



**Planning and Development
Committee
Minutes – December 15, 2022
In Person and Via Zoom**

Call to Order: The meeting of Rock County Planning & Development Committee was called to order at 8:05 am on Thursday, December 15, 2022. Chair Sweeney presided and requested a roll call. Supervisors present in person: Sweeney and Sutterlin. Supervisor present via Zoom: Stevens and Winter. QUORUM present.

Rock County Staff Present: James Otterstein (Economic Development Manager), Christine Munz-Pritchard (Senior Planner), Michelle Schultz (Real Property Lister), Richard Greenlee (Corporation Council), and Andrew Baker (Director). Staff present via Zoom: Steve Godding (Planner III) and Brad Heuer (County Surveyor).

Others Present: Ryan Combs and Jeff Garde (Combs & Associates, Inc) and John Kinnett

Adopt Agenda: Motion to strike point 5G from the agenda. Agenda moved with change by Supervisor Sutterlin, Seconded by Supervisor Sweeney. ADOPTED

Approval of Minutes:

Meeting held October 27th, 2022: Moved by Supervisor Sutterlin, Seconded by Supervisor Stevens. ADOPTED

Citizen Participation, Communications and Announcements: None

Code Enforcement:

Review and possible actions regarding Shoreland CUP 2022-001 – John and Dawn Kinnett (Tabled from May 12th Meeting Pending Town Action)

Director Baker remarked on the Town of Fulton's action with the new proposal being approved as of November 15, 2022 with the conditions being set in place. The storm water plan was to be changed by the movement of the planned driveway to be shifted East, and the stipulation that the landscape be completed around the property (shrubbery and trees). The proposed storage units are to be individually owned and will be managed a condominium type of association. There are to be bathrooms inside of the units. No over the counter businesses can take place from these storage units along with a "Do/Do Not" packet to be provided to owners of the units. There are plans for 58 units (25x 48 square feet) to be created with heat and plumbing. Each unit will be allotted one parking space. Chris stated no business repairs to be allowed in the units because of ventilation requirements that would then violate state code (building codes). The town would need to enforce

such rules and interact with the association instead of with the individual directly. Any issues would then be dealt with at the town's annual meeting session.

Supervisor Sutterlin moved for approval, Seconded by Supervisor Winter. Further discussion continued. Mr. Kinnett detailed that the project would take 2-3 years to complete and there may be a renewal of the permit after a year, which is the standard permit duration. Town of Fulton approved the proposed landscaping plan and discussion of additional approval prior to the buildings being constructed was discussed. There was a mention of the disruption that might be foreseen by neighboring properties. Plans to maintain the current screening and mature trees on the property located near where the last building is to be erected on the West side of the property. The motion for approval was amended to follow the staff recommendations regarding the soil, ponds, and landscaping on the site remaining stabilized. Along with a revisit to the site for November 2023 and being brought back to the committee for an update and renewal/extension. Amended motion for approval by Supervisor Sutterlin, Seconded by Supervisor Stevens.

Voting:

Aye: Supervisor Sweeney, Supervisor Stevens, Supervisor Sutterlin

No: Supervisor Winter

Motion Passed.

Review and possible action regarding LD 2022 025 (Union Township) – Binger (1 Lot CSM)

Moved for approval with staff recommendations by Supervisor Stevens, Seconded by Supervisor Sweeney. Passed unanimously.

LD 2022 025

Tax ID: 040 024007 Parcel Number: 6-20-130

Town of Union

1. Existing easements shall be shown, and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).
2. This falls into the extra Territorial Jurisdiction (ETJ) Area boundary for the City of Evansville.



3. Zoning should be verified by the Town. It is currently zoned A1: Exclusive Agriculture District recommended Agricultural District Three (A-3).
4. Note on Final CSM:
 - a. No buildings which produce wastewater are allowed on lots until acceptable means of wastewater disposal is approved by the necessary governmental agencies”.
5. 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.
6. Dedicate of 33-foot half road right of way along the road at the discretion of the Town of Union.
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.
9. The CSM needs to meet the minimum requirements of 4.112 of the County ordinances.
 - a. Zoning should be verified by the Town.

Review and possible action regarding LD 2022 030 (Milton Township) – Frederick Farms (3 Lot CSM)

Verification of property owning or allow the track crossing (not currently a part of the CSM). Chris to verify that two crossings on the same property are permitted. Moved for approval by Supervisor Sutterlin, Seconded by Supervisor Winter contingent on staff recommended conditions and review of the original crossing approval. Passed unanimously.

