Technical Report No. 64

VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN

Prepared By:
Bay-Lake Regional Planning Commission, 2000

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Village of Luxemburg
Sewer Service Area Plan

2000

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Chapter 1 - INTRODUCTION

INTRODUCTION

In 1972, the U.S. Congress passed amendments to the Federal Water Pollution Control Act (P.L. 92-500, known as the Clean Water Act). This act called for a national goal of fishable and swimmable waters to be achieved by July 1, 1983, through a comprehensive program of water quality planning, construction grants for municipal wastewater treatment facilities, and a national wastewater discharge permit program for municipal and industrial discharges.

Section 208 of the Clean Water Act requires local agencies, designated by the Governor, or the State Water Quality Agency (in Wisconsin, the Department of Natural Resources herein referred to as WDNR), to prepare Areawide Water Quality Management Plans.

State and Federal regulations also require that these plans indicate the most cost-effective and environmentally sound wastewater treatment configuration for a municipal sewage treatment facility for a 20-year planning period. This is accomplished with the development of a 208 Municipal Point Source Plan, more commonly known as a Sewer Service Area Plan.

In addition to the preparation of the Sewer Service Area Plan, a second key element of the Clean Water Act is Section 201, which requires the preparation of a facility plan. A 201 Facility Plan is a detailed engineering analysis of the most cost-effective sewage collection and treatment system for a particular planning area. When approved, the Facility Plan and Sewer Service Area Plan form the municipal point source element of the *areawide water quality management plan.*

After the plan is approved by the WDNR, State and Federal regulations (NR 121, NR 110) require permits to be obtained for wastewater treatment facilities, facility plans, interceptors and sewer extensions; all of which must be in conformance with the Areawide Water Quality Management Plan.

The Wisconsin Department of Natural Resources and the village of Luxemburg entered into a contract agreement with the Bay-Lake Regional Planning Commission to develop a sewer service area plan for the village and its extraterritorial jurisdiction on March 26, 1998. The village has committed to engaging in sewer service area planning as a condition of annexation to the Green Bay Metropolitan Sewerage District (GBMSD). The planning area will include the area to be annexed and the areas within one and one half miles from the village corporate limits.

THE PLANNING AREA

The delineation of the planning area assists in focusing the study efforts on a well-defined geographic area and facilitates a comprehensive examination of data needed in the planning effort. The criteria that were examined in delineating the *Village of Luxemburg Sewer Service Area Plan* include:

1. The area that potentially could be provided with public sewer service.
2. The recognition of extraterritorial powers for zoning, subdivision review and official mapping.
3. The recognition of areawide land use trends and patterns.
4. The recognition that water quality problems are areawide concerns.

5. The locations of existing sanitary districts and failing on-site wastewater treatment systems.

Based on these criteria, the planning area for *the Village of Luxemburg Sewer Service Area Plan* includes the entire town of Luxemburg, which contains the entire village of Luxemburg. The planning area is depicted on Map 1.2.

PLANNING PROCESS

The village of Luxemburg was faced with the option of upgrading its existing wastewater treatment plant or to find other means to dispose of its wastewater. The most cost effective and efficient method for treating the village's wastewater was determined by the WDNR and the village of Luxemburg (as identified in the village's facilities plan) to be the treatment of the waste at the GBMSD as detailed on Map 1.1. This plan will serve the following purposes:

1. Project future needs for sewer service and establish the geographic extent of the sewer service area for the year 2019.
2. Provide technical data for designing cost effective and environmentally sound sewage treatment configurations for the planning area.
3. Identify and protect sensitive environmental areas as environmentally sensitive areas to improve the quality of both surface and ground waters by permitting no sewer developments in these areas.
4. Define the procedures for reviewing boundary and plan amendments.
5. Serve as a guideline for government interaction and development of community plans.
6. Provide a basis for community officials to direct community growth without urban sprawl and protect environmental, social and economic concerns.

The delineation of a sewer service area not only identifies those areas eligible to receive sanitary sewer service, but also identifies and protects natural and environmentally sensitive areas from future development and indiscriminate urban growth. Such areas include, but are not limited to, floodways, shorelands, and wetlands. Wastewater treatment facilities could then be designed to provide adequate treatment capacity for the anticipated population growth in the sewer service area, while protecting sensitive natural areas and water quality.

A sewer service area identifies the land area intended for sewer services that will be made available during the 20-year planning period. Delineating a service boundary is critical in designing sewage collection and treatment facilities to serve existing and future residents of the village of Luxemburg in the most cost-effective and environmentally sound manner.

The service area in this plan is delineated with the aid of the Wisconsin Department of Administration's 20-year population projection, an acceptable residential population density, and a forecast of non-residential (i.e., commercial, industrial) growth, all of which result in acreage demand and allocation. The service area excludes major areas found to be environmentally or physically unsuitable for sewered development. Land included in the service area is deemed eligible to receive future sewer service; however, the governmental entities providing sewer service are not obligated to serve specific areas.

Sanitary sewers represent perhaps the greatest catalyst to development within an area. Orderly land use and organized community growth are directly dependent upon the orderly provision of

such essential services. A sewer service plan should provide each of the participating municipalities with a valuable tool to manage its growth in the most cost-effective and environmentally acceptable fashion.

Upon approval of the *Village of Luxemburg Sewer Service Area Plan* by the Wisconsin Department of Natural Resources, permits for wastewater treatment facilities, facility plans, interceptors, and sewer extensions must be in conformance with the plan. The Bay-Lake Regional Planning Commission will assist the village by serving as the reviewing agency to ensure plan conformance and to act as a liaison between the GBMSD and the WDNR.

In addition to delineating a sewer service area, the plan provides a framework for further planning among the individual municipalities. Much of the data, trends and projections developed in this plan may be used for detailed community plans. The goals, objectives and policy statements approved in this plan will provide guidance in developing detailed statements of community direction through the local plans.

This plan also provides a framework for modifying the sewer service boundary, which provides an equitable and logical means for responding to changing physical, social and economic conditions. These boundary amendments are subject to WDNR review and approval. In addition, an update of this Section 208 Sewer Service Area Plan will be undertaken every five years to address changing conditions in community growth patterns and incorporate new information in the sewer service area amendment process.

PLAN CONTENTS

Chapter One:
Introduction, State enabling administrative code, contract with BLRPC, description of the planning area, planning process, plan contents, goals, objectives, and policies.

Chapter Two:
General physical setting of the planning area to include the developable acres and natural features.

Chapter Three:
Discussion of the planning area's population growth and its population forecast.

Chapter Four:
Inventory of the land uses and the land use controls within the planning area.

Chapter Five:
Overview of the existing wastewater treatment plant.

Chapter Six:
Designated Sewer Service Area Plan determined by population projections, household size, employment projections, residential density, and locations of environmentally sensitive areas.

Chapter Seven:
Outline of the plan's implementation and administration.

GOALS, OBJECTIVES, AND POLICIES

Introduction

An early task in any planning process is to establish the goals and objectives that will provide the direction and a framework for the development of policies which lead to final plan implementation. The goals are a statement of direction, while the objectives consist of measurable results that determine if the goals are being attained. Policy statements are guidelines for action that achieve the goals and objectives.

The diversity of local community interest requires that common concepts be established for the sewer service area plan. Establishing common concepts, such as goals, objectives and policies provides a framework for cooperative planning efforts in other areas of inter-community interest such as transportation, recreation, and economic development. These goals, objectives, and policies are based off those region-wide goals, objectives, and policies that BLRPC uses as a guide to ensure consistency in its planning efforts on a local and regional scale, as well as those within the *1995 Brown County Sewage Plan* goals, objectives, and policies to ensure conformance with standards the GBMSD has used as a minimum requirement for sewer extensions.

GOAL 1:

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

OBJECTIVE 1:

Provide sanitary sewer to those existing subdivisions or areas with failing systems, and to those areas where needs are documented and which are economically and environmentally feasible and is in the best interests of the municipalities.

POLICIES:

1. The *Village of Luxemburg Sewer Service Area Plan* should be reviewed and updated every five years to assess population, household and land use conditions and trends.

2. Sewer extensions that reflect the contiguous and compact pattern of development should receive priority over extensions which may cause "sprawl" development.

3. Sewer extensions are prohibited beyond the 20-year urban sewer service area unless the plan is amended.

4. Sewer service should be adequately sized to handle projected sewage and water volumes.

5. Consideration should be given to increasing the residential density in certain areas through rezoning where excess service capacities are available in existing low density residential neighborhoods.

6. Sewer extensions should be used as an important tool to implement community plans and growth policies.

OBJECTIVE 2:
Provide sufficient land area for reasonable future development of municipalities.

POLICIES:
1. Community plans should be developed, adopted and updated every five years to reflect changing economic and physical conditions.

OBJECTIVE 3:
Encourage utilization of vacant lands within municipalities that are currently provided with urban services.

POLICIES:
1. Promote in-fill development and redevelopment.

GOAL 2:
Guide future rural development in an efficient, orderly and compatible manner.

OBJECTIVE 1:
Encourage development that is consistent with village, town and county plans.

POLICIES:
1. Planning should be addressed on an area wide basis by the representatives of the participating governing units; however, specific plans should be implemented by the local units of government employing local zoning, subdivision review, urban services standards, and environmental standards.

2. Efforts should continue to be made to increase governmental cooperation regarding the local development within the village planning area.

OBJECTIVE 2:
By encouraging future rural developments to locate in those areas that are suitable for on-site sewage disposal systems.

POLICIES:
1. Rural development shall be encouraged to locate adjacent to existing rural development where adequate facilities and services are available and soils are suitable for on-site disposal systems.

2. Development in area with soils that are marginal for septic systems shall be analyzed for its ability to prohibit low density residential development.

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

OBJECTIVE 1:
Delineate environmentally sensitive areas and encourage future development to locate in areas that result in no or minimal environmental impacts.

POLICIES:

1. Local land use plans and zoning ordinances should be adopted or revised by the county, village and town as needed to guide urban development away from encroaching upon the plan's designated environmentally sensitive areas, as defined by this SSA Plan.

2. Local governments shall follow Wisconsin best management practices regarding storm water management as a requirement for sewer extensions under this SSA Plan.

3. Sewer extensions to natural areas not included in environmentally sensitive areas shall conform to applicable rules and regulations, which include Wisconsin Administrative Codes NR 116 for shorelands and floodplains, NR 115 and 117 for wetlands, and should be reviewed on a case by case basis.

4. Sanitary sewer extensions into areas identified as containing prime agricultural and forest land should be given a low priority and be coordinated with the county farmland preservation plan.

5. Sewer extensions shall not be permitted in areas identified as being in an environmentally sensitive area (ESA). Extensions of sewer to serve uses which are compatible with the ESA designation, such as public parks and outdoor recreation facilities, can only be permitted with the area being removed from the ESA designation - which will require WDNR review and final approval.

6. Development should be avoided in outdoor recreation and open space resource areas identified in Kewaunee County and the local governments' outdoor recreation and open space plans.

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.

OBJECTIVE 1:
Correct inadequate sewage collection and treatment facilities which result in potential threats to the health and welfare of the public.

POLICIES:

1. Investigate alternative methods that may be used to oversee the installation, maintenance and cleaning of on-site sewage systems.

2. Eliminate inadequate on-site sewage systems within the 20-year sewer service boundary through cost-effective systems which should economically be adapted to the municipality's collection system.

3. Identified health hazard areas contiguous to existing sewered development should be given priority for sewer extension.

4. Based upon cost-effectiveness and environmental suitability, the extension of sanitary sewers or the installation of individual or cluster on-site disposal systems in health hazard/pollution areas should be given high priority.

5. The installation of cluster on-site disposal systems which may be easily connected to municipal collection systems should be encouraged to eliminate health hazards/pollution problems at the outer fringe of the service area.

6. The minimum design and density standards of the local government that operates a wastewater treatment facility shall be utilized.

7. Development in non-sewered areas should be based on the capacity of the soil to accommodate on-site wastewater treatment, as well as on local plans and zoning ordinances.

8. All private and public sewage collection and treatment facilities should be designed and constructed employing the most contemporary engineering standards, consistent with the water quality and environmental criteria of the State of Wisconsin.

GOAL 5: To minimize governmental sewerage service costs.

OBJECTIVE 1: Plan service extensions.

POLICIES:

1. Avoid duplication of facilities.

2. Establish a system for review of the installation of public sewerage systems within the planning area.

OBJECTIVE 2: Stage the installation of new or expanding facilities.

POLICIES:

1. Plan sewerage extensions and treatment facilities so that they can be installed incrementally as needed in a cost-effective manner.

2. Size for design year population equivalents.

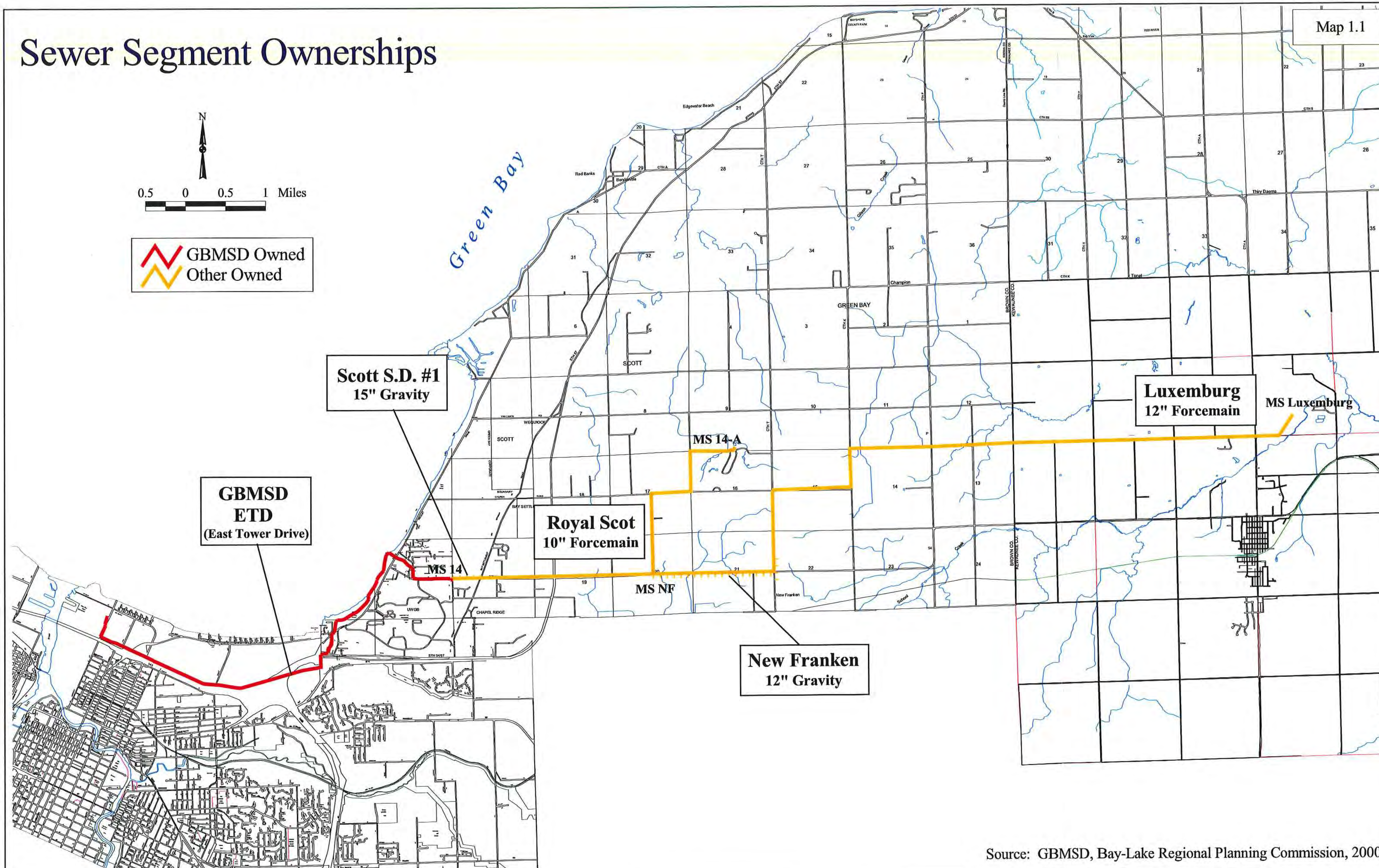
3. Avoid long extensions across undeveloped property.

4. In those cases where sanitary sewer service is extended to an outlying developed area through an undeveloped area, laterals from that line shall not be extended to support unplanned development along that line which would foster urban sprawl.

5. New urban development served by onsite sewage disposal systems should be discouraged in areas planned to receive sanitary sewer service during the life of the plan.

6. In the case that developments are permitted within the areas planned to receive sanitary service during the life of this plan, it should be designed so that the public costs of conversion to public sanitary sewer service are minimized. Except in the case of failing existing systems, new holding tanks should only be permitted in those areas where public sanitary sewer service is planned for construction within five years of the installation of the holding tank.

Sewer Segment Ownerships



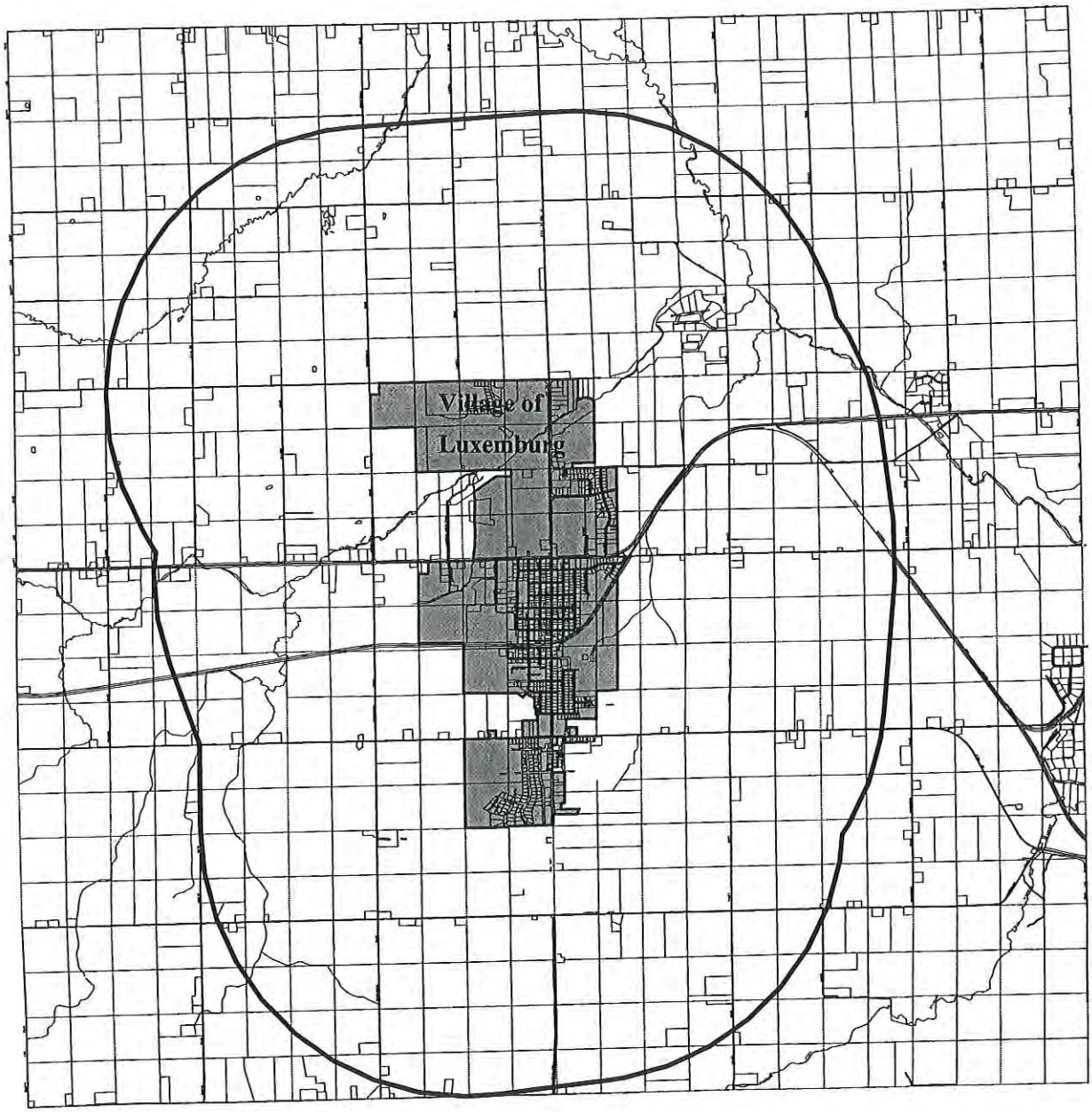
Source: GBMSD, Bay-Lake Regional Planning Commission, 2000.

