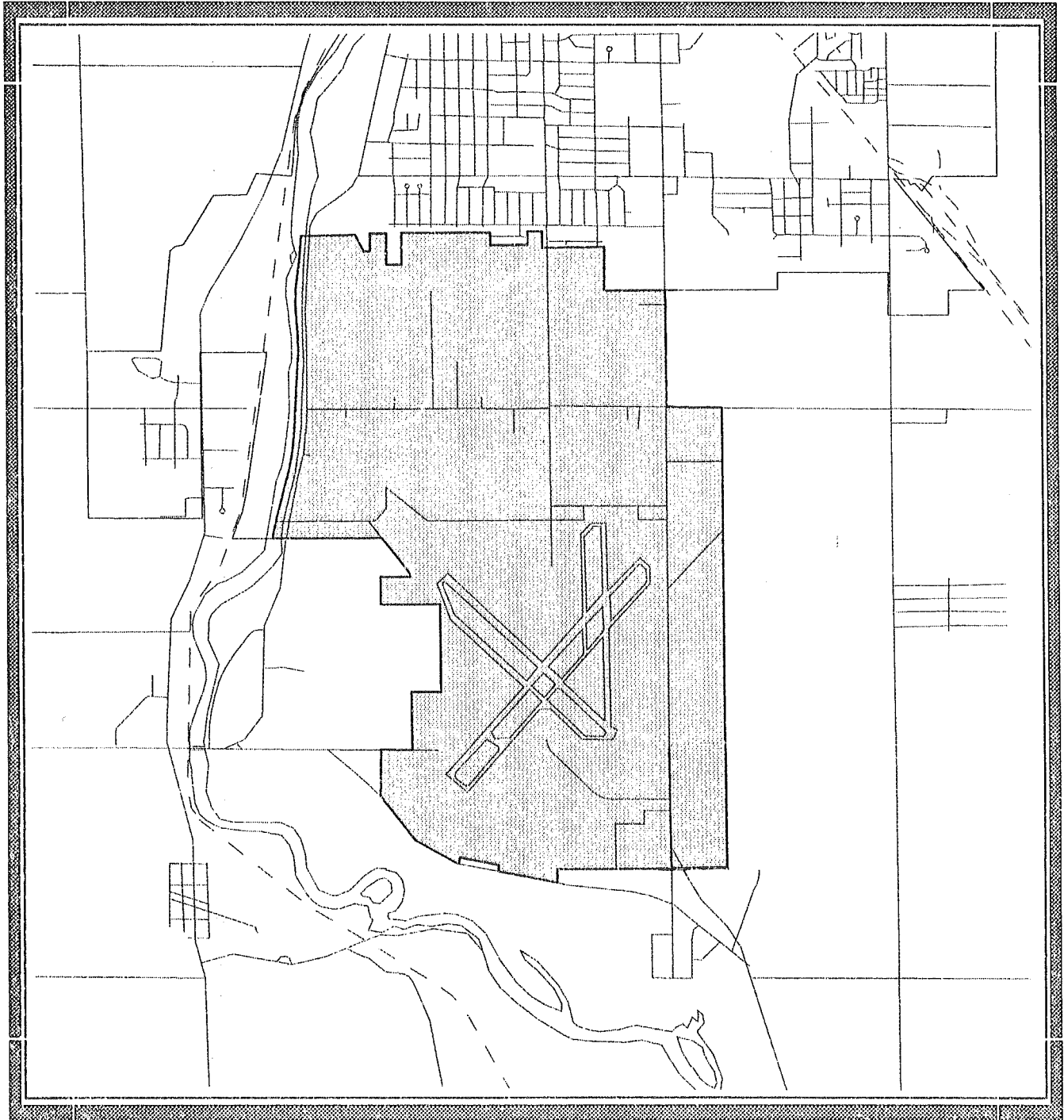


# CITY OF JANESVILLE/TOWN OF ROCK COOPERATIVE BOUNDARY PLAN



Prepared By: City of Janesville  
Town of Rock

Date of Submittal: December 22, 1995

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**CITY OF JANESVILLE/TOWN OF ROCK  
COOPERATIVE BOUNDARY PLAN**

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[NOTE: Attachments cited throughout this plan are not included, but are available upon request from the City Planning Department.]

## I. EXECUTIVE SUMMARY

### Purpose

State-authorized Cooperative Boundary Plans provide alternatives to existing methods of annexation where adjacent municipalities can agree up-front on boundary changes over the following 10 or more years.

The *City of Janesville/Town of Rock Cooperative Boundary Plan* implements the land use/annexation component of the "STH 11 Bypass Agreement" between the City and Town. It guides boundary changes and development in a designated "plan area." That plan area is located south of Janesville within the Town of Rock (see Map 2).

The goal of the *Plan* is to facilitate orderly, efficient development within the plan area through the phased provision of City sewer and water services and related boundary changes over the next 20 years. The *Plan's* goal will be accomplished by:

- Supplying City sewer and water service to property owners within the plan area requesting such service,
- Requiring property owners who have received such service to attach their properties to the City either immediately or in the future,
- Minimizing the attachment to the City of properties for which the owners have not consented to attachment,
- Encouraging boundary changes to occur in an orderly manner, and
- Providing financial reimbursement from the City to the Town for lost revenues resulting from the attachment of properties to the City.

### Existing Conditions

The 2,670 acre plan area is sized appropriately to accommodate urban development projected over the next 20 years. It is characterized by flat to rolling agricultural lands. The most notable natural features include floodplain next to the Rock River and natural drainageways.

The plan area is home to over 520 people. Existing development includes the Rock County Airport, single family residences including those within the Jacobs Mobile Home Park, commercial development along USH 51, and limited industrial development.

The Town, City, Rock County, and Janesville School District currently provide various services to the plan area. In 1994, Janesville's sewer service area was expanded to include nearly the entire plan area. A small portion of the plan area is also within the Beloit Township sewer service area. The City may extend sanitary sewer lines within its sewer service area. The City has extended sanitary sewer and water service to the Rock County Airport at the request of the County. The City is positioned to provide such service to other properties in the plan area that require it.

## Boundary Changes

The heart of this *Plan* describes the timeframes, conditions, and scenarios under which municipal boundary changes may occur within the plan area. Generally, these boundary changes will be attachments of Town lands to the City. However, the *Plan* discourages "forced" attachments and those which do not reflect orderly development.

The following is a general outline of boundary changes provided for in the *Plan*:

- **Rock County Airport:** The Airport shall be attached to the City on June 30, 2007.
- **Jacobs Mobile Home Park:** The Jacobs Mobile Home Park may be attached to the City on or after June 30, 2003 if the owner requests and is supplied with City sewer and/or water service.
- **Other Developed Properties:** If the property owner requests and is supplied with City sewer or water service, a residentially developed property may be attached as soon as 10 years later. A non-residential property supplied with sewer or water service may be attached as soon as possible. The potential for attachment of developed properties *not* supplied with sewer or water service is much more limited.
- **Undeveloped Properties:** If the property owner requests and is supplied with City sewer or water service, an undeveloped property may be attached as soon as possible. An undeveloped property contiguous to the City limits must be attached before such service will be provided. The potential for attachment of undeveloped properties *not* supplied with sewer or water service is much more limited.

## Development Plan

The City will provide sanitary sewer and water service to houses and businesses in the plan area in advance of attachment of such properties to the City. Sanitary sewer interceptors will be extended in four phases (see Map 7). The first phase--the Airport Interceptor--already has been constructed. The remaining three phases could be constructed before the year 2000. The availability of City sewer and water service will encourage development in the plan area. This development, in turn, will increase demand for other municipal services. Most services will be provided by the City upon attachment of properties to the City.

The transportation network of arterial streets is largely in place. The exception is the STH 11 South Bypass, scheduled for construction in 2000 and 2001. Neighborhood plans will be developed to guide local street alignments and neighborhood configurations.

The development plan for the plan area is included as Map 8. That plan identifies the Airport and lands adjacent to the Airport as appropriate for aviation-related and industrial development. Commercial development will be concentrated along USH 51 (Center Avenue) north of the Airport. The remainder of the plan area is identified as appropriate for residential development.

## Implementation

Much of the plan area will ultimately be attached to the City. However, public improvements (e.g. utilities, streets) and land development will occur in some areas before lands are attached. Such improvements and development should be consistent with City standards. The following standards are proposed for development occurring before attachment:

- All subdivisions and rezonings should conform with the *Plan's* recommendations.
- If City sewer and water services are available to an area, new development should be connected to such services. Unsewered development will be discouraged.
- Individuals wishing to subdivide land in the plan area must agree to attach their properties to the City as soon as possible. Consistent with current City policy, the City may approve unsewered *certified surveys* in the plan area if City utilities are not available and the physical layout of the survey facilitates future connection to City utilities. The City believes that all *subdivision plats* within the plan area should develop on City sewer and water services.
- New buildings, except for single and two family houses, will be subject to City development standards and site plan review before sewer or water service is supplied.
- New streets, sanitary sewer and water lines, and storm sewers will be constructed by the City to City standards. Subdividers must agree to City construction of public improvements before City sewer and water service will be supplied. The Town will levy assessments for such improvements, with the City bearing the administrative costs. All monies collected from assessments will then be forwarded to the City.
- Parkland and greenbelts identified on neighborhood plans should be dedicated to the public as land develops and maintained by the City after dedication.

Attachments of properties to the City under this *Plan* will proceed as described in Section VII. Traditional annexation processes will no longer apply to properties within the plan area. The City shall reimburse the Town for lost revenues resulting from attachment of properties from the Town. Once a property is attached, the City will transfer to the Town payments equal to the property taxes and population based state shared revenues that the Town would have collected over the subsequent five years.

## Impact

Implementation of this *Cooperative Boundary Plan* will further the orderly, sequential growth of the plan area on City sewer and water services. The plan area is adjacent to existing urban development in Janesville and, in most instances, can be readily provided with City services. Furthermore, development within the plan area will be compatible with, and will have no negative impacts on, the surrounding community.

Some agricultural lands will be lost with development of the plan area. However, the overall environmental impact of urban development should be positive. Failing septic systems and

wells will be replaced by City sewer and water. Natural drainageways and floodplains will be preserved as greenbelts. Implementation of the *Cooperative Boundary Plan* is the best alternative for the development of the plan area.



## II. INTRODUCTION AND PURPOSE

### Statutory Authority

The *City of Janesville/Town of Rock Cooperative Boundary Plan* was prepared under the authority of §66.023, Wisconsin Statutes. §66.023 entitles municipalities party to a Cooperative Boundary Plan to set boundary lines between themselves.

### Purpose

The Cooperative Boundary Plan legislation provides an alternative to existing methods of annexation in cases where adjacent municipalities--cities and towns--can agree up-front on boundary changes over the following 10 or more years ("plan term"). Boundary changes would take place within a specified "plan area" upon the occurrence of specified dates, actions, or events. Only boundary changes provided for in the Plan may occur within the plan area. Once a Cooperative Boundary Plan is approved, traditional annexation methods and processes under §66.021, Wisconsin Statutes cannot be used within the plan area.

§66.023(3)(b), Wis. Stats., states that "[t]he cooperative plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory covered by the plan which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or the general welfare, as well as efficiency and economy in the process of development."

§66.023 also requires that Cooperative Boundary Plans be organized around "options" for future boundary changes. These options, listed below, specify how boundary changes will occur over the plan term:

- a. "Specified boundary changes *shall* occur during the planning period and the date by which such changes shall occur."
- b. "Specified boundary changes *may* occur during the planning period and the dates by which such changes may occur."
- c. "Required or optional boundary changes shall be subject to the occurrence of conditions set forth in the plan."
- d. "Specified boundary lines may not be changed during the planning period."

This *Cooperative Boundary Plan* between the City of Janesville (hereinafter "City") and Town of Rock (hereinafter "Town") is organized around Options a, b and c.

The primary purpose of the *City of Janesville/Town of Rock Cooperative Boundary Plan* is to implement a portion of the "Town of La Prairie, Town of Rock, City of Janesville Agreement on the Proposed Janesville STH 11 Bypass..." That Agreement included a land use/annexation component, which primarily impacted the Town of Rock. The Agreement also specified that the City and Town of Rock "shall seek to work out an annexation agreement under the new State Annexation Law consistent with this agreement." The STH 11 Bypass Agreement is summarized in Section V and included as Attachment A.

## Goal and Objectives

The goal of this *Cooperative Boundary Plan* is to facilitate orderly, efficient development within the plan area through the phased provision of City sewer and water services and related boundary changes. The following *Plan* objectives are directed towards this goal:

- **Objective 1:** Supply municipal sewer and water services to owners of property within the plan area requesting such service, provided that it is technically and financially feasible.
- **Objective 2:** Require property owners who have requested and received City sewer and/or water service to attach their properties to the City either immediately or in the future.
- **Objective 3:** Minimize attachment to the City of properties for which owners have not consented to attachment through a request for City sewer or water service or otherwise.
- **Objective 4:** Encourage boundary changes to occur in an orderly, sequential, no gaps, no leapfrogging manner.
- **Objective 5:** Provide financial reimbursement from the City to the Town for lost property taxes and/or state shared revenues resulting from the attachment of properties to the City.

