

AMENDMENT TO THE

REGIONAL WATER QUALITY MANAGEMENT PLAN

VILLAGE OF KEWASKUM



AS ADOPTED BY THE

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

MARCH 2024

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Thomas Slawski, PhD Chief Biologist

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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

TO: The Legislative Bodies of Concerned Local Units of Government within the Southeastern Wisconsin Region, namely: the County of Washington and the Village of Kewaskum.

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held on the 6th day of March 2024, the Commission did by unanimous vote of all Commissioners present, being 14 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 Kewaskum 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 Waukesha, Wisconsin, this 6th day of March 2024.

Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Stephanie Hacker, Deputy Secretary



RESOLUTION NO. 2024-03

**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
(KEWASKUM SANITARY SEWER SERVICE AREA)**

WHEREAS, pursuant to Section 66.0309(10) of the *Wisconsin Statutes*, the Southeastern Wisconsin Regional Planning Commission (SEWRPC), 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, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the Kewaskum sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 161, *Sanitary Sewer Service Area for the Village of Kewaskum, Washington County, Wisconsin*, dated March 1998, as amended; and

WHEREAS by letter dated July 25, 2023, the Village of Kewaskum requested that the Commission amend the Kewaskum sanitary sewer service area to add certain lands located outside of the currently adopted Kewaskum 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 Village of Kewaskum to Amend the Kewaskum 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 Village of Kewaskum and the Regional Planning Commission on February 5, 2024; 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 Kewaskum sanitary sewer service area, be and the same hereby is amended in the manner identified on Maps 1 and 2 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 Safety and Professional Services 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. 2024-03

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 6th day of March 2024, the vote being: Ayes 14; Nays 0.



Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:



Stephanie Hacker, Deputy Secretary

DPH
2/22/2024
#272118

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Staff Memorandum

RESPONSE TO REQUEST BY THE VILLAGE OF KEWASKUM TO AMEND THE KEWASKUM SANITARY SEWER SERVICE AREA

February 5, 2024

INTRODUCTION

By letter received July 25, 2023, Mr. Adam Gitter, Administrator for the Village of Kewaskum, requested that the Southeastern Wisconsin Regional Planning Commission (Commission) amend the Kewaskum sanitary sewer service area tributary to the Village of Kewaskum sewage treatment facility, as that area is currently documented in SEWRPC Community Assistance Planning Report No. 161, *Sanitary Sewer Service Area for the Village of Kewaskum, Washington County, Wisconsin*, dated March 1988, 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

As shown on Map 1, the area proposed to be added to the Kewaskum sewer service area encompasses approximately 81 acres and is located south of, and adjacent to, STH 28 within the northeast quarter of U.S. Public Land Survey Section 8, Township 12 North, Range 19 East, Village of Kewaskum, Washington County, Wisconsin.

