

**STAFF REPORT TO THE WISCONSIN
DEPARTMENT OF NATURAL RESOURCES**

**SEWER SERVICE AREA AMENDMENT TO THE
2030 SHEBOYGAN URBANIZED AREA SEWER SERVICE PLAN,
SHEBOYGAN COUNTY**

2030 SHEBOYGAN URBANIZED AREA SEWER SERVICE PLAN
TECHNICAL ADVISORY COMMITTEE

JANUARY 27, 2022

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STAFF REPORT TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES

2030 SHEBOYGAN URBANIZED AREA SEWER SERVICE PLAN TECHNICAL ADVISORY COMMITTEE

JANUARY 27, 2022

SEWER SERVICE AREA PLAN AMENDMENT FOR THE SHEBOYGAN URBANIZED AREA, SHEBOYGAN COUNTY

Addition of approximately 19.35 acres of land to the City of Sheboygan Falls portion of the Sewer Service Area (Type II Amendment).

INTRODUCTION

On December 1, 2021, the Bay-Lake Regional Planning Commission (BLRPC) received a petition from the City of Sheboygan Falls to extend the sewer service area (SSA) boundary to include a proposed subdivision in the City of Sheboygan Falls. The property is located on the south side of County Highway PP, and is across from Wild Goose Lane, and the eastern edge of the property is approximately one quarter mile west of County Highway TT. This request requires a Type II Amendment to the *2030 Sheboygan Urbanized Area Sewer Service Plan*.

The Type II Amendment request involves the addition of approximately 19.35 acres of land to the City of Sheboygan Falls within the SSA in a location outside of but immediately adjacent to the current SSA (*this was modified from the 18.7 acres stated by the petitioner once verified by the BLRPC's GIS Specialist*). The area to be added is on the southwest side of the City of Sheboygan Falls, and was recently annexed from the Town of Sheboygan Falls. It is adjacent to the 2030 SSA boundary, and would connect to the southwest side of the SSA boundary. The area to be amended is located within Section 34, Township 15 North, Range 22 East in Sheboygan County, Wisconsin. It should be noted that a portion of the proposed subdivision that led to the amendment request is already within the current SSA.

The approximately 19.35 acres proposed for addition to the SSA currently consists of approximately:

- 18.92 acres of agricultural land uses; and
- 0.43 acres of natural areas.

The area proposed for addition to the sewer service area, as proposed by the petitioner, would consist of approximately:

- 19.35 acres of single-family residential (with subtractions for street rights-of-way and exclusion of environmentally sensitive areas (ESAs)).

BACKGROUND

The City of Sheboygan Falls has requested the sewer service plan amendment in order to have a developer proceed with a 48-lot residential subdivision on the southwest side of the city. Some 10 of the lots are within the SSA boundary, while the remaining 38 lots are located outside the SSA boundary and require an amendment in order to receive sewer service.

The City of Sheboygan Falls anticipates that 19.35 acres of the area proposed for addition to the sewer service area will be developed for single family residential purposes.

AMENDMENT JUSTIFICATION

The City of Sheboygan Falls has requested the sewer service area plan amendment as a Type II Amendment, which results in an increase in a municipality's service area acreage. Type II Amendments are used to add to the 3,914 acres that have been projected for development of various uses of land (from the baseline land use inventory completed in 2009 and projected through 2030) to the existing corporate limits or for municipalities that are experiencing population growth in excess of the projected population growth in the sewer service area. a

The City of Sheboygan Falls justifies this request based on statements that the amount of development over the life of the plan was below the 635 acres that were allotted for such growth in the City of Sheboygan Falls (247 of these attributed to residential growth) in the plan. Of the 48 single-family residential lots proposed, 10 are located within the existing sewer service area, while 38 lots are located in the area proposed in the amendment.

PRIMARY AMENDMENT REVIEW CRITERIA

MINIMAL ADVERSE IMPACTS ON ENVIRONMENTAL CORRIDORS AND WATER QUALITY

The petitioner has indicated that “the proposed sanitary sewer will be installed within proposed rights-of-way and the installation of sewer and street will have no adverse impact on any wetlands or (other) ESAs.” The petitioner noted that “a wetland delineation was performed by Evergreen Consulting LLC, and a report was prepared in May of 2021 which noted (that) there are wetlands on the parcel,” and added that “the closest navigable stream is the Mullet River located approximately 3,000 feet to the south of the parcel.” The petitioner also stated that “the developer has requested and received a wetland exemption from the (U.S.) Army Corps of Engineers and has submitted to the Wisconsin Department of Natural Resources (WDNR) their concurrence with this exemption.” The petitioner notes that “the developer will be constructing two stormwater management ponds as part of the development,” adding that “the stormwater management plan has not yet been submitted to the City of Sheboygan Falls and (the) WDNR for review.”

The BLRPC staff has a minor concern due to the presence of an ESA involving a small amount of surface water with a 75-foot setback located in the northeast part of the amendment request

area. Based on the preliminary drawings provided by the design firm for the subdivision, a small number of lots could include parts of this ESA, and care will need to be taken not to extend sewer or residential development within this ESA.

Consequently, in the view of the BLRPC staff, a few conditions will need to be met in order to satisfy this criterion; these conditions can be found in the “staff recommendation” portion of this staff report (under “natural resource conditions”).

CAPACITY IMPACTS ON SEWAGE FACILITIES

The petitioner has indicated that “the projected peak sewage flow from the SSA (Plan) Amendment area is 0.08 cubic feet per second (cfs) per acre. The flow is calculated assuming a single-family residential contributing rate of 0.0032 cfs per acre. A peaking factor of 4 is included in the contributing rate.”

The petitioner stated that “the amended area will connect to an existing 8-inch sanitary sewer on County Highway PP. A series of 10, 12, 18, 21 and 27-inch sewers convey the flow to the main pump station located in Rochester Park (in the City of Sheboygan Falls). From here, (the) flow is pumped through dual 16-inch force mains and (is) ultimately discharged to a City of Sheboygan west interceptor sewer on Washington Avenue (State Highway 28) near the Deer Trace Shopping Center.”