Minor Land Division # LD 2022 030

Tax ID: 026 025005 Parcel Number: 6-13-209

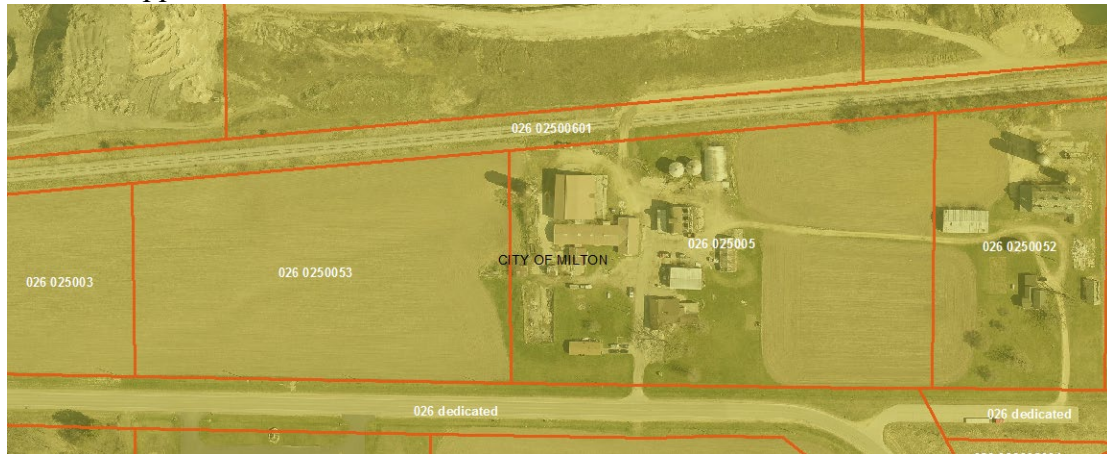
Town of Milton

1. The new smaller lots do not meet the minimum requirements of the A-1 district and will need to be rezoned. The new zoning district should comply with the current zoning or future land use and land use. It is unclear if the new zoning will meet the minimum requirements of the zoning district. Additionally the RR reads:
 - B. Permitted uses. The following uses are permitted uses in this district: (1)
Single-family dwellings, one private garage for each residential lot.

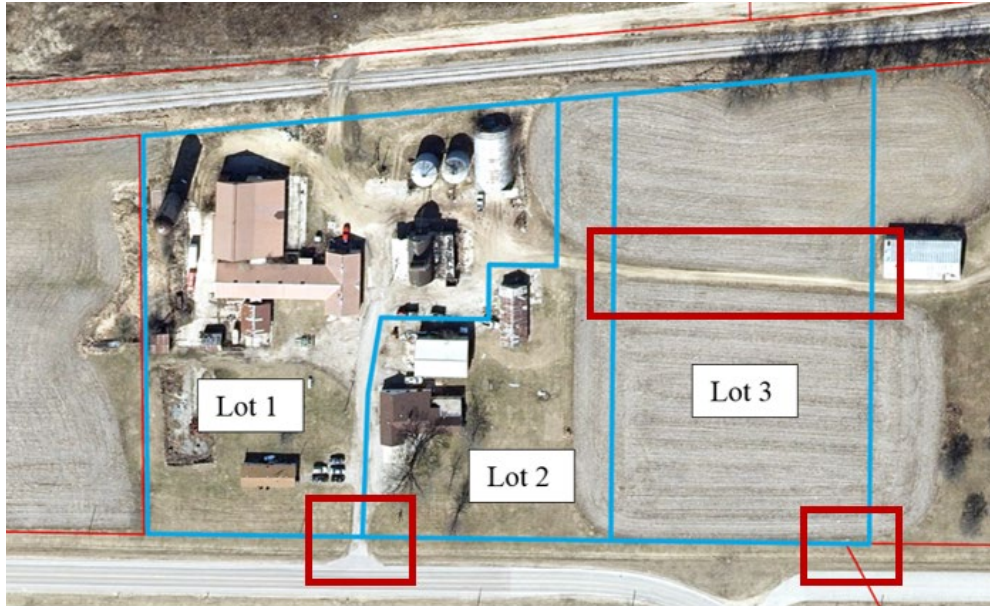
Therefore, a new RR lot with multiple accessory structures, as proposed, may be considered a violation of the Town ordinance unless structure removal is proposed.

It is also unclear if the current buildings and accessory building meet the minimum setback requirements for the proposed lot lines.

2. This lot may fall under extraterritorial jurisdiction with the City of Milton and may need additional approvals.



3. Existing easements shall be shown and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).
4. 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
5. Note on Final CSM:
 - "No buildings which produce wastewater are allowed on Lot 3 until acceptable means of wastewater disposal is approved by the necessary governmental agencies." It should also be noted that there are potential hydric soils on the location.
 - For Lots 1 and 2: "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.
6. The following need to be addressed:
 - Joint use Driveway need to be established between Lot 1 and Lot 2.
 - Lot 3 due to the road configuration is odd and needs to have a pre-established access point, not located on the curve of the road.
 - It also looks like there is a "drive" area located through lot 3. If this is not being removed an easement should be established.



(There is access to parent parcel east of eastern building site, i.e., there is more access than just through the subject building site – 2022 photo)



It is requested that staff follow up with the original railroad crossing and document if the crossing is going away.

