

AMENDMENT TO THE

**REGIONAL WATER QUALITY  
MANAGEMENT PLAN**

**CITY OF NEW BERLIN**

AS ADOPTED BY THE

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

MARCH 1994

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John R. Meland. . . . . Chief Economic Development Planner  
Thomas D. Patterson. . . . . Geographic Information Systems Manager  
Bruce P. Rubin . . . . . Chief Land Use Planner  
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# SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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

**TO:** The Legislative Bodies of Concerned Local Units of Government within the Southeastern Wisconsin Region, namely: the County of Waukesha, the City of New Berlin, and the Milwaukee Metropolitan Sewerage District

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held at the Walworth County Courthouse, Elkhorn, Wisconsin, on the 9th day of March 1994, the Commission did by unanimous vote by 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. The said amendment to the regional water quality management plan pertains to the proposed sanitary sewer service area for the City of New Berlin 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 Waukesha, Wisconsin, this 10th day of March 1994.

David B. Falstad, Chairman  
Southeastern Wisconsin  
Regional Planning Commission

ATTEST:

Kurt W. Bauer, Deputy Secretary

**RESOLUTION NO. 94-6**

**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 (CITY OF NEW BERLIN SANITARY SEWER SERVICE AREA)**

WHEREAS, pursuant to Section 66.945(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, Regional Water Quality Management Plan for Southeastern Wisconsin: 2000; and

WHEREAS, at a meeting held on the 7th day of December 1987, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the New Berlin sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 157, Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin, November 1987; and

WHEREAS, by letter dated November 4, 1993, the City of New Berlin requested that the Commission amend the New Berlin sanitary sewer service area to include certain lands located outside of the currently adopted sewer service area to include lands located adjacent to, but outside, the adopted sewer service area; and

WHEREAS, the proposed amendment to the regional water quality management plan is documented in a Commission staff memorandum entitled, "Response to Request by the City of New Berlin to amend the New Berlin Sanitary Sewer Service Area," attached hereto and made a part hereof, which memorandum concludes that the plan amendment requested by the City of New Berlin is sound and in the public interest; 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 City of New Berlin and the Regional Planning Commission on February 17, 1994; and

WHEREAS, Section 66.945(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 7th day of December 1987 to include the initial refined New Berlin sewer service area, as set forth in SEWRPC Community Assistance Planning Report No. 157, 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 Industry, Labor, and Human Relations 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 aforereferenced 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 9th day of March 1994, the vote being: Ayes 16; Nays 0.



David B. Falstad, Chairman  
Southeastern Wisconsin  
Regional Planning Commission

ATTEST:



Kurt W. Bauer, Deputy Secretary

## SEWRPC STAFF MEMORANDUM

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

#### INTRODUCTION

By letter dated November 4, 1993, the City of New Berlin requested that the Southeastern Wisconsin Regional Planning Commission amend the New Berlin sanitary sewer service area as that area is currently documented in SEWRPC Community Assistance Planning Report No. 157, Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin, November 1987, as amended. The basic purpose of the amendment would be to include within the planned New Berlin sewer service area certain lands located immediately adjacent to the adopted sewer service area to accommodate a proposed office and industrial park.

#### BACKGROUND

The Regional Planning Commission recognizes that, like other long-range plans, sanitary sewer service area plans should be periodically reviewed to assure that the plans continue to properly reflect regional and local development objectives. In addition, when it is determined by the operator of the sewage treatment facility, or by the local unit of government involved, that a sewer service area refinement or amendment is necessary, the operator of the sewage treatment facility, or the local unit of government involved, may request the Regional Planning Commission for assistance in undertaking the technical work required in the necessary sewer service area plan refinement or amendment effort.

#### AREA DESCRIPTION

As shown on Map 1, the area proposed to be added to the City of New Berlin sewer service area, tributary to the Milwaukee Metropolitan Sewerage District sewage treatment facilities, encompasses approximately 188 acres, located in portions of U.S. Public Land Survey Sections 27, 34, and 35, Township 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin.