## Contact Person

Brad Cantrell, Planning Director, City of Janesville Planning Department, has been designated as contact person for this *Plan*. He can be reached at:

Municipal Building  
18 North Jackson Street  
P.O. Box 5005  
Janesville, WI 53547-5005

Phone: (608) 755-3085  
Fax: (608) 755-3196

## Organization of Plan

The remainder of the *Cooperative Boundary Plan* is organized into eight sections, summarized as follows:

- **Authorization and Adoption:** Section III references City Council and Town Board resolutions for *Plan* preparation and adoption.
- **Conditions:** Included in Section IV is a description of the area in which boundary changes may occur ("plan area"). This section also inventories existing natural features, land use, zoning, and community services.

- **Boundary Changes:** Section V outlines the time period over which the *Plan* will be in effect ("plan term"). It also describes the timeframes and circumstances under which boundary changes may occur within the plan term.
- **Development Plan:** Section VI proposes a comprehensive development plan for the plan area--including land use, transportation, utility phasing, and other service delivery components.
- **Implementation:** Section VII (1) describes procedures for initiating boundary changes, (2) recommends controls to assure that development is consistent with the development plan, (3) describes permits and approvals required of development, and (4) provides for financial reimbursement from the City to the Town when properties are attached to the City.
- **Impact:** The potential impacts of *Plan* implementation are analyzed in Section VIII. Impacts on service delivery, development in participating and adjacent municipalities, the environment, and housing needs are considered.
- **Participation:** Section IX provides a record of all public and local, county, and state governmental comments received during development of the *Plan*.
- **Amendments:** Section X outlines procedures for future *Plan* amendments.
- **Attachments:** Section XI includes a list of attachments to the *Plan*. Copies of attachments may be obtained through the contact person identified above.

### III. AUTHORIZATION AND ADOPTION

§66.023, Wis. Stats., requires that municipalities party to a Cooperative Boundary Plan adopt two resolutions. The first authorizes the municipalities to begin the Plan development process. The second approves a completed Plan to be forwarded to DOA.

#### Authorizing Resolutions

The Town Board and City Council approved nearly identical authorizing resolutions on January 3, 1995 and January 9, 1995 respectively. These resolutions are included in Attachment B.

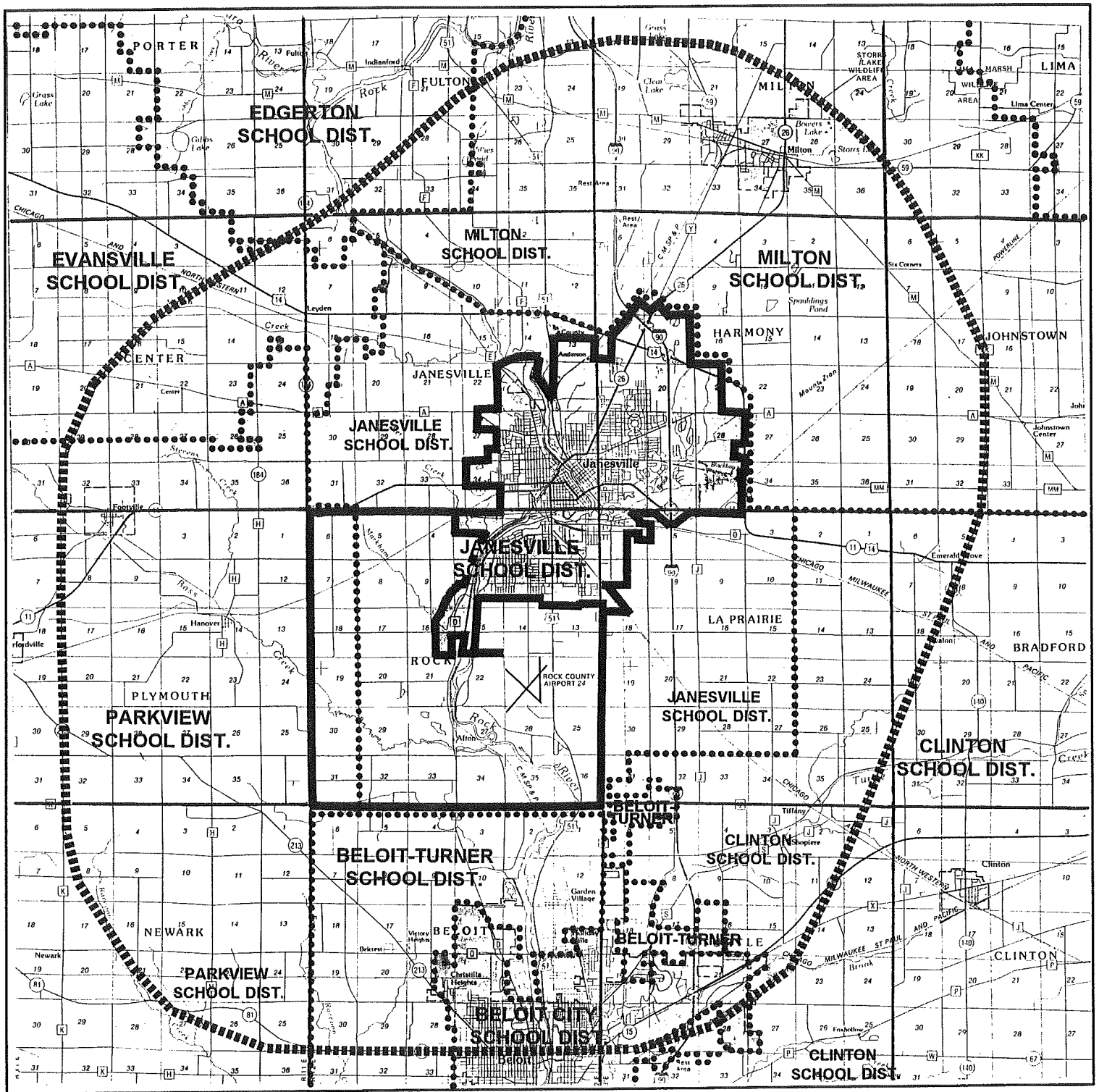
#### Notice Requirements

Attachment B also includes the transmittal memorandums and affidavits that notices of the adoption of authorizing resolutions were mailed within five days to the following agencies:

- State Departments of Natural Resources (DNR), Transportation (DOT), and Administration (DOA).
- Clerks of all municipalities; school districts; and vocational, technical, or adult educational districts within five miles of participating municipalities. Map 1 and Attachment B identify the local jurisdictions that received notice.
- The Rock County Clerk's Office and Planning and Development Agency.

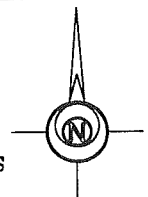
#### Adoption Resolutions

The revised *City of Janesville/Town of Rock Cooperative Boundary Plan* was approved by both the City and Town in separate resolutions on January \_\_, 1996 and January \_\_, 1996 respectively. The resolutions also direct the transmittal of the *Plan* to DOA for review. These resolutions are also included in Attachment B.



*Legend*

- Boundaries of Participating Municipalities
- Five-mile Radius Surrounding Participating Municipalities
- ..... School District Boundaries



Scale: None

MAP 1  
 AREA SURROUNDING PARTICIPATING MUNICIPALITIES

City of Janesville/Town of Rock  
 Cooperative Boundary Plan

#### IV. CONDITIONS

This section describes the geographic extent of the "plan area." The plan area is the territory in which the provisions of this *Cooperative Boundary Plan* will be in effect. This section also describes existing conditions within the plan area.

##### Plan Area

The 2,670 acre (4.17 sq. mi.) plan area is located, sized, and shaped to accommodate orderly urban growth from the City's south side. Within the plan area, only those boundary changes provided and permitted in this *Plan* shall be allowed during the plan term.

The plan area is located within the Town of Rock, except for a small area currently in the City (see Maps 2 and 3). That in-City area is a 35 acre strip immediately east of the Rock River. The plan area is generally bounded by the existing City limits on the north and west sides, a line running along and east of USH 51 on the east side, and the southern boundary of the Rock County Airport property on the south side.

Of the 2,670 acre plan area, approximately 1,435 acres are "available for development." Of the remaining 1,225 acres:

- 275 acres are currently developed,
- 70 acres are in street rights-of-way, and
- 880 acres are undevelopable. Undevelopable areas include (1) the Rock River, (2) floodplains, (3) natural drainageways, and (4) airport runways, runway setbacks, and clear zones at runway ends.

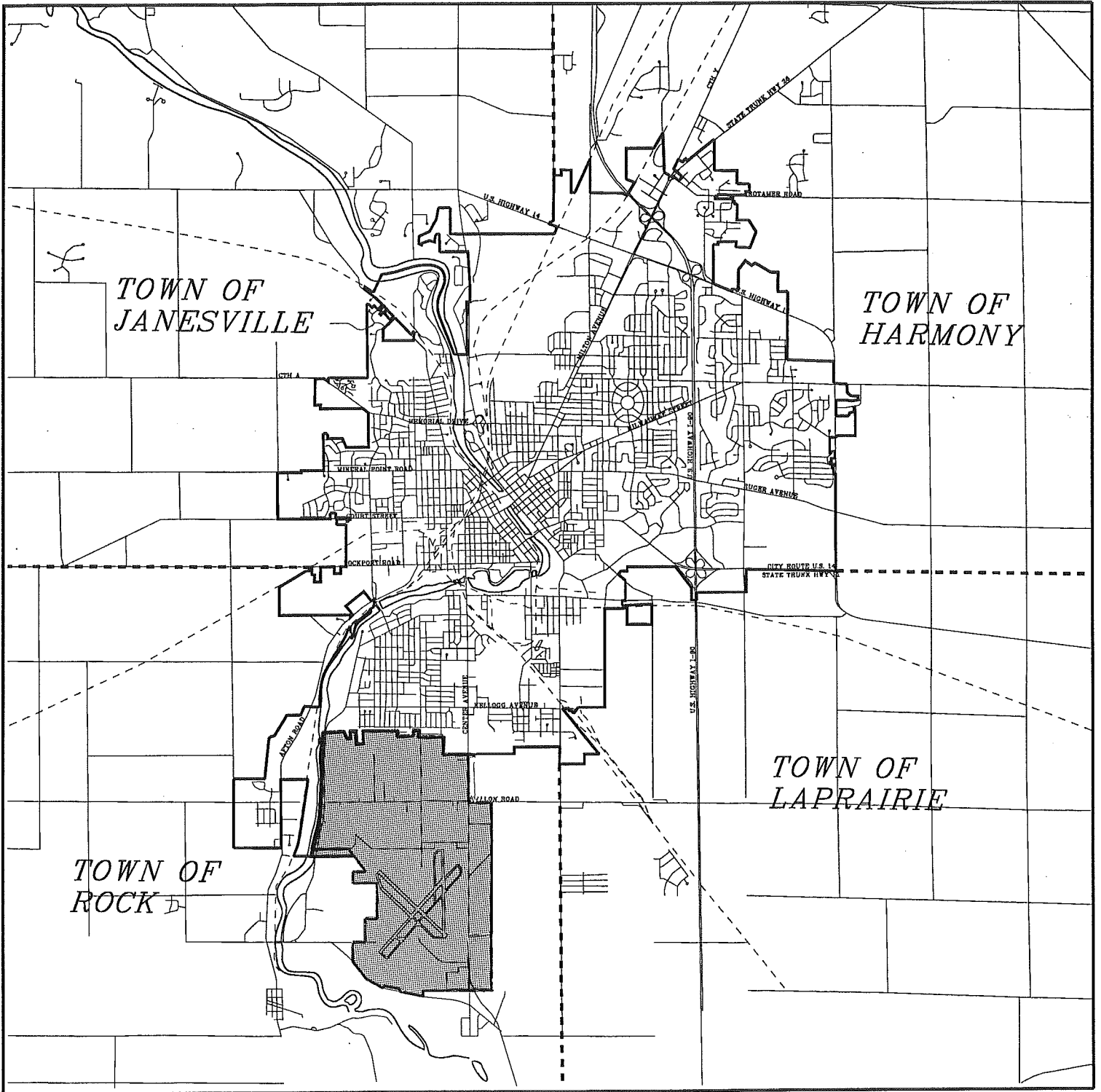
##### Justification for Plan Area Size

The acreage "available for development" must not be in excess of what reasonably can be expected to develop within the 20 year plan term. Given recent development activity and locally-approved land area need projections, undeveloped portions of the plan area reasonably can be expected to develop over the plan term. The technical justification for the size of the plan area is provided in Attachment C.


##### Natural Features

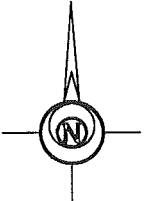
Map 4 describes natural features within the plan area. The area is characterized by flat to rolling agricultural land. The following is an inventory of natural features in the plan area:

- **Wetlands:** The DNR Wisconsin Wetlands Inventory shows no wetlands within the plan area.
- **Floodplain:** A small area east of the Rock River is designated on FEMA maps as floodplain. Lands between the Rock River and South River Road are designated as floodway, while the remaining floodplain to the east is an irregularly shaped strip of flood fringe. A portion of the flood fringe is developed with residences, while the remainder is in agricultural use.



