



**Planning and Development
Committee
Minutes – September 22, 2022
In Person and Via Zoom**

Call to Order: The meeting of the Rock County Planning & Development Committee was called to order at 8:00 am on Thursday, September 22, 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 James Otterstein, (Economic Development Manager), Jennifer Borlick (GIS Manager) and Andrew Baker (Director). Staff present via Zoom: Steve Godding (Planner III), Jennifer Borlick (GIS Manager), Michelle Schulz (Real Property Lister) and Christine Munz-Pritchard (Senior Planner).

Others Present: Ben Tanko (Alliant), Chris and Jen Mietus (Applicants), Derek Card (Applicant Agent) and Joel Brantmeier (neighbor of CUP application). Present on Zoom: Jenni Pingel, Ruben.

Adopt Agenda: Andrew asked that the agenda be amended to move item 6.A. ahead of item 4. For sake of staff schedule. Agenda moved by Supervisor Podzilni as amended, Seconded by Supervisor Sutterlin. ADOPTED

Approval of Minutes:

Meeting held September 8th, 2022: Moved by Supervisor Winter, Seconded by Supervisor Sutterlin. ADOPTED

Economic Development:

Supporting the Designation of the Madison Region as an Economic Development District

Moved for approval by Supervisor Sutterlin, Seconded by Supervisor Podzilni.

James Otterstein explained the purpose of the resolution as specified in the text and executive summary. Designating the six county region as a Economic Development District will allow access to federal funding sources for projects that have a regional impact. A similar resolution was approved in 2013. This decision/action has no bearing on the County's ability to act independently from the EDD in the future.

Planning and Development Committee recommended this resolution by unanimous voice vote (5-0).

Citizen Participation, Communications and Announcements: None

Code Enforcement

Public Hearing: Shoreland CUP 2022-002 - Jennifer and Christopher Mietus

Motion to open public hearing made by Supervisor Winter, seconded by Supervisor Sutterlin. Andrew called the roll, all Supervisors present.

Andrew explained the project and the requirements that cause the need for Conditional Use Permit. The applicants have been working with staff since April to develop a plan that meets all the standards for Floodplain Zoning and Shoreland Zoning. Due to the fact this property is in the Flood Storage District, any fill used to elevated the structure to the Flood Protection Elevation must be compensated for by created a equal amount of storage, i.e. "compensatory storage." Rock, Dane and Jefferson Counties all adopted this district as part of the 2015 Floodplain Zoning Map updates. In general, without the storage district included in the model, the floodplain elevations on Lake Koshkonong would be mapped higher (increasing cost of insurance and possible including property in the Floodplain when it otherwise would not). There is no way to vary or waive these standards with updating the maps, even on the smallest scale. The result of creating the storage area is a shallow depressional area created on the lot. The bottom up the storage area will be above the ground water, but it may hold water at times because there is no surface outlet. Reference was made to the staff report which includes FAQs about the flood storage district.

Emails from neighbors Mark and Kristin Wilkerson (1802 E Rd 4) and Joel Brantmeir (1745 E Rd 4) were summarized for the record. Mr. Brantmeir was also in attendance. His concern is regarding the potential impact to groundwater elevations and surface water runoff due to the compacted fill. His property (to the north) is lower in elevation than the subject property.

The applicants also explained the lengthy process that has brought to them to this point in the permitting steps. This is a very challenging site to be able to meet the storage requirements. When they bought the property ten years ago they knew it was in the floodplain, but the requirements for compensatory storage were not added until 2015. They are doing whatever they can to be able to build a home on the property that meets all standards.

Andrew concurred that the plan presented today meets County Ordinance standards. Staff would not bring it to the Committee until a detailed plan was reviewed and essentially approved by staff.

Motion to close public hearing made by Supervisor Sutterlin, seconded by Supervisor Podzilni. Carried unanimously.

Review and possible action regarding Shoreland CUP 2022-002 - Jennifer and Christopher Mietus

General discussion continued regarding the plan for the site and the concerns from the neighbors regarding possible impacts to ground water and surface water caused by the compacted fill.