Map 1.2

Community Planning Area

Village of Luxemburg

Kewaunee County, Wisconsin



Community Planning Area

N

2000 0 2000 Feet

Source: Bay-Lake Regional Planning Commission, 1999.

Chapter 2 - GENERAL PHYSICAL SETTING

INTRODUCTION

The village of Luxemburg is located at the junction of State Trunk Highways 54 and 163 in the west central section of Kewaunee County. The village is located fifteen miles east of the city of Green Bay, fourteen miles southwest of the city of Algoma, and twelve miles northwest of the city of Kewaunee. The bay of Green Bay is eight miles southwest of the village and Lake Michigan is twelve miles to the east. The planning area includes the village and all of the town of Luxemburg, approximately 36 square miles.

NATURAL FEATURES

In planning for the village of Luxemburg area, areas with unique natural features and environmental significance were identified by the WDNR, the Wisconsin Coastal Management Department, Kewaunee County and BLRPC staff. Many of these features are found in corridors that are located along rivers, creeks, shorelines and natural drainageways and are essential to the maintenance of an ecological balance and diversity as well as the preservation of the natural beauty of the area. The delineation of sensitive environmental areas plays an important role in the planning process and assists in determining where future urban development should occur by the protection of these resources. The natural features which are found in or near these areas are defined in the following sections.

Bedrock Geology

Within the planning are the geology is comprised of glacial drift consisting of ground moraines and end moraines overlies the bedrock in the area. The thickness ranges from a few feet to over 100 feet in the southwest portion of the planning area. The surface bedrock consists of undifferentiated dolomites approximately 350 feet thick. The dolomite is underlaid by a formation known as the Mequoketa Shale. Below the Mequoketa Shale are a group of rock units consisting of sandstone, shale and dolomite, known collectively as the sandstone aquifer. The rock units associated with the sandstone aquifer include the Sinnipee Group, the St. Peter Formation, the Prairie du Chien Group, and the Cambrian System. The Mequoketa formation is estimated to be 400 to 450 feet thick. The sandstone aquifer is estimated to be 800 to 850 feet thick.

Soil Limitations

Soil is composed of varying proportions of sand, gravel, silt, clay and organic material. The composition of a soil affects the specific properties of that soil especially in determining the capacity of supporting on-site wastewater treatment facilities. These properties must be evaluated prior to any development. Without such considerations, on-site wastewater treatment systems may fail and collection systems may require expensive and frequent maintenance. Factors which are considered when evaluating soils for on-site waste systems are:

- High or Fluctuating Watertable. When groundwater is near the soil surface, proper filtering cannot take place and often results in on-site systems either backing up into the home or contamination of groundwater. In addition, construction techniques used to de-water systems are costly. If sewer lines in wet soils have been placed improperly or if they break

from the adverse soil conditions, groundwater infiltration occurs. As a result, the additional water would then enter the sewer lines and reduce the available capacity of the pipe and the overall effectiveness of the wastewater treatment plant.

- Bedrock. Large stones or bedrock near the soil surface may hinder excavation and considerably increase the cost of construction. In addition, conventional on-site septic systems cannot function properly, which may result in wastewater passing through the cracked bedrock and contaminating the groundwater.
- Soil Permeability. Permeability refers to the rate at which water flows through the soil. For an on-site disposal system to be successful, the soil must be capable of removing harmful substances and transmitting liquids. When passage is too rapid, groundwater can become polluted. If it is too slow, the soils can become saturated and effluent ponding may result.
- Flooding. On-site waste disposal systems that are located within a floodplain can result in problems. As water levels rise during periods of flooding, the system becomes saturated and results in untreated solid and liquid waste being discharged into the ground or surface waters.

The information on soils contained in this report was obtained from *the Soil Survey of Kewaunee County, Wisconsin* prepared and issued in 1988 by the U.S. Department of Agriculture. The Kewaunee-Manawa map unit comprises the majority of the soils in the village and the western half of the planning area. According to the soil survey of Kewaunee County, the Kewaunee series consists of deep, well drained, moderately permeable soils on till plains. The Manawa series consists of deep, somewhat poorly drained, slowly permeable soils in depressions and drainage ways on till plains. The major soils in this mapping unit have fair to poor potential for building site developments and onsite waste disposal. The moderately slow and slow permeability, high shrink-swell potential, low strength, and wetness impose severe limitations that are difficult and expensive to overcome.

The Hortonville-Symco map unit is found in the eastern portion of the planning area. Hortonville soils are nearly level to very steep and are well drained and found on hills and broad ridges. Symco soils are nearly level and gently sloping and are somewhat poorly drained. The Hortonville soils in this unit have fair to poor potential for building site developments and onsite waste disposal. Permeability of the Hortonville soils is on the low end of the moderate range and may limit the suitability for septic tank absorption fields. Symco soils have poor potential for building site developments and onsite waste disposal.

The Onaway-Solona-Hortonville map unit consists mostly of a broad, undulating till plain with a few very steep hills and ridges. This unit is found in the northeastern portion of the planning area adjacent to the Kewaunee River. Onway soils are nearly level to sloping and are well drained. Solona soils are nearly level and gently sloping and are somewhat poorly drained. Hortonville soils are nearly level to very steep and are well drained.

The Kolberg-Namur-Longrie map unit consists of broad, undulating till plains on outwash plains with a few sloping and moderately steep hills and ridges. This map unit covers only a small portion of the planning area in the southeast section. The major soils in this unit have fair to poor potential for building site developments and onsite waste disposal because dolomite is close to the surface.

The Casco-Boyer map unit consists of broad outwash plains and stream terraces with some very steep morainic hills and ridges and is found in the northern portion of the planning area in association with a tributary to the Kewaunee River and in the eastern portion in association with the Kewaunee River and the Scarboro Creek. Casco soils are nearly level to very steep and are well drained. They are on outwash plains and terraces and very steep morainic hills and ridges. Boyer soils are nearly level to very steep, are well drained and are located on knolls, hills and ridges. The less sloping Casco and Boyer soils have good potential for building site development and onsite waste disposal. However, because of the very rapid permeability in the substratum, there is a danger of groundwater contamination from septic tanks.

The Carbondale-Cathro-Markey map unit consists of broad lake plains and small depressions in till plains, outwash plains and drainageways. Slopes range from zero to two percent. This soil unit covers only a very small portion of the town of Luxemburg in the extreme southeastern corner of the town. This soil unit is nearly level and consists of very poorly drained organic soils underlain by organic layers or by loamy and sandy sediments. Because the water table is at or near the surface, the soils have poor potential for building site developments and onsite waste disposal.

In summary, soils in the western portion of the planning area have severe limitations for dwellings with basements and severe limitations for onsite waste disposal. Soils in the eastern portion of the planning area have moderate to severe limitations for dwellings with basements and septic tank absorption fields.

Kewaunee silt loam (KhB) and the Kewaunee silty clay loam (KpB) comprise the majority of soils within the village. Kewaunee silt loam 3oils cover the central portion of the village, and have two to six percent slope. This soil is poorly suited for septic tank absorption fields because of moderately slow permeability, and poorly suited for dwellings with or without basements because of the high shrink-swell potential. Kewaunee silty clay loam soil of two to six percent slope is found in the northern and southern portion of the village. Like the Kewaunee silt loam, this soil is poorly suited for septic tank absorption fields because of moderately slow permeability. The Kewaunee silty loam is also poorly suited for dwellings with or without basements because of high shrink-swell potential.

Topography

The topography within the planning area varies from level to gently rolling hills. Within the planning area the elevation is higher with a height of 850 feet in the south to southeast and drops in the north to northwest portion of the area to 761 feet. The topography of any area, as related to ground slope and natural drainage feature, determines the size and the location of sewers and the tributary area to a common collection point, as well as the need for the location of sewage lift stations.

Climate

Kewaunee County has a continental climate, modified by the bay of Green Bay and Lake Michigan. According to the National Oceanic and Atmospheric Administration Report, *1987 Local Climatological Data - 1987 Annual Summary - Green Bay, Wisconsin*, the modified continental climate is evidenced by the few occurrences of 90 degree temperatures in the summer season and the few occurrences of sub-zero temperatures in the winter season. The

narrow temperature range stems from the lake effects and the limited hours of sunshine caused by cloudiness.

Nearly half of the annual total precipitation normally falls in the five-month period from May through September. Three-fifths of the annual total is in the growing season, most often falling during thunderstorms. During the winter months, snowfall in the planning area is less than in nearby communities where the ground is slightly higher.

The comparatively narrow range in temperature combined with the amount of precipitation during the growing season is conducive to the continued development of the dairy industry. High winds, excessive precipitation, and electrical storms cause occasional damage. Snowstorms are the principal winter hazard. While the winters long, the extremes are never as severe as the northern latitude location would indicate.

Based on the 1951-1980 period, the average first occurrence of 32 degree Fahrenheit in the fall is October 2 and the average last occurrence in the spring is May 12. Mean temperatures range from a low of 15.7 degrees Fahrenheit in January a high of 70.3 degrees Fahrenheit in July. The mean annual temperature 44.2 degrees Fahrenheit. Mean annual precipitation is 28.54 inches with the month of June recording the highest amount of precipitation and February the least. Mean annual snowfall measures 45.70 inches, with December and January recording the largest mean amounts.

Water Resources

The principal water resources within the village of Luxemburg planning area are the Kewaunee River which flows southeasterly to Lake Michigan. The western portion of the village is drained by School Creek and the eastern portion by Luxemburg Creek.

The village of Luxemburg is served by a public water distribution system. The water supply for this system is from groundwater through three community wells. The village has a 250,000 gallon elevated storage tank. Water distribution mains generally lie in the same trench above the sewer mains throughout the village because of the expense of constructing utility trenches in bedrock. Water supply for the study area is also supplied from groundwater through private wells. The water quality from these wells is reported from Robert E. Lee & Associates as being generally good.

Shorelands and Floodplains

Shorelands and floodplains are often viewed as valuable recreational and environmental resources in both urbanized and rural areas. These areas provide for storm water retention and habitat for various types of wildlife unique to the area. Development that is permitted to take place in these areas may have an adverse effect on water quality, wildlife habitat and stormwater drainage. In addition, it may also result in increased development and maintenance costs when providing for protection from the occurrence of flooding and high water, increased flood insurance premiums, extensive site preparation, and maintenance and repairs of roads, sewers and water mains.

As a result, the State of Wisconsin requires that counties adopt shoreland/floodplain zoning ordinances to address the problems associated with development in floodplain areas. Development in shoreland areas is generally permitted but specific design techniques must be considered. Development in floodplain areas is strictly regulated and in some instances is not

permitted. The authority to enact and enforce these types of zoning provisions is set forth in Chapter 59.97 of the Wisconsin Statutes and Wisconsin Administrative Codes NR 115, 116, and 117 and is established in the Kewaunee County Shoreland Zoning Ordinance No. 104-1-69 and Kewaunee County Flood Plain Zoning Ordinance No. 118-7-80.

Kewaunee County is currently administering its Shoreland/Floodplain Ordinances in its unincorporated areas. The jurisdiction of the ordinance includes shoreland of navigable waters of the county which are 1,000 feet from the normal high water elevation of a lake, pond or flowage; and 300 feet from the normal high water elevation of a river or stream, or to the landward side of a 100 year floodplain boundary. The village of Luxemburg has also adopted its Shoreland - Wetland Zoning Ordinances, in 1994, which is identical to the model ordinance adopted by Kewaunee County.

Wetlands

Wetlands are areas where the soil is usually saturated or covered with surface water for two or more months during the year; the soil is nearly level and very poorly drained, allowing water levels to be the primary factor in controlling the environment and the associated plant and animal life. Most wetlands are dominated by plants which can tolerate various degrees of flooding, with species composition and productivity dependent on the variations in the water patterns.

Wetlands play an important role since they serve as a filter system of pollutants. They are invaluable in controlling flood waters, recharging groundwater and retaining water during droughts; they provide habitat for waterfowl and other wildlife; they provide excellent cover and travel routes for all forms of wildlife; they support fisheries and sanctuaries for rare and endangered species; and they offer educational, recreational and aesthetic promise. They also provide natural open space, help maintain both surface and groundwater quality and provide water storage area periods of flooding and high water.

Wisconsin Administrative Codes NR 115 and NR 117 mandate that wetlands be protected in both the rural and urban areas of the state. In the unincorporated areas, NR 115 provides the legislation to protect wetlands of five acres or more that are within the jurisdiction of county shoreland zoning ordinances. To protect wetlands in the incorporated areas, NR 117 was enacted in 1983 and requires that all shoreland wetlands of five acres or more be protected. In addition to NR 115 and 117, Wisconsin Administrative Code NR 1.95 requires that all reasonable alternatives be considered to ensure protection of wetlands and that the least overall environmental impact result from the proposed actions.

Placing sanitary sewers in wetland areas or areas with wet soils often requires special installation techniques which are reflected in additional construction costs. Filling or draining of wetlands is also quite costly; it destroys the productive capacity of the ecosystem and may adversely affect surface water quality and drainage. As a result of NR 115 and 117, many of the wetlands that exist today will be protected from future development. Wetlands within the planning area that have been identified by both the 1989 WDNR Wetland Inventory Maps and the 1993 Special Wetlands Inventory Study (SWIS) are largely found adjacent to the Kewaunee River and its tributaries. Remnant wetlands are also found adjacent to School Creek in the northern portion of the village and adjacent to Luxemburg Creek in the southeastern portion of the village. There are a total of 1,090 acres of wetlands within the entire planning area.

Woodlands

Within the village, remnant woodlands are mostly found adjacent to School Creek in the northern portion of the planning area and adjacent to Luxemburg Creek in the southeastern portion of the village. A relatively large woodland area is found in the southeastern portion of the village in the north east quarter of Section 28. The only other notable wooded area is found on the eastern edge of the industrial park. Within the planning area, there are a total of 2,932 acres of woodlands.

Public Parks and Open Spaces

The planning area has the following in public parks and open spaces:

- The Kewaunee County Fairgrounds is located in the southeastern portion of the village at the end of Elm Street.
- Kewaunee County Snowmobile Trail System, as designated within the Kewaunee County Snowmobile Trail Plan, enters the village from the north at the junction of CTH A and Northbrook Road and proceeds south along the west side of CTH A crossing CTH A at Heritage Lane and following the eastern edge of the village, finally connecting up with a primary county trail at the southern border of the village.
- Legion Athletic Field is located just west of Main Street between Willow and Elm Streets. This facility was designated in 1989 as a specialized recreation facility by the Comprehensive Planning Committee.
- Village Park located on Second Street provides active recreation on approximately 2.2 acres of land.
- Village Park located on Third Street is located in the western portion of the village on approximately 3.4 acres of land.

Designated Scientific / Natural Areas

Within the planning area, there are no state scientific areas, natural areas or natural history areas designated.

Wildlife Habitats

Within the planning area, there are no state or federal designated wildlife habitats.

Historic and Archeological Sites

Within the planning area, there were no identified historic or archeological sites.

Delineation of Environmentally Sensitive Areas

Wisconsin Administrative Code NR 121.05(1)(g)2c describes natural features and sensitive environmental areas that are to be considered for exclusion from sewer service areas. These areas are referred to as "environmentally sensitive areas" (ESA's) within this plan and have had the following natural features considered for inclusion within the definition: all wetlands, shorelands, floodways, and floodplains; steep slopes of (12 percent or greater) highly erodable soils near drainageways; other limiting soil types; and groundwater recharge areas. Other areas, including areas, of scientific value or other important natural, historical, archaeological and

cultural features that warrant protection from sewered development may also be included in the ESA's.

Designation of ESA's is intended to:

1. Protect general public health, safety, and welfare;
2. Protect surface and groundwater quality;
3. Reduce damage from flooding and stormwater runoff;
4. Maintain important wildlife habitats or outdoor recreation areas (with the support of local units of government); and
5. Reduce the costs of public utilities and environmental damages.

Some examples of potential cost benefits to the community and individuals include: less property damage from stormwater runoff and sedimentation, fewer insurance claims which result in lower insurance rates, and lower maintenance costs for public utilities.

The ESA concept has been effectively adopted in many regions of Wisconsin and is being applied to the planning area to help preserve remaining undisturbed natural resources. The ESA definition includes the approved Bay-Lake Regional Planning Commission's "Environmental Corridors" definition, Brown County's "Environmentally Sensitive Areas" definition and addresses each element within the Wisconsin Administrative Code NR 121.05(1)(g)2c describing natural features and sensitive environmental areas that are to be excluded from sewer service areas.

The following definition (of the plan's ESA's) has been used within this plan:

- All lakes, ponds, flowages, rivers and streams identified on the 7.5 minute U.S.G.S. quadrangle maps shall be designated as ESA's with their two identified buffers 1) adjacent 25 foot buffer within the village municipal boundary, 2) and an adjacent 75 foot buffer in the unincorporated areas of the planning area.
- All floodplains (FEMA 100-year) shall be designated as ESA's unless floodways have been identified. When a flood study is conducted and a floodway is identified, the floodway shall be the ESA boundary plus a 25 foot buffer.
- All lakes, ponds, flowages, rivers and streams identified on the U.S.G.S. quadrangle maps shall be considered navigable until such time as an official Wisconsin Department of Natural Resources determination indicates otherwise.
- If no floodplain or floodway has been identified for a navigable body of water, the ESA associated with the water body shall extend 100 feet beyond the ordinary high water mark. In addition, if steep slopes (slopes 12 percent or greater) are present within this area, and extend outward from this area, the ESA boundary will be adjusted to include such slopes.
- All wetlands shall be included in an ESA.
- Any ESA associated with a wetland two acres or greater in size shall extend 25 feet beyond the edge of the wetland. In addition, if steep slopes (slopes 12 percent or greater) are present within this area, and extend outward from this area, the ESA boundary will be adjusted to include such slopes.

- Other significant natural resource features, including but not limited to, river and stream headwaters, woodlands, high-value wildlife habitat areas, geologic and natural area sites, steep slopes, and wet, poorly drained and organic soils, shall be considered for inclusion as an ESA on a case-by-case basis by the TAC.

Sewer extensions for development within designated ESA's will be prohibited. An exception to this exclusion does exist as the plan recognizes that it may be necessary, in some case, to construct sanitary sewers across and through identified ESA's, and that, compatible land uses such as public parks and outdoor recreation facilities may need sewer at a future date. Also, mapping detail may not portray exact boundaries of physical features as they currently exist, in which case an onsite inspection and field delineation would need to be conducted to properly identify the ESA. The Technical Advisory Committee and WDNR will review these exceptions/modification of ESA mapping on a case-by-case basis. Pursuant to NR 1.95, when an exception of this particular nature exists, all reasonable alternatives to crossing the ESA with sanitary sewer will be considered. Any changes to the ESA delineation would require a plan amendment and WDNR approval.

Intensive uses to be considered for exclusion from within ESA's include but are not limited to: permanent structures such as residential, commercial, or industrial buildings; impervious surfaces such as parking lots and concrete or asphalt surfaced storage areas; and site disturbing activities such as extensive clearing, grubbing, grading, and filling. Any consideration of development within or adjacent to an ESA must be in conformance with all applicable Federal, State, and local rules and regulations including the provisions and requirements of the Federal Clean Water Act, Wisconsin Administrative Codes NR 103, 115, 116, 117, 121, 216, and 299, and local zoning ordinances.

Uses which may be compatible with the protection and preservation of ESA's include non-intensive recreational facilities such as trails and picnic areas; in some instances, utility facilities such as sewer and water lines, detention basins, and stormwater drainage-ways; and limited clearing, grubbing, grading, and filling.

