

Minutes of the Fifth Meeting of the
REGIONAL HOUSING PLAN ADVISORY COMMITTEE

DATE: March 24, 2010

TIME: 1:30 p.m.

PLACE: Tommy G. Thompson Youth Center, Banquet Room 2
State Fair Park
640 S. 84th Street
West Allis, Wisconsin

Members Present

Julie Anderson	Director, Racine County Planning and Development
David Cappon	Executive Director, Waukesha Housing Authority
Joe Heck.....	Assistant Director, Racine Department of City Development
Michael Hoeft	City Planner, City of Waukesha
Jeff Labahn.....	Director of City Development, City of Kenosha
Gary Koppelberger.....	Administrator, City of Hartford
J. Scott Mathie	Vice President of Government Affairs, Metropolitan Builders Association
George E. Melcher	Director, Kenosha County Planning and Development
Michael Murphy.....	Alderman, City of Milwaukee
Linda Olson.....	Director of the Aging and Disability Resource Center, Washington County
Brian Peters.....	Housing Policy Advocate, IndependenceFirst; EJTF Member
Kim Plache.....	Senior Community Relations Officer, Milwaukee Office of WHEDA
Welford Sanders.....	Executive Director, M. L. King Economic Development Corporation
Mary Kay Schleiter.....	Associate Professor, Department of Sociology, University of Wisconsin-Parkside
Kori Schneider-Peragine	Senior Administrator, Inclusive Communities Program, Metropolitan Milwaukee Fair Housing Council
Michael J. Soika.....	Executive Director, YMCA Urban Campus, Milwaukee
John F. Weishan, Jr.....	Supervisor, Milwaukee County Board

Guests and Staff Present

Stephen P. Adams	Public Involvement and Outreach Manager, SEWRPC
Nancy M. Anderson	Chief Community Assistance Planner, SEWRPC
Joanne Chalhoub.....	Intern, Metropolitan Milwaukee Fair Housing Council
Bruce Kaniewski.....	BK Planning Strategies
Benjamin R. McKay	Principal Planner, SEWRPC
Delbert F. Reynolds	Field Office Director, Milwaukee Office of HUD
Karyn Rotker.....	Staff Attorney, ACLU of Wisconsin
Kenneth R. Yunker	Executive Director, SEWRPC

CALL TO ORDER

Mr. Yunker called the meeting of the Regional Housing Plan Advisory Committee to order at 1:30 p.m., welcoming those in attendance.

APPROVAL OF MEETING MINUTES OF JANUARY 20, 2010

Mr. Labahn made a motion to approve the minutes from the January 20, 2010, meeting. Mr. Melcher seconded the motion. Mr. Yunker asked for any discussion on the minutes. There being no discussion, the minutes were approved unanimously by the Committee.

PUBLIC COMMENTS

Mr. Yunker noted that the Committee voted to include a 10 minute public comment period at the beginning of Regional Housing Plan Advisory Committee meetings at the January 20, 2010, Committee meeting. Mr. Yunker then asked if there are any public comments. Ms. Rotker asked from the audience if the public comment period could be moved to the end of the agenda. There being no objections from Committee members, the public comment period was moved to follow item six on the agenda. Mr. Yunker stated that the public comment period will be at the end of future agendas and noted that other agenda items will need to be completed by 3:20 p.m. to allow for the 10 minute public comment period.

REVIEW AND DISCUSSION ON THE PRELIMINARY DRAFT OF CHAPTER III, “PLANS AND PROGRAMS RELATED TO HOUSING IN THE REGION,” OF THE REGIONAL HOUSING PLAN

Mr. Yunker noted that this item had been on the January 20, 2010, Committee meeting agenda; however, due to presentations and Committee discussion, the Committee did not have time to discuss Chapter III. The Committee agreed to submit comments regarding Chapter III to Commission staff via the list serve prior to the March 24, 2010, Committee meeting. Mr. Yunker noted staff received notice that the City of Kenosha Consolidated Plan has been updated. Staff will update Table III-1 accordingly (see Attachment 1). Mr. Yunker also noted staff will add text to Chapter III discussing housing trust funds in the Region (see Attachment 2).

