

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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SUBJECT: Certification of Amendment to the Adopted Regional Water Quality Management Plan (Darien 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 Village of Darien, the Town of Darien, and the Walworth County Metropolitan Sewerage District.

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held on the 15th day of June 2022, the Commission did by unanimous vote of 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. Said amendment to the regional water quality management plan pertains to the revised Darien 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 15th day of June 2022.

Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kevin J. Muhs, Deputy Secretary

RESOLUTION NO. 2022-09

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 (DARIEN 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, at a meeting held on the 23rd day of September 1992, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the Darien sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 123 (2nd Edition), *Sanitary Sewer Service Area for the Village of Darien, Walworth County, Wisconsin*, dated July 1992, as amended; and

WHEREAS by letters dated March 25, 2022, the Walworth County Metropolitan Sewerage District and the Village of Darien requested that the Commission amend the Darien 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 Requests by the Walworth County Metropolitan Sewerage District and the Village of Darien to Amend the Darien Sanitary Sewer Service Area,” dated June 14, 2022, 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 Darien and the Regional Planning Commission on June 2, 2022; and

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

NOW, THEREFORE, BE IT HEREBY RESOLVED:

FIRST: That the regional water quality management plan for the Southeastern Wisconsin Region, being a part of the master plan for the physical development of the Region and comprised of SEWRPC Planning Report No. 30, Volumes One, Two, and Three, which was adopted by the Commission as a part of the master plan on the 12th day of July 1979, and which was amended on the 23rd day of September 1992 to include the refined Darien sanitary sewer service area, as set forth in SEWRPC Community Assistance Planning Report No. 123 (2nd Edition), 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

RESOLUTION NO. 2022-09

are in conformance with, and would serve to implement, the adopted regional water quality management plan as herein amended.

THIRD: That a true, correct, and exact copy of this resolution, together with the aforementioned SEWRPC staff memorandum, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals as the law may require or as the Commission, its Executive Committee, or its Executive Director, at their discretion, shall determine and direct.

The foregoing resolution, upon motion duly made and seconded, was regularly adopted at the meeting of the Southeastern Wisconsin Regional Planning Commission held on the 15th day of June 2022, the vote being: Ayes 16 Nays 0



Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:



Kevin J. Muhs, Deputy Secretary

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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SEWRPC Staff Memorandum

RESPONSE TO REQUESTS BY THE WALWORTH COUNTY METROPOLITAN SEWERAGE DISTRICT AND THE VILLAGE OF DARIEN TO AMEND THE DARIEN SANITARY SEWER SERVICE AREA

June 14, 2022

INTRODUCTION

By letters dated March 25, 2022, Mr. Neal Kolb, Administrator of the Walworth County Metropolitan Sewerage District (WalCoMet), and Ms. Lindsey Peterson, Administrator/Clerk-Treasurer of the Village of Darien, requested on behalf of WalCoMet and the Village of Darien that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) amend the Darien sanitary sewer service area as that area is currently documented in SEWRPC Community Assistance Planning Report No. 123 (2nd Edition), *Sanitary Sewer Service Area for the Village of Darien, Walworth County, Wisconsin*, dated July 1992, as amended. The 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 Darien sewer service area is shown on Map 1. The subject area encompasses about 158 acres located generally south of CTH X (Beloit Street), west of Wise Road, and east of CTH C (Foundry Road), in U.S. Public Land Survey Sections 28 and 33, Township 2 North, Range 15 East, Town of Darien, Walworth County, Wisconsin.

The subject area contains approximately 1.2 acres of environmentally significant lands, consisting of 1.2 acres of secondary environmental corridor. The secondary environmental corridor includes Darien Creek and its associated riparian buffer, wetlands, and 100-year recurrence interval floodplain. Much of that floodplain may be expected to revert to more natural conditions over time.

Under the Village comprehensive plan, all of the subject area is recommended to be developed for commercial and industrial uses. While three existing housing units are located within the subject area to be added to the Darien sewer service area, it is envisioned that these properties will eventually be redeveloped for commercial or industrial uses.

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

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

The proposed addition of about 158 acres to the Darien sanitary sewer service area represents an increase in the planned sewer service area of just over 17 percent. As noted above, although three existing housing units are located within the subject area, it is envisioned that these properties will eventually be redeveloped for commercial or industrial uses. As such, the resident population of the Darien 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 Darien sanitary sewer service area—would continue to lie within the year 2050 population range for this area in the regional land use plan of 2,990 to 3,600 persons.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the Darien 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 Darien area is treated at the WalCoMet wastewater treatment facility located in the City of Delavan. The plant has a design capacity of 7.0 million gallons per day (mgd) on an average annual basis. The current hydraulic loading to the plant is about 3.2 mgd on an average annual basis. The estimated wastewater flow from the proposed addition to the sewer service area would be about 0.24 mgd on an average annual basis. Thus, the treatment plant has available capacity to serve the proposed addition to the sanitary sewer service area.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on June 2, 2022, at the Darien Village Hall to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the Village of Darien and the Regional Planning Commission. A summary of the amendment was presented prior to receiving public comment.