If there is any doubt as to the location of or infringement on ESA's at the time of sewer extension or boundary amendment requests (as delineated on the review maps), the Bay-Lake Regional Planning Commission will consult with and request site specific information (including proposed building footprints) from the local municipality. This information, along with the ESA criteria from this plan, will be used to make a recommendation on the proposal. Bay-Lake Regional Planning Commission will make the final determination on the ESA boundary for all proposed projects.

Application of the above ESA's definition will not apply to those areas currently developed or platted at the time of the plan publication, but will apply to those areas not yet developed or platted at the time of plan publication.

Chapter 3 - POPULATION, HOUSING, EMPLOYMENT PROJECTIONS

INTRODUCTION

Many factors affect the future growth of a community. These factors can generally be included in the following three broad-based categories:

1. Political, social, and economic conditions that affect population change;
2. Natural, environmental and engineering limitations that affect development;
3. Existing growth patterns.

Of these, the first category is most often the hardest to predict with any accuracy. The best method to evaluate these factors is to provide a population increase estimate (projection) and apply that growth to various areas. This will allow for economic evaluation of alternative locations for future growth. Physical factors directly affect where the future development should occur. These factors can make development in some areas physically difficult, uneconomical or undesirable. Examples of limiting physical factors include: wetlands, floodplains, shorelands, steep slopes or highly erodable soils near surface waters. Existing growth influences development through the location and extension of necessary public facilities and utilities. If future growth is allowed to go uncontrolled and developable areas are abundant, development is likely to occur in a scattered manner.

Careful analysis of all of these factors will provide a basis for projecting and guiding growth within the planning area. This chapter examines these factors and how they may affect future growth in the Village of Luxemburg Planning Area.

USE OF POPULATION INFORMATION IN THE PLANNING AREA

In order to obtain a clear understanding of the Village of Luxemburg Planning Area, important factors pertaining to the population of the area must be carefully analyzed. For the majority of the planning decisions, population analysis and projections play an important role. In general term, an analysis of the population provides several types of information important for long-range planning. Table 3.1 illustrates the WDOA's past population trends and future projections for the village of Luxemburg.

The population size (past, present and projected), and household characteristics provide an indication of how much land will be needed for future residential land uses. The population distribution also provides an indication of where the various land uses and community facilities should be located in the future.

Population Projections

Projecting the future total populations within the planning area is of great importance in determining the finalized 2019 Sewer Service Area Boundary. The projections used are the 1990-2015 Wisconsin Department of Administration (WDOA) population projections by five year increments for minor civil division (MCD) with WDOA recognized modifications. **However, the plan will re-address the earlier population projections along with the designated SSA Boundary as soon as the WDOA officially publishes their population projections that include this plan's planning year of 2019.** The WDOA utilizes the cohort

component method of population projection. These are the official state projections, consistent with U.S. Bureau of Census State of Wisconsin projections. The WDOA county projections are required to be used as control totals in accordance with Wis. Admin. Code NR121 for the development of sewer service area plans. BLRPC continually reviews these earlier projections for the municipalities. BLRPC has identified that the 1993 projections of WDOA fall short when compared to their later 1998 Official Estimates due to the high growth rate due to multiple annexations of adjoining lands. Because a current population projection, by WDOA, will not be conducted until the year 2001 (per conversation with WDOA) and because their earlier population projections are falling short of the latest WDOA Yearly Official Estimate, within the village, it was determined by BLRPC and the Village Plan Commission that projections to be used within this plan would be more accurate and timely if they are determined on an exponential method using the earlier WDOA population statistics for 1970, 1980, 1990, and the Official Estimate for 1998. These population projections are found in Table 3.1. The WDOA has reviewed and accepted these population figures and the methodology used to develop them as "reasonable" for the village and its future growth.

The growth that has occurred within the village over the past 28 years from 1970 to 1998 was an increase of 74.8 percent. This is an average annual growth rate of 2.7 percent from 1970 to 1998. Using the identified average annual growth rate of 2.7 percent, the projected population to 2019 is an increase of 74.9 percent from 1998 or a population total around 2,609 persons. The BLRPC and the Village Plan Commission believe these population forecasts are more accurate and paint a realistic picture of the current population growth taking place within the village. Since WDOA's own statistical information indicates that they underestimated the population growth potential within the village of Luxemburg, the BLRPC recommends that the WDNR allow these projections (as a base projection) to guide future growth within this plan for the next 20 years. It should be noted that over time, there are fluctuations in the local and regional economy which generally cannot be predicted. These fluctuations and changes may greatly influence a small village's (such as Luxemburg) population growth and characteristics. As noted above, the WDOA reviewed BLRPC's 20 year population projections and have found them to be reasonable due to the high level of growth taking place within the village and the foreseeable growth pressures stemming from the Green Bay Metropolitan area.

Table 3.1: Area Population Projections, Village of Luxemburg, 1970-2019

Geographic Area	1970	U.S. Census 1980	WDOA Official Estimate 1990	1998	2000	2005	2010	2015	2019	Difference 1998-2019
Village of Luxemburg	853	1,040	1,151	1,491	1,573	1,797	2,053	2,345	2,609	1,118
					1,280	*1,334*	*1,381*	*1,433*	*NA*	*NA*

* WDOA 1993 latest Population Projections

Source: Department of Administration Demographic Services Center, 1998, BLRPC, 1998. BLRPC projections were deemed reasonable by the WDOA October 1999.

Household Size

Another determining factor in allocating acreage for the sewer service area is that of household size, or more commonly referred to as "persons per household". The projected number of persons per household is expected to decline throughout the planning period. The historical and actual persons per household figures for the village of Luxemburg are contained in Table 3.2.

Table 3.2: Persons Per Household, "Household Size" 1980-2019

	Actual			Projections				
Geographic Area	1980	1990	1995	2000	2005	2010	2015	2019
Village of Luxemburg	2.88	2.54	2.48	2.41	2.34	2.26	2.22	2.17
Kewaunee County	2.99	2.77	2.71	2.63	2.55	2.47	2.42	2.37
State of Wisconsin	2.77	2.61	2.59	2.55	2.51	2.46	2.41	2.36

Source: Department of Administration, Division of Energy & Intergovernmental Relations, Demographic Services Center, *Wisconsin Household Projections by Household Type 1990-2015*, December 1993; Population and Housing, 1980, STF1A, Table 35, 1990, STF1A, H017a; and Bay-Lake Regional Planning Commission, 1998.

Note: The increments used to obtain the projected household size for the village of Luxemburg were based on Kewaunee County's projection increments according to the Demographic Services Center. Year 2019 projection was a continuation of the WDOA 2015 rate of change.

These persons per household figures relate to future land uses directly. For example, if *Community A* currently had a total population of 1,000 persons, a persons per household figure of three, and an average residential lot size of one acre, then approximately 333 acres of land would be needed to house the total population. If the total population and lot size stayed the same, but the persons per household figure dropped to 2.5, then approximately 400 acres (an increase of 67 acres) would be necessary to house the same population. Projected population change (1998 to 2019) divided by household size (projected to 2019) established the number of additional dwelling units needed by 2019, Table 3.3.

The number of acres set aside for development are to be based upon policies and accepted standards of growth. Policies will be made by the municipality as it determines how best to grow. Standards of land use allocation are used in order to assist policy makers in planning for the future. The Village of Luxemburg's policy is that "medium to low" growth levels will be the type to plan for by the year 2019. BLRPC standards, and current lot size indicate that under medium to low density growth (1/2 gross acre per 1 dwelling unit), the village of Luxemburg would need an additional 258 acres to accommodate its projected residential growth as depicted in Table 3.4.

Table 3.3: Housing Projections (Using Persons Per Household) 2019

Geographic Area	Projected Population 2019	Population Change 1998-2019	Projected Additional Dwelling units Needed 2019
Village of Luxemburg	2,609	1,118	515

Sources: U.S. Bureau of the Census, 1990, WDOA, 1998, BLRPC, 1999.

In summary, the lower the persons per household, the greater the amount of residential land will be consumed by a growing population. From a planning perspective, this increased land consumption can affect cost and delivery of other municipal services. The village of Luxemburg is *initially* projected to develop 258 acres to accommodate future residential with a trend for development of lots of approximately 1/2 acre gross (per residential unit) along with seven acres

for employment growth during this plan's planning period. Infill development within the village could accommodate many of these projected acreage totals. The village will analyze the data presented within this chapter and make final decisions on where growth will be directed within the planning period.

The Commission looked at employment projections to identify acreage needed for future industrial and commercial development. These future totals are to be used as a minimum for development consideration during this plan. Based on BLRPC standards, nine acres (gross) and 11 acres (gross) per 100 employees were used for industrial and commercial growth respectively. Employment projections were determined utilizing a "market share" technique. Though this is not an exact science in determining future employment, it helps identify for this planning activity a "ball park figure" in which to begin our analysis. Village employment projections were developed by utilizing projected county employment projections. The first step was to determine the village's "share" or percentage of the total employment for the county in 1990. BLRPC did this by taking the known 1990 village employment numbers (600 persons) and dividing them by the known 1990 county employment numbers (9,660 persons) for the same year (6.2 percent). The county's employment total (identified by the Wisconsin Department of Industry, Labor and Human Relations, *Civilian Labor Force Estimates*, 1987, 1996, 1997) was then projected to the year 2019 (10,701 persons) based off of the ten year trend (.41 percent annual growth) of 1987 - 1997. The county's projected total was then multiplied by the percent of the village to identify the village's projected employment growth (663 persons) or a growth of 63 employees between 1997 and 2019.

Table 3.4: Initial Future Land Allocation Minimums, Village of Luxemburg, 2019

Geographic Area	Net Acres Residential	Net Acres Parks	Net Acres Governmental	Acres Industry	Acres Commercial	Acres Total
Village of Luxemburg	258	12	9	4.5	2.5	286

Source: Bay-Lake Regional Planning Commission, 1999.

Projection Analysis - Village of Luxemburg Plan Commission

The Village of Luxemburg Plan Commission has analyzed the past WDOA population projections and has weighed them against current development pressures before the village. The Village Plan Commission and Village Board have developed plans and ordinances that detail future growth areas within and adjacent to the village in response to developers requests to subdivide and annex lands within these areas. Based on these development pressures - plans for street improvements and other public services have been initiated.

In-migration of persons from the Green Bay Metropolitan Area is foreseen to continue throughout the planning period, thus the village of Luxemburg is expected to have dramatic influxes of future growth, both in population and land use development. Therefore, the Village Plan Commission and Village Board have determined that any SSA Boundary they plan for today shall be based on maximum projections in order to best plan for future growth.

Another consideration is one of existing constraints when developing plans on future growth of a community of this size. As of this plan, the village has no constraints to development at the edges (north - south - east - or west) and thus it is near impossible to determine which parcels will develop first. The plan intends to include acreage within the SSA Boundary that adequately addresses development options in any direction (adjacent to present neighborhoods), thus

avoiding numerous amendments to the plan, as the village expands. Areas that are included within the SSA Boundary are logical extensions to present growth patterns, and, in many instances are already platted and identified on the Official Map of the village. Areas within the SSA Boundary include adequate areas to act as a natural buffer between existing and proposed residential developments and existing and proposed commercial sites, industrial sites and the railroad corridor.

Chapter 4 - LAND CHARACTERISTICS

INTRODUCTION

Examining the existing land use characteristics within the planning area will assist in defining development patterns which have occurred in recent years. This, in turn, can be utilized to project where future growth and development will occur. Additionally, many physical and biological characteristics that affect land development can be identified. Builders, elected officials and property owners need to consider these factors in development proposals to eliminate costly mistakes and a variety of construction or environmental problems. Some of the factors that need to be considered include existing land use(s), soil types, steep slopes, construction site erosion, distance to surface waters, stormwater runoff, high groundwater, wetlands, floodways and floodplains, bedrock geology, forested lands and prime agricultural lands.

This chapter presents information on the current (1998) land use within the village of Luxemburg's planning area and the village of Luxemburg. An analysis of existing and current land use patterns, and future land use issues is also contained in this chapter. This inventory was updated by the Bay-Lake Regional Planning Commission in the fall of 1998 utilizing the Commission's land use classifications system so as to be consistent with the earlier town of Luxemburg land use inventory and a land use inventory conducted of the village by the Commission in 1989.

EXISTING LAND USE CONTROLS

This section inventories and discusses the land use controls which currently exist within the village of Luxemburg which may affect or restrict the use of land for specific purposes. These controls should be reviewed periodically to make sure that they assist in implementing the general plan design for future development within, and surrounding the village of Luxemburg.

Existing Village of Luxemburg Comprehensive Plan

This comprehensive plan is the village's initial master plan that was adopted in 1989. The 1989 Comprehensive Plan was prepared under the authority granted by section 62.23 of the Wisconsin Statutes, which states in part that "It shall be the function and duty of the [Plan] Commission to make and adopt a master plan for the physical development of the municipality...".

In 1997 the village entered into a contract with the Bay-Lake Regional Planning Commission to prepare a comprehensive or "master" plan for the village. The Village President designated the Comprehensive Plan Committee to work jointly with the Bay-Lake Regional Planning Commission to prepare the document.

This plan update states public policy concerning the development of the village. The plan provides a guide to where future growth and development should occur and should be consulted when the village makes decisions concerning land use and other issues impacting on the development of the village. The plan presents baseline information about existing conditions, identifies community development needs, and strategies to meet those needs. The planning cycle covers the time period 1999 to 2015. The initial plan and plan update consist of the following elements:

Inventories and Analysis: Chapters on population, physical setting, economy, land use, transportation, outdoor recreation, community facilities and housing were reviewed and analyzed to identify existing conditions and to highlight changes which may have occurred in the village over the last few decades. In each of these chapters, the updated information has identified a series of conclusions.

General Plan Design: The General Plan Design is a statement of public policy which describes the future development of the village. The plan, which is based on existing development conditions and trends, includes maps and accompanying narrative which together, describe the type and location of future development.

Plan Implementation: The village of Luxemburg has a number of tools at its disposal to implement this comprehensive plan

Kewaunee County Farmland Preservation Plan

The Kewaunee County Farmland Preservation Plan, published in 1981 and updated in 1988 by the Bay-Lake Regional Planning Commission, identifies areas which are of prime agricultural importance for which the owners may partake in allowable tax credits under the Farmland Preservation Program. Farmland Preservation Categories which are available for the tax credit include:

Agricultural Preservation Areas

Areas that are currently cultivated (in agricultural use) that are part or wholly consist of 100 contiguous acres at a minimum. This definition is intended to include all types of farmland and agricultural uses in order to provide the option of participating in the preservation program to the greatest number of farmers as possible. Farmers in agricultural preservation areas are eligible to sign contracts for ten to twenty years. Within the village of Luxemburg, 224 acres of land (16.9 percent) are in agricultural preservation areas.

Transitional Areas

Transitional areas are those areas that are currently in agricultural use, but in the short-term are expected to convert to non-farm uses, such as residential, commercial or industrial uses. Transitional areas include incorporated areas in agricultural use and areas around developed unincorporated areas that are serviced by existing roads and public services. Transitional areas must be a minimum of 35 acres in size. Farmers whose lands are in transitional areas may sign a contract agreeing not to develop their lands for a period of five to twenty years. Within the village of Luxemburg, 236 acres of land (17.7 percent) are transitional areas. The majority of the transitional areas in the village of Luxemburg are in the southwestern as well as eastern areas.

Environmental Areas

The following areas are considered to be environmental areas: wetlands, woodlands, cultural, historic, or archaeological sites, the 100 year floodplain, public lands, lakes, rivers, and streams. Environmental areas are eligible for Wisconsin Farmland Preservation tax credits if the cultivated area of the farm unit, of which they must be a part of, are eligible for a tax credit. Approximately 2.6 percent (34 acres) of the village of Luxemburg is within an area classified as environmental. The largest area classified as environmental is located in the northwestern portion of the village south of School Creek totaling 25 acres.

Excluded Areas

Excluded areas are considered ineligible for the Wisconsin Farmland Preservation Program. They include airports, landfills, quarries, developed incorporated and unincorporated areas, platted subdivisions, quasi-public lands (gun clubs, golf courses, etc.) cemeteries, transitional areas under 35 acres, all ten acre or larger non-agricultural related uses, and all land zoned for non-agricultural use. Excluded areas in the village of Luxemburg total 836 acres of land, or approximately 62.8 percent of the total village area.

Kewaunee River Priority Watershed

The Kewaunee River Watershed is located in central Kewaunee County and eastern Brown County. The watershed includes 139 square miles (89,000 acres) of land draining into the Kewaunee River. The Kewaunee River Watershed was designated a priority watershed in 1982 under the Wisconsin Non-point Source Water Pollution Abatement Program. Major tributaries that are within the watershed include School Creek, Scarboro Creek, Little Scarboro Creek, and Casco Creek. The watershed has been subdivided into seven sub-watersheds based on these major tributaries, topography, and land use. A main sub-watershed in the village of Luxemburg is the School Creek Sub-watershed. School Creek has only 5.6 miles of perennial flow, yet drains a large watershed 25 square miles in size.

Non-point source pollution in the watershed comes from animal lot runoff, winter spread manure, cropland erosion, streambank erosion, and roadside erosion. In the Kewaunee River Watershed, groundwater aquifers, or water bearing rock units, are the major sources of water for agricultural and industrial use, and the only economical source of water used for domestic consumption.

The objective of the priority watershed plan is to: assess the existing water quality problems, identify significant non-point sources of pollution and determine other pollution sources, identify the water quality improvements and objectives that can be reasonably achieved through non-point source controls, and identify the priority management area and the best management practices.

Village of Luxemburg Shoreland-Wetland & Floodplain Zoning Ordinances

The village of Luxemburg's shoreland-wetland and floodplain zoning ordinances state that its purpose is to regulate "the uncontrolled use of the shoreland-wetlands and pollution of the navigable waters in order to promote the public health, safety, convenience and general welfare..." The ordinance regulates the shoreland-wetlands of all navigable waters in areas which are shown either on USGS quadrangle maps, or other zoning base maps (See *Village of Luxemburg, Wisconsin, Shoreland-Wetland Zoning Ordinance*).

The ordinance regulates lands which are within 1,000 feet of the ordinary high water mark of navigable lakes, ponds or flowages. In addition, the ordinance regulates areas which are within 300 feet of the ordinary high water mark of navigable rivers or streams as shown on USGS quadrangles, or to the landward side of a floodplain of the navigable reaches of rivers or streams, whichever distance is greater. The boundaries of the floodplain district are derived from the F.E.M.A. 100-year Flood Insurance Rate Maps. The ordinance also regulates which activities may occur in shoreland-wetland and floodplain areas of the village.

Village of Luxemburg Zoning Ordinance

The Village of Luxemburg Zoning Ordinance was adopted by the Luxemburg Village Board on April 4, 1990. The Village of Luxemburg Zoning Ordinance was amended on April 9, 1992; August 3, 1994; and July 1, 1997. The purpose of the ordinance is to promote health, safety, comfort, prosperity, and general welfare of the village of Luxemburg. In order to accomplish this purpose, the ordinance regulates and restricts the use of property for the mutual benefit of all.

The zoning ordinance provides a mechanism to implement the community's comprehensive plan. The Wisconsin enabling legislation (§66.035) requires that zoning ordinances be made in accordance with a comprehensive plan. This has been interpreted by planning professionals to mean that the zoning ordinance must be based on a master plan or land use plan and that the ordinance must seek to implement that plan.

The village of Luxemburg's ordinance classifies the village into seven districts and one overlay district: a Residential-Agriculture District (R-A), a Single-Family Residential District (R-1), a Multi-Family Residential District (R-2), a General Commercial District (C-1), a Light-Industrial District (I-1), a Heavy Industrial District (I-2), a Planned Unit Development District (P U D) and a Floodplain Overlay District.

Table 4.1 contains a summary information on the restrictions of each of these districts. The actual zoning ordinance should be referred to for specific information.

