

Amended:
11/8/2019



**PLANNING & DEVELOPMENT COMMITTEE MEETING
THURSDAY, NOVEMBER 14, 2019 – 8:00 A.M.
ROCK COUNTY COURTHOUSE CONFERENCE CENTER – 2ND FLOOR RM 250
JANESVILLE, WI**

Agenda

1. Call to Order
2. Adoption of Agenda
3. **Action Item:** Approval of Minutes of the Planning & Development Meeting held Thursday October 24, 2019 at 8:00 am.
4. Citizen Participation, Communications and Announcements
5. Community Development
 - A. **Action Item:** Citizen Objection to Determination made by the Planning Director to deny a Request for Subordination of Rock County Community Development Loans IDs – 005008D1 & 020352D1.
 - B. **Action Item:** Reduction in Accounts Receivable – Rock County's Community Development Loan Program
6. Code Enforcement
 - A. **Action Item:** Approve, Approve with Conditions or Deny Preliminary Land Divisions:
 - LD2019 055 (Janesville Township) – Boughton
 - LD2019-060 (Union Township) – Hansen
 - **LD2019 056 (La Prairie Township) - Reid**
 - LD2019 062 (Avon Township) – Thom Trust
 - LD2019 065 (Beloit Township) – Benedetti
 - B. **Action Item:** Driveway Change of Use on an Access Controlled Highway – Humane Society of Southern Wisconsin at 4700 S. County Hwy G, Rock Township

7. Economic Development

- A. Information Item: Rock Ready Index Quarter #3 2019 – Economic Development Dashboard Report for Rock County, WI

8. Finance

- A. Information Item: Committee Review of Payments
- B. **Action Item:** Transfers

9. Committee Reports

10. Directors Report

- A. Town of Newbold (Oneida County, WI) Shoreland Zoning Court of Appeals Case

11. Adjournment

Future Meetings/Work Sessions

- 2nd November Meeting to be Determined
December 12, 2019 (8:00 am)
- 2nd December Meeting to be Determined
January 9, 2020 (8:00 am)



MINUTES
ROCK COUNTY PLANNING & DEVELOPMENT COMMITTEE
THURSDAY October 24th, 2019 – 8:00 A.M.
COURTHOUSE CONFERENCE ROOM Second Floor
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, October 24, 2019 at the Rock County Courthouse. Chair Sweeney presided. Supervisors present: Mary Mawhinney, Wayne Gustina, Phil Owens, and Wes Davis. QUORUM PRESENT.

Rock County Staff Present: Colin Byrnes (Planning Director) Andrew Baker (Senior Planner), Kurt Wheeler (Planner III, Acting Secretary), Michelle Schultz Real Property Lister, County Administrator Josh Smith, and Jodie Surber County Analyst.

Others Present: Deb Stauffacher, Jim Brotsman

2. **ADOPTION OF AGENDA**

Moved by Supervisor Davis, Seconded by Supervisor Gustina. Agenda Adopted (5-0).

3. **MEETING MINUTES – OCTOBER 10, 2019**

Motion made by Supervisor Mawhinney, Seconded by Supervisor Owens to accept the meeting minutes. APPROVED (5-0)

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

Supervisor Davis informed all in attendance that there will be a meeting given by the WDNR regarding NR151 and groundwater contamination November 6, 2019 at the Blackhawk Tech Campus.

5. **Community Development**

A. **Action Item:** Citizen Objection to Determination made by the Planning Director to require repayment of Housing Rehabilitation Loans 090161D1 and 09563D1.

Motion to approve by Supervisor Owens, **Seconded** by Supervisor Gustina.

Mr. Byrnes gave an overview and history of the loan reading the applicants comments on the application to the Committee. Questions and discussion followed.

Deb Stauffacher, representing the applicant, spoke to the Committee on the specifics of the application and reasons for the request as well as the applicant's situation. Discussion followed. Ms. Stauffacher said that the property is currently listed for sale with a realtor and funds from the proposed sale will be used to pay off the loan.

After further discussion, Supervisor Mawhinney **Amended to Motion** to read that the agency will postpone action for 60 days for the sale to finalize and that if the loan has not been paid off by Monday, December 30th, 2019, enforcement will proceed to Corporation Council for foreclosure. Supervisor Gustina added for the record, that he requests the applicant and representative to communicate with the agency as things progress regarding the sale and repayment. **Seconded** by Supervisor Davis. **Passed (5-0). Original Motion** approved (5-0).

- B. **Action Item:** Citizen Objection to Determination made by the Planning Director to require repayment of Housing Rehabilitation Loans 093519D2 & 094409D1. Mr. Byrnes gave an overview and history of the loan reading the applicants comments on the application to the Committee. Questions and discussion followed. There was no applicant or representative present. After further discussion Supervisor Owens made a Motion to Deny, Seconded by Supervisor Davis. Denied (5-0).

- C. **Action Item:** Citizen Objection to Determination made by the Planning Director to deny eligibility for a Housing Rehabilitation Loan.

Mr. Byrnes gave the specifics of the denial of Eligibility and an overview of the criteria used in the process based on the policies and procedures of the Housing Authority. Jim Brotsman spoke as to the financial calculations of his income and the condition of the home in question. The Committee asked questions related to the market value and assessment value of the property as well as if the home had a mortgage. After questions and further discussion, Supervisor Owens moved to Deny the Objection and Enforce the denial of Eligibility. Seconded by Supervisor Davis. Objection Denied (4-1)

6. CORPORATE

Discussion Item: Real Property Description Office 2020 Budget and County Administrator's 2020 Recommended Budget (Real Property and Planning and Development Agency).

Ms. Schultz explained the line items and budget proposals for both the Real Property Lister's Office as well as the Land Records Dept. She stated that the Real Property Listers Office budget was basically a "Cost to Continue" budget. Discussion of line items for the Land Records Office followed. Discussion and questions to both Ms. Schultz and Administrator Smith regarding grants and potential funding opportunities for Aerial Photography and LIDAR mapping were discussed.

7. **FINANCE**

Action Item:

- A. Committee review of payments
None
- B. Transfers
None

8. **COMMITTEE REPORTS**

Mr. Byrnes informed the Committee of an amendment to the Impediments to Affordable Housing Plan that was recently presented in a Public Hearing last week.

9.

DIRECTOR'S REPORT:

Mr. Byrnes presented a website hosted by the WDNR and Wisconsin Emergency Management that shows, in real time, water levels and inundation of flooding on segments of rivers, lakes, and streams in Wisconsin based on USGS Gage Station readings.

10. **ADJOURNMENT**

Supervisor Gustina made a Motion to Adjourn, Seconded by Supervisor Owens.
Time: 9:21 am. All in Favor (5-0).

Respectfully Submitted – Kurt J. Wheeler, Acting Secretary

These minutes are not official until approved by Committee.

Future Meetings/Work Sessions


November 14, 2019 (8:00 am)
Second November Meeting (TBD)
December 12, 2019 (8:00 am)
Second December Meeting (TBD)



Rock County Planning & Development Agency
51 S. Main Street
Janesville, WI 53545
(608) 757-5587

DATE: October 28, 2019

TO: Rock County Planning & Development Committee

FROM: Colin Byrnes –Director
Dana Sanwick – Office Coordinator 

CC: Sherry Oja – Finance Director
Susan Balog – Assistant Finance Director

RE: Reduction in Accounts Receivable – Rock County’s Community Development Loan Program

Please find attached supporting information that Planning & Development Staff will submit to County Finance in order to perform a 2019 General Ledger Journal Entry to reduce future Accounts Receivables by the balance of Community Development Home Rehabilitation Loans that have been determined to be uncollectible.

The majority of the loan properties have been foreclosed by either a first mortgagor or by the Rock County Treasurer’s Office through Tax Lien Foreclosure. These properties were sold at a sheriff’s sale and are currently owned by parties other than the individual(s) that Rock County Planning & Development had loans with. The remaining properties under consideration did not go through the foreclosure process, but they have been examined and a determination made that the loan balance is no longer recoverable.

If approved, the Committee’s recommendation will be forwarded to Financial Services in the form of a General Ledger Journal Entry to reduce the 2019 Accounts Receivable fund balance.

Total Allowance to Uncollectibles..... \$112,042.80

ROCK COUNTY COMMUNITY DEVELOPMENT - ACCOUNTS RECEIVABLE REDUCTIONS
FOR YEAR ENDING DECEMBER 2019

YEAR LOAN MADE	COURT CASE # OR DESCRIPTION	NAME	PROPERTY ADDRESS	LOAN ID	LOCATION	BEGINNING BALANCE	ENDING BALANCE
2004	3-11-10672 Bankruptcy	KNUTESON, Charles M	12-19 Division St	02202911	Milton, City of	\$ 21,250.00	\$ 16,291.40
2008	3-11-10672 Bankruptcy	KNUTESON, Charles M	12-19 Division St	02202911	Milton, City of	\$ 11,725.00	\$ 10,680.99
2007	16CV287 Foreclosure	PREIN, Julie M	606 Wilson Ave	006031D1	Edgerton, City of	\$ 22,492.00	\$ 22,492.00
2005	17CV360 Foreclosure	GADE, Lori M	738 E Columbine Dr	020327D1	Beloit, Town of	\$ 23,588.00	\$ 23,588.00
2008	18CV578 Tax Lien Foreclosure	CONRADSON, Janet L	831 W Baxterwood Ln	006053D1	Rock, Town of	\$ 6,705.00	\$ 6,705.00
1997	18CV578 Tax Lien Foreclosure	ZIMMERMAN, Margaret K	423 Newville St	09684811	Edgerton, City of	\$ 10,738.95	\$ 4,163.33
1998	18CV578 Tax Lien Foreclosure	ZIMMERMAN, Margaret K	423 Newville St	097027D1	Edgerton, City of	\$ 4,283.51	\$ 4,283.51
2002	18CV578 Tax Lien Foreclosure	ZIMMERMAN, Margaret K	423 Newville St	020115D1	Edgerton, City of	\$ 2,450.00	\$ 2,450.00
2002	18CV578 Tax Lien Foreclosure	ZIMMERMAN, Margaret K	423 Newville St	09732111	Edgerton, City of	\$ 6,000.00	\$ 3,864.18
1993	19CV545 Tax Lien Foreclosure	LUCIAN, David C	1463 Bayliss Ave	092212D1	Beloit, Town of	\$ 4,914.84	\$ 4,914.84
1996	19CV545 Tax Lien Foreclosure	LUCIAN, David C	1463 Bayliss Ave	095630D2	Beloit, Town of	\$ 1,001.00	\$ 1,001.00
2003	19CV545 Tax Lien Foreclosure	LUCIAN, David C	1463 Bayliss Ave	020209D1	Beloit, Town of	\$ 2,975.00	\$ 2,975.00
2001	17CV369 Foreclosure	KRAIMER, Gerry H	432 E Madison Ave	02009611	Milton, City of	\$ 17,500.00	\$ 8,633.55
TOTALS						\$ 135,623.30	\$ 112,042.80

