

June 9, 2022

Lisa Helmuth
Water Resources Management Specialist
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707

Subject: Neenah-Menasha 2030 Sewer Service Area Amendment

Track No. 171

Dear Lisa Helmuth:

Please find enclosed a copy of a sewer service area amendment request for the 2030 Fox Cities Neenah-Menasha SSA Plan which was **approved** by the East Central Wisconsin Regional Planning Commission's Community Facilities Committee (CFC) on **June 8, 2022**. This amendment was submitted under Policy I, A (acreage swap) by Martenson & Eisele, Inc. on behalf of the Village of Harrison. This involves the addition of 62.81 acres and the removal of 72 acres from the Neenah-Menasha SSA. Our review found that the existing land use for both areas are generally consistent with each other, and based on the preliminary plat provided, there does not appear to be an impact to any mapped ESAs identified in the SSA Plan. This amendment request is consistent with regard to the amendment criteria outlined in the Fox Cities 2030 SSA Plan.

Attached is the staff memo to the CFC, the amendment application from Martenson & Eisele, Inc., location map, and the CFC Draft Meeting Minutes from June 8, 2022. This information will also be uploaded to SWIMS.

If you require any additional information or have any questions, please contact me at wpaustian@ecwrpc.org or at 920-886-6832.

Sincerely,

Wilhelmina Paustian

Wilhelmina Paustian
Senior Planner

att: Staff Memo
Amendment Application
Location Map
CFC Draft Meeting Minutes

cc: Kevin Englebert, ECWRPC
Melissa Kraemer Badtke, ECWRPC
Tim Asplund, WDNR
Mary Jo Miller, P.E., Martenson & Eisele, Inc.

TO: Community Facilities Committee

FROM: Wilhelmina Paustian, Senior Planner

DATE: May 17, 2022

RE: Neenah-Menasha SSA Plan Amendment Request - Track No. 171

Martenson & Eisele, Inc. has applied to amend the 2030 Neenah-Menasha Sewer Service Area (SSA) on behalf of the Village of Harrison. This proposed amendment was submitted under Policy I, A (acreage swap). The information provided by the applicant has been thorough and complete with regard to ECWRPC’s amendment criteria outlined in the Fox Cities 2030 SSA Plan.

This SSA amendment is needed to develop the “Dietz Woodland Road Property” Preliminary Plat. The amendment adds a total of 62.81 acres (Dietz Woodland Road Property) and removes a total of 72 acres (Bartlein Property). The original application had a total of 64.31 acres being added. After mapping the amendment request area, ECWRPC found that the southernmost parcel was already in the SSA. Therefore, the total area to be added in the SSA is 62.81 acres. Our review found that the existing land use for both areas are generally consistent with each other, with a majority of agricultural land. Existing acreages are listed by land use type below.

Neenah-Menasha SSA Amendment - Track 171		
Land Use	Dietz Property: Addition (acres)	Bartlein Property: Removal (acres)
Agricultural	55.54	43.28
Vacant/Undeveloped	0.72	8.36
Woodlands	0	8.98
Water	0.24	0
75-foot Stream Buffer	0	10.30
50-foot Wetland Buffer	0	0.12
Subtotal – Undeveloped	56.50	71.04
Transportation	1.65	0
Single Family Residential	4.66	0.96
Subtotal - Developed	6.31	0.96
Total Acreage	62.81	72

ECWRPC did not formally delineate environmentally sensitive areas (ESAs) on the Bartlein Property since that is proposed to be removed from the SSA. Still, ECWRPC staff calculated a 75-foot stream buffer and a 50-foot wetland buffer and included in the land use table above.

There are 0.24 acres of water on the Dietz Woodland Road Property to be included in the SSA. Based on the preliminary plat provided, there does not appear to be an impact to any mapped ESAs identified in the SSA Plan. However, if the WDNR approves the SSA Amendment request, a formal conformance review of the plat will be required in accordance with Section 208 of the Clean Water Act and sections NR 110.08 and SPS 382.20(4)(b)2.a. of the Wisconsin Administrative Code prior to construction.

Future development proposes to create 109 lots, supporting a population of 316 people, and generating an estimated average daily wastewater flow of 23,700 gallons per day. The proposed development aligns with sewered density standards. Lift Station No. 6 was constructed just north of Hwy 114/10 in 2018 and is designed to serve a 700-acre area encompassing this area and has the capacity to handle the wastewater flow.

ECWRPC's swap amendments requires the applicant to send a letter to the property owners of the area proposed to be removed from the SSA boundary. A letter to the Bartlein Property owners was included in the application. The parcels will be given priority to be brought back into the SSA in the update to the Fox Cities 2030 SSA Plan.

Based on the review of this amendment submittal, staff has determined that the proposed Dietz Property SSA Amendment follows ECWRPC's swap amendment criteria and is consistent with the Fox Cities 2030 SSA Plan for the Neenah-Menasha SSA.

Staff Recommendation: Staff recommends that the Community Facilities Committee approve the Village of Harrison's SSA Amendment request for Track No. 171.

Martenson & Eisele, Inc.

professionals dedicated to serving people committed to improving their communities

Planning
Environmental
Surveying
Engineering
Architecture

LETTER OF TRANSMITTAL

To: Wilhelmina Paustian
ECWRPC
400 Ahnaip Street
Suite 100
Menasha, WI 54952

Date: April 18, 2022

Re: SSA Amendment
Dietz Property
Village of Harrison, WI

Cc:

Copies	Date	Description
1	4/18/2022	REVISED SSA Amendment Request Report

Transmitted as checked below:

- | | |
|--------------------------------------------------------|----------------------------------------------------------|
| <input type="checkbox"/> For Your Information | <input checked="" type="checkbox"/> For Necessary Action |
| <input type="checkbox"/> For Your Signature and Return | <input checked="" type="checkbox"/> Per Your Request |
| <input type="checkbox"/> For Review and Comment | <input type="checkbox"/> Per Our Conversation |
| <input type="checkbox"/> For Recording and/or Filing | <input type="checkbox"/> For Your Files |
| <input type="checkbox"/> Returned for Corrections | |

Remarks:

If you have questions or comments, please email me at maryjom@martenson-eisele.com or call (920) 731-0381. Thank you.