Mr. Yunker asked if the Committee would like to review the Chapter section by section for further discussion or if the Committee would like to vote on a motion to approve the Chapter. Ms. Schneider-Peragine asked if recommendations for potential changes to existing housing plans and programs will be included in the regional housing plan. Mr. Yunker stated that Chapter III is an inventory of existing plans and programs related to housing and that the regional housing plan will include recommendations regarding existing plans and programs in Chapter X. There being no further discussion, Ms. Olson made a motion to approve Chapter III as a working draft. Ms. J. Anderson seconded the motion and it was approved unanimously.

REVIEW AND DISCUSSION ON THE PRELIMINARY DRAFT OF CHAPTER IV, “MARKET BASED HOUSING,” OF THE REGIONAL HOUSING PLAN

Mr. Yunker asked Mr. McKay of the Commission staff to review the preliminary draft of Part I of Chapter IV, “Market Based Housing,” of the regional housing plan. Mr. McKay noted that Part I of Chapter IV includes a discussion of development densities and an inventory of existing housing stock and community policies and regulations affecting the provision of housing, such as community zoning ordinances. He also noted that updated Census information from the American Community Survey (ACS) for the period 2005 through 2009 is expected to be available in late 2010, and tables in the chapter will be completed once the data is released. The following discussion points and comments were made regarding the review of Part I of Chapter IV:

1. Mr. Mathie asked if the reasons for the trend towards lower population density in the Region discussed on page four could be discussed further. He suggested that a discussion regarding regulatory impacts on population density might be helpful. Mr. Yunker stated that there may be many factors impacting population density trends and that staff will attempt to identify these factors in an attachment to the minutes (see Attachment 3). Mr. McKay noted that some of the regulatory issues affecting population density may become apparent in the text related to community zoning ordinances and comprehensive plans under the Community Policies and Regulations Affecting the Provision of Housing section of the Chapter. Mr. Yunker stated that community zoning ordinances regulate factors such as permitted lot size and residential structure type, which, in turn, impact population density. Mr. Mathie stated that there have been major changes in land use regulation and environmental standards that have caused a decrease in population density.
2. Mr. Melcher suggested that the section on “Urban Growth Ring Analysis” on page IV-4 be revised to recognize that urban growth no longer occurs in a concentric pattern (see Attachment 3).
3. Mr. Mathie asked if the data on Table IV-8, “*Residential Land Use in the Southeastern Wisconsin Region By County as Reported in the Year 2000 and Prior Regional Land Use Inventories*,” can be presented in terms of number of housing units. Mr. McKay noted that detailed data regarding housing units is presented in the Existing Housing Stock section of the Chapter. Mr. Peters asked if the percentages for residential land uses could be added to Table IV-8 and if the residential land use sub-category data could be added to Appendix A, “*Land Use in the Region by County: 1963, 1970, 1980, 1990, and 2000*. ”

[Secretary’s Note: Percentages for residential land uses were added to Table IV-8 and residential land use sub-category data were added to Appendix A.]

4. Mr. Peters asked how the cost ranges on tables presenting monthly housing costs were determined. Mr. McKay responded that the data is provided by the Census, which uses those cost ranges.
5. Mr. Mathie suggested that a paragraph break be inserted in the third paragraph on page 12 after the sentence referring to sub-area 11.

[Secretary’s Note: The paragraph break has been added.]

6. Mr. Peters asked if text discussing why multi-family housing is typically more affordable than single-family could be added to the structure type section on page 12. Mr. Yunker noted that Part 2 of the Chapter will discuss the cost of housing development. Ms. N. Anderson noted that this section would be appropriate for a discussion of why multi-family housing is typically more affordable than single-family housing and suggested that a reference to Part 2 be added to the text on page 12.

[Secretary’s Note: A reference to Part 2 has been added to the text on page 12.]

7. Mr. Cappon noted that the sub-regional housing analysis areas referenced in the Existing Housing Stock section are not broken out for the City of Milwaukee on Map II-1, “*Sub-Regional Housing Analysis Areas in the Southeastern Wisconsin Region*.” Mr. Yunker noted that an outdated

version of Map II-1 was attached to the Chapter. He stated that staff will e-mail the correct updated version of Map II-1 to Committee members.

