

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

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September 24, 2021

Mr. George Stoner
President
Village of Somers
135 22nd Avenue
Kenosha, WI 53140

Dear Mr. Stoner:

By letter dated December 5, 2019, the firm of Baxter & Woodman, on behalf of the Village of Somers, requested that the Southeastern Wisconsin Regional Planning Commission provide a delineation of the water supply service area potentially attendant to the Somers Water Utility.

The request was made to support an application being considered by the Village of Somers to expand the Lake Michigan water supply source to the western portion of the Village, and that adjacent portion of the Town of Paris subject to the intergovernmental agreements reached between the Village and Town of Somers, the Town of Paris, the City of Kenosha, the Somers Water Utility, the Somers Sewerage District, and the Kenosha Water Utility.

In response to the request of December 5, 2019, and pursuant to the requirements of the Great Lakes Compact (2007 Wisconsin Act 227) as they relate to the delineation of proposed water supply service areas, the Commission staff has prepared a Staff Memorandum documenting the water supply service area potentially attendant to the Somers Water Utility. The Staff Memorandum includes a map showing the water supply service area as specified in the December 5, 2019, letter. Under Section 281.48(3)(cm) of the *Wisconsin Statutes*, the function of delineating water supply service areas within the Southeastern Wisconsin Region is assigned to the Commission as the designated areawide water quality management planning agency for the Region.

We are providing to you 10 copies of the Staff Memorandum documenting the water supply service area. Should you have any questions on this matter, please do not hesitate to contact us.

Sincerely,



Kevin J. Muhs, PE, AICP
Executive Director

KJM/JED/cp
#258788 – Somers Water Supply Service Area Final Transmittal Letter

Enclosures

cc: Mr. Jason Peters, Village/Town Administrator, Village of Somers (enclosure)
Mr. Chris Fuchsteiner, Program & Policy Analyst, WDNR (enclosure)
Mr. Douglas Snyder, Wisconsin Manager, Baxter & Woodman (enclosure)

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SEWRPC Staff Memorandum

RESPONSE TO REQUEST BY THE VILLAGE OF SOMERS TO DELINEATE THE 20-YEAR PLANNED WATER SUPPLY SERVICE AREA FOR THE SOMERS WATER UTILITY

August 19, 2021

INTRODUCTION AND BACKGROUND

By letter dated December 5, 2019, the firm of Baxter & Woodman, on behalf of the Village of Somers, requested that the Southeastern Wisconsin Regional Planning Commission provide a delineation of the water supply service area potentially attendant to the Somers Water Utility. A copy of that letter request is attached hereto as Exhibit A.

The request was made to support an application being considered by the Village of Somers to expand the Lake Michigan water supply source to the western portion of the Village, and that adjacent portion of the Town of Paris subject to the intergovernmental agreements reached between the Village and Town of Somers, the Town of Paris, the City of Kenosha, the Somers Water Utility, the Somers Sewerage District, and the Kenosha Water Utility. In the attendant *Village of Somers, Wisconsin, Water Supply Service Area Plan*, prepared by Baxter & Woodman, dated February 5, 2021, the applicant indicated that "In 2005 the Village [then Town of Somers] entered into an agreement with KWU [Kenosha Water Utility] for water and sewage service to the area. This requires the Village to use water supplied by KWU as the sole municipal water source within the Village. This agreement was updated in 2017 to include the new Village boundaries as well as a portion of the Town of Paris."

This memorandum, including the attached Map 1, is intended to respond to the Village's request.

Under the adopted Great Lakes Compact (2007 Wisconsin Act 227)¹, any utility proposing to divert water to any place outside the Great Lakes basin must submit an application to, and get approval from, the State. The required application materials include a water supply plan that is to be based upon a proposed water supply service area. The Act specifies that, for the purposes of water supply plans, an areawide water quality planning agency designated by the Governor under the Wisconsin Department of Natural Resources areawide water quality management planning rule set forth in Chapter NR 121 of the *Wisconsin Administrative Code*, shall delineate the proposed water supply service areas for all of the public water supply systems in the planning area for which the agency is designated. The Southeastern Wisconsin Regional Planning Commission is such an agency. The Act also requires that the water supply service areas be consistent with the applicable approved areawide water quality management plan for the planning area. The regional agency may also provide regional needs assessments and other regional water supply planning information to parties preparing public water supply system plans.

