



**Planning and Development  
Committee**

**Minutes – October 13, 2022  
In Person and Via Zoom**

**Call to Order:** The meeting of Rock County Planning & Development Committee was called to order at 8:11 am on Thursday, October 13, 2022. Chair Sweeney presided and requested a roll call. Supervisors present in person: Sweeney, Podzilni, and Sutterlin. Supervisors present via Zoom: Winter and Stevens. QORUM present.

Rock County Staff Present: James Otterstein (Economic Development Manager), Christine Munz-Pritchard (Senior Planner), and Andrew Baker (Director). Staff present via Zoom: Steve Godding (Planner III) and Jennifer Borlick (GIS Manager).

Others Present: Chris and Jen Mietus (Applicants), Chris Wimberly and Ryan Combs. Present on Zoom: Kristine and Mark Wilkerson (neighbor of CUP applicants).

**Adopt Agenda:** Agenda moved by Supervisor Podzilni, Seconded by Supervisor Sutterlin. ADOPTED

**Approval of Minutes:**

**Meeting held September 22<sup>nd</sup>, 2022:** Moved by Supervisor Sutterlin, Seconded by Supervisor Podzilni. ADOPTED

**Citizen Participation, Communications and Announcements:** None

**Code Enforcement:**

**Review and possible action regarding Shoreland CUP 2022-002- Jennifer and Christopher Mietus (Tabled September 22, 2022 pending professional opinion related to group water impact)**

Andrew Baker stated that the effects due to surface and ground water was pending depending on a professional review of the property and the effects that it could have on the surrounding land. The usage of fill was not deemed to affect the floodplain. There have been talks since April 2022 with the landowners to come to an agreement of how to handle said situation and ensure that there is a place for the excess water to go. Discussion of rain barrels and a sump pump were noted to ensure that the standing water would not affect the neighboring terrain.

Letter from Joel Brantmeir (1745 E Rd 4) was included seeking a guarantee that his lot would not be affected by the standing water and runoff that may occur.

Letter from CGC was included detailing that there would not be an impact on the ground water as far as the study was concerned but that it is at times unpredictable. The property has had the fill added per the standards that are set in place. Landowners, Jennifer and Christopher Mietus, have stated that all of the requirement stipulated have been met as of this time.

Supervisor Winter brought up the concept of using a sump pump on the property and if it could be added as one of the requirements (condition number 9). The condition would be installing the sump pump when the residence is built in order to combat the risk of long-standing water (water mass lasting more than one day). Supervisor Podzilni agreed with this, meaning that the sump pump would need to be installed to pump the water across the road and the neighbor's property. Applicants would need to work with neighbors to ensure that the water is allocated to the beach area and subsequently into the lake. There would need to be an agreement with the Mallwood Association to allow the hose attached to the pump, cross the road.

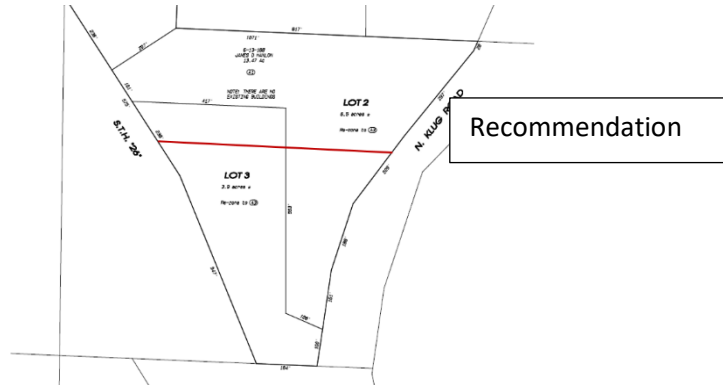
Kristine and Mark Wilkerson are in accord with having the sump pump go through their property to avoid issues with their property due to water. They are concerned due to the down slope of the land that there may be issues every summer with the built-up rainwater.

Moved for approval by Supervisor Sutterlin as recommended with the additional condition to have a functional sump pump installed in storage area at time of construction, Seconded by Supervisor Podzilni. Carried 4-1 with Supervisor Winter voting Nay.