[Secretary's Note: The correct map is attached to these minutes (see Attachment 4).]

8. Mr. Mathie asked if the zoning ordinance information inventoried in the Community Policies and Regulations Affecting the Provision of Housing section is up-to-date. Mr. McKay responded that the most recent information available either on-line or on file with the Commission was used for the inventory.
9. Mr. Hoeft suggested that a footnote be added to either Table IV-28 or text be added under the Lot Size, Density, and Housing Unit Size Requirement section that explains planned unit developments (PUD) may allow for smaller lots and higher densities than would be allowed for conventional development in the underlying residential zoning district.

[Secretary's Note: The following note has been added to Table IV-28:

“Several counties and communities allow planned unit developments or conservation subdivisions in their zoning and/or subdivision ordinances, which may allow smaller lot sizes and/or higher densities than those listed in this table. Table IV-30 and Appendix C provide information on planned unit development and conservation subdivision regulations, respectively.”]

10. Mr. Peters asked if the zoning district regulation information presented in Table IV-28 applies to new development or existing development. Mr. Yunker responded that the regulations apply to both existing and new development; however, uses developed prior to adoption of current zoning regulations are typically allowed under ordinance provisions for non-conforming uses or structures. Mr. Melcher noted that the minimum 6,000 square foot lot size allowed by the Kenosha County Zoning Ordinance is only applicable near the City of Kenosha and may not apply to all the towns in Kenosha County, as listed in Table IV-28.

[Secretary's Note: Table IV-28 has been revised to include corrected information for Kenosha, Racine, and Walworth Counties (see Attachment 5).]

11. Ms. Schneider-Peragine asked if information regarding multi-family housing comparable to the information in Table IV-29, “*Conformance of Urban Communities with the Minimum Lot Size Recommendations from the 1975 Regional Housing Plan*,” is included in the Chapter. Mr. McKay responded that Map IV-10, which will show communities in the Region that do not accommodate two-family or multi-family zoning districts and whether those communities are served by a sanitary sewerage system, is currently under preparation. He also noted that Table IV-28 indicates whether a community’s zoning ordinance includes a multi-family residential zoning district and the maximum density and minimum unit size of the most intense multi-family residential zoning district allowed for by the community’s zoning ordinance.
12. Mr. Mathie stated that conservation subdivision regulations in the Southeastern Wisconsin Region typically allow less density than regulations found in other regions of the Country. This has created a missed opportunity for greater population density and open space preservation within the Region. Mr. Mathie suggested that the plan recommend that communities allow

density bonuses in the developed part of a conservation subdivision in exchange for open space. Mr. Melcher stated that a density of one housing unit per five acres in a conservation subdivision is appropriate in rural portions of the Region. Mr. Mathie stated that higher densities are appropriate in conservation subdivisions located in urban portions of the Region. Mr. Cappon stated that conservation subdivisions in rural portions of the Region can help to provide open space, although there is a trade off in that the open space may not have public access. Mr. Yunker stated that the intent of the low density conservation subdivisions in rural areas of the Region that are not encompassed by environmental resource lands or prime agricultural lands is to maintain open space and discourage development at densities that should be provided with urban services, which could result in isolated residential enclaves. Mr. Mathie stated that conservation subdivisions of this nature can also result in high end subdivisions. Mr. Melcher stated that lower density conservation subdivisions in rural portions of the Region can help to preserve rural character. Mr. Mathie suggested that a distinction be made between urban and rural conservation subdivision design (see Attachment 6).

13. Mr. Peters asked if there is a State Statute that provides a definition of a conservation subdivision and if the Statute could be attached to the minutes. Ms. N. Anderson responded that Section 66.1027 of the *Wisconsin Statutes* provides a general definition of a conservation subdivision.

[Secretary's Note: Attachment 7 includes Section 66.1027 of the Statutes. 2009 Senate Bill 314, which amends Section 66.1027, is included in the attachment. SB314 has been approved by both houses of the legislature and forwarded to the Governor.]