The petitioner noted that “the sanitary infrastructure has sufficient capacity to carry the flow from the amended area,” adding that “the *City of Sheboygan Falls 2003 Sanitary Sewer Update Study* indicates (that) additional sewer capacity may be needed in the County Highway PP sewers between Chippewa Drive and Mill Street, although not until buildout has reached the 2045 SSA boundary.” The petitioner commented that “the 2045 SSA boundary includes large areas of wetlands that can never be developed,” and that “the peak flows identified for the 2045 SSA are expected to be conservatively higher than what the actual flows will be.”

It has been qualitatively determined that this criterion has been met.

CONFORMANCE WITH COMPREHENSIVE PLAN AND ZONING REGULATIONS AND WITH SEWER SERVICE AREA PLAN GOALS AND OBJECTIVES

The petitioner has indicated that “the proposed development is in conformance with the City of Sheboygan Falls long-range/comprehensive plan,” adding that “the city’s Plan Commission has given preliminary approval (to) the development.”

A full comprehensive plan for the City of Sheboygan Falls was completed by the consulting firm of Martinson and Eisele in September 2009. This plan was compliant with Wisconsin’s “smart growth” law that was enacted in 1999. That particular plan had the area proposed for development primarily mapped as “single family residential” in the Land Use Plan map within

that plan, although the southern portion of the proposed amendment area is mapped as “agricultural.” An addendum to this plan was prepared by the Sheboygan County University of Wisconsin Extension office; this addendum was approved in September 2019. The 2019 addendum did not address future land use, so it is assumed that the land use map in the 2009 plan remains in effect.

The portion of the proposed development abutting County Highway PP is currently zoned as “single-family residential” (as of the Sheboygan Falls Common Council meeting on August 4, 2021). However, the City of Sheboygan Falls still needs to map the area subject to the plan amendment as being zoned “single-family residential.”

The amendment petition did not discuss whether the proposed amendment conforms to the four goals of the *2030 Sheboygan Urbanized Area Sewer Service Plan*, such that the BLRPC staff was required to evaluate such conformity in the absence of evidence from the petitioner.

Goal 1: “Guide the future growth within the defined urban service area in an efficient and orderly manner to promote contiguous and compact development.”

In evaluating whether the proposed amendment is consistent with Goal 1 of the *2030 Sheboygan Urbanized Area Sewer Service Plan*, it was determined that the area proposed for addition to the SSA is indeed contiguous to the existing sewer service boundary. As stated under the “capacity impacts on sewage facilities” criterion, the petitioner has qualitatively demonstrated that this criterion has been met. Therefore, the proposed amendment is generally consistent with Goal 1 of the *2030 Sheboygan Urbanized Area Sewer Service Plan*, and will be fully consistent with that goal when the City of Sheboygan Falls updates the land use map in its comprehensive plan and also updates its zoning map to be fully consistent with the SSA plan amendment.

Goal 2: “Guide future rural development in an efficient, orderly, and compatible manner.”

In evaluating whether the proposed amendment is consistent with Goal 2 of the *2030 Sheboygan Urbanized Area Sewer Service Plan*, it was determined that zoning for the area proposed for addition to the SSA needs to be made fully consistent with the City of Sheboygan Falls zoning map. In addition, the City of Sheboygan Falls needs to update the future land use map in its comprehensive plan. As was indicated in Goal 1, the plan amendment area is contiguous to the existing SSA plan boundary. Therefore, the proposed amendment is generally consistent with Goal 2 of the *2030 Sheboygan Urbanized Area Sewer Service Plan*, and will be fully consistent with that goal when the City of Sheboygan Falls updates the future land use map in its comprehensive plan and also updates its zoning map to be fully consistent with the SSA plan amendment.

Goal 3: “Protect water quality, natural resources, and sensitive natural areas from the encroachment of urban development.”

In evaluating whether the proposed amendment is consistent with Goal 3 of the *2030 Sheboygan Urbanized Area Sewer Service Plan*, it was determined that the area proposed for addition to the SSA would include one ESA; this ESA involves surface water with a 75-foot setback in the northeast portion of the amendment area.

The *Sheboygan County Comprehensive Outdoor Recreation and Open Space Plan* (2021) did not indicate any existing or planned public recreational parks or other facilities in the area proposed for addition to the SSA.

Therefore, the proposed amendment is generally consistent with Goal 3 of the *2030 Sheboygan Urbanized Area Sewer Service Plan*, and will be fully consistent with that goal if the City of Sheboygan Falls and the applicant comply with the staff recommendations pertinent to the “minimal adverse impacts on environmental corridors and water quality” criterion (natural resource conditions).

Goal 4: “Eliminate health hazards associated with failing wastewater disposal systems and protect the quality of the water and land resources in the planning area.”

In evaluating whether the proposed amendment is consistent with Goal 4 of the *2030 Sheboygan Urbanized Area Sewer Service Plan*, it was determined that the area proposed for addition to the SSA would neither present nor eliminate any health hazards associated with failing wastewater disposal systems. In addition, it was determined that the proposed SSA plan amendment would have no impact on the quality of water and land resources in the planning area. Therefore, the proposed amendment is fully consistent with Goal 4 of the *2030 Sheboygan Urbanized Area Sewer Service Plan*.

COMMON BOUNDARY WITH THE CURRENT SEWER SERVICE AREA/NO CREATION OF A VOID IN THE SEWER SERVICE AREA

The area proposed for addition to the SSA is immediately adjacent to the currently approved City of Sheboygan Falls portion of the SSA.

