MEETING NOTICE
COMMUNITY FACILITIES COMMITTEE

COMMITTEE MEMBERS: Ernie Bellin (Chair), Tim Hanna (Vice-Chair), Chuck Hornung, Tom Kautza, Brenda Schneider

DATE:  Friday October 26, 2018
TIME:  12:15 p.m. (immediately after Mini-Conference event)
PLACE:  Ashwaubenon Community Center (Brown County), 900 Anderson Dr, Ashwaubenon, WI 54304

Please contact the East Central office if you are unable to attend and arrange for an alternate to be present.

AGENDA

1)  Welcome & Introduction
2)  Statement of Compliance with Wis. Stats. Ch. 19, Subchapter V, Sec. 19.84 Open Meetings
3)  Pledge of Allegiance
4)  Approval of Agenda / Motion to Deviate
5)  Approval of June 13, 2018 Summary of Proceedings (Attachment #1)
6)  Public/Guest Comment
7)  Announcements
   a)  New FCC Regulation of Small Cell Facilities (Attachment #2)
8)  Updates
   a)  Town of Clayton / WDNR Settlement Agreement (Attachment #3)
   b)  2019 ECWRPC Work Program & Budget – 1200 Element (Attachment #4)
9)  Action Items
   a)  Resolution 34-18: Updating the Fond du Lac Sewer Service Area Plan (Materials to be sent under separate cover)
10) Next Meeting: Wednesday, January 9, 2019 at 10:00 a.m.
11) Adjourn

Any person wishing to attend this meeting or hearing, who, because of a disability, requires special accommodations should contact the East Central Wisconsin Regional Planning Commission at (920) 751-4770 at least three business days prior to the meeting or hearing so that arrangements, within reason, can be made.
SUMMARY OF PROCEEDINGS

COMMUNITY FACILITIES COMMITTEE
East Central Wisconsin Regional Planning Commission
ECWRPC Offices
June 13, 2018 – 10:00 A.M.

Committee Members Present:
Ernie Bellin ................................................................. Winnebago County
Tim Hanna ................................................................. Outagamie County
Tom Kautza ................................................................. Shawano County
Brenda Schneider .......................................................... Fond du Lac County
Chuck Hornung ............................................................ Fond du Lac County

Staff Present:
Eric Fowle ................................................................. Executive Director, ECWRPC
Joe Huffman ............................................................... ECWRPC Staff
Kathy Thunes .............................................................. ECWRPC Staff
Todd Verboomen ......................................................... ECWRPC Staff

1. Welcome & Introductions
   Mr. Bellin called the meeting to order at 10:00 a.m. Everyone was welcomed and introductions were made.

2. Statement of Compliance/Wis. Stats. Ch. 19, Subchapter V, Sec. 19.84
   The open meeting law was recognized.

3. Pledge of Allegiance
   The Pledge of Allegiance was recited.

4. Approval of Agenda / Motion to Deviate
   There being no motions to deviate Mr. Hanna moved to approve the agenda. Mr. Hornung made the second. Motion carried.

5. Action Item: Nomination & Election of Committee Chairperson and Vice-Chairperson
   The nominations of Chairperson and Vice Chairperson began with Mr. Hanna nominating Mr. Bellin as Chair for 2018-2019. The second was made by Mr. Kautza. The nominations were closed by Mr. Kautza and seconded by Mr. Hornung. Motion carried. The nomination of Mr. Hanna as Vice-Chair was made by Mr. Bellin. The second was made by Mr. Kautza. A motion to close the nominations was made by Mr. Hornung and seconded by Mr. Kautza. Motion carried.
6. **Approval of April 27, 2018 Summary of Proceedings**

   A motion was called to approve the summary of proceedings from the April 27, 2018 Community Facilities Committee meeting. Mr. Hanna moved to approve the summary of proceedings. Mr. Kautza made the second. Motion carried.

7. **Public/Guest Comment**

   There were no comments.

8. **Announcements**

   There were no announcements made.

9. **Action Items**

   a) **Discussion & Approval of the 2018-2019 Community Facilities Committee Meeting Schedule**

   Mr. Bellin asked if everyone had the meeting schedule from the last meeting. Mr. Fowle explained that the committee meeting schedule for all committees was presented at the April, 2018 quarterly meeting. Mr. Fowle added the new schedule would be determined at today’s meeting. Ms. Thunes reminded committee members that this committee has traditionally met on the 2nd Wednesday of the month at 10:00 am, (except in December and January). Mr. Bellin asked if this suited the committee members. Ms. Thunes indicated September 12, 2018 would be the next scheduled meeting. There would be no December, 2018 meeting, however, a January 9, 2019 meeting would be scheduled, (Ms. Thunes then listed the remaining schedule for 2019). Mr. Fowle stated the September, 2018 meeting would deal with the work program and schedule action for the work program at the January, 2019 meeting prior to the January, 2019 Quarterly meeting. Ms. Thunes offered to update the meeting schedule for posting and distribution. Mr. Kautza moved to approve the meeting schedule as discussed. Mr. Hanna made the second. Motion carried.

10. **Program/Project Updates and Discussion**

   a) **Updates on Potential SSA Amendments**

   Mr. Fowle provided an update regarding the Town of Clayton and its desire to provide sewer service to portions of the town. East central has not had serious negotiations with the Town of Clayton since last year (2017). The Town of Clayton has been acquiring land or building a land trust to avoid annexation attempts by the Village of Fox Crossing. Mr. Fowle indicated perhaps millions of dollars were spent on this endeavor. Serious talks between the two communities have been reported, however, it’s been unclear of any real progress being made. Mr. Fowle stated there has been a legal challenge regarding the Wisconsin Department of Natural Resources and the approval process for facilities planning (the WDNR had rejected a facilities plan submitted by the Town of Clayton). East Central has not been made aware of the actual details regarding this action by the Town of Clayton. It is assumed the WDNR and the Town of Clayton are in some discussions regarding a settlement of sorts. Mr. Fowle indicated background data was requested by the WDNR from East Central and that was the extent of our involvement. While the WDNR was limited on what it could reveal since this controversy remains active.
Mr. Hanna revealed discussing this issue with the Town of Clayton and confirmed that the City of Appleton could certainly provide the sewer and water utilities. Mr. Hanna confirmed that as part of its capital improvement program, West Prospect Avenue was scheduled for underground utilities work in 2019. Mr. Hanna stressed that the town would need to provide some funding for the project as the city would not over-size a sewer main and burden the rate payers on potential service. Mr. Fowle interjected that East Central would have concerns with a 208 Water Quality Management review for an oversized pipe without having confidence in a viable project. East Central’s involvement in this issue moving forward is somewhat uncertain, however, any decisions being made would require our involvement. Mr. Hanna indicated the City of Appleton would require, in writing, that Fox Crossing will not extend services into the Town of Clayton which would deem the City of Appleton as the only viable option.