14. Mr. Mathie stated that there is rarely an overall infrastructure cost savings in a conservation subdivision design due to shortened street and utility lengths because the increased costs of establishing a stewardship plan and a homeowners association to manage the common open space offset any savings. Mr. Melcher stated that conservation subdivision design does not necessarily result in shorter road and utility lengths. Roads and utilities may have to be lengthened to serve a design that accommodates the natural resources within a conservation subdivision. Mr. Mathie suggested that the last sentence of the first paragraph under the Conservation Subdivision section on page IV-16 be removed. Mr. Mathie also noted that conservation subdivisions can be found in areas of the Region developed at medium residential densities. He suggested the second paragraph on page 16 be revised accordingly (see Attachment 6 for revised section).
15. Ms. Schneider-Peragine suggested adding text to the Zoning Regulations section regarding aspects of community zoning ordinances that may affect the provision of multi-family housing such as conditional vs. permitted uses and exceptions for senior oriented multi-family housing (see Attachments 8 and 9).
16. Ms. Schneider-Peragine noted that there is a section reserved for housing mix policies on page 19 and asked if any recommendations regarding housing mix policies will be set forth, noting that housing mix policies can be discriminatory and caution should be used with any recommendations regarding these policies. Mr. Yunker responded that Chapter IV will document existing community housing mix policies in the Region. The housing plan may include recommendations relating to housing mix policies, but these would be in Chapter X.

[Secretary's Note: A table and proposed text regarding existing housing mix policies are attached (Attachment 9).]

17. Mr. Peters asked about the difference between a conditional use and a principal use. Ms. N. Anderson explained that conditional uses are typically identified by zoning district in a community's zoning ordinance and may require additional review and scrutiny compared to that of a principal use because of the nature of the conditional use. A conditional use approval may be contingent on specific "conditions" intended to mitigate adverse impacts of the conditional use on the surrounding area. Conditional uses typically require review and approval by the plan commission. Examples of typical conditional uses include churches or schools in a residential zoning district (see Attachment 8).

There being no further discussion, Mr. Yunker stated that all revisions to Part 1 of Chapter IV resulting from this discussion will be included in the meeting minutes. He suggested that the Committee consider Chapter IV for approval in total when all four parts of the Chapter have been drafted and reviewed and noted that Part 2 of Chapter IV, Housing Development Costs Analysis, will be discussed at the next Advisory Committee meeting and Part 3 of Chapter IV, Costs of Community Services Analysis, will be discussed at the Committee meeting scheduled for July 28, 2010. The following discussion points and comments were made:

1. Mr. Cappon noted that the cost of a residential lot is dependent on its location as well as its size. He then noted an example of a community that allowed the development of a subdivision with relatively small parcels with the intention of creating affordable housing; however, landowners built large homes on the small parcels.
2. Mr. Mathie asked if the cost of utilities and street maintenance will be analyzed. Ms. N. Anderson responded that those topics would be appropriate for the cost of community services analysis, which will attempt to document the cost of providing community services such as street maintenance and emergency services to single-family residential development and multi-family residential development. Mr. Yunker stated that these topics can also be addressed by the plan recommendations. Mr. Cappon noted that there is a perception that multi-family development places a greater cost burden on schools than single-family development; however, demographic data does not support this perception.
3. Mr. Murphy expressed a sense of frustration because the regional housing plan may be ignored by some communities in the Region. Mr. Murphy noted the opposition to provisions for regional cooperation on issues such as affordable housing in the potential water sale agreement between the City of Milwaukee and City of Waukesha as an example of negative attitudes toward providing affordable housing on a regionwide basis. Mr. Weishan stated that the Committee's work is important as a way to effectively analyze regional housing issues without political influence. He stated that Committee members can gain information and insight from other parts of the Region that they would otherwise not be exposed to and noted that some solutions, such as changes in community zoning ordinances, may become evident through the planning process. Ms. Plache responded that one outcome of the Committee's work should be to document housing issues in the Region for use by those in decision making roles, such as local government officials. She stated that one example would be to use the findings and recommendations of the regional housing plan when developing future water sales agreements.