Pursuant to information provided by the petitioner, “the amended area will connect to an existing 8-inch sanitary sewer on County Highway PP. A series of 10, 12, 18, 21 and 27-inch sewers convey the flow to the main pump station located in Rochester Park (in the City of Sheboygan Falls). From here, (the) flow is pumped through dual 16-inch force mains and (is) ultimately discharged to a City of Sheboygan west interceptor sewer on Washington Avenue (State Highway 28) near the Deer Trace Shopping Center.” The petitioner also stated that “the proposed amendment area connects to the City of Sheboygan Falls’ existing SSA boundary on the north side of the parcel and does not create a void or island within the SSA.”

BLRPC staff considers the proposed amendment to be fully consistent with this criterion.

COST-EFFECTIVENESS (ORDERLINESS/LOGICAL EXTENSION OF URBAN DEVELOPMENT) OF THE SEWER SERVICE AREA PLAN AMENDMENT REQUEST

The petitioner has indicated that “public sanitary sewer and water main currently exist on County Highway PP fronting the northern part of the parcel to be developed,” and that “the sanitary sewer and water mains on County Highway PP are of adequate size and capacity to serve the proposed development.” In addition, the petitioner stated that “the sanitary sewer and water main extension and the SSA Amendment area are contiguous to the existing area, and the proposed project is cost-effective,” and that “the downstream sewer and water mains have adequate capacity to support the proposed development.”

For reasons effectively demonstrated by the petitioner in meeting several other criteria related to this criterion (consistency with local zoning and contiguity to the boundary of the existing SSA), BLRPC staff finds the proposed amendment to be generally cost effective, orderly, and a logical extension of urban development. Therefore, the proposed amendment is generally consistent with this criterion, and would be fully consistent with this criterion when the City of Sheboygan Falls updates the future land use map in its comprehensive plan.

DELIVERY OF OTHER SERVICES

The petitioner stated that “the proposed development consists of 48 single-family residential lots,” and that “the Amendment area contains 38 of the 48 lots.” The petitioner added that “the proposed population (for those 38 lots at buildout) is 87 people based on 2.28 persons per household using Wisconsin Department of Administration (WDOA) population and housing projections in Tables 5.1 through 5.3 of the *2030 Sheboygan Urbanized Area Sewer Service Plan*.”

The petitioner commented that “the impact to city parks, school district, and police and fire service is expected to be minimal,” adding that “fire protection for the proposed development will be provided with the installation of fire hydrants,” and noting that “the City of Sheboygan Falls Fire Department has the capacity to serve this area.”

BLRPC staff is generally satisfied that police, fire, rescue, water services, recreational opportunities, and education services can be adequately delivered to the area proposed for addition to the SSA.

As proposed:

- The City of Sheboygan Falls Police Department can adequately provide law enforcement services to this area.
- The City of Sheboygan Falls Fire Department would serve this area. They can adequately provide fire control and prevention services in this area, and act as first responders in non-fire emergencies.

- Rescue service will be provided by the Orange Cross Ambulance Service.
- Water service will be provided by the City of Sheboygan Falls Water Utility.
- Recreational opportunities will be provided at various parks scattered across the City of Sheboygan Falls, including River Park, Rochester Park, and several smaller parks and mini-parks. In addition, a new park is being planned for the northwest side of the city along Bluebird Lane.
- Education services will be provided by the Sheboygan Falls School District, including an elementary school, a middle school, and a high school.

Based upon the preceding information provided by the petitioner and independently verified, the BLRPC staff has determined that the petitioner has adequately addressed the provision of police, fire, rescue, water, recreational opportunities, and education services, such that the proposed amendment is consistent with this criterion.

SPECIAL TYPE II AMENDMENT REVIEW CRITERIA

COMPARISONS OF POPULATION PROJECTIONS OF THE SEWER SERVICE AREA PLAN WITH ACTUAL POPULATION INCREASES IN THE MUNICIPALITY

The petitioner stated that “the *2003 City of Sheboygan Falls Sanitary Sewer Update Study*” projected a population of approximately 8,000 for 2021.” According to the U.S. Census Bureau, the population of the City of Sheboygan Falls was 8,210 in 2020. “Therefore, the *2003 City of Sheboygan Falls Sanitary Sewer Update Study* estimates are very close to the population of the city.” The petitioner also indicated that “the growth which has occurred in (the City of) Sheboygan Falls over the last 10 to 15 years has occurred in other parts of the city which are not part of the same sanitary sewer sub-catchment as the Falls Meadow Subdivision,” adding that “previous growth areas included the Auburn Hills Subdivision, Pine Haven, the Plank Trail Apartments, the Pineview Park (Van Horn) Apartments, etc., which have occurred in the northern portion of the city.”

The Wisconsin Department of Administration (WDOA) Demographic Services Center projected a 2020 population of 8,565 for the City of Sheboygan Falls in its latest municipal level population projections completed in late 2013. The WDOA estimated the January 2021 population of the city to be 8,527 in October 2021. This amounts to a difference of only 38 persons (or just over 0.4 percent) below the 2020 projection for the City of Sheboygan Falls.

In reviewing whether the petitioner has satisfied this criterion, BLRPC staff examined long-range population projections for the City of Sheboygan Falls. The population (as currently projected by the WDOA Demographic Services Center) should increase to 10,040 by 2040, with significant population increases in each five-year period from 2020 through 2040 (particularly from 2020 to 2030). The WDOA Demographic Services Center population projections are a

required input into the design of the sewer service area boundary. The proposed development is in line with these population projections.

For these reasons, BLRPC staff considers this criterion satisfied.

COMPARISONS OF LAND PROJECTIONS IN THE PLAN WITH ACTUAL VACANT LAND

The *2030 Sheboygan Urbanized Area Sewer Service Plan* indicates that in 2009, the City of Sheboygan Falls encompassed over 3,468 acres, of which nearly 2,416 acres involved “developed land,” over 571 acres involved “developable land,” and nearly 482 acres involved “undevelopable land.”

The amendment petition requests that approximately 19.35 acres be added to the SSA. The amendment petition envisions that all of these acres would involve single-family residential development (with subtractions for street rights-of-way and one small ESA in the northeast portion of the amendment area).