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ROCK COUNTY GOVERNMENT
Planning & Development Agency

INTEROFFICE MEMORANDUM

TO: Rock County Planning and Development Committee

FROM: Andrew Baker – P&D Agency Staff

SUBJECT: Preliminary Approval of Land Division

MEETING DATE: November 14th, 2019

Land Division Summary:

The following owners are seeking Land Division Preliminary Approval from the P&D Committee:

2019 055 (Janesville Township) – Boughton

2019 060 (Union Township) – Hanson

2019 062 (Avon Township) – Thom Trust

2019 065 (Beloit Township) - Benedetti

Land Division Recommendation(s) or Action(s):

P&D Agency Staff recommends Preliminary Approval the above referenced Land Division(s) with conditions as presented.



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Land Division Recommendation(s) or Action(s):

P&D Agency Staff recommends Preliminary Approval the above referenced Land Division(s) with conditions as presented.



Application Number: LD2019 055 Boughton

PRELIMINARY MAJOR LAND DIVISION – APPLICATION: REVIEW, RECOMMENDATION, AND ACTION FORM

AGENCY REVIEW

1. Applicant has contacted Town, Rock County Planning and Development Agency, and City(s)/Village (if applicable) officials and these parties have determined land division is feasible: Yes No
 2. Land division is consistent with Town's Comprehensive Plan – Future Land Use Map: Yes No
 3. Land division is located in a Farmland Preservation zoning district certified by the State of Wisconsin: Yes No
If you answered Yes, proceed to 4. If you answered No, proceed to 5.
 4. Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement: Yes No
 5. Land division is in an Agricultural Resources Priority Area, per the Rock County Farmland Preservation Plan: Yes No
 6. Land division will require a zoning change: Yes No
 7. Preliminary minor land division application is complete: Yes No
- If you answered Yes to 7., proceed to 9. If you answered No to 7., indicate the missing information below, 7a. – 7e. After all missing information is supplied, proceed to 8. An Agency recommendation (10.) will not be provided until all missing information has been supplied by the applicant.

	Missing Information
7a. A map clearly marked "PRELIMINARY PLAT OF SURVEY OR CERTIFIED SURVEY MAP", identifying the land division area and containing all of the following information:	<input type="checkbox"/>
a. Location of the land division area by section, township, and range:	<input type="checkbox"/>
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input type="checkbox"/>
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input type="checkbox"/>
d. Approximate location and dimension of all EXISTING/PROPOSED lot(s), outlot(s), and block(s), numbered for reference, in the land division area:	<input type="checkbox"/>
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input type="checkbox"/>
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input type="checkbox"/>
g. Approximate location, dimension and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input type="checkbox"/>
(1) Buildings:	<input type="checkbox"/>
(2) Streets, alleys, and public ways:	<input type="checkbox"/>
(3) Driveways:	<input type="checkbox"/>
(4) Rail lines:	<input type="checkbox"/>
(5) Private water wells or water supply systems:	<input type="checkbox"/>
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input type="checkbox"/>
(7) Any other public utilities:	<input type="checkbox"/>
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input type="checkbox"/>
(9) Vegetative land cover type:	<input type="checkbox"/>
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input type="checkbox"/>
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>
(12) Surface water features:	<input type="checkbox"/>
(13) Drainageways:	<input type="checkbox"/>
(14) Detention or retention areas:	<input type="checkbox"/>
(15) Cemeteries:	<input type="checkbox"/>
(16) Bridges/culverts:	<input type="checkbox"/>
(17) Rock outcroppings:	<input type="checkbox"/>
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>
j. Preliminary concept for collecting and discharging stormwater in the land division area:	<input type="checkbox"/>

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2019055

AGENCY REVIEW	
	Missing Information
k. Scale, north arrow, and date of creation:	<input type="checkbox"/>
l. Any other information required by the Agency:	<input type="checkbox"/>
7b. Map prepared at a scale not to exceed two hundred (200) feet to the Inch, with the map pages numbered in sequence if more than one (1) page is required, and total map pages identified on each page:	<input type="checkbox"/>
7c. Map prepared by a land surveyor licensed in Wisconsin:	<input type="checkbox"/>
7d. All required application form information and required party's signature on the application form:	<input type="checkbox"/>
7e. A hard copy of the application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and application fee:	<input type="checkbox"/>
8. Preliminary minor land division application is complete:	<input checked="" type="checkbox"/> Yes
9. Preliminary minor land division application has been provided to other reviewing parties for review and comment, and if these parties have comments, said comments have been provided to the Agency: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered No, the application must be provided to other reviewing parties before completing any further sections of this form.	

AGENCY RECOMMENDATION	
10. Agency recommendation: <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
11. If you answered Approve With Conditions to 10., list conditions (Use additional sheet (2a) if necessary):	
1. Existing easements shall be shown and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).	
2. Note on Final Plat: "Lot 2 contains existing buildings which utilize an existing private sewage system at the time of this survey. However,...	
3. ...soils on the lot may be restrictive to the replacement of the existing system."	
12. Agency recommendation rationale and findings of fact (Use additional sheet (2a) if necessary):	
AGENCY SIGNATURE: <u>[Signature]</u>	DATE: 10/30/19
TITLE: Administrator - Rock County Planning, Economic & Community Development Agency	

TOWN ACTION	
13. Town action: <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
14. If you answered Approve With Conditions to 13., list conditions (Use additional sheet (2a) if necessary):	
1.	
2. Town Pdz and Board approved 11/3/19. No conditions	
3. submitted to PDD Agency	
15. Town action rationale and findings of fact (Use additional sheet (2a) if necessary):	
TOWN SIGNATURE: _____	DATE: _____
TITLE: _____	

PLEASE RETURN THIS FORM, VIA POSTAL MAIL OR EMAIL, TO:
 ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY
 51 N. MAIN ST.
 JANESVILLE, WI 53545
 EMAIL: BRYNES@CO.ROCK.WI.US

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION	
16. Committee action: <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
17. If you answered Approve With Conditions to 16., list conditions (Use additional sheet (2a) if necessary):	
1.	
2.	
3.	
18. Committee action rationale and findings of fact (Use additional sheet (2a) if necessary):	
COMMITTEE SIGNATURE: _____	DATE: _____
TITLE: Chair - Rock County Planning & Development Committee	

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AGENCY RECOMMENDATION

11. If you answered **Approve With Conditions** to 10., list conditions:

- 3. Proposed lot lines must include the POWTS area with the building which utilizes the system.
- 4. Note on Final Plat: "No buildings which produce wastewater are allowed on Lots 1 and 3-6 until acceptable ...
- 5. ...means of wastewater disposal is approved by the necessary governmental agencies."
- 6. Due to Floodplain Zoning and restrictions on building in slopes greater than 16% the Final Plat shall...
- 7. ...indicate "No Building or Land Disturbance" below approximately the 800' contour line on each lot.
- 8. Dedicate thirty-three foot half road right of way along N River at the discretion of the Town or City of Janesville.
- 9. Final Plat shall be submitted to and approved by the Agency within three years after preliminary approval.
- 10. Final Plat shall be recorded with the Rock Co. Register of Deeds within 6 months of the final approval.

12. Agency recommendation rationale and findings of fact:

The proposed Subdivision creates six new lots from two existing parcels in Janesville Township. The result of this process will be four new vacant lots, an existing residence and outbuildings on Lot 2 and an outbuilding on Lot 1. As part of this proposal, the Town of Janesville will consider a rezone from A1 to Single Family Rural Residential. The A1 District is the Town's large scale agricultural district which is not certified for the Farmland Preservation Program.

The proposed lots have zoning and physical features including the Floodplain Zoning district, the Shoreland setback area and steep slopes which should be preserved according to the standards of the Rock County Land Division and Management Ordinance. The Town and/or P&D Committee could consider placing a deed restriction note on the lots which would reflect the preservation of these areas. There is ample area to develop the new lots outside of the proposed restrictive. The Memorandum of Agreement between the Town and County includes provisions for Staff to make recommendations in this regard where applicable based on site characteristics.

This proposed Land Division is within the extraterritorial review jurisdiction of the City of Janesville.

