

MINUTES

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

PLANNING AND RESEARCH COMMITTEE

August 30, 2007

1:30 p.m.

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

Present:

Excused:

Committee Members:

Daniel S. Schmidt, Chairman
Charlene S. Brady, Vice-Chairman
Thomas H. Buestrin
Anita M. Faraone
Susan S. Greenfield
Gregory L. Holden
William E. Johnson
Mary A. Kacmarcik
Robert W. Pitts
David L. Stroik
Paul G. Vrakas

Lee Holloway
Michael J. Miklasevich
Anselmo Villarreal

Absent:

Staff:

Philip C. Evenson	Executive Director
Robert P. Biebel	Special Projects Engineer
Michael G. Hahn	Chief Environmental Engineer
William J. Stauber	Chief Land Use Planner
Loretta Watson	Executive Secretary

Guests:

Jim Culotta	Administrator, Town of Cedarburg
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ROLL CALL

Chairman Schmidt called the meeting to order at 1:35 p.m. Roll call was taken and a quorum declared present. Mr. Evenson noted for the record that Commissioners Holloway, Miklasevich, and Villarreal had asked to be excused.

APPROVAL OF MINUTES OF MEETING OF JUNE 7, 2007

On a motion by Ms. Faraone, seconded by Mr. Stroik, and carried unanimously, the minutes of the meeting of June 7, 2007, were approved as published.

CONSIDERATION OF AMENDMENTS TO THE REGIONAL WATER QUALITY MANAGEMENT PLAN

Sewer Service Area Plan for the City of Burlington

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 Burlington. A copy of the preliminary draft of a SEWRPC staff memorandum dated September 2007 concerning this matter had been provided to the Committee members for review prior to the meeting.

Mr. Stauber indicated that by letter dated May 18, 2007, the City of Burlington requested that the Commission amend the City of Burlington sanitary sewer service area. That area is currently documented in SEWRPC Community Assistance Planning Report No. 78 (2nd Edition), *Sanitary Sewer Service Area for the City of Burlington and Environs, Racine County, Wisconsin*, dated December 2001, as amended. The purpose of this amendment would be to include within the planned Burlington sewer service area certain lands located immediately adjacent to, but outside, the currently adopted sewer service area.

Mr. Stauber directed the Committee's attention to Map 1 of the memorandum document. He noted that the area proposed to be added to the sewer service area encompasses 644 acres. Of that total, about 55 acres are in urban use, including about 30 dwelling units and a church; about 292 acres are comprised of environmental corridors and isolated natural resource areas; and about 297 acres are considered developable. The developable portion of the area is expected to be developed for urban residential use, potentially accommodating a population of about 1,300 persons. With this increase, the potential population of the sewer service area would remain within the projection range embodied in the year 2035 regional land use plan.

Mr. Stauber indicated that the proposed amendment was taken to public hearing on August 7, 2007. There were no objections to the proposal. The amendment was formally approved by the Burlington Common Council at its meeting on August 21, 2007. Mr. Stauber indicated that the Commission staff recommends approval of the proposed amendment as consistent with the regional plan.

A brief discussion then ensued. In response to an inquiry by Mr. Vrakas, Mr. Stauber indicated that the existing Burlington wastewater treatment facility currently has sufficient capacity to serve the incremental population that could be accommodated in the planned addition to the service area, but that the City has a process underway to add significantly increased wastewater treatment capacity in the not too distant future.

There being no further questions or comments, on a motion by Mr. Vrakas, seconded by Mr. Johnson, and carried unanimously, the SEWRPC Staff Memorandum dated September 2007 was approved and recommended to the Commission for adoption.

Sewer Service Area Plan for the City of Cedarburg

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 Cedarburg. A copy of the preliminary draft of a SEWRPC staff memorandum dated September 2007 concerning this matter had been provided to the Committee members for review prior to the meeting.

Mr. Stauber indicated that by letter dated April 2, 2007, the City of Cedarburg requested that the Commission amend the City of Cedarburg sanitary sewer service area. That area is currently documented in SEWRPC Community Assistance Planning Report No. 91 (2nd Edition), *Sanitary Sewer Service Areas for the City of Cedarburg and the Village of Grafton, Ozaukee County, Wisconsin*, dated June 1996, as amended. The purpose of this amendment would be to include within the planned Cedarburg sewer service area certain lands located immediately adjacent to, but outside, the currently adopted sewer service area. The amendment also proposes the transfer of a small area from the Cedarburg to the Grafton sewer service area.

