

2050 COMPREHENSIVE PLAN AMENDMENT

4/10/23 Plan Commission Meeting

Germantown Community Development Department

Village Staff Status Report

Germantown, Wisconsin

As discussed in February, while working through the various issues related to expanding the Village's sanitary sewer system area (SSSA) into the Village of Richfield, Germantown staff was informed by SEWRPC that in order for SEWRPC to consider the proposed SSSA expansion, the comprehensive plans for both Richfield and Germantown need to be amended to include the proposed SSSA expansion area as agreed to in the Richfield intergovernmental agreement (hereafter "the IGA").

To that end, staff has prepared a series of text and map amendments to various chapters in the 2050 Plan as detailed in Exhibit 1 (attached).

Following the public hearing scheduled for the April 10 meeting, the Plan Commission will need to consider those comments and eventually act on a resolution to recommend adoption of the amendments (with any further revisions it might recommend) to the Village Board.

Review of the Plan Commission's recommendation and action by the Village Board will be scheduled for one of the regular Board meetings in May.

Chapter 4 Text Amendment

1. **Add the following text to the Regional Context & Intergovernmental Cooperation Chapter under the “Sanitary Sewer System” heading beginning on page 32:**

In May, 2022, the Village of Germantown entered into an agreement with the Village of Richfield to extend municipal sewer and water utility services into a portion of the Village of Richfield (see the *Intergovernmental Agreement for the Provision of Municipal Wastewater and Water Utility Service Between the Village of Richfield and the Village of Germantown* for details). The Agreement was subject to voter approval through an advisory referendum held on November 8, 2022. As a result of the referendum passing, the IGA went into effect on December 1, 2022.

The Agreement is to provide limited sewer & water utility services to an area referred to as the “Northeast Corridor” in the Village of Richfield. The Northeast Corridor service area is approximately 440 acres located west of US41, north of Holy Hill Road, east of Appleton Ave and south of Pleasant Hill Road. Future land uses in the Northeast Corridor to be served by Germantown sewer & water utility services include office/light industrial, warehouse/distribution, highway-oriented & small-scale commercial, and single & multi-family residential.

The Agreement identifies the preliminary routes for extending utility services through Germantown, Richfield and into the Northeast Corridor. These routes generally include extending sewer service from the intersection of Goldendale Road @ Freistadt Road to the west/northwest through the “Freistadt District” in Germantown and then northwesterly along the Wisconsin & Southern (WSOR) railroad right-of-way into Richfield, across Holy Hill Road west of US41 and then northerly into the Northeast Corridor service area. Water service will be extended from the intersection of Rockfield Road @ Gateway Crossing in the Germantown Gateway Corporate Park westerly along the Rockfield Road right-of-way, under US41, and into the Northeast Corridor service area (a water main loop back into Germantown following the same sewer route described above will also be installed).

Germantown and Richfield staff, engineers and attorneys are working with the Southeast Wisconsin Regional Planning Commission (SEWRPC), the Milwaukee Metropolitan Sewerage District (MMSD) and the Wisconsin Department of Natural Resources (WisDNR) to expand the Village of Germantown’s Sanitary Sewer Service Area (SSSA) as one of the prerequisites to extending sewer service to Richfield. Staff has submitted the necessary application to SEWRPC to initiate the review/approval process that involves concurrent review and approval by both MMSD and WisDNR. It is expected that a decision to expand the SSSA will occur in 2023.

Germantown is also coordinating with the Wisconsin Department of Transportation (WisDOT), the Eastern Wisconsin Counties Railroad Consortium (EWCRC), WATCO Companies, and the Wisconsin & Southern Railroad (WSOR) regarding the proposal to utilize existing railroad right-of-way for the extension of municipal water and sewer utility services along the railroad right-of-way and under US41.

Chapter 7 Text & Map Amendments

- 1. Add the following text to the Systems Chapter in the Utilities & Community Facilities section and under the “Sanitary Sewer System” heading beginning on page 171:**

In May, 2022, the Village of Germantown entered into an agreement with the Village of Richfield to extend municipal sewer and water utility services into a portion of the Village of Richfield (see the *Intergovernmental Agreement for the Provision of Municipal Wastewater and Water Utility Service Between the Village of Richfield and the Village of Germantown* for details). The Agreement was subject to voter approval through an advisory referendum held on November 8, 2022. As a result of the referendum passing, the IGA went into effect on December 1, 2022.

