

**MINUTES**

**SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION**

**PLANNING AND RESEARCH COMMITTEE**

February 17, 2005

1:30 p.m.

SEWRPC Office Building  
Commissioners' Conference Room  
W239 N1812 Rockwood Drive  
Waukesha, Wisconsin

Present:

Excused:

Committee Members:

Daniel S. Schmidt, Chairman  
David L. Stroik, Vice-Chairman  
Robert A. Brooks  
Thomas H. Buestrin  
Kenneth C. Herro  
Gregory L. Holden  
Leonard R. Johnson  
Michael J. Miklasevich  
Kenneth F. Miller  
James E. Moyer

Anthony F. Balestrieri  
Lee Holloway  
Anselmo Villarreal  
Paul G. Vrakas

Absent:

Leon T. Dreger

Staff:

Philip C. Evenson  
Robert P. Biebel  
William J. Stauber  
Loretta Watson

Executive Director  
Special Projects Engineer  
Chief Land Use Planner  
Executive Secretary

Guests:

Christine Rieck-Risser  
James P. Keiler  
Gregory Francis Bird

Coalition of Lakeshore Development  
Sierra Club  
Concerned Resident

## **ROLL CALL**

Chairman Schmidt called the meeting to order at 1:30 p.m. Roll call was taken and a quorum declared present.

## **APPROVAL OF MINUTES OF MEETING OF JANUARY 20, 2005**

On a motion by Mr. Moyer, seconded by Mr. Miklasevich, and carried unanimously, the minutes of the meeting of January 20, 2005, were approved as published.

## **CONSIDERATION OF AMENDMENTS TO THE REGIONAL WATER QUALITY MANAGEMENT PLAN**

Chairman Schmidt noted that there were four amendments to the regional water quality management plan to be considered at today's meeting.

### **Sewer Service Area Plan for the City of St. Francis**

Chairman Schmidt asked Mr. Evenson to review with the Committee a proposed amendment to the adopted regional water quality management plan pertaining to the sanitary sewer service area for the City of St. Francis. Mr. Evenson then distributed to the Committee members a draft of a Commission resolution readied for possible consideration by the Commission at the forthcoming March 2005 Quarterly meeting. The resolution, he said, was drafted by the Commission staff at the request of the Wisconsin Department of Natural Resources. Referring to the map attached as Exhibit A to the resolution, Mr. Evenson noted that the proposed amendment to the primary environmental corridor requested by the State would recognize that, owing to communication problems and the consequent failure of the consulting engineer acting as agent for the developer of the Parkshore condominium project to follow proper procedures, a four unit residential building had been inappropriately constructed within about one-third of an acre of primary environmental corridor. The amendment would de-map that building site from the corridor. Mr. Evenson then recalled for the Committee members the history of the subject area in the City of St. Francis. Mr. Evenson concluded his remarks by noting that last fall the Commission and the City of St. Francis held a public hearing on a proposal to adjust the boundary of the primary environmental corridor at the northern end of the subject development site. It was at that hearing that the inappropriate encroachment of the existing building into the corridor was noted. Following that hearing, he said, the larger matter was returned to the City for further consideration.

Chairman Schmidt noted that there were three visitors at the meeting who were interested in the St. Francis matter and who had indicated a desire to address the Committee. He then called upon those visitors for brief remarks. Ms. Rieck-Risser, representing a coalition of individuals concerned with lakeshore development in Milwaukee County, indicated that her coalition was opposed to a de-mapping of the corridor on the site in question at this time, referring to such a change as premature in nature. In her opinion, the matter should be returned to the City of St. Francis for further discussions with the developer of the Parkshore project, with the City being well advised to seek some mitigation for the situation in question, possibly extending to the provision of a public access bike and pedestrian path through the development site. Mr. Bird, indicating that he was a resident of the general area concerned, concurred with Ms. Risser's position, noting that it is important to provide some public access east of the building in question on the Parkshore development site so that area residents can regain an unobstructed view of the Milwaukee skyline. He encouraged this matter to be laid aside and the City and developer to enter into negotiations that would restore a measure of public access to the shoreline. Mr. Keiler, representing the

Sierra Club, also indicated that this matter should be deferred at this time and urged that any errors made in constructing the offending building be rectified, including possible removal of that building.