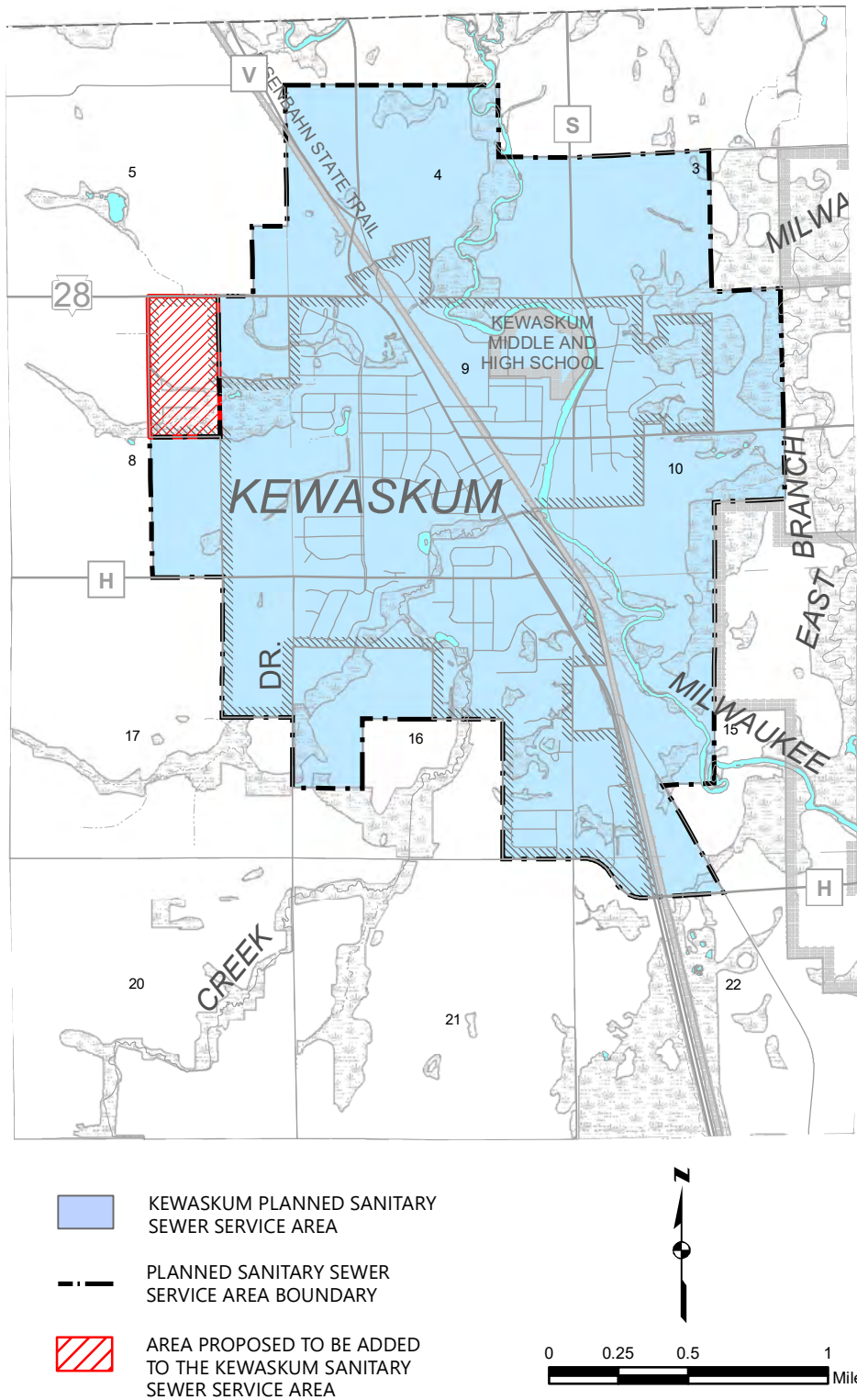
The subject area contains approximately 25 acres of environmentally significant lands, consisting of 24 acres of secondary environmental corridor (including approximately 24 acres of wetlands within the environmental corridor), and approximately one acre of small, isolated wetlands located outside of the secondary environmental corridor. The secondary environmental corridor includes an unnamed intermittent stream and its associated riparian buffer, wetlands, woodlands, 1-percent-annual-probability (100-year recurrence interval) floodplain, and significant wildlife habitat.

The subject area is proposed to be developed for industrial uses as identified in the most recent Village of Kewaskum comprehensive plan amendment, which was adopted May 1, 2023, and as set forth in the site plans that were submitted subsequent to this amendment request.

A more detailed delineation of the amended sewer service area, and of the environmentally significant lands within, are shown on the aerial photograph reproduced as Map 2.

