

# **REGIONAL WATER QUALITY MANAGEMENT PLAN**

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

**AS ADOPTED BY THE**

**SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION**

**JUNE 2011**

**ELKHORN**

**KOOPMAN LN.**

**PROPERTY**

**AMENDMENT TO THE**

**TROY  
LAFAYETTE**

**(ES)**

**(D)**

**35**

**2**

**BOWERS RD.**

**POTTER RD.**

**BOWERS**

**RD.**

**35**

**LOVELAND RD.**

**HOSPITAL D.**

**SITLER RD.**

**RD.**

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REGIONAL PLANNING COMMISSION**

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Stephen P. Adams .....Public Involvement and Outreach Manager  
Nancy M. Anderson, AICP .....Chief Community Assistance Planner  
Michael G. Hahn, PE, PH .....Chief Environmental Engineer  
Christopher T. Hiebert, PE .....Chief Transportation Engineer  
Elizabeth A. Larsen .....Business Manager  
John G. McDougall .....Geographic Information Systems Manager  
John R. Meland .....Chief Economic Development Planner  
Dr. Donald M. Reed .....Chief Biologist  
Donald P. Simon, RLS .....Chief Planning Illustrator  
William J. Stauber .....Chief Land Use Planner

# SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607

TELEPHONE (262) 547-6721  
FAX (262) 547-1103

Serving the Counties of:

KENOSHA  
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RACINE  
WALWORTH  
WASHINGTON  
WAUKESHA



**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 Washington County Courthouse Government Center, West Bend, Wisconsin, on the 15th day of June 2011, the Commission did by vote of all Commissioners present, being 13 ayes and 1 nay, 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 16th day of June 2011.



David L. Stroik, Chairman  
Southeastern Wisconsin  
Regional Planning Commission

ATTEST:



Kenneth R. Yunker, Deputy Secretary

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**RESOLUTION NO. 2011-07**

**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*, dated November 1991, as amended; and

WHEREAS, by letter dated March 7, 2011, 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 proposed amendment 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 April 12, 2011; and

WHEREAS, Section 66.0309(9) of the *Wisconsin Statutes* authorizes and empowers the Regional Planning Commission, as the work of making the whole master plan progresses, to amend, extend, or add to the master plan or carry any part or subject thereof into greater detail;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

**FIRST:** That the regional water quality management plan for the Southeastern Wisconsin Region, being a part of the master plan for the physical development of the Region and comprised of SEWRPC Planning Report No. 30, Volumes One, Two, and Three, which was adopted by the Commission as a part of the master plan on the 12th day of July 1979, and which was subsequently amended to include the refined Elkhorn Sanitary Sewer Service Area, be and the same hereby is amended in the manner identified on Map 1 of the aforementioned SEWRPC staff memorandum.

**SECOND:** That the Executive Director is authorized to submit findings to the Wisconsin Department of Natural Resources and the Wisconsin Department of 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.

**RESOLUTION NO. 2011-07**

**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 15th day of June 2011, the vote being: Ayes 13; Nays 1.



David L. Stroik, Chairman

ATTEST:



Kenneth R. Yunker, 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 March 7, 2011, 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 168 acres located in the north half of U.S. Public Land Survey Section 30, Township 3 North, Range 17 East, in the Town of LaFayette in Walworth County (see Map 1). The subject area includes about 19 acres of land identified as secondary environmental corridors; about 146 acres of agricultural and other open land, including a farmstead; and about three acres of road right-of-way. Initially, portions of the subject area, encompassing about nine acres, would be developed for utility use—including two new municipal wells and a new water supply treatment facility. Under the City of Elkhorn comprehensive plan, the remainder of the subject area is designated for future development as low density residential. There are no immediate plans for residential development in the area. It is estimated that if developed for residential use in accordance with the City's comprehensive plan, the subject area would accommodate about 300 housing units, with an estimated population of 700 persons.

A more detailed delineation of the revised sewer service area and the environmentally significant lands within is shown on the aerial photograph reproduced as Map 2. The environmentally significant lands shown on Map 2 have been revised to reflect the most recent available natural resource base information and 2010 aerial photography.