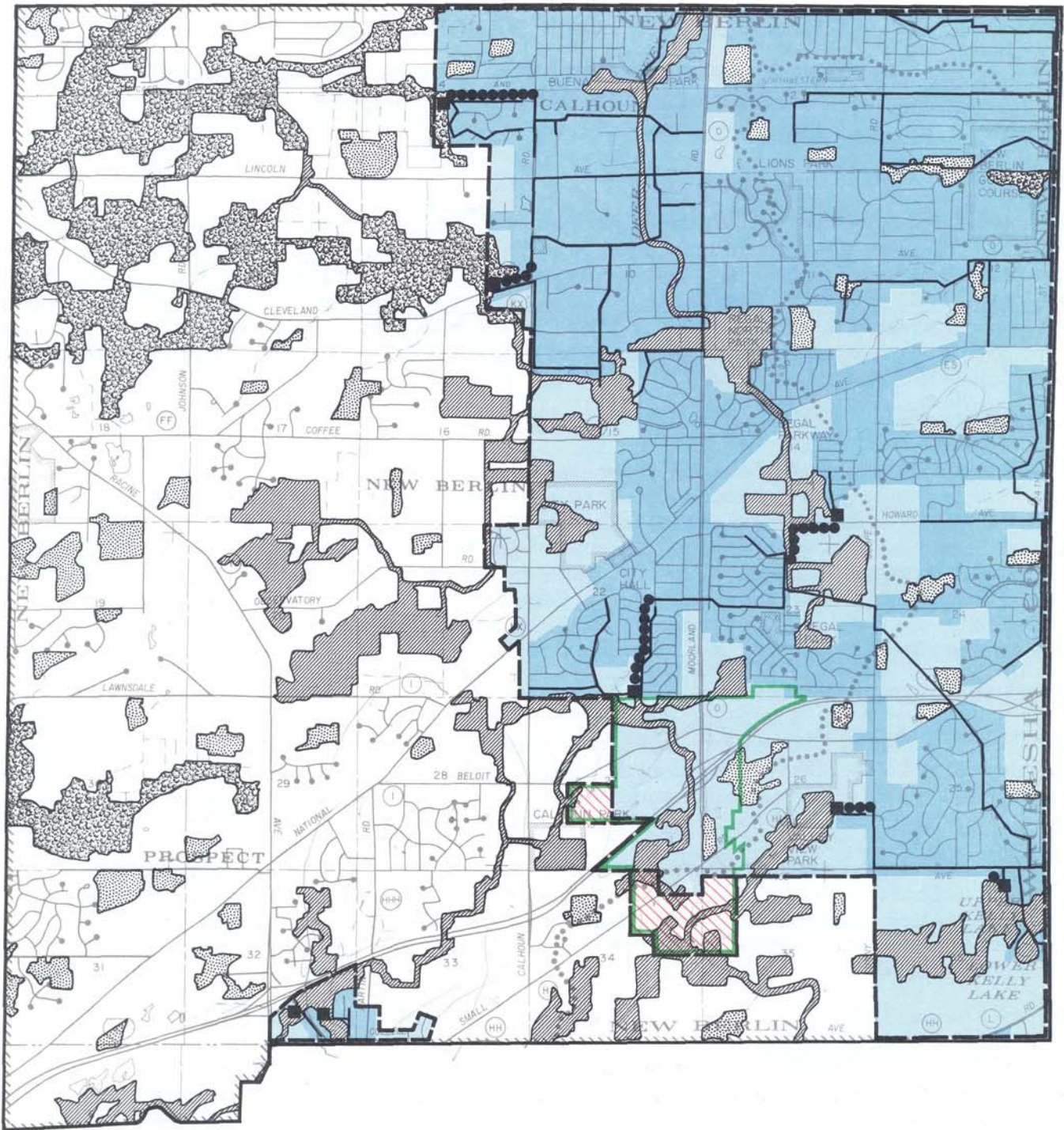
Currently about three acres, or about 2 percent of the area, are encompassed within residential land uses and include two housing units. About 53 acres, or about 28 percent of the area, are encompassed within secondary environmental corridor lands consisting of wetlands, woodlands, shorelands, steep slopes, and significant wildlife habitat. The remaining 132 acres consist of prime agricultural and other open space lands.

It should be noted that the lands in question are part of a part of a proposed 702 acre tax incremental financing (TIF) district planned by the City of New Berlin to be centered around the IH 43 and S. Moorland Road intersection. This TIF district is envisioned to encompass a multiple-use development consisting of light manufacturing, commercial, and multi-family residential uses. It should also be noted that the currently adopted City of New Berlin land use plan, as documented in SEWRPC Community Assistance Planning Report No. 111, A Land Use and Urban Design Plan for the City of New Berlin: 2010, April 1987, included recommendations for major commercial and industrial development in this area.