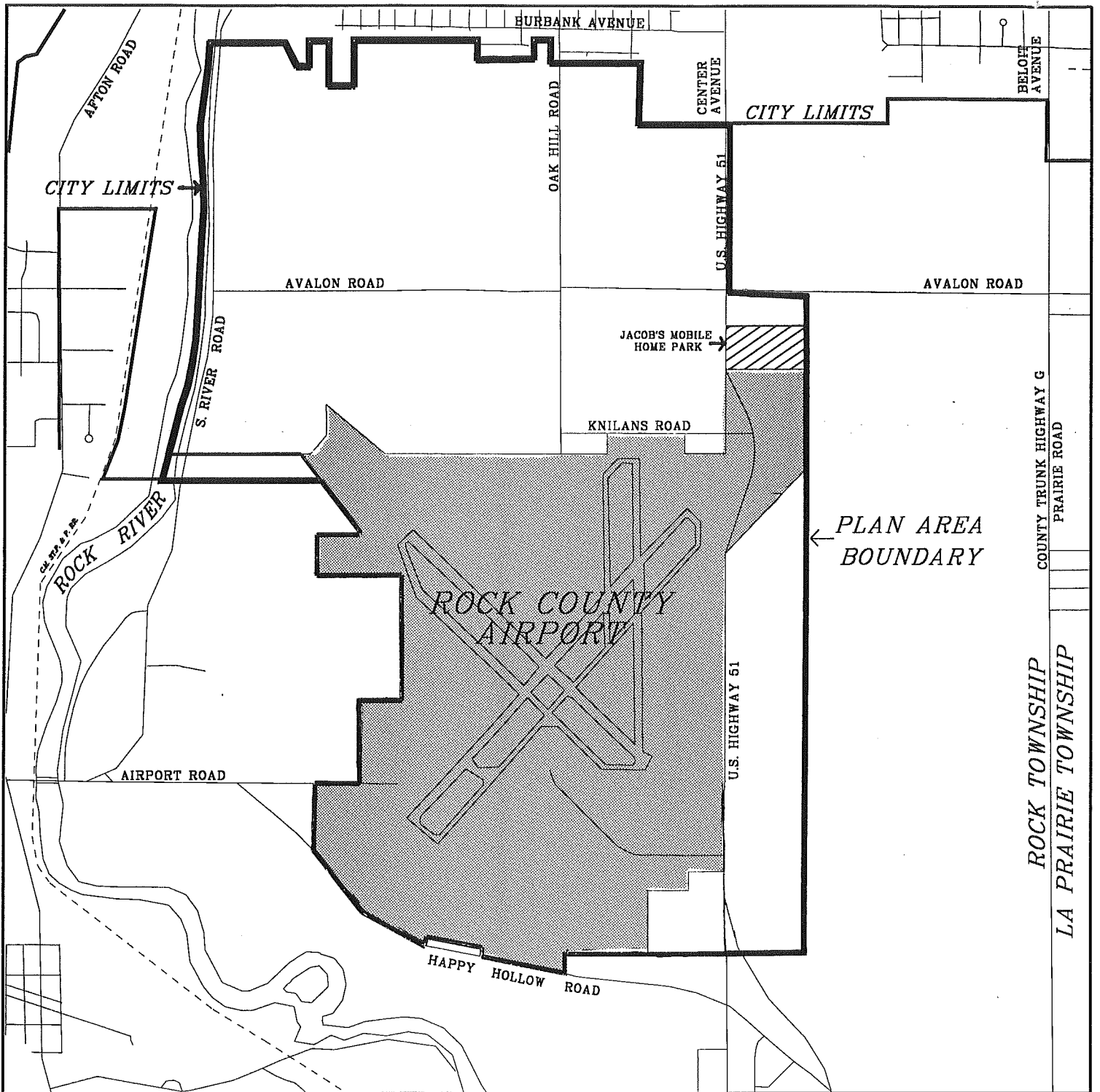
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 PROPOSED COOPERATIVE BOUNDARY PLAN AREA





  
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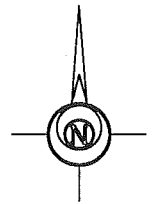
MAP 2  
 COOPERATIVE BOUNDARY PLAN AREA

City of Janesville/Town of Rock  
 Cooperative Boundary Plan



*Legend*

-  Rock County Airport Property
-  City of Janesville Municipal Boundary
-  Plan Area Boundary
-  Jacob's Mobile Home Park



Scale: None

MAP 3  
COOPERATIVE BOUNDARY PLAN AREA

City of Janesville/Town of Rock  
Cooperative Boundary Plan



- **Surface Water:** The only surface water body within the plan area is the Rock River.
- **Natural Drainageways:** The plan area contains several natural drainageways which ultimately discharge into the Rock River. These areas are either undeveloped or in agricultural production.
- **Areas of Steep Slope:** An area running generally north-south approximately 1,200 to 1,500 feet east of the Rock River contains slopes greater than 20 percent. This area is undeveloped and in agricultural production.
- **Soil Types/Prime Agricultural Land:** Soils within the plan area include well-drained Warsaw, Osthemo, Rodman, and Lorenzo series. The plan area includes 20 acres of Class I farmland located north of the planned Prairie Knoll Community Park. The plan area also includes all or part of three farms enrolled in the Farmland Preservation Program, containing a total of 150 acres.
- **Natural and Scientific Areas:** There are no known natural or scientific areas.
- **Historic or Cultural Resources:** According to the Wisconsin State Historical Society, there are three historic camp sites along the east bank of the Rock River.
- **Scenic and Recreational Resources:** The five acre Airport Park is located at the intersection of USH 51 and Knilans Road. The City owns 40 acres on Oakhill Avenue south of the City limits planned for Prairie Knoll Community Park.
- **Threatened or Endangered Species:** According to the DNR Bureau of Endangered Resources, the plan area contains no known endangered, threatened, or special concern plant or animal species (see Attachment D).

### Population

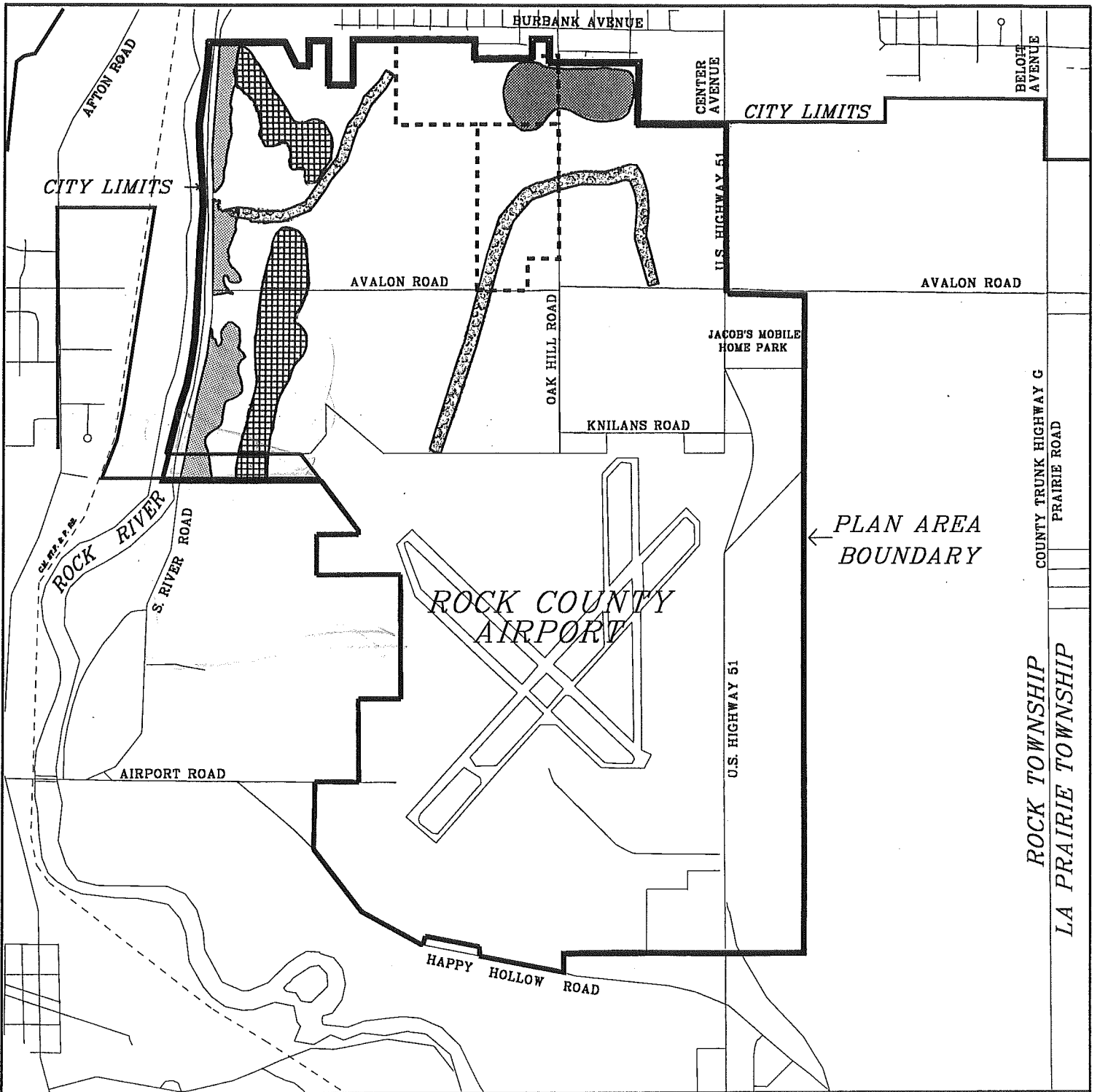
Based on Census block data, approximately 520 persons resided within the plan area in 1990.

### Transportation Network





The transportation network is shown in Map 3 and includes the following roads:

- USH 51/Center Avenue: north-south four lane highway between Janesville and Beloit.
- River Road: north-south minor arterial on west edge of plan area.
- Oakhill Road: north-south minor arterial through center of plan area.
- Avalon Road: east-west rural arterial through center of plan area.

Few land subdivisions in the plan area have required the construction of local streets. Rock County establishes street and drainage standards for new residential subdivisions within unincorporated areas. Curb and gutter is not required, drainage through swales is permitted, the standard local street pavement width is 22 to 24 feet, and developers must construct streets or contract for their construction.



**Legend**

 Floodplain	 Class I Farmland
 Slopes > 20%	----- Properties in Farmland Preservation Program
 Natural Drainageways	

Scale: None

MAP 4  
EXISTING NATURAL FEATURES

City of Janesville/Town of Rock  
Cooperative Boundary Plan

## Land Use

Existing land use within the plan area is displayed in Map 5. As mentioned above, 1,225 acres of the plan area are already developed, in street rights-of-way, or undevelopable. The remaining 1,435 acres are currently in agricultural production or open space. The following is a summary of the developed lands within the plan area:

- **Rock County Airport:** The most prominent feature within the plan area is the 1,154 acre Rock County Airport property, only about 34 acres of which is currently developed. The Rock County Airport is a transport airport, capable of handling large jet aircraft. As of 1992, the Airport contained two runways, a terminal building, a control tower, a management and maintenance building, ten large hangars, small T-hangar units, and fueling facilities. Much of the remaining undeveloped land is restricted from future development because of required runway setbacks and clear zones. The 1992 *Rock County Airport Master Plan* is included as Attachment E.
- **Residential:** Approximately 155 acres within the plan area are developed with residential uses. In 1990, there were approximately 200 housing units within the plan area. Over 90 percent of these units were single family detached, including roughly 50 mobile homes in the 13 acre Jacobs Mobile Home Park (Janesville Mobile Terrace) off USH 51. Roadside residential development is prevalent along River Road, Avalon Road, and Oakhill Avenue.
- **Commercial:** Approximately 38 acres within the plan area are developed with commercial uses--not including uses on Airport property. Commercial uses are concentrated just south of the City at the southern edge of the Center Avenue (USH 51) "strip" and near the intersection of USH 51 and Avalon Road. Some airport-related service uses are located east of USH 51 adjacent to the Airport property.
- **Industrial:** Approximately 27 acres within the plan area are developed with low-intensity industrial, warehouse, and distribution uses--not including uses on Airport property. Most industrial uses are located between Avalon Road, Knilans Road, USH 51, and Oakhill Avenue.
- **Institutional:** Approximately 16 acres are in parks or public uses.

## Zoning

The Town has zoning authority within its boundaries. The Town's zoning map is shown in Map 6. Zoning is generally reflective of current land use.

The area bounded by Oakhill Avenue, Avalon Road, Center Avenue, and the Airport is characterized by mixed zoning. Properties immediately south of the City limits along USH 51 and lands east of USH 51 adjacent to the Airport are zoned for commercial development. Residential lots along River and Avalon Roads are zoned for residential development. Minimal vacant land is zoned residential.