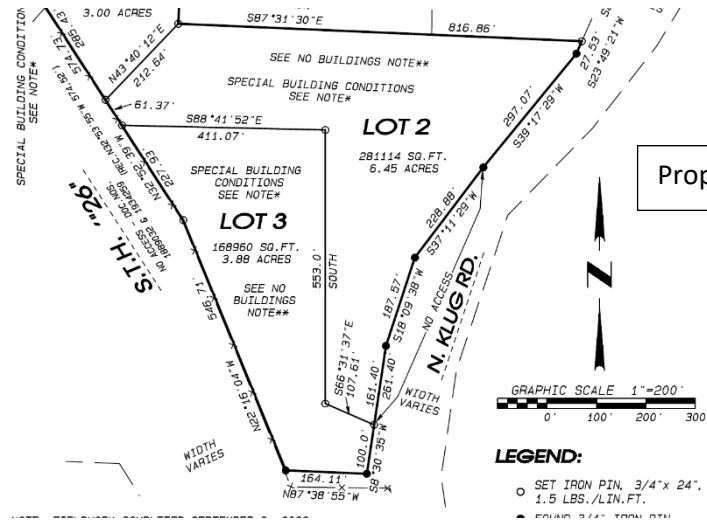
**Review and possible action regarding REVISED LD 2022 043 (Milton Tonship – Hanlon (3 Lot CSM) (Previously approved 7/28/2022))**

Chris noted that the following recommendations had been submitted to Milton in order to follow the ordinances that are currently set by the county. The applicant has requested the Committee consider a revised CSM including a “no access” on the southern portion of Lot 2 rather than required to reconfigure the lots as previously recommended by Staff and approved by Committee. The recommendation reads as follows:

1. Lot 3's configuration/shape is not preferable for various reasons based on the intent and purpose and standards of the Rock County Land Division and Management Ordinance. The primary concern is the potential for "stacked" development, i.e. a structure built behind another structure with access from the same road. This type of situation could cause confusion for emergency service response, create land use/zoning conflicts with neighboring property related to setbacks requirements, well and septic siting, etc. Recommending that the lot be configured without the “zig-zag”, per red line below.



Proposal in lieu of the recommendation for number 1.

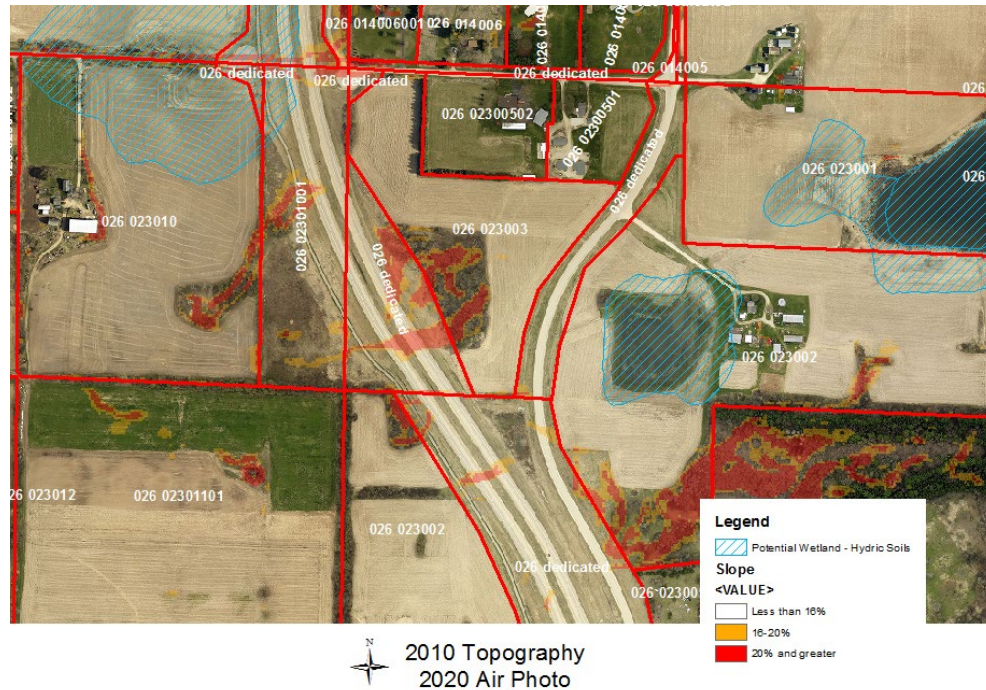


This is in addition to the other recommendations which reads as follows:

2. Driveway access location along N. Klug Road shall be predetermined and shall to be shown on the CSM due to the curve in the road way. This is to garntee access for the lot.
3. If land disturbance associated with the construction of a driveway exceeds 100 feet then a Rock County Construction Site Erosion Control Permit is require. Please contact Rock County Land Conservation Department
4. 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."
5. Dedication of the 33 feet of road right of way on E. Klug Road



