



**Planning and Development
Committee
Minutes – May 12, 2022**

Call to Order: The meeting of the Rock County Planning & Development Committee was called to order at 8:07 am on Thursday, May 12, 2022. Chair Sweeney presided and requested a roll call. Supervisors present in person: Sweeney, Podzilni, Sutterlin and Winter. Supervisors present via Zoom: Stevens.

QUORUM present.

Rock County Staff Present: Andrew Baker (Planning Director), Christine Munz-Pritchard (Senior Planner), Jen Borlick (GIS Manager) Michelle Schultz (Real Property Lister), James Otterstein (Economic Development Manager)

Others present: Jeff Garde, Batterman, Jason Dupuis, Batterman, Citizen Matthew Barrow, Citizen Matthew Falk, Via Zoom Citizen Lynda (Last Name? Lives on Gladys Drive)

Adopt Agenda: Agenda moved by Supervisor Podzilni. Seconded by Supervisor Winter. ADOPTED

Approval of Minutes:

Meeting held April 14, 2022: Moved by Supervisor Podzilni. Seconded by Supervisor Winter. ADOPTED

Citizen Participation, Communications and Announcements: Brief introductions were made between Staff and Supervisors, welcoming new Committee members

Code Enforcement:

Public Hearing: Shoreland CUP 2022-001 John and Dawn Kinnett

Chair Sweeney requested a motion to open the public hearing. Motion made by Supervisor Winter, seconded by Supervisor Stevens. Roll was called. All Supervisors present.

Andrew and Chris explained to the Committee how land use decisions in the County are primarily in the hands of the twenty Towns. There is Town Zoning in the County, not county-wide general zoning administration as in many Counties. However, there are County administered overlay districts in the based on statutory requirements. Shoreland Zoning is one such requirement, applicable within three

hundred feet of a river, stream or creek and one thousand feet of a lake pond or flowage. In in Rock County, the Rock River is considered a flowage because of the number of dams. The purpose of Shoreland Zoning is to not only protect water quality but also natural scenic beauty and wildlife habitat.

A Shoreland Conditional Use permit is required for land disturbing activity greater than one thousand square feet or forty cubic yards, regardless of the proposed long term land use.

Andrew gave a brief summary of the proposal. Applicant John Kinnett explained further. The intention is for the units to be part of a condominium development, owned individually and managed by a condo association. The units will be heated and plumbed for a bathroom and sink.

Supervisor Sweeney requested any public comment. Citizen Matthew Falk stated he lives across the road and is concerned about safety on the well-travelled road and head lights shining into his house. He shared photos with the Committee that were sent in advance to the Department via email.

Andrew shared a letter from Attorney Jeff Roethe on behalf of the applicant highlighting the benefits of the project. Andrew read one email opposed to the project and another email from a neighbor asking for buffer of trees be maintained on the property line. Citizen Lynda (?) is concerned that people will try to live in the units.

In regard to possible habitation of the units, the covenants would prohibit that. There was discussion in this regard in terms of what happens if it does occur, and the association doesn't act. Enforcement would fall to the Town of Fulton. Supervisor Winter asked what would keep someone from running a business out of the unit, such as a workout facility. Mr. Kinnett stated that could be prohibited in the covenants also plus there will not be any designated parking on site.

A question was raised about the safety of the driveway and why it is not aligned east to west with Gladys Dr. to the south. Mr. Dupuis from Batterman explained that having the driveway toward the west of the site allows traffic to enter the property going forward and have the ability to back from east to west toward the units on the west edge of the property. Centering the driveway would reduce this maneuvering area on the property, possibly risking the chance a person will attempt to back into the property from Gladys Drive. Additionally, the storm water facility would be divided by a driveway if moved to the east.

Additional discussion took place regarding landscaping and vegetative screening for surrounding landowners and long term enforcement of the land use.

Requesting further public comment and hearing note, Chair Sweeney requested a motion to close the public hearing. Motion made by Supervisor Sutterlin, seconded by Supervisor Stevens. Motion Carried.

Review and possible action regarding Shoreland CUP 2022-001 – John and Dawn Kinnett

It was noted that the Town of Fulton had not yet reviewed this project specifically, but the property was rezoned to commercial a few years ago. Andrew noted that the fact the units are proposed to be heated and plumbed is not something that was noted in the application therefore was not considered in

the review and recommendations. This design raises many more questions about long term land use, which isn't necessarily under the jurisdiction of the Shoreland Zoning Overlay District but considering the Town has not yet considered the project it may be appropriate to Table this action until some questions are answered and the Town takes action on the land use.

Motion made by Supervisor Podzilni to table indefinitely until staff determines the application is ready to be acted on by P&D, seconded by Supervisor Sutterlin. Motion Carried.