A lengthy discussion then ensued among the members of the Committee. In response to a question by Mr. Brooks, Mr. Evenson indicated that his understanding of the request received from the Wisconsin Department of Natural Resources was that the Department did not intend to take any action against the developer and, accordingly, desires to have the plan amendment made in order to reflect that regulatory position. In response to a follow up question by Mr. Brooks, Mr. Evenson indicated that the City of St. Francis did not submit a letter to the Commission requesting that this amendment be made, but that his understanding was that the City supported construction of the building and, no doubt, would also support the request made by the Department of Natural Resources.

Mr. Miller indicated that he would be concerned with setting a poor precedent in this situation, not wanting the Commission to signal to developers that if a plan recommendation is ignored the Commission would simply and automatically modify the plan. Mr. Herro concurred with Mr. Miller's comments, noting that the development community is very familiar with the Commission's environmental corridors and the need to observe the boundaries of those corridors.

In response to questions by Mr. Buestrin and Mr. Moyer, Mr. Evenson indicated that discussions are continuing between the City of St. Francis and the developer of the Parkshore project relative to site planning for the remainder of the property concerned, extending north from West Howard Avenue extended. He indicated that he had suggested to City officials in a meeting on this matter that, while public acquisition of the site is no longer an option, public access to the east of the building being placed on the site along the shoreline would be a highly desirable objective and should factor into the site planning process. While the Commission could hold the present matter in abeyance indefinitely pending the outcome of the discussions between the City and the developer, he reminded the Committee members that the Department of Natural Resources is the regulatory agency concerned and could act on its own to modify the corridor map.

In answer to an inquiry by Mr. Johnson, Mr. Evenson indicated that much of the area in question had been occupied for many years by an electric power generation plant. He did not know, he said, whether or not the site of the building in question was filled lake bed, but that such did not appear to be the case.

At the end of that lengthy discussion, on a motion by Mr. Miller, seconded by Mr. Brooks, and carried unanimously, the Commission staff was directed to inform the Wisconsin Department of Natural Resources that the Commission was not inclined to change the environmental corridor delineation at the site in question, given that the City of St. Francis and the developer of the project site remain in discussions relative to site planning for the remainder of the project, and further given the possibility that such a change, in the absence of any mitigation, could set a poor precedent for future potentially similar situations. (Copies of incoming and outgoing correspondence attached to minutes).

#### **Sewer Service Area Plan for the Village of Mukwonago**

Chairman Schmidt asked Mr. Stauber to review with the Committee a proposed amendment to the adopted regional water quality management plan pertaining to the sanitary sewer service area for the Village of Mukwonago. A copy of the preliminary draft of a SEWRPC Staff Memorandum dated March 2005 concerning this matter had been provided to the Committee members for review prior to the meeting.

Mr. Stauber indicated that by letter dated January 26, 2005, the Village of Mukwonago requested that the Commission amend the Mukwonago sanitary sewer service area. That area is currently documented in SEWRPC Community Assistance Planning Report No. 191, *Sanitary Sewer Service Area for the Village of Mukwonago, Waukesha County, Wisconsin*, dated November 1990, as amended. The basic purpose of the amendment would be to include within the planned Mukwonago sanitary sewer service area, an approximately five acre parcel of land located immediately adjacent to, but outside of, the currently adopted sewer service area to accommodate planned residential use. He then referred the Committee to Map 1 of the amendment document, noting that the parcel fronts on Edgewood Avenue. It is the intent, Mr. Stauber continued, to redevelop the parcel as a condominium project that would accommodate about 28 housing units. The project is an extension of a previously considered sewer service area amendment approved by the Commission in September 2003.

Mr. Stauber indicated that the proposed amendment was taken to public hearing on February 15, 2004. There were no objections to the proposal. The amendment was formally approved by the Mukwonago Village Board following that hearing. Mr. Stauber indicated that the Commission staff recommends approval of this very minor proposed amendment as consistent with the regional land use plan.

There being no questions or comments, on a motion by Mr. Herro, seconded by Mr. Miklasevich, and carried unanimously, the SEWRPC Staff Memorandum dated March 2005 concerning this matter was approved and recommended to the Commission for adoption.

#### **Sewer Service Area Plan for the City of Oconomowoc**

Chairman Schmidt asked Mr. Stauber to review with the Committee a proposed amendment to the adopted regional water quality management plan pertaining to the sanitary sewer service area for the City of Oconomowoc. A copy of the preliminary draft of a SEWRPC resolution intended for Commission consideration at the March 2005 Quarterly meeting concerning this matter had been provided to the Committee members for review prior to the meeting.