Mr. Fowle provided an update regarding the Town of Greenville and a proposed car dealership and roundabout being proposed at CTH JJ and STH 15. The issue of sewer service provision at that location has stirred some controversy between the Village of Hortonville and the Town of Greenville. This issue has prompted the Town of Greenville to look into the possibility of incorporation whereby a petition was initiated. A petition to incorporate would effectively block the Village of Hortonville from annexing in this area. Mr. Fowle indicated the Town of Greenville had not officially filed to amend the 2030 Grand Chute-Menasha West SSA, however, a proposal to extend sewer to the area was submitted. Mr. Fowle indicated East Central’s analysis deemed the sewer proposal not feasible from a cost-effectiveness standpoint given the distance involved. The Village of Hortonville used that analysis to bolster their position thus giving the impression that East Central favored one side over the other. Mr. Fowle clearly rejected that supposition. In any event, a wait and see attitude was held, at this point, regarding the incorporation issue and any pending feasibility study on sewer service and efforts to amend the Greenville Comprehensive Plan to address these issues.

In a brief related informational item, Mr. Fowle noted the name change of the Grand Chute-Menasha West Sewerage Commission to the Fox West Regional Sewerage Commission. Mr. Fowle stated there need not be any action taken based on this information particularly regarding the Designated Management Agency status. Mr. Huffman mentioned the Wisconsin Department of Natural Resources has acknowledged this name change, as well.

b) SSA Program Staff Transition Plan

Due to Mr. Huffman’s impending retirement, Mr. Fowle will propose to the Steering Committee to use Mr. Huffman’s position as a cost saving measure. Given those circumstances it has been decided that Mr. Todd Verboomen would assume the role of Sewer Service Area Planner. Mr. Fowle indicated the transition of these duties will occur over the coming weeks. Mr. Verboomen has previously been involved in SSA planning and the transition should be a smooth one for the remainder of 2018. Due to budget issues for 2019, (which includes no County levy increase), the intention was to not fill the SSA vacancy but leave the position open for a potential economic development position. The I41 Corridor Strategy was the main driver of that thinking. This may require Mr. Verboomen to have a more permanent role in sewer service area planning.

Mr. Fowle mentioned that this item was listed for discussion due to the staff transition. Mr. Huffman was directed to provide a status regarding the current work activities. Mr. Huffman outlined the current situation regarding the 2040 Fond du Lac Sewer service Area Plan update. Currently the plan update has achieved the majority of sewer service area allocations with input yet to come from the City and Village of North Fond du Lac. Mr. Huffman indicated that allocation proposals, for discussion purposes, have been submitted to those communities. Draft mapping and the statistical analysis would then be submitted to all the affected communities and sanitary districts for comment. Mr. Huffman stressed that the draft report is nearly complete along with the draft exhibit mapping and the various projection tables. The remaining effort would be the public hearing and approval processes which would fall to Mr. Verboomen. Mr. Huffman stated the WDNR has yet to approve the 2030 Forest Junction and Rosendale SSA Plan updates. In terms of new work items, the Wautoma-Silver Lake SSA plan update efforts are underway to assemble the base data from the previous update. Mr. Huffman performed all the GIS functions as part of the SSA program and standardization of the GIS data was required. Preliminary data collection has yet to occur for the Wautoma-Silver Lake SSA.

d) Sewer Service Area Activities Review Fee Discussion

Mr. Huffman referred to the year-to-date revenue collected and the staff memo regarding outlining the re-evaluation of the review fee structure. Based on the research of other planning commissions doing similar work it was clear there was no consistency in rates charged for sewer service related activities. Mr. Huffman proposed that East Central should determine its own rates in this regard. A discussion ensued about rate increases and the time each review consumes in man hours. Non-member counties were also discussed and how they are affected by these reviews. Mr. Fowle suggested that the Committee could recommend rate changes in the form of a resolution which could be placed on the agenda for the next meeting. Mr. Fowle stated the need to reduce the Commission’s subsidization of the SSA program. Mr. Fowle felt the fee structure could be doubled. Ms. Schneider concurred with doubling the fees; however, she cited that services are a benefit of being a member of the Commission. Ms. Schneider also noted most of the fees charged are invoked by virtue of developer requests. Expenses incurred usually benefit the developer in the long run; therefore, municipalities should not bear these costs for the individual or developer. Mr. Fowle stated this will be formally placed as an action item at the next meeting.

11. Roundtable Discussion/Sharing on County/Local Issues & Activities

It was reiterated that the next quarterly meeting (July, 2019), would be held in New London.

12. Next Meeting

The next agreed upon meeting was set for September 12, 2018.

13. Adjourn

Mr. Bellin called for a motion to adjourn. Mr. Hanna motioned to adjourn. Ms. Schneider made the second. Motion carried. This meeting adjourned at 11:50 am.
FCC Approves New Rule To Limit Local Authority In 5G Rollout

Although the Federal Communications Commission moved forward Wednesday with an order curtailing local governments' authority to regulate the rollout of fifth-generation wireless, jurisdictions are now looking at months of uncertainty over when the new rules will be implemented.

The rule sets strict approval times for governments to consider permits and caps the fees jurisdictions can charge providers.

All major state and local organizations opposed the measure, despite its anticipated approval, and are expected to petition the FCC for reconsideration—possibly followed by lawsuits, said Angelina Panettieri, principal associate for technology and communications at the National League of Cities.

"We didn’t see a lot of advocates for local government on the day today," Panettieri told Route Fifty. "This order is going to increase the amount of litigation around small cell proposals."

Commissioner Brendan Carr, a Republican, introduced the rule earlier this month promising providers would save $2 billion on unnecessary fees while speeding up the release of the much-faster 5G service to cities and underserved rural and suburban communities.

Carr and other proponents have argued that smoothing the regulatory path for 5G will help bring broadband internet service to places that currently don’t have access, and they have emphasized that the U.S. is currently in a battle with foreign competitors to move on 5G.

"We need a concrete plan to close the gap with China and win the race to 5G," Carr said prior to the vote. "We take this seriously at the FCC, and we are setting the government out of the way so that the private sector can..."
Critics have been skeptical, saying that instead cities should be allowed to use their clout to expand infrastructure to neighborhoods where the market hasn’t gone.

The measure, approved 3-1 along party lines, gives jurisdictions 60 days to approve small cells—radio equipment and antennas inside metal boxes—if they are being attached to existing poles. Government can take 90 days for entirely new poles.

Commissioners said localities will be granted leeway to update their procedures, but it is unclear whether that means an extension or a stay on the rule’s effective date—it generally takes a week to several months for the FCC to post final orders to the Federal Register.

Even Commissioner Jessica Rosenworcel, a key critic of the proposal, celebrated the shorter timeframes for permit approval, to the disinclination of local government advocates. But that’s where agreement ended among the FCC commissioners.

“Three unelected officials on this dais are telling state and local leaders all across the country what they can and cannot do in their own backyards,” said Rosenworcel, a Democrat and the lone dissenter. “This is extraordinary federal overreach, and I don’t believe that the law permits Washington to run roughshod over state and local authority like this. And I worry that the litigation that follows will only slow our 5G future.”

