Janesville Area Water Quality
Metropolitan Planning Organization Policy Board

May 22, 2017
5:00 P.M.
Room 416 – Fourth Floor
Janesville Municipal Building
18 North Jackson Street

1. Call to Order
2. Roll Call
3. Review and approval of the minutes from the September 26, 2011, Janesville 208 MPO Policy Board Meeting.
4. Election of Policy Board Chairperson for the Janesville Area Water Quality Management Plan (208 Plan) plan amendment.
5. Review and approval of a proposed text amendment to the Janesville Area Water Quality Management Plan (208 Plan).
6. Other items for discussion or action
7. Adjourn

If you are unable to attend the meeting or have any comments or questions prior to the meeting, please contact the Planning Services Division at (608) 755-3085.

Janesville Metropolitan Planning Organization
Planning Department
18 North Jackson Street
Janesville, WI 53545

MEETING NOTES

Janesville MPO Policy Board Meeting
Room 201 Municipal Building
Tuesday, 26 September 2011, 6:30 p.m.

I. Roll Call

MEMBERS PRESENT: George Brunner, Tom McDonald, Sam Liebert, Russ Steeber, Deb Dongarra-Adams, Allan Arndt, Rich Cannon

MEMBERS ABSENT: Yuri Rashkin, Kathy Voskuil, John Bergman, Edward Marshall, Mark Gunn

OTHERS PRESENT: Brad Schmidt, Duane Cherek, Dan Lynch

II. Election of Chair and Vice-Chair

1. There was a motion by Tom McDonald and second by Russ Steeber to elect Deb Dongarra-Adams as the MPO Policy Board Chair. Motion passes on a 7-0 vote.

   There was a motion by George Brunner and a second by Russ Steeber to elect Sam Liebert as the MPO Policy Board Vice-Chair. Motion passes on a 7-0 vote.

III. New Business

1. Proposed 208 (Sewer Service Area) Plan Amendment

   Duane Cherek introduced the proposed amendment to the *Janesville Area Point Source Water Quality Management Plan* (208 Plan) and made a verbal presentation concerning the proposed amendment.

   George Brunner asked how the boundary can be expanded. Duane explained that there are two ways to amend the 208 Plan boundaries. First, update the population projections. Next, remove land that is not developable or is not expected to be developed in the near future and add new land. There was a motion by George Brunner with a second by Russ Steeber to approve the amendment to the *Janesville Area Point Source Water Quality Management Plan*. The motion carried on a 7-0-0 vote.

IV. Planning Director's Report

There were no items to report.

V. Matters not on the agenda

There were no further items discussed.

VI. Adjournment

The MPO Policy Board meeting of September 26, 2011 was adjourned at 6:50 p.m.

Respectfully submitted,
Brad Schmidt, AICP, Associate Planner

Planning Services Division Memorandum

Date: May 22, 2017

TO: **Janesville Area Water Quality Metropolitan Planning Organization Policy Board.**

FROM: **Duane Cherek, Planning Services Manager**

SUBJECT: **Election of Policy Board Chairperson for the <u>Janesville Area Water Quality Management Plan (208 Plan)</u> plan amendment.**

Since the last Janesville Area 208 amendment was processed in 2011, the term for the committee's Chair has expired. Therefore, it would be appropriate for the members to nominate a candidate or candidates for Chairperson. After nomination, the Policy Board should by majority vote select its chairperson for the 2017-2018 term which would be effective for the May 22 meeting.

It would also be appropriate to take nominations for vice-chairperson. A motion and majority vote to elect a vice-chairperson would also be needed.