Mr. Stauber indicated that by letter dated December 15, 2004, the City of Oconomowoc requested that the Commission amend the Oconomowoc sanitary sewer service area. That area is currently documented in SEWRPC Community Assistance Planning Report No. 172 (2<sup>nd</sup> Edition), *Sanitary Sewer Service Area for the City of Oconomowoc and Environs, Waukesha County, Wisconsin*, dated September 1999, as amended. The basic purpose of the amendment would be to attach to that area the Rustic Inn restaurant, it being the intent of the City of Oconomowoc to accept holding tank wastes from a new holding tank to be installed on the site of the Rustic Inn restaurant at the Oconomowoc sewage treatment plant. Mr. Stauber then referred the Committee to Exhibit A attached to the draft resolution, pointing out the remote location of the Rustic Inn restaurant at the intersection of Brown Street and Mapleton Road in the Town of Oconomowoc. Mr. Evenson commented that provisions of the Wisconsin Administrative Code require that large new holding tanks with a capacity of at least 3,000 gallons per day be formally "attached" to a public sewage treatment plant and that the Rustic Inn facility was one of a number of such situations that existed in the Region.

Mr. Stauber then indicated that given the State requirement in these types of matters and given the City of Oconomowoc's support of the "attachment" proposal, there was no need to hold a public hearing on this matter. The Commission has been informed by the City of Oconomowoc that the Common Council intends to give approval to the proposed holding tank arrangement at its meeting scheduled for March 1, 2005.

In a brief discussion that ensued, Mr. Stauber indicated, in response to a question by Mr. Buestrin, that the restaurant site in question would remain “attached” to the Oconomowoc sewage treatment facility even if the restaurant were to cease operations. Mr. Evenson commented that in the event of such an occurrence, any new operations on the site – future restaurant or otherwise in nature – would require a new agreement between the City of Oconomowoc and the landowner. In response to a question by Mr. Stroik, Mr. Biebel indicated that while it is the intent that sewage be conveyed by truck from the holding tank to the Oconomowoc treatment facility, as a practical matter there is little to prevent that sewage to being trucked elsewhere to save money.

At the conclusion of that discussion, on a motion by Mr. Moyer, seconded by Mr. Herro, and carried unanimously, the draft SEWRPC resolution concerning this matter was approved and recommended to the Commission for adoption.

### **Sewer Service Area Plan for the Village of Dousman**

Chairman Schmidt asked Mr. Stauber to review with the Committee a proposed amendment to the adopted regional water quality management plan pertaining to the sanitary sewer service area for the Village of Dousman. A copy of the preliminary draft of a SEWRPC staff memorandum dated March 2005 concerning this matter had been provided to the Committee members for review prior to the meeting.

Mr. Stauber indicated that by letter dated November 8, 2004, the Village of Dousman requested that the Commission amend the Dousman sanitary sewer service area. That area is currently documented in SEWRPC Community Assistance Planning Report No. 192 (2<sup>nd</sup> Edition), *Sanitary Sewer Service Area for the Village of Dousman and Environs, Waukesha County, Wisconsin*, dated March 2000. The basic purpose of this 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 to accommodate planned residential use. Mr. Stauber then called the Committee’s attention to Map 1 in the memorandum document, noting that the proposed amendment area totals about 64 acres, of which about 44 acres are considered to be available for development. The Village intends to accommodate a project on this site that would provide about 70 housing units. With this addition, Mr. Stauber continued, the anticipated build out population of the sewer service area would remain within the projected range of population for the Dousman area in the Commission’s adopted land use plan.

Mr. Stauber noted that this matter was the subject of a public hearing held on February 2, 2005. There were no objections raised at the hearing. The subject amendment was subsequently approved by the Dousman Village Board. The Commission staff recommends approval of the proposed plan amendment.

Following a brief discussion relative to the need to expand the Dousman treatment facility within the next five to ten years and to the possibility that the Village might contract with the Town of Ottawa to provide sanitary sewer service to dense development along Pretty Lake, School Section Lake, and the western shoreline of Hunter Lake, on a motion by Mr. Herro, seconded by Mr. Miller, and carried unanimously, the SEWRPC Staff Memorandum dated March 2005 concerning this matter was approved and recommended to the Commission for adoption.