The development envisioned by the City to be provided within the TIF district as herein set forth is the culmination of detailed planning efforts undertaken by the City of New Berlin to further refine and detail the type and extent of development for this area as originally set forth in the City's land use plan. Specifically in this regard, the City had originally identified a significant portion of these lands for light industrial uses and for industrial reserve purposes as set forth in the abovereferenced land use plan, and furthermore, has subsequently zoned these lands for industrial uses. Therefore, development of the TIF district, and of the area proposed to be added to the City of New Berlin

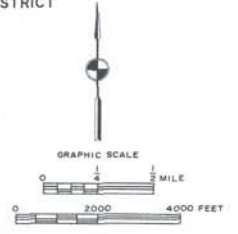
Map 1

RECOMMENDED REVISION TO THE NEW BERLIN SANITARY SEWER SERVICE AREA



LEGEND

- |  |  |  |   |  |   |
|--|--|--|---|--|---|
|  | PRIMARY ENVIRONMENTAL CORRIDOR             |  | NET SANITARY SEWER SERVICE AREA (EXISTING)                      |  | (T.I.F.) TAX INCREMENTAL FINANCING DISTRICT |
|  | SECONDARY ENVIRONMENTAL CORRIDOR           |  | NET SANITARY SEWER SERVICE AREA (2010)                          |  | EXISTING TRUNK SEWER                        |
|  | ISOLATED NATURAL AREA                      |  | EXISTING FORCE MAIN   |  | EXISTING LIFT STATION                       |
|  | GROSS SANITARY SEWER SERVICE AREA BOUNDARY |  | LANDS TO BE ADDED TO THE NEW BERLIN SANITARY SEWER SERVICE AREA |  |   |



Source: SEWRPC.

sewer service area, as herein described, would generally be in conformance with, and would serve to implement, the City of New Berlin's currently adopted land use plan. That plan, in turn, is a refinement of the adopted regional land use plan.

## WATER QUALITY IMPACTS

It is envisioned that all urban lands planned to be located within the New Berlin urban service area, including those planned urban lands located within the subject area, would ultimately receive sanitary sewer service. The area to be added to the New Berlin sewer service area is proposed to be developed for use as an office and industrial park. Assuming proper site development and construction practices, including appropriate construction soil erosion and permanent nonpoint source control practices and development compatible with the secondary environmental corridors, or lands adjacent to such areas, there should be no significant adverse water quality impacts attributable to the development of the subject area.

## COST-EFFECTIVENESS ANALYSIS

The lands in question lie immediately adjacent to the currently approved sanitary sewer service area. Areas to the north, east, and south of the subject area are part of the sewer service areas presently served by the Milwaukee Metropolitan Sewerage District sewerage system. The lands in question are also included within the area historically planned for sewer service through the Milwaukee Metropolitan Sewerage District sewerage system as delineated on a map published by the District in 1976. The service areas indicated on the District's 1976 map formed the basis for the design of trunk sewers in Milwaukee County, through which sewage generated on the lands being added to the City of New Berlin sewer service area will be conveyed. The nearest other public sanitary sewer system, the City of Waukesha system, is located approximately five miles northwest of the subject area. It is important to note that regional land use objectives and standards envision that the type of development proposed be provided with public sanitary sewer service. Consequently, no further detailed analyses were deemed to be required to conclude that the subject area would be sewered most cost-effectively through the public sewers tributary to the Milwaukee Metropolitan Sewerage District sewerage system.

## SEWAGE TREATMENT PLANT CAPACITY IMPACT ANALYSIS

The size and capacity of the Milwaukee Metropolitan Sewerage District sewerage facilities were developed as part of the District's facility planning program.<sup>1</sup> That plan was based upon an estimated year 2005 sewer service area population of 52,000 persons in the City of New Berlin service area tributary to the District's sewerage system. The City of New Berlin sewer service area plan as amended herein is based upon a planned year 2010 population of 37,600 persons in the City of New Berlin sewer service area. Since the planned population level now envisioned in the City of New Berlin sewer service area is less than the planned population level used in the planning and design of the Milwaukee Metropolitan Sewerage District system, including the sewage treatment plant, there should be adequate capacity in this system to serve the City of New Berlin. In addition, the lands proposed to be added to the sewer service area are included within the service area historically planned for by the Milwaukee Metropolitan Sewerage District to be tributary to the treatment facilities owned and operated by the District. That area is shown on a map published by the District in 1976 as part of the preliminary design for major trunk sewers in Milwaukee County. The City of New Berlin staff has reported that the flow capacity for the lands being added to the service area has been evaluated with regard to the downstream sewerage system conveyance capacity, and that adequate capacity exists.