By: _____
Mary Jo Miller, P.E., Project Engineer



***Sewer Service Area Amendment
Request for Dietz Property***
Village of Harrison
Calumet County, Wisconsin

April 2022

For:
Village of Harrison
W5298 State Road 114
Menasha, WI 54952

Prepared by:
Mary Jo Miller, P.E.
Martenson & Eisele, Inc.
1377 Midway Road
Menasha, WI 54952
M&E Project No. 1-0038-050

**SEWER SERVICE AREA AMENDMENT REQUEST
VILLAGE OF HARRISON, CALUMET COUNTY, WISCONSIN
APRIL 2022**

INTRODUCTION

In 2018, the Village of Harrison constructed Lift Station No. 6 east of Kambura Acres just north of Hwy 114/10, with a forcemain discharging to existing sewer on Coop Road. Lift Station No. 6 is designed to serve a 700-acre area in the Village of Harrison defined by Manitowoc Road on the north, just below Highway 114 on the south, South Coop Road on the west, and County Trunk Highway N on the east.

The Dietz Woodland Road Property single family residential development is proposed within the Lift Station No. 6 service area on three parcels totaling 64.04 acres just south of Woodland Road and west of USH 10 in the Village of Harrison. The Preliminary Plat for the Dietz Woodland Road Property is included as an Exhibit. A total of 109 lots are proposed, with an average lot size of 14,250 square feet (0.33 acres). If all lots are occupied, with an estimated 2.9 persons per household (based on 2020 Census Data), the estimated population for the development is 316 people, generating an estimated average daily wastewater flow of 23,700 gallons per day.

The Dietz Woodland Road Property will be served by Village of Harrison Lift Station No. 6, but the area is outside of the current Neenah-Menasha Sewer Service Area. The Village of Harrison is requesting that the Sewer Service Area be amended to add 64.04 acres of land within the Dietz Woodland Road area to the Neenah-Menasha Sewer Service Area.

BASIS FOR AMENDMENT REQUEST

A map showing the current and proposed Neenah-Menasha Sewer Service Area is included as an Exhibit.

The Village proposes to swap out two parcels south of Manitowoc Road owned by John and Darlene Bartlein in the southwest quarter of Section 8, Township 20N, Range 18E (Parcels 44042/131-0000-0000000-000-0-201808-00-310A and 44052/131-0000-0000000-000-0-201808-00-340A). The two parcels, totaling approximately 73.3 acres are proposed to be swapped out of the current Neenah-Menasha Sewer Service Area. The parcels are currently zoned General Agriculture (AG).

The Village proposes to swap the Dietz Woodland Road Property into the Neenah-Menasha Sewer Service Area. This area includes Parcels 33544/131-0000-0000000-000-0-201815-00-120A, 33536/131-0000-0000000-000-0-201815-00-110B, and 33558/131-0000-0000000-000-0-201815-00-140A, totaling 64.04 acres, located in the northeast quarter of Section 15, Township 20N, Range 18E. The parcels are currently zoned General Agriculture (AG). Proposed zoning is Traditional Single Family Residential (RS-2).

The Owner has been informed of the decision to swap out property as shown in the letter included as an Exhibit.

CURRENT EAST CENTRAL WISCONSIN AND LOCAL PLANNING DOCUMENTS

The proposed Neenah-Menasha Sewer Service Area Amendment is consistent with locally adopted land use plans and East Central Wisconsin Regional Planning Commission long range transportation and land use plan goals, objectives and policies.

The Village of Harrison will provide a full range of services to the proposed Sewer Service Area. The wastewater projected to be generated within the proposed Sewer Service Area Amendment will be transported through sanitary sewer facilities owned by the Village of Harrison to the Neenah-Menasha Wastewater Treatment Facility. This wastewater treatment facility has the ability to treat the additional projected wastewater flows.

ENVIRONMENTAL IMPACT OF THE SEWER SERVICE AREA AMENDMENT

The Village of Harrison acknowledges that it is important to identify environmental features within the proposed Sewer Service Amendment Area to preserve and protect valuable environmentally sensitive areas from urban development or degradation.

As required for Wisconsin Department of Natural Resources and Army Corps of Engineers permitting for development of the Dietz Woodland Road Property, an environmental review has been completed. Mapped wetlands are shown in the Preliminary Plat of the Dietz Woodland Road Property.

The following existing land use acreages have been provided by East Central Wisconsin Regional Planning Commission.

Land Use Acreage - Dietz Property Proposed to be SWAPPED INTO the Neenah-Menasha Sewer Service Area

Agricultural	56.13 Acres
Vacant/Undeveloped	0.81 Acres
Subtotal – Vacant Sum	56.94 Acres
75-Foot Stream Buffer	0.82 Acres
Single Family Residential	4.66 Acres
Transportation	1.65 Acres
Water	0.24 Acres
Subtotal - Other	7.37 Acres
Total Acreage	64.31 Acres

Land Use Acreage - Bartlein Property Proposed to be SWAPPED OUT of the Neenah-Menasha Sewer Service Area

Agricultural	43.28 Acres
Vacant/Undeveloped	8.36 Acres
Woodlands	8.98 Acres
Subtotal – Vacant Sum	60.62 Acres
50-Foot Wetland Buffer	0.12 Acres
75-Foot Stream Buffer	10.30 Acres
Single Family Residential	0.96 Acres
Subtotal - Other	11.37 Acres
Total Acreage	71.99 Acres

A map from the WDNR Surface Water Data Viewer showing the location of navigable waterways within the affected properties is included as an Exhibit. No other environmental concerns regarding endangered or archaeological resources or floodplain issues have been identified.