Mr. Stauber directed the Committee's attention to Map 1 of the memorandum document. He indicated that the proposed amendment involves additions to the east and west sides of the sewer service area. The proposed additions on the west side, located between Horns Corners Road and STH 181 encompass 865 acres, including 175 acres of environmentally significant lands, 160 acres of existing urban land including 40 existing dwelling units, and 530 acres of developable land. It is envisioned that the developable area would be developed for residential use, accommodating about 600 additional dwellings. The proposed addition on the east side encompasses 124 acres, including 43 acres of environmentally significant land, two acres of existing urban land, and 70 acres of developable land. The City envisions this site as a possible location for a new sewage treatment plant. Mr. Stauber indicated that proposed amendment would also transfer a three-acre area from the City of Cedarburg sewer service area to the Village of Grafton sewer service area, in accordance with an intergovernmental agreement between the City and Village. Mr. Stauber indicated, the buildout population for the sewer service area, including the proposed additions, is estimated at 19,300 persons, noting that this is within the year 2035 projection range of 15,700 to 24,100 persons embodied in the regional land use plan.

Mr. Stauber indicated that a public hearing on the proposed amendment, sponsored by the City of Cedarburg and the Regional Planning Commission, was held on May 14, 2007. He noted that the Cedarburg Town Board independently sponsored a public hearing on the proposed amendment on June 6, 2007. He then led the Committee in a review of staff-prepared summary of the public comments expressed at those hearings, previously provided to the Committee (copy attached). The summary documents strong opposition on the part of Town of Cedarburg and a number of Town residents to the proposed expansion of the sewer service area between Horns Corners Road and STH 181, and provides a response by the Regional Planning Commission staff to issues that are particularly germane to the Commission and its adopted plans.

Mr. Evenson noted that the Cedarburg Town Administrator had also sent a letter, dated August 29, 2007, to the members of the Planning and Research Committee, expressing further the Town's concerns with, and opposition to, the proposed amendment (copy attached). He indicated that with this letter, the Town had raised at least one new issue relating to the City's proposal, that being the need for a demonstration that the provision of sanitary sewer service to the areas concerned by the City of Cedarburg through its wastewater treatment facility is more cost effective and environmentally sound than other wastewater treatment alternatives, particularly one or more private onsite wastewater treatment systems that have the ability to regenerate groundwater supply. Given that the Commission's sewer service area planning responsibilities are governed by a provision set forth in Chapter NR 121 of the Wisconsin Administrative Code, and further given that this code includes cost-effectiveness requirements, Mr. Evenson indicated that the Commission staff recommends that the City's proposal not be moved forward at this time, but rather be referred back to the Commission staff for further study and discussion with the City and Town of Cedarburg and the Wisconsin Department of Natural Resources. Mr. Evenson indicated that he had informed the City of Cedarburg of the Commission staff's recommendation earlier in the day.