Subdivision Ordinance

The *Village of Luxemburg Subdivision Ordinance*, adopted in April of 1979 and amended June 4, 1996, regulates the division of land which results in a subdivision. The village ordinance defines a subdivision as

> "The division of a lot, parcel or tract of land by the owner thereof, or by his agent, for the purpose of sale or building development where:
>
> a) The act of division creates five (5) or more parcels or building sites any one of which is five (5) acres or less in area; or
>
> b) Five or more parcels of building sites five (5) acres each or less in area are created by successive divisions within five (5) years."

The *Village of Luxemburg Subdivision Ordinance* provides a procedure list for the submission of a subdivision plat. The village ordinance also contains construction standards for public street width and design, storm drainage facilities, block and lot dimensions, public park dedication, and subdivisions containing land subject to flooding.

Table 4.1: Summary of Existing Zoning Districts, Village of Luxemburg, 1998

Zoning District	Permitted Uses	Minimum Lot Area Per Family (Square Feet)	Minimum Average Lot Width (Feet)	Maximum Building Height (Feet)	Minimum Front Yard Setback (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Side Yard Setback (Feet)
Residential-Agriculture District (R-A)	Single Family Dwellings Incidental to the Agricultural Operation; General Farming Except Farms for Garbage Disposal, Stands for Sale of Agricultural Products, Public Parks and Playgrounds, Commercial Greenhouses and Nurseries. ACCESSORY USES Any Use Permitted as Accessory in the "R-1" District. CONDITIONAL USES Hospitals and Clinics, Public and Parochial Schools, Municipal Buildings, Tourist Camps, Riding Academies, Golf Courses, Cemeteries, Churches and Related Structures, Creameries, Milk Condenseries, Pea Vineries, Cheese Factories, Essential Service Structures.	217,800 Maximum 3 percent lot coverage.	330	30	25 or 66 from road centerline on county trunk highways, whichever is greater.	25	Minimum one side: 20, Minimum combined:40.

Table 4.1 Summary of Existing Zoning Districts, Village of Luxemburg, 1998 (continued)

Zoning District	Permitted Uses	Minimum Lot Area Per Family (Square Feet)	Minimum Average Lot Width (Feet)	Maximum Building Height (Feet)	Minimum Front Yard Setback (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Side Yard Setback (Feet)
Single-Family Residential District (R-1)	Single Family Dwellings; Two-Family Dwelling (See Section 9.53 of Zoning Ordinance). ACCESSORY USES Private Garages and Parking Spaces, Private Swimming Pool, Tennis Court or other Recreation Activity Intended for Primary Use of Occupants of the Dwelling on the Same Site, Signs (See Chapter 9 of Zoning Ordinance). CONDITIONAL USES Churches; Public and Parochial Schools, Colleges, Public Libraries, Public Museums Art Galleries, Municipal Buildings Garbage Incinerators, Public Warehouses, Public Garages, Public Shops and Storage Yards, Penal or Correction Institutions and Asylums, Buildings used Exclusively for Governmental Purposes.	8,000 Single Family, 12,000 Two-Family, Maximum 35 percent lot coverage.	80	30	30 or 66 from road centerline on county trunk highways, whichever is greater.	25	8; 20 in aggregate, one story. 10; 25 in aggregate in excess of one story.

Table 4.1 Summary of Existing Zoning Districts, Village of Luxemburg, 1998 (continued)

Zoning District	Permitted Uses	Minimum Lot Area Per Family (Square Feet)	Minimum Average Lot Width (Feet)	Maximum Building Height (Feet)	Minimum Front Yard Setback (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Side Yard Setback (Feet)
Multi-Family Residential District (R-2)	Any Use Permitted in the "R-1" District, Multiple Dwelling Units, Day-Care Centers. ACCESSORY USES Any Permitted Accessory Use in the "R-1" District. CONDITIONAL USES Any Permitted Conditional Use in the "R-1" District, Mobile Home Parks, Professional Offices.	6,000 for Two Family , 3,000 for Three Family Unit and Above.	80	30	25 or 66 from road centerline on county trunk highways, whichever is greater.	25	Minimum one side: 10 Minimum Combined: 25

Table 4.1 Summary of Existing Zoning Districts, Village of Luxemburg, 1998 (continued)

Zoning District	Permitted Uses	Minimum Lot Area Per Family (Square Feet)	Minimum Average Lot Width (Feet)	Maximum Building Height (Feet)	Minimum Front Yard Setback (Feet)	Minimum Rear Yard Setback (Feet)	Minimum Side Yard Setback (Feet)
General Commercial District (C-1)	There are a number of permitted, accessory and conditional uses in the General Commercial District Zoning Category. See the Village of Luxemburg Zoning Ordinance for Details.	Downtown: 7,500 Highway: 10,000 Maximum percent lot coverage: Downtown: 90 Highway: 40	Downtown: 50 Highway: 80	Downtown: 45 Highway: 45	Downtown: 15 Highway: 30	Downtown: 15 Highway: 25	See Section 9.53 of Village Zoning Ordinance for Details.
Light Industrial District (I-1)	There are a number of permitted, accessory, conditional and prohibited uses in the Light Industrial District. See the Village of Luxemburg Zoning Ordinance for Details.	None Maximum percent lot coverage: 50	80	60	25 or 66 from road centerline on county trunk highways, whichever is greater.	25, May be none if structure abuts railroad trackage	10, Except where a lot has railroad trackage abutting the interior side lot line, then no requirement abutting the trackage
Heavy Industrial District (I-2)	There are a number of permitted, accessory, conditional and prohibited uses in the Heavy Industrial District. See the Village of Luxemburg Zoning Ordinance for Details.	None Maximum percent lot coverage: 50	80	60	25 or 66 from road centerline on county trunk highways, whichever is greater.	25, May be none if structure abuts railroad trackage.	Minimum one side: 15 Minimum Combined: 30
Planned Unit Development District (PUD)	The Planned Unit Development District permitted uses and requirements can be found in Section 9.25 of the village zoning ordinance.						
Floodplain Overlay District	The Floodplain Districts have been established within the village and can be found in chapter 20 of the village zoning ordinance. Permitted uses and requirements can also be found in the Kewaunee County Floodplain Zoning Ordinance.						

Source: *Village of Luxemburg Zoning Ordinance Update, 1997*; Bay-Lake Regional Planning Commission, 1998.

Official Map

Under §62.23(6), the city council/village board/town board (under village powers) "may by ordinance or resolution adopt an official map showing the streets, highways, parkways, parks and playgrounds laid out, adopted and established by law." "The council/board may amend the map to establish the exterior lines of planned new streets, highways, parkways, parks, or playgrounds, or to widen, narrow, extend or close existing streets, highways, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playground. "Any person desiring to construct or enlarge a building within the limits of a street, highway, waterway, railroad right-of-way, public transit facility or parkway shown on the official map...shall apply to the authorized official of the city, village, or town for a building permit."

"Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction of the street, highway, railroad right-of-way public transit facility or parkway shown on the official map." Therefore, the official map serves several important functions: 1) it helps assure that when the city/village/town acquires lands for streets, etc., it will be at a lower vacant land price; 2) it establishes future streets that subdividers must adhere to unless the map is amended; and, 3) it makes potential buyers of land aware that land has been designated for public use. The city's/village's official map may extend into the extraterritorial area. Unlike the city's and village's official map, the town's official map may only extend to the town's legal limits. The village adopted an official map in 1990, as specified above, and have made numerous revisions with the latest one being made in November 1999.

EROSION CONTROL AND STORMWATER MANAGEMENT ORDINANCES

The Village of Luxemburg has adopted and is administering an Erosion Control and Stormwater Management Ordinance that regulates run-off control measures during construction and the amount of water entering village storm sewer systems.

LAND USE INVENTORY ANALYSIS

A detailed field survey of land use for both the planning area and the village of Luxemburg was conducted in the summer of 1998 by the Bay-Lake Regional Planning Commission. The land use for the town and village was entered into the Commission's Geographic Information System and mapped. The total acreage was compiled into generalized land use categories and presented in Tables 4.2 and 4.3.

As a result of this inventory, a number of conclusions and issues have been identified, and recommendations have been made to help guide future land use planning efforts. The estimates in this section are based upon current population characteristics and on past, present and future economic trends of the village. Additionally, where necessary, recommendations are provided to guide these changes in land use.

Table 4.2: Town of Luxemburg Land Use, Summary, 1998

Land Use Type	Total Acres	Percentage of Total Town Acreage
Residential	442.20	2.02
Commercial	30.66	0.14
Industrial	73.09	0.33
Transportation	324.35	1.48
Communications/Utilities	7.03	0.03
Institutional/Governmental	13.78	0.06
Recreational	11.73	0.05
Agriculture	17,141.71	78.26
Agriculture (Buildings Only)	477.84	2.18
Natural Areas	3,378.80	15.43
Land Under Development	2.19	0.01
Total Acres	21,903.38	100.00

Source: Bay-Lake Regional Planning Commission, 1998.

The town of Luxemburg covers an area of approximately 21,901 total acres of land. Of this, agriculture is the primary land use constituting 17,142 acres, or 78.3 percent of the town. Natural areas cover approximately 3,379 total acres, or 15.4 percent of the town. The remaining 1,380 total acres, or 6.3 percent of the town are developed lands.

Table 4.3: Village of Luxemburg Land Use, Summary, 1998.

Land Use Type	Total Acres	Percentage of Total Land Area	Percentage of Developed Land
Developed Land			
Residential	262.94	19.70	35.00
Commercial	50.78	3.81	6.76
Industrial	43.68	3.27	5.81
Transportation	77.75	5.83	10.35
Communications/Utilities	1.35	0.10	0.18
Institutional/Governmental	88.33	6.62	11.76
Recreational	222.67	16.69	29.64
Agriculture (Buildings Only)	3.82	0.29	0.51
Total Developed Acres	751.32	56.30	100.00
Undeveloped Land			Percentage of Undeveloped Land
Open Space	57.19	4.29	9.807
Croplands/Pasture	390.39	29.25	66.942
Other Natural Areas	44.08	3.30	7.559
Woodlands	85.33	6.39	14.632
Water Features	6.19	0.46	1.061
Total Undeveloped Acres	583.18	43.70	100.00
Total Land Area	1,334.50		

Source: Bay-Lake Regional Planning Commission, 1998.

General Land Use Information

The village of Luxemburg encompasses approximately 1,334 total acres of land. This is a growth of 400 acres since 1989. Of this, approximately 751 acres, or 56.3 percent, are developed, leaving 583.18 acres of undeveloped land. Of these developed lands, a majority of the acreage is for residential, recreational, and institutional/governmental uses.

Residential Land

Approximately 263 acres, or 35 percent, of the village's total developed area is currently in residential use. Since 1989, there has been a growth of 169 acres of residential land. The residential areas include single family, two family, multi-family and mobile homes. The most concentrated area of residential development is located south of STH 54 with the older development one or two blocks east and west of CTH AB. Newer residential development has taken place east of CTH A in the northern portion of the village, and west of CTH AB in the southern portion. Single family development compromises 233 acres of residential development, two family and multi-family 20 acres, and a mobile home park 10 acres.

Commercial Lands

Commercial land use presently occupies 6.76 percent of all developed land in the village. Since 1989 commercial acreage grew from 21 acres to approximately 51 acres. Commercial development is concentrated along STH 54, in the CBD adjacent to STH AB, and the southern edge of the village on CTH AB.

Industrial Land

Industrial uses currently occupy approximately 44 acres of land (5.81 percent of all developed land). This is a growth of 20 acres from 1989. The main industrial areas are located adjacent to the railroad tracks just south of the CBD, and the village's industrial park, located adjacent to STH 54 on Fourth Street.

Transportation Land

These land uses currently occupy 77.75 acres of land or 10.35 percent of all developed land. This represents a decline of 24 acres from the 1989 land use. The reduction in acreage from the 1989 figure of 98 acres is due mainly to measuring transportation land use to the edge of the street pavement rather than all land within the road right of way. Streets compromise 64.75 acres of this category, rail lines 12 acres, and off-street parking one acre.

Communication/Utility Land

These uses presently occupy slightly over one acre of land which represents approximately 0.2 percent of all developed land. This represents an increase of 0.6 of an acre from the 1989 land use. Major uses in this category include supply storage tanks and pumping stations.

Institutional/Governmental

Land uses in this category include clinics, school grounds, fairgrounds, and churches. Institutional and Governmental uses presently occupy nearly 12 percent of the developed land in the village of Luxemburg. Since 1989 institutional/governmental acreage increased from 57 acres to 88.33 acres. Major uses in this category include the Luxemburg-Casco High School

located at the intersection of STH 54 and CTH A and the Kewaunee County Fairgrounds which is located on the western portion of the village between the railroad tracks and the industrial park.

Park and Recreation Land

The village of Luxemburg's park and recreational facilities occupy approximately 223 acres, or 29.64 percent of all developed land within the village. This represents an increase of 90 acres since 1989. Parks and playgrounds occupy 23 acres of this category and the Northbrook County Club golf course compromises 155 acres of the recreation land. The remaining 45 acres consist of athletic fields with a newly developed sports complex, located west of the Luxemburg-Casco High School on CTH A, making up the majority of the acreage.

Undeveloped Land

Undeveloped land includes agricultural land, woodlands, wetlands, water areas and vacant areas and accounts for more than 583 acres, or 43.7 percent of the total land area. This is an increase from the 1989 figure of 505 acres. Agricultural uses and woodlands account for over 475 acres of these undeveloped areas

Chapter 5 - EXISTING WASTEWATER TREATMENT SYSTEMS

INTRODUCTION

This chapter outlines the current wastewater treatment facility (WWTF) and collection system which exists within the village of Luxemburg during the initial phase of the plan. The information for this chapter was provided by Robert E. Lee & Associates.

INVENTORY OF EXISTING WASTEWATER TREATMENT SYSTEMS

In the development of a long-range improvement program, it is necessary to first evaluate the existing facilities in terms of present and future usefulness. Accordingly, the existing facilities must be reviewed with respect to performance, capability of serving present and future development, ability to produce an effluent quality to meet present and future discharge requirements, and deficiencies which may require correction. A discussion of the various components of the existing wastewater collection and treatment system is presented in the following sections.

Wastewater Collection Facilities

The initial Luxemburg wastewater collection and treatment system was constructed in the 1940s. Due to the high cost of excavating separate trenches in the limestone bedrock for sewer and watermain, the water distribution system was installed above the sanitary sewer in a common trench. The original wastewater treatment plant was constructed in 1948. The plant was a conventional activated sludge plant using primary and secondary clarification to treat the wastewater.

In 1976, the current wastewater treatment facilities were placed into operation. The existing facility consists of two aerated lagoons with a rock filter for solids removal and chlorine disinfection. The treatment plant is located one and one-half miles north of Luxemburg and discharges effluent into the Kewaunee River.

The original sanitary sewer system was constructed of clay pipe with oakum and mortar joints. There have been several additions to the sanitary sewer system since it was installed. Extensions installed prior to 1976 were built with concrete or transit pipe which used rubber gasket joints. Recent sewer extensions have been constructed using PVC pipe.

Description of Wastewater Collection System

Gravity Sewers and Forcemains. The existing sanitary sewer system includes 44,310 feet of collection and trunk sewers ranging from six to 10 inches in diameter (Map 5.1 Sanitary Sewer Mains). The sewer system also includes 2,600 feet of four inch diameter forcemain. An 11,300-foot 18-inch diameter interceptor sewer conveys wastewater from the collection system to the treatment plant.

Lift Stations. The village wastewater collection system includes two small lift stations. There are no known problems with these two lift stations.

Lift station No. 1 is located west of Fourth Street just south of STH "54". This lift station serves the area west of Second Street which includes two major industrial wastewater contributors, Packerland Whey and N.E.W. Plastics.

Lift station No. 1 was installed in 1982. It includes two vacuum primed pumps set up for alternate operation. The lift station has a capacity of 200 gpm at an 88-foot TDH. The lift station does not have a standby generator; however, the village does have a trailer-mounted gasoline driven pump for use during power outages.

Lift station No. 2 is located north of STH "54" on CTH "A". It was recently installed and is intended to serve the Northbrook Country Club and future development along School Creek. This lift station is similar in design to lift station No. 1 except it has a capacity of 140 gpm.

Wastewater Treatment Facilities

The village of Luxemburg wastewater treatment facilities are located one and one-half miles northeast of the village limits on Valley Road. The site of the facility is an open and relatively flat parcel of land. This section describes the existing facility, its operation as well as its performance.

Plant Description and Operation

The treatment plant consists of a two-cell aerated lagoon system. Wastewater flows by gravity through an 18-inch diameter interceptor to an inlet structure located at the plant. The inlet structure contains a comminutor, manually cleaned bar screen, and a Parshall flume for flow measurement. The flume water level indicator is checked for accuracy and recalibrated as required on an annual basis. The influent sample is collected from the flume discharge. From the inlet structure, the wastewater enters the first lagoon then flows through a control structure to the second lagoon.

Aeration for BOD removal in the lagoons is provided by a diffused aeration system. Lagoon No. 2 contains a quiescent zone and a rock filter for suspended solids removal. Lagoons No. 1 and No. 2 have volumes of 7.0 and 8.75 million gallons, respectively, when operated at a normal liquid depth of 12 feet. The volume of lagoon No. 2 includes the rock filter.

Treated effluent flows through a chlorine contact chamber having a volume of 1,330 feet^3. Chlorine is supplied from 150 pound cylinders through a chlorinator rated at 25 lbs./day. Disinfection is required from May 1 through September 30.

The disinfected effluent flows over a cascade aerator prior to discharge through an 18-inch outfall sewer to the Kewaunee River.

Wastewater Treatment Plant Performance

Within the *1996 Wastewater Management Facilities Plan* it was determined that the facility was able to meet the WPDES permit limits. Information from the plan discusses the following:

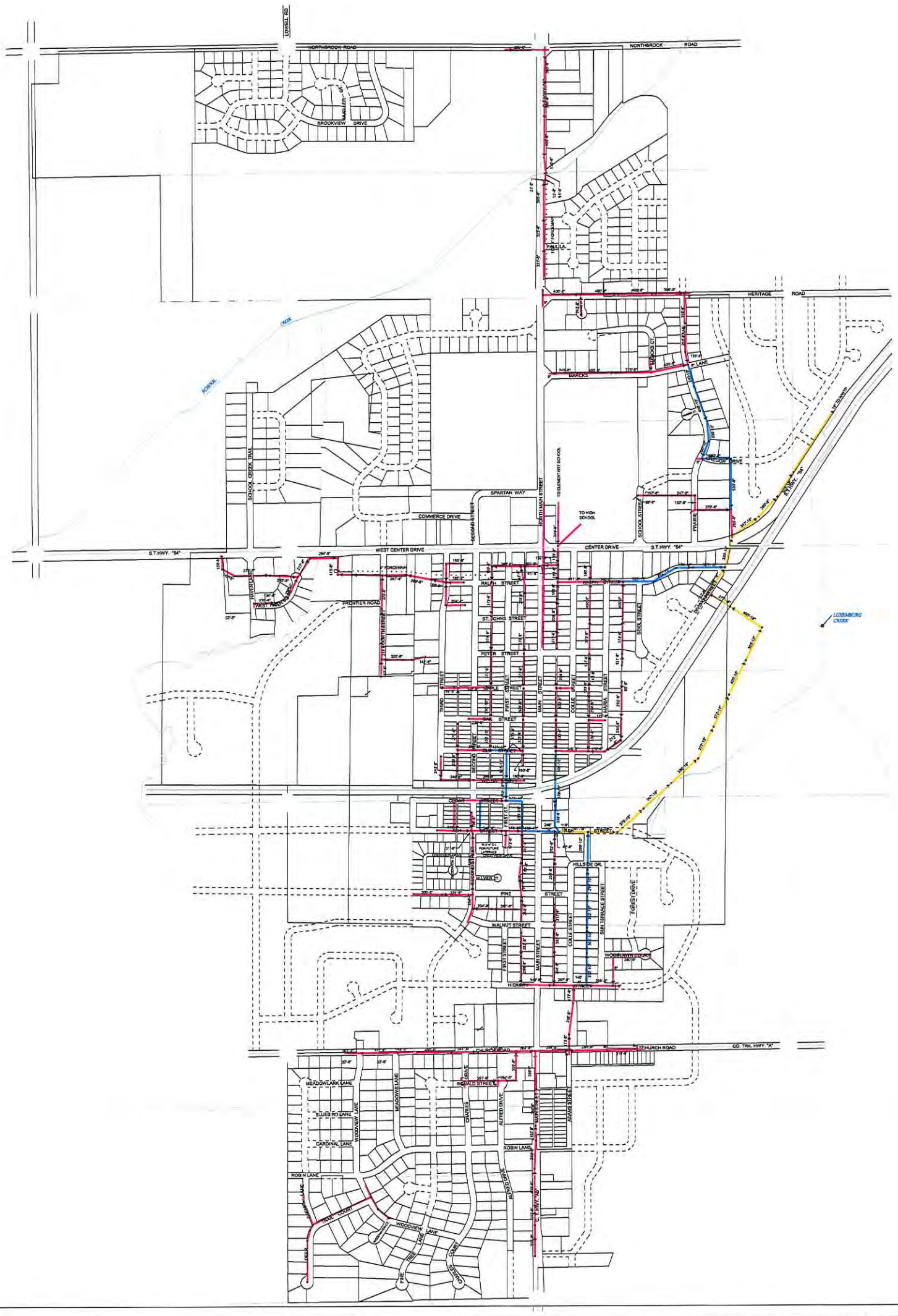
Occasionally, high organic loads from Packerland Whey Products cause the effluent BOD to exceed permit limits. The oxygen demand caused by ammonia from Packerland Whey Products is the reason for the exceedances of the permit limits for BOD. These occasional violations have not caused the facility to be in noncompliance. The long residence time in the lagoons has helped to minimize the permit violations.