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.
9. Meet the minimum requirements of 4.112 Preliminary Land Divisions.
 - Does not meet zoning requirement.
 - The buildings should show it meets the minimum setback requirements.
 - Well and POWTS needs to be shown.
 - Access issues should be addressed on the CSM.

Review and possible action regarding LD 2022 043 (Milton Township) – Hanlon (3 Lot CSM)

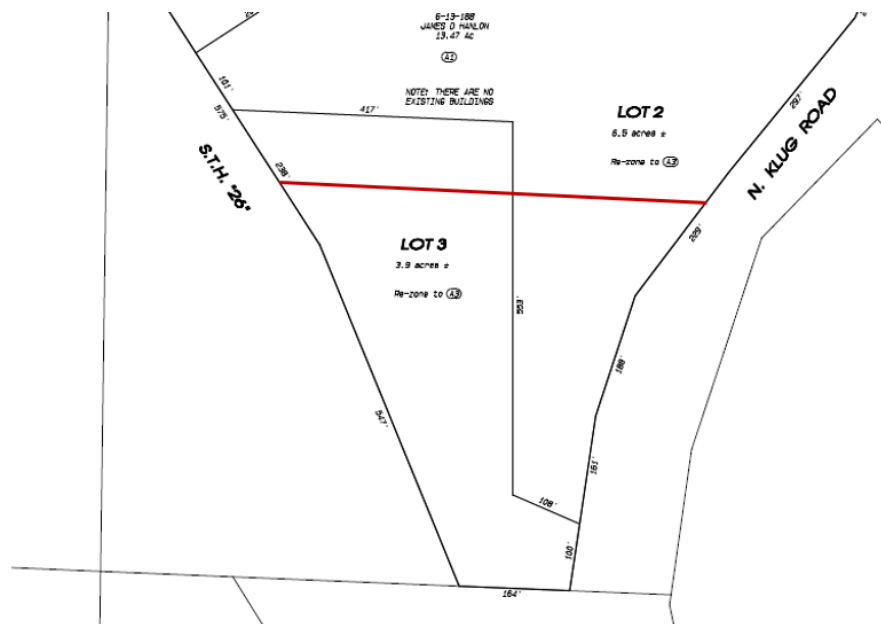
Chris sited changes to the recommendations and report have been established to avoid conflicts further down the line. Outlot was proposed to avoid stacking of the lots. Moved for approval by Supervisor Winter, Seconded by Supervisor Sutterlin with conditions. Passed unanimously.

Minor Land Division # LD 2022 043

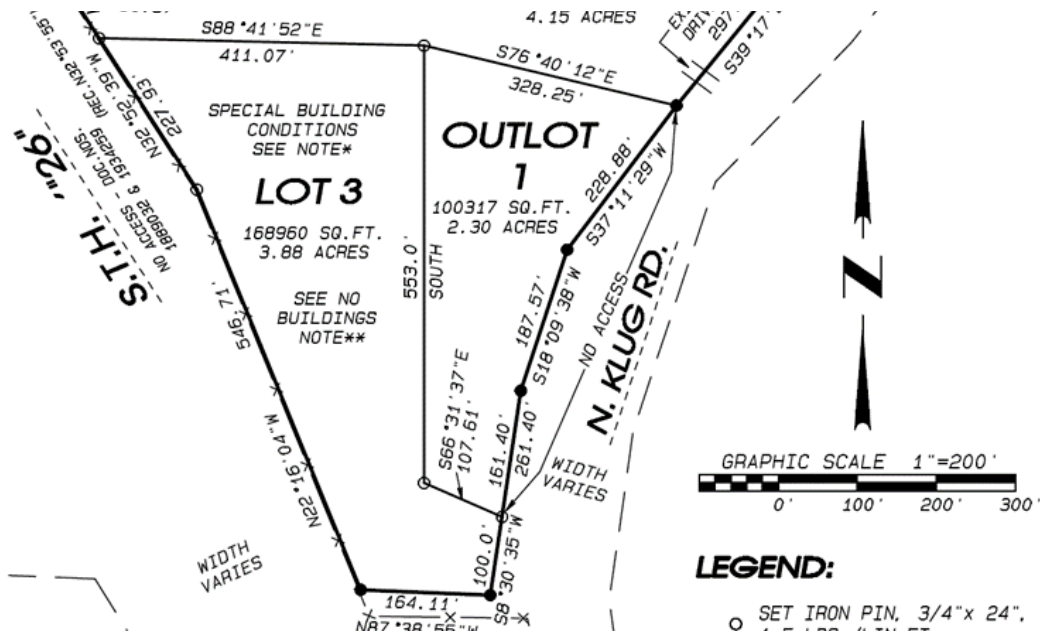
Tax ID: 026 023003 Parcel Number: 6-13-188

Town of Milton

1. Per the July 6th, 2022 meeting: 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 with out the "zig-zag", per red line below.