A lengthy discussion then ensued that included remarks by the Cedarburg Town Administrator, Jim Culotta. Mr. Culotta indicated that while the Town of Cedarburg desires centralized sewerage and water supply services in the corridor concerned, discussions with the City of Cedarburg have indicated that it may be 15 to 20 years before the City would be in the position to provide such services. Mr. Evenson indicated that he is in receipt of another piece of correspondence relative to the larger issue involved in this situation, that being received from the consulting engineer retained by the Town of Cedarburg to explore the potential for installing one or more onsite wastewater treatment systems to serve portions of the Town, with such systems perhaps being owned and operated by the Town. In order to properly address the issues that have been raised, Mr. Evenson said, further study and analysis will be required, including also some determinations by the Wisconsin Department of Natural Resources as to how such issues need to be addressed in order to meet the requirements of the State code. In response to an inquiry by Ms. Greenfield, Mr. Evenson said that there is no agreement yet between the Town of Cedarburg and the City as to the development densities in this corridor which parallels Wauwatosa Road north to and including the area around the Five Corners intersection with STH 60. In response to a follow up question by Ms. Greenfield, Mr. Evenson indicated that both the City and the Town are in the process of preparing updated land use plans as part of the State's requirements under the so-called "Smart Growth" law. Mr. Culotta indicated that at the present time, lands in this corridor slated for residential use could not be more than one house on every 4.5 acres of land given the current Town zoning. The availability of centralized sanitary sewer service could, of course, change the development density. Mr. Pitts observed that the City seemed to be advancing its utility planning prior to completing its land use planning. Mr. Evenson acknowledged that this was the case, but indicated that the City has a pretty firm idea of what it would see as future land uses in this corridor and desires to move the sewerage facility planning along as quickly as possible, even prior to the formal adoption of a new land use plan. In response to an inquiry by Mr. Johnson, Mr. Culotta indicated that he could not say if the Town of Cedarburg would oppose the sewer service area expansion proposal by the City should the cost-effectiveness analysis sought by the Town end up supporting the City's position. In response to an inquiry by Mr. Vrakas, Mr. Evenson indicated that depending upon what the Department of Natural Resources indicates as the regulatory agency concerned, it could take as much as six months to properly address the issues raised by the Town, including the issues raised by the Town's engineering consultant. Mr. Vrakas indicated that he would not favor undue delays in matters like these since the City has the responsibility to properly plan for its growth and expansion. Mr. Stroik indicated that the issue raised by the Town needs to be properly addressed, as any decision emanating therefrom could have substantial impacts elsewhere in the Region.

Following that discussion, on a motion by Ms. Faraone, seconded by Mr. Holden, and carried unanimously, the SEWRPC Staff Memorandum dated September 2007 was sent back to Commission staff with direction to meet with the staff of the Wisconsin Department of Natural Resources and the municipal parties concerned to address the issues raised by the Town of Cedarburg in an expeditious a manner as possible.

Sewer Service Area Plan for the City of Oak Creek

Chairman Schmidt asked Mr. Stauber to review with the Committee a proposed amendment to the adopted regional water quality management plan pertaining to the City of Oak Creek sanitary sewer service area. A copy of the preliminary draft of a SEWRPC staff memorandum dated September 2007 concerning this matter had been provided to the Committee members for review prior to the meeting.

Mr. Stauber indicated that by letter dated June 18, 2007, the City of Oak Creek requested that the Commission amend the Oak Creek sanitary sewer service area. That area is currently documented in SEWRPC Community Assistance Planning Report No. 213, *Sanitary Sewer Service Area for the City of Oak Creek, Milwaukee County, Wisconsin*, dated September 1994. The purpose of this amendment would be to update the boundary of the primary environmental corridor in two areas of Oak Creek to account for

updated delineations of the 100-year floodplain.

Mr. Stauber explained, by way of background, how floodplains factor into the delineation of environmental corridors. The corridor delineation process begins with the delineation of existing concentrations of wetlands, woodlands and other natural resource features. Adjacent farmed floodplains are also included in the corridors, envisioning that they will eventually revert to natural conditions; in this situation, the floodplain boundary determines the environmental corridor boundary. Mr. Stauber noted that floodplain boundaries can change as a result of new flood hazard studies well as locally approved filling of floodfringe areas. He noted that, when local sewer service area plans are updated by the Commission, environmental corridor delineations set forth in those plans are routinely updated to reflect the latest information regarding wetlands, woodlands, and other natural features as well as current floodplain information. Mr. Stauber indicated that there have been no amendments to the Oak Creek sewer service area plan since it was adopted in 1994—since the sewer service area includes the entire City. He noted that the mapping of environmental corridors in the currently adopted sewer service area plan is based upon information available in the early 1990s, and therefore needs to be updated.

Referring to Map 1, Mr. Stauber indicated that the current amendment updates the environmental corridor delineations in two quarter sections, in response to the request of the City on behalf of two landowners. One area is located northeast of intersection of Ryan Road and Shepard Avenue; the other area is located northeast of intersection of Oakwood Rd and Pennsylvania Ave. Mr. Stauber directed the Committee's attention to Maps 2 and 3 which show the updated delineations of primary environmental corridors, based upon the latest available natural resource inventory information and new floodplain delineations, for the two areas.

