

AMENDMENT TO THE

REGIONAL WATER QUALITY MANAGEMENT PLAN

VILLAGE OF BRISTOL



AS ADOPTED BY THE

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

JUNE 2023

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REGIONAL PLANNING COMMISSION**

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Nakeisha Payne Public Involvement and Outreach Manager
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 (Bristol Utility District No. 1 Sanitary Sewer Service Area)

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

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held on the 14th day of June 2023, the Commission did by unanimous vote of all Commissioners present, being 18 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 Bristol Utility District No. 1 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 West Bend, Wisconsin, this 14th day of June 2023.

Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Benjamin R. McKay, Interim Deputy Secretary



RESOLUTION NO. 2023-06

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 (BRISTOL UTILITY DISTRICT NO. 1 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 Bristol Utility District No. 1 sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 145, *Sanitary Sewer Service Area for the Town of Salem Utility District No. 1, Village of Paddock Lake, and Town of Bristol Utility District Nos. 1 and 1B, Kenosha County, Wisconsin*, dated October 1986, as amended; and

WHEREAS by email dated November 1, 2022, the Village of Bristol requested that the Commission amend the Bristol Utility District No. 1 sanitary sewer service area to add certain lands located outside of the currently adopted sewer service area; and

WHEREAS, the proposed amendment to the regional water quality management plan is documented in a Commission staff memorandum entitled, "Response to Request by the Village of Bristol to Amend the Bristol Utility District No. 1 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 Bristol and the Regional Planning Commission on February 13, 2023; 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 Bristol 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. 2023-06

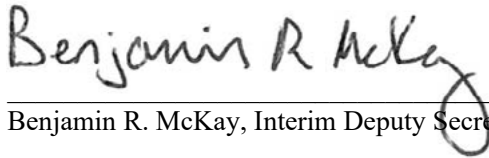
THIRD: That a true, correct, and exact copy of this resolution, together with the aforementioned SEWRPC staff memorandum, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals 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 14th day of June 2023, the vote being: Ayes 18; Nays 0.



Charles L. Colman, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:



Benjamin R. McKay, Interim Deputy Secretary

JED/KMM/ac
4/17/23; 3/1/23
#267243

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Staff Memorandum

RESPONSE TO REQUEST BY THE VILLAGE OF BRISTOL TO AMEND THE BRISTOL UTILITY DISTRICT NO. 1 SANITARY SEWER SERVICE AREA

February 13, 2023

INTRODUCTION

By email dated November 1, 2022, Mr. Randall Kerkman, Administrator/Public Works Director for the Village of Bristol, requested on behalf of the Village that the Southeastern Wisconsin Regional Planning Commission (Commission) amend the Bristol Utility District No. 1 sanitary sewer service area as that area is currently documented in SEWRPC Community Assistance Planning Report No. 145, *Sanitary Sewer Service Area for the Town of Salem Utility District No. 1, Village of Paddock Lake, and Town of Bristol Utility District Nos. 1 and 1B, Kenosha County, Wisconsin*, dated October 1986, 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 of, the currently adopted sewer service area.

AREA DESCRIPTION

The area proposed to be added to the Bristol Utility District No. 1 sanitary sewer service area is shown on Map 1. The subject area encompasses about 18.4 acres located southeast of the intersection of USH 45/200th Avenue and CTH C/93rd Street, in U.S. Public Land Survey Section 20, Township 1 North, Range 21 East, Village of Bristol, Kenosha County, Wisconsin.

