

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

**SEWER SERVICE AREA AMENDMENT TO THE  
VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN,  
KEWAUNEE COUNTY**

**Addition of approximately 18.44 acres of land (proposed to be commercial and heavy industrial development, along with street right-of-way) to the Village of Luxemburg Sewer Service Area (Type II Amendment)**

**VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN  
TECHNICAL ADVISORY COMMITTEE**

**MARCH 2, 2021**

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# STAFF REPORT TO THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES

## VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN TECHNICAL ADVISORY COMMITTEE

MARCH 2, 2021

### SEWER SERVICE AREA PLAN AMENDMENT FOR THE VILLAGE OF LUXEMBURG SEWER SERVICE AREA, KEWAUNEE COUNTY

#### **Addition of approximately 18.44 acres of land to the Village of Luxemburg Sewer Service Area (Type II Amendment)**

#### **INTRODUCTION**

On November 30, 2020, the Bay-Lake Regional Planning Commission (BLRPC) received a petition from the Village of Luxemburg to extend the sewer service area (SSA) boundary “for the Frontier Road right-of-way and a portion of a parcel owned by the village east of (the proposed) Frontier Road and south of Ash Street in the western section of the village.” This request requires a Type II Amendment to the *Village of Luxemburg Sewer Service Area Plan*.

The Type II Amendment request involves the addition of approximately 18.44 acres of land to the sewer service area. Some 14.30 acres of this land are in a location outside of but immediately adjacent to the current sewer service area. The remaining 4.14 acres of this land (undevelopable street right-of-way for the Frontier Road extension) is outside of the current sewer service area, is adjacent to the sewer service area to the north, but is not adjacent to the sewer service area to the east (although it is close to that boundary to the east). The area to be amended is located primarily within Section 21, Township 24 North, Range 23 East, Kewaunee County, Wisconsin.

The approximately 18.44 acres proposed for addition to the sewer service area currently consists of exclusively agricultural land uses.

This area would become a mix of commercial (1.60 acres) and heavy industrial (12.70 acres), along with 4.14 acres of street right-of-way for the Frontier Road extension, with the development resulting from the proposed amendment.

## **BACKGROUND**

The Village of Luxemburg has requested the sewer service area plan amendment in order to have an area developer proceed with a combination of commercial and heavy industrial development in the southwestern portion of the village. In addition, the amendment would include a southerly extension of Frontier Road in the southwestern portion of the village.

The Village of Luxemburg anticipates that the 18.44 acres proposed for addition to the sewer service area will be developed as follows:

- Commercial land use: 1.60 acres;
- Heavy industrial land use: 12.70 acres; and
- Transportation land use (right-of-way for the Frontier Road extension): 4.14 acres.

## **AMENDMENT JUSTIFICATION**

The Village of Luxemburg 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 357 acres that have been projected for development of various uses of land (from the baseline land use inventory completed in 1998 and projected through 2019) 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.

The Village of Luxemburg justifies this request based on statements that the amount of development over the life of the plan was below the 357 acres that were allotted for such growth in the plan. Of the commercial, heavy industrial and transportation land uses that are anticipated, all of these are located in the area proposed in the amendment.

## **PRIMARY AMENDMENT REVIEW CRITERIA**

### **MINIMAL ADVERSE IMPACTS ON ENVIRONMENTALLY SENSITIVE AREAS AND WATER QUALITY**

The petitioner has indicated that the proposed development “will have no adverse impact on any wetlands or Environmentally Sensitive Areas (ESAs).” The petitioner noted that “a wetland delineation was performed...which noted that there were no wetlands on the on the Frontier Road right-of-way corridor nor in the village owned land east of (the proposed) Frontier (Road) and south of Ash Street.” The petitioner also indicated that “the closest navigable stream...is located approximately 1,100 feet west of (the proposed) Frontier Road,” and that “there will be no ESAs or wetlands impacted by the project.”

The petitioner also discussed construction of a storm water management pond at the intersection of Frontier Road and Ash Street. The petitioner noted that “a stormwater management plan was prepared that complies with the Village of Luxemburg’s ordinances and with the Wisconsin DNR’s requirements,” and also indicated that “the WDNR has issued a Wisconsin Pollutant Discharge Elimination System (WPDES) stormwater permit for the construction of Frontier Road, Ash Street, and the proposed detention pond.”

The BLRPC staff examined the area proposed for development vis-à-vis ESAs in the sewer service area. Based on preliminary mapping, the proposed development appears to not contain any ESAs. There is surface water (with a 75-foot buffer) west of the parcel, but this does not abut the parcel proposed for development.

In the view of the BLRPC staff, a few natural resource 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.

#### **CAPACITY IMPACTS ON SEWAGE FACILITIES**

The engineer for the Village of Luxemburg stated that “the projected peak sewage flows from the sewer service (plan) amendment area are 0.046 cubic feet per second, using a flow of 0.0032 cubic feet per second, which is commonly used for industrial and commercial development, and includes a peaking factor of 4 to calculate the flows.”