Mr. Stauber indicated that the proposed amendment was taken to public hearing on August 21, 2007. There were no objections to the proposed amendment. The Oak Creek Common Council formally approved the amendment at its regular meeting following the hearing. Mr. Stauber recommended that the Committee forward the proposed amendment to the Commission with a recommendation for approval.

Mr. Stauber noted that the City has now asked the Commission to update the environmental corridors throughout the rest of City. He said that this larger update is expected to take six to eight months and that it will result in a second edition sewer service area plan report for Oak Creek.

A brief discussion then ensued. In response to an inquiry by Ms. Greenfield, Mr. Evenson indicated that the assumed restoration of presently farmed wetlands within the floodplain of the Oak Creek as farm activities cease over time should have a positive impact on surface water quality.

Following that discussion, on a motion by Mr. Johnson, seconded by Mr. Vrakas, and carried unanimously, the SEWRPC Staff Memorandum dated September 2007 was approved and recommended to the Commission for adoption.

Sewer Service Area Plan for Village of Sussex

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 Village of Sussex. A copy of the preliminary draft of a SEWRPC staff memorandum dated September 2007 concerning this matter had been provided to the Committee members for review prior to the meeting.

Mr. Stauber indicated that by letter dated July 30, 2007, the Village of Sussex, in concurrence with a request from the Town of Lisbon, requested that the Commission amend the Sussex sanitary sewer service area tributary to the Village of Sussex sewage treatment facility. That area is currently

documented in SEWRPC Community Assistance Planning Report No. 84 (2nd Edition), *Sanitary Sewer Service Area for the Village of Sussex, Waukesha County, Wisconsin*, dated September 1994, as amended. The purpose of this amendment would be to include within the planned Sussex sewer service area certain lands located immediately adjacent to, but outside, the currently adopted sewer service area.

Mr. Stauber directed the Committee's attention to Map 1 of the memorandum document. He noted that the total area proposed to be added to the sewer service area approximates 14 acres. Of this total, 11 acres are in existing urban use, including three dwellings, and three acres are considered developable. The developable portion is envisioned to be developed as a new Town of Lisbon fire station. Wastewater from the subject area would be conveyed to the Village of Sussex sewage treatment plant via the existing force main that serves Richmond School, just north of the subject area.

Mr. Stauber indicated that a public hearing on the proposed amendment was held on August 14, 2007. There were no objections to the proposed amendment. The Sussex Village Board formally approved the amendment at its regular meeting following the hearing on August 14th. Mr. Stauber recommended that the Committee forward the proposed amendment to the Commission with a recommendation for approval.

There being no questions or comments, on a motion by Mr. Vrakas, seconded by Mr. Johnson, and carried unanimously, the SEWRPC Staff Memorandum dated September 2007 was approved and recommended to the Commission for adoption.

REPORT ON POTENTIAL ACTION RELATIVE TO AN AMENDMENT TO THE VILLAGE OF GENOA CITY AND/OR PELL LAKE SANITARY DISTRICT SANITARY SEWER SERVICE AREAS

Mr. Evenson recalled that the Commission has had under consideration for quite some time a proposed sanitary sewer service area amendment that would attach certain lands to either the Village of Genoa City sewer service area or the Pell Lake Sanitary District sewer service area in the Town of Bloomfield. He noted that since the local governments concerned had been unable to reach agreement as to the proper course of action in this matter, the Commission had undertaken a cost-effectiveness/environmental analysis attendant to the proposed development and had made a finding that attachment of the area to the Village of Genoa City sewerage system represented the preferable course of action. He further recalled, however, that the Commission had indicated to the parties concerned that such attachment would move forward as soon as possible only if the Village was willing to provide sanitary sewer service to the lands concerned in a timely way. Given an agreement between the Village and the Town of Bloomfield that effectively prohibits annexation to the Village of the lands concerned in the relatively near future, this would require a willingness on the part of the Village to contract with the Pell Lake Sanitary District to provide the appropriate service. He noted that discussions between the parties were presently underway and that some resolution may be forthcoming shortly. In order not to further delay action, he recommended that the Committee direct that this matter be placed on the agenda of the full Commission meeting scheduled for September 12th, and that the Commission be prepared to take appropriate action at that time after a report by staff as to the results of local negotiations.