The applicant is “appealing” this by creating an Outlet 1 on the new CSM. The layout of Lot 3 remains the same as originally proposed.



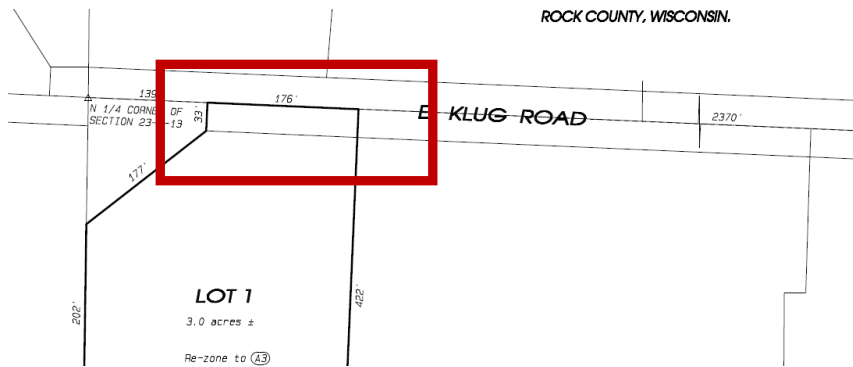
Per County Land Division Ordinance: **Outlots:**

“A land area, other than a lot or block, not to be utilized as a building or accessory building site and so designated on a Plat of Survey (“POS”), Certified Survey Map (“CSM”), or Sub-division Plat”

Commonly, any parcel not designated as a lot, public street, or public dedication, must be designated as an outlot. This includes private roads, right-of-way islands, areas for future development, and all other non-buildable parcels retained by the developer or lot owners. Outlots may be of any size and shape, and do not need access to a public street. Outlots may be dedicated to the public.

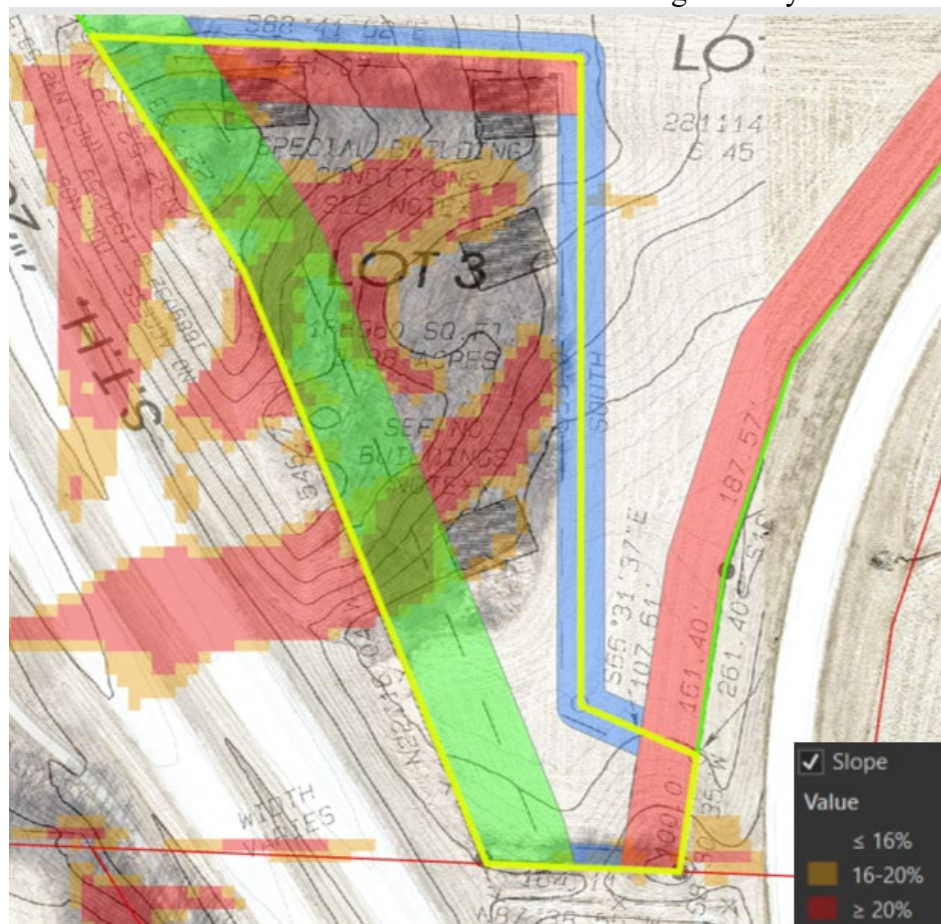
Per the above ordinance a “No Build” shall be place on the Outlot if the committee deems this a suitable solution.

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:
 - a. "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 at discretion of Town.