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Making Algorithms Less Biased

One point of contention will undoubtedly be the FCC’s three-part test to determine if a locality’s regulations about the aesthetics of the infrastructure should be preempted, Panettieri said, because providers and governments aren’t likely to see eye-to-eye on what constitutes “reasonable” demands. Despite the scaled-down small cell equipment, residents still notice—and complain to local officials—when new attachments appear on poles.

The places to watch are jurisdictions where 5G agreements are already in place like San José, California, which is working with three providers on the largest small cell-driven broadband deployment in the U.S. A portion of the providers’ investments will go into a digital inclusion fund to expand service to remote parts of the city.

Rosenworcel worried the FCC’s declaratory ruling might undermine all such agreements, and Panettieri said the number of providers that go to court seeking expedited relief in the coming months will “give us an idea of how aggressively they’ll approach this going forward.”

San José Mayor Sam Liccardo criticized the order in a statement.

“Rather than encouraging balanced, commonsense recommendations that advance equitable broadband infrastructure deployment, the FCC’s move will force taxpayers to subsidize industry access to publicly-owned infrastructure—with no obligation to serve the 34 million Americans in low-income and rural communities who remain on the wrong side of the ‘digital divide,’ Liccardo said. “We will consider all of our legal and political options to ensure that the voices of local communities are heard, to achieve a more inclusive vision of our digital future.”

State and local governments had already been at odds about 5G, with about 20 states preempting local authority when it comes to negotiating with providers. The order doesn’t preempt any of those laws.

Local government application fees are typically tied to review costs, but the order calls for a $500 single, up-front application fee including up to “five small wireless facilities”—and $100 per each one after.

A new annual rent ceiling on recurring charges for placing wireless facilities on public property shortcircuits jurisdictions, critics said.

The rule requires $270 per small wireless facility per year, including right-of-way access fees and attachment fees. That’s down from the national
the FCC's Broadband Deployment Advisory Committee, or BDAC, and the
order won't preempt states with extremely low rent limits like Arizona.

Generally a provider pays for every attachment to a small cell to a pole,
even ones already occupied by competitors.

"To be sure, there are some local governments that don't like this order;
they would like to continue extracting as much money as possible in fees
from the private sector and forcing companies to navigate a maze of
unnecessary hurdles to deploy wireless infrastructure," said FCC Chairman
Ajit Pai, a Republican. "These actions are not only unlawful but
shortsighted. They slow the construction of 5G networks and will delay, if
not prevent, the benefits of 5G from reaching American consumers."

Commissioner Michael O'Brien, a Republican, hinted at additional
infrastructure "upsets" as the order to be made by the FCC at a later date.
Providers should have the ability to challenge fees they believe are not
bias-based, he said.

Moving forward, the FCC should develop 5G model codes in lockstep with
states and localities, Rosenworcel said. The BDAC plans to finalize a model
code in October for states looking to craft their own legislation.

But the last draft included an article intended to discourage municipal
broadband networks, meaning the code could be "potentially much more
harmful to local governments," Panettieri said.

"We're trying to minimize the damage from that state model code that
builds on what the FCC and a number of states have already done," she
said.

Dave Nyczloup is a News Editor at Government Executive's Housefifty and is based in Washington, D.C.

The next story is "Michigan Has a Growing Salt-Water Problem".

Michigan Has a Growing Salt-Water Problem

Welcome to Pure Michigan

By Michael Gross | September 25, 2018

STATE AND LOCAL ROUNDUP | Lime squeezed out of a Nevada city ...
more Valley fever cases in California ... and a judge says Louisville
must release its Amazon HQ2 proposal.

Environment | Water | Infrastructure

Good morning, it's Wednesday, Sept. 25, 2018. Groundwater problems in
three dozen Michigan counties leads some area's state and local
government news roundup but scroll down for more from places like Pierce
County, North Dakota; Sparks, Nevada; and Charleston, West Virginia.

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Understanding the FCC’s Proposed Small Cell Order


Find Next Century Cities’ guide to the proposed order here.

On September 5, the Federal Communications Commission (FCC) released the text of an Order in its ongoing proceeding to streamline the rollout of infrastructure for broadband services, including small cells for 5G wireless service. The Order is expected to be adopted at the FCC’s September 28th meeting.

The Order is a blatant effort by the FCC to strengthen the hand of carriers in negotiations with local governments over small cell deployment and to limit the ability of local governments to negotiate in the public interest around small cells.

The good news is that the FCC has left local governments with some power and flexibility to enact reasonable regulations governing small cell deployments. With the right approach and partner, local governments have a higher hill to climb but can still negotiate win-win outcomes that benefit carriers while addressing citizens’ concerns.

Local governments should immediately take proactive steps to maintain their leverage in possible negotiations with carriers.

Next Century Cities has collaborated with Mark Del Bianco, Principal at the Law Office of Mark C. Del Bianco, to create a guide to the order, available here. The guide breaks down the order and our understanding of its implications and anticipated effects on local control. Importantly, the guide also offers steps that municipalities can take now to proactively mitigate the order’s effects on current and future small cell agreements.

If you have questions about this order or would like to discuss further, please contact Deb at deb@nextcenturycities.org.

MEDIA INQUIRIES

If you have a media inquiry, please email press@nextcenturycities.org or call Deb Socia at (617) 291-8338

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Summary of Proposed FCC Small Cell Order

Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Declaratory Ruling and Third Report and Order; WT Docket No. 17-79; WC Docket No. 17-84

Prepared in collaboration with Mark Del Bianco, Principal, Law Office of Mark C. Del Bianco

Disclaimer: This document is intended to be a tool for education and information. It offers a summary of the proposed FCC order. This document is not intended to provide legal advice, or to be a legal analysis or a comprehensive list of all potential outcomes of this order. We offer this information for reference purposes only, as a starting point for analysis by interested parties.

The FCC recently released the text of an order in its ongoing proceeding to streamline the rollout of infrastructure for broadband services, including small cells for 5G wireless service.[i] The FCC is proposing to adopt this Order at its September 26 meeting. While there could be differences between these proposed rules and those adopted at the meeting, that is unlikely. If there are important changes, NCC will provide an update.

This summary addresses the effect of the Order on the issues of most importance to NCC members that have or are considering enacting small cell ordinances, or have or will be negotiating agreements with carriers or infrastructure providers such as Mobilitie or Crown Castle.

