

Minutes of the Fourteenth Meeting of the
ENVIRONMENTAL JUSTICE TASK FORCE

DATE: March 4, 2010
TIME: 4:00 p.m.
PLACE: Independence *First*
540 South 1st Street
Milwaukee, Wisconsin

Members Present

Adelene Greene..... Director, Division of Workforce Development,
Chair Kenosha County
Nancy Holmlund..... President, WISDOM Interfaith Coalition
Vice Chair
Ella Dunbar Program Services Manager, Social Development Commission, Milwaukee
Ness Flores..... Attorney, Flores & Reyes Law Offices
Jedd Lapid..... Development Officer, Greater Milwaukee Foundation
Lynnette McNeely Attorney, Law Offices of Thomas J. Awen; NAACP
Brian Peters..... Housing Policy Advocate, Independence *First*
Theresa Schuerman..... Walworth County Bilingual Migrant Worker Outreach

Guests and Staff Present

Stephen P. Adams Public Involvement and Outreach Manager, SEWRPC
Donald R. Behm..... Milwaukee Journal Sentinel
Robert P. Biebel..... Special Projects Engineer, SEWRPC
Dennis Grzezinski..... Midwest Environmental Advocates
Gary K. Korb Regional Planning Educator, UW-Extension/SEWRPC
Catherine Madison..... Policy Analyst, UWM Center for Economic Development
Benjamin R. McKay Principal Planner, SEWRPC
Joel Rast..... Director, UWM Center for Economic Development
James Rowen Citizen
Ruth Shank..... UWM Children's Environmental Health Science Core Center
Kenneth R. Yunker Executive Director, SEWRPC

CALL TO ORDER

Ms. Greene called the meeting of the Environmental Justice Task Force to order at 4:05 p.m., welcoming those in attendance. She then asked the Task Force members, staff, and guests present to briefly introduce themselves.

APPROVAL OF MEETING MINUTES OF FEBRUARY 4, 2010

Ms. Greene noted that not enough Task Force members were present to constitute a quorum. Therefore, the minutes of the January 20, 2010, meeting would not be considered for approval. Ms. Holmlund requested that the minutes be reviewed and approved by e-mail if there is not a quorum by the end of the meeting.

PUBLIC COMMENTS

Ms. Greene asked if there are any public comments on the agenda or other Task Force business. There were none.

UPDATE ON THE SOCIO-ECONOMIC IMPACT ANALYSIS OF THE PRELIMINARY RECOMMENDED REGIONAL WATER SUPPLY PLAN

Ms. Greene introduced Catherine Madison and Joel Rast of the UWM Center for Economic Development (CED) and Robert Biebel of the Commission staff. Ms. Madison directed the Task Force's attention to the PowerPoint presentation entitled "*Progress Report on the Socio-Economic Impact Analysis of the Preliminary Water Supply Plan by the Southeastern Wisconsin Regional Planning Commission*" to finish the remainder of the presentation started at the February 4, 2010, meeting (see Attachment 1). This portion of the presentation included an analysis of the impact of the regional water supply plan recommendations regarding the source of water supply for communities in the Region on low-income households. The following discussion points and comments were made regarding the presentation:

1. Ms. Schuerman asked if there are any examples of water supply agreements that include provisions regarding job opportunities and other socio-economic issues. Mr. Biebel noted that the wastewater treatment and water supply agreement between the City of Racine and surrounding communities includes provisions for shared tax revenue from new development in the outlying communities receiving water from the City of Racine. Ms. Madison noted that the agreement between Milwaukee and New Berlin also includes language regarding annual meetings to discuss issues such as housing and transportation.
2. Mr. Flores asked about the legal aspects and concerns regarding the preliminary plan recommendation to supply the City of Waukesha with Lake Michigan water that requires a diversion. Mr. Biebel stated that local demonstrated need must accompany a local initiative, and this would apply to any Waukesha service area additions, along with the requirements of the Great Lakes Compact.

Ms. Madison continued with the second portion of her presentation regarding housing and land use patterns in the Region (see Attachment 1). The following discussion points and comments were made regarding the presentation:

1. Mr. Peters asked if it is common for local governments to include a policy regarding a housing mix ratio in their comprehensive plans. Ms. Madison stated that it will be reported if a policy is included in a local government's plan. Mr. Peters noted that this is significant because such policies will influence the development of housing within a community. Ms. Madison stated that most communities are planning to maintain their current housing mix; however, they do recognize the need for housing suitable for the expected increase in the aging population. Further, there is some difficulty identifying what structure type condominiums are considered under current housing mix policies. Some communities include them in the single-family structure type category and some include them in the multi-family structure type category.
2. Ms. Holmlund asked for clarification regarding "smart growth plans" and if all communities need to adopt a smart growth plan. Ms. Madison noted that communities must adopt a smart growth plan. Mr. Yunker noted that State law requires each city, village, town, and county in the State to adopt a comprehensive (or "smart growth") plan if it intends to continue implementing its zoning,

subdivision, or official map ordinances. Ms. Holmlund asked if each community prepares its own individual comprehensive plan. Ms. Madison responded that plans are typically prepared for a community individually or as part of a multi-jurisdictional process.