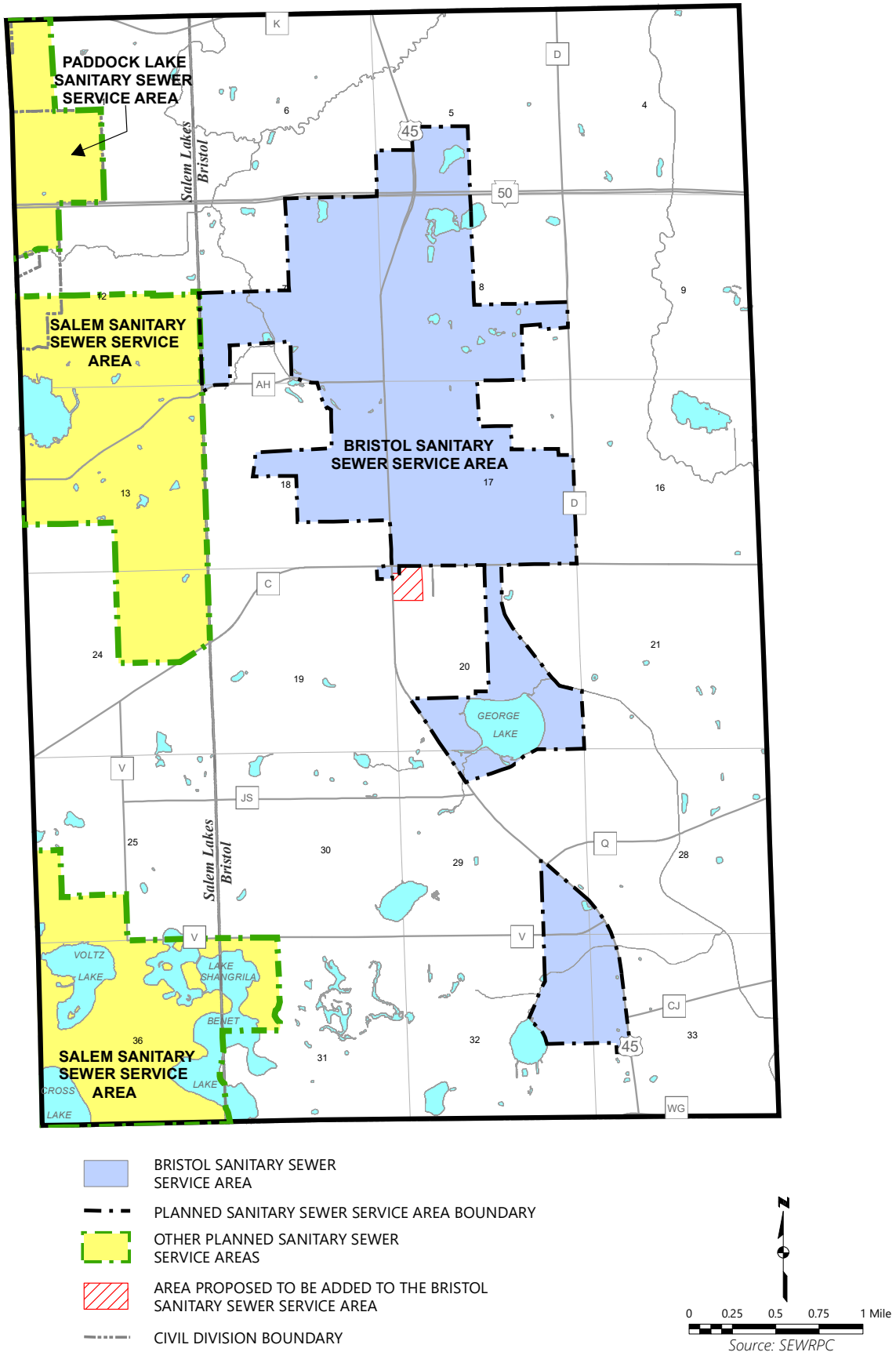
It should be noted that the subject 18.4-acre area includes not only the approximately 3.5 acres of vacant developable land initially requested by the Village, but also includes the adjacent 14.9 acres of developed lands comprised of 11 existing single-family residential parcels which, while located outside of the adopted sanitary sewer service area, had been provided public sanitary sewer service in the late 1980's when those parcels were first developed.

The subject area does not contain any environmentally significant lands (i.e. environmental corridors, isolated natural resource areas, wetlands, floodplains, etc.).

Under the Village's comprehensive plan, the subject area's future land use is generally identified as large-lot Estate Single-Family Residential (i.e. low-density residential uses at up to two housing units per acre).