### **CONSIDERATION OF SEWRPC PLANNING REPORT NO. 48, A REGIONAL LAND USE PLAN FOR SOUTHEASTERN WISCONSIN: 2035, CHAPTERS 4 AND 5**

Chairman Schmidt recalled that the Committee was in the process of reviewing material developed to document a forthcoming updated and extended regional land use plan. He then called upon Mr. William J. Stauber to review with the members of the Committee material included in Chapter 4, “Objectives,

Principles, and Standards,” and Chapter 5, “Population and Employment Projections” of this forthcoming report. Mr. Stauber then delivered a presentation attendant to those chapters. A copy of Mr. Stauber’s presentation slides is attached to the Official minutes as Exhibit A.

During Mr. Stauber’s presentation, the following questions and comments were made and addressed:

1. In response to an inquiry by Mr. Herro, Mr. Stauber indicated that the land use development objectives, principles, and standards provide the underpinning for the development for the new regional land use plan. Moreover, these objectives, principles, and standards tend to be useful to county and local planners in the Region on a day-to-day basis as time goes on.
2. In response to a follow up inquiry by Mr. Herro, Mr. Evenson indicated that while the objectives, principles, and standards help to develop a sound regional land use plan, actual land use decision-making authority in Wisconsin is highly fragmented and it is difficult at times to get local elected officials to set aside what might be the narrow best interests of a sub-set of people in the Region, in favor of acting from a broader regional perspective for what might be in the best interests of the greater regional community. Absent the type of regional land use control system that has been put in place in the Twin Cities of Minnesota, the Region will continue to see local land use development decisions that may be at odds with some greater regional interest.
3. In response to a suggestion by Mr. Brooks, Mr. Stauber said that he would review the draft material on page 5 of Chapter 4 of the report to see if the text can be made more clear to indicate that the ultimate responsibility for implementation of the regional land use plan falls to local governments with land use control authority.

At the end of the discussions, on a motion by Mr. Brooks, seconded by Mr. Herro, and carried unanimously, Chapter 4, “Objectives, Principles, and Standards,” and Chapter 5, “Population and Employment Projections,” of SEWRPC Planning Report No. 48 were approved for publication.

**CONSIDERATION OF SEWRPC PLANNING REPORT NO. 50, A REGIONAL WATER QUALITY MANAGEMENT PLAN UPDATE FOR THE GREATER MILWAUKEE WATERSHEDS, CHAPTERS 1 AND 7**

Chairman Schmidt noted that in addition to preparing updated regional land use and regional transportation system plans, the Commission was also engaged in an effort to update its regional water quality plan for an area called the “Milwaukee Area Watersheds.” He then called upon Mr. Robert P. Biebel to review with the members of the Committee material included in Chapter 1, “Introduction and Background,” and Chapter 7, “Water Quality Management Goals, Objectives, and Standards,” of this forthcoming report. Mr. Biebel then delivered a presentation attendant to those chapters. A copy of Mr. Biebel’s presentation slides is attached to the Official minutes as Exhibit B.

During Mr. Biebel’s presentation, the following questions and comments were made and addressed:

1. Mr. Schmidt, noting that he is chairing the SEWRPC Advisory Committee that is reviewing the material developed by Commission staff on this matter, indicated that the Committee about 45 members and that attendance has been very good to date.
2. In response to an inquiry by Mr. Moyer, Mr. Biebel indicated that Ives Grove Creek and part of Hoods Creek are being looked at for potential re-classification to a higher water quality use.

3. With respect to water quality improvements, Mr. Moyer commented that one of the best things that farmers and other landowners can do is to provide uncultivated grass filter strips from 20 to 35 feet in width along all stream banks. Moreover, farmers and landowners should have the ability and be encouraged to keep brush cleaned out of flowing streams.

At the end of the discussions, on a motion by Mr. Moyer, seconded by Mr. Miklasevich, and carried unanimously, Chapter 1, "Introduction and Background," and Chapter 7, "Water Quality Management Goals, Objectives, and Standards," of SEWRPC Planning Report No. 50 were approved for publication.

### **CORRESPONDENCE**

There was no correspondence to be referred to the Committee other than the letter from the Wisconsin Department of Natural Resources concerning the City of St. Francis, dealt with earlier in the meeting.

### **CONFIRMATION OF NEXT MEETING DATE**

The next scheduled meeting of the Planning and Research Committee will be June 2, 2005, at 1:30 p.m. in the Commission offices. Mr. Evenson indicated that depending upon workload, it may be necessary to schedule an additional meeting during the month of May.

### **ADJOURNMENT**

There being no further business to come before the Committee, on a motion by Mr. Herro, seconded by Mr. Stroik, and carried unanimously, the meeting was adjourned at 3:35 p.m.

Respectfully submitted,

Philip C. Evenson  
Deputy Secretary

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