Therefore, a total of approximately 19.35 acres of land would be provided with public sewer service, and will need to be justified on the basis that growth, combined with the impacts of this residential development, are below a reasonable long-term growth allocation for the City of Sheboygan Falls based on facts stated in the *2030 Sheboygan Urbanized Area Sewer Service Plan*.

According to the *2030 Sheboygan Urbanized Area Sewer Service Plan*, the City of Sheboygan Falls portion of the sewer service area was allocated 635.1 of the 3,914 acres of total development projected to be needed areawide over the planning horizon. In addition, according to the plan, on a proportional population growth basis from 2010 to 2030, the City of Sheboygan Falls portion of the sewer service area was allocated 247.2 of the 1,364 acres of residential development projected to be needed areawide over the planning horizon in that plan based on population projections from the WDOA Demographic Services Center. Calculations were derived using population change from 2010 to 2030 to calculate the City of Sheboygan Falls’ portion of the 1,364 acres of residential growth projected to be needed in order to accommodate future growth.

According to the land use inventory of the SSA conducted by the BLRPC in the summer of 2021, there are currently 790.86 acres of residential development in the City of Sheboygan Falls. Since the land use inventory conducted for the *2030 Sheboygan Urbanized Area Sewer Service Plan* (2009), single-family residential has stayed about the same, while multifamily residential has increased by 28.33 acres. In addition, the small Norgaard Meadows subdivision (14 acres) involving single-family residential development is pending. Therefore, the total amount of land that is considered to have developed since approval of the *2030 Sheboygan Urbanized Area Sewer Service Plan* has been 42.33 acres, leaving a balance of 204.87 acres that could be

developed. Thus, growth does not exceed the allocation for growth in the sewer service area, and to that end, BLRPC staff consider this criterion satisfied.

DATA ON THE CURRENT DEVELOPMENT DENSITY

In 2010, the U.S. Census population of the City of Sheboygan Falls was 7,775. In 2009, total developed land involved 2,415.7 acres. There is very little development pressure in the area, and population densities are not a concern. The BLRPC staff considers this criterion satisfied.

INFORMATION ON THE CAPACITY OF EXISTING SEWER LINES AND TREATMENT FACILITIES TO SERVE THE AREA PROPOSED FOR ADDITION TO THE SEWER SERVICE BOUNDARY

Please refer to the discussion under “Capacity Impacts on Sewage Facilities” (one of the primary amendment review criteria) for information concerning how this criterion is satisfied. It has been qualitatively demonstrated that this criterion has been satisfied.

STAFF CONCLUSION

Based upon these findings, the staff of the Bay-Lake Regional Planning Commission concludes that the Type II Amendment petition for the City of Sheboygan Falls portion of the sewer service area is generally consistent with the following criteria for evaluating sewer service area plan amendments in the *2030 Sheboygan Urbanized Area Sewer Service Plan*:

- Minimal adverse impacts on environmental corridors and water quality (subject to natural resource conditions being met).
- Capacity impacts on sewage facilities.
- Conformance with comprehensive plan and zoning regulations and with sewer service area plan goals and objectives (subject to mapping the entire amendment area as single-family residential or equivalent in the City of Sheboygan Falls Comprehensive Plan 2019 Addendum and in the city’s zoning ordinance and map, and subject to fulfilling the natural resource conditions at the conclusion of this report).
- Common boundary with the current sewer service area/no creation of a void in the sewer service area.
- Cost-effectiveness (orderliness/logical extension of urban development) of the service area plan amendment request (subject to mapping the amendment area as single-family residential or equivalent in the City of Sheboygan Falls Comprehensive Plan 2019 Addendum).
- Delivery of other services.

In addition, based upon these findings, staff conclude that the Type II Amendment petition for the City of Sheboygan Falls portion of the sewer service area is consistent with all four special criteria for evaluating Type II Amendments in the *2030 Sheboygan Urbanized Area Sewer Service Plan*.

STAFF RECOMMENDATION

The Bay-Lake Regional Planning Commission recommends approval of the Type II Amendment petition for the City of Sheboygan Falls portion of the sewer service area subject to the following conditions:

NATURAL RESOURCE CONDITIONS

1. That there shall be buffers for wetlands in the area proposed for development in accordance with any federal, state, county, or local regulations or ordinances regardless of the size of the wetland.
2. That development shall be set back from surface water in accordance with any federal, state, county, or local regulations or ordinances.
3. That the City of Sheboygan Falls and the developer of the subject property implement and rigorously develop and enforce stormwater management and erosion control plans.
4. That the developer follows any recommendations received by the U.S. Fish and Wildlife Service and the Wisconsin Department of Natural Resources regarding known federal and state threatened and endangered species and habitats within the area proposed for sewer lateral construction.

OTHER CONDITIONS

1. The entire amendment area should be mapped as single-family residential (or equivalent) in the City of Sheboygan Falls 2019 Comprehensive Plan Addendum.
2. The entire amendment area should be mapped as single-family residential (or equivalent) in the City of Sheboygan Falls zoning ordinance and map.
3. That the City of Sheboygan Falls and the developer enter into an agreement for the City of Sheboygan Falls to receive effluent from the development, including detailed fees and rates to be paid for this service and provisions for metering the discharge.
4. Detailed plans for the proposed private sewer discharge into the public sewer manhole need to be reviewed and approved by the consulting engineer under contract with the City of Sheboygan Falls.

PUBLIC REACTION

A public hearing was held on December 21, 2021, to obtain public reaction on the proposed City of Sheboygan Falls SSA plan amendment. The hearing was sponsored by the Bay-Lake Regional Planning Commission and the Technical Advisory Committee for the *2030 Sheboygan Urbanized Area Sewer Service Plan*. Summary minutes of the public hearing are presented in Appendix A.