EXHIBITS

Exhibits to this Sewer Service Area Request are as follows:

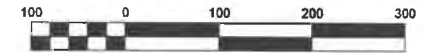
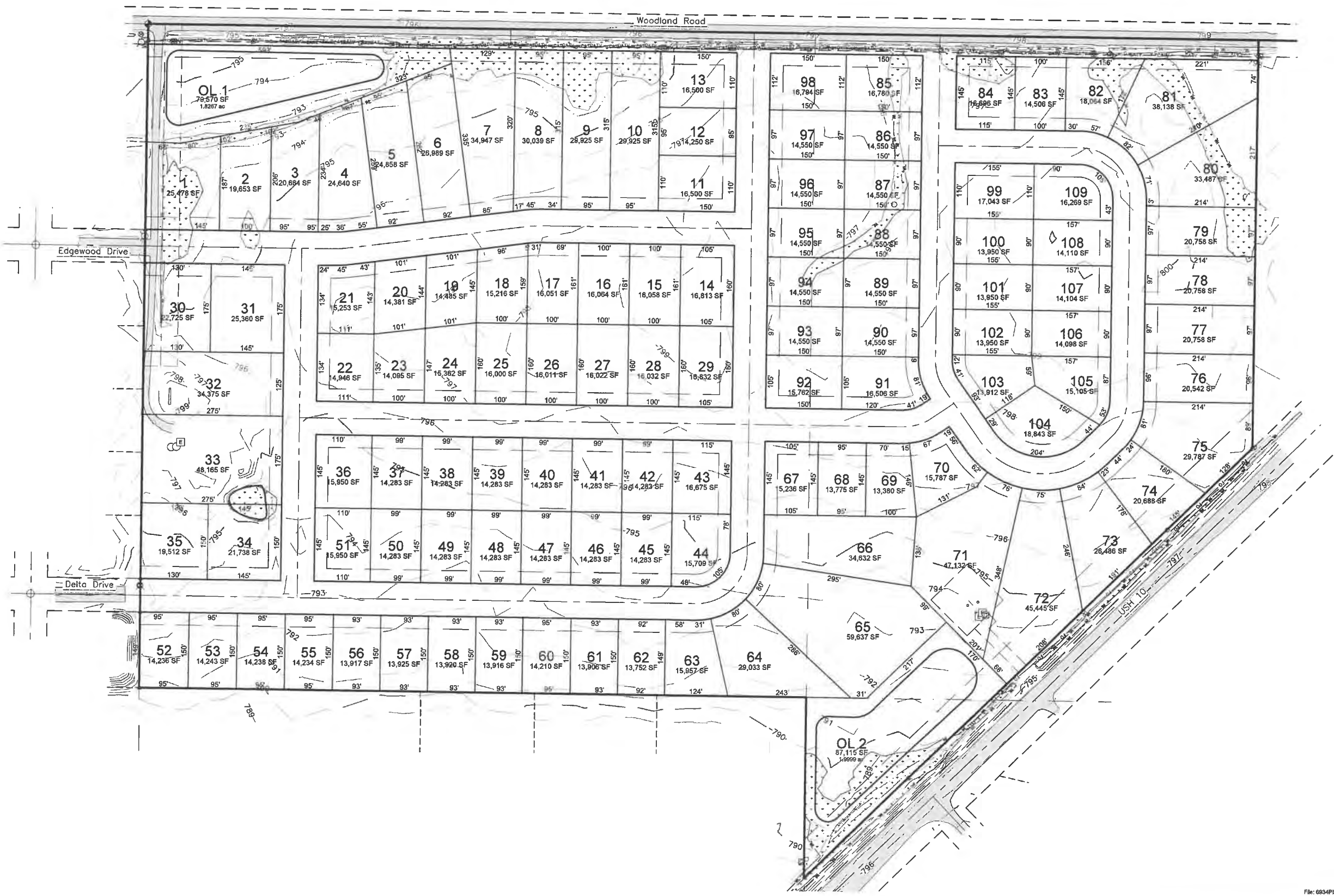
- Preliminary Plat of Dietz Woodland Road Property
- Neenah-Menasha Sewer Service Area Request Map
- Letter Sent to John and Darlene Bartlein, March 18, 2022
- Village of Harrison Boundary Map
- Village of Harrison Zoning Map
- Surface Water Data Viewer Map for Navigable Waterways and Wetlands
- WDNR Endangered Resources Preliminary Assessment for Dietz Property

EXHIBITS
Sewer Service Area Amendment Request
Dietz Property
Village of Harrison, Wisconsin

April 2022

Preliminary Plat of Dietz Woodland Road Property

Part of the Northeast 1/4 of Section 15,
Township 20 North, Range 18 East, Village of Harrison, Calumet County, Wisconsin