3. Mr. Flores referred to the map included in the handout entitled “*CED’s Preliminary Waukesha Water Utility Land Use Assessment*” (see Attachment 2) and asked if the black line delineates the current Waukesha Water Utility service area boundary. Ms. Madison responded that it does. Mr. Flores observed that almost all of the developable land within the boundary is already developed. Mr. Flores then asked about the basis for the 2035 Waukesha Water Utility service area boundary. Ms. Madison responded that it is based on documentation from the 2035 Waukesha County comprehensive plan. Mr. Flores asked if the expansion to the projected utility service area would require approval from the Public Service Commission (PSC). Mr. Biebel responded that PSC approval would be required for expansion; however, the Waukesha Water Utility is not required to expand to the extent of the boundaries shown on the map. Mr. Flores asked if residents in the projected expansion area could appeal to the PSC if they object to the utility expansion. Mr. Biebel stated that expansion of the water utility may concurrently happen with annexation of land by the City, which requires a landowner’s approval; however, he noted some areas could also be served without annexation if an agreement were reached to form a town utility district that would contract with the City utility.
4. Mr. Peters asked if the City of Waukesha expects to add 21,000 residents by the year 2035. Mr. Biebel stated that 21,000 residents could be added if the entire projected water utility service area is built out (see Attachment 3 for a clarification of how much future development is proposed for areas already served by the utility and how much future development would be in the projected utility service area).
5. Mr. Flores asked if the population projection reflects historic trends or an aggressive growth policy by the City of Waukesha. Mr. Yunker responded that the projection reflects lesser growth than historic trends would indicate. He also noted that much of the land in the utility expansion area is already developed at residential densities that will not be cost-effective for public water service. Ms. Madison noted that the areas shown in pink on the map have planned residential densities that could be served by public water service in the future, and areas shown in brown on the map have planned residential densities that would not typically be served by public water service. Ms. Holmlund asked if the proposed density of the areas in brown could be changed in the future, and if so, could they potentially be served by the water utility. Ms. Madison stated that there is a process for amending the comprehensive plan and that the density could potentially be increased in the future. If the density is increased in the future, those areas may be appropriate for water utility service.
6. Mr. Peters asked if there is information available regarding potential industrial development in the projected water utility service area. Ms. Madison stated that most of the developable land in the utility expansion area is planned for residential development; however, planned land uses from the Waukesha County comprehensive plan could be shown for the areas shaded pink and brown on the current map (see Attachment 4 for the updated 2035 Waukesha Water Utility Projected Service Area map).
7. Mr. Rowen asked from the audience if the environmental corridor in the projected utility service area is developable. Mr. Biebel stated that development would not be permitted within the portions of environmental corridors that are wetlands, shorelands, floodlands, and steep slopes.

In the remaining upland portion of primary environmental corridors in the Waukesha Utility service area, the Commission recommends, and the Wisconsin Department of Natural Resources only allows, limited recreational uses and rural density (no more than one housing unit per five acres) residential development on the fringe of the upland corridor areas. The Commission recommends that local governments consider preservation of environmental corridor areas that are in the upland portion of secondary environmental corridors and isolated natural resource areas similar to that of primary environmental corridor (Of the environmental corridor areas shown on the map in Attachment 2, over 80 percent is primary environmental corridor).