A review of the public hearing minutes indicated that the Administrator of the City of Sheboygan Falls, Shad Tenpas, spoke on this matter, indicating support for the sewer service area plan amendment request. In addition, letters of support for the sewer service area plan amendment request were received from the Sheboygan County Economic Development Corporation (EDC) and from the Sheboygan Falls Chamber of Commerce-Main Street Program. Letters of support can be found in Appendix C.

2030 SHEBOYGAN URBANIZED AREA SEWER SERVICE PLAN TECHNICAL ADVISORY COMMITTEE DELIBERATIONS CONCERNING THE PROPOSED AMENDMENT

The Technical Advisory Committee for the *2030 Sheboygan Urbanized Area Sewer Service Plan* met on January 27, 2022, to consider the amendment request. Following discussion concerning the amendment request, the committee voted unanimously to recommend to the City of Sheboygan Falls, the Bay-Lake Regional Planning Commission, and to the Wisconsin Department of Natural Resources that this Type II sewer service area plan amendment for the City of Sheboygan Falls be approved. However, this approval is subject to four “natural resource conditions” and four “other conditions,” which were also approved unanimously. Minutes of the January 27, 2022, Technical Advisory Committee meeting can be found in Appendix B.

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**APPENDIX A
PUBLIC HEARING MINUTES**

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**PUBLIC HEARING MINUTES OF THE BAY-LAKE REGIONAL PLANNING
COMMISSION
SEWER SERVICE AREA PLAN AMENDMENT FOR THE CITY OF SHEBOYGAN
FALLS**

Tuesday, December 21, 2021

**Sheboygan Falls Municipal Building (Fire Department Training Room, Second Floor)
375 Buffalo Street
City of Sheboygan Falls
9:30 a.m.**

Jeffrey Agee-Aguayo (Bay-Lake Regional Planning Commission) called the Public Hearing to order at 9:31 a.m. Jeffrey Agee-Aguayo asked committee members, those wishing to speak at the public hearing, and others in attendance in person to please sign in, and recorded committee members and others who were in attendance virtually or via phone. **(A copy of the attendance records for the public hearing is attached)**. Technical Advisory Committee members Aaron Anger (Town of Mosel), Aaron Brault (Sheboygan County), and Mayor Ryan Sorenson (City of Sheboygan) were excused from the public hearing.

Members of the Technical Advisory Committee for the *2030 Sheboygan Urbanized Area Sewer Service Plan* and staff of the Bay-Lake Regional Planning Commission introduced themselves to members of the public participating in the hearing; members of the public participating in the public hearing also introduced themselves. Jeffrey Agee-Aguayo explained the purpose of the hearing, explained the type of case being considered at this public hearing, and explained the procedure to be used in conducting this public hearing. Jeffrey Agee-Aguayo then read the legal notice as it appeared in the *Sheboygan Falls News* on December 17, 2021.

Jeffrey Agee-Aguayo stated that the amendment request involved the addition of approximately 18.7 acres of land (for purposes of contiguity) to the City of Sheboygan Falls portion of the sewer service area as a Type II Amendment. The development proposed for this area would consist of the “construction of public street with sanitary, storm and water utilities, 48 single family residential lots, and two detention ponds.” Of this development, 10 of the lots are within the existing sewer service area, while 38 other lots are in the proposed amendment area.

Jeffrey Agee-Aguayo asked that persons wishing to speak state their name, address, and whether they were speaking in favor, in opposition, or for informational purposes only regarding the amendment process. Jeffrey Agee-Aguayo asked that each person indicate their reasons for their position, speak loudly, clearly, be brief and to the point. Jeffrey Agee-Aguayo reminded everyone in attendance to address the amendment request at hand.

Jeffrey Agee-Aguayo asked those in favor of the proposed amendment to speak.

Shad Tenpas (City of Sheboygan Falls Administrator, 375 Buffalo Street, Sheboygan Falls) spoke in favor of the proposed amendment. Mr. Tenpas discussed the housing shortage and the

developer that is working to bring the subdivision to fruition. Mr. Tenpas noted that the area proposed for the amendment was annexed from the Town of Sheboygan Falls to the City of Sheboygan Falls. Mr. Tenpas commented that the City of Sheboygan Falls Plan Commission and Common Council had both approved of this development. Mr. Tenpas confirmed that the proposed subdivision would involve 48 single family lots and two retention ponds. Mr. Tenpas discussed the various exhibits included with the city's amendment petition, including: a certified survey map of the proposed subdivision; the Bay-Lake Regional Planning Commission map of the area proposed for development in terms of what was in and out of the existing sewer service area; a map of the proposed subdivision vis-à-vis existing interceptors and future sewers; and a map of the proposed subdivision vis-à-vis nearby wastewater treatment service areas. Mr. Tenpas concluded by stating that the proposed subdivision was adjacent to other existing subdivisions within the City of Sheboygan Falls.

Jeffrey Agee-Aguayo asked those in opposition to the proposed amendment to speak. No one spoke in opposition to the proposed amendment.

Jeffrey Agee-Aguayo thanked those who spoke for their input and called three times for anyone else wishing to speak concerning the amendment request. There were no additional comments raised at the public hearing. Jeffrey Agee-Aguayo stated that all comments would be summarized and brought forward to the Technical Advisory Committee for the *2030 Sheboygan Urbanized Area Sewer Service Plan*, which would meet in the near future concerning this amendment request.

The meeting of the Technical Advisory Committee for the *2030 Sheboygan Urbanized Area Sewer Service Plan* to consider and make a recommendation on this amendment petition was set for **Thursday, January 27, 2021, at 9:30 a.m.**

Jeffrey Agee-Aguayo briefly brought up two other issues with Technical Advisory Committee members. First, that the Technical Advisory Committee would likely review a proposal to update the *Sheboygan Urbanized Area Sewer Service Area* at the January 27 meeting, with the next plan update having a horizon year of at least 2045. Second, the Kohler Company has expressed interest in having its generator plant in the Town of Mosel examined for potential sanitary sewer service, which could be addressed either through an amendment or through a plan update (the Town of Mosel has not yet weighed in on this matter from its perspective).