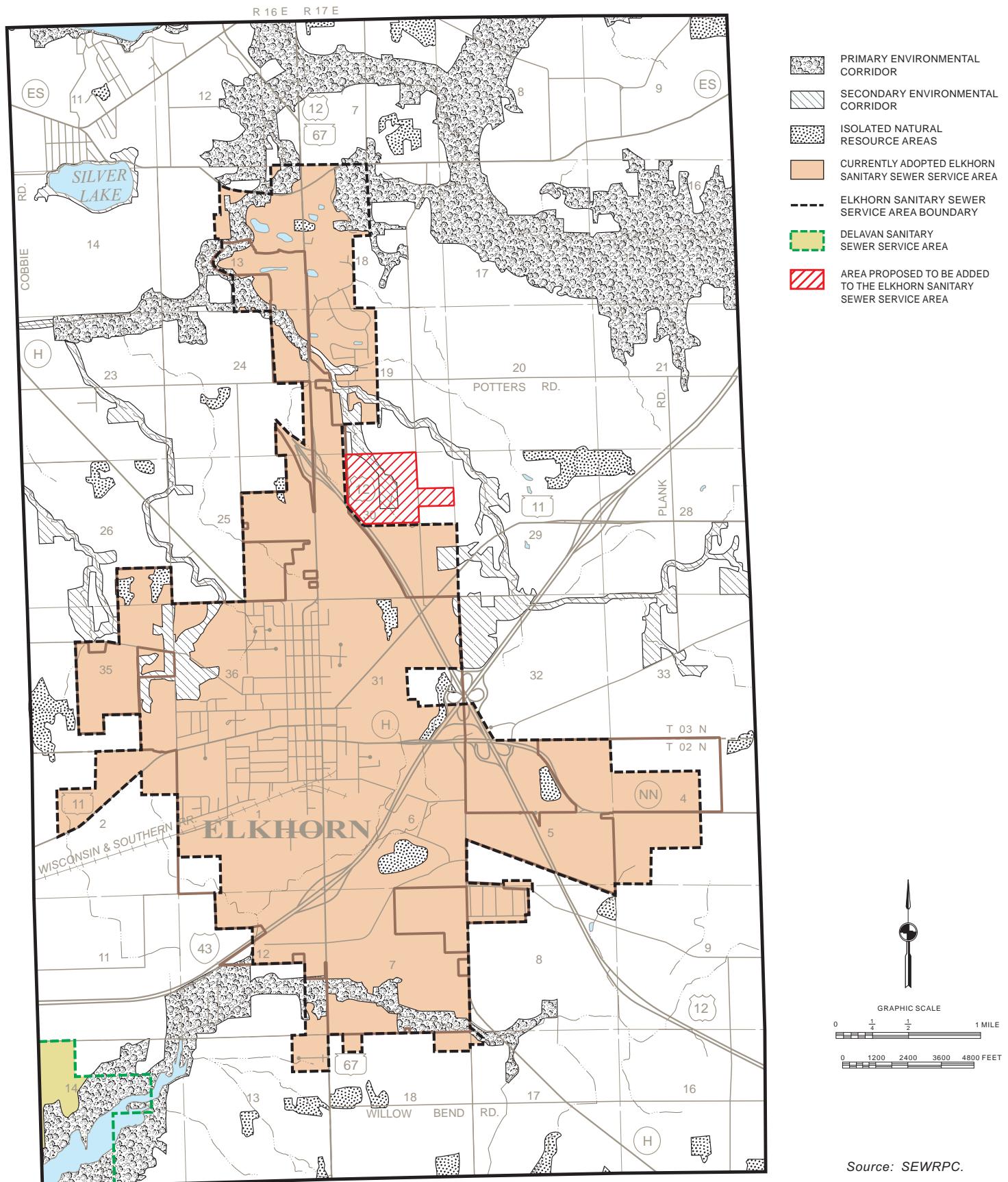
#### **RELATIONSHIP OF THE PROPOSED CHANGE TO THE EXISTING SANITARY SEWER SERVICE AREA**

The proposed addition of 168 acres to the Elkhorn sanitary sewer service area represents an increase in the planned sewer service area of about 2.6 percent. As noted above, under full development conditions envisioned in the City comprehensive plan, the subject area would accommodate a resident population of about 700 persons. Including the subject parcel, the expanded Elkhorn sanitary sewer service area would accommodate an estimated resident population of about 16,100 persons. This lies within the projected year 2035 population range of 14,900 persons to 20,300 persons for the Elkhorn sewer service area embodied in the adopted regional land use plan.

#### **WATER QUALITY IMPACTS**

Under the adopted regional water quality management plan and the Elkhorn sanitary sewer service area plan, it is envisioned that all urban development 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**  
**PROPOSED AMENDMENT TO THE ELKHORN SANITARY SEWER SERVICE AREA**



Source: SEWRPC.