The engineer for the Village of Luxemburg also indicated that “an 8-inch diameter sanitary sewer exists just north of the railroad tracks on Frontier Road and has a capacity of 1.1 cubic feet per second,” and added that “this area discharges to a lift station in the Village of Luxemburg’s Industrial Park, which was upgraded with larger pumps in 2016 and has sufficient capacity to handle the increased projected flows.” The village engineer noted that “all the downstream sewers have sufficient capacity to transport the wastewater from the new area.”

The engineer for the Village of Luxemburg commented that “the village’s sewage treatment facility, which provides pretreatment prior to pumping effluent to the NEW Water wastewater treatment facility in the City of Green Bay, has sufficient capacity to transport and treat the proposed amount of wastewater generated from the amendment area,” and added that “the projected biological oxygen demand (BOD) loadings are 13 to 16 pounds per day of suspended solids.”

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 Village of Luxemburg’s long-range and comprehensive plans,” and also stated that “the village has been planning for the extension of Frontier Road since 2000, and has owned the property at the west end of Ash Street since 2006.”

The BLRPC completed the latest comprehensive plan for the Village of Luxemburg in May 2007. This plan was compliant with Wisconsin’s “smart growth” law that was enacted in 1999. That particular plan had most of the area proposed for development mapped as “industrial,” with the southernmost portion of the area mapped as “residential” in Map 2.1 (20-Year General Plan Design) on page 2-14 of that plan. The amendment area is proposed to be mostly industrial, with a small amount of commercial development in the easternmost 200 feet on the parcel (with no residential development). The Village’s comprehensive plan should be amended to assure that this amendment is fully consistent with that plan.

The proposed development will be consistent with zoning regulations in that it is zoned mostly for heavy industrial development, and is zoned for commercial development in the eastern portion of the development. The extension of Frontier Road also appears on the village’s most current zoning map.

The amendment petition did not discuss whether the proposed amendment conforms to the five goals of the *Village of Luxemburg Sewer Service Area 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 *Village of Luxemburg Sewer Service Area Plan*, it was determined that the area proposed for addition to the sewer service area is generally contiguous to the existing sewer service boundary. The heavy industrial and commercial area is immediately south of the current sewer service boundary, while the Frontier Road proposed extension is connected to the sewer service area. There is a small area between the two parts of the amendment area that should also eventually be brought into the sewer service area for the sake of consistency. 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 *Village of Luxemburg Sewer Service Area Plan*, and will be fully consistent with that goal when the Village of Luxemburg updates its comprehensive plan and when the small area between the two parts of the amendment area is brought into the sewer service plan area, ideally through a plan update.



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 *Village of Luxemburg Sewer Service Area Plan*, it was determined that zoning for the area proposed for addition to the sewer service area is consistent with the Village of Luxemburg zoning ordinance. However, the Village of Luxemburg needs to update its “smart growth” comprehensive plan that was last completed and approved in 2007. Therefore, the proposed amendment is generally consistent with Goal 2 of the *Village of Luxemburg Sewer Service Area Plan*, and will be fully consistent with that goal when the Village of Luxemburg updates its comprehensive plan.

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 *Village of Luxemburg Sewer Service Area Plan*, it was determined that the area proposed for addition to the sewer service area would not significantly impact any environmentally sensitive areas, mapped shorelands, floodplains, wetlands, or outdoor recreation or open space resource areas.

The *Kewaunee County Outdoor Recreation Plan: 2021 – 2025* (2020) did not indicate any existing or planned public recreational parks or other facilities in the area proposed for addition to the sewer service area. Also, the area proposed for addition to the sewer service area would not impact existing public recreational parks in the village (staff is not aware of any planned public recreational parks in the village).

Therefore, the proposed amendment is generally consistent with Goal 3 of the *Village of Luxemburg Sewer Service Area Plan*, and will be fully consistent with that goal if the Village of Luxemburg and the applicant comply with the staff recommendations pertinent to the “minimal adverse impacts on environmentally sensitive areas 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 within the planning area.”

In evaluating whether the proposed amendment is consistent with Goal 4 of the *Village of Luxemburg Sewer Service Area Plan*, it was determined that the area proposed for addition to the sewer service area would neither present nor eliminate any health hazards associated with failing wastewater disposal systems. In addition, it was determined that the proposed sewer service area 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 *Village of Luxemburg Sewer Service Area Plan*.

Goal 5: “To minimize governmental sewerage service costs.”

In evaluating whether the proposed amendment is consistent with Goal 5 of the *Village of Luxemburg Sewer Service Area Plan*, it was determined that there is no duplication of facilities that would be associated with this amendment, as it is generally adjacent to the sewer service area. The amendment area involving planned heavy industrial and commercial development is also adjacent to existing sanitary sewer lines that are in the village. There is also a process to review the installation of public sewerage systems within the planning area. This amendment does not promote current sprawl. On the other hand, the *Village of Luxemburg Sewer Service Area Plan* has reached its horizon year, and needs to be updated in order to properly plan for the next 20 years. Therefore, the proposed amendment is generally consistent with Goal 5 of the *Village of Luxemburg Sewer Service Area Plan*, and will be fully consistent with that goal when the Village of Luxemburg updates its sewer service area 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 sewer service area is immediately adjacent to the approved sewer service area.

Pursuant to information provided by the petitioner, the sanitary sewer system for the property would connect to the sanitary system of the Village of Luxemburg, which is part of a larger sewer service area that is served by NEW Water (previously known as the Green Bay Metropolitan Sewerage District, or GBMSD).