The Southeastern Wisconsin Regional Planning Commission's regional water supply plan is set forth in SEWRPC Planning Report No. 52, *A Regional Water Supply Plan for Southeastern Wisconsin, Volume 1, Chapters 1 – 12*, dated December 2010 and *Volume 2, Appendices*, dated December 2010. That plan includes recommendations regarding planned water supply service areas, which service areas specifically take into account consistency with the adopted regional water quality management plan.² In delineating the Somers water supply service area included herein, the Commission drew upon the pertinent findings and recommendations contained within the adopted regional water quality management plan, the regional water supply plan, and the regional land use and transportation plan (VISION 2050).

AREA DESCRIPTION

The potential planned 20-year water supply service area attendant to the Village of Somers Water Utility is shown on Map 1. This same water supply service area is also utilized in the above-mentioned *Water Supply Service Area Plan* prepared by Baxter & Woodman. Also shown on Map 1 are the environmentally significant lands within and adjacent to the planned water supply service area. Those lands consist of environmental

¹ See *Wisconsin State Statute 281.348*.

²SEWRPC *Planning Report No. 30, A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000; Volume One, Inventory Findings, September 1978; Volume Two, Alternative Plans, February 1979; Volume Three, Recommended Plan, June 1979, and as last amended for the Village of Somers as set forth in SEWRPC Amendment to the Regional Water Quality Management Plan, Greater Kenosha Area, dated September 2018.*

corridors, isolated natural resource areas, and small wetlands and surface waters. The adopted regional plans place great emphasis on protecting environmentally sensitive lands. Details on the delineation process and protection recommendations for these environmentally sensitive areas can be found in the City of Kenosha sewer service areas plan.³

The potential planned Somers water supply service area includes the portion of the Village located east of the subcontinental divide, shown in blue on Map 1, the portion of the Village located west of the subcontinental divide shown in tan on Map 1, and the adjacent portion of the Town of Paris, also shown in tan on Map 1. The entire potential water supply area, as shown on Map 1, encompasses about 26.8 square miles, a population of approximately 8,500 people in 2020, and a planned population of approximately 18,500 people in 2041.⁴

The portion of the potential planned water supply service area located east of the subcontinental divide and currently approved for Lake Michigan water supply (blue area on Map 1) encompasses about 20.7 square miles, of which (approximately 5.6 square miles or about 27 percent) was developed in 2015 and provided with (or eligible for and located near) public sewer and water supply systems. Approximately 2.7 square miles, or about 13 percent of the water supply service area located east of the subcontinental divide encompasses environmentally sensitive areas. The year 2020 population residing in that portion of the water supply service area was about 8,000 people. Under planned 2041 conditions, the resident population in the same area is expected to be about 16,600 people, an increase of about 108 percent over the year 2020 population level. The wastewater generated in this area currently is conveyed to the Kenosha Water Utility system and is thereby returned to Lake Michigan. This wastewater management strategy is expected to continue.

Also shown on Map 1 in tan color, are areas in the Village of Somers, and in the Town of Paris (subject to the above-mentioned intergovernmental agreements), which could potentially be provided with municipal water service using a Lake Michigan supply. The Village of Somers portion of that area encompasses approximately 4.8 square miles, of which about 0.6 square miles, or about 12 percent, was developed in

³SEWRPC *Community Assistance Planning Report No. 106, Sanitary Sewer Service Areas for the City of Kenosha and Environs, Kenosha County, Wisconsin, November 1985, and as last amended in September 2018.*

⁴ Please note that 2020 Census data became available on August 12, 2021, and was utilized in the calculation of the 2020 population for the Somers Water Supply Service Area set forth in this memorandum.

2015, and approximately 0.3 square miles or about six percent encompasses environmentally sensitive areas. The year 2020 population residing in that portion of the water supply service area was about 400 people. Under planned 2041 conditions, the resident population in the same area is expected to be about 1,700 people, an increase of about 325 percent over the year 2020 population level.