Rock County also has some zoning authority within the Town, generally through overlay districts. Lands along River Road mapped as floodplains are subject to floodway or flood fringe overlay zoning (see Map 4). The Shoreland Overlay District also affects development along the Rock River. Undeveloped lands on the UWC--Rock County campus are zoned Institutional. Airport Park, on the northwest corner of USH 51 and Knilans Road, is zoned Highland Conservancy.

The Rock County Airport is zoned Special Purpose, in which an airport is a conditional use. All lands within three miles of the Airport, including the entire plan area, are affected by the Airport Overlay District. This district and accompanying map regulates building heights within a three mile radius. According to DOT Aeronautics staff, there are no other state or federal restrictions on development adjacent to the Airport.

### Service Areas

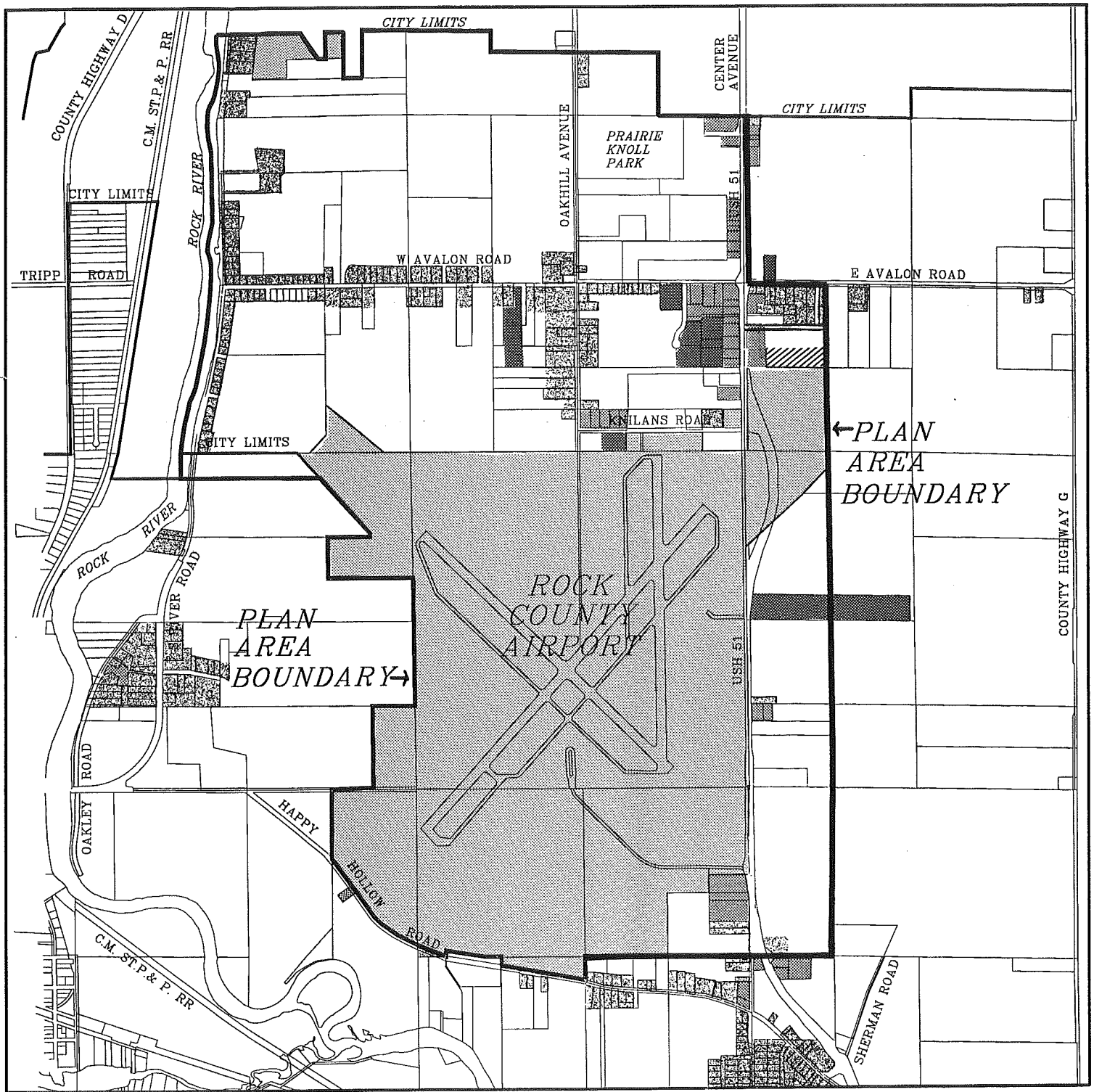
Public services within the plan area are currently provided as follows:

- **Police Service:** The Rock County Sheriff's Department, located north of the City near USH 51, provides police service to the plan area.
- **Fire/Emergency Service:** The City currently provides fire and emergency service to the entire plan area. The nearest fire station (#2) is located approximately two miles north of the plan area along USH 51.
- **Sanitary Sewer/Water Service:** The City operates sanitary sewer and water systems. The City typically has not extended such services outside its corporate limits. Except for the Rock County Airport, all developed lands within the plan area currently utilize private well and septic systems.






Septic system failures and groundwater contamination at the Airport prompted a request from Rock County for sanitary sewer and water services. The Airport was provided with such services in 1994 via a sewer interceptor and water transmission line with capacity to serve future development within the entire plan area and other lands to the east (see Attachment F). The City has received many inquiries from other property owners with septic system or private well problems regarding the availability of sewer and water services. Jacobs Mobile Home Park is in particular need of sewer and water services.


To allow the extension of sanitary sewer service to the Airport and other properties, a map amendment to the *Janesville Area Point Source Water Quality Management Plan* was completed in Spring 1994 (see Attachment G). That amendment resulted in a 991 acre expansion to Janesville's sewer service area. As a result, nearly the entire plan area is currently within Janesville's sewer service area boundaries (see Map 7).

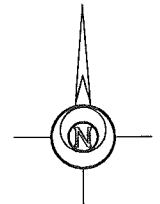
Approximately 75 acres of the plan area located along the east side of USH 51 southeast of the airport is within the Beloit Township sewer service area (See Map 7). This property was included at the request of the owner. Sewer service to this area by



*Legend*

-  Low Density Residential
-  Higher Density Residential
-  Commercial
-  Industrial
-  Institutional/Public

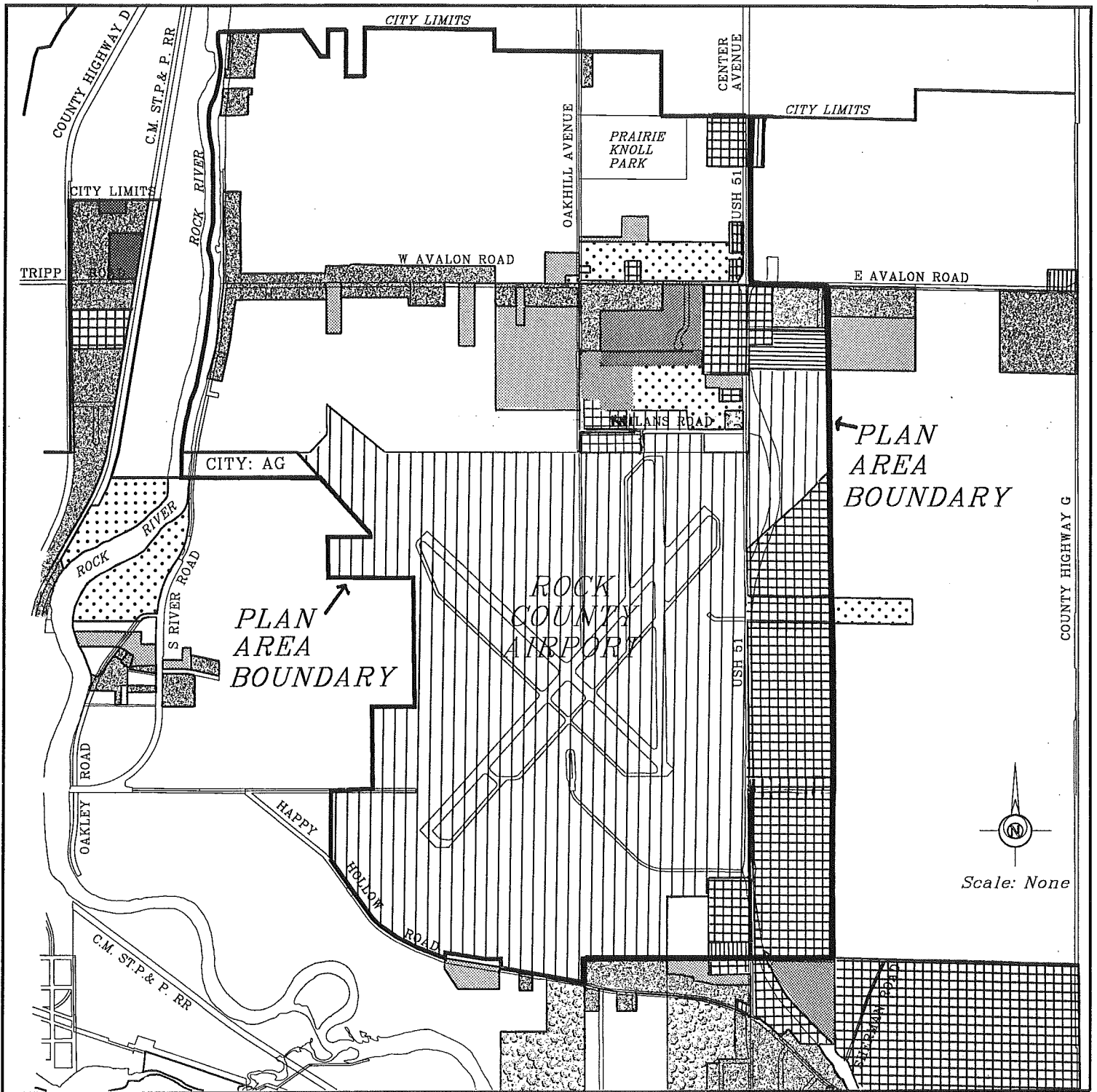
 Agriculture



*Scale: None*

MAP 5  
EXISTING LAND USE

City of Janesville/Town of Rock  
Cooperative Boundary Plan



**Legend**

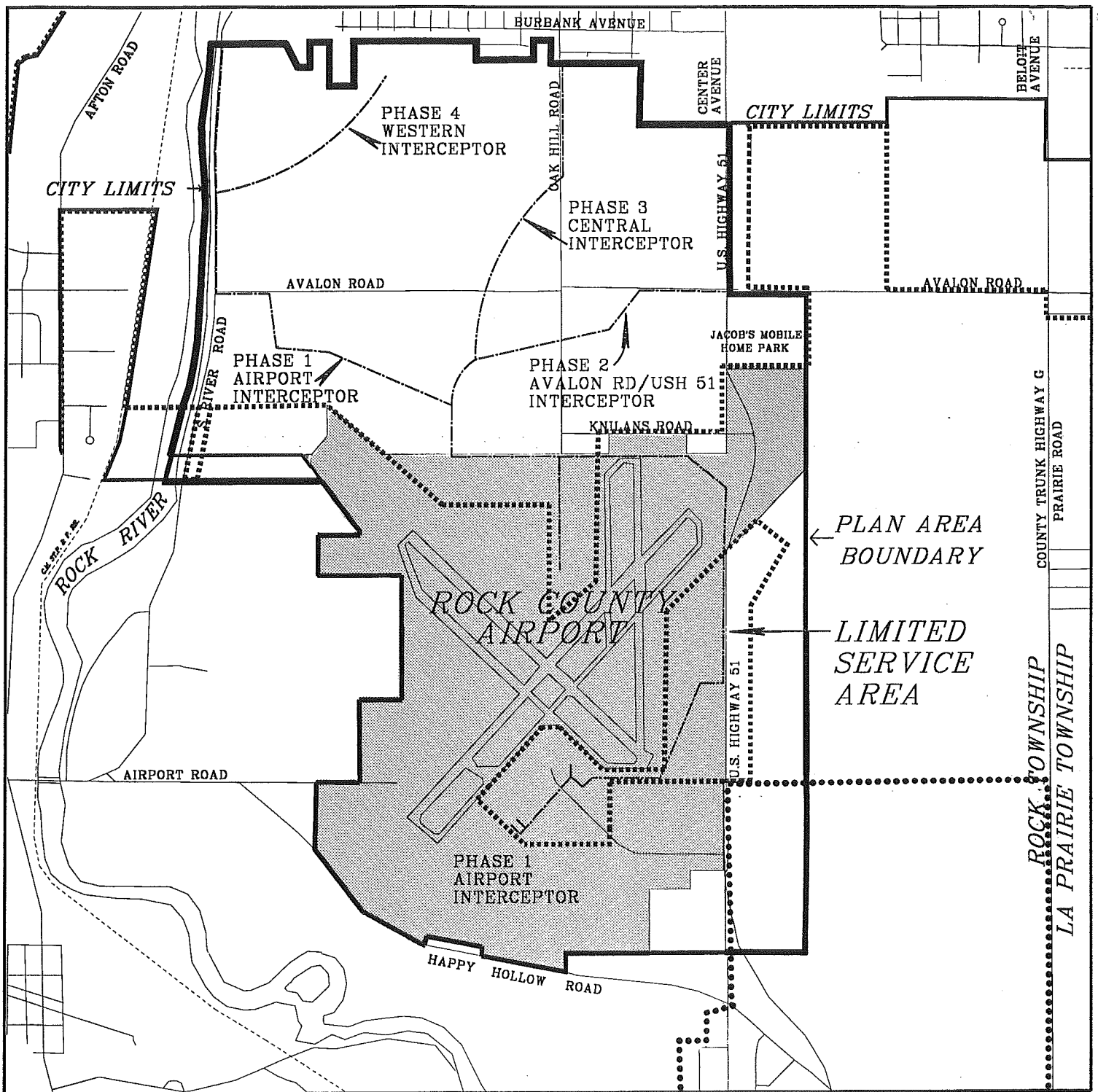
	A-1 AGRICULTURAL DISTRICT 1		MHP MOBILE HOME PARK DISTRICT
	A-2 AGRICULTURAL DISTRICT 2		SP SPECIAL PURPOSE DISTRICT
	A-3 AGRICULTURAL DISTRICT 3		M-1 LIGHT INDUSTRIAL DISTRICT
	B-1 LOCAL COMMERCIAL DISTRICT		M-2 HEAVY INDUSTRIAL DISTRICT
	B-2 LARGESCALE COMMERCIAL DISTRICT		COUNTY PARK LANDS
	R-1 RESIDENTIAL DISTRICT 1		