The Order has two parts: (1) an new set of regulations (the "Rules") that govern shot clocks and other limited aspects of the rollout of small wireless facilities (a/k/a "small cells") and (2) a Declaratory Ruling that does not enact any new regulations but is the FCC's interpretation of how the provisions of Section 253 and 332(c)(7) of the Communications Act that limit state or local regulations that "effectively prohibit" the provision of wireless services should be applied.[ii] The Declaratory Ruling portion of the Order adopts the position that a state or local government need only "materially inhibit" a particular small wireless facility deployment in order for its action to constitute an "effective prohibition" under Section 253 or 332(c)(7). Based on this conclusion, the Declaratory Ruling provides guidance on fees local governments may charge and on how they may regulate ancillary rollout issues such as tower spacing, equipment design and other aesthetic concerns. In lay terms, this means the FCC is making it easier for private companies to take local governments to court if they believe municipal policies are effectively prohibiting network investment.
Key Takeaways from the Order

- The Order is a blatant effort by the FCC to strengthen the hand of carriers in negotiations with local governments over small cell deployment and to limit the ability of local governments to negotiate in the public interest around small cells.

- The good news is that the FCC has left local governments with some power and flexibility to enact reasonable regulations governing small cell deployments. With the right approach and partner, local governments have a higher hill to climb but can still negotiate win-win outcomes that benefit carriers while addressing citizens' concerns.

- Local governments should immediately take proactive steps to maintain their leverage in possible negotiations with carriers.

- Local governments should move expeditiously to enact zoning and other regulations to address issues of importance to their community. These may include application processing cost recovery, antenna design, location and spacing, additional pole and equipment aesthetic requirements, and other factors of local concern.

- In particular, setting out and standardizing aesthetic requirements, including pre-approval of antenna, equipment cabinet and street furniture designs where appropriate, will make it easier for local governments to process applications reasonably expeditiously and to defend challenged siting decisions or failures to meet shot clock deadlines.

Key Issues for Members

What types of facilities does the Order apply to?

The Order applies to all types of facilities used to provide wireless services. There are specific shot clock and other rules that govern certain small wireless facilities, i.e., those less than 50 feet tall and on which the antenna size is less than 3 cubic feet.

What happens if a local government already has an agreement with a carrier or infrastructure provider that covers small wireless facilities?

- The FCC did not address whether existing agreements are preempted by the Order. While existing agreements were not explicitly grandfathered, there is no obvious means of voiding them. The result is that local governments should be able to keep existing agreements.

- In order to preempt existing agreements involving private parties, the FCC would have to make certain findings that doing so was in the public interest. It did not do so in the Order.

- Further evidence that the FCC did not intend to preempt existing agreements is its expressed intent in the Order to facilitate "mutually agreed solutions."
- Any attempt to preempt an existing agreement would require the carrier to file a lawsuit against the municipality, which seems very unlikely.
- Even if a carrier filed a case, we do not believe it would be able to convince a court to void a freely negotiated commercial agreement.

Going forward, can a local government negotiate new agreements with carriers or infrastructure providers? If so, are there issues that cannot be addressed in an agreement?

- Yes, local governments can still negotiate with carriers and infrastructure providers. Nothing in the Order preempts local governments' ability to negotiate future agreements in order to provide a mutually acceptable process for deployment of small cells.[iii] However, the Rules and presumptions created by the Order give carriers more leverage when negotiating with local governments and reduce the ability of local governments to enact regulations that achieve desirable outcomes when carriers are unwilling to engage in good faith negotiations, or to negotiate at all.
- The Declaratory Ruling provides guidance on some parameters of the deployment of small cells, including such factors as the cost, aesthetic requirements and location, but it does not prohibit local governments or carriers from reaching their own arrangements on these or any other factors. This means that if a local government wants to follow the Lincoln model of offering very rapid permitting in return for fees higher than the FCC sets, it may still do so.

Are there limits on the amounts that local governments can charge for small cell application and use fees?

- There is a presumed safe harbor for application and use fees, but no specific cap on fees.
- The safe harbor amounts are (a) $500 for a single up-front application that includes up to five Small Wireless Facilities, with an additional $100 for each Small Wireless Facility beyond five, and (b) $270 per Small Wireless Facility per year for all recurring fees, including any possible ROW access fee or fee for attachment to municipally-owned structures in the ROW.
- The FCC views these amounts as safe harbors because it believes they are low enough that no carrier would challenge them if they were imposed unilaterally in a local government’s regulations.
- Nothing in the Order prevents a local government from charging higher fees. However, under the FCC's framework, if a carrier files a lawsuit challenging the fees imposed by a local government, the burden would be on the local government to demonstrate that the amount is a reasonable approximation of its costs and that its costs are reasonable.
- The FCC did not specify a methodology for calculating cost, or what expenses could be included.
- We believe that the revenue-reducing effect of a cost-based methodology will be much greater for usage fees than for application fees, because usage fees are recurring.
Can a local government require in-kind contributions or set application or use fees at levels to achieve social goals such as closing the digital divide?

- If a court were to accept the FCC conclusion that fees must be cost-based, local governments would not be able to require in-kind contributions or set application or usage fees above cost.
- Local governments can still negotiate agreements containing provisions for non-cost-based fees (as San Jose and Honolulu did), but the Order attempts to remove most of a local government's negotiating leverage on these issues, so there will now be little incentive for a provider to agree to do so.

What are the new application shot clocks?

- The Rules create four new shot clocks:
  - Collocation of small wireless facilities: Local government has 60 days to act upon an application.
  - Collocation of facilities other than small wireless facilities: 90 days.
  - Construction of new small wireless facilities: 90 days.
  - Construction of new facilities other than small wireless facilities: 150 days.
- The Rules also provide for the pausing of the shot clock when a local government determines that an application is incomplete. In order to prevent last minute “pausing” of the shot clock by local governments, an incompleteness determination must be made by the 30th day after an application is filed, and within 10 days after resubmission if a re-submitted application is still incomplete.

What is the legal effect of the new shot clocks?

- The shot clock deadlines have no direct legal effect.
- If an application is not acted on within the deadline, nothing happens unless a carrier either commences a formal complaint proceeding at the FCC or files a case in state or federal court. In either case, the carrier would have to demonstrate that the failure to act on the application amounts to an "effective prohibition" on wireless service under Section 253 or 332.
- Either process will take months, perhaps years.
- The Order recognizes that the shot clock is only a presumption, and that local governments have the ability to demonstrate to a court that the delay is reasonable under the circumstances.
- If a court finds that a shot clock violation is an effective prohibition, it will most likely order the local government simply to make a decision by a specific date in the near future; a court is very unlikely to order a local government to grant a specific application.
- We believe that carriers prefer certainty and rather than litigate over a few shot clock violations will be willing to negotiate a reasonable time for guaranteed local government action on applications.
Do different shot clock deadlines apply when multiple applications are filed at the same time (batched)?

- No.
- However, the FCC acknowledged that batched applications could strain local governments' resources and potentially justify a failure to meet shot clock deadlines.[iv]
- We believe that in any carrier lawsuit that was based on a failure to meet the shot clock deadlines on a large batch of applications, a court would be very sympathetic to a local government's argument that the batch application had caused a legitimate overload on its permitting resources.

What types of local government permits/authorizations do the new shot clocks apply to?