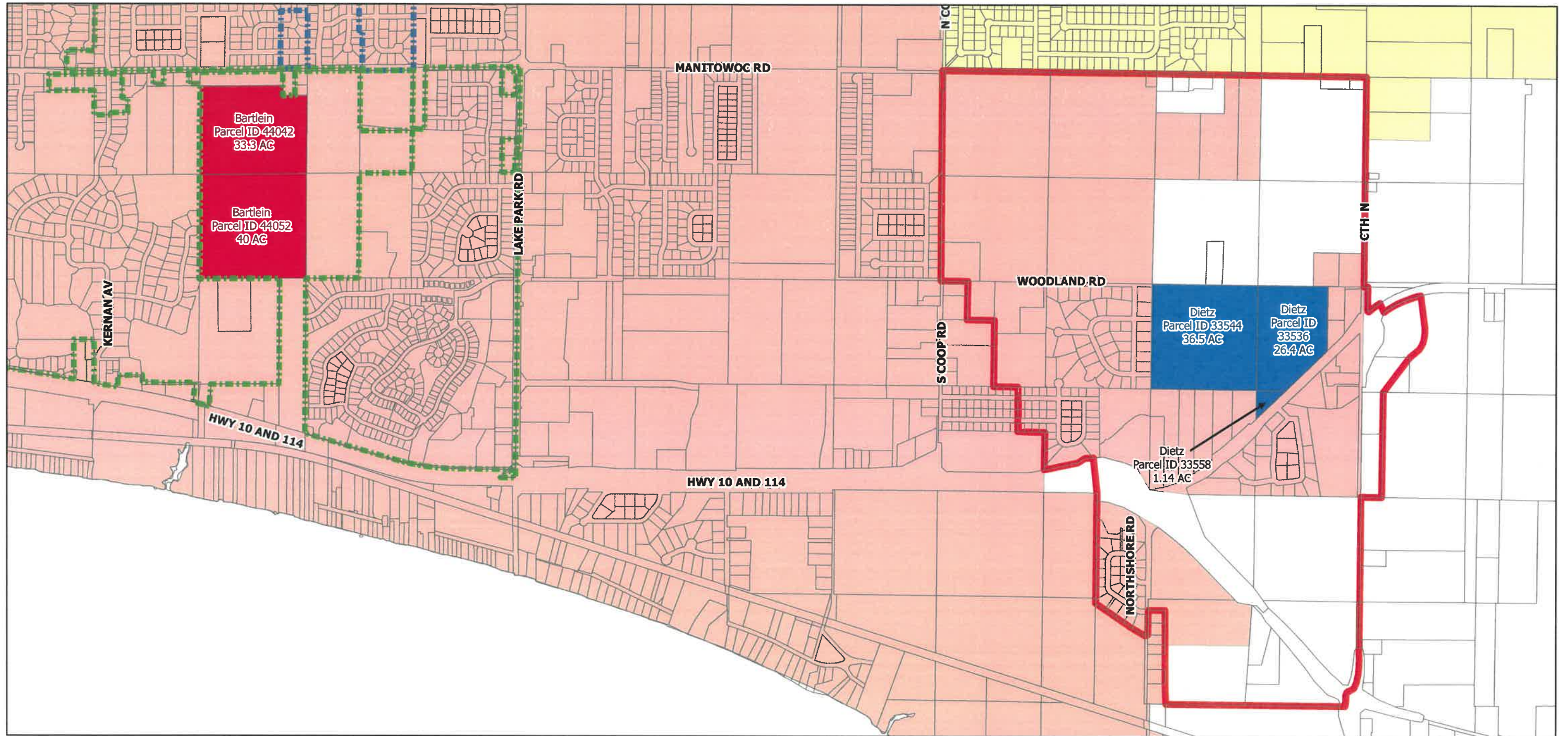


SUPPLEMENTARY DATA
 Total Area = 2,799,978 SF 64.2787 acres
 R/W Area = 599,901 SF 13.7719 acres
 Net Area = 2,200,077 SF 50.5068 acres
 Number of Lots = 109
 Average lot size = 14,250 SF
 Typical lot dimension = 85' x 150'
 Lineal feet of street = 7,505 LF
 Existing zoning = AG
 Proposed zoning = RS-2
 Approving Authorities
 Village of Harrison
 Objecting Authorities
 Department of Administration
NOTES
 Utility and Drainage Easements
 will be shown on Final Plat








ECWRPC SSA AMENDMENT REQUEST

May 2022

Village of Harrison, Calumet County, Wisconsin



Legend

-  Harrison Utilities Lift Station No. 6 Service Area
-  Areas in the City of Appleton served by Harrison Utilities
-  Areas in the City of Menasha served by Harrison Utilities
-  Heart of the Valley 2030 Sewer Service Area
-  Neenah-Menasha 2030 Sewer Service Area (shaded area shown is also within the Harrison Utilities Sewer Service Area)
-  Swap IN Properties - Total 64.04 AC
-  Swap OUT Properties - Total 73.3 AC



Approximate Scale



ECWRPC SSA AMENDMENT REQUEST

Calumet County, Wisconsin

Martenson & Eisele, Inc.

1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
820.731.0381 1.800.238.0381

Planning
Environmental
Surveying
Engineering
Architecture

Project No. 1-0038-050
arcgis_calumet_county.mxd_03/28/2022



March 18, 2022

John and Darlene Bartlein
W6753 Manitowoc Road
Menasha, WI 54952

RE: Village of Harrison Notice of Intent to Revise Sewer Service Area

Dear Mr. and Mrs. Bartlein:

The Village of Harrison is currently working on a project that will provide sanitary sewer service to an area within the Village. This area is not within the Village of Harrison's current Sewer Service Area in accordance with boundaries defined by the East Central Wisconsin Regional Planning Commission. In order to bring this area into the Village of Harrison Sewer Service Area, the Village plans to request that the boundaries be re-defined by swapping or trading an area that is currently in the Sewer Service Area, for the area that is not.

Your property south of Manitowoc Road (Parcels 44042/131-0000-0000000-000-0-201808-00-310A and 44052/131-0000-0000000-000-0-201808-00-340A) is currently within the Village of Harrison Sewer Service Area, and has been identified as property that is proposed to be removed to accommodate the swap described above. The two parcels, totaling approximately 73.3 acres is proposed to be swapped out of the current Village of Harrison Sewer Service Area.

East Central Wisconsin Regional Planning Commission is expected to review and update the Village of Harrison Sewer Service Area boundary again soon. Your property will be given priority to be brought back into the Sewer Service Area at that time.

This letter is meant to inform you of the proposed boundary changes. The proposed revision to the Village of Harrison Sewer Service Area boundary is expected to be considered for approval by the East Central Wisconsin Regional Planning Commission in June of 2022.

If you have questions about the proposed Sewer Service Area Swap please contact our Harrison Utilities Engineer, Michael Siewert at Martenson & Eisele, Inc. at (920) 731-0381 or mikes@martenson-eisele.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Mommaerts", written over a light blue horizontal line.

Mark Mommaerts, AICP, Assistant Village Manager
Village of Harrison

Attachment: Map of Proposed Swap

Zoning Map

Village of Harrison









Calumet & Outagamie Counties, WI

Legend

Zoning Districts

-  AG | General Agriculture
-  RR | Rural Residential
-  RS-1 | Single-Family Residential (Suburban)
-  RS-2 | Single-Family Residential (Traditional)
-  RT | Two-Family Residential
-  RM | Multiple-Family Residential
-  CN | Neighborhood Commercial
-  COR | Office & Retail Commercial
-  CC | Community Commercial
-  BP | Business Park
-  IM | Industrial & Manufacturing
-  NC | Natural & Conservancy
-  MHO | Mobile Home Overlay
-  PDO | Planned Development Overlay
-  * SHO | Shoreland Overlay*
-  * SWO | Shoreland-Wetland Overlay*

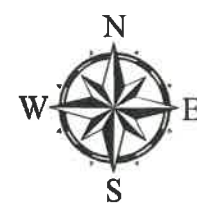
RoadCenterline

-  Local Roads
-  County Highway
-  State Highway
-  US Highway
-  RailRoads
-  Streams
-  Town of Harrison
-  Parcels

* Please note that the SHO & SWO boundaries are subject to change based on determinations of navigable waterways.