MAP 6  
EXISTING TOWN OF ROCK ZONING





City of Janesville/Town of Rock  
Cooperative Boundary Plan

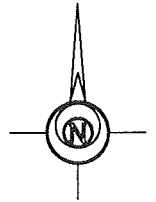
the City can only be done if the City's and Beloit Township's sewer boundaries were amended.

- **Parks/Recreational Services:** The only developed parkland within the plan area is the five acre Airport Park. Open space adjacent to the Rock River is also a recreational resource. The City's south side contains seven neighborhood parks. In addition, two City regional parks are located within two miles of the plan area.
- **Educational Services:** The Janesville School District serves the entire plan area. School children attend either Jackson or Lincoln elementary schools, Edison Middle School, and Parker High School. The plan area is close to higher educational institutions. UWC--Rock County is located at the northwest edge of the plan area. Blackhawk Technical College is a mile south of the plan area on USH 51.
- **Other Services:** Major employment nodes are within ten minutes of the plan area, including the General Motors plant, the Wright Road industrial area, and downtown Janesville. Many residents also work in Beloit--about seven miles south of the plan area. Retail and services are available along the Center Avenue "strip" in Janesville. In addition, the STH 26/USH 14 regional commercial area is within 15 minutes. Janesville's south side is home to many religious and fraternal organizations.



**Legend**

-  Rock County Airport Property
-  Janesville Sewer Service Area Boundary
-  Beloit Township Sewer Service Area Boundary
-  Existing & Planned Sanitary Sewer Interceptors



Scale: None

MAP 7  
SEWER SERVICE AREA/SEWER INTERCEPTORS

City of Janesville/Town of Rock  
Cooperative Boundary Plan



## V. BOUNDARY CHANGES

This section describes the timeframes, conditions, and scenarios under which boundary changes may occur over the plan term. According to §66.023(6), Wisconsin Statutes, this entire section is binding on both the City and Town and shall have the full force and effect of a contract.

The implementation of a Cooperative Boundary Plan is an *alternative* to annexation as a means to change municipal boundaries. §66.023(7)(b) states that "no other procedure for altering a municipality's boundaries may be used to alter a boundary that is included in the cooperative plan." Boundary changes under a Cooperative Boundary Plan take place upon the occurrence of dates, events, and conditions specified in the Plan, *without having to follow traditional annexation processes under §66.021, Wisconsin Statutes.*

To reflect the difference between annexations under §66.021 and boundary changes under §66.023, the term "annexation" has been purposely omitted from the text that follows. Instead, the terms "boundary change," "attachment," and "detachment" are used. A boundary change shall be defined as an alteration in the shared municipal boundary between the City and Town within the plan area. A boundary change which involves the incorporation of Town lands into the City shall be an attachment, while the opposite occurrence shall be a detachment.

### Framework for Boundary Changes

The boundary changes outlined in this *Cooperative Boundary Plan* reflect and clarify provisions of a 1992 intergovernmental agreement between the City of Janesville, Town of Rock, and Town of La Prairie (see Attachment A). The 1992 Agreement secured the joint City and Town support of a proposed Highway 11 Bypass. The Bypass is scheduled to be constructed through the Towns of Rock and La Prairie in 2000 and 2001.

The Agreement describes how municipal sewer and water service may be made available to Town properties. It also provides for the future attachment of properties provided with sewer and water service. Finally, the Agreement regulates the direction and pace of attachments and the attachment of lands for which owners have not consented to attachment.

Because the agreement pre-dates the adoption of §66.023, Wisconsin Statutes, specific provisions of that Agreement are not always compatible with the legislation. In such cases, the following text has been drafted to reflect the intent of the Agreement.

### Plan Term

The provisions of this *Cooperative Boundary Plan* shall remain in effect from the date of DOA approval to the date exactly 20 years later. This period is the "plan term."

## General Provisions for Boundary Changes

### **A. Prior Annexation Agreement Applies**

The City has entered into annexation agreements with owners of property desiring to subdivide land within City growth areas. Those agreements provide that property owners will apply for annexation upon the occurrence of one or more specified events (e.g. City becomes contiguous to property). The City has entered into an annexation agreement with one property owner in the plan area (Merdon Corporation). That agreement is included as Attachment H. The properties affected by that agreement shall be subject to attachment under the provisions of the section below marked "Attachment of Undeveloped Properties, Subsection B(1).

### **B. "Attachment Agreements" Required with Requests**

Owners of properties within the plan area may request sewer and water services and/or certified survey or subdivision plat approval. Under the provisions of this *Plan*, City approval of these requests prompt the immediate or future attachment of such properties. The City shall require owners of land within the Town to sign "Attachment Agreements" as a condition of receiving approval for sewer and/or water service or land subdivision where attachment of affected properties is not concurrent. The content of such Attachment Agreements will reflect the potential for future attachment as described in this *Plan*. All Attachment Agreements shall be recorded in the Office of the Register of Deeds for Rock County, Wisconsin at the owner's expense. No more than one Attachment Agreement may be executed for any one property, unless the city otherwise agrees.

### **C. Orderly Boundary Changes Promoted**

With respect to City promotion, solicitation, and facilitation of potential boundary changes as provided in this *Plan* by staff involvement with property owners in the Town, the City's efforts will be to promote municipal boundary changes in an orderly, sequential, no gaps, no leapfrogging manner. Other properties from which the City may receive requests for sewer/water service, attachment, or subdivision plat or certified survey map approval may not be considered orderly or sequential. The City may entertain and decide upon such requests under §66.023, Wisconsin Statutes, and the provisions of this *Cooperative Boundary Plan*.

### **D. Boundary Changes May Include Rights-of-Way and Rock River**

To facilitate boundary changes provided in this *Plan* and to assure that they proceed in an orderly manner, any boundary change may include portions of public rights-of-way or the Rock River.

**E. Limits on Attachments without Property Owner's Consent**

Properties shall be "consenting properties" if their owners have requested in writing and have not been denied City approval of attachment, sewer and/or water service, or a subdivision plat or survey. Under the provisions of this *Plan*, such owners have consented to the immediate or future attachment of their properties to the City.

Any attachment allowed by this *Plan* will include only "consenting properties" and a minimum of other properties needed to avoid creating illegal islands, gerrymandered shoestrings, or technically ridiculous easement routings. In order for other properties to be attached to the City, such properties must be north of "consenting properties" and cannot exceed the square footage of "consenting properties." In calculating square footage, public rights-of-way, railroad crossings, and streams are not included.

**F. Limits on Attachment of Properties Acquired for Bypass**

Unless the owner consents, no attachment shall include any property from which land is acquired for the STH 11 bypass until June 30, 1998 for portions of the property north of the bypass right-of-way and until June 30, 2003 for portions of the property south of the bypass right-of-way.

**G. Detachments Permitted**

With written consent from the property owner, the City Council and Town Board may agree to detach from the City any property within the plan area.

Attachment of Rock County Airport

The Rock County Airport property, as delineated on Map 3, *shall* be attached to the City on June 30, 2007. The City shall not use the Rock County Airport property to leverage the attachment of other properties.

Attachment of Jacobs Mobile Home Park

Jacobs Mobile Home Park, as delineated on Map 3, and including the properties occupied by the sales office and the Janesville Mobile Terrace residences, *shall* not be attached to the City sooner than June 30, 2003. If the owner requests and is supplied with City sewer and/or water service, the City *may* attach Jacobs Mobile Home Park on or after June 30, 2003. If the owner does not request sewer and/or water service, the City *may* attach Jacobs Mobile Home Park on or after June 30, 2003 under the provisions of the section below marked "Attachment of Developed Properties," subsection B.

Attachment of Developed Properties

Developed properties shall be defined as (a) parcels with a building or buildings constructed upon them which continue to serve a useful purpose and (b) vacant platted lots and other

vacant parcels less than two acres in area existing at the time of *Plan* adoption which are planned for residential use. Parks or other properties primarily in open space use and parcels greater than 35 acres in area which are primarily in agricultural use shall not be considered developed properties.

Boundary changes involving developed properties within the plan area are described below.

**A. If Owner Requests and is Supplied with City Sewer and/or Water Service...**

Developed properties for which the owner requests sanitary sewer and/or water service and the City agrees to provide such service *may*, at the City's option, be attached to the City under one of the following timeframes/conditions/scenarios:

1. A residentially developed property *may* be attached upon the expiration of 10 years from the date that City sewer and/or water service is first supplied to the property. Residentially developed properties include vacant platted lots and other vacant parcels less than two acres in area existing at the time of *Plan* adoption which are planned for residential use.
2. A residentially developed property *may* be attached sooner than 10 years after the date that City sewer and/or water service is first supplied to the property anytime on or after the occurrence of one of the following timeframes/conditions/scenarios:
  - a. Approval of a request to subdivide or survey the property for the purpose of creating additional development sites;
  - b. Not attaching the subject property with other "consenting properties" would result in the creation of an illegal island, gerrymandered shoestring, or technically ridiculous easement routing. Properties shall be considered "consenting properties" if their owners have requested in writing and have not been denied City approval of attachment, sewer and/or water service, or a subdivision plat or survey;
  - c. The owner of the property requests attachment to the City; or
  - d. After January 1 in the final full year of the Plan Term.
3. A property which is developed with a non-residential use *may* be attached as soon as it is legally feasible to do so (no ten year deferment). All parcels created through subsequent subdivisions of such property are subject to this provision.

**B. If Owner has not Requested City Sewer or Water Service...**

Developed properties for which the owner does not, within the Plan Term, request sewer and/or water service *may*, at the City's option, be attached to the City under one or more of the following timeframes/conditions/scenarios:

1. The property owner or other applicant requests and receives approval to subdivide or survey the developed property for the purpose of creating additional development sites. In such an instance, all parcels created through the subdivision, including the original property, *may* be attached;
2. Not attaching the subject property with other "consenting properties" would result in the creation of an illegal island, gerrymandered shoestring, or technically ridiculous easement routing. Properties shall be considered "consenting properties" if their owners have requested in writing and have not been denied City approval of attachment, sewer and/or water service, or a subdivision plat or survey;
3. The owner of the property requests attachment to the City.

#### Attachment of Undeveloped Properties

Boundary changes for undeveloped properties within the plan area are described below.

#### **A. If Owner Requests and is Supplied with City Sewer and/or Water Service...**

Undeveloped properties for which the owner requests sanitary sewer and/or water service and the City agrees to provide such service *may*, at the City's option, be attached to the City under one of the following timeframes/conditions/scenarios:

1. Any undeveloped property contiguous to the City limits on the date of the request for sanitary sewer and/or water service *shall* be attached to the City before such service will be supplied.
2. Any undeveloped property not contiguous to the City limits on the date of the request *may* be attached to the City under one or more of the following timeframes/conditions/scenarios:
  - a. Other boundary changes within the plan area bring the municipal limits to the property line or opposite a public street from the property line. All parcels created through subsequent subdivisions of such property are subject to this provision; and/or
  - b. Not attaching the subject property with other "consenting properties" would result in the creation of an illegal island, gerrymandered shoestring, or technically ridiculous easement routing. Properties shall be considered "consenting properties" if their owners have requested in writing and have not been denied City approval of attachment, sewer and/or water service, or a subdivision plat or survey.