- The Rule applies to any request for authorization to place, construct, or modify wireless service facilities, including a zoning permit, a building permit, an electrical permit, a road closure permit, and an architectural or engineering permit.
- The Order does not specify whether or how the shot clocks apply to requests to use light poles and other government facilities, whether located in or outside the right of way.

May a local government still take aesthetics into account in its small cell zoning regulations?

- Yes.
- Aesthetic requirements must be reasonable, no more burdensome than those applied to similar types of infrastructure deployments (e.g., equipment cabinet size and color requirements would need to be similar to those for telco or cable company cabinets), and published in advance.[v]

May a local government require minimum spacing between small wireless facilities?

- Yes. The Order considers spacing requirements to be a subset of aesthetics requirements, and thus subject to same standard.
- The Order gives no guidance on what might be a reasonable spacing distance.

What if a local government has an undergrounding requirement for all utilities?

- Regulations requiring all utility facilities (including antennas) to be placed underground would effectively prohibit wireless services because antennas have to be placed above ground in order to function.
- Regulations requiring all wireless equipment other than antennas to be placed underground would be permissible, so long as they are applied on a non-discriminatory basis to other service providers, e.g. telco and cable companies.
- It is not clear what sorts of poles or other above ground antenna facilities a local government would have to allow access to in order to avoid being considered "effectively prohibiting wireless service."
Bottom Line

- The order significantly diminishes local decision making, but does not eliminate it.
- Local governments cannot say no to all small cell antennas within specific neighborhoods or other areas of their communities.
- Local governments can charge more than the recommended permitting fees and annual fees, but may have to show how the fees correlate with the local government's cost for managing the permitting and right of way.
- The order decreases a community's capacity to receive recompense for the use of their right of way that is in excess of the cost of managing that right of way.
- Local governments that are prepared by proactively putting in place policies and procedures will be able to retain some local control.
- If you have an existing agreement, we believe it will be hard for a vendor to justify a request to change that agreement and it seems unlikely that the courts would side with them.
- There will very likely be court challenges to this order.

Important Tips and Action Steps

- **ANTENNA PLACEMENT** - you cannot say no to any antennas on poles in an area. However, you can say no to a specific placement as long as there is a reasonable alternative.
- **UNDERGROUND** - you cannot require that all of this infrastructure be placed underground, but you may be able to require that all but the antenna be placed underground. However, if you are planning to do so, you must do so for ALL utilities and you must have an ordinance in place.
- **STREET FURNITURE** - you can require that street furniture have a certain aesthetic and a setback from the street (for both aesthetic and public safety reasons, such as to prevent loss of parking due to inability to open car doors). You must have an ordinance in place that applies to ALL utilities in the local government's right of way.
- **SHROUDING** - You can require a certain aesthetic for certain neighborhoods and certain types of poles. If these requirements are in place in advance of a carrier approaching you, you are less likely to experience push back and your position will be more defensible if challenged in court.
- **PERMITTING** - The time to revise and organize your permitting process is now. If your permitting process includes a plan to adhere to the shot clocks in the order, you will more likely be able to meet them.
- **SHOT CLOCK DEADLINES** - The deadlines may be difficult to meet, but there is NO DEEMED GRANTED provision in this order. Batch permitting may be particularly problematic for local governments as the scope of such requests can overwhelm a permitting department, but if you work in good faith, keep the carrier updated, and are still unable to meet the deadline, it is likely the carrier will work with you. If instead they take you to court, your due diligence and proactive efforts will work in your favor.
- **APPLICATION COSTS** - The costs listed in the order are for guidance. If you stay at or below them, your fees very likely will not be challenged in court. However, you can charge more if you have evidence that your costs are higher. Including your engineering costs, permitting staff costs, and post-installation
inspection costs may justify a higher application fee. If those costs are reasonable, the fee is unlikely to be challenged and if challenged, will likely be upheld even under the FCC’s test.

- **ANNUAL ROW FEE** - If at or below the cost specified by the order ($270/year), this fee will very likely be unchallenged by carriers. If higher, a court may require the local government to justify the fee as being directly related to cost.

- **NEGOTIATING** - Remember that one of the single most valuable characteristics of your permitting from the carrier perspective is predictability. If you can give a high degree of certainty that permits will be finished in a predictable manner, carriers will be much more willing to negotiate for higher fees or more public interest requirements than those set by the FCC.
Endnotes

[i] Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Declaratory Ruling and Third Report and Order, WT Docket No. 17-79; WC Docket No. 17-84 (the "Order").

[ii] Section 253(a) provides that "[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service." Section 332(c)(7) provides that "[t]he regulation of the placement, construction, and modification of personal wireless service facilities by any State or local government or instrumentality thereof—(I) shall not unreasonably discriminate among providers of functionally equivalent services; and (II) shall not prohibit or have the effect of prohibiting the provision of personal wireless services."

[iii] However, parts of the Declaratory Ruling and even the proposed Rules acknowledge the ability of local governments and carriers to negotiate outcomes different from those envisioned in the Declaratory Ruling. For example, with regard to proposals to allow local governments to implement best practices or an informal dispute resolution process, the FCC stated "Although we do not at this time adopt these proposals, we note that the steps taken in this order are intended to facilitate cooperation between parties to reach mutually agreed upon solutions. For example, as explained below, mutual agreement between the parties will toll the running of the shot clock period, thereby allowing parties to resolve disagreements in a collaborative, instead of an adversarial, setting." Order, ¶ 127. That reference is to proposed 47 C.F.R. § 1.6003(d), which allows local governments and carriers to agree to toll (i.e., lengthen) the shot clock period for any type of wireless facility. Similarly, nothing in the Declaratory Ruling prohibits local governments from reaching agreements with carriers and infrastructure providers that contain provisions fleshing out (or even departing from) the broad FCC guidelines on cost, aesthetic requirements, antenna location and other factors.

[iv] The FCC noted that under its "approach, in extraordinary cases, a siting authority, as discussed below, can rebut the presumption of reasonableness of the applicable shot clock period where a batch application causes legitimate overload on the siting authority’s resources. Thus, contrary to some localities’ arguments, our approach provides for a certain degree of flexibility to account for exceptional circumstances."

The siting authority then will have an opportunity to rebut the presumption of effective prohibition by demonstrating that the failure to act was reasonable under the circumstances and, therefore, did not materially limit or inhibit the applicant from introducing new services or improving existing services. Order, ¶¶ 110-112.

[v] The Order’s discussion of the first two factors is brief and provides little guidance: [A]esthetic requirements that are reasonable in that they are reasonably directed to avoiding or remediying the intangible public harm of unsightly or out-of-character deployments are also permissible. In assessing whether this standard has been met, aesthetic requirements that are more burdensome than those the state or locality applies to similar infrastructure deployments are not permissible, because such discriminatory application evidences that the requirements are not, in fact, reasonable and directed at remediying the impact of the wireless infrastructure deployment. Order, ¶ 84.
MEMORANDUM

Date: October 15, 2018

To: Community Facilities Committee

From: Eric Fowle, AICP – Executive Director

RE: Town of Clayton / WDNR Settlement Agreement

As you are aware, the Town of Clayton had previously submitted a Facilities Plan to the WDNR seeking approval of a large holding tank system for wastewater collection with eventual treatment through a contract with the Village of Hortonville. This proposal was denied by WDNR and the Town of Clayton sued. The case was settled out of court with little information being provided to ECWRPC staff during this process.