6. Per the Milton Town Ordinance zoning code, the proposed lot does not meet the minimum 35 acre requirements of the A-1 zoning. The lot will need to be changed to meet zoning code. Recommended zoning to A-3. The below is the setbacks for the A-3 district to show buildable lots.

Due to slopes and setback regulations, this area could be difficult to place a single-family home with driveway reaching the location. Slopes should also be shown or a buildable area should be established if the intent of this lot is a single family lot.



7. This lot may fall under extraterritorial jurisdiction with the City of Milton and may need additional approvals.



8. Final CSM shall be submitted to and approved by the Agency within one year after preliminary approval.
9. Final CSM shall be recorded with the Rock Co. Register of Deeds within 6 months of final approval.
10. Meet the minimum requirements of 4.112 Preliminary Land Divisions.
 - a. Does not meet zoning requirements. Needs to be re-zoned
 - b. Lot needs to be reconfigured per recommendation 1.
 - c. Slopes are missing from the CSM.
 - d. Driveway access needs to be shown.

Review and possible action regarding LD 2022 55 (Union Town) – Hurley (2 Lot CSM)

Remove 3 B, all other conditions accepted. Moved for approval by Supervisor Winter, Seconded by Supervisor Sutterlin. Passed unanimously.

Minor Land Division # LD 2022 055

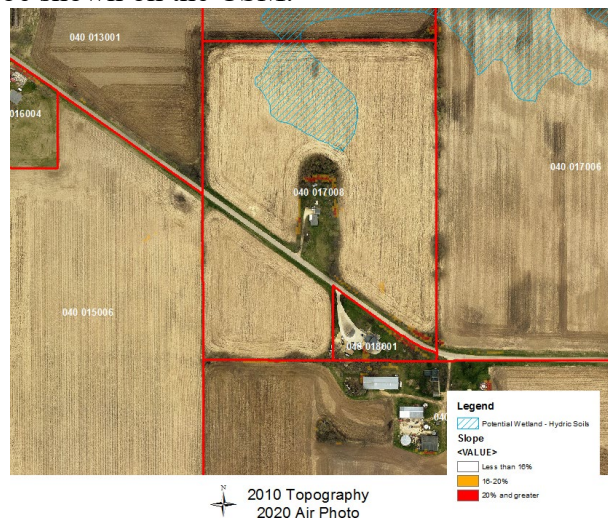
Parcel Number: 6-20-92, Tax ID: 040 017008

Town of Union

1. Existing easements shall be shown, and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).
2. Zoning should be verified by the Town. It is currently zoned A2: Exclusive Agriculture District with C1: Lowland Conservancy Overlay District. Staff recommends Agricultural District Three (A-3) for smaller lot.



3. Note on Final CSM:
 - a. No buildings which produce wastewater are allowed on lots until acceptable means of wastewater disposal is approved by the necessary governmental agencies”.
4. 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.
5. Dedicate of 66-foot road right of way along the road at the discretion of the Town of Union.
6. Hydric Soils should be shown on the CSM.



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.
9. The CSM needs to meet the minimum requirements of 4.112 of the County ordinances.
 - a. Zoning should be verified by the Town.
 - b. Preliminary CSM does not show the POWTS, Private well or ESA.
 - c. Additional comments listed in recommendations.

Review and possible action regarding LD 2022 073 (Milton Township) – Klug (2 Lot CSM)

Request for property to be noted as a no-build and to contact Rock County for additional information. Property has already been rezoned. There are hydraulic soil restrictions.

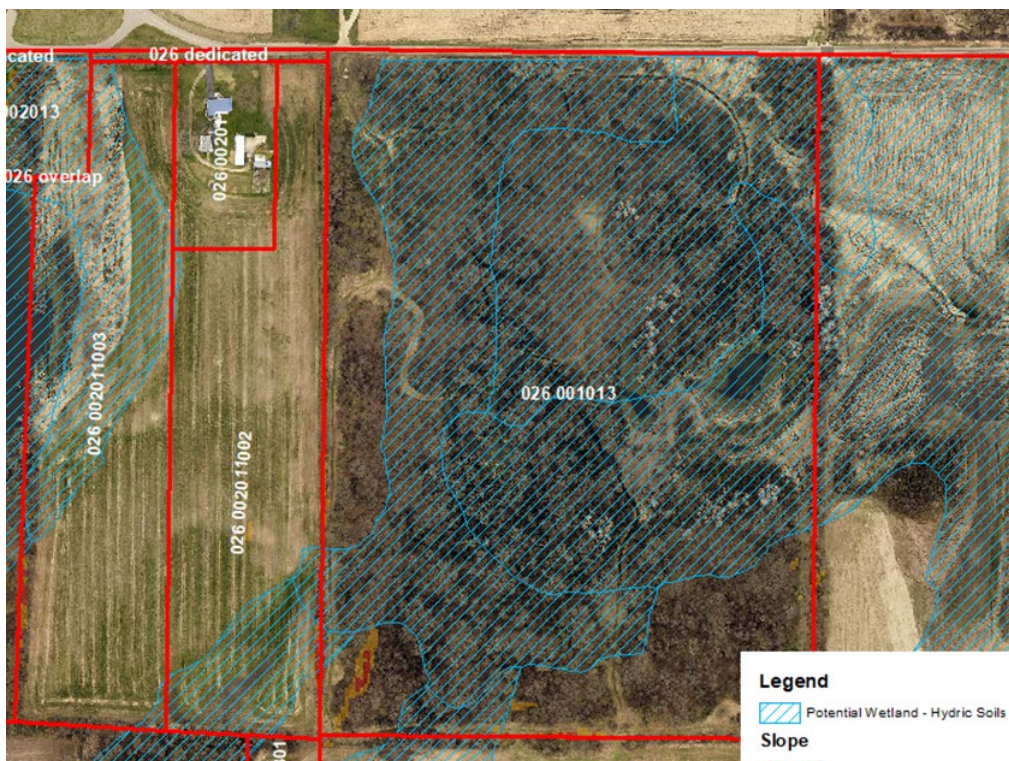
Moved for approval with conditions by Supervisor Sutterlin, Seconded by Supervisor Sweeney. Passed unanimously.