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**

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 sewer service area), 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 Village of Luxemburg updates its comprehensive plan.

## **DELIVERY OF OTHER SERVICES**

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

As proposed:

- The Village of Luxemburg Police Department (with assistance from the Kewaunee County Sheriff's Department) can adequately provide law enforcement services to this area.
- The Luxemburg Fire Department would serve this area. They can adequately provide fire control and prevention services.
- Rescue services will be provided by the Luxemburg Emergency and Rescue Association.
- Municipal water will be supplied by the Village of Luxemburg.
- Recreational opportunities can be found in and near the village, but are not necessary, as this is proposed to be a heavy industrial and commercial area.
- Educational services can be found in the village, but are not necessary, as this is proposed to be a heavy industrial and commercial area.

Based upon the preceding information provided by the petitioner, the BLRPC staff has determined that the petitioner has adequately addressed the provision of police, fire, rescue, water, recreational opportunities and educational services in the amendment area.

## **SPECIAL TYPE II AMENDMENT REVIEW CRITERIA**

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

The BLRPC (with approval of the Wisconsin Department of Administration (WDOA) Demographic Services Center) projected a 2019 population of 2,609 for the Village of Luxemburg presented in the *Village of Luxemburg Sewer Service Area Plan*. However, the Wisconsin Department of Administration estimated the 2020 population for the village to be 2,620. This amounts to a difference of 11 persons (or just over 0.4 percent) above the 2019 projection for the Village of Luxemburg.

In reviewing whether the petitioner has satisfied this criterion, BLRPC staff examined long-range population projections for the Village of Luxemburg. The population (as currently projected by the WDOA Demographic Services Center) should increase to 3,230 persons by 2040, with significant population increases in each five-year period from 2020 through 2040. 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 *Village of Luxemburg Sewer Service Area Plan* indicates that in 1998, the Village of Luxemburg encompassed 1,334.50 acres, of which 751.32 acres involved “developed land,” 532.91 acres involved “developable land,” and 50.27 acres involved “undevelopable land.”

The amendment petition requests that approximately 18.44 acres be added to the sewer service area. The majority of this land (12.70 acres) would be developed for heavy industrial purposes, with an additional 1.60 acres being developed for commercial purposes, and with the final 4.14 acres involving street right-of-way for the Frontier Road extension, and therefore being undevelopable.

Therefore, a total of 18.44 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 heavy industrial, commercial and street extension project, are below a reasonable long-term growth allocation for the Village of Luxemburg based on facts stated in the *Village of Luxemburg Sewer Service Area Plan*.

According to the *Village of Luxemburg Sewer Service Area Plan*, the sewer service area was allocated 357 acres of development over the planning horizon. According to the village’s consulting engineer (Robert E. Lee & Associates), the total amount of land that has developed since approval of the *Village of Luxemburg Sewer Service Area Plan* has been 142.1 acres. When combined with the 1.49 acres being allocated to the Condos @ the Brook sewer service area plan amendment, there remains a balance of 213.41 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 1998, the WDOA Demographic Services Center population estimate for the Village of Luxemburg was 1,491, total developed land involved 751.32 acres, and total residential land involved 262.94 acres. There is very little development pressure in the area, and population densities are not a concern. In addition, this petition requests a sewer service area plan amendment for heavy industrial and commercial development (along with extension of a street in the village), not for residential development. 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 sewer service area is generally consistent with the following criteria for evaluating sewer service area plan amendments in the *Village of Luxemburg Sewer Service Area Plan*:

- Minimal adverse impacts on environmentally sensitive areas and water quality (subject to 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: updating the Village of Luxemburg Comprehensive Plan to be consistent with the proposed amendment; updating the *Village of Luxemburg Sewer Service Area Plan* in a manner in which a small area between the two parts of the amendment area is brought into the sewer service plan area; and compliance with staff recommendations pertinent to the “minimal adverse impacts on environmentally sensitive areas and water quality” criterion).
- 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 sewer service area plan amendment request (subject to conditions being met regarding updating of the Village of Luxemburg Comprehensive Plan.
- Delivery of other services.

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

## **STAFF RECOMMENDATION**

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

### **NATURAL RESOURCE CONDITIONS**

1. That the Village of Luxemburg and the developer of the subject property implement and rigorously develop and enforce stormwater management and erosion control plans.
2. That the developer follows any recommendations received from 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. That the Village of Luxemburg update its comprehensive plan, with approval within two years of approval of this amendment, and that the proposed amendment be consistent with that updated comprehensive plan.
2. That the Village of Luxemburg work with the Town of Luxemburg, Kewaunee County and the Wisconsin Department of Natural Resources to update the *Village of Luxemburg Sewer Service Area Plan*, with approval within two years of this amendment, and that a small area between the two parts of the amendment area be brought into the sewer service area through that planning process.
3. That the Village of Luxemburg (as the developer of the project) 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 Village of Luxemburg.

## **PUBLIC REACTION**

A public hearing was held on January 28, 2021, to obtain public reaction and comment on the proposed Village of Luxemburg sewer service area plan amendment. The hearing was sponsored by the Bay-Lake Regional Planning Commission and the Technical Advisory Committee for the *Village of Luxemburg Sewer Service Area Plan*. Summary minutes of the public hearing are presented in Appendix A.