Moved by Jerry Benzschawel and seconded by Tom Holtan to close the public hearing. Motion carried, with all participating Technical Advisory Committee members voting aye on a voice vote. The public hearing closed at 9:50 a.m.

Recording secretary,

Jeffrey C. Agee-Aguayo

2030 SHEBOYGAN URBANIZED AREA SEWER SERVICE PLAN
TECHNICAL ADVISORY COMMITTEE
December 21, 2021, Meeting at 9:30 a.m.
Attendance Roster

<u>Committee Member</u>	<u>Signature of Committee Member (or Designated Alternate)*</u>
Ryan Sorenson (Mayor, City of Sheboygan)	_____
Chad Pelishek or Steve Sokolowski (Sheboygan Department of City Development)	_____
David Biebel (City of Sheboygan Department of Public Works)	Ryan Sazama (virtual)
Steve Jossart (Sheboygan Regional Wastewater Treatment Plant)	Steve Jossart (virtual)
Jerry Benzschawel (City of Sheboygan Falls Department of Public Works)	Jerry Benzschawel (in person)
Brett Edgerle (Village of Kohler Department of Public Works)	Brett Edgerle (virtual)
Aaron Anger (Chairperson, Town of Mosel)	_____
Tom Holtan (Town of Sheboygan Department of Public Works)	Tom Holtan (virtual)
Lyman "Skip" Theobald (Chairperson, Town of Sheboygan Falls)	_____
John Ehmann (Chairperson, Town of Wilson)	Julie Wicker (virtual)
Aaron Brault (Sheboygan County Planning and Resources Department)	_____

*Alternates should be designated based on official correspondence from the affected municipality.

Excused: Anger
Brault
Sorenson

2030 SHEBOYGAN URBANIZED AREA SEWER SERVICE PLAN
December 21, 2021, Technical Advisory Committee Public Hearing at 9:30 a.m.
Attendance List for Interested Citizens
(Non-Members of the Technical Advisory Committee)

NAME	ADDRESS	REPRESENTING
1. Joe Holzwart (in person)	3311 Weeden Creek Rd.	Dorhue & Associates
2. Shad Tenpas (in person)	375 Buffalo Street / Sheb Falls	City of Sheb. Falls
3. Adam Christensen (virtual)	BLRPC	
4. Jeff Agce-Agceyo (in person)		
5. Mike Kelm (in person)	N 7650 Lakeshore Rd	Kohler Power-System
6. Mayor Randy Meyer (phone)		City of Sheboygan falls
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APPENDIX B
MINUTES OF THE JANUARY 27, 2022, MEETING OF THE 2030 SHEBOYGAN
URBANIZED AREA SEWER SERVICE PLAN TECHNICAL ADVISORY
COMMITTEE

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MINUTES
TECHNICAL ADVISORY COMMITTEE
2030 SHEBOYGAN URBANIZED AREA SEWER SERVICE PLAN
January 27, 2022
(Conducted via Teleconference using Go to Meeting)

MEMBERS PRESENT: Jerry Benzschawel (City of Sheboygan Falls Department of Public Works)
David Biebel (City of Sheboygan Department of Public Works)
Aaron Brault (Sheboygan County Planning and Conservation Department)
Brett Edgerle (Village of Kohler Department of Public Works)
Tom Holtan (Town of Sheboygan Department of Public Works)
Steve Jossart (Sheboygan Regional Wastewater Treatment Plant)
Ryan Sazama for Mayor Ryan Sorenson (City of Sheboygan)

OTHERS PRESENT: Lisa Helmuth (Wisconsin Department of Natural Resources, Madison)
Joe Holzwart (Donohue & Associates)
Michael Kelm (Kohler Company)
Mayor Randy Meyer (City of Sheboygan Falls)
Josh Posthuma (Developer of Area Proposed for Sewer Service Plan Amendment)
Shad Tenpas (Administrator, City of Sheboygan Falls)

STAFF PRESENT: Jeffrey Agee-Aguayo (Bay-Lake Regional Planning Commission)

1. Acting Chairperson Jeffrey Agee-Aguayo called the meeting to order at 9:35 a.m.

Members of both committees and staff participating introduced themselves for the benefit of everyone on the teleconference.

Jeffrey Agee-Aguayo noted that no one had asked to be excused from the meeting.

Jeffrey Agee-Aguayo requested two items from participants for record keeping purposes. First, that those participating state their name when speaking at this teleconference meeting. Second, that there may be possible roll call votes if there are any non-unanimous votes at this meeting.

2. Jeffrey Agee-Aguayo projected the meeting agenda on the shared screen feature in Go to Meeting, and briefly reviewed the agenda.

Moved by Aaron Brault and seconded by Brett Edgerle that the committee approve the agenda for the January 27, 2022, meeting of the *2030 Sheboygan Urbanized Area Sewer Service Plan* Technical Advisory Committee. Motion carried, with all voting aye on a voice vote.

3. Jeffrey Agee-Aguayo projected the draft minutes of the December 21, 2021, public hearing concerning the sewer service plan amendment request of the City of Sheboygan Falls on the shared screen feature in Go to Meeting, and briefly reviewed those minutes.

Moved by Brett Edgerle and seconded by Aaron Brault that the committee approve the minutes of the December 21, 2021, public hearing. This hearing was pertinent to the request of the City of Sheboygan Falls to add approximately 18.7 acres of land (later edited to 19.35 acres, and for purposes of contiguity) to the City of Sheboygan Falls portion of the sewer service area (Type II Amendment). Motion carried, with all voting aye on a voice vote.

4. Acting Chairperson Jeffrey Agee-Aguayo asked if there was any public input; none was received.

5. Committee members reviewed and took action on the sewer service area plan amendment request of the City of Sheboygan Falls to add approximately 19.35 acres of land (for purposes of contiguity) to the City of Sheboygan Falls portion of the sewer service area (a Type II Amendment).

