CEDAR CREEK WATCHDOGS
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ENVIRONMENTAL & INFRASTRUCTURE CONSIDERATIONS RELEVANT TO THE PROPOSED HIGHWAY 60 ANNEXATION

Cedar Creek Watershed - Highway 60 and Highway I / Sheboygan Road, City of Cedarburg

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STATEMENT OF PURPOSE AND SCOPE

This report is submitted for inclusion in the public record regarding the proposed annexation of land from the Town of Cedarburg into the City of Cedarburg. The matter before the Common Council is annexation, not final approval of the Neumann development. The Neumann concept is discussed because it is the specific large-scale development proposal publicly presented for the site and therefore provides a concrete, reasonably foreseeable development scenario for evaluating potential consequences of annexation. Nothing in this report should be read as asserting that annexation itself constitutes project approval or that every development-level permit must be completed before annexation.

ANNEXATION RELEVANCE

The purpose of this submission is to ensure that the annexation record reflects material environmental, infrastructure, and public-service considerations before the City takes a threshold action that could materially change the property's development potential and the framework for municipal utilities and services. Where the report recommends studies or mitigation “before project approval” or “before construction,” those recommendations are directed to later development-review stages. At the annexation stage, Cedar Creek Watchdogs asks the City to acknowledge the unresolved issues, identify the information on which it is relying, and preserve appropriate review and conditions before any subsequent development approval.

1. Project description and annexation context

a. Neumann Development

Neumann Developments has proposed a 400+ housing development on the northwest corner of Highway 60 and Highway I/Sheboygan Road. The concept would convert current agricultural/open land into a large-scale residential subdivision. City planning materials identify wetlands, shoreland, and shoreland-wetland areas within or adjacent to the broader project area. [23] City records have also described annexation of Town portions of the site as part of the development pathway. [41]

b. Circle B location and surrounding corridor

The former Circle B property and surrounding lands represent additional potential development pressure in the Highway 60 corridor. The City has previously extended or planned municipal infrastructure in this area, and City land-use planning has contemplated residential, commercial, and mixed-use development. [27-29] These surrounding conditions are relevant to cumulative impact analysis, but this report does not assume that any unapproved future project will occur.

c. Why the development concept is relevant to annexation

The Council is not being asked to approve the Neumann project through the annexation vote. However, the concept is not unrelated to annexation: it is the only specific large-scale development proposal publicly presented for this site, and City planning records have linked future land use, public utilities, zoning, and annexation for the area. The environmental analysis below therefore uses the proposed scale of development as a foreseeable scenario, while preserving the legal and procedural distinction between annexation and subsequent land-use, zoning, plat, PUD, permit, and construction approvals.

2. Site and surrounding environment

a. Cedar Creek proximity

Cedar Creek runs in close proximity to the intersection of Highway 60 and Highway I/Sheboygan Road and therefore lies near the proposed development site. The creek and its connected watershed should be considered when evaluating drainage, groundwater, wetlands, water quality, and cumulative corridor impacts.