The Town of Paris portion of the potential water supply service area encompasses approximately 1.3 square miles, of which about 0.1 square miles, or about eight percent, was developed in 2015, and approximately 0.1 square miles or about eight percent encompasses environmentally sensitive areas. The year 2020 population residing in that portion of the water supply service area was about 100 people. Under planned 2041 conditions, the resident population in the same area is expected to remain at about 100 people. As stated in the previously referenced Water Supply Service Area Plan prepared by Baxter & Woodman, the Intergovernmental Agreement between the Village of Somers and the Kenosha Water Utility for water and sewage service was updated in 2017 to include this portion of the Town of Paris. In addition, the water supply service area plan indicates that the Village of Somers and the Town of Paris have entered into a boundary agreement to allow the Village to annex these lands.

RELATIONSHIP TO THE REGIONAL WATER QUALITY MANAGEMENT PLAN/KENOSHA AND ENVIRONS SEWER SERVICE AREA PLAN

The planned Somers water supply service area is considered to be consistent with the adopted Kenosha and Environs sewer service area, as documented in SEWRPC Community Assistance Planning Report No. 106, and in the subsequent SEWRPC *Amendment to the Regional Water Quality Management Plan, Greater Kenosha Area*, dated September 2018. However, it should be noted that one difference does exist between the planned water service area and the planned sewer service area. That difference relates to a small, primarily developed area, along the northeastern border of the Village of Somers. This area is located within the City of Racine and Environs Sanitary Sewer Service Area tributary to the City of Racine sewage treatment plant. As noted in the previously referenced Water Supply Service Area Plan prepared by Baxter & Woodman, this area is being considered as part of the Somers public water supply service area as “the 2005 Intergovernmental Agreement between the City of Kenosha and the Village of Somers stipulates that the Village of Somers must obtain water exclusively from the Kenosha Water Utility for all properties within the Village’s service area.”

RELATIONSHIP TO THE REGIONAL WATER SUPPLY PLAN

The planned Somers water supply service area is considered to be not inconsistent with the adopted regional water supply plan. In this regard, it should be noted that the planned service area for the Somers area set forth in the regional water supply plan does not include lands located in the northwestern portion of the Village of Somers or any lands in the Town of Paris (see Map 130, Areas Proposed to be Served by Public Water Utilities in Southeastern Wisconsin: 2035). However, it can be noted that the regional water supply plan was completed in 2010 and utilizes a future plan date of 2035, whereas the Village of Somers Water Supply Service Area Plan was completed in February of 2021 and utilizes a future plan date of 2050. As such, the regional water supply plan does not include more up-to-date demographic data (such as the 2010 Census), more recent development trends (such as the adjacent Foxconn development), or the Intergovernmental Agreements between the Village of Somers and its adjacent communities. It is, however, anticipated that the regional water supply plan would be subject to future amendment(s) or update(s) at some point in the future which would include this more up-to-date data.

RELATIONSHIP TO THE REGIONAL LAND USE AND TRANSPORTATION PLAN (VISION 2050)

The planned Somers water supply service area is considered to be generally consistent with the adopted regional land use and transportation plan set forth in SEWRPC Planning Report No. 55 (2nd Edition), *VISION 2050 Volume III: Recommended Regional Land Use and Transportation Plan*, dated June 2020. In particular, it can be noted that the planned public sanitary sewer and water supply service area shown on Map 1.3 of the VISION 2050 Plan matches the water supply service area shown on Map 1 of this memorandum.

However, it should be noted that the projected population level utilized in the Water Supply Service Area Plan prepared by Baxter & Woodman is not consistent with the population projections utilized in the VISION 2050 Plan. However, while the water supply service area population level of 49,800 utilized in the water supply service area plan is less than the VISION 2050 population projection of 56,000 for the same area, it can be noted that the water supply service area plan population is based upon a full build-out of the water supply service area along with a significantly larger amount of industrial lands (and concurrently a much smaller amount of residential lands) than is envisioned in the VISION 2050 Plan.