At the hearing, several Village and Town of Darien residents expressed concerns about the proposed development that was the impetus for this sanitary sewer service area amendment request, including a lack of adequate public input opportunities and that the Village was not taking into sufficient account residents' objections to the proposed development. Regarding the specific sewer service area amendment request, two residents indicated that a stream and certain adjacent wetlands located within and adjacent to the subject property had not been identified as an environmental corridor on the maps included with the draft sewer service area amendment report, and one resident indicated they did not support extension of public sanitary sewer and water service to the subject property.

After the public hearing was closed, members of the Village of Darien Plan Commission and Village Board inquired about the stream mentioned during the public hearing. It was determined that the subject stream was located adjacent to CTH X and did cross the northeastern corner of the subject area proposed to be added to the Darien sewer service area. SEWRPC staff present at the hearing indicated that as with all sewer service area amendments, the existing environmental corridor delineations within and adjacent to the subject area had been reviewed and updated based upon best available information available at this time. SEWRPC staff

further indicated that that also included review and consideration of other adjacent natural resource features, including the subject stream. However, upon review of the subject stream and other associated/adjacent resources, it had been determined that those resources did not currently meet the environmental corridor mapping criteria established by the Regional Planning Commission, and as such were not identified as an environmental corridor. Furthermore, one member of the Village Board inquired about the relationship of sanitary sewer extension reviews and the environmental corridors. SEWRPC staff present at the meeting indicated that the location of and potential impacts upon any adjacent environmental corridors are considered during SEWRPC's review of sanitary sewer extension requests, and as part of that review, any more recent information pertaining to the delineation of the environmental corridors is also taken into account.

No other issues were raised at the hearing and no changes were made to the proposed plan amendment as presented at the public hearing.

LOCAL ACTION ON THE PLAN AMENDMENT

Following the public hearing, the Darien Village Board approved the sewer service area amendment on June 2, 2022, and the Walworth County Metropolitan Sewerage District (WalCoMet) Commission at its meeting of June 14, 2022, approved a motion to "adopt a position of support for the requested amendment to the SSA and authorize the Administrator to communicate this position with the appropriate staff at SEWRPC so that they may act at their next quarterly meeting."

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE

Appendix A provides job/housing balance information for the Village of Darien developed under the SEWRPC 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) SEWRPC 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, and 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, as amended, recommends that wastewater from the Darien urban service area be served through the Darien local collection system tributary to the Walworth County Metropolitan Sewerage District regional sewerage system. The proposed sewer service area amendment is consistent with these recommendations of the regional water quality management plan, as amended.

- **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; and the hearing must be 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 Darien sanitary sewer service area as documented in SEWRPC Staff Memorandum, Response to Request by the Village of Darien to Amend the Darien Sanitary Sewer Service Area, April 28, 2022, in the manner shown on Maps 1 and 2. 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.