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<sup>1</sup> *Milwaukee Metropolitan Sewerage District Wastewater System Plan, June 1980.*



## PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on February 17, 1994, at the New Berlin City Hall to receive public comment on, and reaction to, the plan amendment. This hearing was sponsored jointly by the City of New Berlin and the Regional Planning Commission. A summary of the minutes of the public hearing is presented in Appendix A.

A brief summary of the plan amendment was presented prior to receiving public comment. The rationale behind the refinement of the New Berlin sanitary sewer service area was discussed, as was the relationship of the proposed plan amendment to the existing sanitary sewer service area. The significance of the environmentally sensitive lands within the New Berlin sewer service area and the impact the plan amendment would have on these lands was also discussed. The conclusions of an analysis of the most cost-effective means of providing service to the affected lands, as well as the sewage treatment plant capacity impacts attributable to the affected lands, were also discussed.

A review of the hearing minutes indicates that no concerns were raised in regard to the proposed amendment.

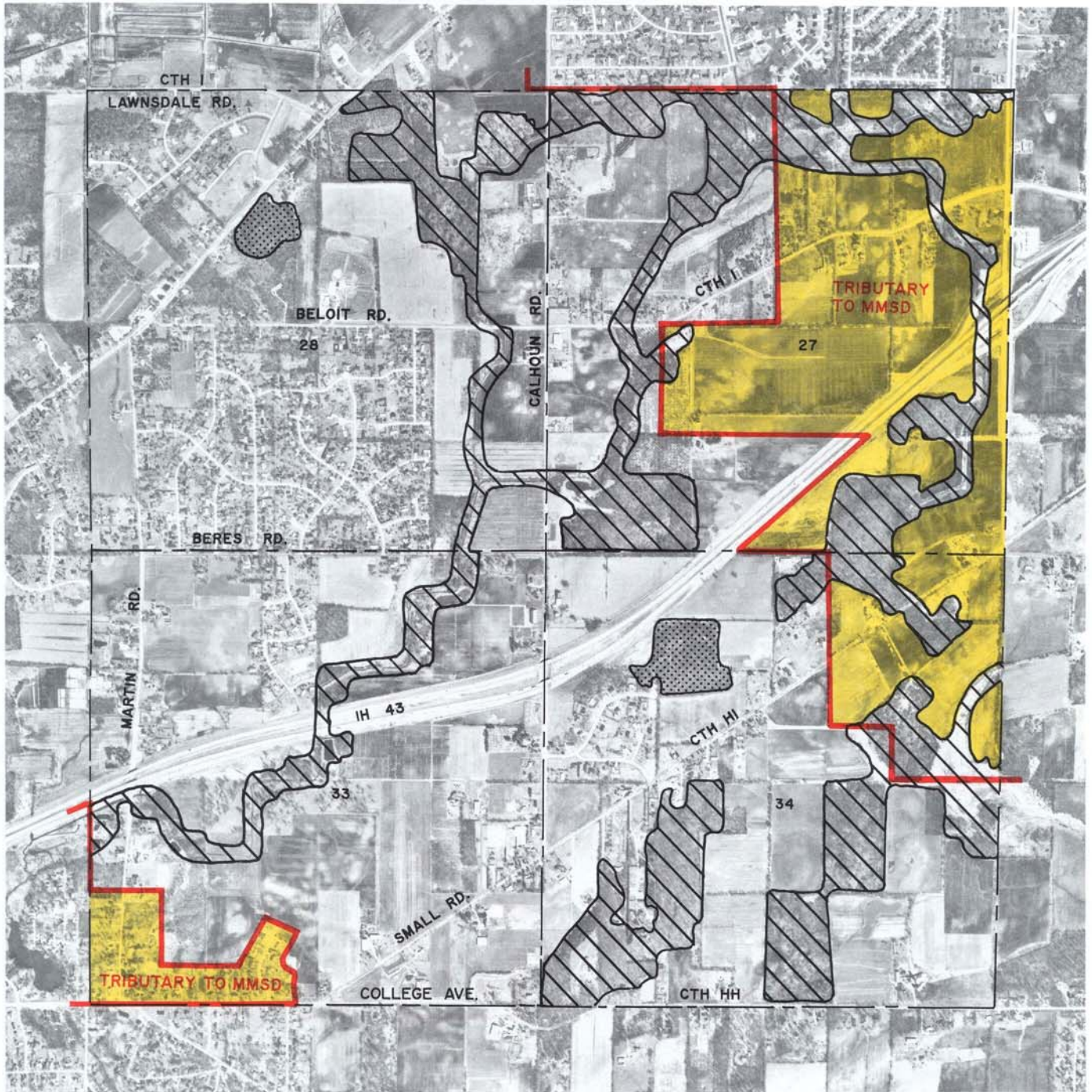
## CONCLUDING RECOMMENDATION

Based upon the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission formally amend the sanitary sewer service area as documented in the aforereferenced SEWRPC Community Assistance Planning Report No. 157 in the manner identified in Map 1. A more detailed delineation of the revised sewer service area and of the environmentally significant lands therein are shown on aerial photographs reproduced as Maps 2 and 3.





Map 2

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

U. S. Public Land Survey Sections 27, 28, 33, and 34  
Township 6 North, Range 20 East



LEGEND

-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces Map 10-8, page 34, SEWRPC Community Assistance Planning Report No. 157, Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin, dated November 1987.

