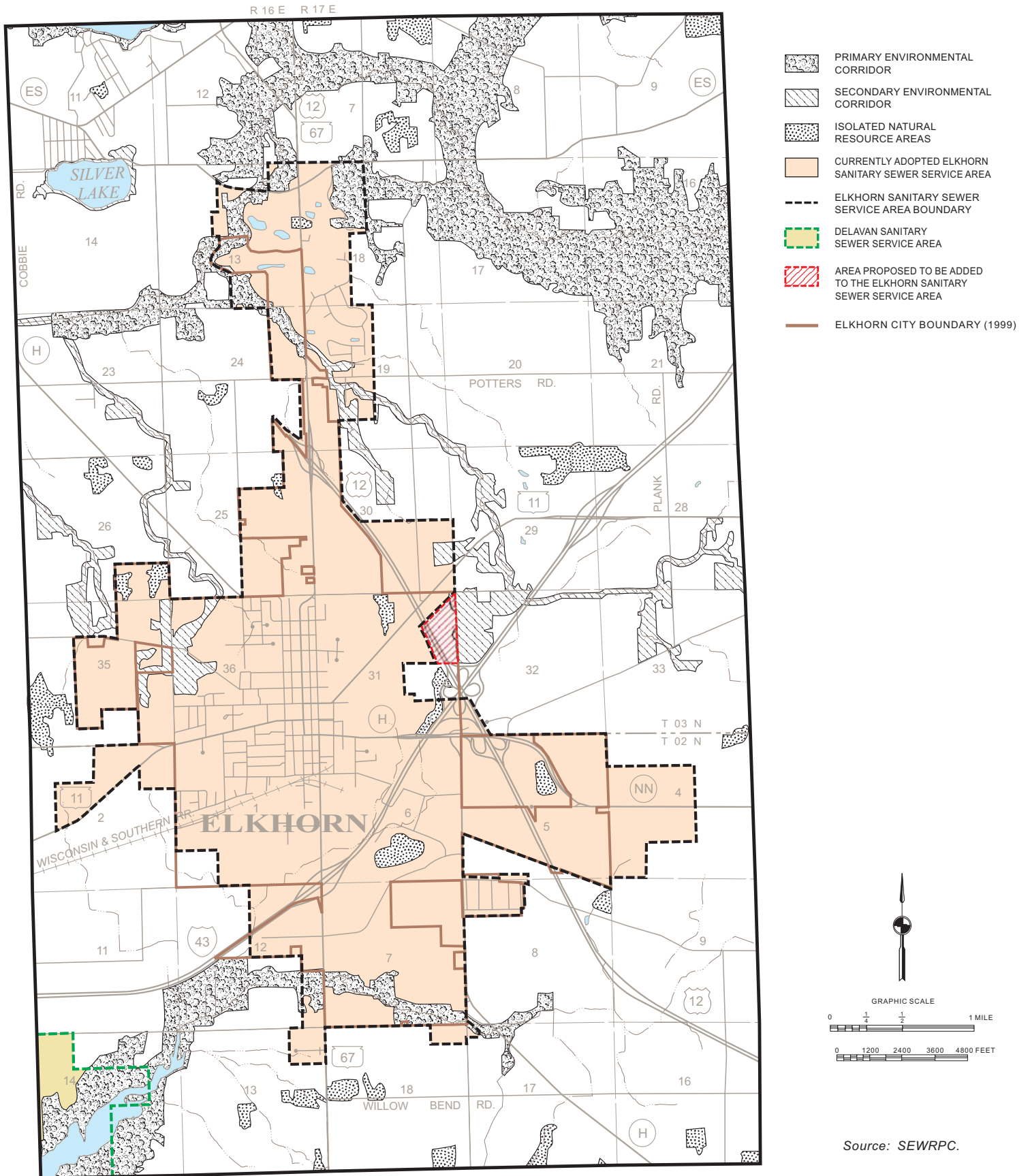
In addition to the secondary environmental corridor lands, the subject parcel includes another area which was designated as a wetland in the Wisconsin Wetlands Inventory, completed in the early 1980s. At the time of the most recent aerial photography in 2000, this area, which is located in the northwesterly portion of the subject parcel, was in agricultural use. As part of the concept plan for the subject parcel, this area would be retained in essentially open space use.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the refined Elkhorn sanitary sewer service area plan herein set forth, 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 ELKHORN SANITARY SEWER SERVICE AREA



COST-EFFECTIVENESS ANALYSIS

The proposed addition to the Elkhorn sanitary sewer service area is immediately adjacent to the currently approved sewer service area. The nearest other public sanitary sewer service area is located approximately 5 miles from the subject area. No further analysis is deemed necessary to conclude that the most cost-effective means of providing public sanitary sewer service to the subject area is via City of Elkhorn sewers.