**B. If Owner has not Requested City Sewer or Water Service...**

Undeveloped properties for which the owner does not, within the Plan Term, request sewer and/or water service *may*, at the City's option, be attached to the City under one or more of the following timeframes/conditions/scenarios:

1. The property owner or other applicant requests and receives approval to subdivide or survey the undeveloped property for the purpose of creating additional development sites. In such an instance, all parcels created through the subdivision, including the original property, *may* be attached;
2. Not attaching the subject property with other "consenting properties" would result in the creation of an illegal island, gerrymandered shoestring, or technically ridiculous easement routing. Properties shall be considered "consenting properties" if their owners have requested in writing and have not been denied City approval of attachment, sewer and/or water service, or a subdivision plat or survey;
3. The owner of the property requests attachment to the City.

Consistency with Applicable Laws and Administrative Rules

The boundary changes described above are consistent with all known state and federal laws and administrative rules.

## VI. DEVELOPMENT PLAN

This section proposes a development plan for the plan area comprised of service delivery and land use/transportation components. According to §66.023(6), Wisconsin Statutes, the subsections entitled "Service Delivery to Plan Area" and "Transportation Network" are binding on both the City and Town and shall have the full force and effect of a contract.

### Existing Plans

Several existing plans guide development and boundary changes within at least a portion of the plan area. These plans are summarized in Attachment I.

### Service Delivery to Plan Area

When completely developed, the 2,670 acre plan area could become home to over 7,000 people and various businesses and industries. It should be stressed, however, that the complete development of the plan area is not expected within the 20 year plan term. By 2015, the population within the plan area is projected to be approximately 3,000 people.

Future residents and businesses will create a demand for municipal and other services. The following describes how such services will be provided over the plan term:

- **Police Service:** The Janesville Police Department, headquartered in Downtown Janesville, will serve portions of the plan area once attached to the City. The exception is the Rock County Airport property, which will likely continue to be served by the Rock County Sheriff's Department.
- **Fire/Emergency Service:** The Janesville Fire Department will continue to serve the plan area. The City is considering the relocation of Fire Station #2 approximately one mile south of its present location. This move would greatly enhance fire protection to the plan area.
- **Sanitary Sewer/Water Service:** Virtually all lands within the plan area are within Janesville's sewer service area except for a small portion within Beloit Township's sewer service area. DNR, through its Administrative Agent Rock County, will permit sanitary sewer line extensions within the plan area. When sewer and water mains and laterals are necessary on lands within Rock Township's boundaries, the Town will grant the City the use of public rights-of-way for construction of all necessary interceptors and mains. Construction of sanitary sewer interceptors in four phases will make municipal sewer service available to the entire developable portion of the plan area. The four phases are shown in Map 7 and described below:
  - ▶ **Phase 1--Airport Interceptor:** The sanitary sewer interceptor serving the Airport property was constructed in 1994. The capacity of that interceptor is sufficient to accommodate projected development within the entire plan area and beyond (see Attachment F).

- ▶ **Phase 2--Avalon Road/USH 51 Interceptor:** This approximately 0.9 mile interceptor will likely extend from the Airport Interceptor directly north of the Airport property to the intersection of USH 51 and Avalon Road. It will be capable of providing service to the Jacobs Mobile Home Park. Construction of this interceptor is scheduled to occur in Summer 1996. The City has already bonded for its construction.
- ▶ **Phase 3--Central Interceptor:** This approximately 0.9 mile interceptor will likely extend from a section of the Phase 2 interceptor north through a proposed greenbelt, then along Oakhill Drive to the current City limits. It will serve a large area proposed for residential development. Construction is anticipated by 1996 or 1997, but timing will be driven somewhat by development requests.
- ▶ **Phase 4--Western Interceptor:** This 0.4 to 0.7 mile interceptor will likely extend from an existing main in River Road northeast through a proposed greenbelt. It will also serve a large area north of Avalon Road proposed for residential development. Construction is anticipated in 1998 or 1999, but timing will be driven somewhat by development requests.

The exact path of planned interceptors may vary somewhat from the alignments shown in Map 7. In addition, other minor trunk line extensions may be necessary depending on the pace and direction of development. Water transmission mains generally will be constructed with sewer interceptor extensions to serve the same areas. The alignments of sewer and water mains may differ from one another.

Sewer interceptors and water transmission lines will be financed through special assessments, expenditures from the City's Wastewater and Water funds, and borrowing. The City has the financial capacity to construct these lines. The City's Wastewater and Water Funds have sufficient current and projected future balances for construction of sewer and water mains. Additionally, the City has the ability to borrow for sewer and water system construction as necessary.

As sewer and water mains become more local in their service area, special assessments will be the primary source of funding. When sewer and water mains and laterals are constructed on lands within the Town's boundaries, assessments shall be levied as described in Attachment J. Assessments on adjoining Town properties for sewer and water mains and laterals shall be deferred until such properties connect to such utilities or are attached to the City.

All sewer and water lines will be constructed by the City to City standards. Attachment K is a memo from Ron Beatty, City Engineer, stating that adequate design standards have been and will be met in the design of sanitary sewer and water mains serving the plan area. Additionally, the memo states that recommended water pressure and ISO fire flows can be maintained.

- **Sewage Flow/Treatment:** The City's sewage treatment plant is located immediately across the Rock River from the plan area. Because the Airport Interceptor is connected directly to the plant through the recently constructed Rock River siphon, there will be no system bottlenecks caused by flows from the developed plan area. As described in



Attachment L, the plant has sufficient capacity to process flows and loadings from projected development within the plan area.

- **Storm Sewer System:** Individuals subdividing land for new development on City sanitary sewer and water service will be required to provide storm water drainage according to City standards. The storm sewer system serving such development will be constructed by the City. The system will be provided through storm sewer lines in street rights-of-way, the proposed greenbelt system, and easements where necessary. When the City wishes to construct storm sewer lines within the Town's boundaries, the Town will grant the City the use of public rights-of-way for construction. Other development within the plan area will be encouraged to provide stormwater drainage consistent with City standards.

Subdivisions on municipal sewer and water service shall be assessed per acre for the construction of storm sewer. When new development necessitating payment of storm sewer assessments is within the Town's boundaries, assessments shall be levied as described in Attachment J.

- **Parks/Recreational Services:** Existing City parks and programs can serve much of the demand for parks and recreational services. Future park/recreational demand in the area will likely be satisfied through the development of Prairie Knoll Community Park, a three to five acre neighborhood park dedicated at the time of residential development, and a system of public greenbelts (see Map 8). Parks and greenbelts shall be maintained by the City upon acquisition or dedication. However, Airport Park and any recreational development on the Airport property should be maintained by Rock County.

Rock County is responsible for receiving parkland dedications or monies in-lieu-of dedication for residential subdivisions within the Town. Monies in-lieu-of dedication are then reimbursed to the Town and spent on park acquisition and improvements. Monies collected from development in the plan area shall be spent on parkland acquisition or improvements which directly benefit residents of the plan area or deposited in a separate account until spent on such acquisition or improvements.

- **Educational Services:** Elementary school students will continue to be served by Jackson or Lincoln Elementary Schools within the Janesville School District. The School District projects that, by 2005, small additions or school service area adjustments may be necessary to manage classroom deficiencies in these schools. Middle school students will continue to attend Edison Middle School, while high school students will continue to attend either Craig or Parker High Schools. These schools should have sufficient capacity to meet projected enrollment through 2005.
- **Other:** As per §59.971, Wis. Stats., the City shall be responsible for enforcing the Rock County shoreland zoning ordinance for all affected properties which are attached to the City over the plan term.

## Transportation Network

The network of arterial streets within the plan area is largely in place. USH 51 will remain the major north-south highway. Other north-south arterial streets, Oakhill Avenue and River Road, will ultimately be improved to City street standards. Both projects are in the City's long range transportation plan. In the near term, Avalon Road will remain the only east-west arterial through the plan area. The STH 11 South Bypass will become a major east-west, limited access highway upon its expected completion in 2001. The locally preferred alignment for the Bypass is shown in Map 8. DOT is currently developing the design and alignment for the Bypass. Property acquisition is scheduled to begin in 1998.

A network of local and collector streets will be constructed to facilitate development. The City will develop neighborhood plans to guide local street alignments. New streets in new developing areas on City sewer and water will be constructed by the City to City standards.

When the City wishes to construct streets within the Town's boundaries, the Town shall grant the City the use of public rights-of-way for construction. For City construction or rehabilitation of streets within the Town, assessments shall be levied as described in Attachment J. These assessments may be levied for grading and graveling, paving, curb and gutter, and sidewalks.

The City operates a public transit system. Transit routes could be extended to the plan area if the pace and density of development warrant such extension.

## Land Use Recommendations

The land use plan for the plan area is shown in Map 8. This is an *urban* development plan, reflecting how the plan area should develop if provided with municipal sewer and water service. The City's policy is to discourage unsewered development within its sewer service area. This land use plan is also a long-term development plan. The complete development of the plan area will likely take longer than the 20 year plan term.

The plan will serve as a general guide for development. Specific parcels may not develop according to the plan recommendations if (1) the transportation network, particularly the alignment of the STH 11 Bypass, varies from the plan; (2) sewer and water main alignments change; (3) topographic, drainage, or soil conditions are not favorable; or (4) more detailed plans (e.g. neighborhood plans) lead to boundary adjustments.

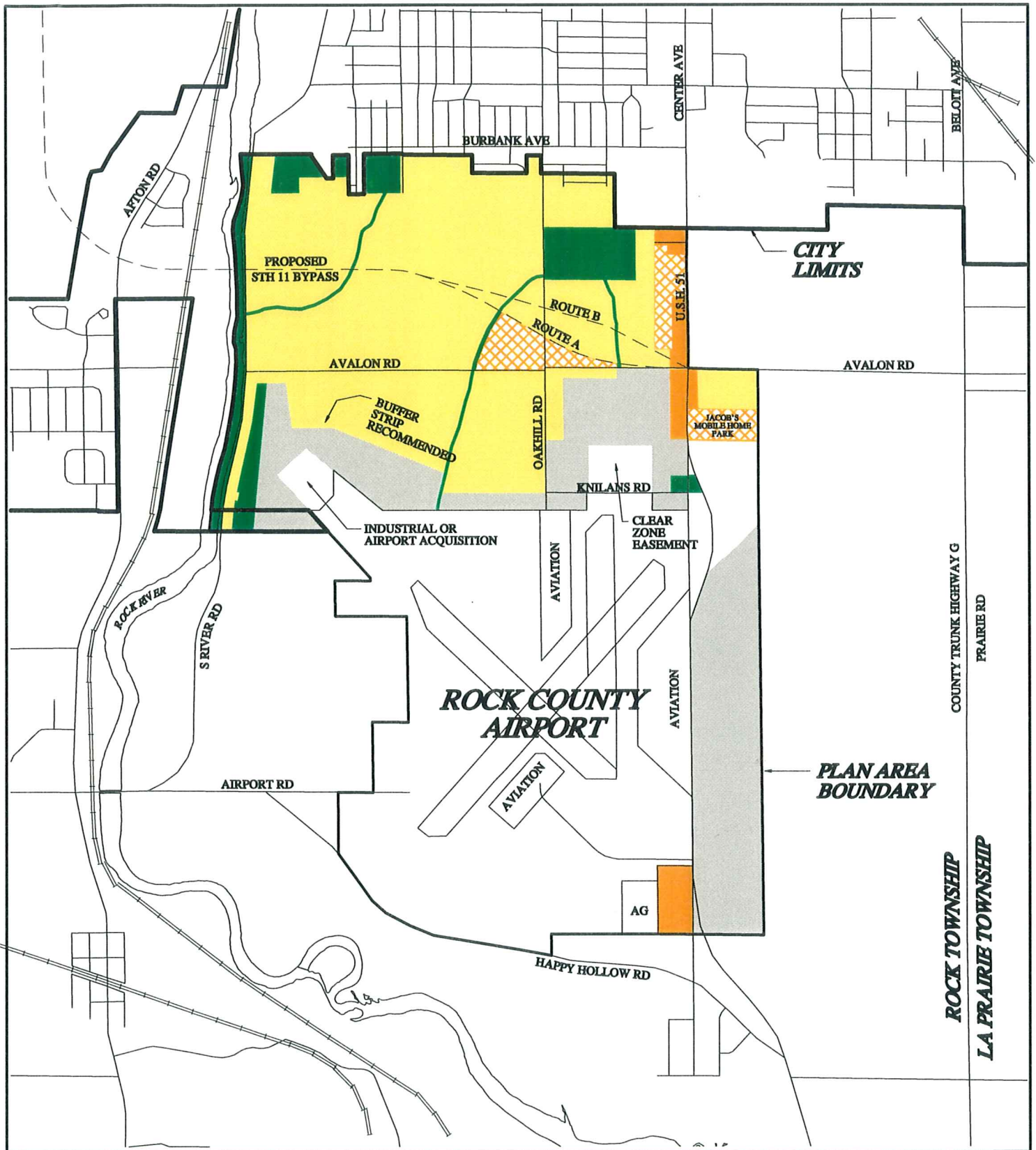
Recommended land uses include the following:

- **Low Density Residential:** Of the 2,670 acre plan area, approximately 760 acres are planned for low density residential uses (single and two family houses). Most of this development will be located in the area west of Oakhill Avenue and north of Avalon Road. Residential lots should be aligned so that rear lot lines are adjacent to the STH 11 Bypass and proposed industrial areas. No new residential development is planned for areas identified in the *Rock County Airport Land Use Compatibility Plan* as inappropriate for residential development or for lands in the floodplain.