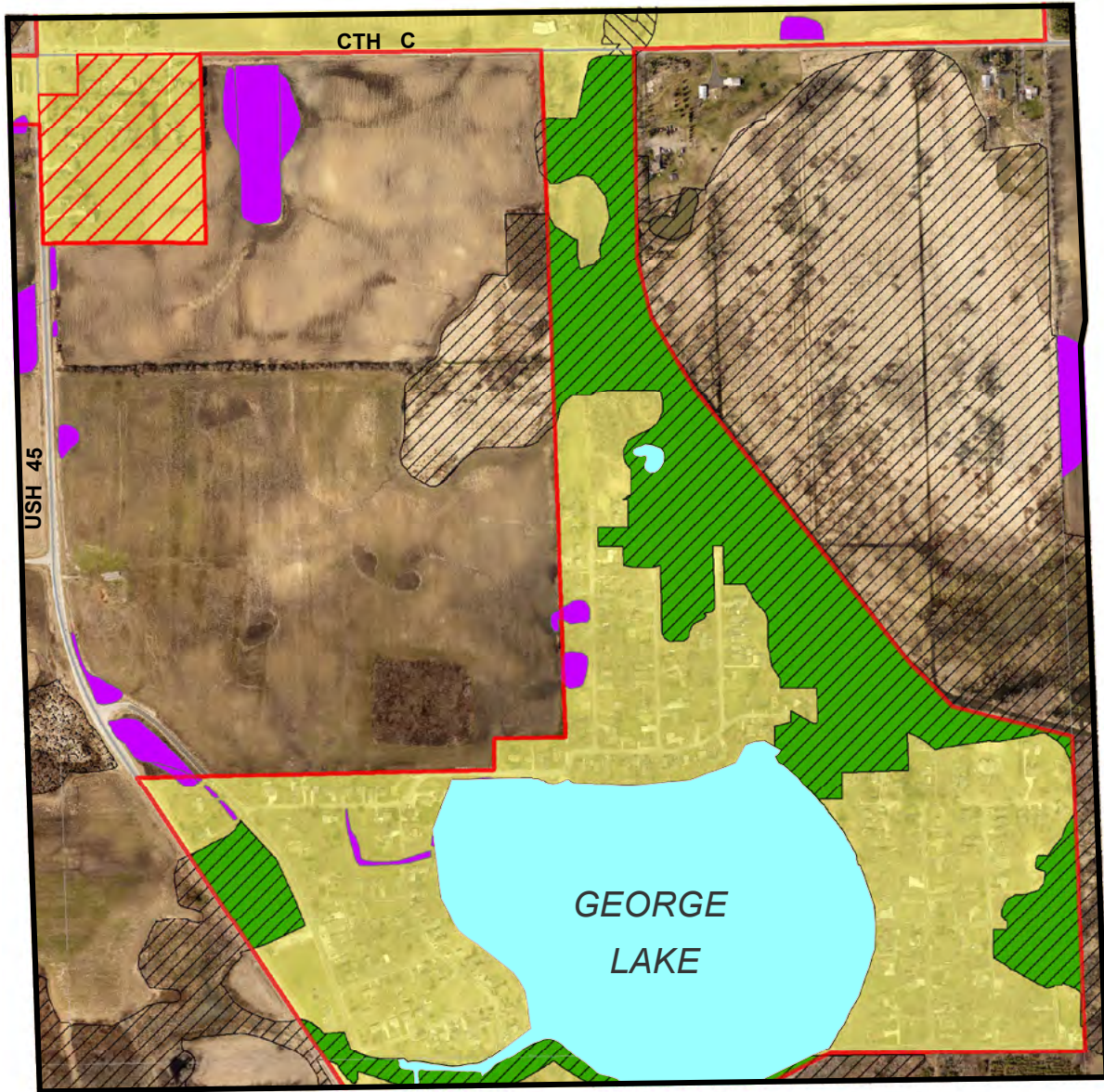
A more detailed delineation of the amended sewer service area is shown on the aerial photograph reproduced as Map 2.