Map 1

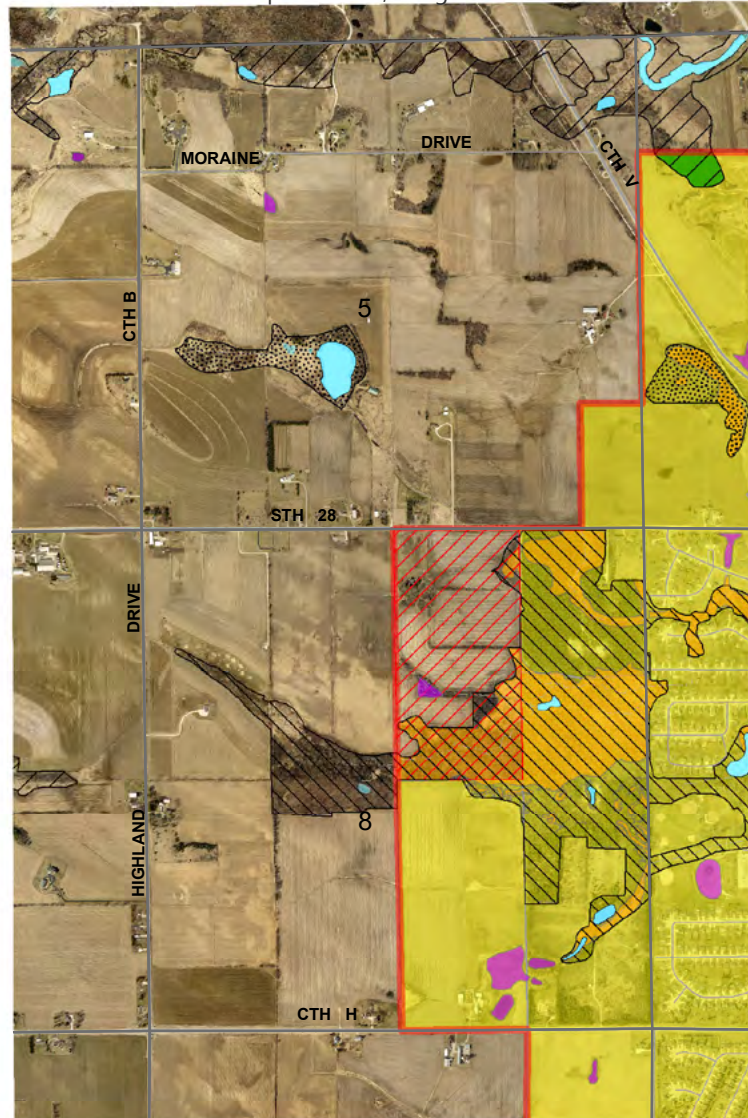
Proposed Amendment to the Village of Kewaskum Sanitary Sewer Service Area










Map 2


Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the Village of Kewaskum

U.S. Public Land Survey Sections 5 and 8
Township 12 North, Range 19 East



Photography Date: April/May 2022

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  SANITARY SEWER SERVICE AREA BOUNDARY
-  WETLANDS AND SURFACE WATER AREAS LESS THAN 5 ACRES IN SIZE OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  PLANNED SANITARY SEWER SERVICE AREA

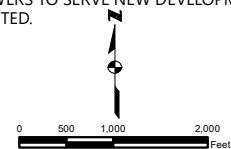
-  AREA TO BE ADDED TO THE VILLAGE OF KEWASKUM SANITARY SEWER SERVICE AREA

RESTRICTIONS ON SEWERED DEVELOPMENT

PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, RIPARIAN BUFFERS, AND ADJACENT STEEP SLOPES.

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

NOTE: This map replaces Map 8-1, page 17, of SEWRPC Community Assistance Planning Report No. 161, *Sanitary Sewer Service Area for the Village of Kewaskum, Washington County, Wisconsin*, March 1988, and replaces Map 2, page 3, of the SEWRPC *Amendment to the Regional Water Quality Management Plan, Village of Kewaskum*, dated December 2005.



Source: Southeastern Wisconsin
Regional Planning Commission
Map last revised on September 3, 2024

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

The proposed addition of approximately 81 acres to the Kewaskum sewer service area represents an increase in the Kewaskum planned sewer service area of 2.8 percent. As noted above, the subject area is proposed for industrial uses. As such, the resident population of the Kewaskum sewer service area is anticipated to remain unchanged. The estimated buildout population of the expanded sewer service area—that is, the population that could be accommodated under full development of the Kewaskum sanitary sewer service area—would continue to lie within the year 2050 population range for the Kewaskum sewer service area set forth in the regional land use and transportation plan (VISION 2050) of 6,330 to 9,800 persons.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the Kewaskum sanitary sewer service area plan, it is envisioned that all new urban development within the planned sewer 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 sewer service area.