- **Higher Density Residential:** Higher density residential development is recommended for approximately 70 acres, including 30 acres near the future intersection of Oakhill Avenue and the STH 11 Bypass and 20 acres directly west of USH 51. Development should back onto USH 51 and the Bypass. Predominate land uses within higher density areas are townhouses, fourplexes, garden apartments, and mobile home parks. Maximum density should not exceed 14.5 units per acre.
- **Commercial:** Highway-oriented commercial development is recommended for approximately 45 acres, mainly along USH 51 from the current City limits to the intersection of USH 51 and Avalon Road.
- **Industrial:** Industrial development is recommended for three areas:
  - ▶ A 100 acre area between USH 51, Oakhill Avenue, Avalon Road and Knilans Road. This area is partially developed with industrial and warehousing uses.
  - ▶ A 205 acre area across USH 51 and directly east from the Rock County Airport. This area is appropriate for industrial and warehouse development.
  - ▶ A 110 acre area generally northwest of the Airport. This area is marginal for most development within the plan term because of its poor access and location near a runway. The area abuts a low density residential area to the north. Industrial lots should back onto residential lots, and a 50 foot landscaped buffer strip should be provided on industrial properties next to residential lots.
- **Rock County Airport/Aviation:** The *Rock County Airport Master Plan* identifies three areas on the Airport property appropriate for future aviation-related business development. Such development may include corporate hangars, terminal buildings, and other business development. Before the Airport is attached to the City in 2007, the City and County should develop an Aviation zone district for the Airport property.
- **Other:** The County maintains a clear zone easement on lands north of Knilans Road (see Map 8). This easement should be maintained and County acquisition of this property should be considered. Additionally, the *Airport Land Use Compatibility Plan* indicates that approximately 18 acres off the northwest runway are inappropriate for most types of development. The County should consider acquisition of this property.

Consistency with Applicable Laws and Administrative Rules

The development plan described above is consistent with all known state and federal laws and administrative rules.



<b>Legend</b>	Low Density Residential	Light Industrial	 NORTH
	Higher Density Residential	Parks/Greenbelts/ Public Facilities	
	General Commercial		

Scale: None

**MAP 8  
DEVELOPMENT PLAN**

**City of Janesville/Town of Rock  
Cooperative Boundary Plan**

## VII. IMPLEMENTATION

The tools and procedures outlined below will be used to implement the boundary changes and development plan for the plan area.

### Neighborhood Plans

The City's neighborhood plans show future street and utility alignments, subdivision patterns, drainageways, greenbelts, parks, and school sites. Approved neighborhood plans would assist in orderly development consistent with the development plan. The City Plan Commission has approved neighborhood plans for only the northern edge of the plan area. Within one year of plan adoption, the City should draft neighborhood plans for the remainder of the plan area excluding the Airport property. Before City approval, such plans shall be reviewed and approved by the Town, which approval shall not be unreasonably withheld.

### Development Restrictions Before Boundary Changes

City ordinances will apply to the development of lands within the plan area once such lands are attached to the City. However, for lands which remain within the Town's jurisdiction, Town and Rock County zoning and other ordinances will apply. City versus Town/County standards differ in many ways, most notably street and utility standards. Most of the plan area will ultimately become part of the City. Thus, the City wishes to assure that development is consistent with City standards and barriers in the path of City growth are limited.

To address the City's concerns, the following policies are proposed for application within the plan area:

- All subdivision plats and certified survey maps should conform with approved neighborhood plans and this Plan's development plan. The City intends to approve plats or surveys only if physical layouts are consistent with approved neighborhood plans.
- All rezonings should conform with the development plan.
- Developers of new and expanded commercial, industrial, and multiple family residential (3+ units) buildings, and mobile home parks, must agree in writing to develop such uses to City standards before City sewer and water services will be supplied. Such developments will be subject to site plan review by the City's Site Plan Review Coordinator.
- Before City sewer and water services will be supplied, developers desiring to subdivide land must agree in writing to (a) allow the City to construct all public improvements serving the plat or survey area to City standards and (b) pay all applicable assessments .
- As a condition of subdivision approval for lands outside the City boundary, the City will require applicants to sign "Attachment Agreements" (see Section V).

- Consistent with current City policy, the City may approve *certified survey* requests proposed to develop on well and septic systems if (a) sewer and water services are not readily available to the survey area and (b) the physical layout of the survey facilitates future connection to City sewer and water services.
- Consistent with current City policy, the City intends to deny all *subdivision plat* requests proposed to develop on private well and septic systems. Unsewered plats within the plan area would present barriers to City growth and the economical extension of utilities in the future. The Town acknowledges that this is a policy of the City. The Town of Rock does not agree with this policy.
- For new residential subdivisions occurring before attachment, the City, Town, and County should work together to assure that parkland and greenbelts as delineated on the development plan and approved neighborhood plans are dedicated to the public. The City would be responsible for maintaining all new public parkland and greenbelts within the plan area upon dedication.

#### Process for Attachment to City

The following procedure will be followed to attach a property to the City in accordance with Section V of this *Plan*:

- The attachment procedure is initiated by (1) a property owner within the plan area by written request to the City Planning Department or (2) the City Planning Department upon the passage of one of the timeframes, conditions, or scenarios for attachment as described in Section V above.
- The City will notify the owner and the Town Clerk 45 days in advance of the date on which the Council is scheduled to adopt an ordinance attaching that owner's property to the City.
- The City Council adopts an ordinance attaching the property to the City.
- The City Council assigns a City zoning designation upon attachment according to the procedures outlined in §62.23, Wis. Stats.
- The City is responsible for all filing and recording requirements under §66.021(8)(a), Wis. Stats. The requirements of the Secretary of State shall be the same as those required in §66.021(8)(b), Wis. Stats.

#### Process for Detachment from City

The following procedure will be followed to detach a property from the City in accordance with Section V of this *Plan*:

- The detachment procedure is initiated by (1) a property owner within the plan area by written request to the City Planning Department or (2) the City or Town provided that the owner of the subject property agrees in writing to the detachment.
- The City Council adopts an ordinance detaching the property from the City.
- The Town Board adopts an ordinance re-attaching the property to the Town.
- The Town Board assigns a Town zoning designation upon attachment according to the procedures outlined in §60.61, Wis. Stats.
- The City is responsible for all filing and recording requirements under §66.021(8)(a), Wis. Stats. The requirements of the Secretary of State shall be the same as those required in §66.021(8)(b), Wis. Stats.

#### Requests for Sanitary Sewer or Water Service

The following procedure will be followed when a property owner requests sewer and/or water service for a property in the plan area:

- The property owner must file a written request for sanitary sewer and/or water service with the City Engineer. To be considered valid for the purposes of this *Plan*, the request must be submitted on a form prepared by the City Engineer.
- The City Engineer will consult with the City Planner on the request.
- If the City Planner determines that the subject property may be attached to the City, and that attachment is advisable, the attachment procedure described above will be initiated.
- If the City Planner determines that the property cannot be attached to the City at the time but that sanitary sewer and/or water service should be provided to the property, the City and property owner will execute an Attachment Agreement before the City will provide sewer and/or water service. Attachment Agreements are described in Section V of this *Plan*.
- If additional development is proposed for the property, the property owner must agree in writing to develop to City public improvement standards and pay all applicable assessments.
- The City Engineer will place any and all public improvements necessary to provide the requested service to the subject parcel on the City's Public Works Program for City Council approval.
- If improvements are not already available, the City may install requested improvements after City Council approval.



- The Town will assess the property owner for the improvements and reimburse the City as described in Attachment J.

#### Requests for Subdivision Plat/Certified Survey Approval

The following procedure will be followed when a property owner requests subdivision plat or certified survey approval for a property in the plan area, if lands are within the Town's jurisdiction:

- The property owner files an application for plat or survey approval with the City Planning Department, Town Clerk, and County Planning and Development Agency. The application to the City should indicate whether the applicant will request City sewer and water services.
- If the City Planner determines that the subject property may be attached to the City, and that attachment is advisable, the attachment procedure described above will be initiated.
- If the City Planner determines that the property cannot be attached to the City at the time but that the requested plat or survey should be approved, the City and property owner will execute an "Attachment Agreement" as a condition of City approval of the plat or survey. Attachment Agreements are described in Section V of this *Plan*.
- If City sewer and water services are to be provided, the City will require that the property owner agree in writing to develop the plat or survey area to City public improvement standards and pay all applicable assessments. Both the City and Town will approve plats or surveys proposed to develop on City sewer and water subject to compliance with the City' public improvement standards.
- The City Council, Town Board, and County Board will act on the requested subdivision plat or certified survey map, with reference to the development plan, approved neighborhood plan, and applicable policies of the governmental body.

#### Permits Required By Development within Plan Area

DOA instructions for Cooperative Boundary Plans require the listing of all permits required for development. All permits listed below for public improvements and private developments assume that development occurs before attachment to the City. Once properties are attached to the City, most Town and County permit or approval authority is not applicable.

The permits required for construction of public improvements in the plan area, if lands are within the Town's jurisdiction, are listed in Table 1. Residential subdivisions within the plan area will require City, Town, and County approval if within the Town's jurisdiction when subdivided. Only City approval is required if the subdivision occurs within the City's jurisdiction. Single and two family residential development must receive building permits from the municipality where construction occurs.



Commercial, industrial, and multiple family residential (3+ units) development must receive building and occupancy permits from the municipality in which construction occurs. New commercial, industrial, multiple family residential, and mobile home development will be built to City development standards as a condition of receiving municipal sewer and water service. Such developments will be subject to site plan review by the City's Site Plan Review Coordinator.

Financial Considerations: Attachment of Developed Property

With all attachments of developed properties, not including the Rock County Airport and Jacobs Mobile Home Park, the City agrees to transfer dollars to the Town equal to all dollars that the Town would have collected through property tax levies, population based state shared revenues, or mobile home park fees based on land use/occupancy.

**TABLE 1  
REQUIRED PERMITS AND APPROVALS FOR PUBLIC IMPROVEMENTS  
WHEN LANDS ARE IN TOWN'S JURISDICTION**

APPROVALS REQUIRED	SANITARY SEWER INTERCEPTORS	WATER TRANSMISSION MAINS	STORM SEWER MAINS	LOCAL STREETS
DNR Plan Approval	X	X		
208 Plan Letter from Rock County Planning and Development Agency (Administrative Agent of DNR).	X			
City Council approval by resolution of the new interceptor/main/street, and of any assessments or borrowing required.	X	X	X	X
Town Board approval of construction within Town Road rights-of-way.	X	X	X	X
Town Board approval by resolution and collection of any assessments.	X	X	X	X
Rock County Planning and Development Committee approval of any construction through wetland, floodplain, or shoreland zones.	X	X	X	X
DNR approval of any construction within the floodplain.	X	X	X	X
U.S. Army Corps of Engineers approval of any construction within the high water mark of the Rock River.	X	X	X	X
DOT approval for construction within state highway rights-of-way.	X	X	X	
Receipt of all necessary easements/dedications from property owners.	X	X	X	X

For the purposes of determining the amount of the property tax levy, the Town's assessed valuation of the property and Town mill rate for Town purposes at the time of attachment shall be used. The property tax levy and mobile home park fee reimbursement for the attached property shall be reduced 20% each year during years two through five starting on January 1 following attachment, thus phasing the reimbursement down to \$0 over a five year period.

State shared revenue is based on two components: per capita revenue and aidable revenue. The per capita component reimbursement shall be reduced 20% each year during years two through five starting on January 1 following attachment, thus phasing the reimbursement down to \$0 over a five year period. The aidable revenue component reimbursement shall be reduced 20% each year during years three through six starting on January 1 in the second year following attachment, thus phasing the reimbursement down to \$0 over a five year period.

If an attachment does not include town road right-of-way proportionate to the land area being attached, the City shall credit the Town's fire service bill for each of the following five years in amount determined by the following formula: the Town's net cost per mile multiplied by the difference between the number of miles of right-of-way the City should have attached and the actual number of miles of right-of-way the City did attach. The average miles of right-of-way per acre in the Town is the base.

Financial Considerations: Attachment of Undeveloped Property

With all attachments of undeveloped properties, the City agrees to transfer dollars to the town as provided above. However, all payments for attachment of undeveloped properties shall be made in full for five years based on the assessed value of the land as undeveloped. There shall be no step down of payments.

## VIII. IMPACT

This section evaluates the impacts of implementation of the boundary changes described in Section V and of the development plan described in Section VI.