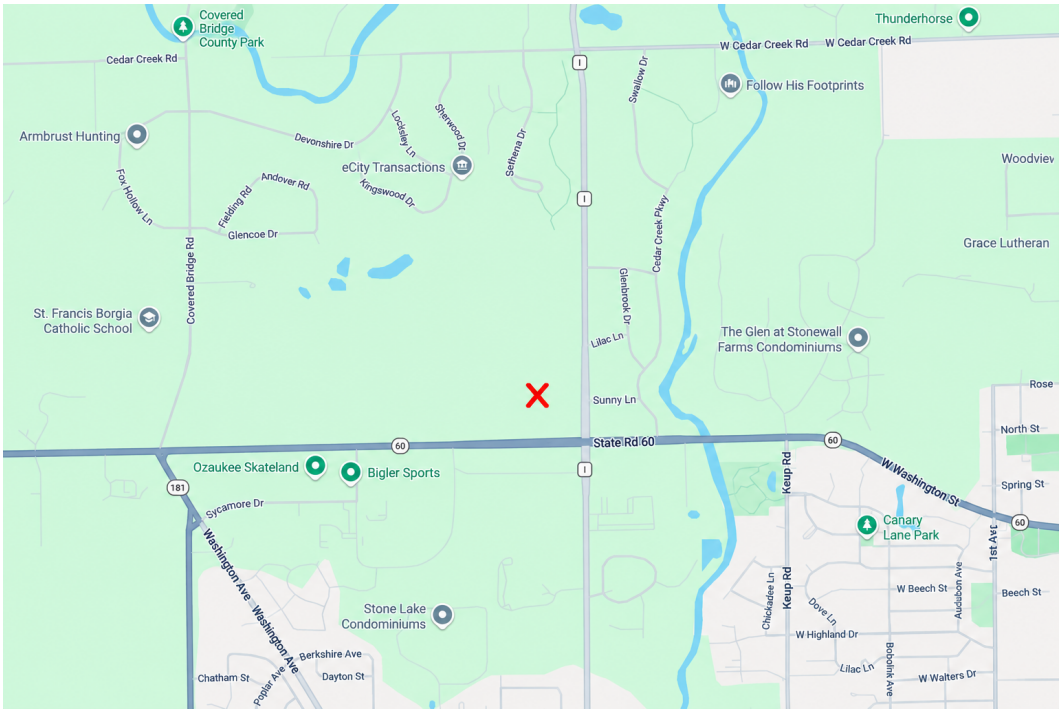

Figure 1. Proximity of Cedar Creek to the proposed development area. [26]

3. Water resources / groundwater

a. Aquifer levels and recharge

The local shallow aquifer is largely associated with Silurian dolomite, and regional studies have documented substantial groundwater-level declines in southeastern Wisconsin, including Ozaukee County. [14-16] The relationship between groundwater levels, recharge areas, and surface waters is relevant because groundwater can contribute baseflow to streams, and reduced recharge can affect watershed conditions, particularly during drought. Ozaukee County planning documents emphasize the importance of protecting groundwater recharge areas and note areas of high and very high recharge potential along rivers and streams. [17]

For any later development approval, a qualified hydrologic/hydrogeologic analysis should evaluate water demand, recharge, drawdown, and potential interaction with Cedar Creek. At the annexation stage, the City should identify what information it has regarding the ability of the area to be served without unacceptable groundwater or watershed impacts and what additional technical review will be required before development approval.

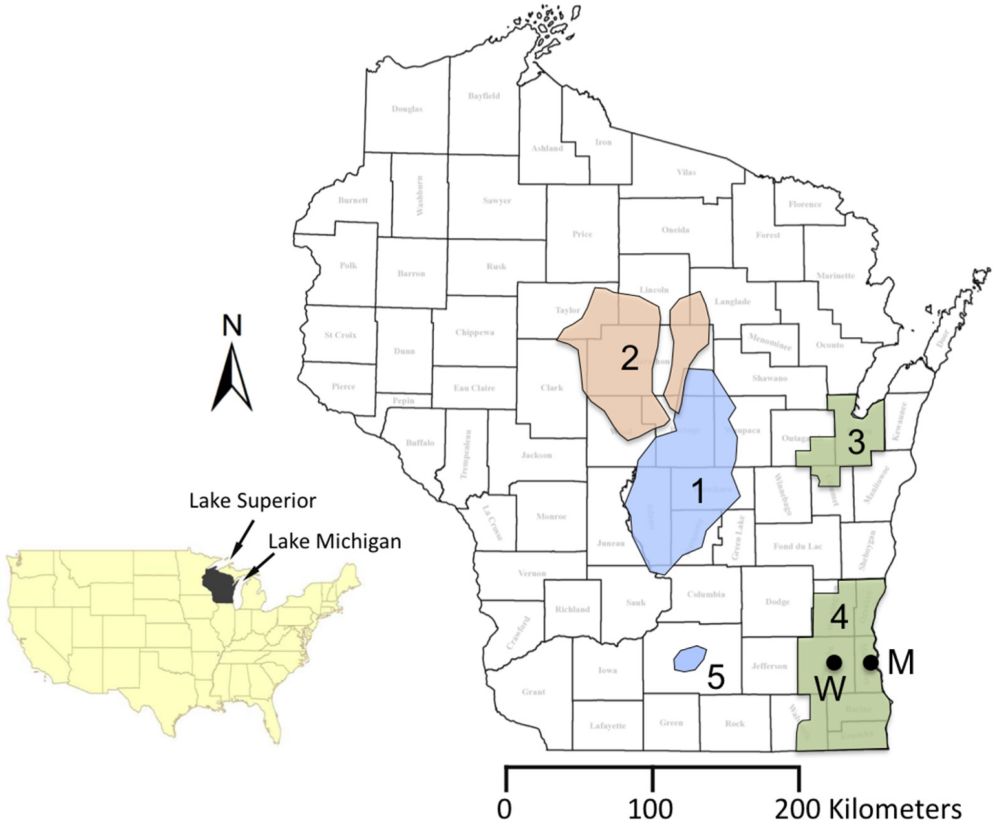

Figure 2. Groundwater management area referenced in the underlying analysis. [16]

b. Wetlands

City planning materials identify wetlands and shoreland-related areas within or adjacent to the proposed development area. [23] Wetlands can provide stormwater storage, flood reduction, water-quality protection, groundwater recharge/discharge, erosion control, and wildlife habitat. [39,40]