A review of the public hearing minutes indicates that the village's consulting engineer, Lee Novak of Robert E. Lee and Associates, spoke on this matter, indicating support for the sewer

service area plan amendment request. Four letters were received regarding the proposed amendment, which can be found in Appendix C.

**VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN TECHNICAL ADVISORY COMMITTEE DELIBERATIONS CONCERNING THE PROPOSED AMENDMENT**

The Technical Advisory Committee for the *Village of Luxemburg Sewer Service Area Plan* met on March 2, 2021, to consider the amendment request. Minutes of the March 2, 2021, 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 AMENDMENTS FOR THE VILLAGE OF  
LUXEMBURG**

**Thursday, January 28, 2021  
Luxemburg Village Hall (Village Board Room)  
206 Maple Street  
Luxemburg, Wisconsin  
6:00 p.m.**

Jeffrey Agee-Aguayo (Bay-Lake Regional Planning Commission) called the Public Hearings to order at 6:06 p.m. Jeffrey Agee-Aguayo asked committee members, those wishing to speak at the public hearings and others in attendance at the public hearings to please sign in. **(A copy of the attendance records for each public hearing is attached)**. Members of the Technical Advisory Committee for the *Village of Luxemburg Sewer Service Area Plan* and staff of the Bay-Lake Regional Planning Commission introduced themselves to members of the public in attendance; members of the public in attendance also introduced themselves. Jeffrey Agee-Aguayo explained the purpose of the public hearings, explained the type of case being considered at these public hearings, and explained the procedure to be used in conducting the public hearings. Jeffrey Agee-Aguayo then read the legal notice as it appeared in the *Green Bay Press Gazette* on January 21, 2021.

**First Public Hearing: Request of the Village of Luxemburg to Add 1.49 Acres of Land to the Sewer Service Area**

Jeffrey Agee-Aguayo stated that the amendment request involved the addition of approximately 1.49 acres of land (for purposes of contiguity) to the sewer service area. This land is located outside of but immediately adjacent to the north edge of the current sewer service area. Jeffrey Agee-Aguayo added that this amendment request was for what was defined as a “Type II Amendment” in the *Village of Luxemburg Sewer Service Area Plan*.

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 the reasons for their position, speak loudly, clearly, be brief and to the point. Jeffrey Agee-Aguayo reminded everyone in attendance to address the amendment at hand.

Lee Novak of Robert E. Lee and Associates (1250 Centennial Centre Boulevard, Hobart) was present to speak in support of the first amendment. Mr. Novak explained the “Condos @ the Brook” development near the Northbrook Golf Course to committee members. Mr. Novak indicated that this area was annexed in 2005, but was never developed. Mr. Novak explained the nature of this proposed development and its relationship to the sewer service area. This planned unit development would involve a total of five acres, but all but 1.49 acres are already in the

sewer service area. The proposed development would consist of the construction of a public street and a private street, 18 residential condominiums, and a detention pond. Mr. Novak commented that as soon as this sewer service area plan amendment is approved, building would hopefully take place in the spring of 2021. Mr. Novak indicated that the Village of Luxemburg had not developed as much as had been permitted in the plan, and noted that the excess lands that were not developed could be applied to this sewer service area plan amendment.

Village of Luxemburg President Jack Seidl spoke in favor of the sewer service area plan amendment. Village of Luxemburg Trustee Dan Porath also spoke in favor of the sewer service area plan amendment, indicating that this would be a good development that would be good for the village.

Town of Luxemburg Chairperson Linda Jonet had questions regarding how the new sewer lines associated with this project would connect to the remainder to the sewer service infrastructure; Lee Novak answered these questions.

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 *Village of Luxemburg Sewer Service Area Plan*, which would meet in the near future concerning this amendment request.

Jeffrey Agee-Aguayo closed the first public hearing at 6:29 p.m.

### **Second Public Hearing: Request of the Village of Luxemburg to Add 18.44 Acres of Land to the Sewer Service Area**

Jeffrey Agee-Aguayo opened the second public hearing at 6:30 p.m.

Jeffrey Agee-Aguayo stated that the amendment request involved the addition of approximately 18.44 acres of land (for purposes of contiguity) to the sewer service area. This land is located outside of but immediately adjacent to the southwest edge of the current sewer service area. Jeffrey Agee-Aguayo added that this amendment request was for what was defined as a “Type II Amendment” in the *Village of Luxemburg Sewer Service Area Plan*.

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 the reasons for their position, speak loudly, clearly, be brief and to the point. Jeffrey Agee-Aguayo reminded everyone in attendance to address the amendment at hand.

Lee Novak spoke in favor of the second amendment. Mr. Novak explained the Frontier Road development to committee members, noting that this development would provide for expansion of the village's industrial park. Mr. Novak commented that again, development in this proposed amendment area would take place in the spring 2021 time frame.

Village of Luxemburg President Jack Seidl again spoke in favor of this sewer service area plan amendment. Village of Luxemburg Fire Chief Lew DuChateau commented that this amendment would lead to better fire protection, as the water supply would be improved in this part of the village in conjunction with the sewer service extension and associated development.