Map 5.1

Wastewater Collection System

Village of Luxemburg

Kewaunee County, Wisconsin



Source: Robert E. Lee & Assoc.; Bay-Lake Regional Planning Commission, 1999.

- 6" Sanitary Sewer
- 8" Sanitary Sewer
- 10" Sanitary Sewer
- 18" Sanitary Sewer
- 4" Forcemain
- SSA Boundary

N

600 0 600 Feet

Packerland Whey Products has upgraded their pretreatment facility to remove ammonia and most of the BOD. As long as this pretreatment unit operates properly, the plant has little difficulty meeting permit limits.

In general, the existing wastewater treatment facilities are in good condition. The influent building is in poor condition due to the corrosive atmosphere inside. The electrical system needs to be upgraded to meet current codes. The heating and ventilation system needs considerable upgrading to prevent corrosion from reoccurring.

The discharge pipe to lagoon No. 1 from the headworks building is too small. The building has flooded several times. If the existing lagoons are retained, this pipe must be enlarged to prevent flooding.

The existing comminutor is functioning well according to the operator. However, it is approaching 20 years of operation and the end of its useful life. Any work proposed for the existing facilities should include replacing this unit.

EVALUATION OF FEASIBLE TREATMENT ALTERNATIVES

The Luxemburg wastewater treatment facility must provide secondary and tertiary treatment for the removal of BOD, TSS, ammonia nitrogen, and phosphorus. The effluent from the wastewater treatment facility must have a minimum dissolved oxygen concentration of 7 mg/L. The plant must be able to handle widely fluctuating flows that are due to the high I/I from heavy rainfall and snow melt events.

The wastewater treatment plant must be able to handle occasional slug loads of industrial wastewater from Packerland Whey Products. These slugs of industrial wastewater may not be adequately pretreated prior to discharge into the sanitary sewer system and may contain high organic and ammonia loads. The plant must be effective, reliable, and maximize the use of the existing facilities and the existing site. The wastewater treatment plant must be flexible - able to be expanded to meet unforeseen events, it must be cost-effective, and have minimal environmental impacts.

This screening process identified two feasible alternatives for further evaluation. One alternative is an oxidation ditch facility with additional tertiary treatment. The other alternative identified is a forcemain and lift station for pumping the wastewater to the GBMSD for final treatment and disposal.

The preferred alternative was identified in the *Village of Luxemburg Kewaunee County, Wisconsin Wastewater Management Facilities Plan, February 1996* as a forcemain and lift station for pumping the wastewater to the GBMSD for final treatment.

LUXEMEBURG WASTEWATER TREATMENT ALTERNATIVE

Pumping to the GBMSD. Regardless of how well the oxidation process can be operated, the cost-effective analysis may show that the least cost-effective alternative is for the village to pump partially treated wastewater to the GBMSD for further treatment and disposal.

Pumping to the GBMSD would involve keeping the existing system operating. The equipment at the plant is in good shape and still has serviceable life ahead of it. Since the treatment costs charged by the GBMSD are based on mass loading of pollutants, pretreatment using the existing plant will lower the annual charges paid by the village.

In addition to some minor improvements to the existing lagoon system, a lift station would be constructed at the plant site to pump the partially treated wastewater to the GBMSD. Because of the capacity of the lagoons to remove the large solids, the lift station can use higher efficiency pumps instead of low efficiency solids handling pumps.

Pumping partially treated wastewater to the GBMSD for disposal offers several advantages to the village of Luxemburg. The first is that the village no longer has to be concerned about WPDES requirements. These are handled by the GBMSD. Periodic sludge disposal is a requirement of any type of mechanical treatment plant and the village will handle this requirement as is needed.

The area between Luxemburg and the GBMSD includes the Royal Scot and New Franken Sanitary District. The Royal Scot Sanitary District already pumps its wastewater to the GBMSD for treatment. The New Franken Sanitary District, which is currently in the facilities planning process, is likely to do the same. One logical wastewater management alternative is the construction of transportation facilities that would serve all three municipalities.

Chapter 6 - SEWER SERVICE AREA PLAN

INTRODUCTION

A variety of physical and economic factors contribute to the future growth of a community. Manipulation of some of these factors may help guide such growth in a logical and cost-effective manner. This section reviews the factors which were utilized in determining the Sewer Service Area Boundary for the planning area.

SEWER SERVICE AREA (SSA) BOUNDARY DETERMINATIONS

For the purpose of this study, an initial acreage allocation was identified using population, household size, and employment projections. The acreage identified in Table 3.4 were the minimum amounts of land that were used as the basis for determining the location of the village's SSA Boundary. In many cases, based upon previous planning efforts, additional lands were added to these minimum totals to accommodate market forces (defined as being 25%), and the need to buffer existing and future incompatible land uses with open spaces.

The need for accommodating new development in a logical manner while allowing for flexibility in its placement was of prime importance to the Village Plan Commission and Village Board. Issues related to this were discussed with the Village Plan Commission and Village Board to identify all areas of private property within, or adjacent to the sanitary district that: 1) would be physically suitable for development; 2) have the greatest potential for development (i.e. approved subdivision plats, identified on Official Map, etc.) or; 3) should be developed in order to improve the cost-effectiveness of sanitary sewer facilities planned for installation.

The village's rationale for developing the SSA Boundary and its corresponding acreage included the above as well as the following concerns. The village does not have many constraints on future development along its edges and thus it is not known which area will develop first or to what extent before developments are to take place in another part of the village. The village, therefore, will include areas within the boundary that adequately address development in all directions and thus avoid numerous amendments to the plan as the village grows. The areas that have been included are logical additions to present growth patterns and are identified on the village's Official Map.

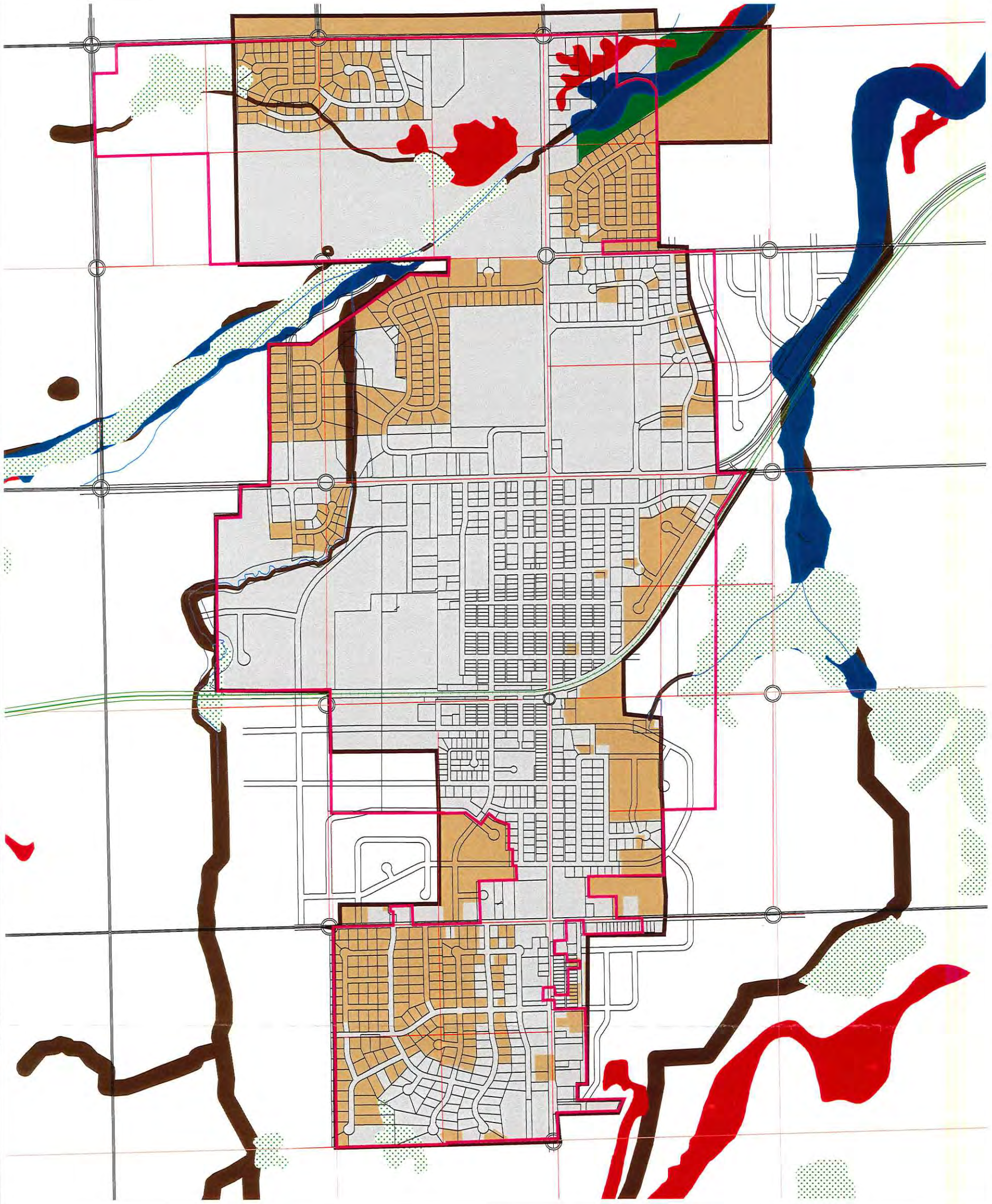
The result of numerous past discussions (between Village Plan Commission, BLRPC, Village Engineer) of the above concerns/trends helped determine the village's preferred SSA Boundary. The SSA Boundary is shown on Map 6.1. This boundary configuration provides adequate acreage of developable lands for the village while also allowing for flexibility in terms of the future locations for development (Market Forces) while allowing the village to adequately buffer future residential lands from the existing and proposed commercial and industrial sites, as well as the railroad corridor. In cases where open space is needed as a buffer, lot dimensions will be increased to one to two acres per residential dwelling. Approximately 1,346 acres are contained within the village's SSA Boundary. The SSA Boundary map details approximately 357 acres for future development, 908 acres of developed lands, and 81 acres of environmental corridors. The difference between 357 acres and the projected requirement of 286 acres is 25 percent. As stated earlier, this 25 percent will accommodate the market forces within the area.

Map 6.1

Sewer Service Area Boundary

Village of Luxemburg

Kewaunee County, Wisconsin



Village Boundary
SSA Boundary

WDNR Wetlands
100 - Year Floodplain
12% or Greater Slope
Setback

Undeveloped
Existing Development
Village Environmental Corridors

N

600 0 600 Feet

Source: Bay-Lake Regional Planning Commission, 1999.

Chapter 7 - PLAN IMPLEMENTATION AND INSTITUTIONAL STRUCTURE

INTRODUCTION

The success of any planning program can best be measured by the extent to which the program is implemented and by how well the plan provides a framework for further investigation into the problems or issues being addressed.

The following sections describe the institutional mechanism for implementing this plan. These include:

- Technical Advisory Committee;
- Procedures for Sewer Extension Review;
- Wastewater Treatment Facilities Review;
- Subdivision Review for Plan Conformance;
- Sewer Service Area Boundary Amendments;
- Plan Amendments; and
- Plan Update.

TECHNICAL ADVISORY COMMITTEE

The Technical Advisory Committee (TAC) shall consist of the members of the Village of Luxemburg Plan Commission, one representative of Bay-Lake Regional Planning Commission, one member representing Kewaunee County and one appointed representative from the town of Luxemburg. Each member (with the exception of the BLRPC, and WDNR) will have one vote during times of final weighting of amendment requests. The responsibility of the TAC is to provide information, guidance and recommendation for the proposals and future development within the Luxemburg SSA Plan boundaries. The TAC shall oversee and ensure that development proceeds in accordance to the goals, objectives and policies of this plan and that all necessary actions be implemented to advance development so that it is in agreement with this plan.

The TAC will convene, when requested, to oversee the implementation duties of the SSA Plan. The TAC shall also hold a minimum of one meeting per year to review and oversee sewer extension projects in the planning area in order to re-examine growth and development trends.

PROCEDURE FOR SEWER EXTENSION REVIEWS

With the final approval of this plan, WDNR will require that applications for sewer extensions in the Luxemburg area be reviewed by BLRPC and GBMSD to determine if the extensions are in conformance with the sewer service area plan. This local review process is illustrated in Figure 7.1 and is outlined below:

1. The municipality or their consulting engineers should submit a letter and a simple plan map of the proposed sewer extension to the BLRPC and GBMSD. To avoid delays, this

submittal shall be made early in the planning process, prior to completing detailed plans and specifications for the project. Submitting the plans early will ensure that local review is made prior to submittal of the plans to WDNR and that costly detailed sewer design and specification documents are not prepared for areas that do not conform with the plan and are subsequently rejected by WDNR.

2. The BLRPC will review all submissions for sewer extension projects and will file a recommendation as to whether or not the proposed project is in conformance with the plan at BLRPC's office.

3. The BLRPC will review all submissions and incorporate GBMSD comments and/or concerns into a response that will be provided to the applicant with a review letter within 15 days of receipt of the plan map. If the proposed sewer extension is in conformance with the plan, the letter should be attached to the sewer extension plans which are submitted to WDNR by the applicant. Additionally, the BLRPC will notify the village of the issuance of a conformance letter.

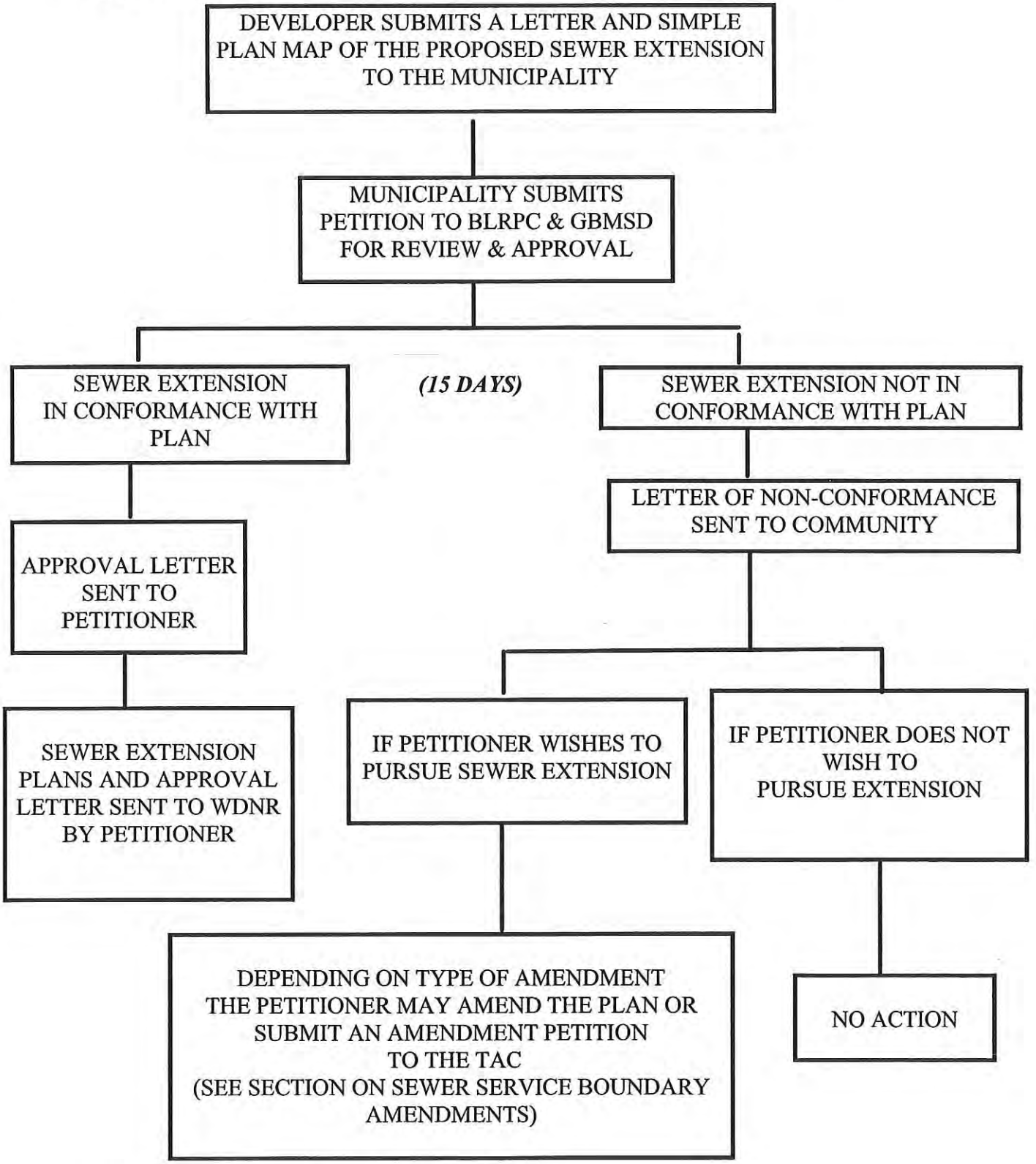
4. If the proposed extension is not in conformance with the plan or if there are questions about consistency, the applicant and municipality will be notified by letter within **15** days.

    a) The petitioner should then decide if it wishes to further pursue the sewer extension. If not, no further action is necessary.

    b) If the sewer extension is pursued, the plan must be amended in order for the proposed extension to be in conformance. The process for adopting plan amendments is discussed in the section entitled, "Sewer Service Area Boundary Amendments: Standards and Procedures."

        I) After the plan is amended, the municipality should submit the proposed sewer extension plan as discussed in number 1 above.

Figure 7.1: Flow Diagram of Procedures for Sewer Extension Review.



Source: Bay-Lake Regional Planning Commission, 1999.

WASTEWATER TREATMENT FACILITIES REVIEW

This plan does not anticipate that there will be any need for additional sewage treatment facilities to serve industrial or non-industrial development in the planning area. Any sewage collection facilities built within the established 20-year sewer service area should be connected to existing wastewater treatment system or removed from the SSA Boundary.

The WDNR has had a long-standing policy against the proliferation of new wastewater treatment facilities. The reasoning behind this policy is embodied in a topical study entitled "*Analysis of Wisconsin's Nonproliferation Policy and Implementation Recommendations*" adopted by the Natural Resources Board in August 1977. The policy was adopted because it was found that:

1. Economies of scale exist in the construction, operation and maintenance of regional treatment plants.
2. Owners of small treatment plants generally have less financial capability to hire a competent operator and carry out necessary maintenance and repairs.
3. The administrative costs are greater with the regulation of large numbers of small plants.
4. In urban areas there usually is a significant investment of public dollars in existing treatment plants designed to serve all anticipated development in the urban area; the provision of additional treatment facilities in these areas is not cost-effective.