Conversion of agricultural and other pervious land to roads, rooftops, driveways, and other impervious surfaces can increase the volume and rate of stormwater runoff.

Before any project affecting wetlands is approved, the City should require an appropriate professional wetland delineation and analysis of direct and indirect effects, including altered drainage, stormwater runoff, sedimentation, groundwater changes, and development pressure around wetland areas. Required state or federal reviews and permits should be completed at the appropriate stage. For annexation, the existence and location of these constraints should be expressly recognized in the record rather than treated as resolved.

4. Infrastructure and runoff-related pollution

a. Utility infrastructure

City planning documents indicate that existing municipal infrastructure may not be sufficient to serve the entire proposed development area without substantial extensions. Sanitary sewer infrastructure at Forward Way can serve a portion of the area, while other portions may require sewer extensions. Cedarburg Light & Water has also indicated that significant water-main extensions along Sheboygan Road, Highway I, and Highway 60 may be necessary. [30]

Before later project approval, a detailed engineering plan should identify all necessary sewer, water, electrical, stormwater, road, and other improvements, including location, capacity, phasing, construction method, cost, and responsibility for payment. At annexation, the Council should understand the likely infrastructure obligations that annexation could place within the City framework and should avoid implying that capacity, cost allocation, or service feasibility has already been established.

b. Roof runoff

Hundreds of new homes would substantially increase impervious rooftop surface. Rain and snowmelt falling on roofs becomes runoff rather than infiltrating directly into soil, increasing the volume of stormwater that must be managed. Published studies have identified metals such as copper, zinc, and arsenic in runoff from some roofing materials. [31-33] The cumulative effect of many rooftops should be considered in stormwater and water-quality planning.

c. Residential fertilizer, herbicide, and pesticide use

Conversion to a large residential development would introduce numerous lawns, landscaped areas, and gardens where fertilizers, herbicides, and pesticides may be used. Residential areas are recognized sources of nutrient and pesticide pollution in urban and suburban runoff. [34-38] Rainfall, irrigation, and snowmelt can transport these substances into streets, storm drains, groundwater, and surface waters.

Later development review should address long-term nutrient and pesticide loading, monitoring responsibilities, baseline conditions, and mitigation triggers where drainage ultimately reaches Cedar Creek. The annexation record should acknowledge this foreseeable water-quality issue without presuming a particular project design or mitigation outcome.

d. Road salt and chloride

Peer-reviewed research and Wisconsin guidance show that urbanization and winter deicing can increase chloride loading to freshwater systems. [9-12] A development containing hundreds of

residences, driveways, and new streets would predictably increase deicing activity and municipal or private snow/ice-control obligations.

Before construction, baseline chloride measurements upstream and downstream of the site should be considered, followed by an appropriate monitoring plan if drainage from the development could affect Cedar Creek. The plan should identify who monitors, who pays, what thresholds trigger corrective action, and who is responsible for mitigation. The Council should also understand, before annexation, whether new road maintenance and winter-service obligations are anticipated and how those costs are expected to be allocated.

5. Drainage and flooding

a. Drainage

Drainage is among the most significant issues for this property and surrounding corridor. Conversion of agricultural/pervious land to roads, rooftops, driveways, and other impervious surfaces reduces infiltration and can increase the volume and rate of stormwater runoff entering nearby streams, potentially increasing erosion, stream instability, and flood risk. [1-5]

Before any project approval, detailed hydrologic modeling should use appropriate rainfall, runoff, watershed, and downstream data. Baseline flow conditions should be evaluated upstream and downstream, and modeling should demonstrate that the proposed stormwater system will not materially increase peak flows, downstream flooding, erosion, or other adverse impacts to Cedar Creek or existing properties. [1-5] At annexation, the City should identify whether any corridor-level drainage constraints or known downstream vulnerabilities affect the suitability and servicing of the annexed territory.

b. Flooding

A detailed flood and stormwater analysis should evaluate appropriate design storms, including 25-, 50-, and 100-year events, using accepted regional rainfall-frequency data and applicable FEMA information. [6-8] Recent high-rainfall events have demonstrated that Cedar Creek can exceed its banks, including observed flooding in the Columbia Pond area in August 2025. The potential for increased peak runoff, flood elevations, or flood frequency should be evaluated before project approval.