Town of Luxemburg Chairperson Linda Jonet commented that her town board had never been approached regarding this amendment. Lee Novak responded that he would make sure to reach out to town board members regarding this amendment. Ms. Jonet and others also had questions regarding an area that appeared to be unserved in the amendment, the annexation process, and other matters; Lee Novak answered all of these questions.

Committee members discussed affordable housing options in the Village of Luxemburg.

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 *Village of Luxemburg Sewer Service Area Plan*, which would meet in the near future concerning this amendment request.

Jeffrey Agee-Aguayo closed the second public hearing at 6:56 p.m.

The meeting of the Technical Advisory Committee for the *Village of Luxemburg Sewer Service Area Plan* to consider and make recommendations on these amendment petitions was tentatively set for Tuesday, March 2, 2021, at 6:00 p.m. The logistics of the meeting were to be determined at a later date.

**VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN  
TECHNICAL ADVISORY COMMITTEE  
January 28, 2021, Public Hearing at 6:30 p.m.  
Attendance Roster**

**Committee Member**

**Signature of Committee Member (or Designated Alternate)\***


**Jack Seidl  
(President, Village of  
Luxemburg)**

\_\_\_\_\_.


**Lew DuChateau  
(Fire Chief, Village of  
Luxemburg)**

\_\_\_\_\_.

**Dan Porath  
(Trustee, Village of  
Luxemburg)**

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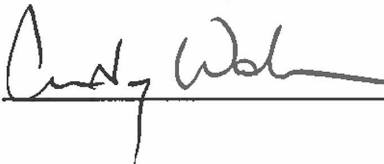
**Dick Salentine  
(Village of Luxemburg  
Plan Commission)**

\_\_\_\_\_.

**Al Peot  
(Village of Luxemburg  
Plan Commission)**

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**Andy Wallander  
(Village of Luxemburg  
Plan Commission)**

\_\_\_\_\_.

**Todd Delebreau  
(Village of Luxemburg  
Zoning Admin.)**

\_\_\_\_\_.

**Rick Simonar  
(Village of Luxemburg  
Public Works)**

\_\_\_\_\_.

**Linda Jonet  
(Chairperson,  
Town of Luxemburg)**

\_\_\_\_\_.

**Davina Bonness  
(Kewaunee County Land & Water  
Conservation)**

\_\_\_\_\_.

**Lisa Helmuth  
(Wisconsin DNR)  
(Ex-Officio)**

\_\_\_\_\_.

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

**VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN**  
**January 28, 2021, Technical Advisory Committee Public Hearing at 6:30 p.m.**  
**Attendance List for Interested Citizens**  
**(Non-Members of the Technical Advisory Committee)**

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
1. Lee Novak	1250 Centennial Centre Blvd, Hobart, WI	Robert E. Lee & Associates
2. Jeff Agee-Agway	1861 Nimitz Dr., De Pere, WI	Bay-Lake Regional Planning Commission
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**APPENDIX B**  
**MINUTES OF THE MARCH 2, 2021, MEETING OF THE *VILLAGE OF LUXEMBURG***  
***SEWER SERVICE AREA PLAN* TECHNICAL ADVISORY COMMITTEE**

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MINUTES  
TECHNICAL ADVISORY COMMITTEE  
*VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN*

March 2, 2021

Luxemburg Village Hall (Village Board Room)

(The option was also available to participate in the meeting virtually via Go to Meeting)

MEMBERS PRESENT:        Davina Bonness (Kewaunee County Land and Water  
                                         Conservation Department)  
                                         Lew DuChateau (Village of Luxemburg Fire Chief)  
                                         Linda Jonet (Town of Luxemburg Chairperson)  
                                         Al Peot (Village of Luxemburg Plan Commission)  
                                         Dick Salentine (Village of Luxemburg Plan Commission)  
                                         Jack Seidl (Village of Luxemburg President)  
                                         Rick Simonar (Village of Luxemburg Public Works Department)  
                                         Andy Wallander (Village of Luxemburg Plan Commission)

MEMBERS EXCUSED:        Todd Delebreau (Village of Luxemburg Zoning Administrator)  
                                         Dan Porath (Village of Luxemburg Trustee)

OTHERS PRESENT:        Lee Novak (Robert E. Lee and Associates, Inc.)

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

1. Chairperson Jack Seidl called the meeting to order at 6:00 p.m.

Committee members and others in attendance introduced themselves for the benefit of everyone in attendance.

Jeffrey Agee-Aguayo noted committee members who had asked to be excused from the meeting.

Jeffrey Agee-Aguayo asked that committee members identify themselves when speaking, making a motion or making a second for the purpose of record keeping. Jeffrey Agee-Aguayo also noted that there may be possible roll call votes if certain votes were not unanimous.

2. Jeffrey Agee-Aguayo distributed the agenda to committee members who needed it.

**Moved** by Rick Simonar and seconded by Al Peot that the committee approve the agenda for the March 2, 2021, meeting of the *Village of Luxemburg Sewer Service Area Plan* Technical Advisory Committee. Motion carried, with all voting aye on a voice vote.

3. Jeffrey Agee-Aguayo distributed the minutes of the January 28, 2021, public hearings concerning the sewer service area plan amendment requests of the Village of Luxemburg to those who needed them.