Minor Land Division # LD 2022 073

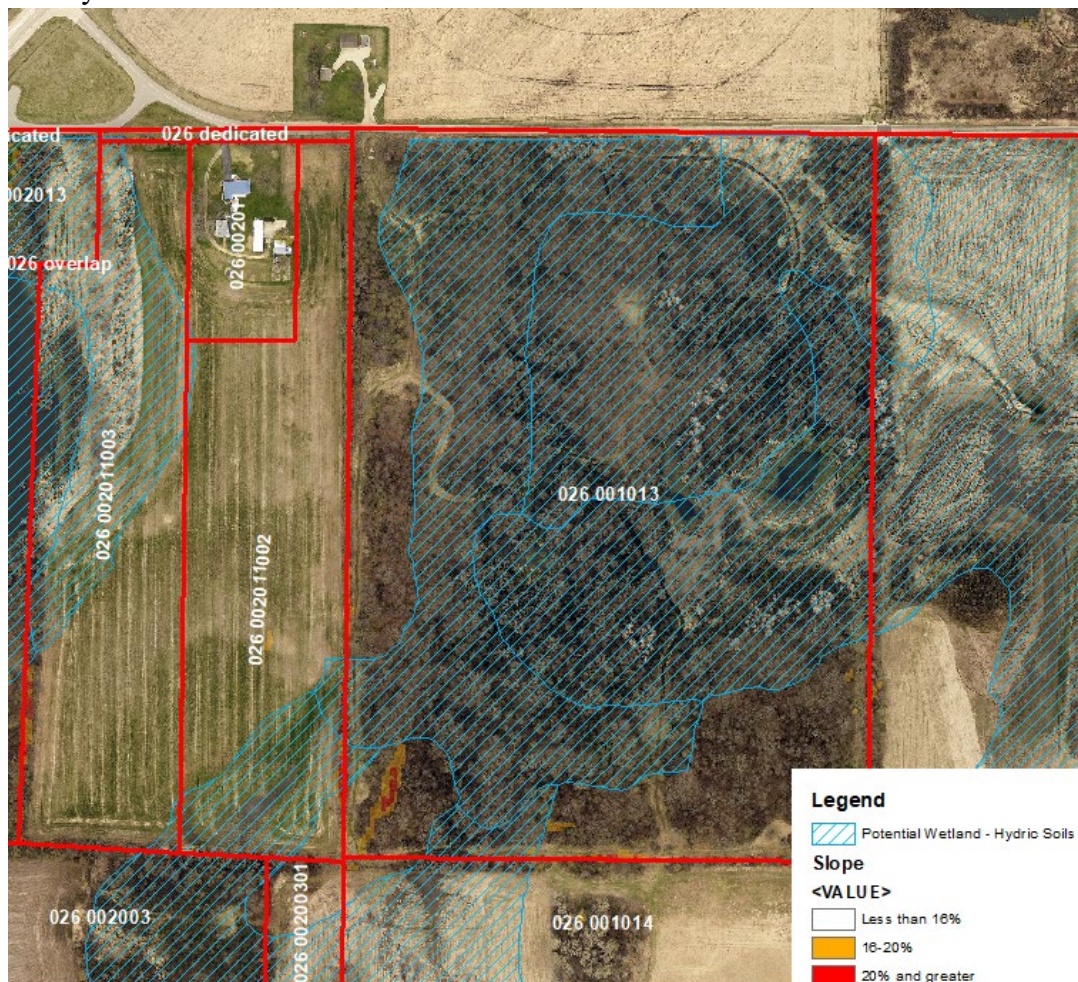
Parcel Number: 6-13-3, Tax ID: 026 001013