TOWN ACTION

14. If you answered **Approve With Conditions** to 13., list additional conditions:

15. Town action rationale and findings of fact:

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION

17. If you answered **Approve With Conditions** to 16., list conditions:

- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

18. Committee action rationale and findings of fact:

RECEIVED

OCT 03 2019



ROCK CO. PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY

AGENCY USE ONLY

Application Number: LD2019_055
 Received By - Date (MM/DD/YYYY): 10-3-19

PRELIMINARY LAND DIVISION APPLICATION FORM

PROPOSED LAND DIVISION CLASSIFICATION:

Major Land Division
Subdivision Plat Required

 Minor Land Division
CSM for lots 35 acres or less
 Plat of Survey for lots greater than 35 acres

 Transfer to Adjoining Owner
Plat of Survey or CSM

 Lot Combination
CSM Required

1. Applicant has contacted Town, Rock County Planning, Economic & Community Development Agency, and City(s)/Village (if land division is within Extra-Territorial Plat Approval Jurisdiction (ETJ) area) officials and these parties have determined land division is feasible: Yes No
2. Land division is consistent with Town's Comprehensive Plan - Future Land Use Map: Yes No
3. Land division area is located in a Farmland Preservation zoning district certified by the State of Wisconsin: Yes No
 If you answered Yes, proceed to 4. If you answered No, proceed to 5.
4. Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement: Not Applicable Yes No
5. Land division will require a zoning change: Yes No

APPLICANT INFORMATION

6. LANDOWNER OR AUTHORIZED LANDOWNER REPRESENTATIVE

a. Name:	BOUGHTON REVOCABLE TRUST		Telephone:	751-5474	
Address:	5211 N RIVER RD	City:	JANESVILLE	State:	WI Zip: 53545
b. Name:			Telephone:		
Address:		City:		State:	Zip:

7. AGENT (SURVEYOR AND DEVELOPER)

a. Surveyor name:	COMBS AND ASSOCIATES, INC		Telephone:	752-0575	
Address:	109 W. MILWAUKEE ST.	City:	JANESVILLE	State:	WI Zip: 53548
b. Developer name:			Telephone:		
Address:		City:		State:	Zip:

8. Identify the individual from 6. or 7. that will serve as the primary contact: 6a. 6b. 7a. 7b.

PROPERTY INFORMATION

9. Reason for application: Sale/ownership transfer Farm consolidation Create Conforming Lot Adjust Lot Line

10. Land division area location: Town of JANESVILLE 1/4 of 1/4
Section SW 4 AND SE 5 Tax parcel number(s) - 6-8-42.5 & 30.8

11. Land division area is located within the Extra-Territorial Plat Approval Jurisdiction (ETJ) Area of a City(s)/Village:
 Yes No If Yes, identify: City(s)/Village of CITY OF JANESVILLE

12. Land division area is located adjacent to (check all that apply):
 Local/Town road County highway State highway U.S. highway

13. Landowner's contiguous property area (Square feet or acres): <u>13.7</u>	14. Land division area (Square feet or acres): <u>13.7</u>	15. Current zoning of land division area: <u>A-1</u>
16. Number of new/additional lots created by land division: <u>4</u>	17. Future zoning of new/additional lot(s) created by land division: <u>SFRR</u>	18. Future zoning of parent lot: <u>AFRR</u>

19. Covenants or restrictions will be placed on the land division area: Yes No
 If Yes, identify covenants or restrictions:

20. A residential building is currently located in the land division area: Yes No
 If Yes, the building utilizes a: Private onsite wastewater treatment system Public sanitary sewer system

21. Public improvement construction proposal/plan will be submitted by (mm/dd/yyyy): NONE

22. Public improvement construction will begin on (mm/dd/yyyy):

APPLICANT STATEMENT AND SIGNATURE

I, as the undersigned, am a landowner applying for a land division in unincorporated Rock County, or am serving as the primary contact for said landowner. I do hereby verify that I have reviewed and completed this application form, and submitted all information as required per said documents, and that all information is correct, accurate, and true to the best of my knowledge and belief.

LANDOWNER/PRIMARY CONTACT SIGNATURE: *Robert J. Lamb* DATE: 10/1/2019

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APPLICATION CHECKLIST			
	Yes	No	Comment
1. Have you included a map clearly marked "PRELIMINARY PLAT OF SURVEY, CERTIFIED SURVEY MAP OR SUBDIVISION PLAT", identifying the land division area and containing all of the following information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
a. Location of the land division area by section, township, and range:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Approximate location and dimension of all PROPOSED lot(s), outlot(s) and blocks(s), numbered for reference, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
g. Approximate location, dimension (if applicable), and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input type="checkbox"/>	<input type="checkbox"/>	
(1) Buildings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(2) Streets, alleys, and public ways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(3) Driveways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(4) Rail lines:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(5) Private water wells or water supply systems:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(7) Any other public utilities:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE PROPOSED
(9) Vegetative land cover type:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE AIR PHOTO
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(12) Surface water features:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(13) Drainageways:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(14) Detention or retention areas:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(15) Cemeteries:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(16) Bridges/culverts:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(17) Rock outcroppings:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
j. Preliminary concept for collecting and discharging stormwater, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
k. Scale, north arrow, and date of creation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
l. Any other information required by the Agency:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NOTHING REQUESTED
2. Has the map been prepared at a scale not to exceed two hundred (200) feet to the inch, with the map pages numbered in sequence if more than one (1) page is required, and total map pages identified on each page?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Has the map been prepared by a land surveyor licensed in Wisconsin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Have you provided all required application form information and has the required party signed this application form?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Have you included a hard copy of this application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and the application fee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

PLEASE SEND VIA POSTAL MAIL, OR HAND-DELIVER, THIS FORM,
A HARD COPY AND ELECTRONIC COPY OF THE PRELIMINARY MAP, AND THE APPLICATION FEE TO:

ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY
51 N. MAIN ST.
JANESVILLE, WI 53545

12



Application Number: LD2019 056 Reid

PRELIMINARY MINOR LAND DIVISION – APPLICATION: REVIEW, RECOMMENDATION, AND ACTION FORM

AGENCY REVIEW

1. Applicant has contacted Town, Rock County Planning and Development Agency, and City(s)/Village (if applicable) officials and these parties have determined land division is feasible:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Land division is consistent with Town's Comprehensive Plan – Future Land Use Map:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
3. Land division is located in a Farmland Preservation zoning district certified by the State of Wisconsin: If you answered Yes, proceed to 4. If you answered No, proceed to 5.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
4. Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
5. Land division is in an Agricultural Resources Priority Area, per the Rock County Farmland Preservation Plan:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
6. Land division will require a zoning change:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
7. Preliminary minor land division application is complete:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

If you answered Yes to 7., proceed to 9. If you answered No to 7., indicate the missing information below, 7a. – 7e. After all missing information is supplied, proceed to 8. An Agency recommendation (10.) will not be provided until all missing information has been supplied by the applicant.

	Missing Information
7a. A map clearly marked "PRELIMINARY PLAT OF SURVEY OR CERTIFIED SURVEY MAP", identifying the land division area and containing all of the following information:	<input type="checkbox"/>
a. Location of the land division area by section, township, and range:	<input type="checkbox"/>
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input type="checkbox"/>
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input type="checkbox"/>
d. Approximate location and dimension of all EXISTING/PROPOSED lot(s), outlot(s), and block(s), numbered for reference, in the land division area:	<input type="checkbox"/>
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input type="checkbox"/>
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input type="checkbox"/>
g. Approximate location, dimension and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input type="checkbox"/>
(1) Buildings:	<input type="checkbox"/>
(2) Streets, alleys, and public ways:	<input type="checkbox"/>
(3) Driveways:	<input type="checkbox"/>
(4) Rail lines:	<input type="checkbox"/>
(5) Private water wells or water supply systems:	<input type="checkbox"/>
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input type="checkbox"/>
(7) Any other public utilities:	<input type="checkbox"/>
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input type="checkbox"/>
(9) Vegetative land cover type:	<input type="checkbox"/>
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input type="checkbox"/>
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>
(12) Surface water features:	<input type="checkbox"/>
(13) Drainageways:	<input type="checkbox"/>
(14) Detention or retention areas:	<input type="checkbox"/>
(15) Cemeteries:	<input type="checkbox"/>
(16) Bridges/culverts:	<input type="checkbox"/>
(17) Rock outcroppings:	<input type="checkbox"/>
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>
j. Preliminary concept for collecting and discharging stormwater in the land division area:	<input type="checkbox"/>

13

AGENCY REVIEW	
	Missing Information
k. Scale, north arrow, and date of creation:	<input type="checkbox"/>
l. Any other information required by the Agency:	<input type="checkbox"/>
7b. Map prepared at a scale not to exceed two hundred (200) feet to the inch, with the map pages numbered in sequence. If more than one (1) page is required, and total map pages identified on each page:	<input type="checkbox"/>
7c. Map prepared by a land surveyor licensed in Wisconsin:	<input type="checkbox"/>
7d. All required application form information and required party's signature on the application form:	<input type="checkbox"/>
7e. A hard copy of the application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and application fee:	<input type="checkbox"/>
8. Preliminary minor land division application is complete:	<input checked="" type="checkbox"/> Yes
9. Preliminary minor land division application has been provided to other reviewing parties for review and comment, and if these parties have comments, said comments have been provided to the Agency: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered No, the application must be provided to other reviewing parties before completing any further sections of this form.	

AGENCY RECOMMENDATION	
10. Agency recommendation: <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
11. If you answered Approve With Conditions to 10., list conditions (Use additional sheet (2a) if necessary):	
1. Existing easements shall be shown and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).	
2. Note on Final CSM: "Lot 1 contains existing buildings which utilize an existing private sewage system at the time of this survey. However,..."	
3. ...soils on the lot may be restrictive to the replacement of the existing system."	
12. Agency recommendation rationale and findings of fact (Use additional sheet (2a) if necessary):	
AGENCY SIGNATURE: <u><i>[Signature]</i></u>	DATE: <u>10/14/19</u>
TITLE: <u>Administrator - Rock County Planning, Economic & Community Development Agency</u>	

TOWN ACTION	
13. Town action: <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
14. If you answered Approve With Conditions to 13., list conditions (Use additional sheet (2a) if necessary):	
1. _____	
2. <u>Town Board approved Land Division on 11/6/19</u>	
3. <u>with rezone to A4 and lead restriction on parent parcel.</u>	
15. Town action rationale and findings of fact (Use additional sheet (2a) if necessary):	
TOWN SIGNATURE: _____	DATE: _____
TITLE: _____	

PLEASE RETURN THIS FORM, VIA POSTAL MAIL OR EMAIL, TO:

ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY
51 N. MAIN ST.
JANESVILLE, WI 53545
EMAIL: BRYNES@CO.ROCK.WI.US

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION	
16. Committee action: <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
17. If you answered Approve With Conditions to 16., list conditions (Use additional sheet (2a) if necessary):	
1. _____	
2. _____	
3. _____	
18. Committee action rationale and findings of fact (Use additional sheet (2a) if necessary):	
COMMITTEE SIGNATURE: _____	DATE: _____
TITLE: <u>Chair – Rock County Planning & Development Committee</u>	

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AGENCY RECOMMENDATION

11. If you answered Approve With Conditions to 10., list conditions:

- 3. Proposed lot lines must include the POWTS area with the building which utilizes the system.
- 4. Comply with the standards in the Town of LaPrairie Zoning Ordinance related to creating a new lot in the A4 Zoning District.
- 5. Dedicate a 40-foot half road right-of-way along County Hwy J.
- 6. Final CSM shall be submitted to and approved by the Agency within one year after preliminary approval.
- 7. Final CSM shall be recorded with the Rock Co. Register of Deeds within 6 months of the final approval.
- 8.
- 9.
- 10.