**Moved** by Andy Wallander and seconded by Lew DuChateau that the committee approve the minutes of the January 28, 2021, public hearings concerning the sewer service area plan amendment requests of the Village of Luxemburg. Motion carried, with all voting aye on a voice vote.

4. Chairperson Jack Seidl 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 Village of Luxemburg to add approximately 1.49 acres of land (proposed to be primarily residential) to the Village of Luxemburg Sewer Service Area (a Type II Amendment).

A. Jeffrey Agee-Aguayo distributed and presented the staff report concerning this sewer service area plan amendment proposal for the Village of Luxemburg to the committee. This amendment proposal involved the addition of approximately 1.49 acres of land to 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 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 *Village of Luxemburg Sewer Service Area Plan*. Those 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 environmentally sensitive areas and water quality (subject to a few natural resource conditions being met);
- Conformance with comprehensive plan and zoning regulations and with sewer service area plan goals and objectives (subject to: updating of the Village of Luxemburg Comprehensive Plan and the *Village of Luxemburg Sewer Service Area Plan*; and compliance with staff recommendations pertinent to the "minimal adverse impacts on environmentally sensitive areas and water quality" criterion); and

- Cost-effectiveness (orderliness/logical extension of urban development) of the sewer service area plan amendment request (subject to conditions being met regarding updating of the Village of Luxemburg Comprehensive Plan).

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 Commission's special Type II criteria. Jeffrey Agee-Aguayo stated that the Type II Amendment petition for the sewer service area was consistent with all four special criteria for evaluating Type II Amendments in the *Village of Luxemburg Sewer Service Area Plan*.

Jeffrey Agee-Aguayo stated that the Commission staff recommended approval of the Type II Amendment petition subject to two natural resource conditions and four other conditions outlined in the staff report. Public reaction concerning the proposed amendment and an aerial photography-based map showing the territory subject to addition to the sewer service area were also reviewed.

Appendices that will be included in the staff report upon its submittal to the DNR are: (1) minutes of the January 28, 2021, public hearings concerning the proposed amendments; (2) minutes of this March 2, 2021, meeting of the Technical Advisory Committee for the *Village of Luxemburg Sewer Service Area Plan*; (3) correspondence pertinent to the proposed amendment; and (4) the proposed sewer service area plan amendment map.

Lee Novak explained the sewage flow information on page 3 of the staff report for committee members in attendance.

B. As far as discussion from committee members and others in attendance was concerned, Jack Seidl had questions regarding comprehensive planning and sewer service area planning that Jeffrey Agee-Aguayo answered. It is important for the village to update both plans. A lot of the same data can be used to update both plans. If possible (given the need to complete both plans in a timely manner), it might be good for the village to use 2020 Census data and updated population and household projections from the Wisconsin Department of Administration's Demographic Services Center in the development of these plans. Al Peot and Lew DuChateau had comments regarding these planning processes. Andy Wallander discussed long-range transportation plan elements.

Al Peot commented on WDNR issues regarding sewage treatment in the Village of Luxemburg and elsewhere in Kewaunee County. Committee members discussed what has thus far been a positive relationship between the village and NEW Water. Lee Novak commented that the WDNR is advocating more regionalization of sewage treatment plants, which generated some discussion among committee members.

C. **Moved** by Al Peot and seconded by Dick Salentine that the Technical Advisory Committee recommends to the Village of Luxemburg, the Bay-Lake Regional Planning Commission and to the Wisconsin Department of Natural Resources that this Type II sewer service area plan amendment be approved subject to the conditions cited in the Bay-Lake Regional Planning Commission staff report concerning the amendment request. Motion carried, with all voting aye on a voice vote.

6. Committee members reviewed and took action on the sewer service area plan amendment request of the Village of Luxemburg to add approximately 18.44 acres of land (proposed to be commercial and heavy industrial development, along with street right-of-way) to the Village of Luxemburg Sewer Service Area (a Type II Amendment).

A. Jeffrey Agee-Aguayo distributed and presented the staff report concerning this sewer service area plan amendment proposal for the Village of Luxemburg to the committee. This amendment proposal involved the addition of approximately 18.44 acres of land to 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 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 *Village of Luxemburg Sewer Service Area Plan*. Those 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 environmentally sensitive areas and water quality (subject to a few natural resource conditions being met);
- Conformance with comprehensive plan and zoning regulations and with sewer service area plan goals and objectives (subject to: updating of the Village of Luxemburg Comprehensive Plan to be consistent with the proposed amendment; updating the *Village of Luxemburg Sewer Service Area Plan* in a manner in which a small area between the two parts of the amendment area is brought into the sewer service plan area; and compliance with staff recommendations pertinent to the "minimal adverse impacts on environmentally sensitive areas and water quality" criterion); and

- Cost-effectiveness (orderliness/logical extension of urban development) of the sewer service area plan amendment request (subject to conditions being met regarding updating of the Village of Luxemburg Comprehensive Plan).

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 Commission's special Type II criteria. Jeffrey Agee-Aguayo stated that the Type II Amendment petition for the sewer service area was consistent with all four special criteria for evaluating Type II Amendments in the *Village of Luxemburg Sewer Service Area Plan*.