6. Wildlife / habitat

a. Bald eagles

Bald eagles are observed along the Cedar Creek corridor. Construction activity, tree removal, increased human activity, and habitat alteration can potentially disturb eagles. Where later project activities could result in disturbance regulated under the Bald and Golden Eagle Protection Act, appropriate consultation with the U.S. Fish and Wildlife Service and any necessary authorizations should be completed. [18-20] This report does not assert the presence of a regulated nest on the development site; it recommends appropriate screening before disturbance.

b. Other threatened and endangered species

An appropriate review should be conducted for federally and state-listed species and suitable habitat that may occur within or use the project area, including species of regional concern such as the Hine's emerald dragonfly and northern long-eared bat. The Hine's emerald dragonfly depends on specialized wetland and groundwater-supported habitat. [21] If listed species or suitable habitat are identified, potential effects from construction, tree clearing, wetland alteration, lighting, and other activities should be evaluated and appropriate avoidance or mitigation measures established. The nearby I-43 expansion provides a local example of federal consultation concerning the northern long-eared bat. [22]

7. Traffic, noise, and community impacts

a. Construction noise and traffic

Construction of a project of this magnitude would increase construction traffic, equipment activity, dust, lighting, and noise for an extended period, while hundreds of additional dwelling units would increase permanent vehicle trips. These issues should be addressed through traffic analysis, construction-management standards, and enforceable mitigation measures before project approval.

Recent southeastern Wisconsin experience also illustrates the value of establishing clear construction-hour and mitigation requirements before work begins, rather than relying on later corrective action after impacts occur. [24] The annexation vote should not be treated as resolving future traffic, access, construction-hour, or roadway-capacity questions.

8. Construction-phase erosion and sediment control

Construction can disturb substantial amounts of soil and create the potential for sediment-laden runoff to reach nearby properties, roads, drainage systems, and waterways. Erosion and sediment-control measures should be established before construction and maintained throughout the project. Baseline turbidity measurements upstream and downstream should be considered, with monitoring during construction and after significant rainfall events where appropriate.

Plans should identify how sediment runoff will be prevented from reaching Cedar Creek, nearby roadways, and adjoining properties using multiple appropriate controls, inspection, maintenance, repair, and escalation procedures. A recent West Bend construction incident illustrates why controls, completed stormwater infrastructure, and clear responsibility should be established before problems arise. [25]

9. Cumulative impacts

a. Corridor-scale cumulative effects

The foreseeable consequences of development should not be evaluated in isolation. Existing and potential future development in the broader Highway 60/Sheboygan Road area could add to environmental, infrastructure, and traffic impacts. Cumulative conversion of farmland and pervious

land can increase runoff, alter drainage, reduce infiltration opportunities, and place additional pressure on Cedar Creek and nearby properties.

The City should therefore evaluate cumulative hydrologic and environmental effects at an appropriate planning or project-review stage, including the proposed site together with other reasonably foreseeable development in the surrounding area. Evaluating each parcel only in isolation risks understating combined impacts on Cedar Creek, groundwater, drainage, traffic, and community infrastructure. At annexation, the Council should consider whether the territory is being incorporated within a sufficiently coordinated corridor-level land-use and infrastructure framework.

b. Cedar Creek dams

The aging dams on Cedar Creek are part of the broader watershed context. Changes in stormwater discharge and peak creek flows could have implications for downstream conditions and how structures are managed during significant rainfall events. This report does not assign causation to any single future development; it recommends understanding cumulative watershed effects before major development approvals are granted.

10. Potential mitigation and accountability

For later project approval, the City and developer should establish a clear monitoring and mitigation framework for potential development-related impacts, including chloride, turbidity, sedimentation, nutrients, and other relevant water-quality indicators. The framework should identify baseline conditions, sampling locations, frequency, thresholds for corrective action, responsibility for investigation and remediation, and the duration of follow-up monitoring.

Development agreements and permits should clearly assign responsibility for project-related monitoring, mitigation, infrastructure, and remediation so that avoidable costs are not shifted to existing City taxpayers or utility ratepayers. At annexation, the Council should understand what categories of municipal cost and service obligations may arise and should preserve the ability to allocate those costs appropriately in later approvals.