SEWAGE TREATMENT PLANT CAPACITY IMPACT ANALYSIS

Sewage from the Elkhorn area is treated at the WalCoMet sewage treatment facility located in the City of Delavan. The WalCoMet sewage treatment plant has a hydraulic design capacity of 5.75 million gallons per day (mgd) on an average annual basis. The current hydraulic loading to the plant is about 4.1 mgd on an average annual basis. The anticipated sewage flow to be generated in the area proposed to be added to the Elkhorn sewer service area may be expected to be less than about 0.1 mgd on an average daily basis. Thus the treatment plant has capacity to serve the subject addition to sewer service area.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on February 10, 2004, at the WalCoMet offices to receive public comment on, and reaction to, the proposed plan amendment. The hearing was sponsored by the WalCoMet and the Regional Planning Commission. A summary of the plan amendment was presented prior to receiving public comment, including a description of the lands proposed to be added to the sewer service area and environmentally significant lands located within, along with a description of the potential impacts for the WalCoMet sewerage system.

No adverse comments were made with respect to the proposed amendment at the hearing. On behalf of the Walworth County Land Conservation Committee, the staff of the County Land Use and Resource Management Department drafted a letter dated January 21, 2004, to the Commission, addressing the environmentally significant lands in the subject parcel, for inclusion in the hearing record. That letter is included along with the minutes of the public hearing at the back of this report. The section of the text entitled "Environmentally Significant Lands" was added to this report in response to the County staff's letter.

WALCOMET ACTION ON THE PROPOSED PLAN AMENDMENT

The Board of Commissioners of the Walworth County Metropolitan Sewerage District adopted the plan amendment on February 10, 2004.

CONCLUDING RECOMMENDATION






Based upon the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission formally amend the sanitary sewer service area plan for the Elkhorn area as documented in SEWRPC Community Assistance Planning Report No. 56 (2nd Edition), as amended, in the manner identified on Map 1. A more detailed delineation of the revised sewer service area and the environmentally significant lands within is shown on an aerial photograph reproduced as Map 2.

Map 2

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

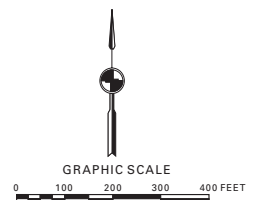
Northeast Quarter of U. S. Public Land Survey Section 31
Township 3 North, Range 17 East



-  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 portion of Map 9, page 15, of Amendment to the Regional Water Quality Management Plan-Walworth County Metropolitan Sewerage District/Elkhorn Sanitary Sewer Service Area, March 1995.

Photography Date: April 2000



Source: SEWRPC.

APPENDIX

**WALWORTH COUNTY METROPOLITAN SEWERAGE DISTRICT
MINUTES OF REGULAR MEETING, PUBLIC HEARING AND CLOSED
SESSION
FEBRUARY 10, 2004
1:30 P. M.**

CALL TO ORDER

The Regular Meeting was called to order at 1:30 p.m. by Commissioner Logterman

ROLL CALL

Present: Dean Logterman, Thomas Eck, John Schlick and Lyle Peterson

Absent: Donald Kret

OTHERS PRESENT

Gary A. Gagnon, Administrator	Kevin MacKinnon, Delavan Lake Sanitary District
Cindy Moehling, Assistant Administrator	Timothy McCauley, Southeastern Wisconsin Regional Planning Commission
Patricia Ormson, Confidential Secretary	Robert Leibsle, Godfrey, Leibsle, Blackbourn, & Howarth, S. C.
Timothy Fenner, Axley Brynelson	James Howe, Godfrey, Leibsle, Blackbourn & Howarth, S. C.
Leslie Sammon, Axley Brynelson	
Stephen Miller, Operations Manager	
Thomas Johnson, Collection System Services Manager	
Steven Scheff, Maintenance Manager	

VISITORS COMMENTS

None

PUBLIC HEARING – SANITARY SEWER SERVICE AREA AMENDMENT FOR THE CITY OF ELKHORN

A motion was made to hold the Public Hearing – Sanitary Sewer Service Area Amendment for the City of Elkhorn at 1:35 p. m. by Commissioner Eck and seconded by Commissioner Schlick. The motion carried.