Note: It is also recognized by the WDNR that connection to an existing treatment facility is not always cost-effective or environmentally sound and there may be instances where a small sewage treatment facility is the most feasible solution.

Additional treatment facilities to serve residential, commercial, or public facilities should not be approved by the Village of Luxemburg TAC as being in conformance with this plan unless it is documented that it is cost effective, environmentally sound, and in the best interest of the municipality. One common reason for the construction of a small wastewater treatment facility is to provide interim sewage treatment service to an area of development until sewers may be extended to serve that area. At such time public sewers are extended to serve the development, the treatment plant may be phased out. This approach may be used to solve wastewater treatment problems in areas which are not currently considered to be cost-effective for regional sewer extensions.

If new wastewater treatment is needed in a particular circumstance, it should only be approved if it satisfies the requirements for specific situations specified in Section 121.05(1)(g) and Section 110.08(5) of the Wisconsin Administrative Code. These situations and subsequent requirements include:

1. Treatment Facility to Serve Existing Residential Development: It is necessary to solve a documented and severe existing water quality (groundwater or surfacewater) or public health problem related to failing on-site systems; or, it is needed to replace an existing treatment facility which is not in compliance with its Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

a) It is the cost-effective solution to the existing problem.

b) It is municipally owned, operated and maintained.

2. Interim Treatment Facility: It is necessary to solve a documented and severe existing water quality (groundwater or surface water) or public health problem related to failing on-site systems; or it is needed to replace an existing treatment facility which is not in compliance with its WPDES permit.

a) It is the most cost-effective solution to the existing problem.

b) It is municipally owned, operated and maintained.

c) The sewage collection system is designed so that it may be easily connected to the regional system in the future.

d) The service area of the proposed system lies entirely within the planned service area of the regional system as delineated in this plan.

e) An agreement is signed by all involved municipalities which provides for a specified date of abandonment and connection; this inter-municipal agreement shall be reviewed and approved by the WDNR prior to facilities plan approval; the WPDES permits shall contain schedules for facilities abandonment and connection.

3. Treatment Facility Serving Isolated Non-Residential Development: The development may not be more rationally and efficiently located in an urban area and thus be accommodated by an existing municipal plant.

a) Joint treatment with adjacent wastewater treatment system is not feasible.

b) The proposed facility is designed to handle only the waste generated by the development.

c) The WPDES permit limits service to the development specified in number 3.

d) In the case of a commercial facility, only commercial facilities that serve and facilitate travel on public highways.

4. Treatment Facility to Serve New Residential Development: Proposals for a new treatment facility intended to serve new residential development may be denied.

Note: Variances may be granted only after the general public interest, environmental impacts, and socioeconomic impacts have been considered as well as the impact on orderly development and the provision of general government services and the following criteria have been met:

a) The proposal is consistent with the responsibility to protect, maintain, and improve water quality management.

b) It is municipally owned, operated and maintained.

c) It is the cost-effective solution to the problem.

d) All other federal, state and local approvals and permits have been obtained.

SSA BOUNDARY AMENDMENTS: STANDARDS AND PROCEDURES

Since unanticipated development may occur beyond that acreage which was determined necessary for the 20-year SSA Boundary, a mechanism for reviewing and revising the service area boundary is essential. Amendments will provide municipalities and private developers with the needed flexibility to incorporate community growth, additional technical data, new community needs and ongoing public input into the sewer service planning process. The BLRPC and GBMSD will review amendment requests, review 208 requests for sewer extensions and forward them to the TAC. The BLRPC will maintain the records of boundary amendments as well as update the service area boundary map.

Three types of amendments to the service area boundaries may be expected. ***Type One Amendments*** are required when a municipality's service area boundary changes but the total acreage is not increased. The amendment would be reviewed by BLRPC and the TAC and, if approved according to the Amendment Procedures, a request for a sewer service area amendment is forwarded to the WDNR. ***Type Two Amendments*** would result in an increase in a municipality's service area acreage. This type of amendment would be used to add to the total acres that have been projected for land development up to the existing corporate limits or for municipalities that are experiencing population growth in excess of that projected in the plan. The amendment would be reviewed by BLRPC and the TAC and, if approved according to the Amendment Procedures, a request for a sewer service area amendment is forwarded to the WDNR for approval. ***Type Three Amendments*** are required when a municipality's service area needs to expand, yet, no areas are suitable for a type one or two amendment. Therefore, the municipality will need to encroach upon identified environmentally sensitive area buffers. The amendment would be reviewed by BLRPC, GBMSD and the TAC and, if approved according to the Amendment Procedures, a request for a sewer service area amendment is forwarded to the WDNR for final approval.

In the above types of amendments, procedures were developed to provide a fair and reasonable means of reviewing sewer service area boundary changes. These procedures include public notice, public comment period, public hearings, and public records of the proceedings of the

hearing. The public notice shall be published in the official paper of the community affected by the amendment. All costs associated with the preparation and publishing of the public notice shall be borne by the petitioner.

Standards were established to provide a framework for analyzing the merits of proposed SSA Boundary amendments and to identify basic parameters necessary for amendment evaluation. These amendment standards and their established procedures are outlined on below:

Amendment Standards

To provide an equitable and uniform basis for revising the sewer service boundaries, all proposed amendments which would shift or add acreage to the service area shall meet standards one through six and number seven when applicable. Annexations or detachments of territory (as defined in Chapter 66 of the Wisconsin Statutes) within the boundaries of the sewer service area do not constitute amendments to the SSA Boundary and are therefore subject to amendment procedures.

1. There shall be minimal adverse impacts on environmentally sensitive areas and water quality as a result of development stimulated by the amendment.

2. Existing or planned sewage facilities must have sufficient capacity to treat the projected wastewater flows generated by the added territory.

3. The SSA Boundary amendment area must be in conformance with an adopted local comprehensive plan and zoning regulations and the established goals and objectives of this plan.

4. The configuration of sewer service area boundaries may be modified provided that the amendment area has a common boundary with the current sewer service area, will not create a void within the sewer service area.

5. Modifications of the SSA Boundary can be shown to be cost-effective, orderly and a logical extension of urban development.

6. The delivery of other services by the existing and proposed community facilities (i.e. parks, schools, fire protection, etc.) will be available and will be provided for the amended area.

7. When the projected number of acres of the plan have been developed, the service area may be increased by amending the SSA Boundary when it can be demonstrated:

    a) The current population growth rate exceeds the plan's projected population growth rate for the municipality.

    b) The population density standard is modified by the TAC to reflect quantifiable changes in the municipality's population distribution.

Amendment Procedures

Type I Amendment: A municipality amends the service area boundaries without increasing the land area the municipality has within its SSA Boundary. For every acre added to the municipality's service area, an area of equal size is removed. For this type of amendment, the following procedure is used (a flow diagram of this procedure is shown in Figure 7.2):

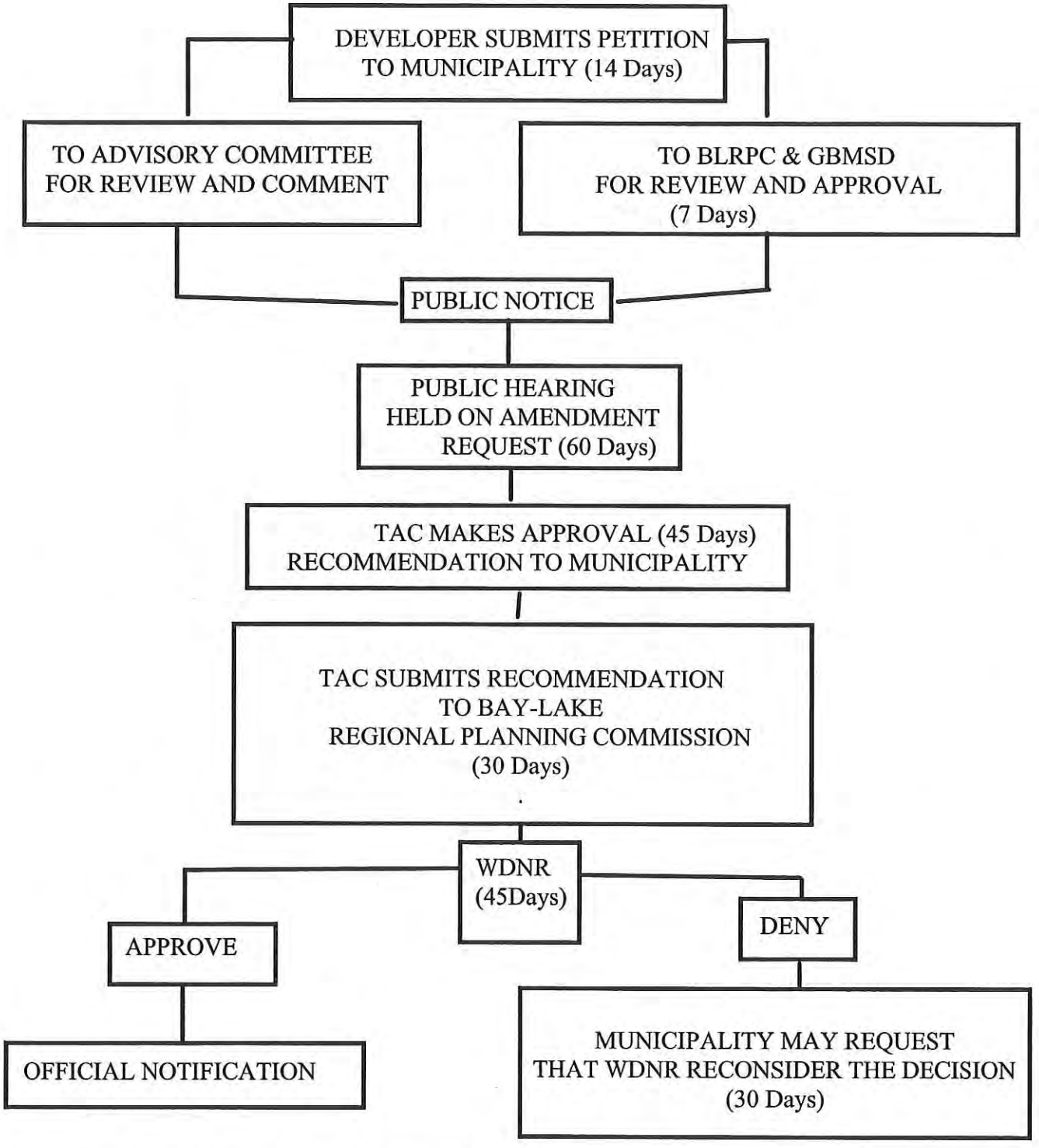
1. A petition to include/exclude a particular area from the Village of Luxemburg Sewer Service Area is filed with the municipality. The petition should include a map showing the location of the properties; general development plans for the area including land use proposals and a preliminary timetable for implementing the development plan; and an indication of the specific service needs of the site (i.e., sewer and water line size, water pressure, roadways, etc.).

2. Within **14** days the municipality refers the petition to the BLRPC and GBMSD for initial review, comment and approval. The BLRPC then forwards the request (with a recommendation from BLRPC and GBMSD to approve or not to approve) to the TAC for review and recommendation to the WDNR within **7** days.

3. Within **60** days the TAC holds a public meeting and public hearing on the petition following publication of a Class I Notice according to Chapter 985 of the Wisconsin Statutes. The public notice shall be published in the official paper of the village. All costs associated with the preparation and publishing of the public notice shall be borne by the petitioner. Representatives submitting the petition, BLRPC, GBMSD, WDNR staff, and interested citizens may testify. A record of the public hearing proceedings and testimony shall be maintained by the TAC. The TAC shall then take action on the proposed amendment.

4. In formulating a recommendation, the BLRPC, GBMSD and TAC should consider: (1) citizen in****put received at the meeting; (2) comments from other local committees and the WDNR; (3) conformance with community plans; (4) development trends in the area; (5) possible impacts on the physical environment; and (6) conformance with the adopted Sewer Service Area Plan goals and objectives and the amendment standards. Land recommended for removal from the service area should have a low development potential in terms of recent development trends in the municipality, inadequate urban services, unique environmental features, or poor site conditions due to soils or groundwater. *Additionally, affected landowners will be formally notified in writing of their lands being withdrawn from the sewer service area.*

Figure 7.2: Flow Diagram of Procedures for SSA Boundary Amendment (Type I, II, & III)



Source: Bay-Lake Regional Planning Commission, 1999.

5. The TAC shall review the recommendations from BLRPC, GBMSD, public and take final action on the amendment request within **45** days of receiving the amendment. All or any part of the petitioned land may be added to or removed from the service area along with additional safeguards or conditions deemed necessary by the TAC to carry out the intent of the sewer service area amendment standards.

6. Amendments approved by the **TAC** shall be submitted to the WDNR within **30** days of approval. The WDNR will review the amendment and notify the community and the BLRPC within **45** days of receiving the amendment. If the WDNR denies the amendment, the community may request the WDNR to reconsider their decision. Appeals to the WDNR administrative decision must be filed within **30** days after service of the decision. The respondent for the appeal petition would be the Secretary of the Department of Natural Resources.

7. Approval conflicts between the WDNR and the TAC must be resolved before sewer lines are extended into any new area.

Type II Amendment: A municipality amends the SSA Boundary to increase the total acreage of the service area.

It was previously stated that Type II Amendments would be used when the Village of Luxemburg Sewer Service Area Boundary is modified to accommodate land for new development over the next 20 years, or for municipalities which are experiencing growth in excess of that projected in the sewer service plan. In addition, the plan will be reviewed every two and one-half years and updated every five years to incorporate modifications to the SSA Boundary based upon unanticipated growth occurrences. When a Type II Amendment is made, the following procedure is used (a flow diagram of this procedure is shown in Figure 7.2):

1. If the municipality receives a development petition which requires the expansion of the SSA Boundary, then an amendment petition will need to be submitted to the municipality. If the municipality seeks to expand the SSA Boundary beyond the allotted acreage, a petition shall be sent to the BLRPC & GBMSD by the municipality, which includes:

    a) comparisons of population projections of the sewer service plan with actual population increases in the municipality.

    b) comparisons of land acreage projections in the plan with the actual amount of land which is vacant.

    c) data on the current development densities of the municipality.

    d) information on the capacity of existing sewer lines and treatment facilities to service the area proposed for additions to the SSA Boundary.

2. The municipality refers the petition to the BLRPC for initial review. The BLRPC then forwards the request (with a recommendation) to the TAC (TAC) for review and recommendation to the WDNR.

3. Within **60** days the TAC holds a public meeting and public hearing on the petition following publication of a Class I Notice according to Chapter 985 of the Wisconsin Statutes. The public notice shall be published in the official paper of the village. All costs associated with the preparation and publishing of the public notice shall be borne by the petitioner. Representatives submitting the petition, BLRPC staff, WDNR staff, and interested citizens may testify. A record of the public hearing proceedings and testimony shall be maintained by the TAC. The TAC shall then take action on the proposed amendment.

4. In formulating a recommendation, the BLRPC, GBMSD and TAC should consider: (1) citizen input received at the meeting; (2) comments from other local committees and the WDNR; (3) conformance with community plans; (4) development trends in the area; (5) possible impacts on the physical environment; and (6) conformance with the adopted Sewer Service Area Plan goals and objectives and the amendment standards.

5. The TAC shall review the recommendations and take final action on the amendment request within **45** days of receiving the amendment. All or any part of the petition land may be added to the service area along with additional safeguards or conditions deemed necessary by the TAC to carry out the intent of the sewer service area amendment standards.

6. Amendments approved by the TAC shall be submitted to the WDNR within **30** days of approval. The WDNR will review and develop an administrative decision for the plan updates and amendments and notify the community BLRPC and GBMSD within **45** days of receiving the amendment, barring the need for an environmental assessment under NR150 or other extenuating circumstances (such as the presence of endangered resources, etc.) in the proposed amendment area. If the WDNR denies the amendment, the community may request the WDNR to reconsider their decision. Appeals to the WDNR administrative decision must be filed within **30** days after service of the decision. The respondent for the appeal petition would be the Secretary of the Department of Natural Resources.

7. Approval conflicts between the WDNR and the TAC must be resolved before sewer lines are extended into the new area.

Type III Amendment: This type of amendment applies to any environmentally sensitive area boundary change (regarding setbacks only) that does not involve any wetlands or floodways, does not intrude more than halfway into any ESA buffer or to within 25 feet (for areas within the village, 75 feet in areas outside the village) of a navigable body of water, and does not result in any significant adverse water quality impact as determined by the WDNR, BLRPC and the GBMSD.

When a Type III Amendment is made, the following procedure is used (a flow diagram of this procedure is shown in Figure 7.2):

1. If the municipality receives a development petition which requires the modification/re-delineation of the buffers of an Environmentally Sensitive Area of the plan, then an amendment petition will need to be submitted to the municipality. If the municipality seeks to modify the ESA buffer map then a petition shall be sent to the BLRPC and GBMSD by the municipality, which includes:

    a) comparisons of population projections of the sewer service plan with actual population increases in the municipality.

    b) comparisons of land acreage projections in the plan with the actual amount of land which is vacant.

    c) data on the current development densities of the municipality.

    d) information on the capacity of existing sewer lines and treatment facilities to service the area proposed for additions to the SSA Boundary.

    e) detailed drawings, maps, (i.e. WDNR/Corps of Engineer delineations of wetlands), of the proposed modification to the ESA map, with proposed acreage of the modification.

2. The municipality refers the petition to the BLRPC and GBMSD for initial review and approval. The BLRPC then forwards the request (with a recommendation from BLRPC and GBMSD) to the TAC for review and recommendation to the WDNR.

3. Within **60** days the TAC holds a public meeting and public hearing on the petition following publication of a Class I Notice according to Chapter 985 of the Wisconsin Statutes. The public notice shall be published in the official paper the village. All costs associated with the preparation and publishing of the public notice shall be borne by the petitioner. Representatives submitting the petition, BLRPC staff, WDNR staff, and interested citizens may testify. A record of the public hearing proceedings and testimony shall be maintained by the TAC. The TAC shall then take action on the proposed amendment.

4. In formulating a recommendation, the BLRPC and TAC should consider: (1) citizen input received at the meeting; (2) comments from other local committees and the WDNR; (3) conformance with community plans; (4) development trends in the area; (5) identified impacts on the physical environment; and (6) conformance with the adopted Sewer Service Area Plan goals and objectives and the amendment standards.

5. The TAC shall review all recommendations and comments and take final action on the amendment petition within **45** days of receiving the amendment. All or any part of the modification to the ESA may be added to the service area along with additional safeguards or conditions deemed necessary by the TAC to carry out the intent of the sewer service area amendment standards.

6. Amendments approved by the TAC shall be submitted to the WDNR within **30** days of approval. The WDNR will review and develop an administrative decision for the plan updates and amendments and notify the community and the BLRPC within **45** days of receiving the amendment, barring the need for an environmental assessment under NR150 or other extenuating circumstances (such as the presence of endangered resources, etc.) in the proposed amendment area. If the WDNR denies the amendment, the community may request the WDNR to reconsider their decision. Appeals to the WDNR administrative decision must be filed within **30** days after service of the decision. The respondent for the appeal petition would be the Secretary of the Department of Natural Resources.

7. Approval conflicts between the WDNR and the TAC must be resolved before sewer lines are extended into the buffered area.

OTHER DOCUMENT AMENDMENTS

All other portions of this SSA Plan (text, data, and maps) may be amended by the TAC upon request. Proposed amendments shall be submitted to the BLRPC and GBMSD and forwarded to the members of the TAC at least **seven** days prior to the meeting at which action on the amendment will be taken. Amendments approved by the TAC will be transmitted to the WDNR for review and final approval.

PLAN UPDATE

A comprehensive review of this plan should be undertaken every two and one-half years and updated, if necessary; otherwise updated every five years, with the first such review and update to be initiated by 2005. The update should include as a minimum:

1. A review and update of the population trends.

2. A review and update of population and demographic projections to the year 2025.

3. A review of population densities, household size, and urban development trends to 2024.

4. An assessment of impact from major land use changes or developments.

5. A review of any significant changes to environmentally sensitive lands.

6. A review and revision, if necessary, of the policy statements.

7. A description of relevant events occurring during the preceding five years which were made during the preceding five years.