8. Mr. Grzezinski stated from the audience that mapping the public lands and wetlands is a good idea; however, the future impact of possible residential development in secondary environmental corridors and upland areas of the primary environmental corridor also needs to be considered. There may be a potential need to service these areas with public sanitary sewer and water if residential development occurs in these areas using private onsite wastewater treatment systems and private wells because the private systems could fail in the future. This scenario then could lead to even higher density residential development in secondary environmental corridors and upland areas of the primary environmental corridor.
9. Mr. Grzezinski asked about the basis for CED's finding that growth in the Waukesha area will not likely be controlled by the future water supply source. He noted an understanding that the groundwater in the Waukesha area is contaminated and that is a reason the City has expressed for its need to access Lake Michigan water. Mr. Rast stated that the scope of work for the SEI is an evaluation of the preliminary regional water supply plan. The preliminary plan includes multiple alternatives for the City of Waukesha to address its future water supply needs. The findings of the plan show that Lake Michigan water and groundwater alternatives could support the anticipated population growth in the projected water utility service area. Mr. Rast also noted that the City's water diversion application technically cannot be approved under the Great Lakes Compact if there are other viable water supply alternatives. He stated that this fact should not be ignored, but it is not in the scope of the CED's project to evaluate the science behind the water supply alternatives identified by the regional water supply plan. The CED is currently working to address this issue in the SEI. Mr. Grzezinski stated that the SEI must analyze the impact on central city Milwaukee if the Waukesha diversion application were to be approved. He questioned whether the projected Waukesha Water Utility application could be approved if there are viable alternatives.
10. Ms. McNeely asked if the projected population growth of 21,000 in the Waukesha Water Utility service area is consistent with the SEWRPC regional land use and water supply plans. Mr. Biebel responded that the projected population increase is consistent with the sewer service area projection produced by SEWRPC upon build out. He noted that the City of Waukesha has considered three alternative water supply sources: a Lake Michigan supply source, a deep and shallow aquifer combination, and reliance primarily on the shallow aquifer. Any of the three could provide enough water for the projected increase in population; however, the City of Waukesha considered the Lake Michigan alternative the most favorable.
11. Mr. Flores asked if there are greater environmental impacts associated with the non-Lake Michigan water supply alternatives. Mr. Yunker stated that the two alternatives that rely on groundwater would have impacts of reduced base flow of streams and continued chloride discharges from water softeners. He noted that there is also concern with the proposed return

flow of Lake Michigan water, so there are environmental issues that must be considered with all of the water supply alternatives for Waukesha.

12. Mr. Grzezinski asked if the SEI could include an analysis scenario with water supply constraints that would limit future growth in Waukesha. He indicated that the socio-economic impact of this scenario on low-income households could be compared to the socio-economic impact on low-income households of the water supply recommendations set forth in the preliminary regional water supply plan. Ms. Madison responded that the SEI analysis regarding Waukesha is linked to the regional water supply planning, which has concluded that viable supply alternatives to Lake Michigan water exist. Mr. Yunker noted that even if a viable municipal groundwater supply would not be available, development could occur throughout the Waukesha area, Waukesha County, and the Region on one acre lots with individual well and septic tanks.
13. Mr. Flores stated that there is enough groundwater available to meet Waukesha's future needs, but asked if the groundwater is contaminated. Mr. Biebel responded that the current water supply is compliant with regulations over 95 percent of the time. Mr. Flores noted that other natural resources are routinely extracted from one area or Region and sold to another area or Region, such as coal and oil, and it may be the same with water. In fact, if there was a water supply shortage in the suburbs, then there would be a risk of gentrification in Milwaukee because of increasing demand there for housing. If fossil fuel energy were no longer available here, people in Wisconsin would need to move elsewhere. Mr. Peters stated that water may become a highly valued resource in the future.
14. Ms. McNeely stated that she thought the SEI would include a comparison of water supply alternative scenarios. Mr. Rast responded that the SEI can acknowledge that other factors that may impact development, such as zoning, can change in the future; but the SEI cannot anticipate alternative water supply findings other than those reported in the regional water supply plan.
15. Mr. Rowen noted what he believed to be inconsistencies between the regional water supply plan and the Waukesha diversion application and asked if the City will be required to explain the inconsistencies. Mr. Biebel responded that key components of the diversion application and the regional water supply plan do not appear to contain many differences. The diversion application does not state that the two groundwater water supply alternatives are not sufficient to meet the future water demand. The application does state that the Lake Michigan water supply source is the preferred alternative. The Great Lakes governors will review this and the application may or may not be approved. Mr. Peters stated that he had doubts about Waukesha arguing that there are not viable options to a Lake Michigan water supply.
16. Mr. Flores stated that he lives in Waukesha, and Waukesha officials and residents do not all agree on which water supply alternative is preferred. He also noted that there is not much room for growth in the projected water utility service area, but he would not favor Lake Michigan water if it were to be used for substantial subdivision growth in Waukesha County. Mr. Yunker noted that the map prepared by the CED shows that much of the projected utility service area has been developed.

Ms. Madison continued with the third portion of her presentation reporting on the second round of focus group meetings, which included a SWOT analysis held with stakeholders including community advocates, environmental advocates, and politicians (see Attachments 1 and 5). Ms. Madison also

reviewed plans for open house meetings scheduled for March 9, 11, 15, and 18 in the Cities of Milwaukee and Waukesha. The following discussion points and comments were made regarding the presentation:

1. Mr. Yunker noted that the SEI findings will be the focus of the open houses. Mr. Peters asked if open houses will be held in Racine and Kenosha Counties. Ms. Madison stated that the open houses are located in Milwaukee and Waukesha because of the attention that the Waukesha Lake Michigan diversion application has received. Ms. Dunbar asked if outreach was preformed to publicize the open houses. Ms. Madison responded that the public outreach consultant has developed an e-mail list that was used in addition to a mailing list. Posters for the meetings were also developed and placed in high traffic public areas. Ms. Dunbar suggested that community based organizations could be used to help publicize the open houses.
2. Mr. Rowen asked if public comments regarding the SEI should be received by the CED by March 9 so they can be included in the open house discussions. Mr. Rast responded that the comment period will be left open until the end of March because the final SEI report will still be under preparation after the open houses. Ms. Madison noted that comments from the open houses will also be incorporated into the final SEI report.