Motion to table action until such time that a professional opinion is provided regarding groundwater impacts of the project made by Supervisor Sutterlin, seconded by Supervisor

Sweeney. Carried unanimously

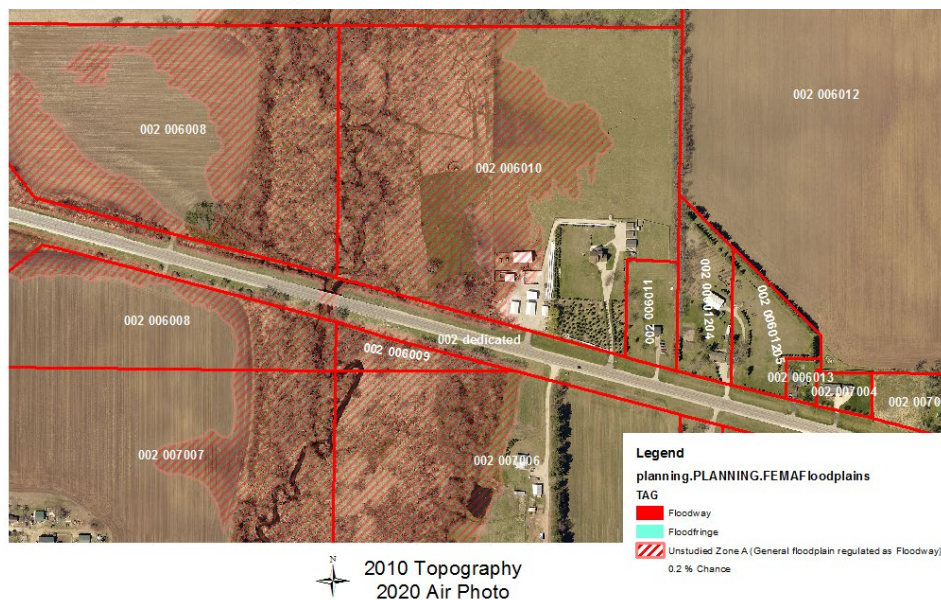
Andrew noted that there would not be another public hearing, but staff will inform the concern neighbors when the opinion is provided and the next meeting is scheduled.

Review and possible action regarding LD 2022 029 (Avon Township) – Lewis (2 Lot CSM) - Tabled from May 26, 2022

Chris noted that the Committee previously tabled the land division pending receiving a revised CSM which addressed a number of concerns. The revised CSM has been submitted and the concerns have been addressed.

Motion to approve with conditions as recommended made by Supervisor Podzilni, seconded by Supervisor Sweeney. Carried.

1. Note on Final CSM:
 - Lot 1 and Lot 2 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.
2. There is FEMA floodplain located on the lot. It needs to be added to the CSM.



3. Meet the minimum zoning requirements for the respective district.
 - Lot 1 needs to be rezoned for the Concrete Company because they are a business that needs to meet minimum building standards of the State of Wisconsin Commercial Building code. **(Note: not required by Town)**
 - A new address needs to be issued for the building located on lot 1.

4. Driveways should be added to show all access to the buildings. Currently it looks like there is 2 access points that wrap around the existing home. One of the access points is missing.



5. The buildings on both lots will need to meet the requirements of the accessory buildings per zoning code.

Accessory Building: A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the principal or conditional use of the main building or of the premises.

1. Accessory Building Location:

- a) No detached accessory building shall be erected, structurally altered or placed on a lot so that any roofed or enclosed portion thereof is closer than 20 feet to the principal building on said lot.
- b) Detached accessory buildings shall not occupy more than 30% of the area of the required rear yard and such buildings shall not be nearer than 20 feet to any lot line.

Conditional uses and their accessory uses shall be permitted in specified districts after review by the Planning and Development Commission, public hearing, and approval by the Town Board in accordance with the procedures and standards established herein.

6. Utility easements to be located on lots as requested by utility companies.
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.
 - This currently does not show the proposed zoning designation on the land division.
 - ESA needs to be added.
 - Driveways need to be add.
 - POWTS and Wells are missing on both lots.