This map was created by:
 Village of Harrison
 W5298 Hwy 114
 Harrison, WI 54952
 920-989-1062

Adopted: July 27, 2010
 Effective: November 1, 2010
 Current as of: November 13, 2020

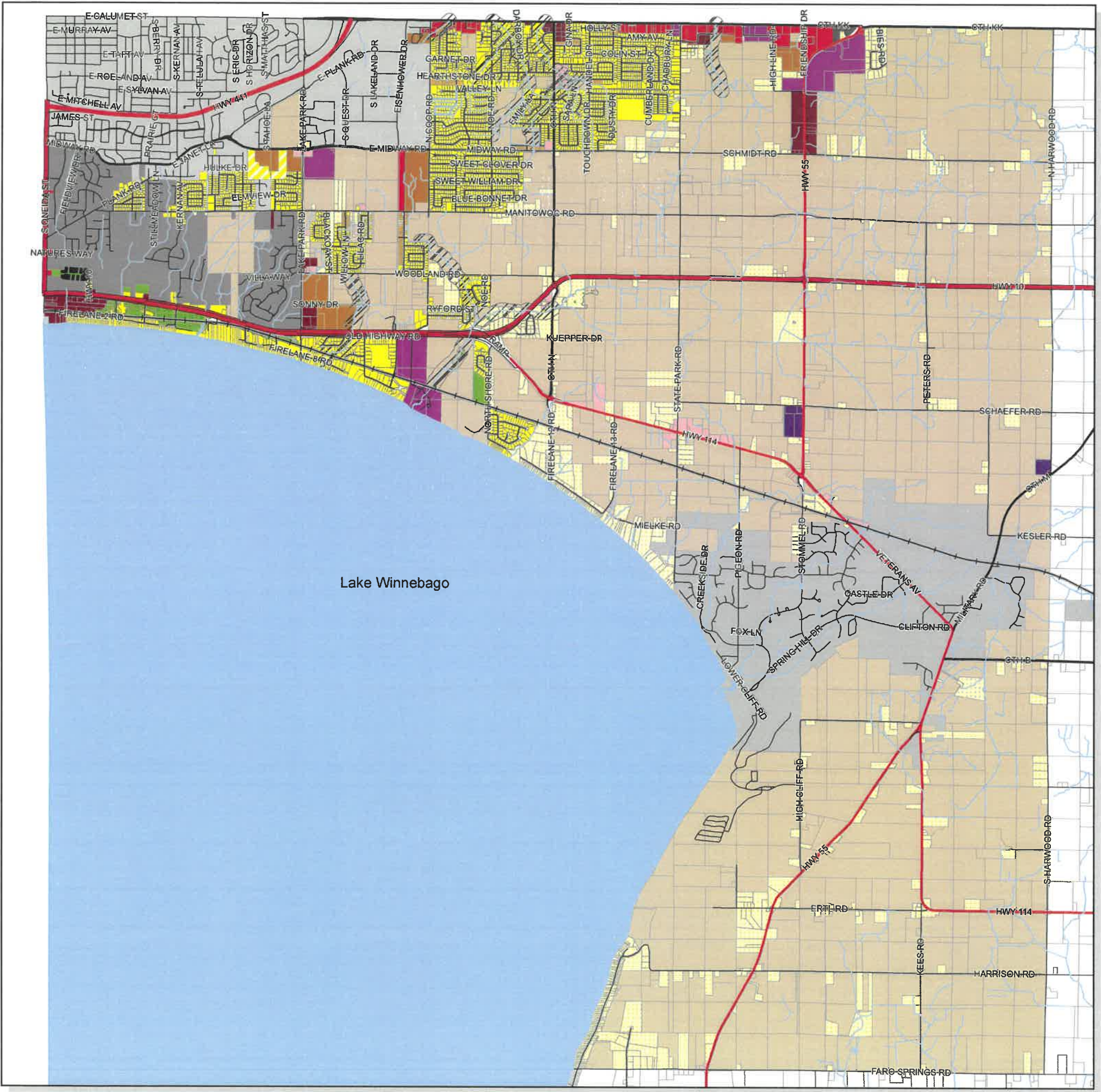


Disclaimer:

This map was created using data obtained from Calumet County.

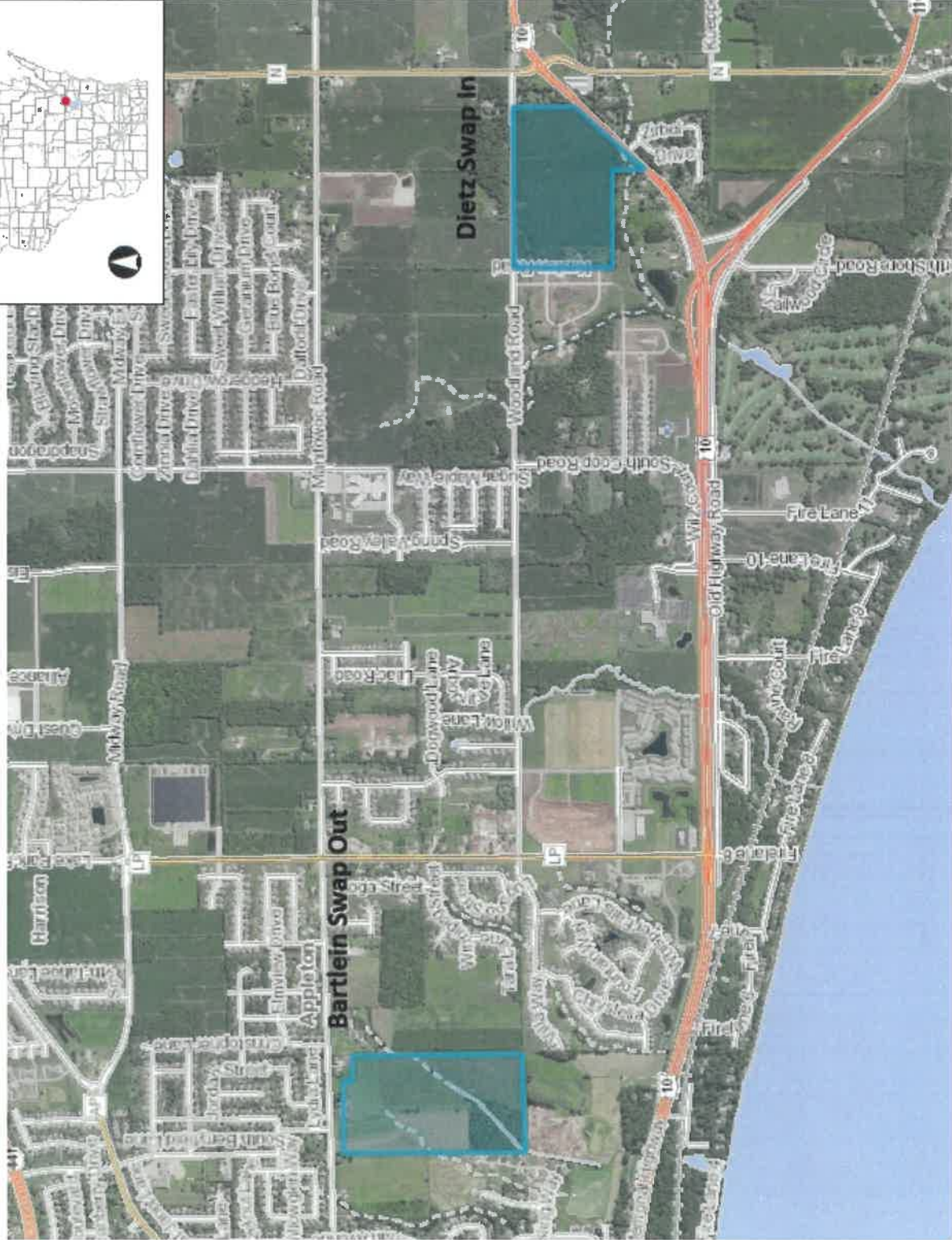
This map is neither a legally recorded map nor a survey and is not intended to be used as such. The Town of Harrison does not guarantee the accuracy, current status, or completeness of the material contained herein and is not responsible for any misuse or misrepresentation of this information or its derivatives. In no event shall Calumet County or the Town of Harrison become liable to users of this data for any loss arising from the use or misuse of these maps and data. The tax parcel data is compiled from official records, including survey plats and deeds, but only contains the information required for Calumet County business. Original recorded source documents located in the county courthouse should be used for legal or survey purposes.