8. Steep slopes should be included on the CSM.



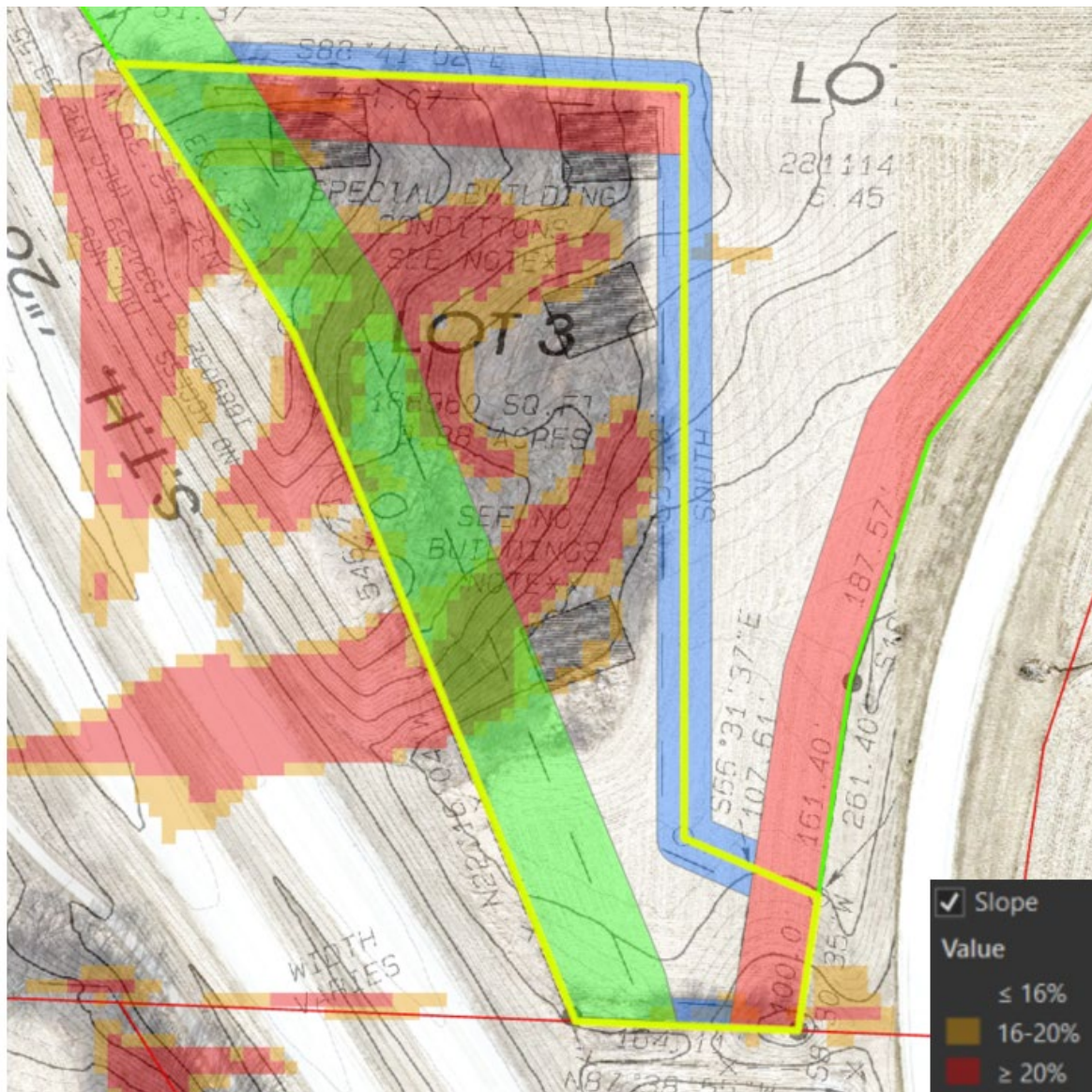
9. Final CSM shall be submitted to and approved by the Agency within one year after preliminary approval.

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

11. Meet the minimum requirements of 4.112 Preliminary Land Divisions.

- Does not meet zoning requirements. Needs to be re-zoned
- Lot needs to be reconfigured per recommendation 1.
- Slopes are missing from the CSM.
- Driveway access needs to be shown.

The following setback Map was included for the meeting to show that the lot could be problematic.