12. Agency recommendation rationale and findings of fact:

The proposed Land Division creates one new 4.0 acre lot from an existing 67 acre parcel (6-10-195) in LaPrairie Township. The purpose of the division is to separate the existing residence and buildings on the property from the larger parcel. The remaining parent parcel is greater than 35 acres, therefore it is not required to include it as part of the Certified Survey Map.

As part of this proposal, the Town of LaPrairie will consider rezoning the area of proposed Lot 1 from A1 to A4 based on the provisions in the Zoning Ordinance and the standards of the Farmland Preservation Program. Approval of a rezone to the A4 Zoning District and the associated land division requires that a deed restriction be placed on a portion of the remaining parent parcel which limits future development of the land.

This land division is within the extraterritorial review jurisdiction of the City of Janesville.

TOWN ACTION

14. If you answered Approve With Conditions to 13., list additional conditions:

15. Town action rationale and findings of fact:

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION

17. If you answered Approve With Conditions to 16., list conditions:

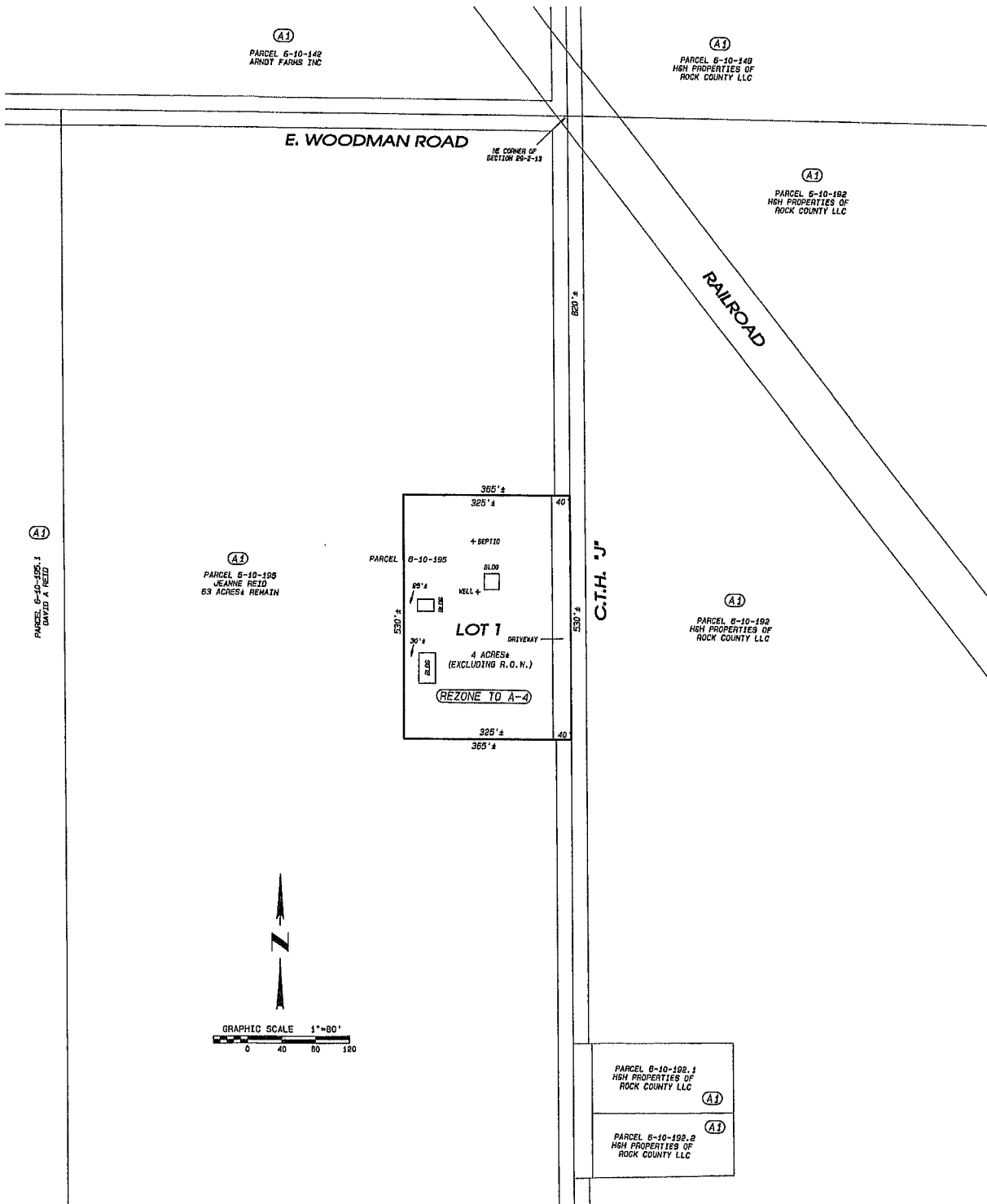
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

18. Committee action rationale and findings of fact:

15

PRELIMINARY CERTIFIED SURVEY MAP/REZONE MAP

PART OF THE NE 1/4 OF THE NE 1/4 AND PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 29, T.2N., R.13E. OF THE 4TH P.M., TOWN OF LA PRAIRIE, ROCK COUNTY, WISCONSIN.



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NOTE: THIS MAP IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS, RECORDED AND UNRECORDED. THE BASIS OF BEARINGS IS ASSUMED.

<p>109 N. Milwaukee St. Janesville, WI 53408 www.combsurvey.com</p>	<ul style="list-style-type: none"> • LAND SURVEYING • LAND PLANNING • CIVIL ENGINEERING 	DATE 09/25/19
		BY s11
		PROJECT NO. 119-439
		CLIENT REID
TEL: 608 752-0570 FAX: 608 752-0534		

RECEIVED



OCT 03 2019

TELEPHONE: (608) 757-5587
EMAIL: PLANNING@CO.ROCK.WI.US
WEB: WWW.CO.ROCK.WI.US

ROCK CO. PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT AGENCY

AGENCY USE ONLY

Application Number: LD2019 056

Received By - Date (MM/DD/YYYY): 10/3/2019

PRELIMINARY LAND DIVISION APPLICATION FORM

PROPOSED LAND DIVISION CLASSIFICATION:

Major Land Division
Subdivision Plat Required

Minor Land Division
CSM for lots 35 acres or less
Plat of Survey for lots greater than 35 acres

Transfer to Adjoining Owner
Plat of Survey or CSM

Lot Combination
CSM Required

- Applicant has contacted Town, Rock County Planning, Economic & Community Development Agency, and City(s)/Village (if land division is within Extra-Territorial Plat Approval Jurisdiction (ETJ) area) officials and these parties have determined land division is feasible: Yes No
- Land division is consistent with Town's Comprehensive Plan - Future Land Use Map: Yes No
- Land division area is located in a Farmland Preservation zoning district certified by the State of Wisconsin: Yes No
If you answered Yes, proceed to 4. If you answered No, proceed to 5.
- Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement: Not Applicable Yes No
- Land division will require a zoning change: Yes No

APPLICANT INFORMATION

6. LANDOWNER OR AUTHORIZED LANDOWNER REPRESENTATIVE

a. Name: JEANNE REID Telephone: _____

Address: 776 N WRIGHT RD City: JANESVILLE State: WI Zip: 53546

b. Name: _____ Telephone: _____

Address: _____ City: _____ State: _____ Zip: _____

7. AGENT (SURVEYOR AND DEVELOPER)

a. Surveyor name: COMBS AND ASSOCIATES, INC Telephone: 752-0575

Address: 109 W MILWAUKEE ST City: JANESVILLE State: WI Zip: 53548

b. Developer name: _____ Telephone: _____

Address: _____ City: _____ State: _____ Zip: _____

8. Identify the individual from 6. or 7. that will serve as the primary contact: 6a. 6b. 7a. 7b.

PROPERTY INFORMATION

9. Reason for application: Sale/ownership transfer Farm consolidation Create Conforming Lot Adjust Lot Line

Include an explanation of the proposal along with any other considerations not included on the application form.

10. Land division area location: Town of LA PRAIRIE SE 1/4 of NE 1/4
Section 29 Tax parcel number(s) - 6-10-195

11. Land division area is located within the Extra-Territorial Plat Approval Jurisdiction (ETJ) Area of a City(s)/Village:
 Yes No If Yes, identify: City(s)/Village of CITY OF JANESVILLE

12. Land division area is located adjacent to (check all that apply):
 Local/Town road County highway State highway U.S. highway

13. Landowner's contiguous property area (Square feet or acres): 87

14. Land division area (Square feet or acres): 4.4

15. Current zoning of land division area: A1

16. Number of new/additional lots created by land division: 1

17. Future zoning of new/additional lot(s) created by land division: A4

18. Future zoning of parent lot: A1

19. Covenants or restrictions will be placed on the land division area: Yes No
If Yes, identify covenants or restrictions:

20. A residential building is currently located in the land division area: Yes No
If Yes, the building utilizes a: Private onsite wastewater treatment system Public sanitary sewer system

21. Public improvement construction proposal/plan will be submitted by (mm/dd/yyyy): NONE

22. Public improvement construction will begin on (mm/dd/yyyy): _____

APPLICANT STATEMENT AND SIGNATURE

I, as the undersigned, am a landowner applying for a land division in unincorporated Rock County, or am serving as the primary contact for said landowner. I do hereby verify that I have reviewed and completed this application form, and submitted all information as required per said documents, and that all information is correct, accurate, and true to the best of my knowledge and belief.