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V. Harrison SSA Amendment Waterways



Legend

- Municipality
- State Boundaries
- County Boundaries
- Major Roads
 - Interstate Highway
 - State Highway
 - US Highway
- County and Local Roads
 - County HWY
 - Local Road
- Railroads
- Tribal Lands
- Rivers and Streams
- Intermittent Streams
- Lakes and Open water



Notes

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

0.8 Miles

0.38

0

1: 23,760
 NAD_1983_HARN_Wisconsin_TM



Endangered Resources Preliminary Assessment

Created on **4/5/2022**. This report is good for one year after the created date.

DNR staff will be reviewing the ER Preliminary Assessments to verify the results provided by the Public Portal. ER Preliminary Assessments are only valid if the project habitat and waterway-related questions are answered accurately based on current site conditions. If an assessment is deemed invalid, a full ER review may be required even if the assessment indicated otherwise.

Results

A search was conducted of the NHI Portal within a 1-mile buffer (for terrestrial and wetland species) and a 2-mile buffer (for aquatic species) of the project area. Based on these search results, below are your next steps.

Actions recommended to help conserve Wisconsin's Endangered Resources (these actions are voluntary, not legally required):

Further actions are recommended—only natural communities (<https://dnr.wi.gov/topic/endangeredresources/communities.asp>) have been recorded within the vicinity of the project, however, they do not overlap the project site. An ER review letter is not needed and there are no actions that need to be taken to comply with state and/or federal endangered species laws. If there are areas of high-quality habitat within the project site, it is recommended that you minimize impacts to, or create buffers around, these areas.

A copy of this document can be kept on file and submitted with any other necessary DNR permit applications to show that the need for an ER Review has been met. This notice only addresses endangered resources issues. This notice does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.

Project Information

Landowner name	Dietz
Project address	Woodland Road
Project description	SSA Amendment

Project Questions

Does the project involve a public property?	No
Is there any federal involvement with the project?	No
Is the project a utility, agricultural, forestry or bulk sampling (associated with mining) project?	No
Is the project property in Managed Forest Law or Managed Forest Tax Law?	No
Project involves tree or shrub removal?	No
Is project near (within 300 ft) a waterbody or a shoreline?	Yes
Is project within a waterbody or along the shoreline?	No

Does the project area (including access routes, staging areas, laydown yards, select sites, source/fill sites, etc.) occur **entirely within** one or more of the following habitats?