## **SEWAGE TREATMENT PLANT CAPACITY IMPACT ANALYSIS**

Wastewater from the Elkhorn area is treated at the WalCoMet wastewater treatment facility located in the City of Delavan. The WalCoMet wastewater treatment plant has a hydraulic design capacity of 7.0 million gallons per day (mgd) on an average annual basis. The current hydraulic loading to the plant is about 3.7 mgd on an average annual basis. The wastewater flow that would be generated in the area proposed to be added to the Elkhorn sewer service area may be expected to approximate about 0.09 mgd on an average annual basis, under full development conditions. Thus the treatment plant has capacity to serve the subject addition to the sewer service area.

## **PUBLIC REACTION TO THE PLAN AMENDMENT**

A public hearing on the proposed sewer service area amendment was held on April 12, 2011. The hearing was co-sponsored by the Regional Planning Commission and the Walworth County Metropolitan Sewerage District (WalCoMet), as the operator of the wastewater treatment plant serving Elkhorn.

Two representatives from the Town of LaFayette spoke in opposition to the proposed amendment at the hearing. They indicated that the Town of LaFayette comprehensive plan designates this area for agricultural use. They referred to a Town opinion survey in which Town residents strongly supported farmland preservation. They expressed frustration on the part of the Town at having been required to prepare a comprehensive plan, only to find that it will not be implemented.

At the hearing, the president of the WalCoMet Board of Commissioners indicated that the Board's primary consideration on proposals to expand its service area is whether there is adequate sewerage system capacity. He indicated that WalCoMet does have the capacity to serve the area, and, given that fact, the Board does not have a basis for not approving the proposed sewer service area amendment.

At the hearing, the WalCoMet Board of Commissioners agreed to hold the record of the hearing open for written comments.

On April 25, 2011, the Commission staff received an email letter from the Walworth County Land Use and Resource Management Department staff indicating that the Walworth County Land Conservation Committee had considered the proposed sewer service area amendment and had determined that the proposed amendment is inconsistent with the Walworth County and Town of LaFayette comprehensive plans—noting that those plans identify the area as prime agricultural land and secondary environmental corridor. At its meeting on May 10, 2011, the Walworth County Board passed a resolution stating that it does not support the proposed amendment, indicating that the amendment does not comply with the Walworth County and Town of LaFayette comprehensive plans and the Walworth County park and open space plan (see copy of resolution at the end of this report).

The County Land Use and Resource Management staff also indicated that a very small wetland on the western boundary of the subject area was not identified on the maps in the preliminary draft sewer service area plan report. This wetland has been identified in the final report.

## **WALCOMET ACTION ON THE PLAN AMENDMENT**

The WalCoMet Board of Commissioners passed a resolution adopting the sanitary sewer service area plan on May 10, 2011.

## **INTERGOVERNMENTAL MEETING ON THE PLAN AMENDMENT**

The Commission's Planning and Research Committee considered the proposed sewer service area amendment at its meeting on May 10, 2011. Noting the opposition to the amendment expressed by the Town of LaFayette and Walworth County, the Committee directed the Commission staff to convene a meeting of representatives of Walworth County, the Town of LaFayette, and the City of Elkhorn to explore potential resolution of their differences. Such a meeting was held at the Walworth County Government Center on June 8, 2011. In attendance were the Walworth County Board Chair, the Walworth County Administrator, the Town of LaFayette Chairman, the Mayor of the City of Elkhorn, the City of Elkhorn Administrator, and SEWRPC staff.

At the June 8, 2011, intergovernmental meeting, the County Board Chair noted that the addition of the subject parcel to the sewer service area would be inconsistent with the County comprehensive plan, adding that the County is reluctant to establish a precedent of taking a position inconsistent with its recently adopted plan. She noted that this would not be an issue if the land were in the City, since the County comprehensive plan incorporates city/village plans within their corporate limits.

