

**City of Franklin
Plan Commission Meeting
August 3, 2023
Minutes**

Approved
August 17, 2023

A. Call to Order and Roll Call

Mayor John Nelson called the August 3, 2023 regular Plan Commission meeting to order at 7:00 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

Present were Mayor John Nelson, Alderwoman Courtney Day, City Engineer Glen Morrow and Commissioners Kevin Haley and Patricia Hogan. Also present were Director of Administration Kelly Hersh, Planning Manager Laurie Miller, Associate Planner Marion Ecks and City Attorney Jesse Wesolowski. Absent was Commissioner Patrick Léon.

B. Approval of Minutes – Regular Meeting of July 20, 2023

Commissioner Haley moved and Alderwoman Day seconded a motion to approve the July 20, 2023 meeting minutes. On voice vote, all voted 'aye'; motion carried (4-0-1).

C. Public Hearing Business Matters

1. **None.**

D. Business Matters

1. **Unified Development Ordinance (UDO) Rewrite Task Force** workshop session to define Article 7: Natural Resource Standards.

Applicant: City of Franklin
Subject property: Citywide

Consultants: Houseal Lavigne Associates and Birchline Planning, LLC

At the request of a citizen, the Commission took up a motion to suspend the rule to allow for citizen comment on the item. Kevin Haley made the motion and Patty Hogan seconded. On voice vote, all voted 'aye'; motion carried (4-0-0).

One citizen, Dana Gindt, provided public comments. Discussion started with what date will the noise ordinance be reviewed, followed with comments regarding confusion by chapter headers and titles not going in order. Ms. Gindt stated that there has not been a public meeting regarding protections for wildlife and to further discuss the impact of fireworks as pollutants. Mayor Nelson would like to see community input with systemized discussion and capture feedback.

Associate Planner Marion Ecks gave a presentation of the current UDO natural resource standards, followed with a presentation by JB Hinds of Birchline Planning, LLC.

Discussion/Guidance

The Commission discussed the proposed revised ordinance and provided the following comments:

City Engineer Morrow expressed reorganization is good but level of protection of natural resources "seems excessive." Also mentioned if we could take a closer look and carve out a few things from the Ordinance such as steep slopes as an example, which does not appear to be a problem in Franklin.

Mayor Nelson responded that we are "choking" ourselves with projects; the City of Franklin has a lot of wetland issues that have become a problem; he agrees with City Engineer Morrow's regarding his comments on protection without too much impediments to development and does not recommend anything more restrictive. He also went on to say now is the chance to streamline the process and reiterated his thoughts regarding not being more restrictive.

Commissioner Haley commented on steep slopes. Why are we protecting them? What we are protecting is SEWRPC designated primary environmental corridor, secondary corridors and isolated natural environmental areas. The current Ordinance is inconsistent and it's okay to defer to SEWRPC. We are inconsistent with the language and need to protect all primary, secondary and isolated natural areas as defined by SEWRPC.

City Engineer Morrow added Environmental Commission meets only once a month and their review can cause delays. This puts developers sometimes at a month delay in the project. Reviews can possibly be mitigated at staff level and continue to go to Common Council for approval.

Commissioner Hogan is in favor of the mitigation guidebook and would like to see the City move forward with it.

Commissioner Haley discussed wetland mitigation banks which are all located outside of Franklin. The issue is what needs to be mitigated, where and how. The amount of time and expertise is prohibitive. Do we create mitigation banks here in Franklin? There seems to be an interest in doing this and Milwaukee County is going to be establishing this process, along with other communities having an interest. Developers have a significant impact and don't want the lifetime commitment to maintaining and preserving mitigation areas on development lands. Mitigations can be purchased, but they need to remain in Franklin and that will be a financial incentive to create these banks. The DNR requires developers mitigate at the State level.

Consultant JB clarified that wetland protections are in the draft Ordinance; however, Franklin will not get involved directly in DNR permits. The idea for mitigation is to have applicants do something, but not to create new wetlands or to banks wetlands. Creating new wetland banks for Southeast WI is not on the horizon unfortunately. It's in the new draft UDO to exempt artificial wetlands, and to define what are degraded wetlands. If Franklin has a wetland delineation and it's identified as a degraded wetland, Franklin will not require anything additional unless it's within a SEWRPC area. The guide proposes flexible options for mitigation.

Commissioner Haley emphasized the goal is to preserve & protect natural resources as many of these as possible and not to allow them to be decimated by the act of development.

City Engineer Morrow asked for more detail on the Supreme Court decision on wetlands and what that means in Wisconsin and when we can expect to hear.

Associate Planner Ecks explained the US Supreme Court decision and our obligation to ensure that the Army Corps of Engineers has a determination about whether or not it's a federal body of water has not changed, but what has changed is the test the Corps uses to determine whether or not something is a Federal body of water has changed.

Consultant JB confirmed Associate Planner Ecks' explanation. Franklin is adopting the State's definition of degraded wetland which gives us more flexibility to respond to these types of regulatory changes.

Commissioner Haley commented he is pleased with how shoreland and wetland was written, however feels this was borrowed from other text. Move definitions should be put to the front. Departments should be defined more clearly on whether or not it is an internal department or Department of Natural Resources (DNR). Commissioner Haley will share changes with staff.

Commissioner Haley inquired what are the next steps. Are we doing public input?

Mayor Nelson expressed reaction to the draft and what staff's vision is on how to involve the public. Mayor Nelson suggest when there's a final draft we take input on reaction to the draft.

Planning Manager Miller recommended a public discussion chapter by chapter or an open house with dialogue.

Commissioner Haley emphasized providing a track changes version to the public to show what is proposed now. Will the public see the revision process/redline?

Planning Manager Miller responded with adding all comments from Plan Commission and Common Council into the draft.

Consultant Shell pointed out both redlined versions show existing changes from the existing UDO and revisions made on the first-round review with Plan Commission to date and clean versions showing how the draft might read currently. Suggested making both versions available for future review dates.

Commissioner Haley commented this is difficult to explain to the public. How can we make it simpler?

Planning Manager Miller agreed on how difficult it is to show redline. It would be more helpful in final draft form and hopes our new format is easier to see connections.

Mayor Nelson reiterated staff and Commissioners work together on changes, keep moving forward with the rewrite and work with staff on when we will have something ready for community feedback. Mayor Nelson agreed to an open house or holding a meeting at City Hall for an opportunity to discuss with the public. This is fluid work in progress.

Commissioner Hogan suggested to hold an open house at another facility or public location.

Planning Manager also suggested hosting with other events as well for greater involvement with the community.

E. Adjournment

Commissioner Hogan moved and Commissioner Haley seconded to adjourn the meeting at 8:14 p.m.. On voice vote, all voted 'aye'; motion carried (4-0-1).