Timothy McCauley, Southeastern Wisconsin Regional Planning Commission presented a report on the adoption of the sanitary sewer service area amendment for the City of Elkhorn.

The area proposed to be added to the Elkhorn sanitary sewer service area encompasses 44 acres located east of STH 11 and USH 12 in U. S. Public Land survey Section 31, Township 3 North, Range 17 East, in the City of Elkhorn. The subject area includes 5 acres of secondary environmental corridor and 39 acres of agricultural land. The 39-acre portion of the subject area is anticipated to be developed for residential use, accommodating about 230 residents. The proposed addition represents an increase in the planned sewer service area of about 1 percent, while the proposed residential development would increase the buildout population of the Elkhorn sewer service area by

MINUTES OF REGULAR MEETING, PUBLIC HEARING AND CLOSED SESSION

Page two

February 10, 2004

just over 1 percent. No further analysis is deemed necessary to conclude that the most cost-effective means of providing public sanitary sewer service to the subject area is via City of Elkhorn sewers. The Walworth County Metropolitan Sewerage Treatment Plant has the capacity to serve the subject addition to the sewer service area.

The Walworth County Land Use and Resource Management Department recommended that the 5-acre portion of this parcel designated as a Secondary Environmental Corridor should be excluded from the sanitary sewer service area.

Attorney Robert Leibsle , Godfrey, Leibsle, Blackburn & Howarth, S.C., representing Mann's L.L.C. stated that the wetlands would remain intact with no development. The service area would remain the same. The City of Elkhorn is in favor of the sanitary sewer service area amendment.

New Business a. Sanitary Sewer Service Area Revision For City Of Elkhorn was acted on at this time. Commissioner Eck made a motion to adopt Resolution 2004-01 Sanitary Sewer Service Area Revision for City of Elkhorn, Commissioner Schlick seconded and the motion carried.

Commissioner Eck made a motion to close the Public Hearing, seconded by Commissioner Schlick and the Public Hearing closed at 1:48 p.m.

APPROVAL OF MINUTES OF REGULAR MEETING JANUARY 13, 2004

Commissioner Eck made a motion to approve the minutes of the Regular Meeting January 13, 2004. Commissioner Peterson seconded and the motion carried.

ADMINISTRATOR'S REPORT

Administrator Gagnon presented the Administrator's Report that included:

1. Report on Repair of CTH "O" Force Main Leak The leak in one of the ferrous chloride chemical feed taps in the 24 inch diameter line from the CTH "O" lift station was repaired without incident on January 19. Further modifications will be necessary which will be presented to the Commission at a later date.
2. 2003 Final Maintenance Projects Status Reports. The treatment plant and lift station maintenance project costs are now at \$222,309 which is approximately \$470,251 under budget or about 24%. The collection system maintenance project costs are now at \$226,108 which is approximately \$37,108 over budget or about 20% over budget. However for the year, with various projects moved to 2004, the collection system projects are well under budget. Considering the treatment plant maintenance and collection system projects together, the projects are \$33,143 under budget or about 7% under.



Land Use and Resource
Management Department

January 21, 2004

Mr. Philip Evenson, Executive Director
Southeastern Wisconsin Regional
Planning Commission
P O Box 1607
Waukesha WI 53187-1607

Dear Mr. Evenson:

The Walworth County Land Conservation Committee at their meeting on January 19, 2004 reviewed and discussed the proposed amendment to the Sanitary Sewer Service Area for the Elkhorn Area of the Walworth County Metropolitan Sewerage District.

The Committee moved to unanimously recommend that the 5-acre portion of this parcel designated as a Secondary Environmental Corridor should be excluded from the sanitary sewer service area.

My further review of this parcel indicates that in addition to the wetlands contained in the five acres designated as Secondary Environmental Corridor, there is an isolated wetland in the north central portion of this property which is identified on the Wisconsin Wetland Inventory Map.

Please include this letter to the record of the public hearing scheduled for February 10, 2004. If you have any questions, please contact our office.

Sincerely,

NEAL A. FRAUENFELDER
SENIOR PLANNER

NAF:mlh

Cc: Bill Stauber, Chief Land Use Planner
Michael Cotter, Director, Land Use and Resource Management
Department