11. Conclusions and requested action

Cedar Creek is a valuable natural resource with a history of industrial contamination and ongoing restoration. That history supports careful planning before additional runoff, pollutant loading, habitat disturbance, or infrastructure pressure is introduced into the watershed. The attached analysis identifies issues that warrant professional review and transparent allocation of responsibility.

The annexation decision and the Neumann development decision are legally and procedurally distinct. This report does not ask the Common Council to decide the project merits through the annexation ordinance. It asks the Council to make the annexation decision with a complete record of the reasonably foreseeable development context and to avoid implying that unresolved environmental, engineering, zoning, density, utility, or mitigation questions have already been resolved.

- Accept this report into the public record for the annexation matter.
- Identify the City information currently relied upon regarding utility capacity, drainage/flooding, wetlands, groundwater, and municipal service demands for the territory.

- State clearly that annexation does not constitute approval of the Neumann concept, its density, site plan, phasing, PUD, plat, zoning changes, environmental conclusions, or infrastructure plan.
- Require appropriate hydrologic, stormwater, wetland, engineering, traffic, habitat, and other technical review before subsequent approvals where applicable.
- Address cumulative Highway 60 corridor impacts and ensure that development-related monitoring, mitigation, infrastructure, and remediation costs are assigned transparently and appropriately.

LEGAL CONTEXT - LIMITED PURPOSE

Wisconsin annexation decisions are legislative in nature. The Wisconsin Supreme Court has described a “rule of reason” that examines, among other things, whether there is a reasonable present or demonstrable future need for the territory and whether other factors amount to an abuse of discretion. Courts do not substitute their judgment for the legislative policy choice. This report therefore avoids asserting that environmental concerns alone legally compel a particular annexation outcome; instead, it places material facts and unresolved risks before the Council for an informed legislative record. [42-44]

12. Sources

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23. City of Cedarburg. Site and Architectural Review Board Minutes, Nov. 18, 2025. Discussion of Neumann Developments Inc. conceptual site layout for approximately 214 acres / 403 dwelling units at Highway 60 and Highway I/Sheboygan Road.

24. Ozaukee Press. “Commission Expands Port Data Center Work Hours.” Sept. 3, 2025.

25. TMJ4 News. “West Bend Farmer Worries Sediment from City Construction Project Might Hurt His Business.” 2026.

26. Google Maps. Highway 60 and Sheboygan Road, Cedarburg, Wisconsin.

27. Milwaukee Business Journal. “Apartment Developer Buys Shuttered Bowling Alley in Cedarburg.” June 30, 2026.

28. City of Cedarburg Common Council Minutes, May 11, 2020, discussion/approval of petition to extend City sewer system to limited Town parcels including Circle B Recreation.

29. City of Cedarburg Plan Commission/Common Council. Land Use Review and Discussion, March 11, 2024, Agenda Item 6.A.

30. City of Cedarburg. 2025 Smart Growth Comprehensive Land Use Plan Update - Special Growth Area materials, including sanitary sewer and significant water-main extension needs along Highway 60 / Sheboygan Road.

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39. Wisconsin Department of Natural Resources. "Wetland Functional Values." Accessed Sept. 10, 2026.

40. U.S. Environmental Protection Agency. "Why Are Wetlands Important?" Updated July 2, 2026.

41. City of Cedarburg Plan Commission Minutes / packet, June 3, 2024. Record states that a substantial majority of the Neumann site was then in the Town, the applicant proposed annexation of land within the City's planned ultimate boundary, and the Comprehensive Plan for the area called for a neighborhood land-use plan that can be adequately served by public utilities prior to annexation.

42. Wis. Stat. § 66.0217 (Annexation initiated by electors and property owners).

43. Town of Pleasant Prairie v. City of Kenosha, 75 Wis. 2d 322, 249 N.W.2d 581 (1977) (rule of reason; legislative nature and presumption of validity of annexation ordinances).

44. Town of Campbell v. City of La Crosse, 2003 WI App 247, 268 Wis. 2d 253, 673 N.W.2d 696 (rule of reason; need factor in direct annexation context).

13. Appendix 1 - Observed Cedar Creek flooding, August 12, 2025

Cedar Creek overflowing into the Cedar Creek Playground area on August 12, 2025.

Observed Cedar Creek flooding on August 12, 2025.