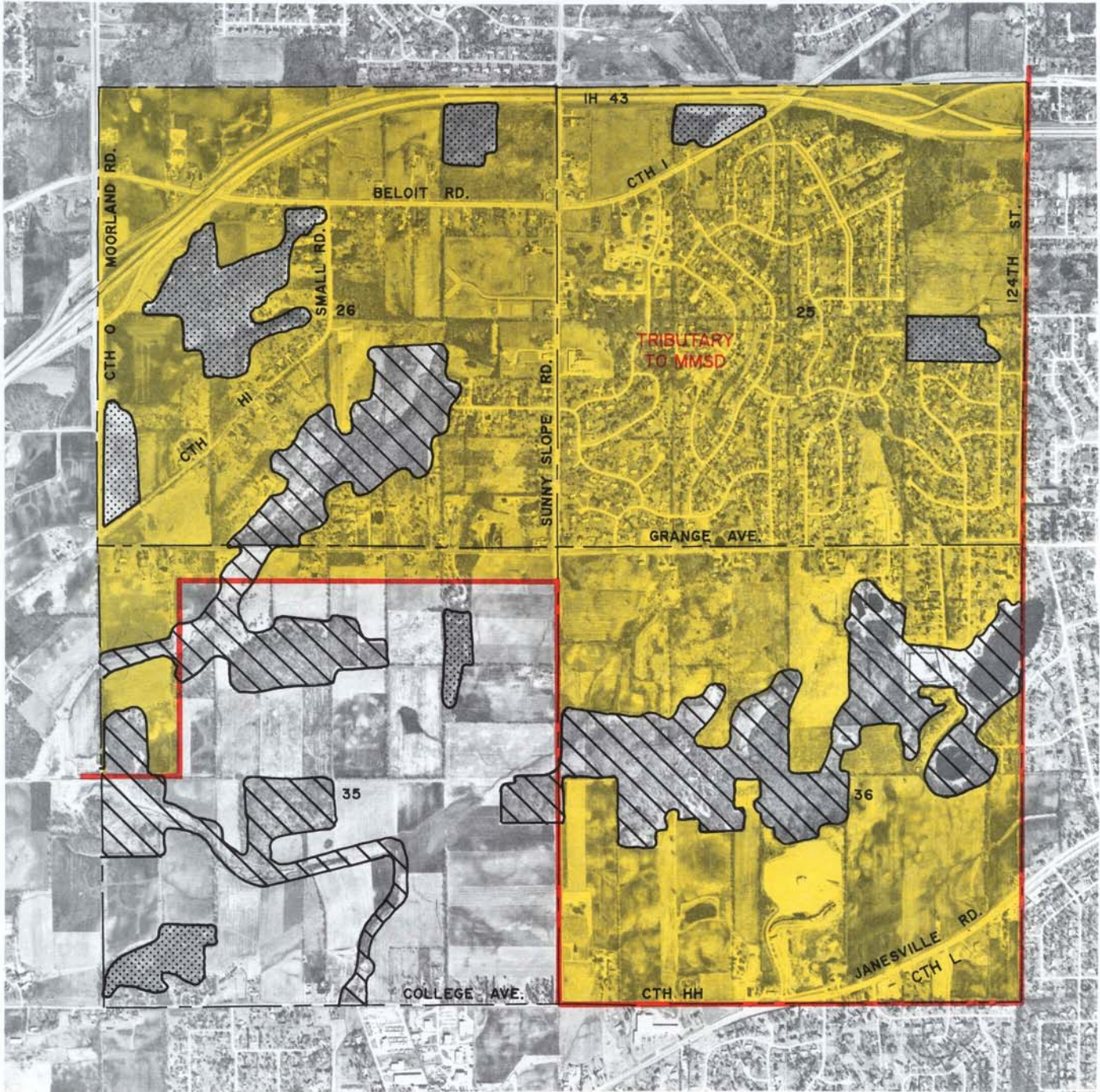


Source: SEWRPC.





Map 3

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

U. S. Public Land Survey Sections 25, 26, 35, and 36  
Township 6 North, Range 20 East



LEGEND

-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

NOTE: This map replaces Map 2, page 5, SEWRPC Amendment to the Regional Water Quality Management Plan—2000, City of New Berlin, dated June 1993.



Source: SEWRPC.

## **APPENDICES**

## Appendix A

### MINUTES OF PUBLIC HEARING

#### City of New Berlin Sanitary Sewer Service Area February 17, 1994

The Public Hearing was called to order at 6:30 P.M. by Mayor Mary Claire Cera.

Roll call indicated the following present: Mayor Cera, Aldermen Schinker, Strombeck, Krautkramer, Malone and Bakic (arrived at 6:45). Absent: Aldermen Shively and Fishler. Also present Director of Public Works Pat Howell, City Engineer Mark Schmalz, Director of Planning Steve Hoese, Division Engineer Joe Nowak, and SEWRPC representative Bruce Rubin.

Deputy City Clerk Michelle Puetzer indicated that there was proof of publication of the hearing.

The purpose of the public hearing is to receive public comment on, and reaction to, a revision to the year 2010 sewer service plan for the City of New Berlin. The public hearing is being sponsored by the City of New Berlin and the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

It was explained by Mayor Cera that the purpose of this hearing is to obtain comments and suggestions from the citizens and landowners of the proposed revision of the sanitary sewer service area affecting approximately 188 acres in the south central part of the city. The