The City Administrator indicated that the City's proposal to expand the sewer service area is driven solely by the need for a location to accommodate new water supply wells and a water treatment facility. He noted that two of the proposed wells are needed to replace existing wells which are obsolete and that the need for the replacement wells is a matter of public health and safety. He said that the City had determined that potential sites for new wells meeting all environmental prerequisites are very limited within the Elkhorn area and that, through a process of elimination, the City had concluded that the subject parcel would best meet its needs. He indicated that, in consultations with County planners, the City had been advised that there is no feasible way under County zoning to accommodate its proposed water supply facilities, leading the City to conclude that annexation of the subject parcel to the City would be the most expeditious means for moving forward with its water supply facilities. He noted that, while the City's comprehensive plan designates this area for future residential development, the City's only motivation for expanding the sewer service area is to be able to accommodate needed water supply facilities. He indicated that the City expects to receive a petition of annexation from the owner of the subject property in the near future.

The Town Chairman indicated that the Town is not opposed to the provision of water supply facilities in the area but opposes the proposed expansion of the sewer service area amendment as inconsistent with the Town's comprehensive plan.

SEWRPC staff noted that the proposed sewer service area amendment is consistent with, and serves to implement, the regional land use and water quality management plans. The regional land use plan recommends that future development be directed towards the Region's urban centers—like Elkhorn—and occur at urban densities to be served by urban facilities and services, including importantly sanitary sewer. The regional water quality management plan recommends the provision, including improvement and expansion, of sewage treatment facilities to serve these urban centers. SEWRPC staff also noted that the proposed sewer service area amendment meets the criteria for evaluation of sewer service area amendments of the State *Administrative Code* governing sewer service areas—namely, that the expansion of the sewer service area is consistent with long-range population projections for the Elkhorn area; that there is sufficient sewage treatment plant and conveyance capacity; and that environmentally significant lands have been identified in the sewer service area plan and there are appropriate provisions in the plan for their protection.

All in attendance at the meeting recognized that the issue at hand (the proposed expansion of the sewer service area) is part of a much larger issue involving differences between the City and Town comprehensive plans, where those plans overlap. There was agreement that—given lack of direction under State law as to the resolution of such differences—the most effective way to deal with conflicting plans is through intergovernmental discussions to result in consistent County, City, and Town comprehensive plans, and potentially resulting in a boundary agreement, recognizing that such an agreement may address not only future community boundaries but also land use, public services, and other matters of mutual concern. The City and Town representatives at the meeting indicated that they would welcome, and participate in, such discussions.

## **CONCLUDING RECOMMENDATION**

In the review of proposed sewer service area amendments, a primary consideration of the Regional Planning Commission is whether the overall size of the proposed sewer service area is consistent with the regional land use and water quality management plans. Also considered is consistency with the Commission's long-range population projections for the area. The Commission considers this to be the case if the estimated buildout population of the proposed expanded sewer service area is within the population projection range set forth in the adopted regional land use plan. As previously indicated, the proposed expanded Elkhorn sanitary sewer service area would accommodate an estimated resident population of about 16,100 persons under buildout conditions. This is within the projection range of 14,900 persons to 20,300 persons set forth in the year 2035 regional land use plan.

The proposed amendment also meets other criteria considered by the Commission in its review of sewer service area plans. There is adequate sewage treatment plant capacity to accommodate potential additional development in the subject area. Environmentally significant lands in the subject area are appropriately mapped and restrictions on sewered development in those areas are identified.

The proposed sewer service area amendment will allow the City to move ahead with its water supply facilities, including replacement of obsolete wells—a matter of public health and safety.

It is expected that a petition to annex the subject area will be submitted by the property owner and acted upon by the City in the near future. Upon annexation, the area would be subject only to the City's plan and land use regulations.