Green – 75ft. Road-yard Arterial Setback

Red – 50ft. Rear-yard & Road-yard (local road) Setback

Blue – 20ft. Side-yard Setback (Proposed A-3 Zoning)

Red & Orange – Steep Slope Areas

Discussion regarding the lot layout ensued. It was determined this is in direct violation of the Rock County Land Division and Management Ordinance and the 7/28/2022 still stands.

Supervisor Winter agreed that the recommendation from the Planning and Development should stand as previously approved by Committee. Seconded by Supervisor Podzilni.

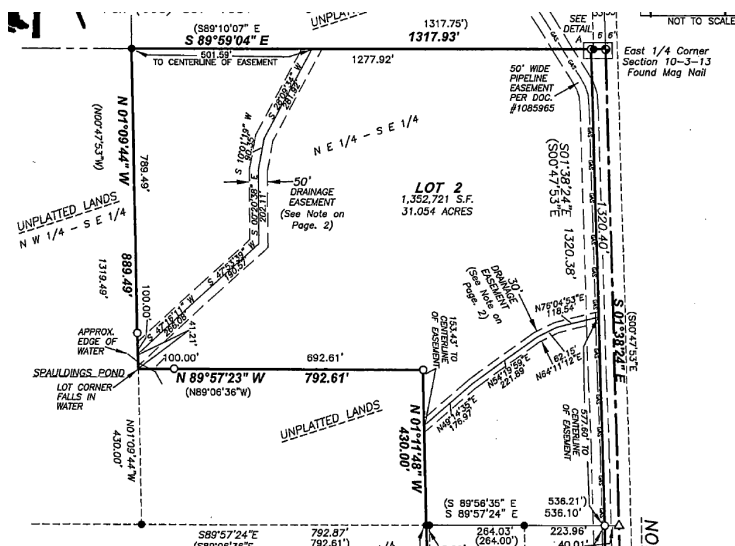
Vote taken; 4-1 with Supervisor Sweeney voting Nay. Motion passed.

Motion to approve with conditions made by Supervisor Podzilni, seconded by Supervisor Sutterlin.  
Passed unanimously.

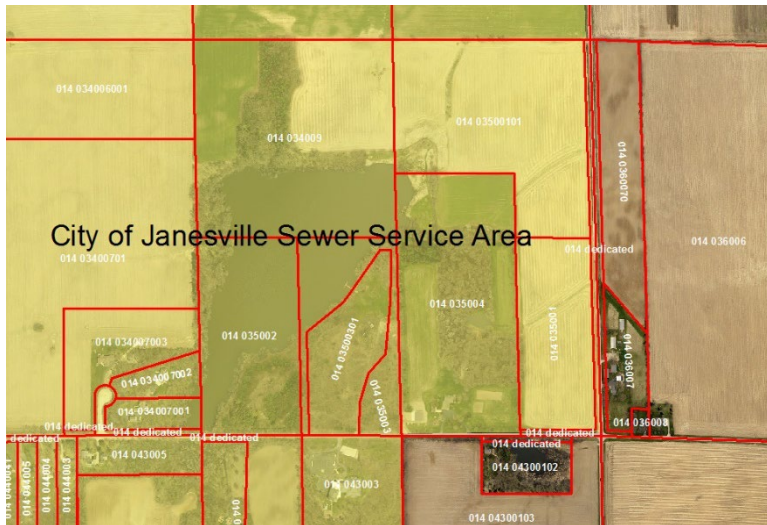
1. The new lot needs to meet the minimum zoning requirements for that district. This includes setbacks.
2. Potential hydric soils should be shown on the CSM.



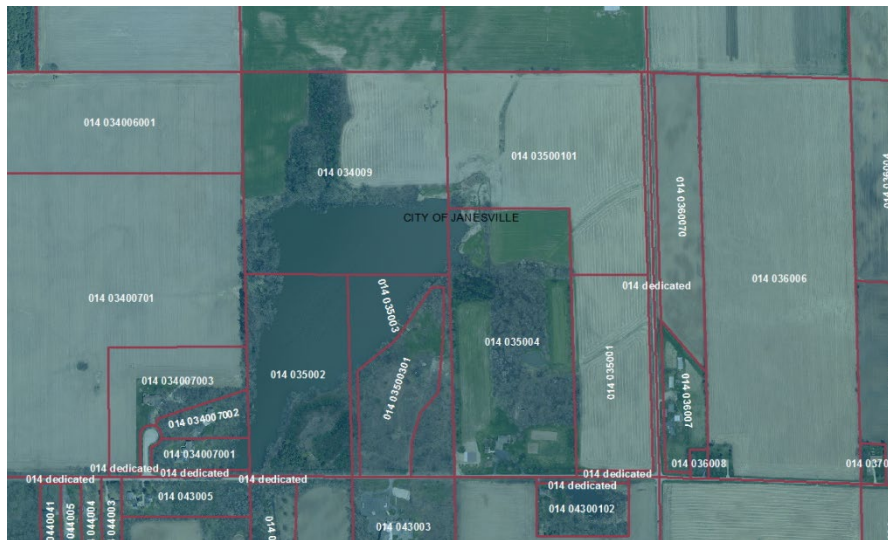
3. Existing easements shall be shown and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable). The final CSM shall include drainage easement as shown on the preliminary