LANDOWNER/PRIMARY CONTACT SIGNATURE: _____ DATE: _____

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APPLICATION CHECKLIST			Yes	No	Comment
1. Have you included a map clearly marked "PRELIMINARY PLAT OF SURVEY, CERTIFIED SURVEY MAP OR SUBDIVISION PLAT", identifying the land division area and containing all of the following information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
a. Location of the land division area by section, township, and range:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
d. Approximate location and dimension of all PROPOSED lot(s), outlot(s) and blocks(s), numbered for reference, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
g. Approximate location, dimension (if applicable), and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input type="checkbox"/>	<input type="checkbox"/>			
(1) Buildings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(2) Streets, alleys, and public ways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(3) Driveways:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
(4) Rail lines:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(5) Private water wells or water supply systems:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(7) Any other public utilities:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE PROPOSED
(9) Vegetative land cover type:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(12) Surface water features:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(13) Drainageways:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(14) Detention or retention areas:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(15) Cemeteries:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(16) Bridges/culverts:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
(17) Rock outcroppings:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
j. Preliminary concept for collecting and discharging stormwater, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NONE
k. Scale, north arrow, and date of creation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
l. Any other information required by the Agency:	<input type="checkbox"/>	<input checked="" type="checkbox"/>			NOTHING REQUESTED
2. Has the map been prepared at a scale not to exceed two hundred (200) feet to the inch, with the map pages numbered in sequence if more than one (1) page is required, and total map pages identified on each page?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Has the map been prepared by a land surveyor licensed in Wisconsin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Have you provided all required application form information and has the required party signed this application form?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Have you included a hard copy of this application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and the application fee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>			

PLEASE SEND VIA POSTAL MAIL, OR HAND-DELIVER, THIS FORM,
A HARD COPY AND ELECTRONIC COPY OF THE PRELIMINARY MAP, AND THE APPLICATION FEE TO:

ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY
51 N. MAIN ST.
JANESVILLE, WI 53545

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PRELIMINARY MINOR LAND DIVISION – APPLICATION: REVIEW, RECOMMENDATION, AND ACTION FORM

AGENCY REVIEW

1. Applicant has contacted Town, Rock County Planning and Development Agency, and City(s)/Village (if applicable) officials and these parties have determined land division is feasible: Yes No
2. Land division is consistent with Town's Comprehensive Plan – Future Land Use Map: Yes No
3. Land division is located in a Farmland Preservation zoning district certified by the State of Wisconsin: Yes No
If you answered Yes, proceed to 4. If you answered No, proceed to 5.
4. Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement: Yes No
5. Land division is in an Agricultural Resources Priority Area, per the Rock County Farmland Preservation Plan: Yes No
6. Land division will require a zoning change: Yes No
7. Preliminary minor land division application is complete: Yes No

If you answered Yes to 7., proceed to 9. If you answered No to 7., indicate the missing information below, 7a. -- 7e. After all missing information is supplied, proceed to 8. An Agency recommendation (10.) will not be provided until all missing information has been supplied by the applicant.

	Missing Information
7a. A map clearly marked "PRELIMINARY PLAT OF SURVEY OR CERTIFIED SURVEY MAP", identifying the land division area and containing all of the following information:	<input type="checkbox"/>
a. Location of the land division area by section, township, and range:	<input type="checkbox"/>
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input type="checkbox"/>
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input type="checkbox"/>
d. Approximate location and dimension of all EXISTING/PROPOSED lot(s), outlot(s), and block(s), numbered for reference, in the land division area:	<input type="checkbox"/>
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input type="checkbox"/>
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input type="checkbox"/>
g. Approximate location, dimension and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input type="checkbox"/>
(1) Buildings:	<input type="checkbox"/>
(2) Streets, alleys, and public ways:	<input type="checkbox"/>
(3) Driveways:	<input type="checkbox"/>
(4) Rail lines:	<input type="checkbox"/>
(5) Private water wells or water supply systems:	<input type="checkbox"/>
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input type="checkbox"/>
(7) Any other public utilities:	<input type="checkbox"/>
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input type="checkbox"/>
(9) Vegetative land cover type:	<input type="checkbox"/>
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input type="checkbox"/>
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>
(12) Surface water features:	<input type="checkbox"/>
(13) Drainageways:	<input type="checkbox"/>
(14) Detention or retention areas:	<input type="checkbox"/>
(15) Cemeteries:	<input type="checkbox"/>
(16) Bridges/culverts:	<input type="checkbox"/>
(17) Rock outcroppings:	<input type="checkbox"/>
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>
j. Preliminary concept for collecting and discharging stormwater in the land division area:	<input type="checkbox"/>

2019062

AGENCY REVIEW	
	Missing Information
k. Scale, north arrow, and date of creation:	<input type="checkbox"/>
l. Any other Information required by the Agency:	<input type="checkbox"/>
7b. Map prepared at a scale not to exceed two hundred (200) feet to the Inch, with the map pages numbered in sequence if more than one (1) page is required, and total map pages identified on each page:	<input type="checkbox"/>
7c. Map prepared by a land surveyor licensed in Wisconsin:	<input type="checkbox"/>
7d. All required application form information and required party's signature on the application form:	<input type="checkbox"/>
7e. A hard copy of the application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and application fee:	<input type="checkbox"/>
8. Preliminary minor land division application is complete:	<input checked="" type="checkbox"/> Yes
9. Preliminary minor land division application has been provided to other reviewing parties for review and comment, and if these parties have comments, said comments have been provided to the Agency: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered No, the application must be provided to other reviewing parties before completing any further sections of this form.	

AGENCY RECOMMENDATION	
10. Agency recommendation: <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
11. If you answered Approve With Conditions to 10., list conditions (Use additional sheet (2a) if necessary):	
1. Existing easements shall be shown and proposed utility easement(s) shall be placed on lots as requested by utility companies (where applicable).	
2. Note on Final CSM: "Lot 1 contains existing buildings which utilize an existing private sewage system at the time of this survey. However,...	
3. "...soils on the lot may be restrictive to the replacement of the existing system."	
12. Agency recommendation rationale and findings of fact (Use additional sheet (2a) if necessary):	
AGENCY SIGNATURE: <u><i>[Signature]</i></u>	DATE: <u>10/22/19</u>
TITLE: <u>Administrator - Rock County Planning, Economic & Community Development Agency</u>	

TOWN ACTION	
13. Town action: <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
14. If you answered Approve With Conditions to 13., list conditions (Use additional sheet (2a) if necessary):	
1. _____	
2. <u>Town approved 11/4/19. No conditions relayed to</u>	
3. <u>pub staff.</u>	
15. Town action rationale and findings of fact (Use additional sheet (2a) if necessary):	
TOWN SIGNATURE: _____	DATE: _____
TITLE: _____	

PLEASE RETURN THIS FORM, VIA POSTAL MAIL OR EMAIL, TO:

ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY
 51 N. MAIN ST.
 JANESVILLE, WI 53545
 EMAIL: BRYNES@CO.ROCK.WI.US

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION	
16. Committee action: <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
17. If you answered Approve With Conditions to 16., list conditions (Use additional sheet (2a) if necessary):	
1. _____	
2. _____	
3. _____	
18. Committee action rationale and findings of fact (Use additional sheet (2a) if necessary):	
COMMITTEE SIGNATURE: _____	DATE: _____
TITLE: <u>Chair - Rock County Planning & Development Committee</u>	

20

AGENCY RECOMMENDATION

11. If you answered Approve With Conditions to 10., list conditions:

3. Proposed lot lines must include the POWTS area with the building which utilizes the system.

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 the final approval.

6.

7.

8.

9.

10.

12. Agency recommendation rationale and findings of fact:

The proposed Land Division creates one new 6.0 acre lot from an existing 67 acre parcel (6-1-22) in Avon Township. The purpose of the division is to separate the existing residence and buildings on the property from the larger parcel. The remaining parent parcel is greater than 35 acres, therefore it is not required to include it as part of the Certified Survey Map.

The minimum lot size in the A Prime Zoning District in for Town of Avon is One (1) acre, therefore no rezone is necessary based on the proposed lot size. However, the Town may consider a rezone to the Residential Zoning District (3 acre minimum lot size) to better match the land use.

TOWN ACTION

14. If you answered Approve With Conditions to 13., list additional conditions:

15. Town action rationale and findings of fact:

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION

17. If you answered Approve With Conditions to 16., list conditions:

3.

4.

5.

6.

7.

8.