revision was initially requested by the city and the common council has requested that this change be made. The affected land is proposed to be developed for an office and industrial park. The state of Wisconsin requires that sanitary sewers can only be extended within the approved sanitary sewer area. The purpose of tonight's hearing is not to discuss the construction of sewers but to amend the sanitary sewer area to allow sewers into the area. If sewers are extended to these lands a separate public hearing will be held and ultimately will require council approval.

Mr. Bruce Rubin of SEWRPC explained that he is here tonight in order to provide a briefing of the proposal. In a letter dated November 4, 1993, the City of New Berlin requested that SEWRPC amend the New Berlin sanitary sewer service area as the area is currently documented in SEWRPC Community Assistance Planning Report #157, Sanitary Sewer Service Area for the City of New Berlin, Waukesha County, Wisconsin, November 1987, as amended. The basic purpose of the amendment would be to include within the planned New Berlin sewer service area certain lands located immediately adjacent to the adopted sewer service area to accommodate a proposed office and industrial park.

Mr. Rubin pointed out on the map (the area outlined in red) that the area proposed to be added to the City of New Berlin sewer service area, tributary to the Milwaukee Metropolitan Sewerage District sewage treatment facilities, encompasses approximately 188 acres, and is located in the portions of U.S. Public Land Survey Sections 27, 34 and 35, Township 6 North, Range 20 East, City of New Berlin, Waukesha County, Wisconsin.