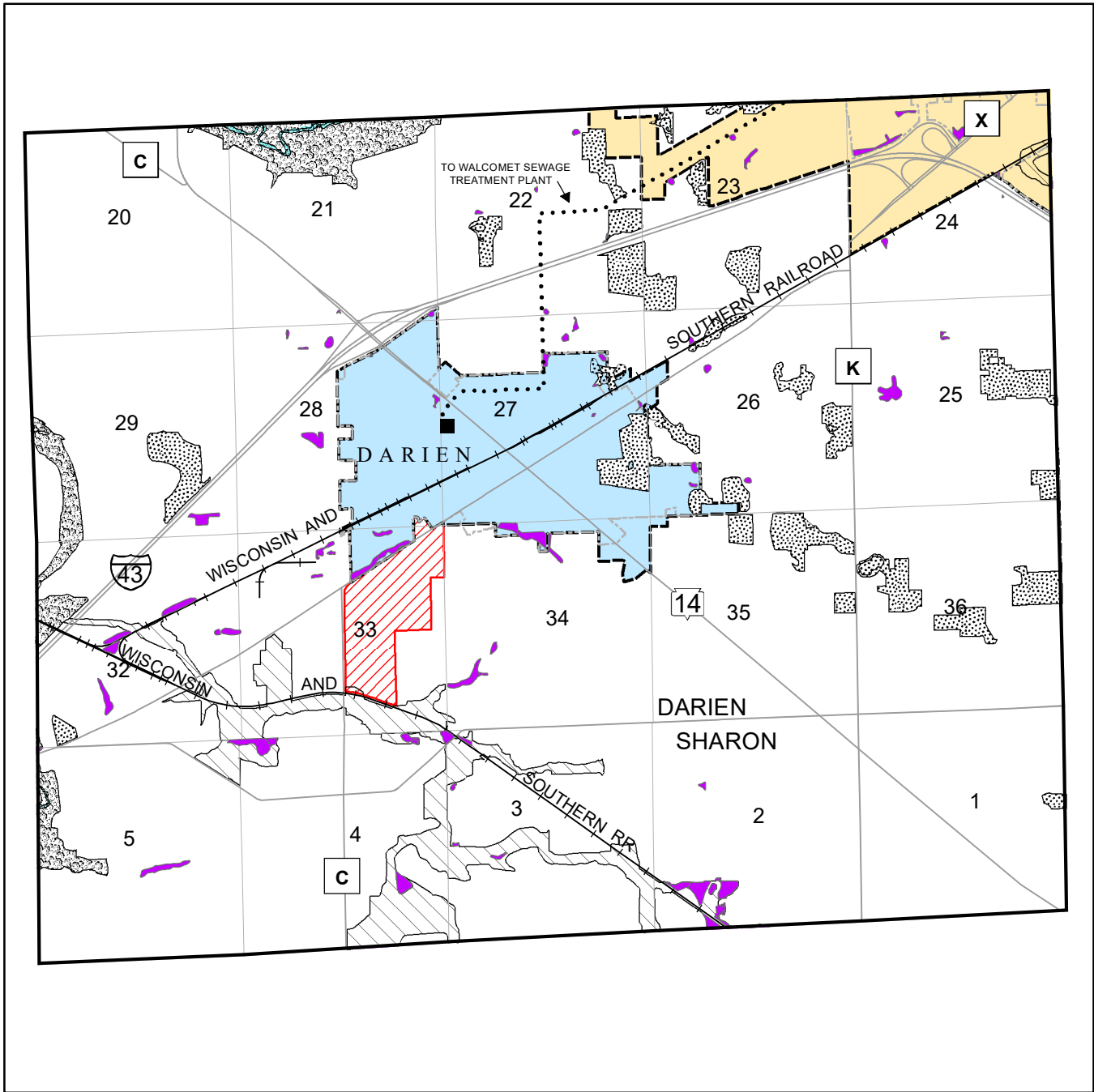
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Darien SSA Amendment Staff Memo
300-3000
JED/KJM/JED/ac
7/12/22; 6/8/22; 4/28/22

SEWRPC Staff Memorandum

SANITARY SEWER SERVICE AREA FOR THE VILLAGE OF DARIEN
WALWORTH COUNTY, WISCONSIN

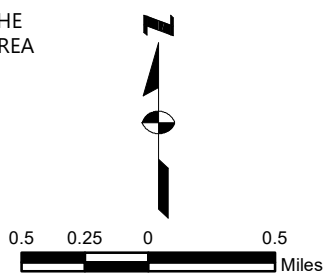
MAPS

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



- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA
- PLANNED SANITARY SEWER SERVICE AREA (DARIEN)
- OTHER PLANNED SANITARY SEWER SERVICE AREAS (DELAVAN\DELAVAN LAKE)

