

FACT SHEET

SANITARY SEWER SERVICE AREA PLAN AMENDMENT PROCESS

The first step in the process usually occurs when the Regional Planning Commission (RPC) receives a request from the sewage treatment plant operator, usually a municipality, to amend the planned sanitary sewer service area. The official forwarding the request typically acts in response to the initiative of a local governing body or commission.

The RPC staff will then perform a cursory review of the request and identify any issues that need to be addressed or require further study. This is followed by contact with the local official who originated the request for the amendment, usually with a phone call or e-mail, indicating that the RPC staff is either ready to proceed or needs to address other issues before moving ahead. If there are no further issues to be addressed, as in the case of relatively simple amendments involving small areas of land with limited or no intergovernmental and/or environmental concerns, a public hearing date can be arranged and a timely schedule for preparation and delivery of a draft report can be agreed upon.

Further issues to be addressed, if any, typically involve local land use plans, facilities plans, environmental corridor delineations, floodplain determinations, wetland field identification, or other development review or environmental concerns. Sometimes it is necessary to wait for the requesting municipality to amend its land use plan, complete parts of the development review process, or to wait for forthcoming environmental information from other parties or agencies before proceeding. After all of the information and review needed to prepare the amendment is current and available, the RPC staff can usually proceed immediately with preparation of a draft staff report and meet any reasonable schedule.

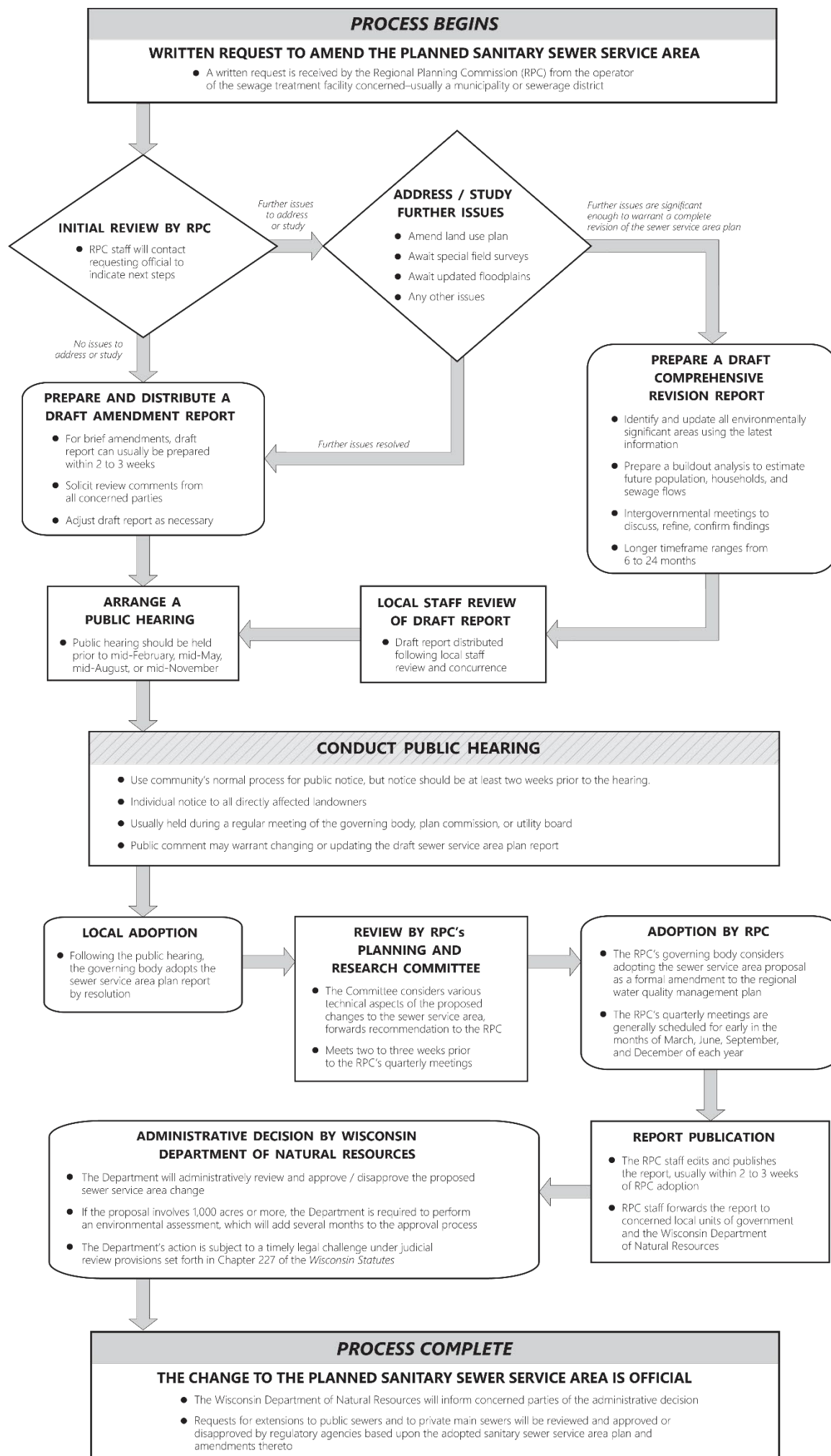
If there are substantial further issues to be addressed, and/or the currently adopted sewer service area plan is significantly dated or obsolete, it may be necessary to completely revise the plan. Such a revision entails updating the inventory of all environmentally significant lands in the area; preparing a “buildout” analysis to estimate future population, households, and sewage flows; and working closely with local staff to ensure that accurate information is developed and presented. In the course of preparing a draft report, the estimated future population inherent in full development of the proposed sewer service area will be compared with RPC long-range projections for the area. The preparation of a revised sewer service area plan report takes about 6 to 24 months to complete, but eventually ends up following the same process as more brief amendments—conduct of a public hearing and subsequent consideration and adoption by the RPC.