Jeffrey Agee-Aguayo stated that the Commission staff recommended approval of the Type II Amendment petition subject to two natural resource conditions and four other conditions outlined in the staff report. Public reaction concerning the proposed amendment and an aerial photography-based map showing the territory subject to addition to the sewer service area were also reviewed.

Appendices that will be included in the staff report upon its submittal to the DNR are: (1) minutes of the January 28, 2021, public hearings concerning the proposed amendments; (2) minutes of this March 2, 2021, meeting of the Technical Advisory Committee for the *Village of Luxemburg Sewer Service Area Plan*; (3) correspondence pertinent to the proposed amendment; and (4) the proposed sewer service area plan amendment map.

Lee Novak explained the sewage flow information on page 3 of the staff report for committee members in attendance, and answered questions from Al Peot regarding sewage flow and treatment issues; this generated some discussion from committee members.

B. As far as discussion from committee members and others in attendance was concerned, several committee members had questions regarding bedrock depth in the vicinity of the amendment area; Lee Novak responded that bedrock depth in this area was 8 to 9 feet.

Jeffrey Agee-Aguayo commented that Wisconsin Department of Natural Resources staff in Madison that deals with sewer service area planning had inquired about karst topography in both amendment areas, that the Commission's GIS Specialist looked into this, and that there appeared to be no karst topography in either area. Davina Bonness confirmed that this was the case in her capacity as staff for the Kewaunee County Land and Water Conservation Department, adding that most of the significant karst topography in Kewaunee County was well north of the village in the Town of Red River.

C. **Moved** by Lew DuChateau and seconded by Al Peot that the Technical Advisory Committee recommends to the Village of Luxemburg, the Bay-Lake Regional Planning Commission and to the Wisconsin Department of Natural Resources that this Type II sewer

service area plan amendment be approved subject to the conditions cited in the Bay-Lake Regional Planning Commission staff report concerning the amendment request. Motion carried, with all voting aye on a voice vote.

7. A next meeting date was not established. The committee will reconvene if there are additional issues that need to be addressed.

8. **Moved** by Dick Salentine and seconded by Rick Simonar that the meeting of the *Village of Luxemburg Sewer Service Area Plan* Technical Advisory Committee be adjourned. Motion carried, with all voting aye on a voice vote. The meeting adjourned at 7:10 p.m.

Recording secretary,

Jeffrey C. Agee-Aguayo



VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN  
TECHNICAL ADVISORY COMMITTEE

March 2, 2021, Meeting at 6:00 p.m.

Attendance Roster

Committee Member

Signature of Committee Member (or Designated Alternate)\*

Jack Seidl  
(President, Village of  
Luxemburg)

Jack Seidl

Lew DuChateau  
(Fire Chief, Village of  
Luxemburg)

Lew DuChateau

Dan Porath  
(Trustee, Village of  
Luxemburg)

Excused

Dick Salentine  
(Village of Luxemburg  
Plan Commission)

Dick Salentine

Al Peot  
(Village of Luxemburg  
Plan Commission)

Al Peot

Andy Wallander  
(Village of Luxemburg  
Plan Commission)

Andy Wallander

Todd Delebreau  
(Village of Luxemburg  
Zoning Admin.)

Excused

Rick Simonar  
(Village of Luxemburg  
Public Works)

Rick Simonar

Linda Jonet  
(Chairperson,  
Town of Luxemburg)

Linda Jonet

Davina Bonness  
(Kewaunee County Land & Water  
Conservation)

Davina Bonness

Lisa Helmuth  
(Wisconsin DNR)  
(Ex-Officio)

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

**VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN**  
**March 2, 2021, Technical Advisory Committee Meeting at 6:00 p.m.**  
**Attendance List for Interested Citizens**  
**(Non-Members of the Technical Advisory Committee)**

<u>NAME</u>	<u>ADDRESS</u>	<u>REPRESENTING</u>
1. LEE NOTAL	1252 CANTON MILWAUKEE	ROBT E. LOFT ASSOC
2. Jeff Agee-Aguayo	BOULVARD HOBART	Bay-Lake RPC
3.	1861 Nimitz Dr, De Pere, WI	
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**APPENDIX C**  
**CORRESPONDENCE**

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To Whom it may concern;

We the undersigned support the Village of Luxemburg in their application for Sewer Service Area Amendment for property the Village owns in the vicinity of Ash Street and Frontier Road. The Sewer Service Amendment will enable the development of much needed commercial and industrial properties within the Village of Luxemburg. Future plans for the Village's property have deemed it necessary for the Sewer Service Amendment and therefore make it mandatory.

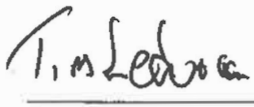
Regards,

		
Printed Name	Signature	Date

To Whom it may concern:

We the undersigned support the Village of Luxemburg in their application for Sewer Service Area Amendment for property the Village owns in the vicinity of Ash Street and Frontier Road. The Sewer Service Amendment will enable the development of much needed commercial and industrial properties within the Village of Luxemburg. Future plans for the Village's property have deemed it necessary for the Sewer Service Amendment and therefore make it mandatory.

