

## MINUTES

### SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

#### PLANNING AND RESEARCH COMMITTEE

Wednesday, June 15, 2011

2:18 p.m.

Washington County Courthouse Government Center  
432 East Washington Street, Room 2024 (Main Floor)  
West Bend, Wisconsin 53095

Present:

Excused:

#### Committee Members:

Daniel S. Schmidt, Chairman  
Gilbert B. Bakke  
William R. Drew  
William E. Johnson  
Robert W. Pitts  
Nancy Russell  
Daniel W. Stoffel  
David L. Stroik  
Paul G. Vrakas  
John F. Weishan, Jr.

Kimberly L. Breunig  
Susan S. Greenfield  
John Rogers

Staff:

Kenneth R. Yunker  
Elizabeth A. Larsen  
Debra A. D'Amico

Executive Director  
Business Manager  
Executive Secretary

#### ROLL CALL

Chairman Schmidt called the meeting to order at 2:18 p.m. Roll call was taken and a quorum was declared present. Mr. Yunker noted for the record that Commissioners Breunig, Greenfield, and Rogers had asked to be excused.

#### APPROVAL OF MINUTES OF MEETING OF MAY 10, 2011

Chairman Schmidt asked if there were any changes or additions to the May 10, 2011, meeting minutes.

On a motion by Mr. Johnson, seconded by Mr. Drew, and carried unanimously, the minutes of the meeting of May 10, 2011, were approved as published.

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

### **Sewer Service Area Plan for the City of Elkhorn** (copy attached to Official Minutes)

Chairman Schmidt noted that the Planning and Research Committee had deferred consideration of approval of the City of Elkhorn sanitary sewer service area. He added that the Committee requested the Commission staff convene an intergovernmental meeting between Walworth County, the City of Elkhorn, and the Town of LaFayette, for the purpose of resolving the conflict that exists between the City comprehensive plan and the County and Town comprehensive plans. He then asked Mr. Yunker to update the Committee on the outcome of the intergovernmental meeting convened on June 8, 2011.

Mr. Yunker reviewed the discussions that occurred at the intergovernmental meeting. He stated that the Commission staff had concluded that the proposed sewer service area plan amendment for the City of Elkhorn was in conformance with the regional land use and water quality management plans. He noted with respect to this proposed expansion of the Elkhorn sewer service area:

- the size of the amended Elkhorn service area and area population are consistent with planned and projected population levels;
- there is adequate planned sewerage treatment plant and conveyance capacity; and,
- environmentally significant lands are appropriately identified, and recommendations are included in the sanitary sewer service area plan for their preservation.

Mr. Yunker explained that the disagreement between the units of governments is attributable to a weakness of the State comprehensive planning law. He noted that Walworth County, the City of Elkhorn, and the Town of LaFayette had recently completed preparation of their long-range (20 to 30 year) comprehensive plans. He noted that the State law did not require communities, when preparing their comprehensive plans, to work together with regard to the planned future expansion of City and Village boundaries. As a result, both Town of LaFayette and Walworth County long-range comprehensive plans provide for no future growth of the City of Elkhorn beyond its existing corporate boundaries, while the City comprehensive plan provides for growth of the City beyond its existing corporate boundaries. At the intergovernmental meeting, the Town of LaFayette and Walworth County representatives acknowledged that their respective comprehensive plans should have desirably considered future expansion of the City of Elkhorn.

Mr. Yunker then stated that the proposed sewer service area amendment is being pursued by the City of Elkhorn at this time to develop alternative well locations for water supply facilities, which would serve as replacement of existing wells and are necessary to address public health and safety. He added that the City had determined that there were very limited alternative locations for these needed replacement wells. He noted that County and Town representatives indicated that their opposition was a result of the proposed City annexation and development being inconsistent with their recently adopted comprehensive plans. He stated that the Town and County representatives indicated that they were not opposed to development of the replacement wells, or even the proposed expansion of the sewer service area. County representatives noted that they had attempted to accommodate the development of the proposed City wells in the Town under County zoning, but were unable to do so. It was then determined that the City would need to pursue annexation. There was agreement by all that, given the lack of direction under State law as to the resolution of such differences, the most effective way to deal with conflicting plans is through intergovernmental discussions which could ultimately result in consistent County, City, and Town comprehensive plans, and potentially in a boundary agreement, recognizing that such an agreement may address not only future community boundaries, but also provision of infrastructure and services. The City, Town, and County representatives at the meeting indicated that they would welcome, and participate in, such discussions.

Ms. Russell, Commissioner from Walworth County and the Walworth County Board Chair, stated that as the Walworth County Board opposed the sewer service area expansion, and she is the County Board's representative on

the Commission, she will vote to oppose the City of Elkhorn sewer service area resolution. She noted that this was strictly due to the inconsistency with the recently adopted County comprehensive plan. She then encouraged the other Committee members to consider approval of the City of Elkhorn sewer service area request.

After a brief discussion, Mr. Stroik requested a summary of the issues concerning the City of Elkhorn sanitary sewer service area request. Mr. Yunker noted the City of Elkhorn sanitary sewer service area request is essential to permit the installation of two much needed replacement wells for water supply. Mr. Yunker then referred to Map 1 which shows the amended City of Elkhorn sanitary sewer service area. He noted the sanitary sewer service area expansion is consistent with both the regional land use and water quality management plans. He stated that the opposition of Walworth County and the Town of LaFayette was strictly due to the proposed sewer service area expansion--and attendant expansion of City of Elkhorn urban development--being inconsistent with the County and Town comprehensive plans. The County and Town comprehensive plans did not provide for any future expansion over the next 20 to 30 years of the City of Elkhorn. At the intergovernmental meeting, all parties agreed to the need to work together to identify a planned long-range future City of Elkhorn boundary which could be incorporated in each of their comprehensive plans, and potentially in a boundary agreement. All parties also acknowledged the need to move forward at this time with the proposed sewer service area expansion.

Mr. Yunker then stated that Commissioner Rogers was unable to attend this Committee meeting, but he had requested that it be noted that he would support the recommendations of Walworth County Commissioners in this matter.

A short discussion ensued. In response to an inquiry by Mr. Bakke, Mr. Yunker stated that if the Commission did not approve this sanitary sewer service area expansion request, the City of Elkhorn could request the Wisconsin Department of Natural Resources to approve the request despite the Commission's action.

There being no further questions or comments, on a motion by Mr. Pitts, seconded by Mr. Bakke, and carried by a vote of 9 ayes and 1 nay, with Ms. Russell voting "no," Resolution No. 2011-07 was approved (copy of Resolution No. 2011-07 attached to Official Minutes).

#### **ADJOURNMENT**

There being no further business to come before the Committee, on a motion by Mr. Johnson, seconded by Mr. Drew, and carried unanimously, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

Kenneth R. Yunker  
Deputy Secretary