Following Mr. Evenson's remarks and a brief discussion attendant thereto, it was the consensus of the Committee that this matter should be referred to the full Commission for appropriate action at the forthcoming Quarterly meeting.

CONSIDERATION OF SEWRPC PLANNING REPORT NO. 50, A REGIONAL WATER QUALITY MANAGEMENT PLAN UPDATE FOR THE GREATER MILWAUKEE WATERSHEDS, CHAPTERS 3 AND 4

Chairman Schmidt called upon Mr. Hahn of the Commission staff to review with the members of the Committee materials included in Chapter 3, "Existing and Historic Surface Water and Groundwater Conditions," and Chapter 4 "Sources of Water Pollution," of the forthcoming report. A copy of Mr. Hahn's presentation slides is attached as Exhibit A.

Following Mr. Hahn's presentation, a lengthy discussion ensued focusing in particular on the need for additional land management measures to reduce rural run-off pollution. Referring to the proposal for land management activities in rural lands adjacent to rivers and streams in order to reduce run-off pollution, Mr. Stroik noted the need to undertake extensive outreach activities to ensure that farmers and other rural landowners fully understand what needs to be done. Mr. Hahn agreed, noting that the Commission's planning documents do recognize the need for such outreach and that both county land conservation personnel and University of Wisconsin-Extension personnel are significantly involved in promoting proper land management activities in rural areas. Mr. Biebel noted that a major problem for rural landowners involves funding for proper land management practices such as the installation of buffer strips. A strengthened State grant program for addressing rural run-off pollution is needed. Mr. Evenson commented that while it would be clearly desirable to maintain properly vegetated buffer strips about 75 feet in width along shorelines, those rural landowners that actively farm will tend to lose productive land and thereby incur an adverse economic impact. This, too, is an issue that needs to be addressed. Mr. Hahn indicated that while substantial Federal funds were available for use in Ozaukee County under the Federal Conservation Reserve Program, the County officials there failed to get much interest in using those dollars even though the County had conducted a relatively aggressive outreach program. Mr. Stroik observed that, as one who occasionally canoes streams in the Milwaukee River watershed, water quality is getting better and yet those who never go near the river continue to believe that the rivers are not an asset. We need, he said, to make greater efforts to educate the general public that our rivers and streams are becoming valuable assets. Ms. Greenfield agreed, noting that while progress may be gradual, progress is indeed being made.

At the end of the discussion, on a motion by Ms. Faraone, seconded by Ms. Greenfield, and carried unanimously, Chapter 3, "Existing and Historic Surface Water and Groundwater Conditions," and Chapter 4, "Sources of Water Pollution," of SEWRPC Planning Report No. 50 were approved for publication.

CONSIDERATION OF SEWRPC PLANNING REPORT NO. 52, A REGIONAL WATER SUPPLY PLAN FOR SOUTHEASTERN WISCONSIN, CHAPTERS 4 AND 7

Chairman Schmidt noted that the Committee continues to review materials being developed to document the forthcoming regional water supply plan. He then called upon Mr. Robert P. Biebel of the Commission staff to review with the members of the Committee materials included in Chapter 4, "Anticipated Growth and Change Affecting Water Supply in the Region," and Chapter 7, "Existing and Forecast Water Supply Problems," of the forthcoming planning report. Mr. Biebel then delivered a presentation attendant to those chapters. A copy of Mr. Biebel's presentation slides is attached as Exhibit B.

Following a brief discussion, on a motion by Mr. Stroik, seconded by Ms. Faraone, and carried unanimously, Chapter 4, "Anticipated Growth and Change Affecting Water Supply in the Region," and Chapter 7, "Existing and Forecast Water Supply Problems," of SEWRPC Planning Report No. 52 were approved for publication.

CORRESPONDENCE/ANNOUNCEMENTS

Mr. Evenson reported that there were no announcements or correspondence to be brought to the attention of the Committee.

ADJOURNMENT

There being no further business to come before the Committee, on a motion by Ms. Faraone, seconded by Ms. Kacmarcik, and carried unanimously, the meeting was adjourned at 3:55 p.m.

Respectfully submitted,

Philip C. Evenson
Deputy Secretary

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