Town of Milton

1. Below is an indication of hydric soils in this area. If the intent of this land division is to create two buildable lots for single family residential it is recommended not passing the land division until the buildable area can be shown on the CSM or a **no build until suitable building site location can be established.**



2. Any additional existing easements shall be shown and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).
3. The thirty-three foot half road right of way along the entire frontage of the parent parcel shall be deeded or dedicated to the Town of Milton.
4. Note on Final CSM
 - a. “No buildings which produce wastewater are allowed on Lots 1 & Lot 2 until acceptable means of wastewater disposal is approved by the necessary governmental agencies”.
 - b. Due to hydric soils on both lots, no building shall occur until suitable site location can be established.
5. If land disturbance associated with the construction of the shared driveway exceeds 100 feet then a Rock County Construction Site Erosion Control Permit is required. Please contact Rock County Land Conservation Department.
6. The hydric soils should be noted on the Land Division.



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 083 (Milton Township) – Schrank (2 Lot CSM)

Noted inconsistencies in past maps regarding acreage jumps. Andrew confirmed with Michelle Schultz that the parcel will be redrawn based on the original description to reflect the fact the water has receded.

Moved for approval with conditions by Supervisor Sutterlin, Seconded by Supervisor Sweeney. Passed unanimously.

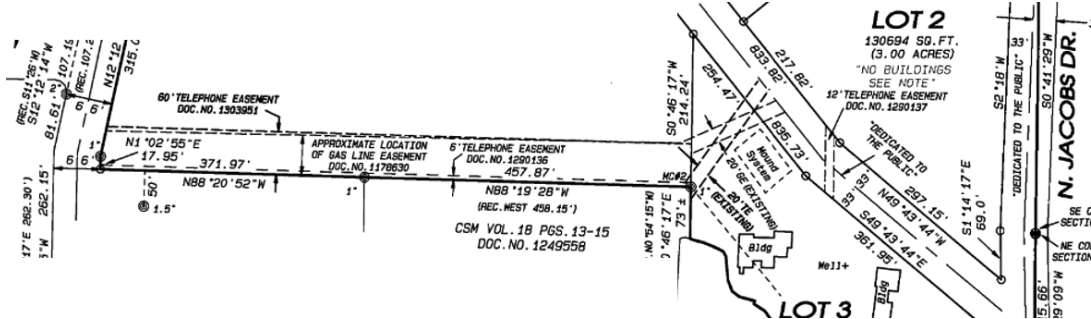
Minor Land Division # LD 2022 083

Parcel Number: 6-13-156, Tax ID: 026 020001

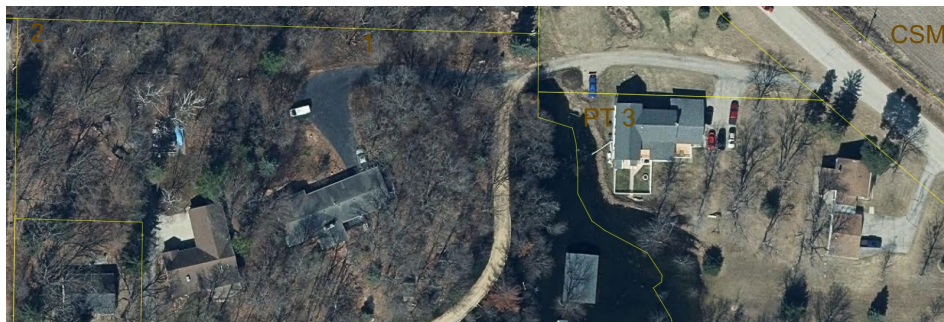
Parcel Number: 6-13-141.2, Tax ID: 026 0170262

Town of Milton

1. Existing easements shall be shown and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).



Additionally, the access for the adjacent lots should be noted on the CSM. Please show driveway and all relevant information.



2. Note on Final CSM: "Lots 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. The new lots need to meet all setback requirements of the Town of Milton’s R-R zoning district and Rock County Shoreland Zoning District.
4. Final CSM shall be submitted to and approved by the Agency within one year after preliminary approval.
5. Final CSM shall be recorded with the Rock Co. Register of Deeds within 6 months of final approval.
6. Meet the minimum requirements of 4.112 Preliminary Land Divisions.
 - a. This is missing water supply system.
 - b. Missing driveway.
 - c. Missing easements.

Review and possible action regarding LD 2022 088 (Fulton Township) – Hurd Farm (1 Lot CSM) – December 13 2022 Town Board

Request a “No Build” on 17 Acres. Conditional without the town approval.