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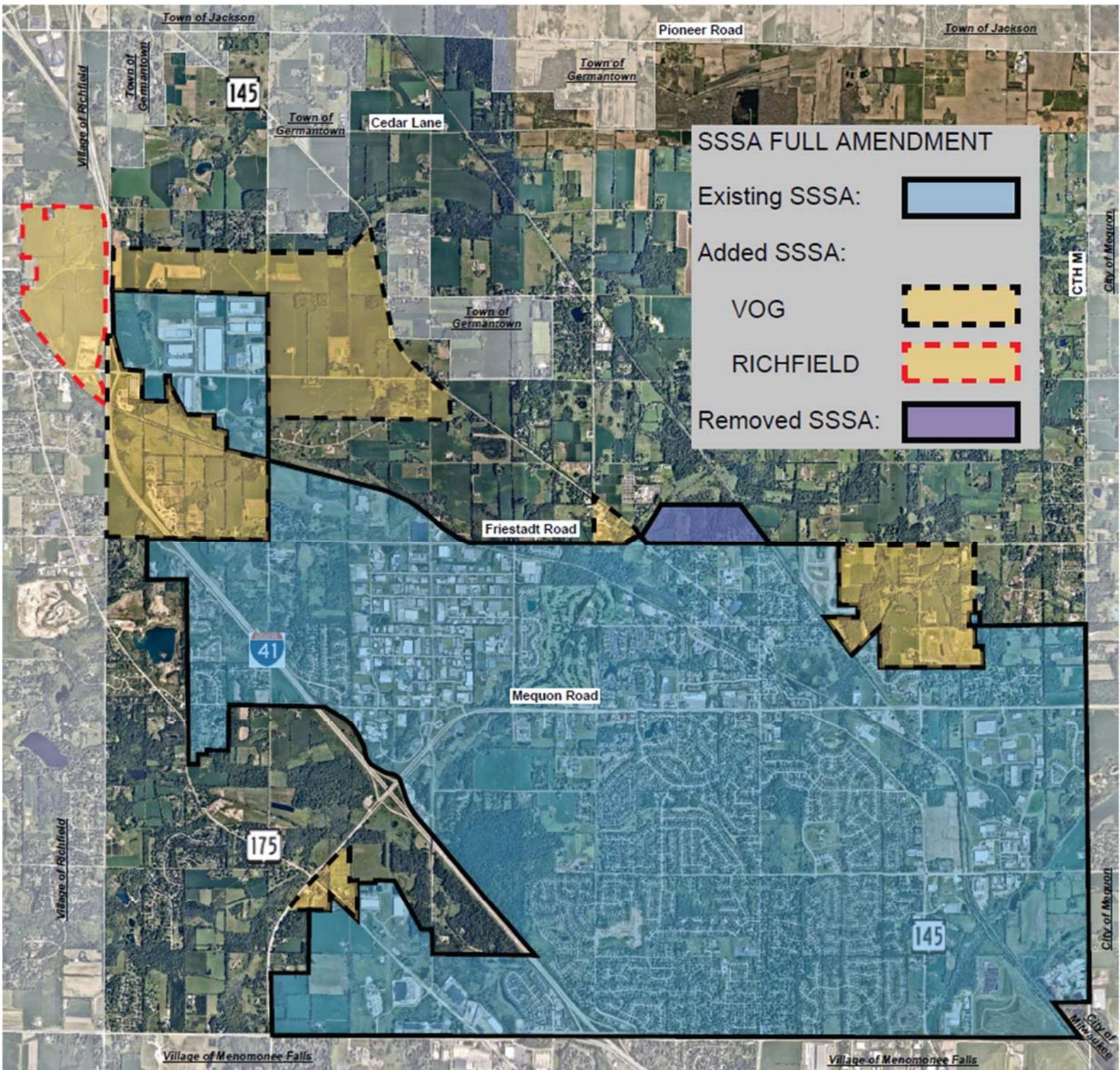
SEWRPC informed the Village that the "immediate" SSSA expansion amendment necessary to serve the Northeast Corridor in the Village of Richfield should include parcels of land in the Village of Germantown that meets the following criteria:

1. Include the smallest area & fewest parcels necessary to which service is to be provided;
2. Parcels included must be contiguous to the existing SSSA boundary;
3. Include parcels through which sewer & water services will be physically located and other adjoining parcels is intended to be served;
4. Parcels included cannot create or encircle unserved parcels (no unserved "donut holes")