It was noted by Mr. Rubin that presently, about 3 acres, or about 2% of the area, are encompassed within residential land uses and include two housing units; and about 53 acres, or about 28% of the area, are encompassed within secondary environmental corridor lands consisting wetlands, woodlands, shorelands, steep slopes, and significant wildlife habitat. The remaining 132 acres consist of prime agricultural and other open space lands.

Mrs. Crotty - S345 So. Majors Drive - Mrs. Crotty questioned if there is an exact address and resident's name as to how far this is going to go down Small Road? I understood that the Demler's property would not be included.

Comment by Mr. Nowak that it would be down to approximately 16010 W. Small Road.

Is it correct, asked Mrs. Crotty, that the people that reside in the TIF district presently, that they would have to pay for their own sewer? As I understand it, the TIF district is established and then the city borrows money and they put in the sewer and then with the developed land they would pay more then people that are on the developed land.

(Alderman Bakic entered the meeting at 6:45 P.M.)

Mr. Howell commented that this doesn't have anything to do with the TIF district. It is only an extension of the sewer service area.

But I understood that it was going to be part of the TIF district, said Mrs. Crotty.

Mr. Howell responded that it can be considered for lite industrial but not necessarily a TIF district.

But we have a reason for extending the sewer service area, said Mrs. Crotty, and isn't it because we want to have that area included in the TIF district? I think it is important to the people who reside in the area. If those residences are in that area and it does become a TIF district, as I understand it the city will be putting in the sewer and that but then will the people that reside there, will they have to pay for their own sewers?

Both will pay for the sewers, stated Mr. Howell. If there is commercial and industrial there is a certain size that we assess on. If you have a commercial or industrial property we would assess on an 8" pipe. Residential is assessed on a 6" pipe.

Mrs. Crotty stated that she thinks this is pertinent. This question could be answered. If a sewer is put into this area, is it correct that the city borrows money to put the sewer in and then the developer, as you say is assessed more, but they aren't paying per front footage for their sewer. Am I correct on that?

Mr. Howell responded that generally we bring in the main sewer and the developer branches off of those mains and he pays an assessment for that whether it be commercial, industrial or residential. Sometimes they put all of the tab into their area.

Are the plans for the sewer in this area, asked Mrs. Crotty, is that contingent upon Moorland Road being extended to Janesville Road? Does that have anything to do with that?

Response by Mr. Howell that it does not.

Also, asked Mrs. Crotty, if there is sewer going in and your home is within 1000 ft. of the sewer line, then do you have to pay for the deep tunnel in Milwaukee?

Mr. Howell responded that if you are connected to the Milwaukee MMSD there is an indirect way that you are paying for that.

What I am saying, said Mrs. Crotty, if this is approved, the sewer to these two areas, then could the people who will not be serviced but live within 1000 ft. of the sewer, could MMSD say that because you live within 1000 ft., is there something in the contract, that they have to share in the deep tunnel costs?

Mr. Bill Mielke, Ruekert and Mielke, responded that the answer is no. The lands within the 208 plan, those lands are judged on two criteria. They have to be outside the 208 plan and they have to be within 1000 ft.

Mrs. Crotty said that she wanted the information for people to know that even thou they wouldn't be in this blue area, if they are approved, that if they live within the 1000 ft. that they will be assessed for the cost of the deep tunnel.

No, replied Mr. Mielke, because they will be outside the area. They have to be within 1000 ft. and also inside the red line as indicated on the map.

John Hebert/6015 So. Aberdeen Drive - It was stated that this is consistent with the city's land use plan. I understand that statement but I frequently see in the media that discrepancies in development occur between SEWRPC's recommendations and what actually occurred. You also indicated that there are 153 acres of environmental lands that include low land and wetlands. Does this area, even thou it falls within the City of New Berlin's land use plan, does it flow within a land use plan as developed by SEWRPC?

Response that yes it is, said Mr. Rueben, and also contingent upon the land use plan.

Mr. Hebert then questioned will the development have an adverse impact on those lands?

Again responded Mr. Rubin what we have identified here are the secondary corridors. The secondary corridors are left up to the community and if they feel they want to develop those areas and have no problem with it, then they can. However, there are wetlands and there may be some other regulations to be looked at.

Action by Alderman Strombeck to adjourn the public hearing at 6:57 P.M. second by Alderman Krautkramer and carried unanimously.

Motion by Alderman Strombeck and second by alderman Krautkramer to adjourn the public hearing at 6:57 P.M.