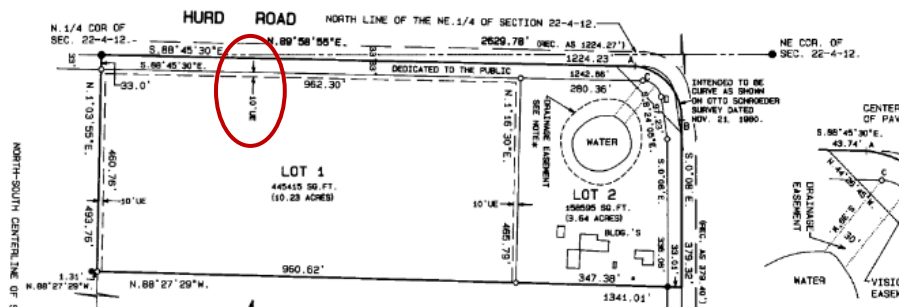
Moved for approval with conditions by Supervisor Winter, Seconded by Supervisor Sutterlin. Passed unanimously.

Minor Land Division # LD 2022 088

Parcel Number: 6-6-331, Tax ID: 012 06204

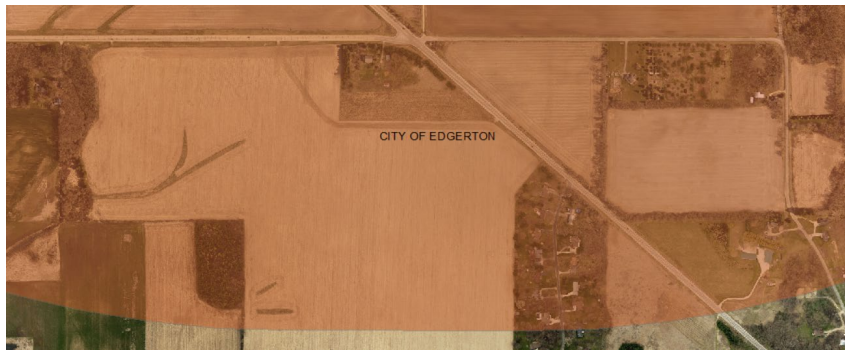
Town of Fulton

1. Existing easements shall be shown, and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).
 - o The lot located to the east of this lot shows a 10-foot utility easement located along Hurd Road.



2. Note on Final CSM:
 - o "No buildings which produce wastewater are allowed on Lot until acceptable means of wastewater disposal is approved by the necessary governmental agencies." It should also be noted that there are potential hydric soils on the location.
3. Dedicate of 33-foot half road right of way along E Hurd Rd Road at the discretion of the Town. Fulton has historically dedicated the ROW.

4. 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.
5. No access needs to be shown on Highway 51. On a controlled access highway, the centerline of any entrance shall be located a minimum of 600 feet from the centerline of the nearest entrance or public road on the same side of the road as the proposed entrance. This should be shown as well.
6. This falls under the ETJ for the City of Edgerton.



7. Per Town of Fulton requirements established at the December 13, 2022 meeting a “No Build” is to be placed on the 17 acre lot.
8. Final CSM shall be submitted to and approved by the Agency within one year after preliminary approval.
9. Final CSM shall be recorded with the Rock Co. Register of Deeds within 6 months of final approval.
10. Meet the minimum requirements of 4.112 Preliminary Land Division listed.

Community Development: None.

Corporate Planning: None

Finance:

Review Bills Paid (October and November): Training 4 people with Arc Pro program. Previously budgeted for this training in mind.

Directors Report: None

Committee Reports: None

Economic Development: Mr. Otterstein provided an overview of ARPA Small Business & Nonprofit Grant program. Aggregate recipient, as well as applicant, data was discussed. In addition to the issue the overall “readiness” of applicants, the largest eligibility obstacle is the program’s \$20,000 PPP/EIDL funding threshold. This topic, as well as others, became the focal point of the discussion – particularly as it relates to childcare businesses. To date, two childcare businesses have been awarded program funding and another pair of applicants are weaving their way through the review process.

There was discussion regarding the potential need to revisit or revamp the program’s eligibility requirements, and Corporation Counsel Greenlee reminded the Committee that any changes would require County Board action (via a new resolution). Since today’s conversation is driven by the need to clarify some ambiguous language in the Resolution, and Supervisor Stevens was one of the original sponsors of the Resolution, the prudent course of action was to bring this topic to the Committee.

Supervisor Stevens motioned for a Closed Session to discuss specific application and examples; Supervisor Winter seconded this motion. Passed unanimously.

Closed Session

During discussion, the Committee affirmed Staff’s recommendation that “dual purpose organizations” would be eligible for the Grant. The Committee also affirmed that similar business sharing space would also be eligible too – pending those applicants can demonstrate their independence (i.e. separate business entity) through acceptable and customary means. This clarification and related guidance provided by the Committee did not alter the grant program’s eligibility requirements, though.

Moved by Supervisor Winter to go out of Close Session. Seconded by Supervisor Stevens.

Adjournment: Adjournment at 10:40 am

Moved by Supervisor Winter, Seconded by Supervisor Sutterlin. APPROVED

Respectfully Submitted,

Ilana Eisenberg, Office Coordinator

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.