WASTEWATER TREATMENT PLANT CAPACITY

Wastewater from the proposed industrial development of the subject property will be conveyed through the Village of Kewaskum sewerage system and treated at the Village of Kewaskum Wastewater Treatment Plant (WWTP). The WWTP has a design capacity of 0.75 million gallons per day (mgd) on an average annual basis. The 2022 wastewater average annual flow rate was 0.45 mgd. The proposed addition to the Village of Kewaskum planned sewer service area would be 81 acres, of which approximately 56 acres will be an industrial development and the remaining 25 acres are environmentally significant lands that will not be served. The anticipated sewage flow to be generated in the new industrial area is expected to be approximately 0.08 mgd on an average annual basis. Thus, the WWTP has adequate capacity to treat sewage flows from the subject area.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on February 5, 2024, at the Kewaskum Village Hall to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the Village of Kewaskum and the Regional Planning Commission. A summary of the amendment was presented prior to receiving public comment. No objections to the proposed amendment were expressed at the hearing.

LOCAL ACTION ON THE PLAN AMENDMENT

The Kewaskum Village Board adopted the sewer service area amendment following the public hearing on February 5, 2024.

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE

Appendix A provides job/housing balance information for the Village of Kewaskum developed under the Commission's regional housing plan. The inclusion of information from the regional housing plan in sewer service area amendment reports is based upon a regional housing plan recommendation (one of 50 recommendations made under the plan) that 1) The Commission provide the findings of the approximate job/housing balance analysis conducted under the regional housing plan to communities requesting an amendment of their sanitary sewer service area and 2) for those communities with a job/housing imbalance, that recommendations be provided to the community for their future consideration in addressing that imbalance. However, it is important to note that job/housing balance is not intended to be a requirement to be met by any individual sewer service area amendment.

CONCLUDING RECOMMENDATION

The Regional Planning Commission's evaluation of proposed sanitary sewer service area amendments includes a consideration of whether the amendment is consistent with the regional land use plan, the regional water quality management plan, the provisions of the *Wisconsin Administrative Code* governing water quality management plans, and whether established procedures for amending sewer service areas have been followed.

- **Consistency with the Regional Land Use Plan**

The regional land use plan recommends that, in addition to the infilling and redevelopment of existing urban centers, new urban development within the Region be accommodated through the orderly expansion of existing urban centers in locations which can be readily served by basic urban facilities, including sanitary sewer service, with the overall amount of new urban development consistent with projected growth in population and the economic base. The regional land use plan further recommends the preservation of primary environmental corridors and that consideration be given to the preservation of secondary environmental corridors and isolated natural resource areas. The proposed sewer service area amendment is consistent with these recommendations of the regional land use plan.

- **Consistency with the Regional Water Quality Management Plan**

The regional water quality management plan recommends that new urban development within the Region be provided with centralized sanitary sewer service. The plan designates a wastewater treatment plant to serve each of the urban centers within the Region that are identified in the regional land use plan. In the case at hand, the regional plan recommends that wastewater from the Kewaskum urban service area be conveyed to and treated at the Kewaskum wastewater treatment plant. The proposed sewer service area amendment is consistent with these recommendations of the regional water quality management plan.

- **Consistency with Chapter NR 121 of the *Wisconsin Administrative Code***

Chapter NR 121 of the *Wisconsin Administrative Code* governs the preparation of areawide water quality management plans, including the component sewer service area plans. The code requires that sewer service areas be determined in a way that promotes cost-effective and environmentally sound wastewater collection and treatment and that is consistent with 20-year population projections. Under the code, sewer service area plans must identify lands that are to be excluded from sewer service because of physical or environmental constraints or potential adverse water quality impacts. The proposed sewer service area amendment is consistent with these provisions of the *Wisconsin Administrative Code*.