A. Jeffrey Agee-Aguayo projected the staff report concerning the sewer service area plan amendment proposal for the City of Sheboygan Falls on the shared screen feature in Go to Meeting, then presented that report to the committee. This report was emailed to committee members about a week in advance of the meeting. This amendment proposal involved the addition of approximately 19.35 acres of land to the City of Sheboygan Falls portion of the sewer service area (Type II Amendment).

Jeffrey Agee-Aguayo presented the introduction to the staff report, which discussed general location issues and current and proposed land uses in the territory to be added to the sewer service area. Jeffrey Agee-Aguayo noted that 18.92 of the 19.35 acres to be developed for single-family residential uses would come from what are currently agricultural land uses, with the remainder coming from natural areas. Jeffrey Agee-Aguayo also presented background information and the justification for the amendment to committee members.

Jeffrey Agee-Aguayo reviewed in detail how the proposed amendment fared in terms of the Commission's six primary review criteria. The proposed amendment was fully consistent with three of the six primary criteria for evaluating sewer service area plan amendments in the *2030 Sheboygan Urbanized Area Sewer Service Plan*. The three criteria were: (1) capacity impacts on sewage facilities; (2) common boundary with the current sewer service area/no creation of a void in the sewer service area; and (3) delivery of other services. Jeffrey Agee-Aguayo added that the

proposed amendment was generally consistent with three additional criteria, and would be fully consistent with those criteria subject to certain conditions being met; those criteria were:

- Minimal adverse impacts on environmental impacts and water quality (subject to natural resource conditions being met);
- Conformance with comprehensive plan and zoning regulations and with sewer service area plan goals and objectives (subject to mapping the entire amendment area as single-family residential or equivalent in the City of Sheboygan Falls Comprehensive Plan 2019 Addendum and in the city's zoning ordinance and map, and subject to natural resource conditions being met); and
- Cost-effectiveness (orderliness/logical extension of urban development) of the sewer service area plan amendment request (subject to mapping the amendment area as single-family residential or equivalent in the City of Sheboygan Falls Comprehensive Plan 2019 Addendum).

Jeffrey Agee-Aguayo added that the amendment can be more fully consistent with the three above noted criteria with the fulfillment of certain conditions noted at the end of the staff report.

Jeffrey Agee-Aguayo also reviewed in detail how the proposed amendment fared in terms of the special criteria used for evaluating Type II Amendments in the *2030 Sheboygan Urbanized Area Sewer Service Plan*. Jeffrey Agee-Aguayo stated that the Type II Amendment petition for the City of Sheboygan Falls portion of the sewer service area was consistent with all four special criteria used for evaluating Type II Amendments in the *2030 Sheboygan Urbanized Area Sewer Service Plan*.

Jeffrey Agee-Aguayo stated that the Commission staff recommended approval of the Type II amendment petition for the City of Sheboygan Falls portion of the sewer service area subject to four natural resource conditions and four other conditions being met, as outlined in the staff report. Public reaction concerning the proposed amendment was also reviewed.

Appendices that either already exist or will be added to the staff report upon its submittal to the DNR will include: (1) minutes of the December 21, 2021, public hearing concerning the proposed amendment; (2) minutes of this January 27, 2022, meeting of the Technical Advisory Committee for the *2030 Sheboygan Urbanized Area Sewer Service Plan*; (3) correspondence pertinent to the proposed amendment; and (4) a map of the proposed sewer service area plan amendment. Public hearing minutes were reviewed under agenda item 3, while items 3 and 4 were reviewed with committee members in the review of the staff report.

B. As far as discussion from committee members and other in attendance was concerned, Jerry Benzschawel stated that he believed that the City of Sheboygan Falls had met the criteria for this development. David Biebel asked if the amendment under consideration was included in the 1975 agreement for sewer service; Jerry Benzschawel responded that he believed

that this area was included in the 1975 agreement, since this was one of the considerations in the *2003 City of Sheboygan Falls Sanitary Sewer Update Study*. David Biebel commented that the City of Sheboygan and participating communities will need to review and update the western interceptor agreement in the near future. Jeffrey Agee-Aguayo asked if there had been amendments to either the 2015 or 2030 *Sheboygan Urbanized Area Sewer Service Plan* between 2008 (when extension review responsibilities were given to other staff) and 2019 (when Mr. Agee-Aguayo resumed reviewing extensions); committee members indicated that they were not aware of any plan amendments during this period.

C. **Moved** by Aaron Brault and seconded by Brett Edgerle that the Technical Advisory Committee recommends to the City of Sheboygan Falls, the Bay-Lake Regional Planning Commission and to the Wisconsin Department of Natural Resources that this Type II sewer service area plan amendment for the City of Sheboygan Falls be approved subject to the conditions cited in the Bay-Lake Regional Planning Commission staff report concerning the amendment request, and assuming that the amendment does not take away from development in other parts of the sewer service area. Motion carried, with all voting aye on a voice vote.

6. Jeffrey Agee-Aguayo provided an update on discussion that Kohler Company representatives had with Bay-Lake Regional Planning Commission staff regarding potential sewer service to the Kohler Power Systems plant in the Town of Mosel.

Jeffrey Agee-Aguayo stated that preliminary discussions were held with Kohler Company staff regarding potential sewer service to the company's generator plant in mid-December, and one of these representatives was also in attendance at the public hearing regarding the City of Sheboygan Falls plan amendment on December 21, 2021. Jeffrey Agee-Aguayo pulled up Map 6.1 of the *2030 Sheboygan Urbanized Area Sewer Service Plan* to illustrate where the plant is located relative to the sewer service area plan's northern boundary. Jeffrey Agee-Aguayo commented that he was not certain if the Kohler Company had initiated discussions with the town board in Mosel regarding this matter.