Urban/residential	No
Manicured lawn	No
Artificial/paved surface	No

Agricultural land

No

Areas covered in crushed stone or gravel

No

Project Area Maps

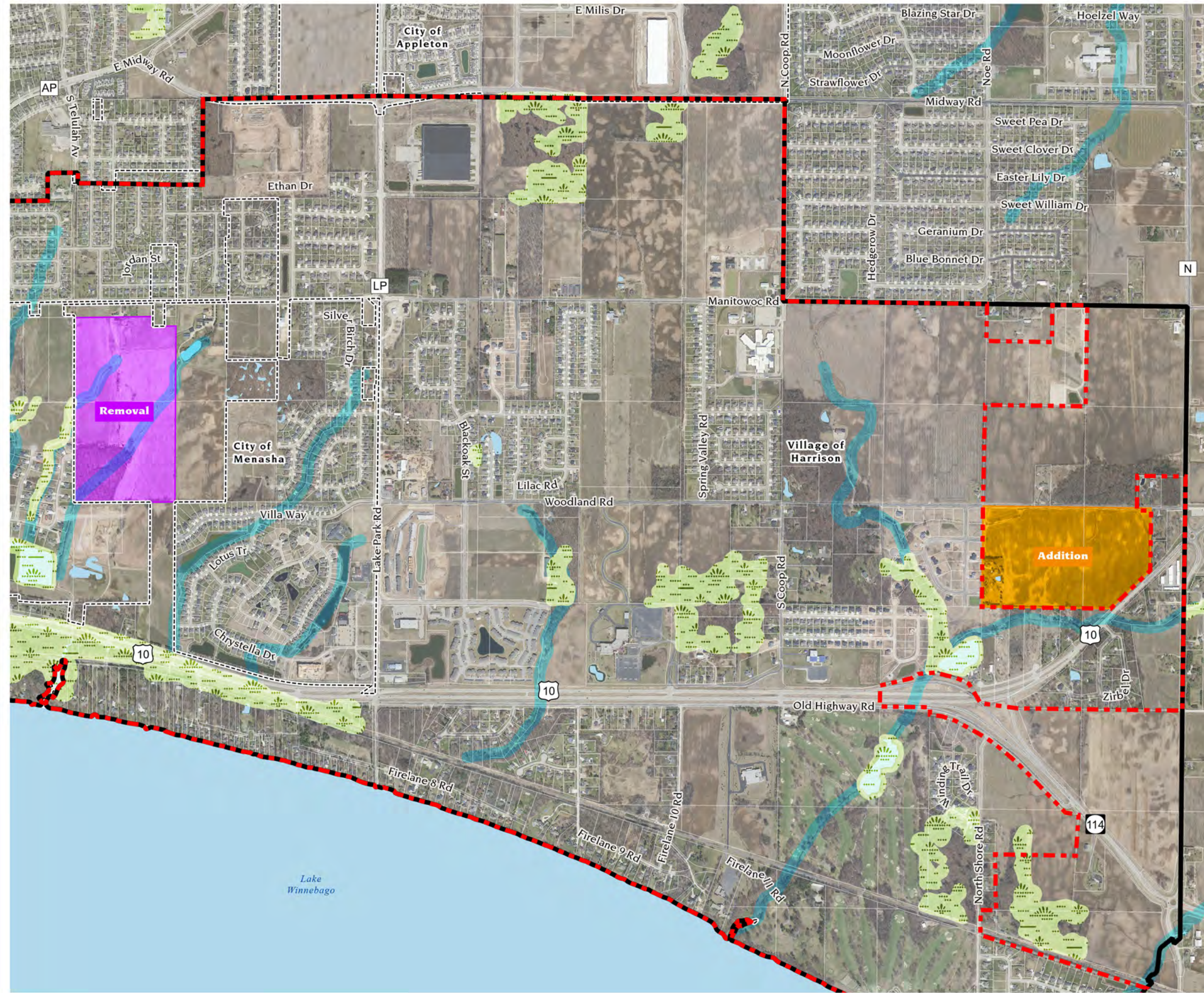


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<https://dnr.wisconsin.gov/nhiportal/public>

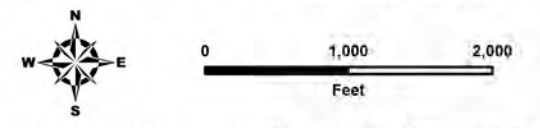
101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921

Map 2 Village of Harrison SSA Amendment Proposal Track 171



- Municipal Boundary
- Neenah-Menasha Sewer Service Area Boundary
- Neenah-Menasha Sewer Service Area Planning Boundary
- Proposed Sewer Service Area Addition
- Proposed Sewer Service Area Removal
- Environmentally Sensitive Area
 - Wetland & 50 Foot Wetland Buffer
 - 75 Foot Stream Buffer

Source:
SSA and ESA data provided by ECWRPC, 2022. Roads, Parcels, and Municipal Boundaries provided by Calumet County, 2022.



This data was created for use by the East Central Wisconsin Regional Planning Commission Geographic Information System. Any other use/application is at their own risk. East Central Wisconsin Regional Planning Commission disclaims all liability regarding fitness of the information for any use other than for East Central Wisconsin Regional Planning Commission business.

PREPARED MAY 2022 BY:
East Central Wisconsin
Regional Planning Commission
ECWRPC
Calumet - Fond du Lac
Shawano - Wisconsin



DRAFT
MEETING MINUTES
COMMUNITY FACILITIES COMMITTEE
 East Central WI Regional Planning Commission

COMMITTEE MEMBERS: *David Albrecht (Perm Alt for Tom Egan), Aaron Jenson (Perm Alt for Brian Smith), James Lowey, Jeff Nooyen, Brenda Schneider*

Date: Wednesday, June 8, 2022
Time: 10:00 a.m.
Place: Virtual Meeting

1. Welcome and Introductions

Vice Chairperson Schneider called the meeting to order at 10:01 a.m.

2. Roll Call

Committee Members Present:

Brenda Schneider Fond du Lac County
 Jeff Nooyen Outagamie County
 James Lowey Menominee County
 Aaron Jenson (Perm. Alt. for Brian Smith)..... Waupaca County
 David Albrecht (Perm. Alt. for Tom Egan) Winnebago County

Committee Members Absent (Excused):

ECWRPC Guests:

Melissa Kraemer Badtke Executive Director
 Kevin Englebert..... Deputy Director
 Wilhelmina Paustian Senior Planner
 Leann Buboltz Administrative Coordinator

ECWRPC Guests:

Kevin Mraz Algoma Sanitary District
 Lawrie Kobza..... Boardman & Clark, LLP
 Jonathan Smies..... Godfrey & Kahn, S.C.
 Bill Nelson..... Godfrey & Kahn, S.C.
 Steve Gohde City of Oshkosh Public Works
 James Rabe..... City of Oshkosh Public Works
 Mark Mommaerts..... Village of Harrison
 Mary Jo Miller..... Martenson & Eisele
 Tim Asplund..... WDNR
 Gunilla Goulding..... WDNR

3. Approval of the Agenda/Motion to Deviate

A motion was made by Mr. Lowey and second by Mr. Nooyen to approve of the agenda. Motion carried unanimously.

- 4. Public Comment –** Kevin Englebert-Deputy Director East Central Regional Planning Commission set time restrictions for public comments. Public input limited to 10 minutes per group.

Attorney Jonathan Smies – On behalf of the City of Oshkosh. The City of Oshkosh SSA Amendment will change the DMA status along Witzel Avenue in the City of Oshkosh. The sewer extension plan would allow the City to provide sanitary sewer service to the Wit property, ideally opening in the next few months. Mr. Smies stated that the property is within the City's Corporate boundaries.

Attorney Lawrie Kobza – On behalf of the Algoma Sanitary District No 1. The Algoma Sanitary District opposed the amendment request. Ms. Kobza stated that the City does not need to extend DMA status all the way to Wyldewood Road. In order for the City to provide a connection from Witzel Avenue to the Wit, they would only need to extend DMA status the east of Maryden Road.

Kevin Mraz - Algoma Sanitary District No. 1. Mr. Mraz discussed how the Sanitary District can more cost effectively provide sanitary sewer service to the Wit.

5. Approval of the Minutes of the January 12, 2022 Community Facilities Committee Meeting

A motion was made by Mr. Lowey and seconded by Mr. Jensen to approve as presented. Note – Mr. Nooyen abstained from the vote. Hearing of no further discussion, motion carried unanimously.