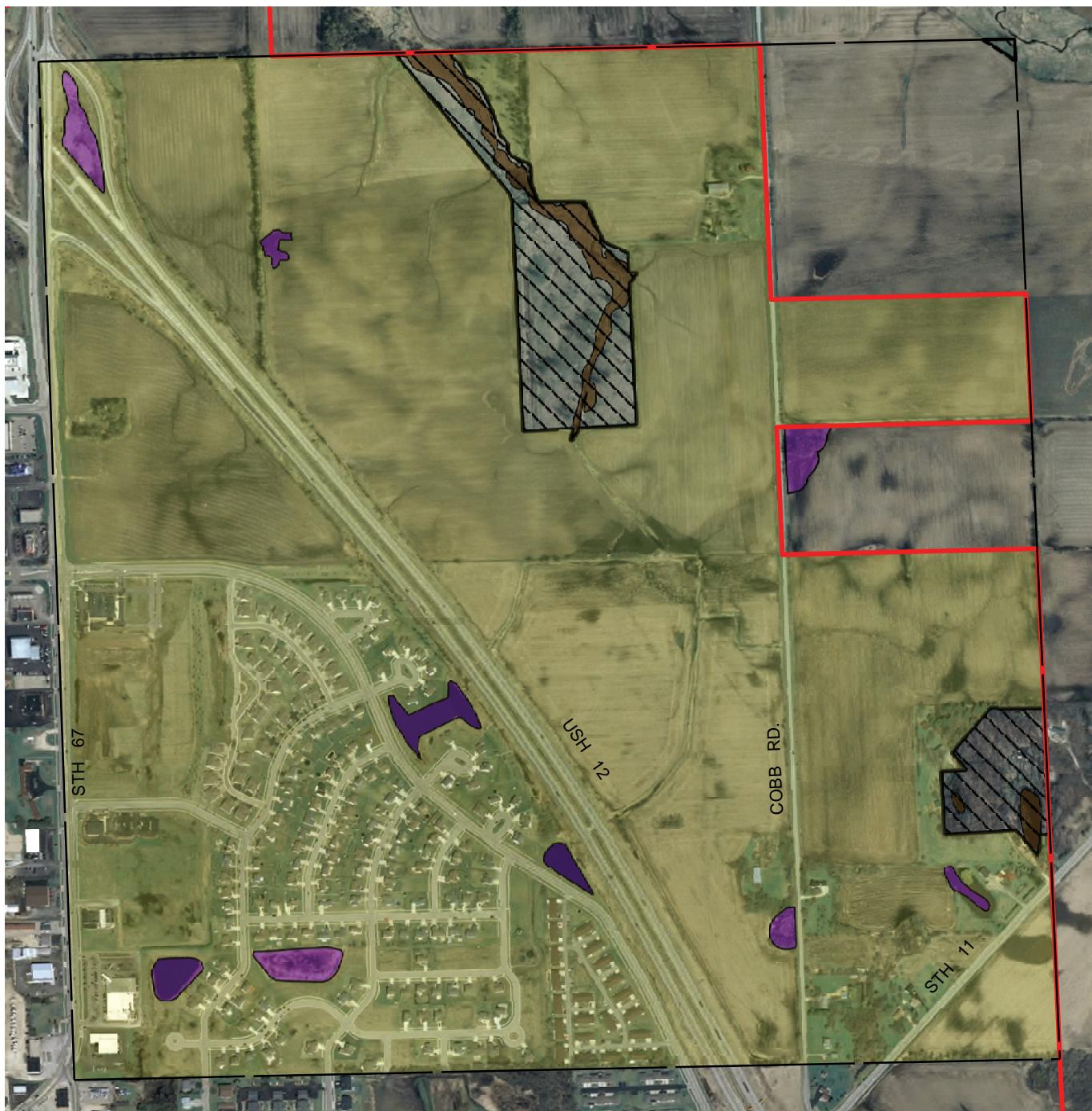
Given the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission amend the City of Elkhorn sanitary sewer service area in the manner shown on Map 1 of this report.

It is further recommended that the City of Elkhorn and the Town of LaFayette—in conjunction with Walworth County, as appropriate—hold additional meetings in the months and years ahead to discuss land use objectives and other matters of mutual concern for areas along their common border, potentially including discussions leading to a boundary agreement. As a practical matter, there was not sufficient time or opportunity for such discussions and coordination as part of the recently completed City and Town-County comprehensive planning efforts. The City and Town should now take the opportunity to begin such discussions in an attempt to find common ground, potentially reaching long-term agreement on future boundaries, land use, the provision of utilities and services, and other matters of mutual concern.

Map 2

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

U.S. Public Land Survey Section 30  
Township 3 North, Range 17 East



SECONDARY ENVIRONMENTAL CORRIDOR

WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

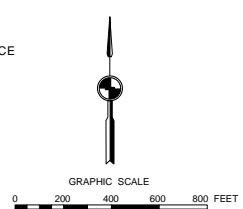
PLANNED SANITARY SEWER SERVICE AREA

GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

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



Source: SEWRPC.