Jeffrey Agee-Aguayo indicated that this could be approached in one of two ways: either via a plan amendment or through incorporating this area into the sewer service area in a plan update. Jeffrey Agee-Aguayo noted that the plant is located less than one mile north of the northern sewer service area boundary, which is Playbird Road.

Jeffrey Agee-Aguayo asked if there were other considerations in this matter. David Biebel commented that the Town of Mosel is not a party to the 1975 sewer service agreement, such that the agreement would need to be revisited to include the town. David Biebel added that other areas have approached the City of Sheboygan to amend the agreement to include these areas as well. David Biebel also indicated that contractual obligations will need to change as part of this process.

7. Committee members reviewed the draft proposal to update the *Sheboygan Urbanized Area Sewer Service Plan*.

Jeffrey Agee-Aguayo projected the draft proposal for updating the sewer service area plan on the shared screen feature in Go to Meeting, then presented that proposal to the committee. This proposal was emailed to committee members about a week in advance of the meeting.

Items reviewed included: the project understanding; objectives of the plan update; the scope of services; planning process and timeline; division of work between Bay-Lake Regional Planning Commission staff and the plan technical advisory committee; project cost; and project team and qualifications.

Jeffrey Agee-Aguayo stated that the Commission's Environmental Planner (Adam Christensen) would lead this project, adding that Mr. Agee-Aguayo would assist and advise Mr. Christensen on the project. There will also be considerable effort on the part of the Commission's GIS Specialist (Nicole Barbiaux) on this project.

Jeffrey Agee-Aguayo commented that it would take some time for the project to commence due to the current workload of the Commission staff.

As far as discussion from committee members and others in attendance was concerned, David Biebel stated that an update of the sewer service plan is long overdue. David Biebel also commented that the updated plan may need to include additional appendices that would come from the City of Sheboygan. David Biebel indicated that the cost of the project was fine, adding that the wastewater treatment plant could pay for the plan, then bill the other participants a portion of the cost; Jerry Benzschawel agreed with the concept proposed by Mr. Biebel, but Brett Edgerle wanted to see what this would look like first (for budgeting purposes) before agreeing to it.

Jeffrey Agee-Aguayo suggested sending the proposal (in a format preferred by the WDNR) to WDNR staff to see if that agency might pay for a portion of the cost of the study.

As for timing, David Biebel stated that he preferred to have work start on the plan in 2022.

Moved by David Biebel and seconded by Aaron Brault to approve the proposal contingent upon dividing costs on the project with the wastewater treatment plant. Motion carried, with all voting aye on a voice vote.

8. A next meeting date was not set, as no additional business was anticipated for the immediate future.

9. **Moved** by Brett Edgerle and seconded by Jerry Benzschawel that the meeting of the *2030 Sheboygan Urbanized Area Sewer Service Plan* Technical Advisory Committee be adjourned. Motion carried, with all voting aye on a voice vote. The meeting adjourned at 10:50 a.m.

Recording secretary,

Jeffrey C. Agee-Aguayo

APPENDIX C
CORRESPONDENCE

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January 12, 2022

Mr. Jeffery Agee-Aguayo
Transportation Planner
Bay-Lake Regional Planning Commission
1861 Nimitz Dr.
De Pere, WI 54115

Subject: Falls Meadow Subdivision in Sheboygan Falls, WI

Dear Jeff,

Please accept this letter of support for the Type II Sewer Service Area Amendment of the Sewage Plan for the total area of 18.7 acres.

This Amendment will provide for the expansion of the residential development within the City of Sheboygan Falls. The proposed use for the property in the Amendment area is consistent with the City's zoning and comprehensive plan. The proposed development consists of the construction of public streets with sanitary, storm and water utilities, 48 residential single-family lots and 2 detention ponds.

Single-family housing is a high priority for economic development and growth in Sheboygan Falls. This new 48-lot subdivision is very much needed to attract employees to this area to address the severe workforce issues we are facing. The ability to provide single-family housing options will be an enormous asset to Sheboygan Falls.

We strongly encourage the Bay-Lake Regional Planning Commission to approve the Type II Sewer Service Area Amendment in the Sewage Plan for the total area of 18.7 acres so this development can move forward.

Sincerely,

A handwritten signature in black ink that reads 'Shirl Breunig'. The signature is written in a cursive style.

Shirl Breunig
Executive Director

January 14, 2022

Bay-Lakes Regional Planning Commission
Attn: Jeffrey Agee-Aguayo
1861 Nimitz Drive
De Pere, WI 54115

Dear Jeffrey:

The Sheboygan County Economic Development Corporation supports the request by the City of Sheboygan Falls and Falls Meadows subdivision to amend the 2030 Sheboygan Urbanized Area Sewer Service Plan.

The proposal would be adding 18.7 acres to the Sheboygan Urbanized Area Sewer Service Plan. The development would include construction of public streets with sanitary, storm and water utilities, 48 residential single-family lots and 2 detention ponds. The proposed land use for the property is consistent with the City's zoning and comprehensive plan.

Sheboygan County is in desperate need of additional housing units to meet the needs of the growing marketplace. The County will need to increase population and recruit talent to maintain our quality of life and business climate that has over 2,500 jobs advertised as vacant.

On behalf of the SCEDC, we ask for your approval of the The Sewer Service Area Amendment that will allow for the expansion of the residential development within the City of Sheboygan Falls.

Sincerely,



Brian Doudna
Executive Director

MAP 1
PROPOSED SEWER SERVICE AREA PLAN AMENDMENT

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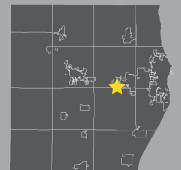


Environmentally Sensitive Areas (ESAs)

Falls Meadow Subdivision

- | | |
|---|---|
| <ul style="list-style-type: none"> Surface Water with a 75 Foot Setback Wetlands (>2 acres) with a 50 Foot Setback Site Location*
<i>*Location is approximate</i> | <ul style="list-style-type: none"> 100-Year Floodplain Sewer Service Area Boundary Municipal Boundary |
|---|---|

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