Map 1
Proposed Amendment to the Village of Bristol Utility District No. 1 Sanitary Sewer Service Area











Map 2
Environmentally Significant Lands and Planned Sanitary Sewer
Service Area for the Village of Bristol Utility District No. 1

U.S. Public Land Survey Section 20
 Township 1 North, Range 21 East




Photography Date: April 2020

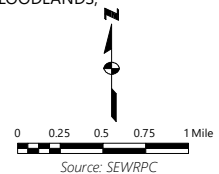
-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  AREA TO BE ADDED TO THE VILLAGE OF BRISTOL SEWER SERVICE AREA
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  WETLANDS AND SURFACE WATER AREAS LESS THAN 5 ACRES IN SIZE OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

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.

NOTE: This map replaces the corresponding portion of Map 3, page 5, of SEWRPC document, Amendment to the Regional Water Quality Management Plan—2000, Town of Bristol, March 1991.



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

The proposed addition of about 18.4 acres to the Bristol Utility District No. 1 sanitary sewer service area tributary to the Bristol wastewater treatment plant represents an increase in the planned sewer service area of less than 1 percent. As the existing population in this area has already been included in the population projections for the Bristol sewer service area, and as no additional housing units are envisioned within this area, there would be no change in the resident population of the sewer service area.

WATER QUALITY IMPACTS

Under the adopted regional water quality management plan and the Town of Salem Utility District No. 1, Village of Paddock Lake, and Town of Bristol Utility District Nos. 1 and 1B sanitary sewer service area plan, it is envisioned that all new urban development within the planned Bristol 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

The Bristol Utility District No. 1 wastewater treatment plant serves the Village of Bristol. The plant has a design capacity of 0.87 million gallons per day (mgd) on an average annual basis. The current (2021) average annual wastewater flow to the Bristol wastewater treatment plant for the entire service area is about 0.31 mgd. Thus, there is available capacity at the plant.

It should be noted that the area to be added to the sanitary sewer service area already contributes to the wastewater treatment plant or will not add wastewater flows with the proposed agricultural land use. Thus, an evaluation for additional flows to the treatment plant was not needed for this amendment. If in the future there is a change to the agricultural parcel that adds wastewater flows to the plant, a capacity evaluation should be done at that time.

PUBLIC REACTION TO THE PLAN AMENDMENT

A public hearing was held on February 13, 2023, at the Bristol Village Hall to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the Village of Bristol 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 Bristol Village Board adopted the sewer service area amendment following the public hearing on February 13, 2023.

REGIONAL HOUSING PLAN: JOB/HOUSING BALANCE

Appendix A provides job/housing balance information for the Village of Bristol 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, 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 recommends that wastewater from the southwestern portion of the Bristol urban service area be conveyed to and treated at the Bristol 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 Bristol Utility District No. 1 sanitary sewer service area as documented in Staff Memorandum, *Response to Request by the Village of Bristol to Amend the Bristol Utility District No. 1 Sanitary Sewer Service Area*, February 13, 2023, 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.

**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 February 21, 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.