CITY OF JANESVILLE
Planning Services Division
18 North Jackson Street
Janesville, WI

MEMO TO: **Janesville Area Water Quality MPO Policy Board**

FROM: **Duane Cherek, Planning Services Manager**

DATE: **May 22, 2017**

SUBJECT: **Public Hearing, Recommendation to the WDNR on an Amendment to the *Janesville Area Point Source Water Quality Management Plan (Resolution No. 2017-1).***

I. RECOMMENDATION

MPO Staff, the Water Quality Management Technical Committee and the Rock County Planning and Development Committee recommend that, after holding a public hearing, the MPO Policy Board approve an amendment to Chapter 6 (Implementation) of the *Janesville Area Point Source Water Quality Management Plan* and then forward the proposed amendment to the Wisconsin Department of Natural Resources with a favorable recommendation.

II. BACKGROUND

The *Janesville Area Point Source Water Quality Management Plan* was approved by the Wisconsin DNR in 1999. The plan was established through a cooperative effort between the Janesville Planning Department, Rock County Planning & Development Agency and surrounding Town Boards. It defines a sewer service area boundary that reflects the City's future growth projections, commonly referred to as the "Urban Service Limits." The Plan serves as the official water quality management plan for the City of Janesville and its four surrounding Towns – Harmony, Janesville, Rock and La Prairie. The purpose for the Plan is to minimize ground and surface water pollution through effective, appropriate, efficient and economical use of wastewater treatment systems. The DNR will only approve municipal sewer extensions that serve lands within the adopted sewer service area.

III. REQUEST

The affected jurisdictions are interested in amending Chapter 6 (Implementation) of the *Janesville Area 208 Water Quality Management Plan* to establish new procedures for determining when private onsite septic systems can be installed or replaced (due to failure) on property located outside the City limits but within the designated Sewer Service Area (SSA). The existing Plan does not specifically

define “availability” of sanitary sewer or set forth criteria for determining where connections to the municipal system are required. The lack of established criteria has resulted in property owner appeals to the Rock County Health Department for denial of sanitary permits and reduced effectiveness of the Plan’s implementation measures under the current policy structure.

As a result, members of the Janesville Water Quality Management Technical Advisory Committee have prepared and unanimously recommended a Plan Amendment that aims to create a process for issuance of Private Onsite Wastewater Treatment System (POWTS) permits within the Janesville SSA. The policy language is attached as Exhibit A and is modeled after the recent update the *Beloit Area Water Quality Plan* approved by Rock County and the Wisconsin DNR. The Plan Amendment would add a section entitled **“Private Onsite Wastewater Treatment Systems (POWTS) with the SSA”** to Chapter 6 (Implementation) of the existing document.

According to the amendment proposal, specific criteria would be utilized to determine the availability of municipal sanitary sewer and issuance of sanitary permits by Rock County. Residential properties up to 1.5 acres in size shall connect to municipal sanitary sewer if the sewer line is located within 400 feet or less of a single or two-family residential property. A connection is required for residential properties up to 2 acres in size if sanitary sewer immediately abuts the property. Multi-family, commercial and industrial property would connect to municipal sewer in cases where the sewer line is within 1000 feet of the property. In both instances, the municipality needs to complete the connection within a 6-month timeframe.

IV. PLAN AMENDMENT APPROVAL PROCESS

The *Janesville Area Point Source Water Quality Management Plan* sets up a Water Quality Management Technical Committee to make recommendations on urban service plans and amendments, and identifies a Metropolitan Planning Organization (MPO) to act as the Policy Board with approval authority for urban service planning in the area. The Technical Committee forwards its recommendation to the Rock County Planning and Development Committee. After review by the Rock County Planning and Development Committee and a public hearing, a recommendation is forwarded to the MPO Policy Board. The MPO Policy Board then reviews the proposed amendment, holds a public hearing, and acts on the amendment.

The Technical Advisory Committee met on 3 separate occasions between the months of January and March to discuss and evaluate the policy proposal. On March 24, 2017, the Technical Advisory Committee unanimously approved the plan amendment as described on Exhibit A. On April 13, 2017, the Rock County Planning & Development Committee unanimously approved the amendment proposal. Following the scheduled public hearing on this item, MPO Staff recommends that the MPO Policy Board approve the Plan Amendment and forward a recommendation to the Wisconsin DNR for final incorporation into the existing document.