Review and possible action regarding LD 2022 026 (Clinton Township) – Jacobusse 1 Lot CSM

Andrew and Chris explained the updates to the staff report that are included in the agenda packet in regard to what is considered the parent parcel in this situation. The key point to consider is that by statute, a tax parcel cannot cross section lines. Therefore, a single property or farm as deeded may be divided into two or more tax parcels. This does not mean that the property can be sold based on the parcel boundaries; those lines are for tax purposes only. Any division of the land for sale must be approved via the standard land division and zoning amendment process by the Town and County.

Moved with conditions by Supervisor Winter. Seconded by Supervisor Sutterlin. APPROVED.

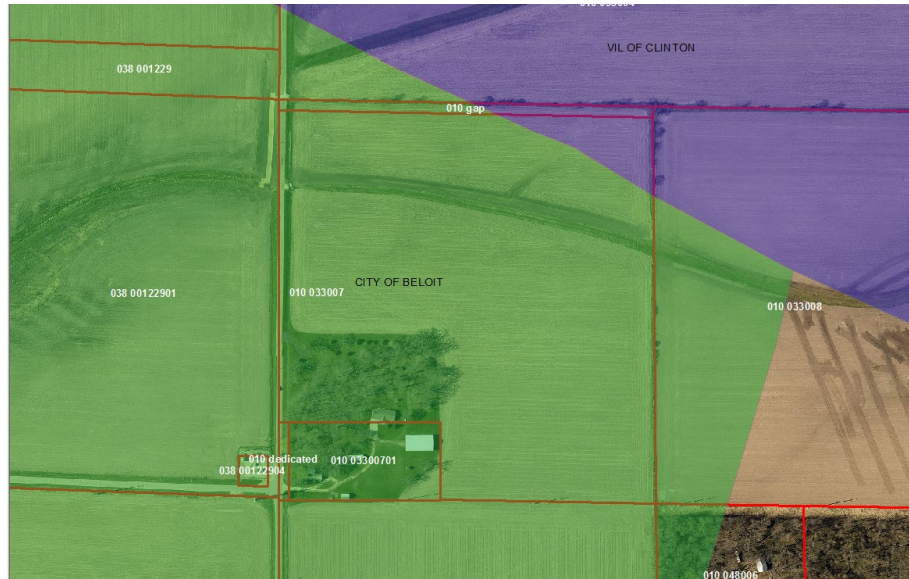
Transfer to Adjoining landowners, (LD 2022 026)

Tax ID: 010 033007 Parcel Number: 6-5-201

Tax ID: 010 03300701 Parcel Number: 6-5-201.1

Recommendation: Staff recommends the following conditions subject to approval:

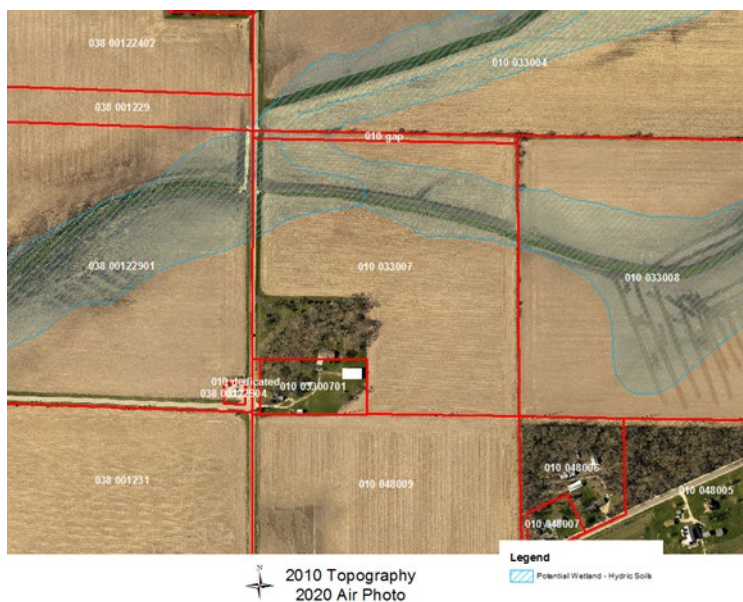
1. Per Section 4- 4.5 of the town of Clinton zoning code, the proposed lot does not meet the minimum 40 acre requirements of the A-1 zoning. The lot will need to be changed to meet zoning code.
2. Note on Final CSM:
 - No buildings which produce wastewater are allowed on lots until acceptable means of wastewater disposal is approved by the necessary governmental agencies”.
 - “The lot contains existing buildings which utilize an existing private sewage system at the time of this survey. However, soils on the lot may be restrictive to the replacement of the existing systems.” Proposed lot lines must include the system area with the building which utilizes the system.
3. This falls into the extra Territorial Jurisdiction (ETJ) Area boundary for the City of Beloit.