Attached you will find a copy of the approved settlement agreement between the Town of Clayton and the WDNR which essentially approves the proposed holding tank system as an interim option and requires the Town to initiate facilities planning in hopes that a permanent wastewater treatment solution is found.

I am unable to attend this meeting but I wanted to share this document with the Committee now so that we could further discuss it at the next scheduled meeting in January, 2018.

If you have any questions in the interim, please contact me at 920-751-4770 or via email at efowle@ecwrpc.org
STIPULATION AND FINAL ORDER

The petitioner Town of Clayton Sanitary District No. 1 (District) filed this action requesting judicial review of an April 7, 2017 administrative decision by the respondent Wisconsin Department of Natural Resources (DNR) that rejected the District’s plans and specifications for sanitary sewers, a lift station, and a wastewater storage tank that were submitted to the DNR on January 17, 2017. The parties wish to settle this matter by agreement and avoid further litigation, and therefore stipulate and agree that this matter shall be settled on the following terms and conditions:

1. The District will submit revised plans and specifications for its
proposed collection system, lift station, wastewater storage tank, and trucking of wastewater to the Hortonville Wastewater Treatment Plant to update the District’s January 17, 2017 submittal. The District will submit these revised plans and specifications no later than six months after the date that the Court enters the Final Order in this matter.

2. The District agrees that the revised plans and specifications will include the following:

   a. The tanks shall have a minimum distance of separation of four feet from the seasonal high groundwater mark. If the District cannot locate the tanks on a suitable site that meets this requirement, then any variance to this requirement would require installation of groundwater monitoring wells, located in accordance with Wis. Admin. Code § NR 110.25(5)(b), and monitoring of chlorides and bacteria and nitrogen species to ensure there is no leaking from the tanks. If monitoring is required, it shall be conducted every six to seven weeks until eight representative samples are collected, and quarterly thereafter, in accordance with Wis. Admin. Code § NR 206.10(4)(b).

   b. The tank(s) and appurtenances shall be located no closer than 1,000 feet from commercial establishments and buildings occupied or intended for residential use and from land which is actively being developed for commercial or residential use. This distance may be reduced to 500 feet if
the DNR determines proposed odor control appurtenances will sufficiently reduce nuisances caused by raw sewage pumping.

c. The tanks shall have telemetry notification to the operator-in-charge and audible alarms for high-water levels in the tanks. The collection and tanks sewerage system shall be managed by a certified wastewater operator. At minimum, the operator-in-charge shall be certified at the basic level.

d. The system’s storage tank capacity shall be at least 700,000 gallons spread between at least two tanks. Alternatively, the District could place its storage tank into a lined emergency overflow lagoon capable of holding at least 700,000 gallons with three feet freeboard, but this would be approved only if the District demonstrated that it is not possible to have storage tank capacity of 700,000 gallons, and the lagoon is synthetically lined. If a secondary containment lagoon is proposed, the lagoon shall meet applicable standards specified in Wis. Admin. Code § NR 110.24. If more than an average volume of 13.3% of the existing total tank capacity over any 3-day period is received, the District shall construct (an) additional tank(s) with a minimum of 300,000 gallon capacity that shall be fully operational within six months of that day. The compliance deadline of six months may be extended at the sole determination of the DNR. This requirement of additional capacity
shall be rescinded if a physical connection to a Publicly Owned Treatment Works (POTW) is established prior to the compliance deadline.

e. Two pumps, each capable of pumping the full load-out requirement from either storage tank, shall be installed at the tank site. Pumps shall meet the reliability standards required of lift stations in Wis. Admin. Code § NR 110.14.

f. The pump house shall be ventilated to meet the dry well ventilation standard of 20 air changes per hour if intermittent, or six air changes per hour if continuous.

g. The District will pump and haul the contents of the storage tanks on a daily basis such that, at some point during each day, there is a maximum residual wastewater volume in the storage tanks corresponding to the lesser of one-foot depth or 5% of the total tank volume. The District shall notify the DNR within 24 hours if extenuating circumstances prevent them from meeting this condition.

h. The District will apply for coverage under the Satellite Sewage Collection Systems General Permit, and the DNR will extend coverage under that general permit. The District agrees that the permit will allow collection of discharge data and provide a formal avenue for compliance monitoring and enforcement in the case of any spills or overflows. The District agrees that the DNR may conduct compliance inspections on a
periodic basis to ascertain compliance with the permit requirements. By no later than the twenty-first day of each month, the District will submit to the DNR records indicating daily total flow received to the tanks and daily total volumes hauled to the treating POTW(s), for the previous month.

   i. The District will notify the DNR within 24 hours if the tanks exceed 50% of their total combined capacity.

   j. The submittal of plans and specifications for the District’s collection system and short-term storage system shall include the following impact reviews and/or permits for all construction proposed in the plans and specifications. All proposed construction shall conform to the requirements therein.

   i. An Endangered Resources Review conducted by the District, to prevent the take of wild animals, as prohibited in Wis. Stat. § 29.604(4)(a).

   ii. A Cultural Resources Review, conducted by the District, with comment and/or permits issued by the State Historical Society of Wisconsin as required, to fulfill the requirements of Wis. Stat. § 44.40.

   iii. Delineation of all impacted or site-adjacent wetlands and any State or Federal wetlands fill permits required under Wis. Stat. § 281.36 and Section 404 of the Clean Water Act.
iv. A review of any possible infringement on floodplains and any local or county zoning permits required for construction within the floodplain in accordance with Wis. Admin. Code § NR 116.05. The tanks and appurtenances shall be located in accordance with Wis. Admin. Code § NR 110.15(3)(a). For the purposes of this requirement, the tanks and appurtenances shall be considered a sewage treatment facility.

k. The District will submit biannual (once every six months) updates on its progress toward securing a contract for a physical connection to a neighboring POTW, with the first update to be submitted six months after the DNR approves the revised plans and specifications for the collection system and short-term storage system.

3. The DNR will review the revised plans and specifications for the collection system and short-term storage system and issue a decision within 90 days of receipt of the revised plans and specifications. This deadline may be extended upon mutual agreement in writing by the District and the DNR. The DNR agrees that it will not disapprove the revised plans and specifications for the collection system and short-term storage system if the plans and specifications meet all the requirements of this stipulation. The District agrees that the DNR may impose additional conditions in the approval necessary for compliance with applicable design code requirements.
The parties agree that Wis. Admin. Code §§ 110.06(3) and 110.08(4) are not design code requirements for the purpose of this paragraph.