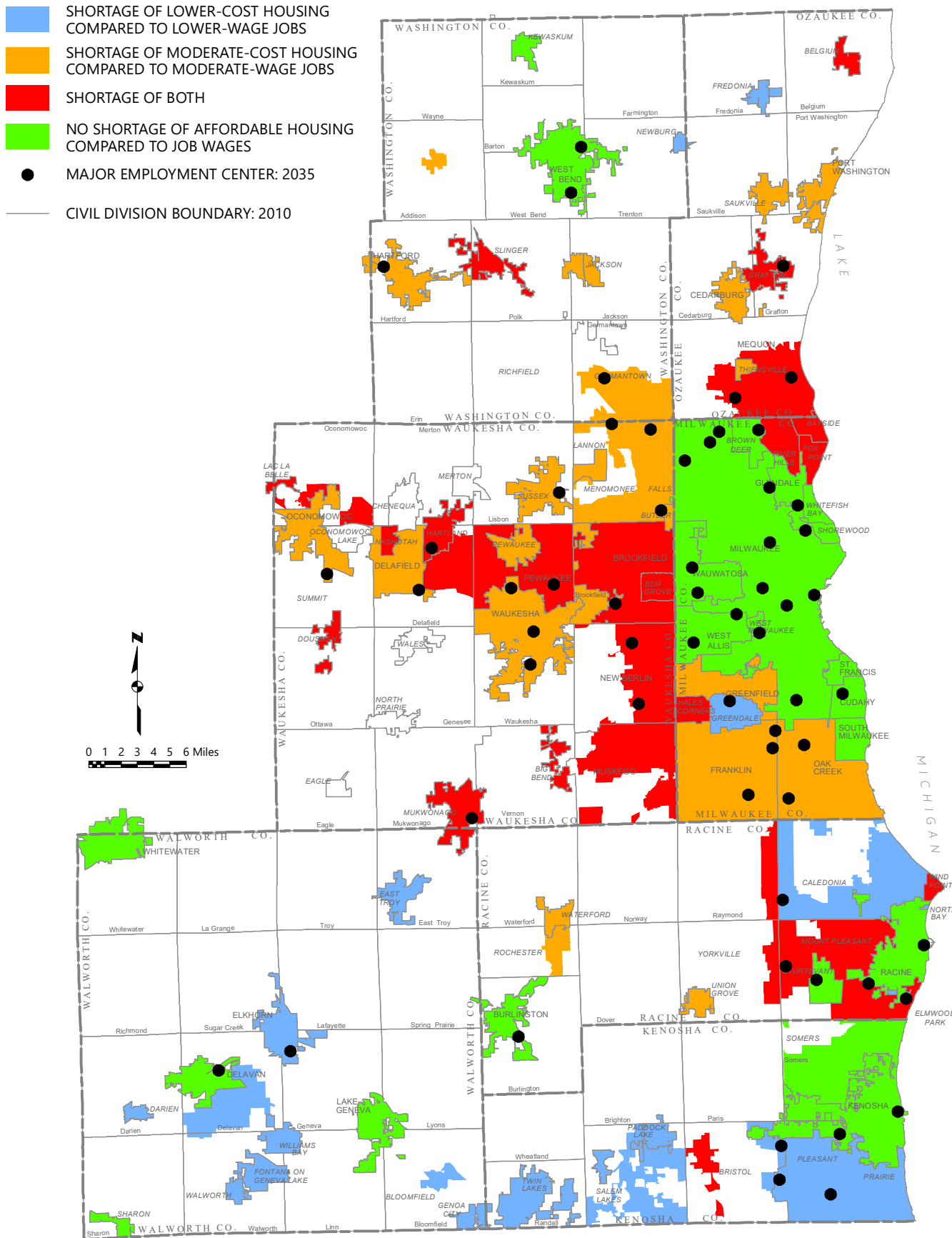
The job/housing analysis conducted under the regional housing study examined the relationship between jobs and housing that would exist in areas planned by local governments to be served by a public sanitary system, assuming implementation of adopted long-range comprehensive plans for those areas. For each sewer service area, 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.

Map A.1

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



Map A.1 shows the Village of Bristol is projected to have a lower-cost job/housing imbalance. 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
Telephone 608-266-2621
Toll Free 1-888-936-7463
Access via relay - 711



February 21, 2024

DNR Project No. SE-0175

Mr. Joel Dietl, Chief Land Use Planner
Southeastern Wisconsin Regional Planning Commission
W239 N1812 Rockwood Drive
Waukesha, WI 53187

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

Dear Mr. Dietl:

The Southeastern Wisconsin Regional Planning Commission (SEWRPC), on behalf of the Village of Bristol, requested on August 18, 2023, that the Department of Natural Resource (department) perform an administrative review of a proposed land addition for the Bristol Utility District No.1 Sanitary Sewer Service Area (SSA). The amendment will result in a SSA increase of about 18.4 acres. The Bristol Utility District No. 1 Sanitary SSA is currently documented in SEWRPC Community Assistance Planning Report No. 145, *Sanitary Sewer Service Area for the Town of Salem Utility District No. 1, Village of Paddock Lake, and Town of Bristol Utility District Nos. 1 and 1B, Kenosha 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 Bristol Utility District No.1 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

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S. Webster Street
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Access via relay - 711



Resources. All requests for contested case hearings must be made in accordance with s. NR 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.