- **Consistency with Procedural Requirements**

As carried out by the Regional Planning Commission, the sewer service area amendment process must begin with a request to the Commission from the appropriate local unit of government or government agency to process the amendment. A public hearing must be held on the proposed amendment; the hearing is jointly sponsored by the Regional Planning Commission and the requesting agency or unit of government. Subsequent to the public hearing, the requesting agency or unit of government must act to approve the amendment as presented at the hearing, approve a modified amendment, or deny the amendment. Only after approval by the requesting agency or unit of government will the proposed amendment be considered for adoption by the Regional Planning Commission as an amendment to the areawide water quality management plan. All of the Commission's procedural requirements have been met for this amendment.

Given all of the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission formally amend the Village of Kewaskum sanitary sewer service area as documented in SEWRPC Staff Memorandum, Response to Request by the Village of Kewaskum to Amend the Village of Kewaskum Sanitary Sewer Service Area, in the manner shown on Map 1. It is also recommended that the Wisconsin Department of Natural Resources approve this sewer service area plan amendment and transmit the plan amendment to the U.S. Environmental Protection Agency for certification.

**WISCONSIN DEPARTMENT OF NATURAL RESOURCES
ACTION ON THE PLAN AMENDMENT**

The Wisconsin Department of Natural Resources approved the sewer service area amendment by letter dated April 12, 2024. A copy of this letter is included as Appendix B.

APPENDICES

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE ANALYSIS APPENDIX A

On March 13, 2013, the Regional Planning Commission adopted a regional housing plan for the seven-county Southeastern Wisconsin Region. That plan is documented in SEWRPC Planning Report No. 54, *A Regional Housing Plan for Southeastern Wisconsin*, dated March 2013. The plan addresses a range of housing issues and concerns, including the balance between jobs and housing throughout the Region. The plan includes a generalized analysis of the “job/housing balance” for subareas of the Region. The regional housing plan recommends providing the findings of the job-housing analysis to communities seeking to amend their sanitary sewer service areas, with the intent to inform communities of any job/housing imbalance, and to encourage them to consider addressing the imbalance when they review and update their community comprehensive plan and zoning ordinance. Accordingly, the findings of that analysis are summarized in this appendix.

The job/housing analysis conducted under the regional housing study examined the relationship between jobs and housing that would exist in areas planned by local governments to be served by a public sanitary system, assuming implementation of adopted long-range comprehensive plans for those areas. For each sewerage community, the analysis compared the projected relative shares of lower-cost, moderate-cost, and higher-cost housing¹ with the projected relative shares of lower-wage, moderate-wage, and higher-wage jobs,² respectively. Job/housing imbalances identified under this analysis are indicated on Map A.1. A “lower-cost” job/housing imbalance indicates a community projected to have a higher percentage of lower-wage jobs than lower-cost housing. A “moderate-cost” job/housing imbalance indicates a community projected to have a higher percentage of moderate-wage jobs than moderate-cost housing.

¹ For purposes of the analysis, lower-cost housing generally includes multi-family dwellings and single- and two-family dwellings at densities of 6,000 square feet or less per dwelling unit; moderate-cost housing includes single- and two-family dwellings at densities of one dwelling per 6,000 to 20,000 square feet for homes constructed prior to 2000 and at densities of one dwelling per 6,000 to 10,000 square feet for housing constructed after 2000; and higher-cost housing includes the balance of the housing stock.

² For purposes of the analysis, lower-wage jobs include those with an average annual wage that is 80 percent or less than the average annual wage for all jobs in the county; moderate-wage jobs include those with an average annual wage between 80 percent and 135 percent of average annual wage for all jobs in the county; and higher-wage jobs include those with an average annual wage that is 135 percent or more of the annual average wage for all jobs in the county.