4. The District agrees that DNR approval of the revised plans and specifications for the collection system and short-term storage system will require the District to obtain, prior to beginning system operations, signed agreements with two surrounding POTWs, confirming their willingness to accept the entirety of Clayton’s hauled sewage, even in storm conditions. These POTWs must, at the DNR’s determination, have sufficient capacity to treat the wastewater to be hauled from the District. The District must submit to the DNR for approval documentation of the executed agreements and an evaluation of each receiving facility’s ability to receive the District’s wastewater. This must include, at minimum, consideration of hydraulic, Biochemical Oxygen Demand (BOD), Total Kjedahl Nitrogen (TKN), and total phosphorus loading.

5. The District agrees that DNR approval of the revised plans and specifications for the collection system and short-term storage system will require the District to obtain, prior to beginning system operations, signed agreements with two contract haulers to transport wastewater, or to show ownership of its own trucks and employment of truck drivers/operators in sufficient quantity to manage the expected volume of waste. The District
must submit to the DNR for approval documentation of the executed agreements.

6. The District understands and agrees that it shall not begin operation of its collection system and short-term storage system until the DNR verifies that the conditions described above and set forth in the final DNR approval are fulfilled.

7. The District understands and agrees that approval of the plans and specifications to be submitted pursuant to this stipulation shall permit operation of the District’s collection system and short-term storage system for an absolute maximum of five years of operation, or alternatively, shall permit operation until absolutely no later than seven years after the date of the DNR’s approval, whichever of those two dates arrives first. The District agrees that on that date described above, whichever one arrives first, the DNR’s approval will lapse, and the District may no longer operate its collection system and short-term storage system as of that date.

8. By no later than two years after the date that operation of the collection system and short-term storage system commences, the District will submit a long-term facilities plan that complies with all requirements of Wis. Admin. Code §§ NR 110.08 and 110.09. The facilities plan will include a cost-effectiveness analysis. The cost-effectiveness analysis shall evaluate alternatives that ensure a physical connection with existing POTWs, and
may evaluate the District’s construction of a new plant. The District will, at a minimum, evaluate connections to the following existing POTWs: Grand Chute-Menasha West, Neenah-Menasha, Appleton, New London and Winneconne. The parties agree that, for the purpose of this stipulation only, an alternative that requires a boundary agreement or the annexation of land within the Town to an adjacent incorporated municipality is not an implementable solution unless the District agrees to the boundary agreement or annexation.

9. Along with the long-term facilities plan, the District will submit a sec. 208 conformance letter under Wis. Admin. Code § NR 110.08(4). The District understands and agrees that there will need to be either a new Sewer Service Area developed and approved as part of an areawide water quality management plan under Wis. Admin. Code ch. NR 121, or an amendment to an existing one, before a sec. 208 conformance letter can be submitted. The DNR will assist the District as needed to help to establish a new Sewer Service Area or an amendment to an existing one, and to obtain a sec. 208 conformance determination, so that the District is able to implement the cost-effective alternative identified in the District’s long-term facilities plan prepared in accordance with Paragraph 8.

10. The District will comply with the following timeline:
a. The District will submit plans and specifications to either physically connect to an existing POTW or to construct a new wastewater treatment facility within 90 days of DNR approval of the long-term facilities plan.

b. The District will advertise for bids for the construction of either the physical connection to an existing POTW or the new wastewater treatment facility within 120 days of DNR approval of the plans and specifications.

c. The District will complete construction of either the physical connection to an existing POTW or the new wastewater treatment facility within two years of DNR approval of the plans and specifications.

d. The District understands and agrees that either a physical connection to an existing POTW or the construction of a new wastewater treatment facility must be proposed and completed in accordance with the dates set forth in this paragraph; and if the District fails to do so, approval for use of the collection system and storage tanks will be revoked forthwith. Should the physical connection to an existing POTW or the construction of a new wastewater treatment facility not be completed by the dates specified in this stipulation, the District understands and agrees that it may not continue operation of its system, and the District will promptly do whatever is necessary in order to properly and legally process its wastewater.
11. The parties agree that this stipulation does not make any determination, either express or implied, on the substantive merits of the petition. The parties agree that the provisions of this stipulation are applicable only to resolution of this lawsuit, due to the history and specific circumstances of this situation. The provisions in this stipulation do not create any precedent whatsoever for any other situation in Wisconsin.

12. The Petition for Judicial Review shall be dismissed pursuant to the terms of this stipulation and order.

13. The provisions of this stipulation and order shall apply to and be binding upon the parties and their agents, servants, employees, trustees, successors and assigns.

14. A final order on these terms may be entered without further notice or proceedings.

15. The Order is a final and appealable Order. However, the parties hereby waive their right to appeal the Order.

16. The parties may mutually agree to revise or amend the terms of this stipulation without obtaining the consent of the court.
Dated this 17th day of May, 2018.

BOARDMAN & CLARK LLP

/s/ Richard L. Bolton
Lawrie J. Kobza
Wisconsin State Bar No. 1009282
lkobza@boardmanclark.com
Richard L. Bolton
Wisconsin State Bar No. 1012552
1 S. Pinckney St., Ste. 410
P.O. Box 927
Madison, WI 53701-0927
(608) 257-9521
Attorneys for Petitioner

Dated this 17th day of May, 2018.

BRAD D. SCHIMEL
Wisconsin Attorney General

Electronically signed by Lorraine C. Stoltzfus

LORRAINE C. STOLTZFUS
Assistant Attorney General
State Bar #1003676

Attorneys for Respondent Wisconsin
Department of Natural Resources

Wisconsin Department of Justice
Post Office Box 7857
Madison, Wisconsin 53707-7857
(608) 266-9226
(608) 267-2778 (Fax)
stoltzfuslc@doj.state.wi.us
1200 Program Element: Sustainable & Efficient Community Services & Facilities

This program element implements the requirements of the “Smart Growth” planning legislation for the Community Facilities and Utilities plan element and incorporates the Commission’s ongoing NR-121 sewer service area (SSA) planning function. This function is derived from East Central being designated by the WDNR as the 208 Water Quality Management Planning Agency for the region and its advisory capacity is established through a formal funding agreement with the WDNR. SSAs are the basis for promoting orderly growth and efficient development patterns based on the cost-effectiveness of providing public wastewater collection and treatment. This work program element is overseen by the Commission’s Community Facilities Committee (CFC) and consists of the following major work elements:

Major Work Program Elements:
The Sustainable & Efficient Community Services & Facilities work program contains the following Major Work Program Elements:

⇒ 1205 – Community Facilities Committee Administration/Coordination
⇒ 1210 – Technical Assistance (CF)
⇒ 1230 – Sewer Service Area Planning

Regional Comprehensive Plan Relationship:
The 1200 Element is directly related to Chapter 7 of the Year 2030 Regional Comprehensive Plan, and the NR-121 based Sewer Service Area (SSA) plans. The adopted vision for this element is as follows:

“Efficient, cost effective community facilities are provided, which enhance the quality of life and ensure prosperity and economic stability for all. The emphasis in service provision is on cooperative planning, fostering collaboration, enhancing partnerships, sharing resources and transcending boundaries, as appropriate.