4. 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”.
  - o It should also be noted this is in the City of Janesville Water Quality 208.



5. This falls into the extra Territorial Jurisdiction (ETJ) Area boundary for the City of Janesville.



6. If land disturbance associated with the construction of a driveway exceeds 100 feet then a Rock County Construction Site Erosion Control Permit is require. 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.  
Final CSM shall be recorded with the Rock Co. Register of Deeds within 6 months of final approval.
8. Meet the minimum requirements of 4.112 Preliminary Land Divisions

**Review and possible action regarding LD 2022 070 (Milton Township) – M R Olson Acres LLC (11 Lot Subdivision)**

Moved for approval by Supervisor Sutterlin along with the conditions of adding the steep slopes on the CSM. Seconded by Supervisor Winter. Carried unanimously.

1. Utility easements to be located on lots as requested by utility companies.
  - a. Per 4.116 (4)(a) An easement, entailing a minimum of eight (8) feet on each side of all rear lot lines or side lot lines, running across lots or along front lot lines where necessary, shall be required for the installation of utility facilities. If required, such easements shall be noted as "Utility Easement" on the CSM or Subdivision Plat.
2. Each lot needs to meet the minimum requirements of the potential Agricultural District Three (A-3)

**§ 400-35B Requirements for permitted and conditional uses.**

- (1) Maximum building height: 35 feet.
- (2) Minimum side yard:
  - (a) Principal buildings: 20 feet on each side.
  - (b) Accessory buildings: 10 feet on each side.
- (3) Minimum front yard setback: 50 feet.
- (4) Minimum rear yard setback: 50 feet.
- (5) Lot size: three to 10 acres.
- (6) Accessory buildings: any square feet in excess of 3,000 square feet requires a conditional use permit.
- (7) Animals per acre: two large animal units per three acres, 1/2 additional animal unit per acre thereafter; additional animals will require a conditional use permit.
- (8) Fences shall be required on parcels where animals are kept.

**It should be noted that the frontage requirements is missing from the minimum requirements. This is most likely a scrivener's error and should be reviewed by the Town ASAP.**

Cul-de-sac requirements (County):

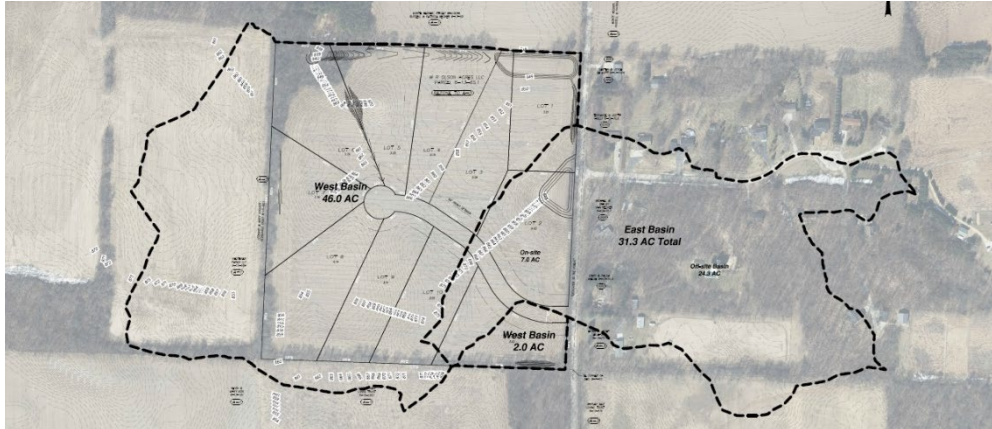
- a. Cul-de-sac use shall not be encouraged, and if utilized, cul-de-sacs shall not be longer than six hundred (600) feet unless approved by the Town and shall terminate in a circular open space having a diameter at the outside of the right of- way of at least one hundred forty (140) feet. Temporary cul-de-sacs may be permitted by the Town, to be constructed to the lot line and provided with a temporary circular or "T" shaped turn-around.

