



MINUTES  
ROCK COUNTY PLANNING & DEVELOPMENT COMMITTEE  
THURSDAY, AUGUST 12, 2010 - 8:00 A.M.  
COURTHOUSE CONFERENCE CENTER  
SECOND FLOOR - EAST WING  
ROCK COUNTY COURTHOUSE  
JANESVILLE, WI

1. **CALL TO ORDER**

The meeting of the Rock County Planning & Development Committee was called to order at 8:00 a.m. on Thursday, August 12, 2010 at the Rock County Courthouse. Chair Al Sweeney presided. Supervisors present: Marilynn Jensen, Phil Owens, and Mary Mawhinney. Supervisors absent: Wayne Gustina

Planning & Development staff present: Paul Benjamin (Director), Colin Byrnes, (Code Administrator), David Somppi (Community Development Mgr.), and Cheryl Martin, (Accountant).

Others present: Ron Combs (Combs & Associates, Inc.), Karen Alfano, Scott & Jean Harvey, Attorney Buck Sweeney, Chico & Dawn Pope, and Dennis Thiele.

2. **ADOPTION OF AGENDA**

Supervisor Owens moved to adopt the agenda as presented; seconded by Supervisor Mawhinney. **ADOPTED as presented.**

3. **MEETING MINUTES – JULY 22, 2010**

Supervisor Jensen moved the approval of the July 22, 2010 Committee minutes; seconded by Supervisor Owens. **APPROVED as presented.**

4. **CITIZEN PARTICIPATION, COMMUNICATIONS AND ANNOUNCEMENTS**

Director Benjamin asked to have placed on future agendas a line item for a Director's Report and also an item where one of the department divisions would provide updates on current activities. The Committee approved the action by consensus.

Director Benjamin informed the Committee that Staff presented a Purchase of Agricultural Conservation Easements (PACE) report at the August 9<sup>th</sup> City of Janesville City Counsel Meeting.

In July, the Planning Dept. hosted a meeting to discuss phosphorus regulation updates. Director Benjamin informed the Committee that in late September or early October, Rock County would be receiving a TMDL (Total Maximum Daily Load) study from the Environmental Protection Agency (EPA) and the Department of Natural Resources (DNR). This study would be one of the tools used for the regulation updates.

Director Benjamin provided an update on the Farmland Preservation Planning Grant and Rock County town zoning ordinance updates required for the Farmland Preservation Program.

5. **CODE ADMINISTRATION & ENFORCEMENT**

Colin Byrnes, Code Administrator, presented the Staff report.

**A. Public Hearing – Shoreland Conditional Use Permit 2010 009 (Milton Township) – Charles & Dawn Pope**

Supervisor Owens moved to go into Public Hearing at 8:15 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Jensen, Mawhinney, Owens, and Sweeney. Absent: Gustina.

Neighbor, Karen Alfano asked how much fill would be brought in. Mr. Brynes responded that a little more than 40 cubic yards was reported on the application.

Supervisor Owens moved to close the Public Hearing at 8:20 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Jensen, Mawhinney, Owens, and Sweeney. Absent: Gustina

**B. Approval of Shoreland Conditional Use Permit 2010 009 – Charles & Dawn Pope**

Staff has reviewed the application and associated drawings and recommended Conditional Approval.

Supervisor Owens moved the Conditional Approval of Shoreland Conditional Use Permit 2010 009; second by Supervisor Mawhinney. All in favor – **APPROVED (Yes – 4, No – 0, Absent – 1)**.

1. Conduct a pre-construction meeting with owner, contractor and staff prior to commencing land-disturbing activity on site to confirm plans on site. Note: Patio expansion as proposed may be accomplished if the 75-foot setback is met.
2. Complete project according to approved plans as specified in Staff letter to Applicant dated July 9, 2010 or field modifications approved by Staff based on on-site conditions.
3. Obtain all other necessary permits from Federal, State, and Local Agencies for the project.
4. Install and maintain temporary erosion control measures until the seeded permanent vegetative cover is established. Apply for and obtain a Rock County Erosion Control Permit from the Rock County Land Conservation Department, if necessary, as determined by the final landscape plans.
5. This permit expires one year from the date of Committee approval, however, all earthwork and grading must be completed and the disturbed areas must be seeded or otherwise stabilized prior to October 15, 2010. If this cannot be accomplished, the fill portion of the project shall not commence until spring when Staff deems conditions are suitable.
6. Staff recommends a fee waiver to cover the cost of mitigation.