Projected Job/Housing Imbalances in Sewered Communities in the Southeastern Wisconsin Region: 2035



Map A.1 shows the Village of Kewaskum is projected to have no shortage of affordable housing compared to job wages. The regional housing plan would encourage the Village to consider conducting a more detailed job/housing analysis specific to their community, with the community-level analysis considering community-specific wage data and housing price data. The community-specific analysis could also consider the effect of multiple workers in a household, which was not incorporated in the regional-level analysis.

The regional housing plan further recommends that communities which are demonstrated to have a job/housing imbalance following a community-specific analysis consider making changes to their comprehensive plan and zoning ordinance, as appropriate, to enable the provision of housing suitable for the people holding jobs in their community. Actions to address a moderate-cost job/housing imbalance could include modifying the comprehensive plan to permit some single-family residences on smaller lots (1/4 acre or less) and of modest square footage (1,200 square feet). Actions to address a lower-cost job/housing imbalance could include modifying the comprehensive plan to permit some modest multi-family housing (density of about 10 housing units per acre and 800 to 850 square feet per two bedroom apartment).

Additional information about the housing plan and the job/housing balance analysis is available on the Commission website (www.sewrpc.org/Regional-Planning/Housing) or by contacting Commission staff.

WISCONSIN DEPARTMENT OF NATURAL RESOURCES ACTION ON THE PLAN AMENDMENT APPENDIX B

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
Box 7921 TTY
Madison WI 53707-7921

Tony Evers, Governor
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Toll Free 1-888-936-7463
Access via relay - 711



April 12, 2024

DNR Project No. SE-0176

Mr. Don Heckel, Senior Planner
Southeastern Wisconsin Regional Planning Commission
W239 N1812 Rockwood Drive
Waukesha, WI 53187

Subject: [Kewaskum Sanitary Sewer Service Area Amendment Administrative Decision](#)

Dear Mr. Heckel:

The Southeastern Wisconsin Regional Planning Commission (SEWRPC), on behalf of the Village of Kewaskum, requested on March, 12, 2024, that the Department of Natural Resources (department) perform an administrative review of a proposed land addition for the Kewaskum Sewer Service Area (SSA). The amendment will result in a SSA increase of approximately 81 acres. The Kewaskum Sanitary SSA is set forth in SEWRPC Community Assistance Planning Report No. 161, *Sanitary Sewer Service Area for the Village of Kewaskum, Washington County, Wisconsin*.

The department finds the proposed amendment is consistent with water quality standards under s. 281.15, Wis. Stats., and is hereby approved as recommended by SEWRPC in their Certification of Amendment ([see SEWRPC certification on page 1](#)). This amendment is a formal amendment to the state's Areawide Water Quality Management Plan, per ch. NR 121, Wis. Adm. Code. The Kewaskum Sanitary SSA Amendment will be forwarded to the U.S. Environmental Protection Agency to meet the requirements of the Clean Water Act of 1987 (Public Law 92-500 as amended by Public Law 95-217) and outlined in the code of federal regulations, 40 CFR Part 35. This review is an integrated analysis action under s. NR 150.20(2)(a)3., Wis. Adm. Code. By means of this review, the department has complied with ch. NR 150, Wis. Adm. Code, and with s. 1.11, Wis. Stats. The approval of this SSA amendment does not constitute approval of any other required local, state, or federal permit for sewer construction or associated land development activities.

Appeal Rights:

Wisconsin statutes and administrative rules establish time periods within which requests to review department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the department, to file a petition with the appropriate circuit court and serve the petition on the department. Such a petition for judicial review must name the Department of Natural Resources as the respondent. To request a contested case hearing pursuant to s. 227.42, Wis. Stats., a party has 30 days after the decision is mailed, or otherwise served by the department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR

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2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30-day period for filing a petition for judicial review.

Sincerely,



Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality



Jason R. Knutson, P.E.
Wastewater Section Chief
Bureau of Water Quality

CC: Hannah Agner, Alixandra Burke, Rachel Sabre & Brett Schmidt – Wisconsin Department of Natural Resources



Map 1
Proposed Amendment to the Village of Kewaskum Sanitary Sewer Service Area