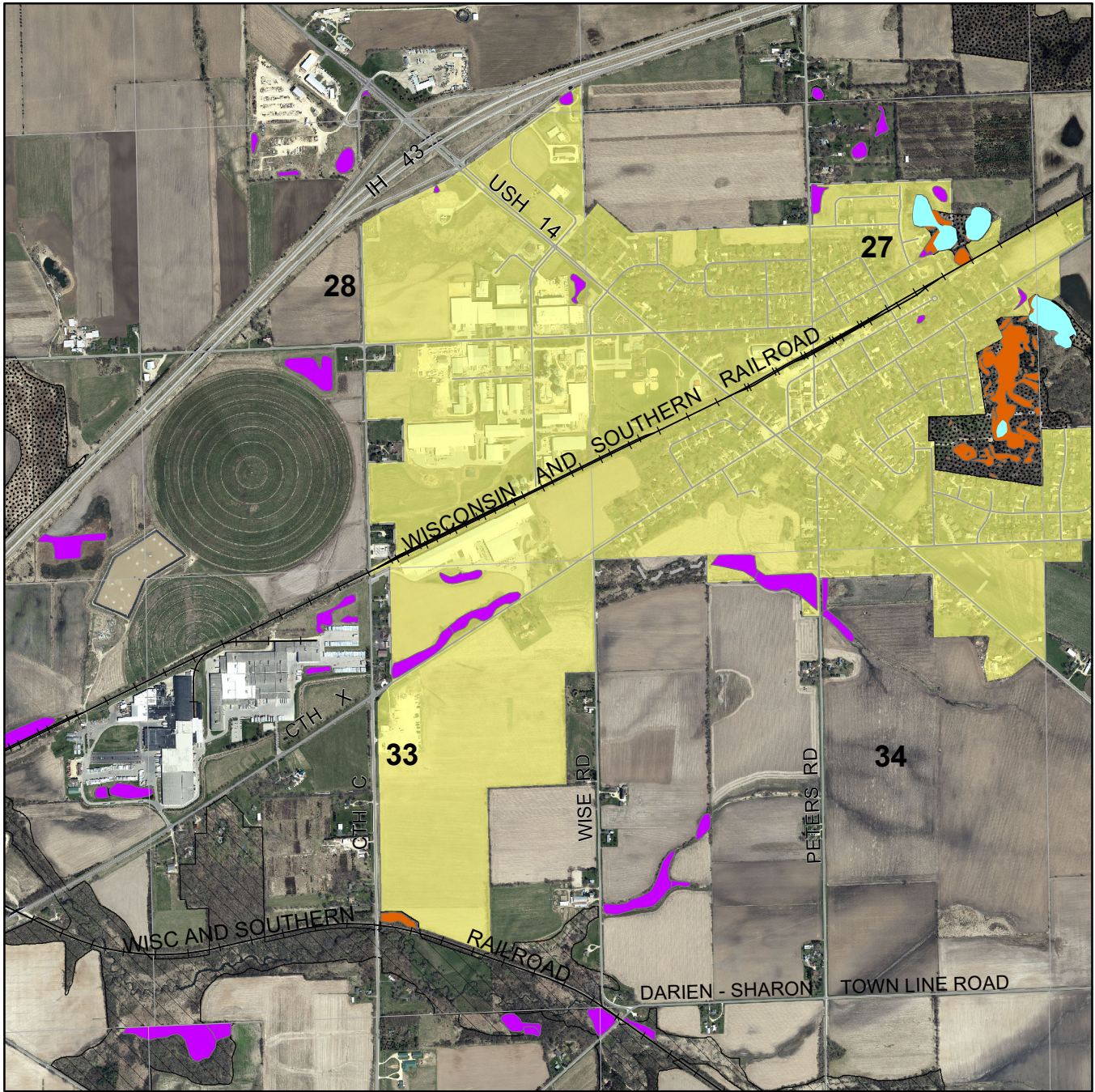
- WETLANDS AND SURFACE WATER AREAS LESS THAN 5 ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
- AREA PROPOSED TO BE ADDED TO THE DARIEN SANITARY SEWER SERVICE AREA
- EXISTING FORCE MAIN
- EXISTING PUMPING STATION
- MUNICIPAL BOUNDARY








Source: SEWRPC


Map 2
Environmentally Significant Lands and Planned Sanitary Sewer Service Area
for the Village of Darien and Environs

U.S. Public Land Survey Sections 27, 28, 33, and 34
Township 2 North, Range 15 East




Photography Date: April 2020

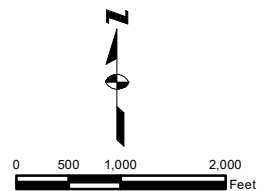
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  PLANNED SANITARY SEWER SERVICE AREA
-  SANITARY SEWER SERVICE AREA BOUNDARY
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  WETLANDS AND SURFACE WATER AREAS LESS THAN 5 ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

RESTRICTIONS ON SEWERED DEVELOPMENT

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

Note: This map replaces Map 6-5, page 23, of SEWRPC Community Assistance Planning Report No. 123 (2nd Edition), Sanitary Sewer Service Area for the Village of Darien, Walworth County, Wisconsin, dated July 1992



Source: SEWRPC

APPENDICES

Appendix A

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE ANALYSIS

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 sewered 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.

Map A.1 shows the Village of Darien is projected to have lower-cost job/housing imbalances. 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.

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.

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 multifamily housing (density of at least 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 SEWRPC website (www.sewrpc.org/sewrpc/housing.htm) or by contacting the SEWRPC staff.

Appendix A

**REGIONAL HOUSING PLAN:
JOB/HOUSING BALANCE ANALYSIS**

MAPS

Map A.1

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

- SHORTAGE OF LOWER-COST HOUSING COMPARED TO LOWER-WAGE JOBS
- SHORTAGE OF MODERATE-COST HOUSING COMPARED TO MODERATE-WAGE JOBS
- SHORTAGE OF BOTH
- NO SHORTAGE OF AFFORDABLE HOUSING COMPARED TO JOB WAGES
- MAJOR EMPLOYMENT CENTER: 2035
- CIVIL DIVISION BOUNDARY: 2010