**C. Reduction of Fee for Shoreland Conditional Use Permit for 2010-010 – Charles & Dawn Pope**

Supervisor Mawhinney moved to waive the \$550 application fee to recover the applicant's remediation costs; seconded by Supervisor Owens. All in favor – **APPROVED (Yes – 4, No – 0, Absent – 1).**

**D. Public Hearing – Shoreland Conditional Use Permit 2010 010 (Beloit Township) – Scott Harvey**

Supervisor Owens moved to go into Public Hearing at 8:48 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Jensen, Mawhinney, Owens, and Sweeney. Absent: Gustina.

Discussion followed concerning the location of wetlands and floodplain and which roads would be allowed to remain or built as planned.

For the public record, Staff reported that two nearby landowners had called the department to respond to the Public Hearing Notice published in the newspaper. Their comments regarded the appropriate size of drainage culverts for the project.

Supervisor Owens moved to close the Public Hearing at 8:57 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Jensen, Mawhinney, Owens, and Sweeney. Absent: Gustina

**E. Approval of Shoreland Conditional Use Permit 2010 010 – Scott Harvey**  
Staff recommended denial of the Shoreland Conditional Use Permit for **construction of roads across the wetland areas of this property.**

Staff has reviewed the application and recommended the following conditions for a Shoreland Conditional Use Permit **for the roads crossing the floodplain.**

Supervisor Owens moved the Conditional Approval of Shoreland Conditional Use Permit 2010 009 per Staff's recommendation; second by Supervisor Mawhinney. All in favor – **APPROVED (Yes – 4, No – 0, Absent – 1).**

1. Fill placed in the floodplain must meet Sec. 32.02(1)(A) of the Rock County Floodplain Ordinance.
2. A 35-foot vegetative buffer of appropriate plants shall be established on both sides of the tributary. A maintenance agreement for the buffer shall be approved by Staff and recorded in the Rock County Register of Deeds.
3. Obtain all other necessary permits from Federal, State and Local Agencies for the project.
4. Comply with Rock County Erosion Control Permit as approved by the Rock County Land Conservation Department. Install and maintain temporary erosion control measures until the seeded permanent vegetative cover is established.

5. This permit expires one year from the date of Committee approval, however, all earthwork and grading must be completed and the disturbed areas must be seeded or otherwise stabilized prior to September 15, 2010.

**F. Reduction of Fee for Shoreland Conditional Use Permit 2010 010 – Scott Harvey**

Supervisor Owens moved a stipulation that in the event mitigation is required by the applicant, that the after-the-fact permit fee of \$1,100 be reduced to \$550; seconded by Supervisor Jensen. All in favor – **APPROVED (Yes – 4, No – 0, Absent – 1)**.

**G. Public Hearing – Shoreland Conditional Use Permit 2010 011 (Rock Township) – County of Rock**

Supervisor Owens moved to go into Public Hearing at 9:25 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Jensen, Mawhinney, Owens, and Sweeney. Absent: Gustina.

No one spoke to the issue.

Supervisor Owens moved to close the Public Hearing at 9:28 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Jensen, Mawhinney, Owens, and Sweeney. Absent: Gustina

**H. Approval of Shoreland Conditional Use Permit 2010 011 – County of Rock**

Staff has reviewed the application and recommended approval of the Shoreland Conditional Use Permit 2010 011 with the conditions as indicated.

Supervisor Jensen moved the Conditional Approval of Shoreland Conditional Use Permit 2010 011; second by Supervisor Owens. All in favor – **APPROVED (Yes – 4, No – 0, Absent – 1)**.

1. Any project modifications or additions shall be submitted to Staff for review and approval.
2. Install and maintain temporary erosion control measures until seeded permanent vegetative cover is established (such as mulch and or erosion matting). Ground disturbance shall be kept to a minimum.
3. Obtain all permits or approvals for your project from the US Army Corps of Engineers, Department of Natural Resources, or other local government agencies before starting the project.
4. This permit expires one year from the date of Committee approval, however, all earthwork and grading must be completed and the disturbed areas must be seeded or otherwise stabilized prior to October 15, 2010.

**I. Public Hearing – Shoreland Conditional Use Permit 2010 012 (Fulton Township) – County of Rock**

Supervisor Jensen moved to go into Public Hearing at 9:29 a.m. with a second by Supervisor Owens and the roll call was read. Present: Supervisors Jensen, Mawhinney, Owens, and Sweeney. Absent: Gustina.