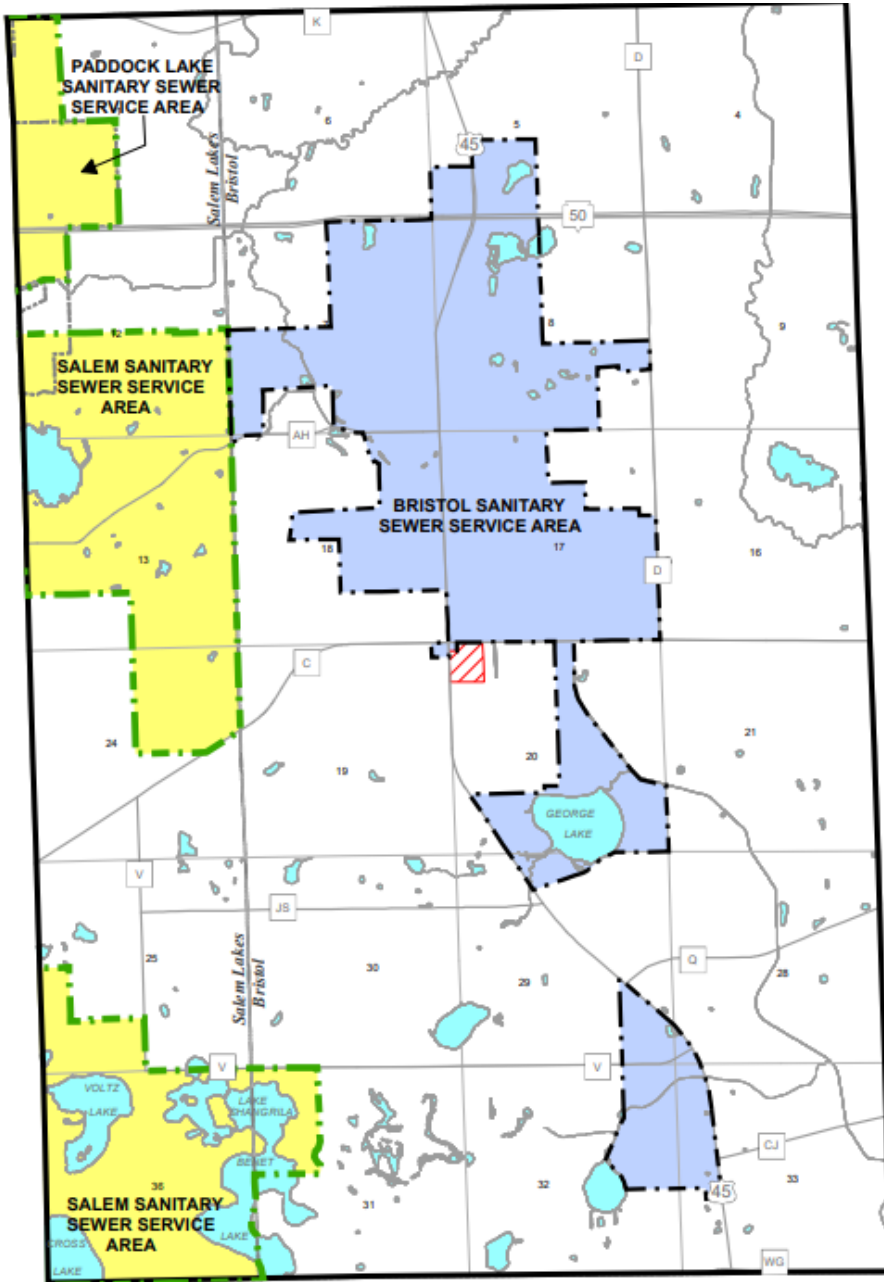
Sincerely,

A handwritten signature in cursive script, appearing to read 'Timothy R. Asplund'.

Timothy R. Asplund
Monitoring Section Chief
Bureau of Water Quality

A handwritten signature in cursive script, appearing to read 'Jason R. Knutson'.

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



- BRISTOL SANITARY SEWER SERVICE AREA
- PLANNED SANITARY SEWER SERVICE AREA BOUNDARY
- OTHER PLANNED SANITARY SEWER SERVICE AREAS
- AREA PROPOSED TO BE ADDED TO THE BRISTOL SANITARY SEWER SERVICE AREA
- CIVIL DIVISION BOUNDARY