RESOLUTION 2017-1

A Resolution Recommending the Adoption of an Amendment to Implementation Section (Chapter 6) of the *Janesville Area Point Source Water Quality Management Plan*

WHEREAS, Federal and State Laws require the development and adoption of an Area-Wide Water Quality Management Plan (hereinafter "Plan"); and

WHEREAS, the Wisconsin Department of Natural Resources (DNR) has the responsibility and authority to develop, adopt, and amend a Plan for the Greater Janesville Area; and

WHEREAS, the Janesville Metropolitan Planning Organization (MPO) has agreed to serve as the local Policy Advisory Committee to the DNR to develop and from time-to-time update and amend a Plan and act in an advisory role to DNR in matters concerning the implementation of a Plan; and

WHEREAS, the *Janesville Area Water Quality Management Plan* (hereinafter "*JAWQMP*") was prepared by the Rock County Planning and Development Agency, reviewed by the MPO, adopted by DNR in 1999, and most recently amended in 2011; and

WHEREAS, the Janesville Area Water Quality Technical Advisory Committee and Rock County Planning and Development Committee, after holding a public hearing on April 13, 2017, approved a Plan Amendment as provided in Exhibit A, to address installation and replacement of Private Onsite Wastewater Treatment Systems (POWTS) within the designated *JAWQMP* Sewer Service Area; and

NOW THEREFORE BE IT RESOLVED, that the MPO hereby recommends that the DNR adopt the proposed Text Amendment to Chapter 6 (Implementation) of the *Janesville Area Point Source Water Quality Management Plan*.

BE IT FURTHER RESOLVED that the proposed Text Amendment as provided in Exhibit A is adopted as an integral part of the *Janesville Area Point Source Water Quality Management Plan*.

ADOPTED: _____

APPROVED: _____
Chairman, MPO Policy Board

ATTEST: _____
Planning Director

Exhibit A
(Proposed Addendum to Chapter 6: Implementation)
Private Onsite Wastewater Treatment Systems (POWTS) within the SSA
Janesville Area 208 Water Quality Plan
Sewer Service Area Policy

Private Onsite Wastewater Treatment Systems (POWTS) within the SSA
When properly operating, a POWTS safely treats wastewater by storing sludge and solids in a treatment tank and discharging wastewater to a dispersal component. A POWTS may be installed for new structures as well as a replacement system for an existing structure.

A failing system is identified as:

- Discharging sewage to surface water, groundwater, drain tiles, bedrock or zones of seasonally saturated soils.
- Discharging sewage to the surface of the ground.
- Causing the backup of sewage into the structure served.

If a POWTS failure occurs at an existing structure or if a sanitary permit application for a new structure is requested within the SSA, the property will be required to connect to a Wastewater Treatment Facility (WWTF) if the property meets one of the following criteria:

1. If sanitary sewer immediately abuts the lot or parcel of land and said lot or parcel is 2.0 acres or less in size.

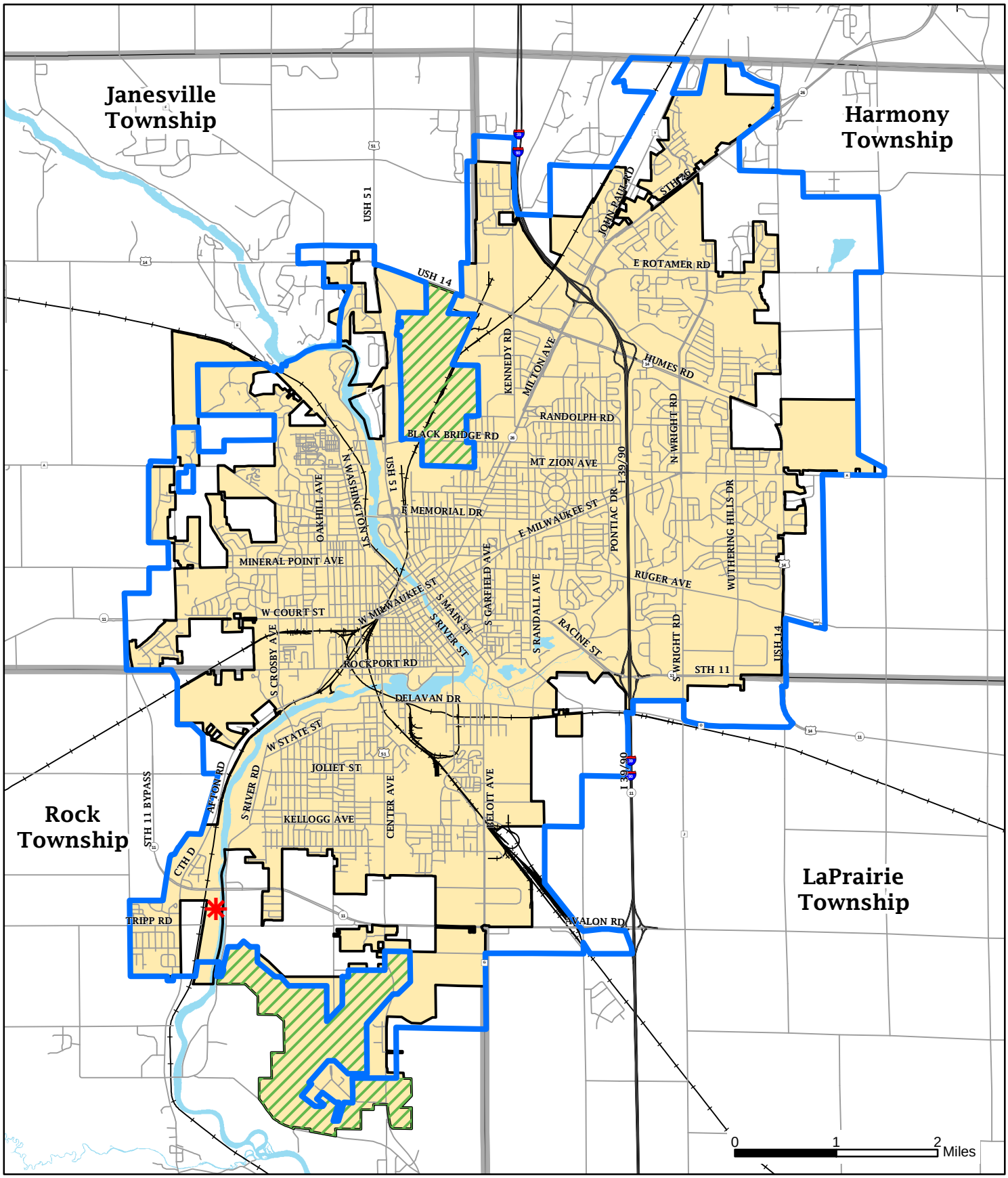
2. The property is located within reasonable distance to a public sewer.
    a. A reasonable distance for the purposes of this section shall be 400 feet or less in the case of single or two-family residential properties that are 1.5 acres or less in size and 1,000 feet or less in the case of multi-family residential (housing with three or more units) and nonresidential properties.

    b. The public sewer will follow a dedicated road Right-of-Way or established sanitary sewer easement.

    c. The sewer infrastructure will be available for connection within a reasonable time period.
        i. Reasonable time period for the purposes of this section shall be considered within six months of the initial availability inquiry.
        ii. The six month time period may be extended if reasonable extenuating circumstances will delay the availability.
        iii. Additional time may be allowed if acquisition of Right-of-Way and or an easement is needed.

If the property does not meet either of the two criteria, a letter from the SSA District plant operating municipality will need to be provided within 30 days of request to the Rock County Public Health Department stating that the property may be issued a Sanitary Permit.