8. A description of amendments to the plan and service area boundaries which were made during the preceding five years.

9. A review and revision of SSA Boundary extended to accommodate the area's population for the next 20-year planning period.

10. A review of changes in the institutional structure for plan review and implementation.

11. An update on citizen participation efforts and TAC organization.

12. A review of new or modified federal, state, county and municipal law (village ordinances) that may have an impact on various aspects of the plan.

APPENDIX A

Village of Luxemburg Resolution Adopting the *Village of Luxemburg Sewer Service Area Plan*

VILLAGE OF LUXEMBERG, WISCONSIN
VILLAGE BOARD

ADOPTING THE VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN

WHEREAS, pursuant to NR 121 Wisconsin State Statutes, the Village of Luxemburg has prepared the *Village of Luxemburg Sewer Service Area Plan*; and,

WHEREAS, the contents and requirements of the *Village of Luxemburg Sewer Service Area Plan* are outlined as follows:

1. The *Village of Luxemburg Sewer Service Area Plan* states that sewer service area planning is a water pollution control planning process required by the Federal Clean Water Act and is administered by the Wisconsin Department of Natural Resources (WDNR) under Chapter NR 121 of the Wisconsin Administrative Code.
2. The *Village of Luxemburg Sewer Service Area Plan* delineates lands that are most suitable for development and lands that can be serviced by a public wastewater collection and treatment system.
3. The *Village of Luxemburg Sewer Service Area Map* contained within the Plan delineates sewered areas and undeveloped areas that are most suitable for sewered development and delineates environmentally sensitive areas that are not suitable for development and delineates where sewered development is prohibited.
4. The *Village of Luxemburg Sewer Service Area Map* projects the extent of sewered development that is likely to occur over the next 20 years.
5. The Village of Luxemburg's sewer service area is based on accepted population density standards, state population projections, and planned commercial and industrial growth..
6. With the adopted sewer service area plan and map local developers can base their private plans - with some degree of certainty - on where the village will or will not allow growth to occur.
7. Upon approval of the *Village of Luxemburg Sewer Service Area Plan* by the Wisconsin Department of Natural Resources, permits for wastewater treatment facilities, facility plans, interceptors, and sewer extensions will be in conformance with the plan.
8. The Bay-Lake Regional Planning Commission will assist the village by serving as the reviewing agency to ensure plan conformance and to act as a liaison between the Green Bay Metropolitan Sewage District and the Wisconsin Department of Natural resources; and,

WHEREAS, a public hearing has been duly noticed and conducted to present the findings and recommendations of the *Village of Luxemburg Sewer Service Area Plan* and to obtain public comment on the plan.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Luxemburg, Wisconsin adopts the *Village of Luxemburg Sewer Service Area Plan* and Village of Luxemburg *Sewer Service Area Map* contained within.

BE IT FURTHER RESOLVED that the Village Board of the Village of Luxemburg directs the Bay-Lake Regional Planning Commission to submit the *Village of Luxemburg Sewer Service Area Plan* to the Wisconsin Department of Natural Resources for approval and adoption.

ADOPTED this 8th day of Nov., 2000.

APPROVED: _____
Lew DuChateau, Village President

ATTEST: Bernadine Mathu
Bernadine Mathu, Clerk-Treasurer

Exhibit A

APPENDIX B

Village of Luxemburg Public Hearing Notice, Agenda and Minutes (Community Information and Participation) Reviewing the *Village of Luxemburg Sewer Service Area Plan*

Bay-Lake Regional Planning Commission

Suite 211, Old Fort Square, 211 N. Broadway, Green Bay, WI 54303-2757
tele: 1 (920) 448-2820 fax: 1 (920) 448-2823 www.baylakerpc.org
Martin W. Holden, Executive Director
The regional planning commission for Northeastern Wisconsin serving communities within the counties of:
FLORENCE · MARINETTE · OCONTO · BROWN · DOOR · KEWAUNEE · MANITOWOC · SHEBOYGAN

October 16, 2000

Ms. Bernadine Mathu, Clerk
Village of Luxemburg
206 Maple Street
Luxemburg, WI 54217

Re: Contract 54072 Luxemburg Sewer Service Area Plan

Dear Ms. Mathu:

The Commission, with the consent of the village, would like to schedule a public hearing to present and obtain comment on the final draft of the *Village of Luxemburg Sewer Service Area Plan*. If the hearing preceded the next (November 8, 2000) Village Board meeting, the Board would be able to adopt the SSAP, by resolution, at that meeting.

Sincerely,

Jim Van Laanen
Regional Transportation Planner I

cc: Don Miller, Lou DuChateau

NOTICE OF PUBLIC HEARING

The Village of Luxemburg will conduct a Public Hearing to present a final draft and obtain public comment on the *Village of Luxemburg Sewer Service Area Plan.* The hearing will be conducted within the offices of the Village of Luxemburg. The meeting will be conducted on November 8, 2001, and will begin at 6:15 PM.

Agenda

1) Presentation of Final Draft *Village of Luxemburg Sewer Service Area Plan;* Jim Van Laanen, Bay-Lake Regional Planning Commission.
2) Public Comment.
3) Adjourn

AFFIDAVIT OF PUBLICATION

State of Wisconsin
Kewaunee County ss

Karen Draves

being duly sworn, doth depose and say that he is an authorized representative of Luxemburg News a newspaper published at Luxemburg, Wisconsin, and that an advertisement of which the annexed is a true copy, taken from said paper, was published therein on

October 26, 2000

Signed Karen Draves
Title Proofreader

Subscribed and sworn to before me this 21st day of December 2000

Katrina Rabida
Notary Public
Kewaunee County, Wisconsin
My Commission expires Nov. 23, 2003

NOTICE OF PUBLIC HEARING
VILLAGE OF LUXEMBURG

The Village of Luxemburg will conduct a public hearing to present a final draft and obtain public comment on the VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN. The hearing will be conducted at the Village of Luxemburg Municipal Office Building. The meeting will be conducted on Wednesday, Nov. 8, 2000, and will begin at 6:30 p.m.

AGENDA

1. Presentation of final draft VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN, Jim VanLanen, Bay-Lake Regional Planning Commission.
2. Public comment.
3. Adjourn.

BERNADINE MATHU
Village Clerk-Treasurer

C-68

VILLAGE OF LUXEMBURG
P.O. BOX 307
LUXEMBURG, WI 54217

AGENDA

Please take notice that the Village Board of the Village of Luxemburg will hold their regular monthly meeting on Wednesday, November 8, 2000 at 6:30 P.M. at the Village of Luxemburg Municipal Office Building at which time and place the following items of business will be acted upon:

1. **Roll Call**
2. **6:30 P.M. Public Hearing - Sewer Service Area Plan**
3. **Minutes**
4. **Approve vouchers for payment**
5. **Dave VandenBush, Street & Utility Supt. - Report on October work project**
6. **Village Engineers**
7. **Adopt Resolution regulating Sewer Service Area Plan.**
8. **Class B Beer License - J.C.'s Restaurant**
9. **Adopt Resolution supporting a Railroad Crossing on Frontier Rd.**
10. **Adopt Resolution for Families First Winter Festival**
11. **Resident regarding address changes**
12. **2001 Budget**
13. **Request to change Yield Sign to Stop Sign at intersection of Second St. & Pine St.**
14. **Other new business**
15. **Committee Reports**
16. **Old business**
17. **Adjourn to Closed Session for Land Negotiations**

18. Reconvene into Open Session

19. Adjourn

Bernadine Mathu
Village Clerk-Treasurer

OFFICIAL VILLAGE BOARD PROCEEDINGS

The Luxemburg Village Board held a Public Hearing on Wednesday November 8, 2000 at 6:30 P.M.

Members present-President Lew DuChateau, John Rueckl, Lyle Jandrin, Wayne Carroll, Ron Tlachac, Don Rueckl, and Jim Hynek.

The Public Hearing was opened on a motion by Lyle Jandrin and seconded by Jim Hynek. Motion carried.

Jim VanLaanen, Bay-Lake Regional Planning Commissioner, explained our Sewer Service Area Plan and outlined our boundaries. He also explained required procedures to be done for any changes made in the sewer service area.

A motion was made by Wayne Carroll and seconded by Jim Hynek to adjourn the Public Hearing. Motion carried.

The Luxemburg Village Board meeting was then called to order by President Lew DuChateau at 7:05 P.M.

The minutes of the October meeting were approved on a motion by Lyle Jandrin and seconded by Ron Tlachac. Motion carried.

Vouchers totaling $634,813.92 were approved for payment on a motion by Wayne Carroll and seconded by Lyle Jandrin. Motion carried.

Vouchers:

Betty Hoes	Shelter refund	$ 20.00
St. Mary's Kewaunee Hospital	Lab Fees	11.60
Shell Fleet	Gas	62.38
WI Public Service	Gas & Electricity	6,210.80
DeLuxe Business Forms (Lux. Housing C.)	Office Supply	23.95
Rent-A-Flash	Street Signs	210.91
Bernadine Mathu	Mileage	15.00
D. & D. Uniforms	Police Supplies	46.00
Luxemburg Fire Dept.	Fire Inspection Calls	639.00
Jim's Johns	Rental of Portable Bathrooms	130.00
Digger's Hotline	Locates	75.98
PLC Water Jetting	Clean & Televise Sewers	8,800.00
Markey Springs	Supplies	24.00
Lemens Water Care	Softener Rental	50.00

Ronald Tlachac	Special Meetings	90.00
Diane Jorgensen	Election Help	90.63
Bernadine Mathu	Election Help	90.63
Kathy Beyer	Election Help	81.25
Wayne Carroll	Special Meetings	50.00
Sheryl Delfosse	Wages	150.00
Joan DuChateau	Election Help	81.25
Lew DuChateau	Special Meetings	90.00
James VandenPlas	Custodial Salary	205.70
Ed Gersek	Contract Payment	69,149.34
Robert E. Lee & Associates	Engineering Fees	33,822.64
Dave VandenBush	Supplies	243.58
Salaries	October Payroll	16,322.08
Kew. Co. Highway Commission	Paving Streets	99,224.58
NorthBrook	Election Meal	40.00
Bank of Luxemburg	Federal Tax Deposit	2,827.54
Blue Cross & Blue Shield	Insurance	2,319.89
Lemens Hardware	Supplies	15.14

Supt. Dave VandenBush gave a report on work projects being done for the month and also the work that has been done so far for making an ice rink.

John Werner addressed the Village Board with his objection to the changing of his business address from 119 Center Drive to 191 Center Drive indicating he had just purchased a new sign with the old address on and also an abundance of office supplies with the old address on. A motion made by Wayne Carroll and seconded by Ron Tlachac to keep the 119 Center Drive address as is with a three year maximum time limit, being a deadline of November l, 2003 to change to a new address. Motion carried.

A motion was made by Jim Hynek and seconded by Don Rueckl to adopt the Resolution regulating the Village of Luxemburg Sewer Service Area Plan. Motion carried. (Exhibit A)

Two Lux-Casco High School students and Families First Coordinator Annette Paul gave a report on the Families First activities they are planning, which include a Families First Winter Festival and the helping with the building and maintaining of the community ice rink.

A motion was made by Wayne Carroll and seconded by Jim Hynek to adopt a Resolution supporting Families First projects. Motion carried. (Exhibit B)

A village resident expressed his concern regarding a temporary snow fence put up by a neighbor on their property line. The Village Board decided to look further into this issue for the possibility of amending the ordinance for temporary fencing.

Engineer Don Miller gave a report on the wastewater treatment plant upgrade. A motion was made by John Rueckl and seconded by Don Rueckl to approve final payments to J. C. Basten for $7090.84 and clean water fund disbursement request for $7453.44. Motion carried.

Don Miller also reported on the 2000 street and utility construction with the paving completion and closing of the driveway to old Casco FS property on STH 54.

A motion was made by Wayne Carroll and seconded by John Rueckl to approve looping watermain thru fairgrounds connecting to watermain on Frontier Road. Motion carried.

A motion was made by Jim Hynek and seconded by Lyle Jandrin to adopt the Resolution to support a Railroad Crossing on Frontier Road. Motion carried. (Exhibit C)

Don Miller stated that after viewing the sanitary sewer televising reports that the sewers are generally in poor condition. The utility committee was authorized to view the reports and decide whether to budget for repairing critical sections each year or all at one time.

Miscellaneous communications were done with NorthBrook Meadows to install fence at culvert crossing , correspondence to Rep. Hutchinson regarding wetland and floodway impacts, TIF District may fund purchase of equipment to support the district, annual certification of road for road aids, and site plan received from Kew. Coop. for Planning Commission review.

Don Miller discussed repairs needing to be done on well No. l ground storage reservoir.

A motion was made by John Rueckl and seconded by Wayne Carroll to remove from the table the Class B Beer License application for J.C.'s Restaurant. Motion made by Wayne Carroll and seconded by Lyle Jandrin to approve the Class B Beer License . Motion carried.

Change yield sign to stop sign at intersection of Second Street and Pine Street was approved on a motion made by Ron Tlachac and seconded by Wayne Carroll. Motion carried.

A motion was made by Wayne Carroll and seconded by Ron Tlachac to permit the police committee to purchase a new police car pending selling the old car at a reasonable price. Motion carried.

The Village Board discussed the purchasing of a burglar and fire alarm system. It was decided to get more proposals before a final decision is made.

Wayne Carroll, Personal Committee Chairman presented the proposed salary schedule for the next year. The proposed salaries were approved on a motion by Don Rueckl and seconded by John Rueckl. Motion carried.

Motion made by Jim Hynek and seconded by John Rueckl to tentatively approve the 2001 budget. Motion carried. The approval of the final budget is to be held at a Public Hearing on December 5, 2000 at 8:00 P.M.

A motion was made by John Rueckl and seconded by Jim Hynek authorizing the Village President and Village Clerk to negotiate a loan for the year 2000 construction projects. Motion carried.

A rejection of a two year Resolution from Centurytel to grant a blanket permit to bury cable in the village and instead require individual permits was made on a motion by Jim Hynek and seconded by Lyle Jandrin. Motion carried.

The Village Board looked over plans for a duplex being built for Jonah Lenss. Motion made by John Rueckl and seconded by Ron Tlachac to approve the plans. Motion carried.

A motion was made by Lyle Jandrin and seconded by Jim Hynek for the Village to pay for the installation of inlets for the water problem at Bob's Auto and property owners are responsible for all interior piping. The committee will meet with the property owners to determine payments. Motion carried.

The Village Board looked at a sketch of a N.E.W. Plastics sign which also included our industrial park and decided to have a sign with just the industrial park shown.

The Luxemburg Chamber of Commerce and the Luxemburg Village will contact our State Representative in regards to listing Luxemburg on the road sign located on the 54-57 exit.

The meeting adjourned on a motion made by Jim Hynek and seconded by Ron Tlachac to go into a closed session. Motion carried.

The closed session adjourned on a motion by Jim Hynek and seconded by Lyle Jandrin to reconvene into a open session. Motion carried.

No further action was taken and the meeting adjourned on a motion by Ron Tlachac and seconded by Jim Hynek. Motion carried.

Diane Jorgensen
Village Clerk-Treasurer

Village of Luxemburg Sewer Service Area Plan - Public Input Meeting -
November 8, 2000

	Name	Address
1.	John Ruckl	1751 Alfred Dr
2.	Lyle Jandrin	607 Peter ST.
3.	Ronald Hoehn	224 Division St
4.	Wayne F. Carroll	402 Brookview Dr.
5.	L' E. Hynek	112 3rd ST.
6.	Donald J. Brecka	1007 Main
7.	Diane Jorgensen	1306 Main
8.	LEW DuCHATEAU	306 COLLE
9.	Bernardine Mathu	284 Pine
10.		
11.		
12.		
13.		
14.		
15.		

Village of Luxemburg Sewer Service Area Plan
Public Hearing - November 8, 2000

The Village of Luxemburg has conducted this Public Hearing to present a final draft and obtain public comment on the *Village of Luxemburg Sewer Service Area Plan.* Your comments will be incorporated into the Sewer Service Area Plan and reviewed by the appropriate agencies including the Wisconsin Department of Natural Resources.

NAME: _____

ADDRESS (Optional): _____

_____

_____

COMMENT: _____

_____

_____

_____

_____

_____

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_____

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_____

_____

_____

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_____

_____

_____

_____

SIGNATURE: _____

DATE: _____

Note: No Written or Verbal Comments were recieved.

JVL

APPENDIX C

Bay-Lake Regional Planning Commission Resolution No. 13-2000 Adopting the Village of Luxemburg Sewer Service Area Plan

RESOLUTION NO. 13-2000

ADOPTING THE VILLAGE OF LUXEMBURG SEWER SERVICE AREA PLAN

Resolution of the Bay-Lake Regional Planning Commission adopting *the Village of Luxemburg Sewer Service Area Plan* as part of the master plan for the region as the work of making the whole master plan progresses for the physical development of the region comprised of the counties of Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Oconto, and Sheboygan, in the State of Wisconsin

WHEREAS, the Bay-Lake Regional Planning Commission has been designated by the Wisconsin Department of Natural Resources as the sewer service area management agency for the Village of Luxemburg; and

WHEREAS, the Village of Luxemburg requested the Commission to assist the Village in preparing a sewer service area plan; and

WHEREAS, the Bay-Lake Regional Planning Commission has entered into an agreement with the Wisconsin Department of Natural Resources to develop, update, and manage the sewer service area plan for the Village of Luxemburg; and

WHEREAS, with the assistance of the Commission, the Village of Luxemburg has completed a Sewer Service Area Plan for the Village, such plan being set forth in BLRPC Technical report No. 64 V*illage of Luxemburg Sewer Service Area Plan*, dated November 8, 2000; and

WHEREAS, the aforereferenced sewer service area plan has been prepared as authorized under NR 121 of the Wisconsin Statutes and has been formally adopted by the Village Plan Commission of the Village of Luxemburg on November 8, 2000, and

WHEREAS, the aforereferenced sewer service area plan states that sewer service area planning is a water pollution control planning process required by the Federal Clean Water Act and is administered by the Wisconsin Department of Natural Resources (WDNR) under Chapter NR 121 of the Wisconsin Administrative Code; and

WHEREAS, the aforereferenced sewer service area plan delineates lands that are most suitable for development and lands that can be serviced by a public wastewater collection and treatment system; and

WHEREAS, the aforereferenced sewer service area plan delineates sewered areas and undeveloped areas that are most suitable for sewered development and delineates environmentally sensitive areas that are not suitable for development and delineates where sewered development is prohibited; and

WHEREAS, the aforereferenced sewer service area plan contains the *Village of Luxemburg Sewer Service Area Map* that projects the extent of sewered development that is likely to occur over the next 20 years; and

WHEREAS, the sewer service area delineated on the aforereferenced sewer service area map is based on accepted population density standards, state population projections, and planned commercial and industrial growth; and

WHEREAS, the Village of Luxemburg Sewer Service Area Plan will be submitted to the Wisconsin Department of Natural Resources and certified as part of the Wisconsin Water Quality Plan; and

WHEREAS, the master plan for the region as it progresses will contain proposals, programs, descriptions, maps, and explanatory matter regarding, environmental corridors, population, housing, economic development, transportation, land use, public facilities, outdoor recreation, and a land use plan, and

WHEREAS, Section 66.945(10) of the Wisconsin Statutes authorized and empowers the Regional Planning Commission, as the work of making the whole master plan progresses, to adopt parts or parts thereof.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

FIRST: That the *Village of Luxemburg Sewer Service Area Plan* is adopted as part of the regional master plan, as may be amended from time to time in accordance with Section 66.945(9) of the Wisconsin Statutes.

SECOND: That the said BLRPC Technical Report No. 64, together with maps, charts, programs, and descriptive and explanatory matter therein contained, is hereby made a matter of public record; and the originals and true copies thereof shall be kept, at all times, at the offices of the Bay-Lake Regional Planning Commission presently located at Old Fort Square 211 North Broadway, Suite 211 in the City of Green Bay, County of Brown, and State of Wisconsin, or at any subsequent office that the said Commission may occupy, for examination and study by whomsoever may desire to examine the same.