APPROVAL OF MEETING MINUTES OF FEBRUARY 4, 2010

Ms. Greene noted that enough Task Force members were present to constitute a quorum and returned to agenda item number 2. Ms. Greene asked if there were any questions or comments on the minutes of the Task Force's thirteenth meeting, held on February 4, 2010. Hearing no comments, Ms. McNeely made a motion to approve the minutes from the February 4, 2010, meeting. Ms. Holmlund seconded the motion. The motion was approved unanimously.

UPDATE ON OTHER SEWRPC PLANNING EFFORTS, INCLUDING THE REGIONAL HOUSING PLAN AND THE INTERIM REVIEW AND UPDATE OF THE YEAR 2035 REGIONAL TRANSPORTATION SYSTEM PLAN

Mr. Yunker stated that the Regional Housing Plan Advisory Committee held their fourth meeting on January 20, 2010. The Advisory Committee is currently reviewing Chapter III "*Plans and Programs Related to Housing in the Region.*" He then noted that the Task Force received a copy of Chapter III and asked that members submit comments on Chapter III to Commission staff. The next meeting of the Advisory Committee is scheduled for Wednesday, March 24, 2010, from 1:30 p.m. to 3:30 p.m. in Banquet Room 2 of the Tommy Thompson Youth Center located at State Fair Park, 640 S. 84th Street, West Allis. He noted that the agenda will include a review of Part I of Chapter IV, "*Market Based Housing,*" and that the planning process is moving into the stage of inventory and analysis of existing housing stock, local government housing regulations, demographic information, and workforce data. He then stated that the Task Force will continue to receive Advisory Committee meeting notices and materials throughout the housing planning process.

Mr. Yunker stated that SEWRPC is undertaking an interim review of the Year 2035 Regional Transportation System Plan, for which Mr. Wade is serving as the Task Force liaison to the Commission's Advisory Committee on Regional Transportation Planning. He stated that the review will examine plan forecasts, transportation system performance, and plan implementation to date, and will consider amendments to the plan. He noted that a major reevaluation of the regional land use and transportation system plans will be undertaken after 2010, incorporating new 2010 Census data, land use data, and travel survey data. Mr. Yunker noted that the interim review has concluded to date that the year

2035 plan forecasts are accurate thus far, transportation system performance has not appreciably changed, and there has been some implementation of plan recommendations with the exception of the public transit element. He stated that implementation of the public transit element has not occurred because of a lack of dedicated funding for transit. He also noted that SEWRPC is working with local governments, transit operators, and advocacy organizations to document and explain the need for proposed State legislation (SB 511 and AB 723) that would allow for regional transit authorities and dedicated funding for public transit, including a 0.5 percent sales tax in Milwaukee County. He stated that this legislation is essential for the maintenance and expansion of public transit in Southeastern Wisconsin. The following discussion points and comments were made regarding the interim review and update of the Year 2035 Regional Transportation System Plan:

1. Ms. Holmlund noted that there is an upcoming hearing on AB 723.
2. Mr. Peters asked about the status of Waukesha County's inclusion in a potential regional transit authority. Mr. Yunker stated that the legislation provides Waukesha County or Waukesha County municipalities with the option to join a regional transit authority (RTA). Mr. Peters stated that he thought the dedicated funding source, a sales tax, would have to be county-wide. Mr. Yunker responded that the language in the legislation regarding the source of dedicated funding for public transit varies by county. Milwaukee County is the only County that would have a county-wide sales tax as the source of dedicated funding for public transit. Other counties, such as Kenosha and Racine Counties, could use a combination of sources and could implement an RTA by individual municipalities.

NEXT MEETING DATE

Ms. Greene announced that the next meeting of the Task Force is scheduled for Thursday, May 6, 2010, from 4:00 p.m. to 6:00 p.m. at IndependenceFirst, 540 S. 1st Street, Milwaukee.

FURTHER PUBLIC COMMENTS

Ms. Greene thanked the Task Force and audience members for their active participation. She then asked whether those in attendance had any additional comments. There were none.

ADJOURNMENT

Ms. Greene declared the meeting adjourned at 6:00 p.m.

Respectfully submitted,

Benjamin R. McKay
Recording Secretary