OTHER CONSIDERATIONS

It is important to note that the planned Somers water supply service area described in this memorandum and shown on Map 1 is solely intended to delineate a proposed water supply service area as that

requirement is set forth in the Great Lakes Compact (2007 Wisconsin Act 227). This memorandum and map are not intended to address the separate requirements associated with a formal Diversion Area application. In that regard, it is SEWRPC staff's understanding that the regulations pertaining to the matter of water supply area plans and maps do not prohibit inclusion of an adjacent community or a portion of an adjacent community within another community's water supply service area, even if the adjacent community or portion of the adjacent community to be added is located outside the Great Lakes basin or straddles the subcontinental divide. Therefore, inclusion of an adjacent portion of the Town of Paris within the Village of Somers Water Supply Service Area would not be prohibited. Therefore, SEWRPC staff suggests that the Water Supply Service Area Plan prepared by Baxter & Woodman be revised to clearly and consistently identify this important distinction between Somers' proposed diversion area and their delineated water supply service area.

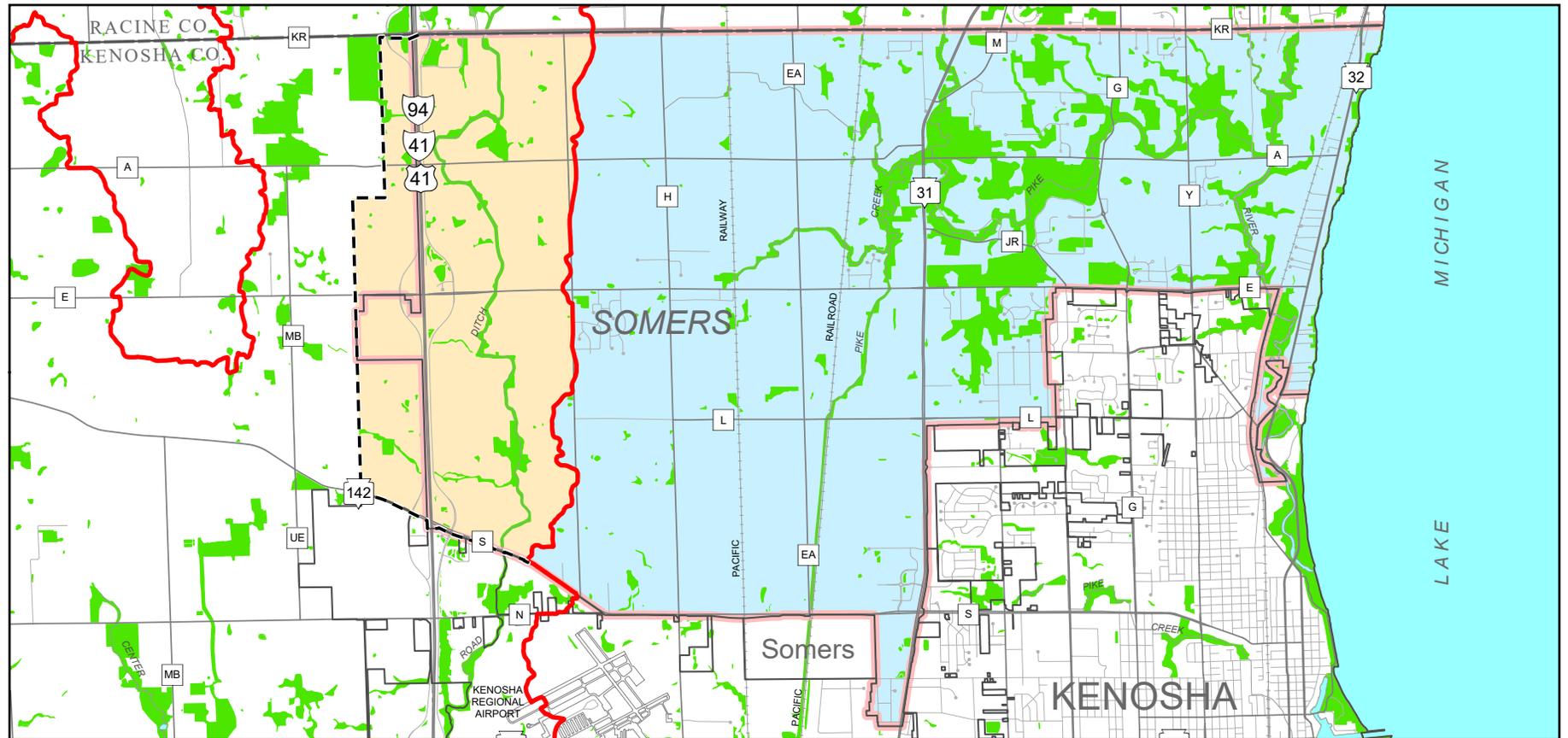
It is also important to note that identifying a sound water supply service area is a critical piece of a community's long-range infrastructure plan, and as such, should be incorporated into a community's comprehensive plan. In particular, as the Water Supply Service Area Plan prepared by Baxter & Woodman is based upon certain assumptions currently not included in the Village's Comprehensive Plan (i.e. full-buildout of the community by 2050, and a greater proportion of the community's future growth as industrial rather than residential development) SEWRPC staff would suggest that the Village incorporate the Water Supply Service Area Plan and its assumptions into the update of the Comprehensive Plan currently being contemplated by the Village.