4. Mr. Cappon noted that many residents who have left the City of Milwaukee are fond of the City's amenities, but are trying to avoid the problems common to large urbanized areas. He also noted that outlying portions of the Region are beginning to experience some of the same problems as they become more urbanized.
5. Mr. Yunker noted that other aspects of regional cooperation, specifically the creation of a regional transit authority (RTA), have been difficult because of the current political and economic climate. Mr. Murphy stated he supports the Committee's work and hopes the plan is implemented in the future; however, it may take a major crisis, such as a workforce shortage, for communities to accept the plan's recommendations.
6. Mr. Mathie suggested that a paragraph be added to Chapter IV discussing the job/housing balance in the Region. Mr. Yunker responded that the focus of the job/housing balance discussion will be in Chapter V, *Job/Housing Balance*.

PRESENTATION REGARDING THE WHEDA ADVANTAGE PROGRAM

Mr. Yunker introduced Kim Plache, WHEDA Senior Community Relations Officer and Advisory Committee member. Ms. Plache directed the Committee's attention to the handout entitled "*WHEDA Fannie Mae Advantage*" (see Attachment 10). Ms. Plache reviewed the program requirements and features and benefits of the program, which are designed to help first-time homebuyers. The following discussion points and comments were made regarding the presentation:

1. Mr. Melcher asked why certain communities have higher purchase price limits. Ms. Plache responded that cities and counties that are HUD-defined target areas have higher purchase price limits and unique income limits.
2. Ms. J. Anderson asked if the program is short-term. Ms. Plache responded that it is not a temporary program.
3. Mr. Peters asked if there are portions of the State where borrowers do not have to be first-time homebuyers to be eligible for the program. Ms. Plache responded that borrowers do not have to be first-time homebuyers in the HUD target areas (cities and counties); but they cannot own any other real estate at the time they apply for the program.

PUBLIC COMMENTS

Mr. Yunker stated that a ten minute period for public comment is open and asked if there are any public comments. The following public comments were made:

1. Ms. Rotker, Staff Attorney for the ACLU of Wisconsin, introduced herself and stated she had several comments regarding draft Chapters III and IV of the regional housing plan.
 - a. It is important to separate the issues of resistance to affordable multi-family development and affordable homeownership. She also suggested that an analysis be prepared of implementation of recommendations made in the 1975 regional housing plan.
 - b. The review of comprehensive plans in Chapter III does not include an analysis of housing element policies and programs, which are required components of comprehensive plans by the State comprehensive planning law. Ms. Rotker also stated

there should be a detailed analysis on land designated for multi-family housing in local comprehensive plans.

- c. The zoning regulation section should include information distinguishing between regulations for senior oriented multi-family development and non-senior oriented multi-family development. Ms. Rotker also stated that it is illegal to discriminate against families with school-aged children.
 - d. The Milwaukee Metropolitan Area is the most segregated metropolitan area in the Country for African Americans and the plan must address racial segregation explicitly, not just in terms of segregation by income. Income cannot be used as a proxy for race because minorities are more likely to be renters and be confronted with mortgage discrimination.
2. Ms. Schlieter suggested that data tables regarding race distribution be added to the plan. Mr. Yunker responded that Chapter V, *Job/Housing Balance*, will include detailed demographic data. He noted that planned land use set forth in each comprehensive plan prepared to date in the Region is shown on maps included in Chapter III and completion of these maps is dependent on the completion of comprehensive plans by several communities. Once all local plans have been completed, the Commission staff will identify areas planned for future multi-family development or redevelopment, including any areas specifically identified by affordable housing or housing for senior citizens in local comprehensive plans.

NEXT MEETING DATE

Mr. Yunker stated that the next meeting is scheduled for Wednesday, May 26, 2010, from 1:30 p.m. to 3:30 p.m. The meeting location has not been confirmed, but will likely remain at the Tommy G. Thompson Youth Center.

CORRESPONDENCE AND ANNOUNCEMENTS

Mr. Yunker stated that no written public comments were received.

ADJOURNMENT

Mr. Yunker thanked the Committee members and guests for their time and participation. Ms. Plache made a motion to adjourn the meeting. Ms. Schneider-Peragine seconded the motion and it was approved unanimously. The meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Benjamin R. McKay
Recording Secretary

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