The public hearing is a necessary component of the amendment process because the sewer service area plan amendments and revisions often directly affect property owners and local land use planning. In addition, a public hearing is mentioned several times in Chapter NR 121 of the *Wisconsin Administrative Code*, pertaining to sewer service area plans, as a minimum requirement for a public participation process. Therefore, it will be necessary to conduct a public hearing at the local level following preparation of a draft report by the RPC and local staff. The RPC requires that all property owners directly affected by a proposed sewer service area amendment be individually notified well in advance of the public hearing so they will have an opportunity to comment on the proposal.

The Regional Planning Commission's governing body meets quarterly, in March, June, September, and December of each year to consider amendments to the regional water quality management plan. With regard to sewer service area amendments, this is preceded by a meeting of the Commission's Planning and Research Committee, which reviews the amendments, usually two weeks prior to the Commission meetings. What this essentially means is that RPC staff reports describing the amended sewer service area, along with the results of the public hearing and local adoption, must be completed well in advance of each quarterly Commission meeting. More specifically, the cutoff dates for sewer service area amendments to be prepared and locally adopted are typically mid-February, mid-May, mid-August, and mid-November. The RPC staff can usually provide specific dates within a three or four month time span before the Committee and Commission meetings, and will keep local officials engaged in sewer service area planning well-advised of the schedule and cut-off dates.

Communities that are connected to the Milwaukee Metropolitan Sewerage District (MMSD) sewage treatment facilities are somewhat of a special case. Requests for sewer service area plan amendments are received directly from communities that contract with MMSD for sewage disposal, rather than from MMSD. Each of those communities has engaged with MMSD in facilities planning activities and has been allocated sewage treatment plant capacity accordingly. Thus, the MMSD-related communities, to a large degree, operate their own sewerage systems and treatment capacities, and are handled as such in the sewer service area amendment process. During the amendment process, the community concerned should collaborate with MMSD staff and RPC staff to address any concerns that may arise prior to the preparation of a draft amendment report and conduct of a related public hearing.

The process is partially concluded after the RPC staff has prepared a draft sewer service area amendment report, a public hearing has been conducted specifically on the report and its findings, the community concerned has adopted the amendment report by resolution, and the Regional Planning Commission has adopted the report as an amendment to the regional water quality management plan. Usually within two or three weeks of Commission adoption, the RPC staff report is edited, published, and sent to the Wisconsin Department of Natural Resources (WDNR) for final action. In addition, for communities involved with MMSD, the final report is sent to the MMSD for final action by that agency's governing body. Following formal approval by the WDNR, and by the MMSD if applicable, the process is complete and the results are made official.