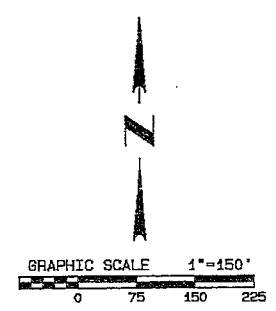
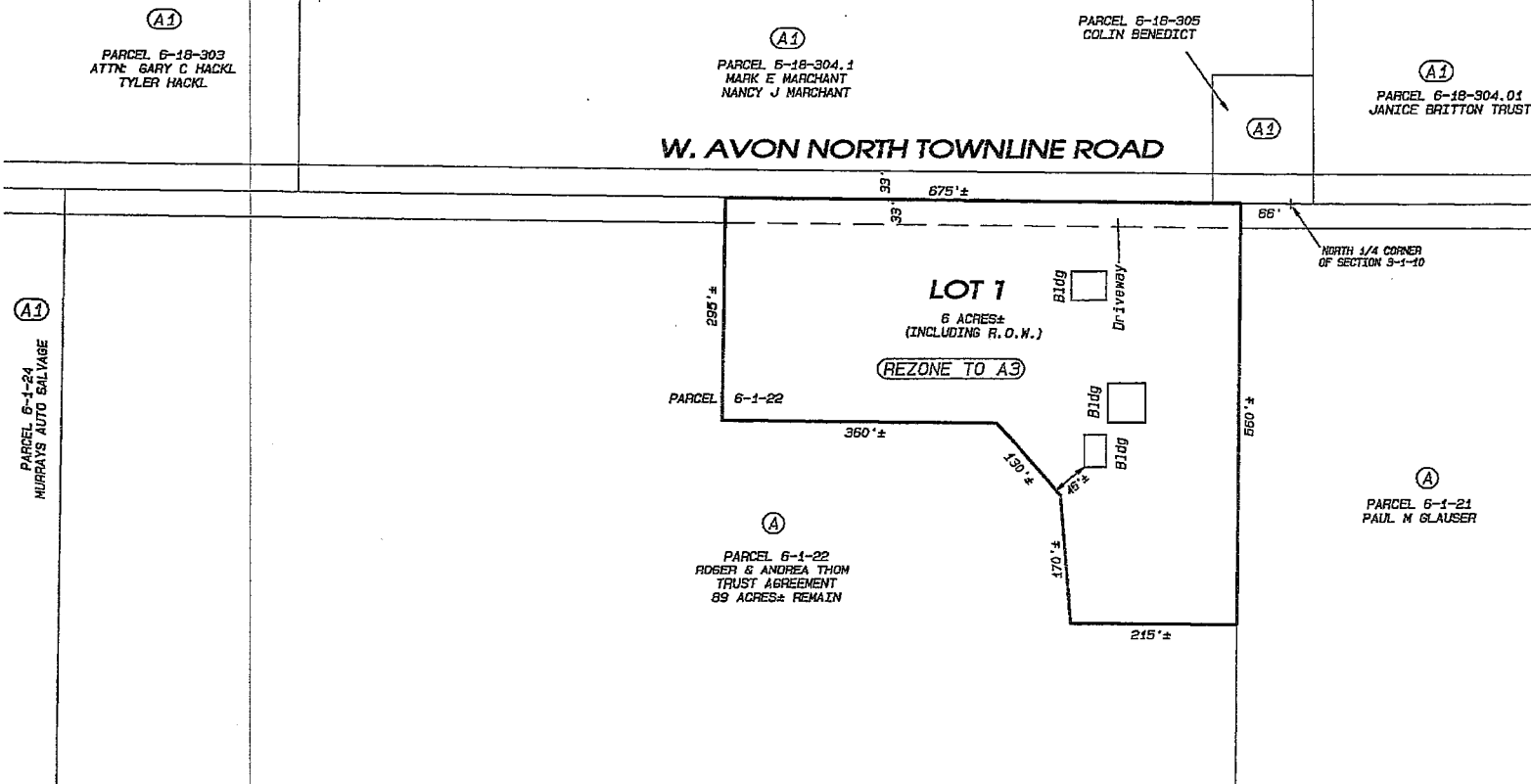
9.

10.

18. Committee action rationale and findings of fact:

PRELIMINARY CERTIFIED SURVEY MAP

PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 3, T.1N., R.10E. OF THE 4TH P.M.L., TOWN OF AVON, ROCK COUNTY, WISCONSIN.



NOTES:
THIS MAP IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS, RECORDED AND UNRECORDED.
THE BASIS OF BEARINGS IS ASSUMED.

Project No. 119-418 For: THOM

Combs & Associates

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

405 N. Milwaukee St.
Janesville, WI 53549
www.combsurvey.com

tel: 608 752-0575
fax: 608 752-0534

22

2019062

RECEIVED

OCT 07 2019



AGENCY USE ONLY
Application Number: LD2019-062
Received By - Date: 10-7-19
(MM/DD/YYYY)

PRELIMINARY LAND DIVISION APPLICATION FORM

PROPOSED LAND DIVISION CLASSIFICATION:

- Major Land Division
Subdivision Plat Required
 Minor Land Division
CSM for lots 35 acres or less
Plat of Survey for lots greater than 35 acres
 Transfer to Adjoining Owner
Plat of Survey or CSM
 Lot Combination
CSM Required

- Applicant has contacted Town, Rock County Planning, Economic & Community Development Agency, and City(s)/Village (if land division is within Extra-Territorial Plat Approval Jurisdiction (ETJ) area) officials and these parties have determined land division is feasible: Yes No
- Land division is consistent with Town's Comprehensive Plan - Future Land Use Map: Yes No
- Land division area is located in a Farmland Preservation zoning district certified by the State of Wisconsin: Yes No
If you answered Yes, proceed to 4. If you answered No, proceed to 5.
- Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement: Not Applicable Yes No
- Land division will require a zoning change: Yes No

APPLICANT INFORMATION

6. LANDOWNER OR AUTHORIZED LANDOWNER REPRESENTATIVE

a. Name:	ROGER & ANDREA THOM TRUST AGREEMENT			Telephone:	
Address:	3619 W US HIGHWAY 14	City:	JANESVILLE	State:	WI Zip: 53548
b. Name:				Telephone:	
Address:		City:		State:	Zip:

7. AGENT (SURVEYOR AND DEVELOPER)

a. Surveyor name:	COMBS AND ASSOCIATES, INC			Telephone:	752-0575
Address:	109 W. MILWAUKEE ST	City:	JANESVILLE	State:	WI Zip: 53548
b. Developer name:				Telephone:	
Address:		City:		State:	Zip:

8. Identify the individual from 6. or 7. that will serve as the primary contact: 6a. 6b. 7a. 7b.

PROPERTY INFORMATION

9. Reason for application: Sale/ownership transfer Farm consolidation Create Conforming Lot Adjust Lot Line

(include an explanation of the proposal along with any other considerations not included on this application form.)

10. Land division area location:	Town of AVON	NE 1/4 of NW 1/4
	Section 3	Tax parcel number(s) - 6-1-22
11. Land division area is located within the Extra-Territorial Plat Approval Jurisdiction (ETJ) Area of a City(s)/Village: <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, identify: City(s)/Village of		
12. Land division area is located adjacent to (check all that apply): <input type="checkbox"/> Local/Town road <input type="checkbox"/> County highway <input type="checkbox"/> State highway <input type="checkbox"/> U.S. highway		
13. Landowner's contiguous property area (Square feet or acres): 95 ACRES	14. Land division area (Square feet or acres): 6	15. Current zoning of land division area: A
16. Number of new/additional lots created by land division: 1	17. Future zoning of new/additional lot(s) created by land division: A-3	18. Future zoning of parent lot: A
19. Covenants or restrictions will be placed on the land division area: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, identify covenants or restrictions:		
20. A residential building is currently located in the land division area: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, the building utilizes a: <input checked="" type="checkbox"/> Private onsite wastewater treatment system <input type="checkbox"/> Public sanitary sewer system		
21. Public improvement construction proposal/plan will be submitted by (mm/dd/yyyy): NONE	22. Public improvement construction will begin on (mm/dd/yyyy):	

APPLICANT STATEMENT AND SIGNATURE

I, as the undersigned, am a landowner applying for a land division in unincorporated Rock County, or am serving as the primary contact for said landowner. I do hereby verify that I have reviewed and completed this application form, and submitted all information as required per said documents, and that all information is correct, accurate, and true to the best of my knowledge and belief.

LANDOWNER/PRIMARY CONTACT SIGNATURE: _____

DATE: _____

APPLICATION CHECKLIST			
	Yes	No	Comment
1. Have you included a map clearly marked "PRELIMINARY PLAT OF SURVEY, CERTIFIED SURVEY MAP OR SUBDIVISION PLAT", identifying the land division area and containing all of the following information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
a. Location of the land division area by section, township, and range:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Approximate location and dimension of all PROPOSED lot(s), outlot(s) and blocks(s), numbered for reference, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
g. Approximate location, dimension (if applicable), and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input type="checkbox"/>	<input type="checkbox"/>	
(1) Buildings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(2) Streets, alleys, and public ways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(3) Driveways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(4) Rail lines:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(5) Private water wells or water supply systems:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(7) Any other public utilities:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE PROPOSED
(9) Vegetative land cover type:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SEE AIR PHOTO
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(12) Surface water features:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(13) Drainageways:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(14) Detention or retention areas:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(15) Cemeteries:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(16) Bridges/culverts:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(17) Rock outcroppings:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
j. Preliminary concept for collecting and discharging stormwater, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
k. Scale, north arrow, and date of creation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
l. Any other information required by the Agency:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NOTHING REQUESTED
2. Has the map been prepared at a scale not to exceed two hundred (200) feet to the inch, with the map pages numbered in sequence if more than one (1) page is required, and total map pages identified on each page?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Has the map been prepared by a land surveyor licensed in Wisconsin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Have you provided all required application form information and has the required party signed this application form?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Have you included a hard copy of this application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and the application fee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

PLEASE SEND VIA POSTAL MAIL, OR HAND-DELIVER, THIS FORM,
A HARD COPY AND ELECTRONIC COPY OF THE PRELIMINARY MAP, AND THE APPLICATION FEE TO:

ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY
51 N. MAIN ST.
JANESVILLE, WI 53545



Application Number: LD2019 065 Benedetti

TELEPHONE: (608) 757-5587
FAX: (608) 757-5586
EMAIL: PLANNING@CO.ROCK.WI.US
WEB: WWW.CO.ROCK.WI.US

PRELIMINARY MINOR LAND DIVISION – APPLICATION: REVIEW, RECOMMENDATION, AND ACTION FORM

AGENCY REVIEW

1. Applicant has contacted Town, Rock County Planning and Development Agency, and City(s)/Village (if applicable) officials and these parties have determined land division is feasible: Yes No
 2. Land division is consistent with Town's Comprehensive Plan – Future Land Use Map: Yes No
 3. Land division is located in a Farmland Preservation zoning district certified by the State of Wisconsin: Yes No
If you answered Yes, proceed to 4. If you answered No, proceed to 5.
 4. Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement: Yes No
 5. Land division is in an Agricultural Resources Priority Area, per the Rock County Farmland Preservation Plan: Yes No
 6. Land division will require a zoning change: Yes No
 7. Preliminary minor land division application is complete: Yes No
- If you answered Yes to 7., proceed to 9. If you answered No to 7., indicate the missing information below, 7a. – 7e. After all missing information is supplied, proceed to 8. An Agency recommendation (10.) will not be provided until all missing information has been supplied by the applicant.