Regards,

		
Printed Name	Signature	Date

To Whom it may concern;

We the undersigned support the Village of Luxemburg in their application for Sewer Service Area Amendment for property the Village owns in the vicinity of Ash Street and Frontier Road. The Sewer Service Amendment will enable the development of much needed commercial and industrial properties within the Village of Luxemburg. Future plans for the Village's property have deemed it necessary for the Sewer Service Amendment and therefore make it mandatory.

Regards,

ALEX STODOLA		2-23-2021
Printed Name	Signature	Date

To Whom it may concern;

We the undersigned support the Village of Luxemburg in their application for Sewer Service Area Amendment for property the Village owns in the vicinity of Ash Street and Frontier Road. The Sewer Service Amendment will enable the development of much needed commercial and industrial properties within the Village of Luxemburg. Future plans for the Village's property have deemed it necessary for the Sewer Service Amendment and therefore make it mandatory.

Regards,

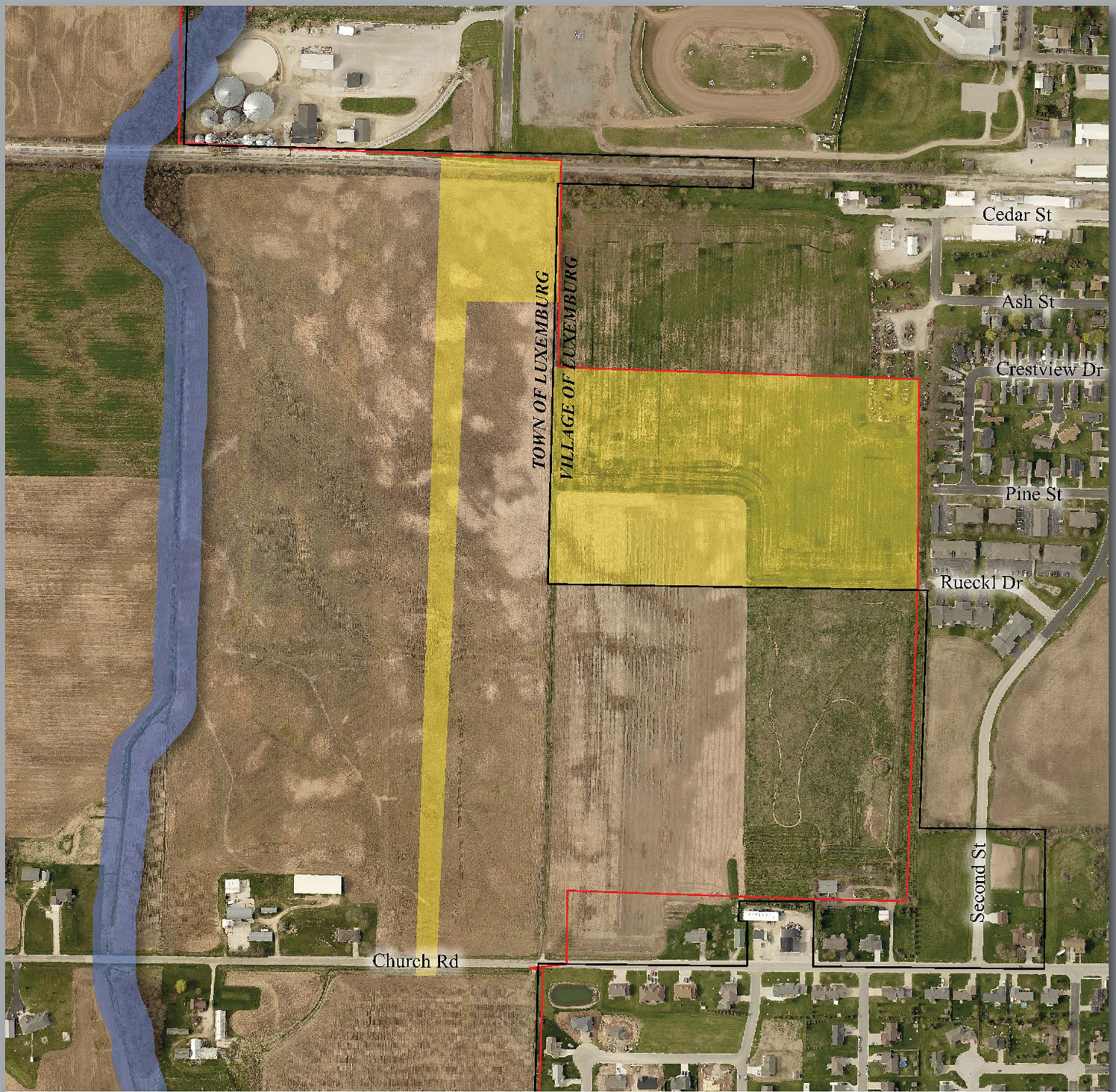
Gary Simonas	Gary Simonas	2-23-21
Printed Name	Signature	Date



**APPENDIX D**  
**PROPOSED SEWER SERVICE AREA PLAN AMENDMENT MAP**

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## Environmentally Sensitive Areas (ESAs)

### Frontier Road Area

-  Municipal Boundary
-  SSA Boundary
-  Surface Water (with a 75 foot buffer)
-  Subject Area\*

\*Approximate Location based off of georeferenced location map





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