These lots are larger and the high density with only one access point should not be an issue.

- b. Lot configuration shall recognize topography and other natural landscape conditions. Lot lines shall abut at right angles or radial to streets, when feasible. Lot frontage on a public street shall be at least one hundred (100) feet for all lots without access to a connection to a public sanitary sewer system and at least fifty (50) feet for all lots

with access to a connection to said system or fronting a cul-de-sac. (please show on Plat).

3. Utilities shall be installed prior to the final approval of the subdivision plat. And exception to this requirement may be approved if evidence is provided that the utility installation has been paid or in full and there is an agreement as to which contractor is responsible for site restoration and stabilization.
4. Construction Site Erosion Control Permit shall be obtained from the Rock County Land Conservation Department prior to the start of any clearing and grubbing activity.
5. A Storm Water Management Permit shall be obtained from the Rock County Land Conservation Department prior to the start of construction. Preliminary easements shown on the preliminary plat may be revised based on the approval Storm Water Management Plan.



The Storm Water Management Plan shall include a driveway culvert size for each lot. Driveway culverts for the large swale if needed and shall be designed as part of the Storm Water Management Permit process and installed as part of the road construction process.

6. A Homeowners Association shall be responsible for maintenance of the storm water management facilities if the Developer does not retain responsibility for long term maintenance. Evidence of the documentation to establish the Homeowners Association shall be provided prior to final plat approval. In the event that homeowners' association is not recorded the Town reserves the right to maintain and special assess to the property owners.

In the event of an issue the Town reserves the right to maintain and special assess to the property owner's maintenance of the storm water management.

The management and restrictions association with the storm water facilities, including all drainage easements, shall be specified in the Association Documentation or other similar

recorded maintenance document and noted on the final plat on each applicable lot. Final approval of the management and restrictions shall come as part of the Storm Water Management Permit process.

7. A note shall be included on the final plat which states “No filling or grading may occur, nor any structure built within any drainage easement delineated on this Plat. Refer to recorded storm water management agreement for required facility maintenance.”
8. The developer shall be responsible for all costs to the Town (or other entity working as the Town’s agent) associated with the review of road construction plans and on-site inspections during construction.
9. Road construction plans shall be submitted to and approved by the Town or another entity working as the Town’s agent. The design shall incorporate the most recent standard road cross-section. The road construction plans shall include a proposed schedule for asphalt pavement and gravel shoulder installation as it relates to the development of lots. The developer shall be responsible for all costs associated with road construction improvements.
10. Construction Plans for the intersections with N Serns Rd shall be approved by the Town or another entity working as the Town’s agent. If possible the proposed street should be lined up with the E Oakview Drive creating an intersection and reducing headlight disturbance.
11. Site improvements may be necessary at the intersections to improve safety. This may include both improvements to the road and/or maintenance of vegetation to improve site distance. Consideration of any necessary improvements should be made during the road construction plan review process.
12. The developer shall reimburse the Town for the installation of the necessary road signs as included and approved in the road construction plans.
13. A performance bond or similar financial instrument shall be provided to the Town to provide assurance for the road construction work (e.g. final lifts of asphalt, gravel shoulders, etc) that is scheduled to be completed after the final approval of the subdivision plat. The amount and duration shall be approved by the Town and be released only after final acceptance of the roads by the Town.
14. Developer shall provide the Town as-built plans documenting the construction of the public roads. The level of detail required shall be decided as part of the plan review and approval process.
15. Note on Final PLAT “No buildings which produce wastewater are allowed on Lots until acceptable means of wastewater disposal is approved by the necessary governmental agencies”.

16. Final subdivision plat to be submitted and approved by the Planning and Development Agency within thirty-six (36) months of the date of Preliminary approval by the Planning and Development Committee.

Steep slopes should be included on the Plat to help show buildable areas.

### **Finance**

**Review of Payments:** No quuestions

### **Directors Report:**

Andrew stated that staff will soon start the process of updating the Farmland Preservation Plan. He also noted that the Administrator's recommended budget would be discussed at the next meeting.

**Committee Reports:** None

**Adjournment:** Adjournment at 9:47

Moved by Supervisor Podzilni, Seconded by Supervisor Sutterlin. APPROVED

Respectfully Submitted,

Ilana Eisenberg, Office Coordinator

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.