4. Per county ordinance the adjacent lot is under 35 acres and should be added to this CSM.

5/4/22 Update: Because the parcel to the south is, and has been, under common ownership, the Town of Clinton voted no to require that the parcel be included in this CSM nor require a rezone because it is under 35 acres. There is evidence the two parcels have been part of the same farm tract for generations. It appears the reason for two parcels is simply the property crosses a section line. The County Ordinance requires a parent lot to be included in the CSM if the remainder is under 35 acres as noted above. However, in this case, it would be reasonable to consider the entire land under common ownership as the parcel lot and disregard the parcel boundary.

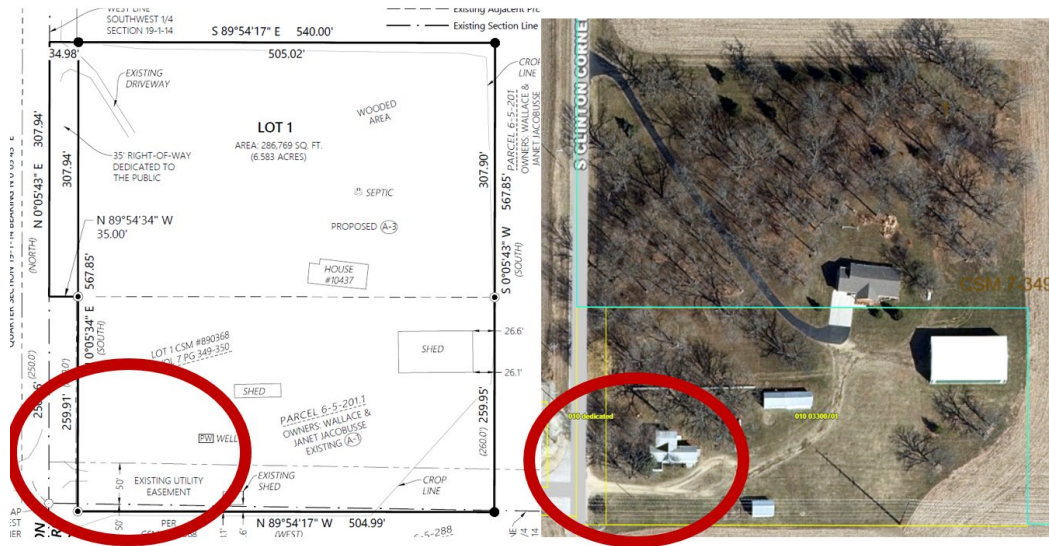
- Hydric soils are on the parent parcel. This should be added to the CSM.



5. UPDATE: House has been removed.

According to the GIS imagery (2020) there is an existing home located on the original CSM. There is no building on the proposed CSM. Has this building been removed? Additionally it is unclear if the driveway will

be removed in addition to the home.



6. If land disturbance associated with the construction of a driveway exceeds 100 feet then a Rock County Construction Site Erosion Control Permit is required. Please contact Rock County Land Conservation Department.

7. Final CSM shall be submitted to and approved by the Agency within one year after preliminary approval.

8. Final CSM shall be recorded with the Rock Co. Register of Deeds within 6 months of final approval.

Review and possible action regarding LD 2022 027 (Clinton Township) – DeLong 1 Lot CSM

Surveyor Jeff Garde explained that the configuration of the CSM will be revised based on the request of the landowner. Therefore, the zoning and land division will require a new approval from the Town of Turtle. Andrew explained to the new members that it is the policy of the County P&D Committee that no action is taken on land division until the applicable Town has acted.

Motion by Supervisor Podzilni to table action is taken by the Town of Turtle. Seconded by Supervisor Sutterlin. APPROVED.

Community Development: Andrew gave a brief description of the programs within the Community Development division of the Department. More details will be relayed at the next meeting.

Economic Development: James Otterstein, Economic Development Manager, introduced himself and presented the First Quarter Rock Read Index Report as included in the packet.

Corporate Planning:None

Finance:

Information Item: Committee Review of Payments: Andrew reviewed the payments made in April.

Possible Action Item: Transfers: None

Director's Report:

Andrew gave more overview of the Department and indicated to the Committee that training would occur both at meetings and also by sending information via email periodically. The best way to learn the policies and procedures overseen by the Committee is provide information in advance and through the decisions making process as required.

He also noted the Office Coordinator position was readvertised after the selected candidate chose at the last minute not to accept the position.

Committee Reports: None

Adjournment: Adjournment at 10:04 a.m.

Moved by Supervisor Podzilni. Seconded by Supervisor Winter. APPROVED

Respectfully submitted,
Andrew Baker - Director

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.