CONCLUSION

Given due consideration of the foregoing, it is concluded that the Somers planned water supply service area is consistent with the Village of Somers/Town of Paris portion of the City of Kenosha and Environs sanitary sewer service area plan as incorporated in the adopted regional water quality management plan, is not inconsistent with the pertinent findings and recommendations of the regional water supply plan, and is generally consistent with the pertinent findings and recommendations of the regional land use and transportation plan.

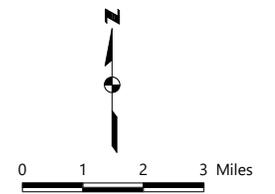
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Somers Water Supply Service Area Memo
300-3000
KJM/BRM/JED
8-19-21; 8-10-21; 8-10-21; 8-9-21

Map 1
Village of Somers Planned Water Supply Service Area: 2041



Date: August 2021

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|---|--|--|--|
|  | VILLAGE OF SOMERS WITHIN THE LAKE MICHIGAN BASIN |  | POTENTIAL PLANNED WATER SUPPLY SERVICE AREA BOUNDARY |
|  | AREA TO BE POTENTIALLY SERVED BY LAKE MICHIGAN WATER SUPPLY |  | VILLAGE OF SOMERS BOUNDARY: JULY 2021 |
|  | ENVIRONMENTALLY SENSITIVE AREA CONSISTING OF ENVIRONMENTAL CORRIDORS, ISOLATED NATURAL RESOURCE AREAS, AND SMALL WETLANDS AND SURFACE WATERS |  | CITY OF KENOSHA AND TOWN OF SOMERS BOUNDARY: JULY 2021 |
| | |  | SUBCONTINENTAL DIVIDE |



Source: SEWRPC

Exhibit A

December 5, 2019

Mr. Kevin Muhs
Southeastern Wisconsin Regional Planning Commission
P.O. Box 1607
Waukesha, WI 53187-1607

Subject: Water Service Area – Village of Somers

Dear Mr. Muhs:

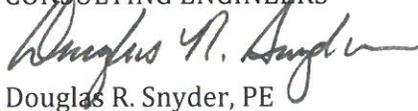
The Village of Somers is applying for a Lake Michigan water diversion to serve land west of the subcontinental divide. One requirement under the water supply planning statute is to have the water supply service area delineated by an area-wide water quality planning agency.

On behalf of the Village of Somers, we are requesting Southeastern Wisconsin Regional Planning Commission (SEWRPC) to delineate a water service area. Enclosed for reference is a draft Service Area Plan.

Please call if you need additional information.

Sincerely,

BAXTER & WOODMAN, INC.
CONSULTING ENGINEERS



Douglas R. Snyder, PE

DRS:lrj

C: Jason Peters, Administrator
George Stoner, President

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