No one spoke to the issue.

Supervisor Owens moved to close the Public Hearing at 9:30 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Jensen, Mawhinney, Owens, and Sweeney. Absent: Gustina

**J. Approval of Shoreland Conditional Use Permit 2010 012 – County of Rock**

Staff has reviewed the application and recommended approval of the Shoreland Conditional Use Permit 2010 012 with the conditions as indicated.

Supervisor Mawhinney moved the Conditional Approval of Shoreland Conditional Use Permit 2010 012; second by Supervisor Owens. All in favor – **APPROVED (Yes – 4, No – 0, Absent – 1)**.

1. Any project modifications or additions shall be submitted to Staff for review and approval.
2. Install and maintain temporary erosion control measures until seeded permanent vegetative cover is established (such as mulch and or erosion matting). Ground disturbance shall be kept to a minimum.
3. Obtain all permits or approvals for your project from the US Army Corps of Engineers, Department of Natural Resources, or other local government agencies before starting the project.
4. This permit expires one year from the date of Committee approval, however, all earthwork and grading must be completed and the disturbed areas must be seeded or otherwise stabilized prior to October 15, 2010.

**K. Preliminary Approval of Land Divisions**

Staff has reviewed the applications and associated documentation and recommended Preliminary Approval of the following Land Divisions with conditions as indicated: Land Division 2010 028 and 2010 029.

➤ **Land Division 2010 028 (Plymouth Township) – Mark & Susan Gunn Trust**  
LOCATION: 6800 Block W. Hanover Rd.

Supervisor Mawhinney moved the Conditional Approval of Land Division 2010 028; second by Supervisor Owens. **All in favor – APPROVED (Yes – 4, No – 0, Absent – 1)**.

*Conditions To Be Met Before Final Approval:*

1. Existing structures shall meet setback regulations.

2. 33-foot 1/2 ROW to be dedicated along W. Hanover Rd.
3. Following notation on final map: "Since Lot 1 contains existing buildings which utilize existing private sewage systems no soil evaluation on the lot was required at the time of this survey. However, soils on the lot may be restrictive to the replacement of the existing system." Also proposed lot lines must include the system area with the building that utilizes the system.
4. Show septic system and well locations for existing structures on final CSM.
5. Utility easements put on lots as requested by utility companies.
6. Final CSM (1 year time frame) submitted to and approved by the Planning and Development Agency on or before August 12, 2011.
7. As per Section 15.23(8) of The Rock County Land Division Regulations "any land division not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for preliminary approval. Extensions may be applied for and may be granted at the discretion of the Committee upon findings that delays are beyond control of the applicant and that no material change in standards or in conditions has occurred or is reasonably expected to occur". Extension requests must be made in writing prior to the expiration date listed above.
8. Certified Survey Maps that are subject to local approval must be recorded within 6 months of their last approval and 24 months of the first approval.

➤ **Land Division 2010 029 (Janesville Township) – Dennis & Angela Thiele**  
LOCATION: 2100 Block N. Burdick Rd.

Supervisor Mawhinney moved the Conditional Approval of Land Division 2010 029; second by Supervisor Owens. **All in favor – APPROVED (Yes – 4, No – 0, Absent – 1).**

*Conditions To Be Met Before Final Approval:*

1. Existing structures shall meet setback regulations.
2. Access Permit for joint driveway onto N. Burdick Rd. will be required from the Town of Janesville.
3. Acceptable soil and site evaluation report received on Lot 1.
4. Show the location of the on-site soil test on the preplanned lot map.
5. Utility easements put on lot as requested by utility companies.
6. Require a Rock County Land Division Conservation Easement for steep slopes. Prior to any land disturbing activity on the parcel, the Conservation Easement

boundaries shall be marked with highly visible flagging tape. Erosion control measures are also required if the Conservation Easement is down slope from disturbance.

- 7. Lot 1 to be pre-planned due to being in an environmentally significant area. Lot drawing to include slopes over 16%, utility easements, access location, conservation easement, soil test area and building envelope. No Conservation Easement Area shall be contained within the Building Envelope as depicted on the pre-planned lot. A copy of the lot layout to be placed on file with the committee designee. Submit for approval ten (10) days prior to submitting final map.
- 8. Final CSM (1 year time frame) submitted to and approved by the Planning and Development Agency on or before August 12, 2011.
- 9. As per Section 15.23(8) of The Rock County Land Division Regulations “any land division not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for preliminary approval. Extensions may be applied for and may be granted at the discretion of the Committee upon findings that delays are beyond control of the applicant and that no material change in standards or in conditions has occurred or is reasonably expected to occur”. Extension requests must be made in writing prior to the expiration date listed above.
- 10. Certified Survey Maps that are subject to local approval must be recorded within 6 months of their last approval and 24 months of the first approval.