THIRD: That the Commission provide continuing sewer service area planning and management functions including sewer service amendments, the review of wastewater and sewer plans and the review of sewer extension requests.

FOURTH: That a true, correct, and exact copy of this resolution, together with a complete and exact copy of BLRPC Technical Report No. 64, shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals as the law may require or as the Commission, its Executive Committee, or its Executive Director, at their discretion, shall determine and direct.

The foregoing resolution, upon motion duly made and seconded, was regularly adopted at the meeting of the Bay-Lake Regional Planning Commission held on the 8th day of December, 2000, the vote being: Ayes 7; Nays ___

James E. Gilligan, Chairperson

ATTEST:

Lois L. Trever, Secretary-Treasurer

APPENDIX D

Bay-Lake Regional Planning Commission, Public Notice, Agenda and Minutes of Proceedings Reviewing the *Village of Luxemburg Sewer Service Area Plan*

___ W. Clancy, Brown Co., **Chair**
___ P. Jadin, Brown Co
___ C. Jarman, Door Co.
___ A. Makholm, Oconto Co.
___ D. Markwardt, Manitowoc Co.
___ M. Leibham, Sheboygan Co.
___ G. Novickis, Kewaunee Co.
___ M. Meyer, Marinette Co.
___ E. Kelley, Florence Co.
___ L. Trever, Oconto Co., **V. Chair**
___ J. Zoeller, Florence Co.

AGENDA
BAY-LAKE REGIONAL PLANNING COMMISSION
WORK PROGRAM COMMITTEE
Friday, December 8, 2000
Days Inn, City Centre
Green Bay, Wisconsin
9:30 a.m. to 10:30 a.m.

I. **Call to Order and Introductions**

II. **Approval of Agenda**

III. **Approval of Minutes of November 12, 1999, Meeting**

IV. **Guest Presentations and Public Input**

V. **Endorsement of Minor Amendment to the *2000-2003 TIP* Resolution 12 - 2000: Discussion/Action**

VI. **Revisions to *Preliminary 2001 Annual Budget and Work Program*, Action**

VII. **Adoption of the Village of Luxemburg Sewer Service Area Plan, Resolution 13 - 2000: Discussion/Action**

VIII. **Adjournment**

Staff Contact,
Jeffrey C. Agee-Aguayo, AICP
Transportation Planner III
(920) 448-2820

Any person wishing to attend the Commission meeting, who, because of a disability, requires special accommodations should contact the Bay-Lake Regional Planning Commission at (920) 448-2820 two days prior to the meeting so that arrangements can be made.

AGENDA
BAY-LAKE REGIONAL PLANNING COMMISSION
COMMISSION MEETING
Friday, December 8, 2000
Days Inn, City Centre
Green Bay, Wisconsin

9:30 a.m. to 10:30 a.m. Work Program Committee & Intergovernmental Affairs Committee Meetings
10:30 a.m. to 11:30 a.m. Commission Meeting
11:30 p.m. to 1:00 p.m. Holiday Reception and Luncheon

I. Call to Order and Introductions

II. Approval of Agenda

III. Approval of Minutes of November 10, 2000, Meeting

IV. Public Input

V. Guest Presentations and Communications

VI. Committee Reports

A. Intergovernmental Affairs Committee-Report, Action

B. Work Program Committee- Report, Action

VII. Adoption of Revised *2001 Annual Work Program and Budget

VIII. Resolution 11-2000: Reaffirming the desire of the Bay-Lake Regional Planning Commission to participate in the Economic Development District Program of EDA, Discussion/Action*

IX. Resolution 12-2000: Endorsement Minor Amendment to the *2000-2003 TIP,* Discussion/Action *

X. Resolution 13 - 2000 Adoption of the Village of Luxemburg Sewer Service Area Plan, Discussion/Action*

XI. Bills and Receipts; Action

XII. Next Meeting Date: January 12, 2001, Executive Committee, Green Bay WI

XIII. Adjournment

Martin W. Holden
Executive Director
(920) 448-2820

Any person wishing to attend the Commission meeting, who, because of a disability, requires special accommodations should contact the Bay-Lake Regional Planning Commission at (920) 448-2820 two days prior to the meeting so that arrangements can be made.

*This items may be acted on under Committee Reports

MINUTES
BAY-LAKE REGIONAL PLANNING COMMISSION
COMMISSION MEETING
December 8, 2000
Days Inn, City Centre
Green Bay, Wisconsin

MEMBERS PRESENT:	Bill Clancy, Pat Delorey (for Clarence Lamers), James Gilligan, Don Glynn, Bill Handlos (for Kevin Crawford), Mike Hotz (for James Schramm), Ed Kelley, Florence Magnuson, Austin Makholm, Donald Markwardt, Cheryl Maxwell, Lois Trever and John Zoeller
MEMBERS EXCUSED:	Merritt Bussiere, Charles Jarman, Mary Meyer, and Rob Strong (for Paul Jadin) and Yvonne Van Pembrook
MEMBERS ABSENT:	Greg Buckley, Michael Leibham, Jerry Novickis and Paul Wolske
STAFF PRESENT:	Jeffrey Agee-Aguayo, Martin Holden, Brenda Rehberg and Jim Van Laanen

I. Chairperson James Gilligan called the meeting to order at 11:15 a.m.

II. **Moved** by Don Glynn and seconded by Mike Hotz that the Commission approve the agenda. Motion carried, with all voting aye on a voice vote.

III. **Moved** by Lois Trever and seconded by John Zoeller that the Commission approve the minutes of the November 10, 2000, meeting. Motion carried, with all voting aye on a voice vote.

IV. Chairperson James Gilligan asked if there was any public input. None was received.

V. There were no guest presentations. Martin Holden presented the following communications to the Commission:

(a) A November 13, 2000, letter from Theodore Penn and Gary Delveaux of Wisconsin Public Service Corporation requesting the Commission's support for the proposed 345 kv transmission line from Wausau to Duluth to improve electric reliability in northern Wisconsin and the region. Martin Holden noted that the Commission did not provide any comments on this matter since the public hearings was held prior to the Commission meeting. Bill Handlos provided his support for the transmission line. Ed Kelley stated that the Wisconsin County Forest Association would not take a position on this matter. Jim Gilligan stated that there was a unanimous decision made by Sheboygan County supporting this transmission line. **Moved** by Bill Handlos and seconded by Austin Makholm to draft a letter of support to Wisconsin Public Service supporting the transmission line. Motion carried, with 12 voting aye on a voice vote and one member, Pat Delorey voting nay and noted his opposition to the transmission line.

(b) A November 27, 2000, letter from William Jens, Chair of the town of Lima, objecting to the weighted voting structure established for the Sheboygan Metropolitan Area Technical and Policy Advisory Committees and urged the Commission to reconsider and return the voting system to its previous form.

(c) A November 27, 2000, letter from Keith Schachel, Chair of the town of Wilson, objecting to the current weighted voting structure and urge the Commission to return the voting policy to what was previously on record.

(d) A November 27, 2000, letter from Oscar Ward, President of the village of Kohler, objecting to the weighted voting structure established for the Sheboygan Metropolitan Area (MPO) Technical and Policy Advisory Committees and urged the Commission to reconsider and return the voting system to its previous form.

(e) A November 27, 2000, letter from David Specht, Mayor of the city of Sheboygan Falls, objecting to the weighted voting structure currently in place and recommended the removal of weighted voting.

(f) A November 22, 2000, letter from Daniel Hein, Chair of the town of Sheboygan, objecting to the weighted voting structure established for the Sheboygan Metorpolitan Area (MPO) Technical and Policy Advisory Committee and urged the Commission to reconsider and return the voting system to its previous form.

(g) A November 29, 2000, letter from Jerald Holub, Chair of the town of Mosel objecting to the weighted voting structure established for the Sheboygan Metropolitan Area (MPO) Technical and Policy Advisory Committees and urged the Commission to reconsider and return the voting system to its previous form.

(h) A November 30, 2000, letter from Randy Peichl, Chair of the town of Sheboygan Falls, objecting to the weighted voting structure established for the Sheboygan Metropolitan Area (MPO) Technical and Policy Advisory Committees and urged the Commission to reconsider and return the voting system to its previous form.

(i) A December 6, 2000, letter from Jacqueline Jarvis, Director of the city of Sheboygan Department of City Development requesting the Commission to keep the current weighted voting system. Mike Hotz noted this correction to the letter: the city of Sheboygan population makes up over 70 percent of the MPO region and not 48 percent as the correspondence indicated.

(j) A November 27, 2000, letter from Charles Ledin of the Wisconsin Department of Natural Resources, approving the proposed amendment to the Sheboygan Sewer Service Area Plan involving 333.6 acres of land under a Type II amendment submitted by the city of Sheboygan Falls.

(k) A November 30, 2000, letter from William Fung and Joel Ettinger of the Wisconsin Department of Transportation, approving the 2001 portion of the bay-Lake regional Planning Commission 2000-2003 Transportation Improvement Program for the Sheboygan Metropolitan Area.

VI. Committee Reports:

A. Martin Holden presented the Intergovernmental Affairs Report:

Jacqueline Jarvis, Director of City Development for the city of Sheboygan spoke to committee members on behalf of the city of Sheboygan requesting the Commission to keep the current weighted voting structure for the MPO.

The following Executive Orders were reviewed by committee members.

PROJECT/ APPLICANT/AREA	SAI NUMBER	CFDA NUMBER	COSTS
1. City of Marinette Section 5311 Operating Assistance - City of Marinette - City of Marinette	WI001115-018-B00000MT Bay-Lake Lead	Section 5311 UMTA	Not Available
2. Elderly Rural Health Outreach Program - NEWCA, Inc. - Counties of: Florence, Forest, Langlade, Marinette and Oconto	WI001116-019-B93912ZZ Bay-Lake Lead	93.912 Dept. of Health & Human Services	F = 200,000 T = 200,000
3. Marinette County 2001 Elderly & Handicapped s. 85.21 Specialized Transportation Application - Marinette County Elderly Services - Marinette County	WI001127-020-B00000MT Bay-Lake Lead	85.21 Dept. of Transportation	S = 71,040 A = 68,324 O = 63,274 T = 202,638
4. WI Foster Grandparent Program - Dept. of Health & Family Services - Statewide	278.2000 State Lead	94.011 Corporation for National Service	F = 1,209,013 S = 405,928 L = 99,583 T = 1,714,524
5. Hazardous Waste Management Program - Dept. of Natural Resources - Statewide	280.2000 State Lead	66.801 Environmental Protection Agency	F = 2,030,247 O = 671,455 T = 2,701,702
6. Florence County 2001 s.85.21 Specialized Transportation Asst. Program Application - Florence County Aging Unit & Resource Center - Florence County	WI001130-021-B00000FL Bay-Lake Region	85.21 Dept. of Transportation	S = 37,208 L = 12,570 T = 49,778
7. Specialized Transportation s.85.21 Kewaunee County for 2001 - Kewaunee County - Kewaunee County	WI001130-022-B00000KW Bay-Lake Region	85.21 Dept. of Transportation	S = 12,023 L = 15,016 O = 600 T = 27,639

Received After Commission Mailing

PROJECT/ APPLICANT/AREA	SAI NUMBER	CFDA NUMBER	COSTS
8. Manitowoc County 2001 Specialized Transportation Assistance Program - Manitowoc County - Manitowoc County	WI001204-023-B00000MC Bay-Lake Lead	85.21 Dept. of Transportation	S = 131,244 L = 73,756 T = 205,000
9. Oconto County Commission on Aging, Inc. 2001 Application for 85.21 Specialized Transportation Assistance - Oconto County - Oconto County	WI001204-024-B00000OC Bay-Lake Lead	85.21 Dept. of Transportation	S = 49,423 L = 25,585 T = 75,008
10. Economic Development & Analysis Program - Bay - Lake RPC - Brown, Door, Florence, Oconto, Kewaunee, Manitowoc, Marinette & Sheboygan Counties	295.2000 State Lead	11.302 Dept. of Commerce	F = 52,000 A = 17,334 T = 69,334

Moved by Mike Hotz and seconded by Florence Magnuson to support Bay-Lake Lead Executive Order No. 1. Motion carried, with all voting aye on a voice vote.

Moved by Don Glynn and seconded by Lois Trever to support Bay-Lake Lead Executive Order No. 2. Motion carried, with all voting aye on a voice vote.

Moved by Cheryl Maxwell and seconded by John Zoeller to support Bay-Lake Lead Executive Order No. 3. Motion carried, with all voting aye on a voice vote.

Moved by Ed Kelley and seconded by Cheryl Maxwell to support Bay-Lake Lead Executive Order No. 6. Motion carried, with all voting aye on a voice vote.

Moved by John Zoeller and seconded by Don Glynn to support Bay-Lake Lead Executive Order No. 7. Motion carried, with all voting aye on a voice vote.

Moved by Cheryl Maxwell and seconded by Mike Hotz to support Bay-Lake Lead Executive Order No. 8. Motion carried, with all voting aye on a voice vote.

Moved by Lois Trever and seconded by Don Glynn to support Bay-Lake Lead Executive Order No. 9. Motion carried, with all voting aye on a voice vote.

Moved by Mike Hotz and seconded by Don Glynn to support State Lead Executive Order No. 10. Motion carried, with all voting aye on a voice vote.

Moved by Cheryl Maxwell and seconded by Lois Trever to indicate that State Lead Executive Orders 4 & 5 were reviewed by the Commission and placed on file. Motion carried, with all voting aye on a voice vote.

Martin Holden presented the following contracts for recommendation of approval:

Approval Date	Organization	County	Contract Number	Contract Amount	Contract Reimbursement	BLRPC Match	Project
12/8/00	WisDOT	Region	54124	$ -	$ -	$ -	MPO
12/8/00	V. Sister Bay	Door	55091	$ 26,600	$ 26,600	$ -	Comp. Plan
12/8/00	Marinette Co.	Marinette	53057	$ 60,660	$ 60,660	$ -	Land Use Inventory
12/8/00	T. Wilson	Sheboygan	55068	$ 1,200	$ 1,200	$ -	Pavement Management Plan
				$ -	$ -	$ -	
Total				$ 88,460	$ 88,460	$ -	

Moved by John Zoeller and seconded by Don Markwardt to approve the above contracts. Motion carried, with all voting aye on a voice vote.

Revisions to the *Preliminary 2001 Annual Budget and Work Program* were reviewed and discussed by committee members. Resolution 11-2000 reaffirming the desire of the Bay-Lake Regional Planning Commission to participate in the Economic Development Program of EDA was discussed by committee members. **Moved** by Don Glynn and seconded by Don Markwardt to endorse Resolution 11-2000. Motion carried, with all voting aye on a voice vote. Committee members discussed their strategy for dealing with the membership issue on the Policy Advisory Committee. Committee members would like to invite Policy Advisory Committee members to meet with the Intergovernmental Affairs Committee to discuss the attitudes and opinions of committee members to the weighted voting structure

Moved by Mike Hotz and seconded by John Zoeller to approve the Intergovernmental Affairs Committee Report. Motion carried, with all voting aye on a voice vote.

C. Bill Clancy presented the Work Program Committee Report:

Revisions to the *Preliminary 2001 Annual Budget and Work Program* were reviewed and discussed by committee members. Jim Van Laanen discussed improvements to the STH 57. The regional inventory transportation plan for the city of Manitowoc was discussed. The five pending comprehensive plans were discussed. Austin Makholm stated that economic impact studies are needed in comprehensive plans for issues such as the 0.5 percent sales tax. Resolution 13-2000 adopting the *Village of Luxemburg Sewer Service Area Plan* was presented by Jim Van Laanen.

Moved by John Zoeller and seconded by Lois Trever to accept the Work Program Committee Report. Motion carried, with all voting aye on a voice vote.

VII. **Moved** by Bill Clancy and seconded by Ed Kelley to adopt the revised *2001 Annual Work Program and Budget*. Motion carried, with all voting aye on a voice vote.

VIII. Endorsement of Resolution 11-2000 reaffirming the desire of the Bay-Lake Regional Planning Commission to participate in the Economic Development Program of EDA was covered under agenda item VI-A.

IX. **Moved** by Lois Trever and seconded by Don Markwardt to endorse Resolution 12-2000: Endorsement Minor Amendment to the *2000-2003 TIP*. Motion carried, with all voting aye on a voice vote.

X. **Moved** by Don Markwardt and seconded by Bill Handlos to endorse Resolution 13-2000: Adoption of the *Village of Luxemburg Sewer Service Area Plan*. Motion carried, with all voting aye on a voice vote.

XI. The bills and receipts were reviewed by committee members. Mike Hotz wondered what the payment was for in the amount of $2,700 to the Green Bay Area Chamber of Commerce; Martin Holden responded that this invoice is for the Green Bay Chamber of Commerce International Trade Program. Mike Hotz wondered how the Commission benefits from this; Martin Holden responded by stating the region benefits by supporting international trade for business development in northeastern Wisconsin. Bill Handlos wondered if the Green Bay Chamber of Commerce benefits just the Green Bay area; Martin Holden responded by stating this is not just a Brown County effort, but an areawide effort. Jim Gilligan stated that he does not support this program; Mike Hotz stated that he does not support this program as well. Don Markwardt wondered if this is an annual request; Martin Holden stated that it is an annual request if the Commission decides to participate. Lois Trever wondered if this was in the budget for 1999; Martin Holden stated that it was not included in the 1999 budget. **Moved** by Mike Hotz and seconded by Bill Handlos to not authorize payment in the amount of $2,700 to the Green Bay Area Chamber of Commerce. Lois Trever stated that she would like more information on this issue before considering to not authorize payment of the invoice; Martin Holden stated that he will invite someone to present information at the February Commission meeting. Mike Hotz withdrew his motion not allowing payment of the invoice until the February Commission meeting at which time information will be presented on the International Trade Program.

Moved by Don Glynn and seconded by Mike Hotz to accept the bills and receipts minus the $2,700 to the Green Bay Area Chamber of Commerce. Motion carried with all voting aye on a voice vote.

XII. The next committee meeting is an Executive Committee meeting, and will be held January 12, 2001, in Green Bay, WI. Motion carried, with all voting aye on a voice vote.

XIII. **Moved** by Don Glynn and seconded by Bill Clancy that the Commission adjourn. Motion carried, with all voting aye on a voice vote. The meeting adjourned at 11:58 a.m.

Respectfully submitted,

Brenda L. Rehberg
Recording Secretary

APPENDIX E

Wisconsin Department of Natural Resources Document Approval Letter (Reserved)

Bay-Lake Regional Planning Commission

Commission Members

Brown County
William M. Clancy
Paul Jadin
Clarence J. Lamers

Door County
L. George Evenson
Charles Jarman

Florence County
Edwin Kelley
Yvonne Van Pembrook
John Zoeller

Kewaunee County
Merritt Bussiere
Gerald Novickis
Paul J. Wolske

Manitowoc County
Gregory E. Buckley
Kevin M. Crawford
Donald C. Markwardt

Marinette County
Florence I. Magnuson
Cheryl R. Maxwell, Vice Chairperson
Mary G. Meyer

Oconto County
Donald A. Glynn
Austin C. Makholm
Lois L. Trever, Sect./Tres.

Sheboygan County
James E. Gilligan, Chairperson
Michael K. Leibham
James R. Schramm

Wisconsin Department of Commerce
Sec., Brenda J. Blanchard,
Ex-Officio Member

Staff

Martin W. Holden
Executive Director

Jeffrey C. Agee-Aguayo, AICP
Transportation Planner III

Jane M. Bouchonville
Office Accounts Coordinator

Candice M. Kasprzak
GIS Specialist

Dale W. Mohr
Community Assistance Planner II

Matt D. Peters
Community Assistance Planner I

Brenda L. Rehberg
Administrative Assistant

Brandon G. Robinson
Community Assistance Planner I

Angie Rowley, LTE
Planning Assistant

Josh Schedler, LTE
Planning Assistant

James J. Van Laanen, AICP
Transportation Planner I

Mark A. Walter
GIS Coordinator III

Cindy J. Wojtczak
Economic Planner III