Janesville Sewer Service Area Boundary



Technical Advisory Committee Approved & Recommended
Janesville Area 208 Water Quality Plan
Sewer Service Area Policy

Private Onsite Wastewater Treatment Systems (POWTS) within the SSA
When properly operating, a POWTS safely treats wastewater by storing sludge and solids in a treatment tank and discharging wastewater to a dispersal component. A POWTS may be installed for new structures as well as a replacement system for an existing structure.

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If the property does not meet either of the two criteria, a letter from the SSA District plant operating municipality will need to be provided within 30 days of request to the Rock County Public Health Department stating that the property may be issued a Sanitary Permit.

March 29, 2017

LEGAL NOTICE

Notice is hereby given that the Rock County Planning & Development Committee will hold a Public Hearing for an Amendment to the Janesville Area Point Source Water Quality Management Plan. The Planning & Development Committee will review and make a recommendation to the Rock County Board for adoption as an Element of the Rock County Comprehensive Plan.

The Public Hearing will take place in the Courthouse Conference Center, second floor, east wing of the Rock County Courthouse, 51 S. Main Street, Janesville, WI at 8:00 AM on Thursday, April 13, 2017.

Please contact the Rock County Planning & Development Agency with any questions at 608-757-5587.

Colin Byrnes
Director of Planning, Economic & Community Development

LG2017005 Janesville Are Point Source Water Quality Management Plan

www.co.rock.wi.us

PLANNING & DEVELOPMENT COMMITTEE MEETING
THURSDAY, APRIL 13, 2017 – 8:00 A.M.
COURTHOUSE CONFERENCE CENTER - (2nd FL – EAST WING)
ROCK COUNTY COURT HOUSE
JANESVILLE, WI

AGENDA

1. Call to Order

2. Adoption of Agenda

3. **Action Item:** Approval of Minutes of the Planning & Development Meeting held Thursday February 23, 2017

4. Citizen Participation, Communications and Announcements

5. Code Administration & Enforcement

   A. **Action Item:** Public Hearing – Amending the Janesville Area Point Source Water Quality Management Plan

   B. **Action Item:** Review and Approval of Amendment to the Janesville Area Point Source Water Quality Management Plan

   C. **Action Item:** Appeal of Denial to Issue a Building Site Permit under a Memorandum of Agreement with the Town of Fulton – Adam Hebb

   D. **Action Item:** Request for Refund of Board of Adjustment Application Fee – John & Jennifer Bailey

   E. **Action Item:** Review and Preliminary Approval, Preliminary Approval with Conditions or Denial of Land Divisions:

      - 2017 007 (Beloit Township) – Town of Beloit
      - 2017 008 (Fulton Township) – Farrington
      - 2017 009 (Porter Township) – RPF Trust

6. Finance

   A. Information Item: Committee Review of Payments

B. Information Item: Committee Review of 2016 4th Quarter Budget-to-Actual Report

C. **Action Item:** Transfers

7. Community Development

A. Action Item – Appeal of Denial of a Subordination Request – Joshua Byrne

B. Action Item - Change Order: Loan ID 020204D1 = +1,195

C. Action Item - Change Order: Loan ID 020196D1 = +2,800

D. Information Item - Change Order: Loan ID 020206D1 = +870

8. Committee Reports

9. Directors Report

A. City of Janesville Landfill Expansion

B. Affirmatively Furthering Fair Housing Plan

C. Semi-Annual Report – Attendance at Convention/Conferences exceeding a cost of $1,000 per event, per employee.

D. Administrative Quarterly Report

10. Adjournment

Future Meetings/Work Sessions

April 27, 2017 (8:00 am)
May 11, 2017 (8:00 am)
May 25, 2017 (8:00 am)
June 8, 2017 (8:00 am)
June 22, 2017 (8:00 am)