Review and possible action regarding LD 2022 041 (Beloit Township) – Sweger (1 Lot CSM) - Tabled from August 25, 2022

Chris noted that the Committee previously tabled the land division pending receiving a revised CSM which addressed a number of concerns. The revised CSM has been submitted and the concerns have been addressed.

Motion to approved as recommended made by Supervisor Winter, with a specific emphasis that the CSM has a note regarding decommissioning of the property if the site is no longer used, seconded by Supervisor Sweeney. Carried.

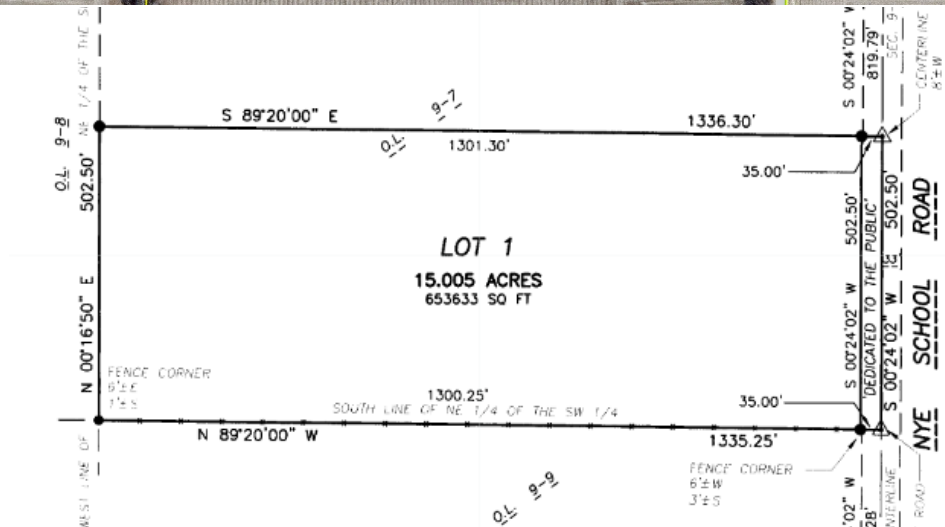
1. Zoning should be verified by the Town. This includes both proposed lots.
2. A "Flag lot" defined by Rock County Ordinance: "A lot whose width at the building site far exceeds its street frontage, containing both a "pole", a long, narrow strip of land utilized solely to provide vehicular access to the building site, and a "flag", containing the building site"

The creation of flag lots are generally discouraged by Ordinance (per sec. 4.116(2)), but if they are approved, they must meet specific standards (found in 4.116(2)(e)). That section of the Ordinance is included in the packet for reference. The proposed "pole," if approved through the Land Division process, will exceed the maximum of 250 feet in length allowed by Ordinance.

This flag is 2,161.61 feet long +/- (1400.57 + 761.04). **Considering the use this property is for utility purposes, the Committee agreed that this exception to the flag lot provisions is acceptable.**

3. This does fall into the extra Territorial Jurisdiction (ETJ) Area boundary for the City of Beloit. See map below.





5. If land disturbance associated with the construction of a driveway exceeds 100 feet then a Site Erosion Control Permit is require. Please contact the Town of Beloit.
6. Existing easements shall be shown and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).

Since this land division is being done for a large utility project there are most likely utilities being placed in this area and need to be shown.

7. 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".
 - b. "The access road is to be used for the sole purpose of access to the utilities and utility buildings. No other access use is permitted. If the utility uses ceass to exist the road must be removed. A decommissioning plan, including the removal of the driveway, shall be filed with the Rock County Register of Deeds prior to decommissioning."
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.

Finance

Review of Payments: None

Director's Report:

Andrew introduce the new Office Coordinator, Ilana Eisenberg, who started this week.

Committee Reports:

None

Adjournment: Adjournment at 9:32

Moved by Supervisor Podzilni, Seconded by Supervisor Sutterlin. APPROVED

Respectfully submitted,
Andrew Baker, Director

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.