### Development in Participating and Adjacent Municipalities

Projected development within the plan area will reflect the orderly, sequential growth of the City at urban/suburban densities. Municipal sewer and water service will be available to the entire plan area within the plan term. The plan area is close to employment, retail opportunities, and government services within the City.

Development within the plan area will be compatible with, and will have no negative impacts on, the surrounding community (see Map 1). Most new development within the plan area will be residential, driven by employment growth in Janesville and Beloit. Furthermore, the commercial service, warehousing, and airport-related businesses likely to develop within the plan area should not be labor intensive. Specific impacts on the surrounding area are described below:

- **Other parts of City:** Encouraging development within the plan area may reduce the pressure on other parts of the City, specifically its northeast sector, to accommodate much of the City's growth. The City's growth on its far east and northeast sides is becoming increasingly distant from some municipal and educational services.
- **Other parts of Town:** Encouraging development within the plan area will likely have minimal impact on development pressure in other parts of the Town. The following mechanisms exist to discourage sprawl within the rest of the Town:
  - ▶ The Town of Rock and Rock County zoning ordinances will regulate the location of development.
  - ▶ The Janesville and Beloit sewer service areas, covering most of the Town east of the Rock River, will direct most development to where urban services are available.
  - ▶ The Town and County have subdivision review authority. Either the City of Janesville or City of Beloit have extraterritorial subdivision review authority over all but the extreme southwest corner of the Town.
  - ▶ Most proposed development close to the Janesville municipal limits will first be required to attach and be supplied with municipal services.
  - ▶ Except as allowed in the plan area, the City of Janesville will continue its policy of not allowing sewer extensions outside the City limits.
- **Surrounding communities:** Within surrounding communities, impacts of boundary changes and development within the plan area will be minimal. All surrounding cities, villages, and towns have zoning ordinances. In addition, all cities and villages, plus the Towns of Janesville, La Prairie, Turtle, Center, Newark, and Plymouth have approved development plans. Sewer service is unavailable within most unincorporated areas, except for the Town of Beloit. In addition, the Cities of Janesville, Beloit, and

Milton have extraterritorial subdivision review authority over much of the surrounding area.

## Environmental

The environmental impacts of boundary changes and development in the plan area is evaluated below. Environmental impacts were evaluated in greater detail through the 1994 amendment to Janesville's sewer service area (see Attachment G).

- **Air Quality:** The expansion of aviation activity and the proposed STH 11 Bypass may negatively impact air quality within the plan area. Environmental Impact Statements may be required before any expansion of Airport runways and construction of the STH 11 Bypass. Other development should have little impact on air quality.
- **Water Quality:** The impact on water quality within the plan area was evaluated extensively in the 1994 amendment to Janesville's sewer service area. Groundwater quality should improve as a result of implementation of this *Cooperative Boundary Plan*. As public utility services become available, private well and septic systems will be abandoned. Sewage will receive a higher level of treatment at the City's wastewater treatment plant. Still, impervious surfaces and urban run-off may have a small negative impact on surface water quality.
- **Erosion Control:** There is currently soil loss in the plan area due to the significant amount of land in agricultural production. Development of these lands will reduce soil loss. Buildings, pavement, and permanent vegetation will ultimately cover most open spaces which are presently exposed. Soil erosion during the construction phase of development of the plan area will be minimized through the implementation of erosion control measures. A drainage plan will be required as a condition of site plan approval for all multiple family residential, commercial, and industrial uses developed with City sewer and water.
- **Floodplain:** The City and Rock County both have floodplain ordinances to regulate development in floodplain areas adjacent to the Rock River. In addition, the development plan proposes that portions of currently undeveloped land mapped as floodplain be dedicated to the public as greenbelt. Such dedications will occur as adjacent land becomes developed. Development is restricted within greenbelts.
- **Wetlands:** There are no wetlands within the plan area.
- **Environmental Corridors/Drainageways:** No environmental corridors are mapped within the plan area. Existing natural drainageways will be preserved through the dedication of public greenbelts as development occurs. Greenbelts are an integral part of the City's storm sewer system. They also preserve natural vegetation and provide space for recreation and wildlife habitat. The City's minimum desired width for greenbelt dedications is 150 feet. Narrower widths may be acceptable to protect less significant drainageways or natural features.

- **Endangered/Threatened Species:** The DNR Bureau of Endangered Resources indicates that there are no endangered or threatened species within the plan area (see Attachment D).
- **Agricultural Land:** Property owners within the plan area who wish to maintain their land in agricultural use will be able to do so. Still, some agricultural property owners will wish to develop their land. The result will be the reduction of farmland in the plan area over the next 20 years. While soils within the plan area are generally suited for cropland, there are relatively few acres of prime farmland (see Map 4). Encouraging development within the plan area may relieve development pressure in other parts of the City's fringe where prime farmland is more prevalent.

### Housing Needs

The City operates several housing programs through its Community Development Authority. The City's *1995-1999 Consolidated Plan* provides demographic information and current and planned housing programs and priorities (see Attachment M). City housing priorities include encouraging homeownership in central city neighborhoods, rehabilitating older homes, constructing affordable rental housing with larger units, and offering rental assistance. The City has made progress in meeting housing needs (see Attachment N).

Rock County provides housing assistance within unincorporated areas, including Rock Township. Rock County has identified housing needs similar to those identified by the City of Janesville. Within unincorporated areas, a shortage of affordable owner-occupied housing is especially apparent. Between 1990 and 1993, the average value of a new home in Rock County towns was \$120,000, compared to \$90,000 in the City of Janesville.

Proposed residential development within the plan area could serve both the City's and County's housing objectives. Owner-occupied houses constructed on Janesville's south side historically have been on the affordable end of the market. That trend would very likely continue within the plan area. Manufactured housing within the Jacobs Mobile Home Park will provide another source of affordable owner-occupied housing. Rental housing affordable to lower income residents could be built within areas planned for higher density residences.

### Other Impacts/Externalities

The development plan has been drafted to minimize the impact of airport noise on residential development. No new residential areas are planned for lands adjacent to Airport runways. The STH 11 South Bypass will certainly impact the area once completed. Neighborhood plans will be drafted to minimize the impact of the Bypass on adjacent development.

### Alternative Development Scenarios

Several alternative boundary change, service delivery, and development scenarios were evaluated. Those alternatives are described in Attachment O.

## IX. PARTICIPATION

Participating municipalities solicited and received comments from the public, surrounding municipalities, Rock County, and state agencies.

### Public Meetings

On November 17, 1994, the City and Town invited all owners of property within the plan area to a public meeting to discuss sewer service and annexation issues. Fifty-three persons attended that meeting, with others contacting Town Board members and City staff by telephone. At that meeting, a tentative plan for sewer service and attachment of properties within the plan area was discussed. That plan reflected the boundary changes described in Section V above. The proposal was supported by several property owners. Very few voiced opposition. Minutes from that meeting are provided in Attachment P.

On September 25, 1995, the Town Board invited all owners of property within the plan area to a second informal public meeting to discuss the draft *Plan*. Minutes from that meeting are also provided in Attachment P.

As required by §66.023, Wis. Stats., a joint public hearing was conducted by the City Council and Town Board on December 7, 1995. Minutes from that meeting are also provided in Attachment P.

### Other Public Comments

The City has kept a log on public comments on the *Plan* and related topics since July 1994. That log is reproduced in Attachment Q.

### Rock County Planning and Development Agency Comment

§66.023 requires written comment from the Rock County Planning and Development Agency on the effect of the *Plan* on the County's development plan, the delivery of municipal services, and any other issues of interest. The County has been provided a copy of the draft plan on which to comment, and its comments will be included as Attachment R.

### Consideration of Comments

Participating municipalities must demonstrate that the final plan considers all comments received from the public and agencies. As indicated above, there were three public meetings regarding the proposed plan. The minutes of each of these meetings are included in Attachment P. In addition, the Planning Department kept a log on public comments which they received either by phone or by personal contact. That log is reproduced in Attachment Q.

All comments received at the public hearings and other public comments were considered. Two changes to the boundary plan were made based on comments received at the public hearings. Those included removal of lands along the east side of USH 51, between the City

limits and Avalon Road, primarily owned by William MacFarlane and an addition of approximately 77 acres of land located southeast of the Rock County Airport adjoining and east of USH 51. James McGuire, owner of this property, requested at the joint public hearing that his land be added to the plan area. Consideration was also given to deleting other properties included in the plan area, the owners of which were not interested in being attached to the City. Because these properties were not located on the edge of the plan area and in some cases adjoined other properties interested in sanitary sewer and water service, they could not be removed.



## **X. AMENDMENTS AND SEVERABILITY**

### **Amendments**

Sections and provisions of this *Plan* which are binding on the City and Town and shall have the full force and effect of a contract are listed as follows:

- Section V: Boundary Changes, entire section including duration of the plan term,
- Section VI: Development Plan, subsections entitled "Service Delivery to Plan Area" and "Transportation Network" only, including Attachment J.

Such provisions may be amended over the plan term if the City and Town agree and the amendment is approved by DOA. The procedures required for *Plan* amendment are described in §66.023(8), Wisconsin Statutes.

### **Severability**

This Plan is the result of negotiations between the City and Town. It was drafted by the City and revised following review and comment by the Town. The parties agree that the Plan should not be construed against any one party in the event of ambiguity.

## XI. ATTACHMENTS

The following is a complete list of attachments referenced throughout the *Cooperative Boundary Plan*. Copies of attachments may be obtained through the contact person identified in Section II above.

Attachment	Document(s)
A	Town of La Prairie, Town of Rock, City of Janesville Agreement on the Proposed Janesville STH 11 Bypass...
B	Authorizing Resolutions; Affidavits of Mailing to Local Jurisdictions and State Agencies Entitled to Notice; Adoption Resolutions
C	Technical Justification for Plan Area Size
D	Environmental Assessment: Interceptor Sewer and Water Main, Southern Service Area, Janesville, Wisconsin
E	Rock County Airport Master Plan
F	Engineering Study for Evaluation of Sanitary Sewer and Water Service, Southern Service Area, Rust E&I
G	Janesville Area Point Source Water Quality Management Plan, Map Amendment, 1994
H	Annexation Agreement between City of Janesville and Merdon Corporation
I	Existing Plans Affecting Plan Area, Summary
J	Levying of Special Assessments; City Council Policy on Special Assessments for Public Improvements
K	Statement from Registered Engineer on Sewer and Water System Design Standards
L	Janesville Wastewater Treatment Plant Loading and Capacity Study
M	1995-1999 Consolidated Plan for Receipt of Community Development Block Grant Program Funds, City of Janesville
N	Comprehensive Housing Affordability Study, Annual Performance, 1994
O	Alternative Boundary Change, Service Delivery, and Development Scenarios
P	Minutes from November 17, 1994 Public Meeting; September 25, 1995 Public Meeting; Required Joint Public Hearing, December 7, 1995.
Q	Public Comments on <i>Plan</i>
R	Rock County Planning and Development Agency Comment

RESOLUTION NO. 96-1993

*A resolution authorizing the City Manager or designee(s) to enter into and participate, pursuant to §66.023, Wisconsin Statutes, in a Cooperative Boundary Plan with the Town of Rock for the purposes of determining future municipal boundary changes, providing municipal services, and guiding the orderly development of the area covered by such Plan.*

**WHEREAS**, §66.023, Wisconsin Statutes, authorizes two or more adjacent municipalities to enter into a Cooperative Boundary Plan (hereinafter "Plan") to determine future municipal boundary changes, provide for municipal services, and guide the orderly development of the area covered by the Plan; and

**WHEREAS**, the Common Council of the City of Janesville believes that adoption of a Plan that is mutually agreeable to both the City of Janesville and the Town of Rock is in the best interest of the City; and

**WHEREAS**, a joint public hearing of the Janesville Common Council and Rock Town Board was held on December 7, 1995 as required in Section 66.023, Wisconsin Statutes; and

**WHEREAS**, the City Plan Commission on January 2, 1996 reviewed the plan and found it consistent with the City's comprehensive plan and recommended that it be adopted.

**NOW THEREFORE BE IT RESOLVED** by the Common Council of the City of Janesville that it hereby approves and authorizes the City Manager to enter into and participate in a plan with Rock Township conditioned upon the approval, execution and participation in said plan by Rock Township;

**BE IT FURTHER RESOLVED** that the City Manager is further authorized and empowered to negotiate, draft, make, execute and/or enter into, on behalf of the City, such additional minor agreements and documents related hereto, and negotiate, draft, agree to, make, execute and/or enter into such minor changes to the plan as the City Manager may, from to time, determine necessary and/or desirable and/or in furtherance of the intent of this resolution.

ADOPTED: January 8, 1996

APPROVED:

Steven E. Sheiffer  
Steven E. Sheiffer, City Manager

ATTEST:

Jean Ann Wulf  
Jean Ann Wulf, City Clerk-Treasurer

Proposed by: City Administration  
Prepared by: Planning Department

OFFICE OF CITY ATTORNEY	
APPROVED/FORM	<u>1162 Y 1/1</u>
DATE	<u>January 3</u> 19 <u>96</u>
CITY OF JANESVILLE	