FACT SHEET

SANITARY SEWER SERVICE AREA PLAN AMENDMENT PROCESS: MODIFICATION OF THE UPLAND PORTIONS OF A PRIMARY ENVIRONMENTAL CORRIDOR IN SOUTHEASTERN WISCONSIN

This Fact Sheet has been prepared by the Southeastern Wisconsin Regional Planning Commission (Commission), to document the process of amending a sewer service area (SSA) plan to reflect a proposed modification of the upland portions of a primary environmental corridor (PEC) as set forth in such plans. This process is typically comprised of the following steps.

1. The local unit of government or its agent prepares a detailed environmental corridor mitigation plan for the subject property.
2. At the request of the local unit of government, Commission staff reviews and comments on the proposed mitigation plan and the local unit of government makes changes as necessary (this may include contacting the Wisconsin Department of Natural Resources (WDNR) for input).
3. The final mitigation plan is formally approved by the local unit of government.
4. The local unit of government formally amends its comprehensive plan to reflect the proposed modification to the PEC.
5. The operator of the treatment plant—or in the case of the Milwaukee Metropolitan Sewerage District (MMSD) service area, the local unit of government—submits a formal request to Commission staff to amend the SSA plan to reflect a proposed change or modification of the subject PEC as set forth in the mitigation plan approved by the local unit of government.
6. The local unit of government or its agent provides a detailed map to Commission staff showing the precise area, with acreage, to be modified.
7. The local unit of government or its agent provides to Commission staff the planned land use(s), with acreage, for the subject area (which needs to be consistent with the local unit of government's comprehensive plan).
8. If necessary, the local unit of government and Commission staff hold a joint meeting with all involved parties to review the maps and data associated with the amendment.
9. After receiving all the information necessary, Commission staff prepares a draft report documenting the proposed amendment to the SSA and sends copies to the appropriate agencies (e.g., WDNR, treatment plant operator, local unit of government, County).
10. The operator of the treatment plant (or the local unit of government in the MMSD service area) schedules a public hearing on the amendment and adopts the SSA plan amendment.
11. The SSA plan amendment then goes to the Commission's Planning and Research Committee for their approval. The Committee meets quarterly in February, May, August, and November.
12. The SSA plan amendment then goes to the full Commission for adoption. The full Commission meets quarterly the month following the Planning and Research Committee meeting.
13. The final report is printed and sent to the WDNR for approval. The document is also sent to other appropriate agencies (treatment plant operator, local unit of government, County).

Please note that this Fact Sheet is part of the "Sanitary Sewer Service Area Plan Amendment Process", which provides additional information about the SSA Plan amendment process.

Pursuant to long-standing Commission policies and practices, revisions of a PEC delineation to reflect more accurate and up-to-date information (such as a field delineation of the PEC by (or approved by) Commission staff, a new wetland delineation prepared by an assured delineator, a new floodplain delineation approved by all pertinent regulatory agencies, etc.), does not require a SSA amendment to modify the PEC. This more accurate information will simply be used in the review of all subsequent sanitary sewer extension reviews, and/or will be incorporated into the next SSA amendment or SSA Plan update, as the case may be. In addition, the process to modify the upland portions of a PEC is not required for those disturbances associated with the development considered compatible with environmental corridors as set forth in Table K.1 of Appendix K of Planning Report No. 55 (2nd Edition), *VISION 2050 Volume III: Recommended Regional Land Use and Transportation Plan*, dated June 2020, as such changes or impacts to a PEC also do not require an amendment of the subject SSA Plan (subject to the conditions set forth in the General Development Guidelines section of Table K.1).

Rather, this SSA Plan amendment process for modification of a PEC is intended for those instances when the upland portions of a PEC will no longer be retained in their existing condition due to location of sewer development and/or its associated land disturbing activities within the PEC. The upland portions of a PEC consist of all of the "Component Natural Resource and Related Features within Environmental Corridors" listed in Table K.1 except the following: lakes, rivers, and streams; riparian buffer; floodplain; wetland; and steep slopes (when located adjacent to one of these three listed components). In addition, please note that as set forth in Table K.1, development proposed within Natural Area or Critical Species Habitat sites are not considered compatible with the preservation of any environmental corridor (including PECs).

Sewer service area amendments are context sensitive. Should further issues need to be addressed, additional steps and/or additional information may be needed. Examples of such issues include but are not limited to the need to obtain regulatory approvals from other agencies prior to modification of the primary environmental corridor (such as updated floodplain, wetland, navigability, etc. mapping/determinations), local approval of pertinent zoning change(s), or the need or desire to obtain additional public input.