**6. FINANCE**

**A. Department Bills/Encumbrances/Pre-Approved Encumbrances/Amendments/Transfers**

Supervisor Mawhinney moved the approval of payment of the department bills; second by Supervisor Owens. **All in favor - APPROVED (Yes - 4, No - 0, Absent - 1).**

**7. HOUSING AND COMMUNITY DEVELOPMENT**

**A. Resolution Authorizing Policy On The Prohibition Of The Use Of Excessive Force and Enforcing Laws Against Barring Entrances Or Exits To A Facility That Is Subject Of A Non-Violent Protest Demonstration**

In order to be eligible to receive Community Development Block Grant (CDBG) – Small Cities Funds administered by the State of Wisconsin, all recipients of CDBG funds must adopt and enforce a policy that:

- o Prohibits the use of excessive force by law enforcement agencies within the recipients’ jurisdiction against any individual engaged in non-violent civil rights demonstrations
- o Enforces applicable state and local laws against physically barring entrances or exits to a facility that is subject of an non-violent protest demonstration

NOW, THEREFORE, BE IT RESOLVED that the Rock County Board of Supervisors on this \_\_\_\_\_ day of \_\_\_\_\_, 2010, hereby adopts a policy against physically barring entrances or exits to a facility that is subject of a non-violent protest demonstration; and,

BE IT FURTHER RESOLVED, that the Rock County Board of Supervisors hereby adopts a policy prohibiting the use of excessive force by law enforcement agencies within Rock County's jurisdiction against any individual engaged in non-violent civil rights demonstrations.

Supervisor Jensen moved the above resolution; second by Supervisor Mawhinney. **All in favor - APPROVED (Yes - 4, No - 0, Absent - 1).**

**B. Hazard Mitigation Grant - CDBG Emergency Assistance (CDBG-EAP) Grant (ID 008051) = \$46,847**

Supervisor Jensen moved the approval of Hazard Mitigation Grant and CDBG Emergency Assistance (CDBG-EAP) Grant (ID 008051) for an amount up to \$46,847; second by Supervisor Owens. **All in favor – APPROVED (Yes – 4, No – 0, and Absent – 1).**

**C. Hazard Mitigation Grant – CDBG Emergency Assistance (CDBG-EAP) Grant (ID 008054) = \$44,963**

Supervisor Jensen moved the approval of Hazard Mitigation Grant and CDBG Emergency Assistant Grant (ID 008054) for an amount up to \$44,963; second by Supervisor Owens. **All in favor – APPROVED (Yes – 4, No – 0, and Absent – 1).**

**D. Change Order for CDBG Emergency Assistance (CDBG-EAP) – Hazard Mitigation Grant Program (HMGP (ID 008042) = + \$2,950**

Supervisor Mawhinney moved the approval of a Change Order for CDBG Emergency Assistance Grant/Hazard Mitigation Grant (ID 008042) for an increased amount of \$2,950; second by Supervisor Owens. **All in favor – APPROVED (Yes – 4, No – 0, and Absent – 1).**

**E. Change Order for Lead Hazard Control (LHC) Grant (ID 007033 and 020610) = + \$3,720**

Supervisor Jensen moved the approval of a Change Order for Lead Hazard Control Grant (ID 007033 and 020610) for an increased amount of \$3,720; second by Supervisor Owens. **All in favor – APPROVED (Yes – 4, No – 0, and Absent – 1).**

**8. STRATEGIC & COMPREHENSIVE PLANNING**

Wade Thompson presented a draft version of local government consulting products, services, and costs. Mr. Thompson explained that the draft identifies and standardizes the Planning Agency's products and services available to local governments and also discussed the costs of these products and services. The Committee indicated their approval of sending the product and services listing, along with an explanation, to the local governments in Rock County.



9. **ADJOURNMENT**

Supervisor Mawhinney moved to adjourn the committee at 10:30 A.M.; second by Supervisor Owens. **ADOPTED** by acclamation.

The next meeting of the Planning & Development Committee will be **Thursday, August 26, 2010 at 8:00 AM.**

Prepared by: Cheryl Martin - Acting Secretary