	Missing Information
7a. A map clearly marked "PRELIMINARY PLAT OF SURVEY OR CERTIFIED SURVEY MAP", identifying the land division area and containing all of the following information:	<input type="checkbox"/>
a. Location of the land division area by section, township, and range:	<input type="checkbox"/>
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input type="checkbox"/>
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input type="checkbox"/>
d. Approximate location and dimension of all EXISTING/PROPOSED lot(s), outlot(s), and block(s), numbered for reference, in the land division area:	<input type="checkbox"/>
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input type="checkbox"/>
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input type="checkbox"/>
g. Approximate location, dimension and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input type="checkbox"/>
(1) Buildings:	<input type="checkbox"/>
(2) Streets, alleys, and public ways:	<input type="checkbox"/>
(3) Driveways:	<input type="checkbox"/>
(4) Rail lines:	<input type="checkbox"/>
(5) Private water wells or water supply systems:	<input type="checkbox"/>
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input type="checkbox"/>
(7) Any other public utilities:	<input type="checkbox"/>
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input type="checkbox"/>
(9) Vegetative land cover type:	<input type="checkbox"/>
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input type="checkbox"/>
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>
(12) Surface water features:	<input type="checkbox"/>
(13) Drainageways:	<input type="checkbox"/>
(14) Detention or retention areas:	<input type="checkbox"/>
(15) Cemeteries:	<input type="checkbox"/>
(16) Bridges/culverts:	<input type="checkbox"/>
(17) Rock outcroppings:	<input type="checkbox"/>
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>
j. Preliminary concept for collecting and discharging stormwater in the land division area:	<input type="checkbox"/>

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2019065

AGENCY REVIEW	
	Missing Information
k. Scale, north arrow, and date of creation:	<input type="checkbox"/>
l. Any other information required by the Agency:	<input type="checkbox"/>
7b. Map prepared at a scale not to exceed two hundred (200) feet to the inch, with the map pages numbered in sequence if more than one (1) page is required, and total map pages identified on each page:	<input type="checkbox"/>
7c. Map prepared by a land surveyor licensed in Wisconsin:	<input type="checkbox"/>
7d. All required application form information and required party's signature on the application form:	<input type="checkbox"/>
7e. A hard copy of the application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and application fee:	<input type="checkbox"/>
8. Preliminary minor land division application is complete:	<input checked="" type="checkbox"/> Yes
9. Preliminary minor land division application has been provided to other reviewing parties for review and comment, and if these parties have comments, said comments have been provided to the Agency: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If you answered No, the application must be provided to other reviewing parties before completing any further sections of this form.	

AGENCY RECOMMENDATION	
10. Agency recommendation: <input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
11. If you answered Approve With Conditions to 10., list conditions (Use additional sheet (2a) if necessary):	
1. Existing utility easement(s) shall be indicated on the survey. New easements to be placed on lots as requested by utility companies (where applicable).	
2. Final CSM shall be submitted to and approved by the Agency within one year after preliminary approval.	
3. CSMs subject to local approval shall be recorded with the Rock Co. Register of Deeds within 6 months of the last approval.	
12. Agency recommendation rationale and findings of fact (Use additional sheet (2a) if necessary):	
AGENCY SIGNATURE: <u><i>[Signature]</i></u>	DATE: <u>10/28/19</u>
TITLE: <u>Administrator - Rock County Planning, Economic & Community Development Agency</u>	

TOWN ACTION	
13. Town action: <input checked="" type="checkbox"/> Approve <input type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
14. If you answered Approve With Conditions to 13., list conditions (Use additional sheet (2a) if necessary):	
1. _____	
2. <u>Town approved October 2019. No conditions of</u>	
3. <u>approval sent to staff</u>	
15. Town action rationale and findings of fact (Use additional sheet (2a) if necessary):	
TOWN SIGNATURE: _____	DATE: _____
TITLE: _____	

PLEASE RETURN THIS FORM, VIA POSTAL MAIL OR EMAIL, TO:
 ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY
 51 N. MAIN ST.
 JANESVILLE, WI 53545
 EMAIL: BRYNES@CO.ROCK.WI.US

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION	
16. Committee action: <input type="checkbox"/> Approve <input type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny	
17. If you answered Approve With Conditions to 16., list conditions (Use additional sheet (2a) if necessary):	
1. _____	
2. _____	
3. _____	
18. Committee action rationale and findings of fact (Use additional sheet (2a) if necessary):	
COMMITTEE SIGNATURE: _____	DATE: _____
TITLE: <u>Chair - Rock County Planning & Development Committee</u>	

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AGENCY RECOMMENDATION

11. If you answered **Approve With Conditions to 10.**, list conditions:

- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.

12. Agency recommendation rationale and findings of fact:

The proposed Land Division creates two new lots in the Town of Beloit, the purpose being to separate an existing storage building from the larger lot which includes a restaurant. Lot 1 will be 10,001 square feet and include the storage building. Lot 2 will include the restaurant and be approximately 75,768 square feet. The property is Zoned B2 (Business District) by the Town of Beloit. Therefore, the Town has determined that the proposal to have the storage building (i.e. an accessory structure) on a lot without a principal structure is a compliant permitted use within that district.

Each of the lots meet the minimum size and dimensional standards for sewerred lots in the Shoreland Zoning District.

The Land Division is within the Extraterritorial Jurisdiction for Plat Review by the City of Beloit.

TOWN ACTION

14. If you answered **Approve With Conditions to 13.**, list additional conditions:

15. Town action rationale and findings of fact:

ROCK COUNTY PLANNING AND DEVELOPMENT COMMITTEE ACTION

17. If you answered **Approve With Conditions to 16.**, list conditions:

- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

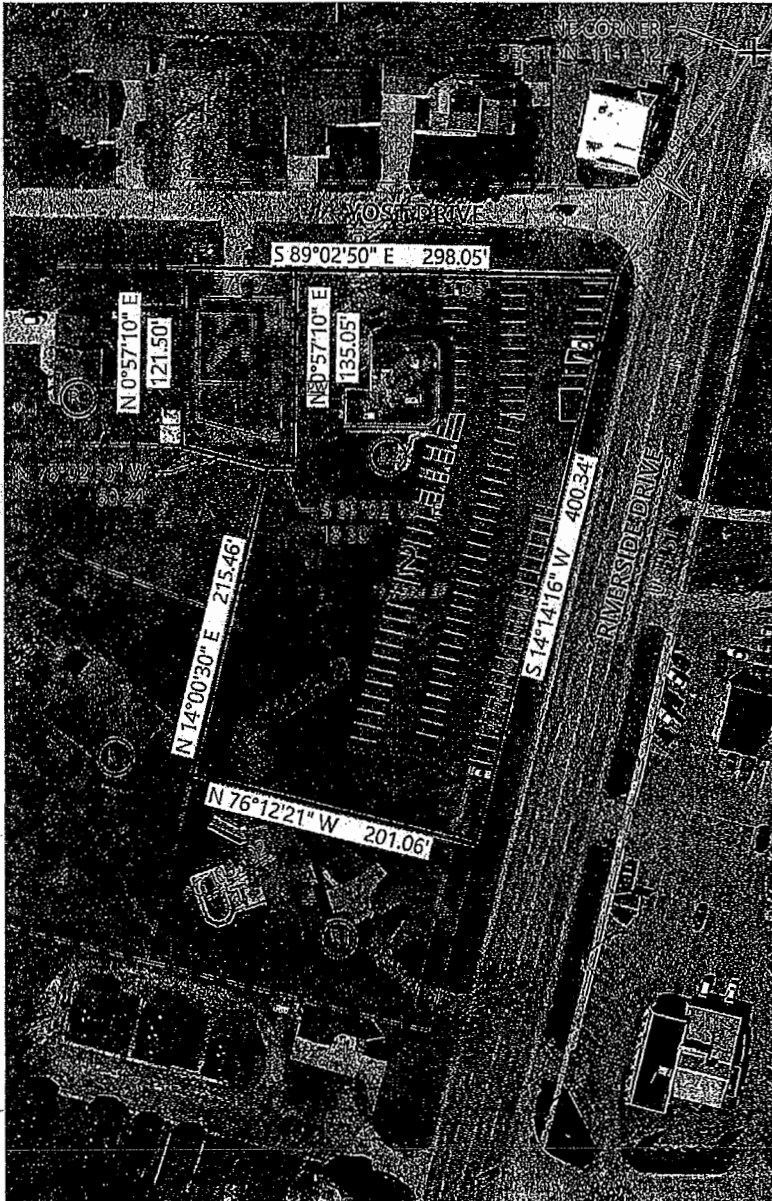
18. Committee action rationale and findings of fact:

2019065

PRELIMINARY CERTIFIED SURVEY MAP

OF LOT 1 OF CERTIFIED SURVEY MAP DOCUMENT NO. 1326031,
RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGES
100-102, BEING PART OF OUT-LOT 11-31 OF THE ASSESSOR'S PLAT OF
BELOIT TOWNSHIP, SITUATED IN PART OF GOVERNMENT LOT 7 OF
SECTION 11, T. 1 N. R. 12 E. OF THE 4TH P.M., ROCK COUNTY, WISCONSIN

BEARINGS BASED ON THE WISCONSIN COUNTY COORDINATE
SYSTEM, ROCK ZONE. THE EAST LINE OF THE SOUTHEAST
QUARTER OF SECTION 11-1-12 BEING S 0°19'14" E



Scale: 1" = 100'



ORDER NO: 33371
 BOOK: SEE FILE
 FIELD CREW:
 DRAWN BY: RHL
 DATE: AUGUST 5, 2019

FOR THE EXCLUSIVE USE OF:
 ELMER BENEDETTI
 104 E. YOST DRIVE
 BELOIT, WI 53511

Batterman
 engineers surveyors planners
 2857 Bartells Drive Beloit, Wisconsin 53511
 608.365.4464 www.zhbatterman.com



ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY
51 SOUTH MAIN STREET
JANESVILLE, WI 53545

TELEPHONE: (608) 757-5587
EMAIL: PLANNING@CO.ROCK.WI.US
WEB: WWW.CO.ROCK.WI.US

RECEIVED

OCT 21 2019

ROCK CO. PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY



AGENCY USE ONLY
Application Number: LD2019 005
Received By - Date (MM/DD/YYYY): 10/21/19