MINUTES
ROCK COUNTY PLANNING & DEVELOPMENT COMMITTEE
THURSDAY APRIL 13, 2017 - 8:00 A.M.
COURTHOUSE CONFERENCE ROOM
SECOND FLOOR
ROCK COUNTY COURTHOUSE
JANESVILLE, WI

1. CALL TO ORDER

The meeting of the Rock County Planning & Development Committee was called to order at 8:00 a.m. on Thursday, April 13, 2017 at the Rock County Courthouse. Chair Alan Sweeney presided. Supervisors present: Alan Sweeney, Wes Davis. Mary Mawhinney. Supervisors Gustina and Heidenreich were excused. QUORUM PRESENT.

Rock County Staff Present: Colin Byrnes (Planning & Development Director), Kurt Wheeler (Planner III/Acting Secretary) and Cheryl Martin (Planning Services Coordinator),

Others present: County Administrator Josh Smith, Ryan Combs (Combs & Assoc.), Lisa Messer, Jeff Messer, Adam Hebb, Adam Hebb Jr, and David Moore.

2. ADOPTION OF AGENDA

Adoption of Amended Agenda with Action Item 5C delayed and moved pending the arrival of the applicant.
Moved by Supervisor Mawhinney, **Seconded** by Supervisor Sweeney. ADOPTED (3-0)

3. MEETING MINUTES – FEBRYARY 9, 2017

Motion made by Supervisor Mawhinney to approve (with changes) and accept corrected February 23, 2017 meeting minutes. **Seconded** by Supervisor Davis. APPROVED (3-0)

4. CITIZEN PARTICIPATION, COMMUNICATIONS AND ANNOUNCEMENTS

None

5. CODE ADMINISTRATION AND ENFORCEMENT

A. **Action Item:** Public Hearing – Amending the Janesville Area Point Source Water Quality Management Plan

Moved by Supervisor Mawhinney, to go into Public Hearing at 8:04 am **Seconded** by Supervisor Davis.

Mr. Byrnes explained the process and status of the Janesville Area Point Source Water Quality Management Plan Amendment. Discussion followed. There were no public comments.

Motion made by Supervisor Mawhinney to go out of Public Hearing, **Seconded** by Supervisor Davis. Time 8:11 am.

B. **Action Item:** Review and Approval of Amendment to the Janesville Area Point Source Water Quality Management Plan.

Supervisor Mawhinney **Moved** to approve the Amendment, **Seconded** by Supervisor Davis. APPROVED (3-0)

C. **Action Item:** Appeal of Denial to Issue a Building Site Permit under a Memorandum of Agreement with the Town of Fulton – Adam Hebb

Mr. Byrnes explained the situation regarding the proposed lot along with the history surrounding the designations of Public Park and Out Lot. Mr. Hebb gave an overview of the proposed development of the lot to the Committee. Discussion followed.

Dave Moore, attorney for the neighbors cited ordinance language that supported the denial of the appeal.

Motion by Supervisor Mawhinney to deny the appeal and follow Staff Recommendations of either applying to Rock County Board of Adjustment or submitting the lot as a Land Division for review, which will create conditions of approval as well as allow the Town of Fulton to formally accept or deny at the Town and County level. Packet pages 9-10 referenced as Staff Recommendations. **Seconded** by Supervisor Sweeney. Appeal DENIED (3-0)

D. **Action Item:** Request for Refund of Board of Adjustment Application Fee – John & Jennifer Bailey

Mr. Byrnes explained the case history and cited Page 12 of the agenda packet. Discussion followed.

Supervisor Mawhinney made a **Motion** to deny the refund. Discussion followed. **Seconded** by Supervisor Davis. Request for refund DENIED (3-0)

E. **Action Item:** Review and Preliminary Approval, Preliminary Approval with Conditions or Denial of Land Divisions:

- **2017 007 (Beloit Township) – Town of Beloit**

Motion to approve with conditions made by Supervisor Mawhinney, **Seconded** by Supervisor Davis. Approved (3-0)