6. Announcements –

A. Staff Report – Wilhelmina Paustian, Senior Planner. East Central staff continues to conduct sanitary sewer reviews for conformance with the Water Quality Management Program (WQM). Staff consults with the Wisconsin Department of Natural Resources (WDNR) on various projects to ensure compliance with State Statutes. Staff continues work on the Fox Cities 2030 SSA Plan which was last approved in 2006. Staff met with the Communities in the Fox Cities and the Wastewater Treatment Facilities (WWTF) operators to provide an update on the Plan update process.

B. Approval of the 2022-2023 Community Facilities Committee Meeting Schedule. Mr. Nooyen commented that he supports having the virtual option available.

A motion was made by Mr. Nooyen and second by Mr. Jensen to approve of the schedule. Motion carried unanimously.

7. New Business/Action Items

A. Election of Chair and Vice Chair

Chair: Mr. Lowey nominated Ms. Schneider to serve as Chair by acclamation. Mr. Nooyen second. Motion carried unanimously.

Vice-Chair: Mr. Nooyen nominated Mr. Lowey to serve as Vice-Chair by acclamation. Mr. Jensen second. Motion carried unanimously.

B. Track 171 – Neenah-Menasha 2030 Sewer Service Area Amendment

Request: The amendment was submitted under Policy I, A (acreage swap).

The amendment adds a total of 62.81 acres (Dietz Woodland Road Property) and removes a total of 72 acres (Bartlein Property) for a future development. The information provided by the applicant was thorough and complete with regard to ECWRPC's amendment criteria. Staff recommended that the Community Facilities Committee approve the Village of Harrison's SSA Amendment request for Track No. 171. The applicant notified the property owner to be removed from the SSA of the Amendment request. No formal response from that property owner was received.

A motion was made by Mr. Lowey and second by Mr. Nooyen to approve of the proposed Track 171 SSA Amendment. Motion carried unanimously.

C. Track 172 – Fond du Lac 2040 Sewer Service Area Amendment Request:

The Town Board of Taycheedah has submitted a request to amend the Fond du Lac Sewer Service Area (SSA) to include 0.59 acres of vacant agricultural land. The proposed amendment was submitted under Policy I, D to expand the SSA and increase acreage to accommodate reasonable growth for the property owner to build a garage. The Sanitary District No. 1 of the Town of Johnsburg approved the petition, and the Town Board certified the petition. Staff recommended that the Community Facility Committee approve the SSA Amendment request for Track No. 172.

A motion was made by Mr. Albrecht and second by Mr. Nooyen to approve of the proposed Track 171 SSA Amendment. Motion carried unanimously.

D. Track 173 – Oshkosh 2030 Sewer Service Area Amendment Request:

Change in DMA Status. The City of Oshkosh submitted a request to amend the Designated Management Agency (DMA) boundaries in the Oshkosh 2030 Sewer Service Area (SSA) Plan. The City of Oshkosh requested dual DMA Status along Witzel Avenue with the Algoma Sanitary District, and a change in DMA status along the northern portion of the lot on Witzel Avenue in order to extend sanitary sewer to serve a multi-family housing development called "the Wit." Right now, the Town of Algoma Sanitary District is the sole DMA for both of these locations.

The City of Oshkosh provided documentation that they annexed the property where the Wit is located in March 2018. The City also sent supporting documentation of court proceeding transcripts from April 18, 2022 which indicate the Algoma Sanitary District's injunction is intended to stop the City from affecting the Sanitary District's current infrastructure and not to prevent the City from extending service to the Wit.

Recently, the Algoma Sanitary District was granted a temporary injunction relating to certain proposed sanitary sewer construction plans issued by the City of Oshkosh in this area. Commission staff stated that they are aware of the current court proceedings and that they intend to follow any legal decisions that arise with respect to the SSA Plan. It is also the responsibility of the City of Oshkosh and the Algoma Sanitary District to follow the court rulings and the applicable law to service sanitary sewer customers and construct sewer lines in this area.

Staff also noted that Lawrie Kobza, from Boardman & Clark, sent a letter stating that the Algoma Sanitary District objects to this Amendment request made by the City of Oshkosh. In addition, the Algoma Sanitary District submitted a cost-effective alternative proposal. The Sanitary District stated that they can serve the Wit in a more cost-effective manner using existing sewer main infrastructure.

Commission staff has been in close contact with WDNR regarding this amendment and is following WDNR's guidance regarding this request. At this time Staff did not have a recommendation for the Community Facility Committee.

Mr. Nooyen inquired to hear where the DNR stands on this. Mr. Englebert shared that his understanding is that the DNR will wait to see how the Committee handles this kind of amendment prior to making a decision. The WDNR ultimately makes the final decision on the amendment request.

Mr. Asplund - DNR agreed with Mr. Englebert and shared that the Commission acts on behalf of the DNR in administering the Clean Water Act and the State Statutes. The DNR will use the findings of this process as one aspect of their review regarding this matter. Mr. Englebert shared that there is an appeal process following the DNR's review and action, which can be outlined in more detail if that situation arises.

A motion was made by Mr. Nooyen and second by Mr. Albrecht to approve the proposed Track 171 SSA Amendment. Discussion – Chair Schneider stated her thoughts of the process procedure that typically a building permit does not get issued prior to knowing who would serve the structure. Ms. Paustian stated that the intergovernmental agreement was between the City of Oshkosh and Town of Algoma. Motion carried with Chair Schneider voting nay due to the lawsuit that is currently active.

8. Informational/Discussion Items

County Roundtable Discussion – Mr. Albrecht apologizes for being late due to poor weather conditions.

9. Establish Time and Place for Next Commission Meeting

- A. *The next Community Facilities Meeting will take place Wednesday, September 14, 2022 at 10:00 a.m. Further details will be forthcoming.*
- B. *The next Quarterly Commission Meeting will take place Wednesday July 27, 2022 at 10:00 am. Held at the city of New London- Municipal Building. Further details will be forthcoming.*

10. Adjourn – A motion was made by Mr. Jensen and second by Mr. Albrecht to adjourn. Time noted at 10:57 a.m.

Respectfully submitted
Leann Buboltz – ECWRPC Administrative Coordinator