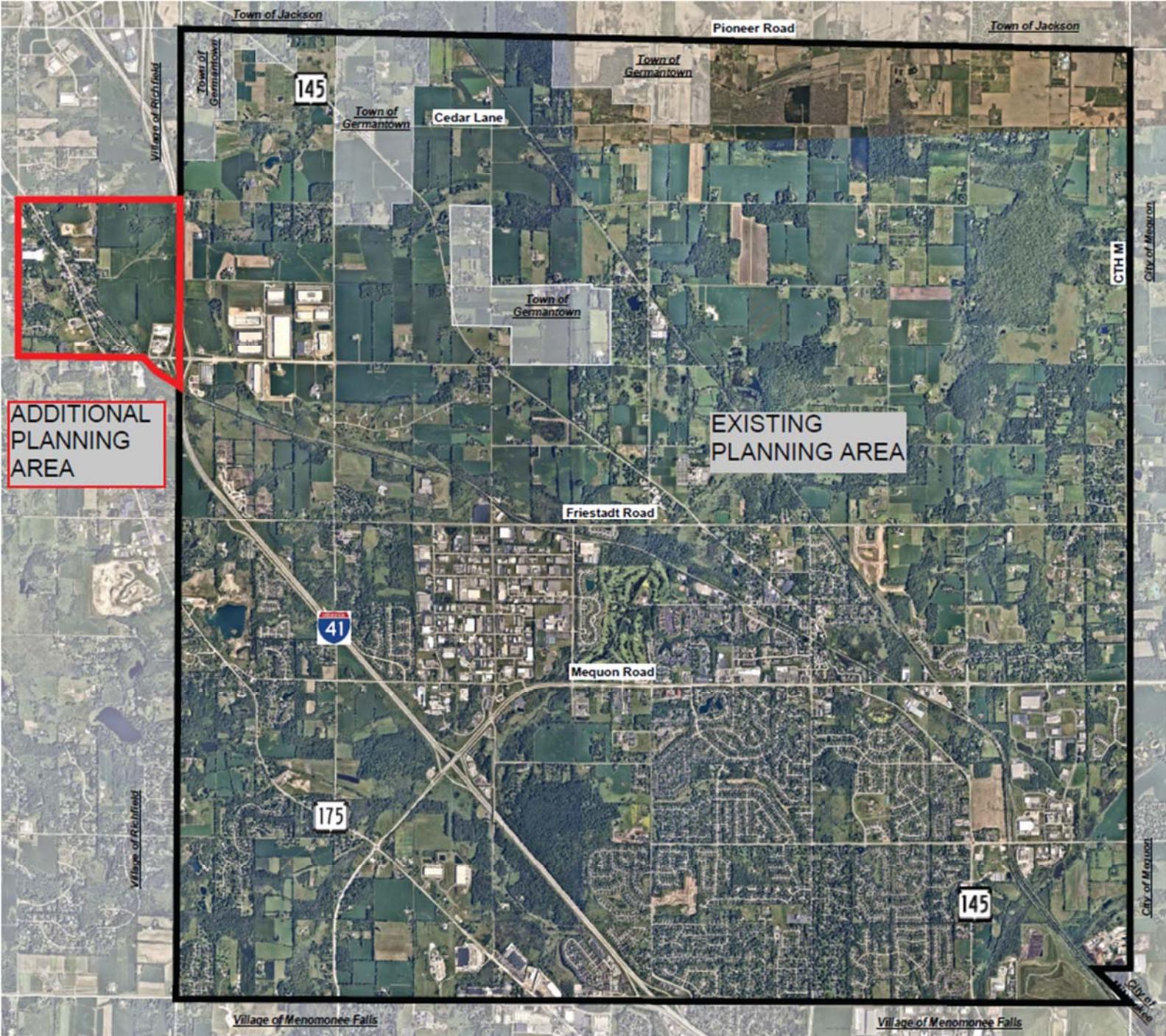
For this reason, the Germantown expansion area includes all property within the Freistadt District east of US41, north of Freistadt Road, west of Goldendale Road and south of the railroad. Portions of the "Freistadt District" and the area north of the railroad located in the "Holy Hill Gateway District" include environmentally sensitive features, including a navigable waterway (tributary to the Menomonee River), wetlands, and floodplain. The parcels containing these features are included in the "immediate" SSSA expansion strictly due to the "contiguity" criteria discussed above. It is intended that these environmentally sensitive features will not be developed and will be protected from the negative impacts of any nearby development served by municipal sewer and water through administration and enforcement of the Village's development codes, including but not limited to the general Zoning Code, Shoreland-Wetland Zoning Code, Floodplain Zoning Code, and Subdivision and Platting Code.

As a result, the Village of Germantown will be required to submit a separate SSSA amendment(s) in the future to include other parcels in Germantown that do not meet the criteria above but that are expected to be added to the SSSA as identified in the 2050 Comprehensive Plan. See Map 7.8, Map 7.9, Map 7.10, and Map 7.11 in Chapter 7 that show the current, potential, and proposed SSSA boundaries and "immediate" and "future" amendments, as well as the overall MMSD Planning Area for the Village of Germantown.

2. Insert the attached aerial map and label "Map 7.10" in the Systems Chapter in the Utilities & Community Facilities section after Map 7.9 on page 174



3. Insert the attached aerial map and label "Map 7.11" in the Systems Chapter in the Utilities & Community Facilities section after Map 7.10 on page 174



Chapter 8 Text Amendment

1. Add the following text to the Utilities & Community Facilities table in the Implementation Plan Chapter under the Utilities & Community Facilities section on page 197

Revise Objective 4 to read as follows:

Integrate regional water, sewer, and land use planning in cooperation with SEWRPC, DNR, MMSD, and abutting municipalities, including the Village of Richfield and Village of Menomonee Falls

Revise Action Step “H” to read as follows:

Coordinate with SEWRPC, MMSD, DNR, Milwaukee Metropolitan Sewerage District, the Germantown School District, the Washington County Health Department, and abutting municipalities, including the Village of Richfield and Village of Menomonee Falls ~~other relevant jurisdictions~~ for future utility and facility expansions, including the extension of municipal sewer and water utility services to the Village of Richfield pursuant to a May 2022 Intergovernmental Agreement between the Village of Germantown and the Village of Richfield.