Resolution No. 07 – 05/11

**Denying the Amendment to the Regional Water Quality Management Plan for the Sanitary Sewer Service Area for the Walworth County Metropolitan Sewerage District - Elkhorn Sanitary Sewer Service Area Dated June 2011**

1 Moved/Sponsored by: Land Conservation Committee

2

3 **WHEREAS**, pursuant to Section 66.0309(10) of the *Wisconsin Statutes*, the Southeastern  
4 Wisconsin Regional Planning Commission (SEWRPC), at a meeting held on the 12<sup>th</sup> day of July  
5 1979, duly adopted a regional water quality management plan as documented in the three-  
6 volume SEWRPC Planning Report No. 30, *A Regional Water Quality Management Plan for  
7 Southeastern Wisconsin: 2000*; and,

8

9 **WHEREAS**, at a meeting held on the 4<sup>th</sup> day of December 1991, SEWRPC duly adopted an  
10 amendment to the regional water quality management plan refining and detailing the Elkhorn  
11 sanitary sewer service area as documented in the SEWRPC Community Assistance Planning  
12 Report No. 56 (2<sup>nd</sup> Edition), *Sanitary Sewer Service Areas for the Walworth County  
13 Metropolitan Sewerage District, Walworth County, Wisconsin*, November 1991; and,

14

15 **WHEREAS**, by a letter dated March 7, 2011 the Walworth County Metropolitan Sewerage  
16 District requested that SEWRPC amend the Elkhorn Sanitary sewer service area include certain  
17 lands located outside of the currently adopted sewer service area; and,

18

19 **WHEREAS**, the proposed amendment to the regional water quality management plan is  
20 documented in a SEWRPC staff memorandum entitled, “Amendment to the Regional Water  
21 Quality Management Plan – Walworth County Metropolitan Sewerage District/Elkhorn Sanitary  
22 Sewer Service Area June 2011”; and,

23

24 **WHEREAS**, the requested change to the regional water quality management plan, as  
25 documented in the above-mentioned staff memorandum, was the subject of a public hearing held  
26 jointly by the Walworth County Metropolitan Sewerage District and SEWRPC held on April 12,  
27 2011; and,

28

29 **WHEREAS**, Section 66.0309(9) of the *Wisconsin Statutes* authorizes and empowers SEWRPC  
30 to amend, extend or add to the master plan or carry any part or subject thereof into greater detail;  
31 and,

32

33 **WHEREAS**, the area encompasses 168 acres located between U.S. Highway 12 and Cobb Road  
34 in the Town of LaFayette; and,

35

36 **WHEREAS**, approximately 9 acres will be used for two new municipal wells and a new water  
37 supply treatment facility while the remaining acreage does not have a proposed development at  
38 this time; and,

39

40 **WHEREAS**, the City of Elkhorn Comprehensive Plan designates this areas as future low density  
41 residential; and,

1   **WHEREAS**, the Walworth County Land Conservation Committee discussed this proposed  
2 amendment at their April 25, 2011 regular meeting; and ,  
3

4   **WHEREAS**, the Walworth County Land Conservation Committee does not support this  
5 proposed amendment as the amendment does not comply with the recently adopted Walworth  
6 County 2035 Comprehensive Plan, the Walworth County Park and Open Space Plan, and the  
7 Town of Lafayette 2035 Comprehensive Plan; and,

8  
9   **WHEREAS**, the Walworth County 2035 Comprehensive Plan designates this area as Prime  
10 Agricultural and Secondary Environmental Corridor; and,

11  
12   **WHEREAS**, Walworth County understands that this denial is advisory in nature.

13  
14   **NOW, THEREFORE, BE IT RESOLVED** by the Walworth County Board of Supervisors that  
15 Walworth County does not support the Amendment to the Regional Water Quality Management  
16 Plan for the Sanitary Sewer Service Area for the Walworth County Metropolitan Sewerage  
17 District - Elkhorn Sanitary Sewer Service Area dated June 2011.

18  
19   **BE IT FURTHER RESOLVED** by the Walworth County Board of Supervisors that the County  
20 Clerk is directed to send a copy of this resolution to SEWRPC.

21  
22  
23  
24  
25 Nancy Russell  
26 County Board Chair

27  
28  
29 Action Required: Majority  Two-thirds  Other   
30  
31 County Board Meeting Date: May 10, 2011

This Resolution/Ordinance was:  
 Adopted Roll Call/U.C./Voice  
 Rejected/Referred/Laid Over  
Ayes:  Noes:  Absent:  
Date 5-10-11

Policy and Fiscal Note is attached, and has been reviewed and approved pursuant to Section 2-91 of the  
Walworth County Code of Ordinances.

D. A. Bretl 4/29/11  
David A. Bretl Date  
County Administrator/Corporation Counsel

N. Andersen 4/29/11  
Nicole Andersen Date  
Finance Director

If unsigned, exceptions shall be so noted by the County Administrator.