In 2030, there are regional opportunities for the sustainable and safe management of solid waste and recycling, collection, processing and disposal activities. A well managed and planned public and private water supply provides for the region’s citizens and industry. The region is served by a variety of well-functioning public and private wastewater treatment systems, which are capable of accommodating future growth, while limiting the inherent conflicts caused by both urban and rural development patterns. Adequate, cost effective, environmentally conscientious utility infrastructure exists to support industry and the general population. There are cost effective, efficient, quality emergency and non-emergency services to ensure public safety.

A variety of meaningful educational options and opportunities exist for all students. Children and adults in the region are provided with accessible educational, informational and recreational library services and materials in an economically efficient and timely manner. There is a collaborative regional forum to create and implement a strategic framework for the continuum of care for the health and well being of the residents of the region. Through cooperative efforts, park, open space, and recreational facilities and programs are protected and preserved and there are plans for new facilities. There are community facilities which meet the needs of various groups, including youth, elderly, and minorities, in a balanced and financially responsible manner.”

The Year 2030 Regional Comprehensive Plan and the various Sewer Service Area Plans spell out more specific issue areas and policies which need to be addressed at a local or regional scale. Details of these issues can be found in one of the comprehensive plan’s nine “Plan Guideline” fact sheets contained in Chapter 7:

CF -1: Waste - Garbage & Recycling
CF -2: Public & Private Wastewater Treatment
CF -3: Public & Private Water Supply
CF -4: Electric, Gas, and Telecommunications
CF -5: Public Safety

CF -6: Education & Libraries
CF -7: Health & Childcare
CF -8: Local Parks & Recreational Facilities
CF -9: Wind Energy

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1205 Major Work Program Element: 
Community Facilities Committee Admin. & Coordination

Program Objective: To support the Commission’s designated Standing Committee. Staff will support activities for the periodic meetings of the Commission’s Community Facilities Committee (CFC).

2019 Deliverables

⇒ Preparation of meeting agendas, materials, and meeting summaries. Establishment of meeting schedules and attendance at quarterly meetings. Other duties and follow-up activities as assigned by the Committee.

⇒ Work with the CFC Committee to oversee the implementation of the Community Facilities element of the Year 2030 Comprehensive Plan.

⇒ Work with the CFC Committee to oversee the development of Community Facilities Element of the Year 2040 Comprehensive Plan Update.

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Regional Comprehensive Plan Relationship:

The Community Facilities Committee oversees the Community Facilities Element of the regional comprehensive plan.
1210 Major Work Program Element:
Technical Assistance (CF)

Program Objective: To provide direct assistance to local units of government in addressing issues specific to community and public facilities (solid waste, recycling, public utility infrastructure—gas, electric, telecommunications, education, library, health and childcare, public safety, stormwater management, wastewater, recreation, cemeteries and public water supply.

2019 Deliverables

⇒ Provide information related to general community and public facilities planning.

⇒ Provide specific technical assistance with the planning and development of alternative energy sources and ordinances, recycling, public safety, elderly needs and public facility planning.

NOTE: NO PROJECTS WERE SUBMITTED OR APPROVED UNDER THIS PROGRAM FOR THE 2019 CALENDAR YEAR

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1230 Major Work Program Element:

Sewer Service Area Planning

Program Objective: To coordinate the various functional area planning programs and activities related to the development and administration of NR-121 Sewer Service Area Plans.

2019 Deliverables

⇒ Continue planning and administrative responsibilities as the designated planning agency responsible for urban service area planning within the designated Fox Valley Water Quality Management Area.

⇒ Continue planning and administrative responsibilities as the designated Planning Agency responsible for urban service area planning within the non-designated portion of the ten county region.

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Regional Comprehensive Plan Relationship:

Recommendation CF-2.1.1.1
1231 Work Item: Overall Plan Promotion, Implementation & Program Administration

**Objectives:** Continue to promote an coordinate regional plan recommendations and policies related to community facilities and public / private service provisions. Improve access to, and effectiveness of Sewer Service Area (SSA) planning concepts and information.

**2019 Deliverables:**

- Continue to make presentations to local governments and community groups, attend meetings, conferences and workshops which involve or promote SSA plan concepts and issues.
- Perform liaison and review activities with federal, state and local government agencies.
- Maintain a webpage devoted to SSA planning and provide updated links to WDNR webpages.

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**Previous Work:**

- Maintain updated SSA mapping for communities within the region and posted to the webpage—2018
- Update of Review Fee schedules, information and member county mapping and posted on webpage—2018

**Regional Comprehensive Plan Relationship:**

- Recommendation CF-2.1.1.8
- Recommendation CF-2.1.1.2
- Recommendation CF-2.1.1.4
- Recommendation CF-2.1.1.5
1232 Work Item: Continuing Management For Sewer Service Area Planning (Amendments & Conformance Reviews)

**Objectives:** Continue to provide ongoing Sewer Service Area (SSA) plan implementation and review process (plan amendments) which provides for an effective means of accommodating unforeseen growth in a cost-effective and environmentally

**2019 Deliverables:**

⇒ Continue to provide sewer service area amendment recommendations, ongoing implementation and management strategies through the advisory review of subdivision plats, comprehensive plans and other planning projects.

⇒ Carry out adopted procedures and criteria for amending sewer service areas and the review of NR–110 Wastewater Facilities Plans, sanitary sewer extensions and laterals as specified in the Wisconsin Department of Natural Resources Water Quality Management Agreement.

<table>
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<tr>
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**Previous Work:** *(TO BE UPDATED)*

- 2 sewer service area amendments approved—2017
- 63 sanitary sewer extensions and laterals were approved—2017
- 8 platted developments were received—2017
- 8 comprehensive land use plans, addendums and amendments were received—2017
- 1 Cooperative Agreement Growth Development Plan

**Regional Comprehensive Plan Relationship:**

Recommendation CF-2.1.1.2
Recommendation CF-2.1.1.3
Recommendation CF-2.1.1.4
Recommendation CF-2.1.1.5
1233 Work Item: Updates of the Fox Cities Sewer Service Area Plans

Objectives: Continue to provide orderly and efficient growth patterns, minimize the cost of public facilities and services, minimize adverse environmental impacts of sewer development, and promote water quality enhancement and conservation in existing (SSA) community of the region.

2019 Deliverables:
⇒ 2035 Fox Cities Sewer Service Area Plan Update

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Previous Work:
- 2035 Fond du Lac Sewer Service Area Plan Update.
- 2035 Wautoma/Silver Lake Sewer Service Area Plan Update
- 2035 Forest Junction Sewer Service Area Plan Update (2017—awaiting WDNR certification)
- 2035 Rosendale Sewer Service Area Plan Update (2017 - awaiting WDNR certification)

Regional Comprehensive Plan Relationship:
Recommendation CF-2.1.1.1