PRELIMINARY LAND DIVISION APPLICATION FORM

PROPOSED LAND DIVISION CLASSIFICATION:

- Major Land Division
Subdivision Plat Required
 Minor Land Division
CSM for lots 35 acres or less
Plat of Survey for lots greater than 35 acres
 Transfer to Adjoining Owner
Plat of Survey or CSM
 Lot Combination
CSM Required

- Applicant has contacted Town, Rock County Planning, Economic & Community Development Agency, and City(s)/Village (if land division is within Extra-Territorial Plat Approval Jurisdiction (ETJ) area) officials and these parties have determined land division is feasible: Yes No
- Land division is consistent with Town's Comprehensive Plan - Future Land Use Map: Yes No
- Land division area is located in a Farmland Preservation zoning district certified by the State of Wisconsin: Yes No
If you answered Yes, proceed to 4. If you answered No, proceed to 5.
- Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement: Not Applicable Yes No
- Land division will require a zoning change: Yes No

APPLICANT INFORMATION

6. LANDOWNER OR AUTHORIZED LANDOWNER REPRESENTATIVE

a. Name:	Elmer Benedetti			Telephone:	289-2665		
Address:	104 E. Yost Drive	City:	Beloit	State:	WI	Zip:	53511
b. Name:				Telephone:			
Address:		City:		State:		Zip:	

7. AGENT (SURVEYOR AND DEVELOPER)

a. Surveyor name:	RH Batterman & Co			Telephone:	365-4464		
Address:	2857 Bartells Drive	City:	Beloit	State:	WI	Zip:	53511
b. Developer name:				Telephone:			
Address:		City:		State:		Zip:	

8. Identify the individual from 6. or 7. that will serve as the primary contact: 6a. 6b. 7a. 7b.

PROPERTY INFORMATION

9. Reason for application: Sale/ownership transfer Farm consolidation Create Conforming Lot Adjust Lot Line

Owner wishes to separate the existing garage from the restaurant property to be used for storage unit.

Include an explanation of the proposal along with any other considerations not included on the application form.

10. Land division area location:	Town of Beloit	1/4 of SE 1/4
	Section 11	Tax parcel number(s) - 004 01106901

11. Land division area is located within the Extra-Territorial Plat Approval Jurisdiction (ETJ) Area of a City(s)/Village: Yes No
If Yes, identify: City(s)/Village of Beloit

12. Land division area is located adjacent to (check all that apply):
 Local/Town road County highway State highway U.S. highway

13. Landowner's contiguous property area (Square feet or acres): 85,769 SF	14. Land division area (Square feet or acres): 85,769 SF	15. Current zoning of land division area: B2
--	--	--

16. Number of new/additional lots created by land division: 1	17. Future zoning of new/additional lot(s) created by land division: B2	18. Future zoning of parent lot: B2
---	---	-------------------------------------

19. Covenants or restrictions will be placed on the land division area: Yes No
If Yes, identify covenants or restrictions:

20. A residential building is currently located in the land division area: Yes No
If Yes, the building utilizes a: Private onsite wastewater treatment system Public sanitary sewer system

21. Public improvement construction proposal/plan will be submitted by (mm/dd/yyyy): NA	22. Public improvement construction will begin on (mm/dd/yyyy): NA
---	--

APPLICANT STATEMENT AND SIGNATURE

I, as the undersigned, am a landowner applying for a land division in unincorporated Rock County, or am serving as the primary contact for said landowner. I do hereby verify that I have reviewed and completed this application form, and submitted all information as required per said documents, and that all information is correct, accurate, and true to the best of my knowledge and belief.

LANDOWNER/PRIMARY CONTACT SIGNATURE:	DATE: 10/15/19
--------------------------------------	----------------

APPLICATION CHECKLIST			
	Yes	No	Comment
1. Have you included a map clearly marked "PRELIMINARY PLAT OF SURVEY, CERTIFIED SURVEY MAP OR SUBDIVISION PLAT", identifying the land division area and containing all of the following information?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
a. Location of the land division area by section, township, and range:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Approximate location and dimension of all EXISTING streets and property lines, including name and ownership (if applicable), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. EXISTING/PROPOSED County, Town, and City/Village (if applicable) zoning designations of all EXISTING/PROPOSED lot(s) and outlot(s), in and adjacent to the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
d. Approximate location and dimension of all PROPOSED lot(s), outlot(s) and blocks(s), numbered for reference, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
e. Indication of all PROPOSED lot(s) and outlot(s) use if other than single-family residential, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
f. Distance from all PROPOSED lot(s) and outlot(s) point of beginning to section corner or quarter corner, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
g. Approximate location, dimension (if applicable), and name (if applicable) of all of the following, whether EXISTING or PROPOSED, in the land division area:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(1) Buildings:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(2) Streets, alleys, and public ways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(3) Driveways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(4) Rail lines:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
(5) Private water wells or water supply systems:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
(7) Any other public utilities:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
(8) Easements (Utility, drainageway, pedestrian way, etc.):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(9) Vegetative land cover type:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(10) Environmentally sensitive areas (Floodplain, steep slope, etc.):	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
(11) Productive agricultural soils, cultural resources, and woodlands:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
(12) Surface water features:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
(13) Drainageways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(14) Detention or retention areas:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
(15) Cemeteries:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
(16) Bridges/culverts:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
(17) Rock outcroppings:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
h. Approximate location, dimension, name (if applicable), and purpose of all dedicated public parks or outdoor recreation lands, or any other public or private reservation, including any conditions, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
i. Preliminary concept for connection with existing public sanitary sewer and water supply system or an alternative means of providing water supply and treatment and disposal of sewage, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
j. Preliminary concept for collecting and discharging stormwater, in the land division area:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
k. Scale, north arrow, and date of creation:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
l. Any other information required by the Agency:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NA
2. Has the map been prepared at a scale not to exceed two hundred (200) feet to the inch, with the map pages numbered in sequence if more than one (1) page is required, and total map pages identified on each page?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
3. Has the map been prepared by a land surveyor licensed in Wisconsin?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
4. Have you provided all required application form information and has the required party signed this application form?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
5. Have you included a hard copy of this application form and the map, an electronic copy of the map in a format compatible with the Agency's Geographic Information System (GIS), and the application fee?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

PLEASE SEND VIA POSTAL MAIL, OR HAND-DELIVER, THIS FORM,
A HARD COPY AND ELECTRONIC COPY OF THE PRELIMINARY MAP, AND THE APPLICATION FEE TO:

ROCK COUNTY PLANNING, ECONOMIC & COMMUNITY DEVELOPMENT AGENCY
51 N. MAIN ST.
JANESVILLE, WI 53545



ROCK COUNTY GOVERNMENT
Planning & Development Agency

INTEROFFICE MEMORANDUM

TO: Rock County Planning and Development Committee

FROM: Planning & Development Agency Staff

A handwritten signature in black ink, appearing to be "JAB", is written over the "FROM:" line and extends slightly into the "SUBJECT:" line.

SUBJECT: Change of Use on Access Controlled Highway – Humane Society of Southern Wisconsin Driveway located at 4700 S County Hwy G, Rock Township

MEETING DATE: November 14, 2019

Summary:

The County Trunk Highway Access Control Regulations, Section 4.5 of the Rock County Code of Ordinances, states that the change of a use (volume or type) of a permitted access point shall be subject to the review and approval of the Public Works Committee and the Planning and Development Committee. The Humane Society of Southern Wisconsin has submitted an application to the Public Works Department to initiate this change of use review by each Committee. The request is to change an existing permitted Field Entrance to a Commercial Entrance to serve the proposed new facility.

A copy of the Issue Paper written by Public Works Department staff, which further explains the request, the ordinance standards and policy provisions to consider, is included in the packet. The Public Works Committee will take action on this request at the November 13th Committee meeting.

Recommendation(s) or Action(s):

Considering that the existing driveway is in a safe location that meets the standards for separation distance and site distance, P&D Agency Staff and Public Works staff recommends approval of the change of use as presented from a Field Entrance to a Commercial Entrance.

**Rock County Department of Public Works
Division of Highways – Issue Paper**

ISSUE - Controlled access change of use permit approval – Rock County Humane Society

DISCUSSION - CTH G is a controlled access highway as defined under Rock County Ordinance Chapter 4, Part 5 – County Trunk Highway Access Control Regulations. The primary purpose for a controlled access ordinance is to protect the asset of the county highway and to promote the safe, efficient flow of traffic. Every driveway entrance or side road interferes with traffic flow. Either crashes or travel delays occur as more conflicts are permitted.

The applicant, Rock County Humane Society, is requesting to change the use of an existing field entrance to a commercial entrance. The location of the access is approximately 0.9 miles north of Sunny Lane and approximately 1.0 mile south of Dreiling Drive on the west side of CTH G.

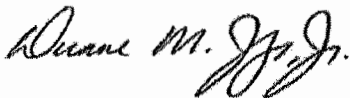
The Rock County Humane Society intends to build a new facility on this parcel and is requesting the change of use for access as part of the process. The proposed request would significantly change the volume of traffic using this point of access.

The Controlled Access Ordinance states, “Section 5.518, Change of Use, Any point of access permitted under this ordinance shall be subject to the review and approval by the Rock County Public Works Committee and the Rock County Planning and Development Committee, where these committees determine that there has been a change in use which will affect safe and efficient ingress and egress to, and use of, a controlled access highway. This determination shall be based primarily on a significant change in the volume of traffic or the type of vehicle using that point of access.”

While there will be an increase in traffic volume using this access point, there is very good sight distance and wide paved shoulders. Changing the use should not negatively affect the operation or safety of CTH G in this area.

RECOMMENDATION – Approval.

Respectfully submitted,



Duane M. Jorgenson, Jr., P.E.
Director of Public Works



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**COMMITTEE REVIEW REPORT
WITH DESCRIPTION
FOR THE MONTH OF OCTOBER 2019**

Account Number	Account Name	PO#	Check Date	Vendor Name	Description	Inv/Enc Amt
10-1720-0000-63100	Office&Misc Exp	P1900579	10/17/2019	US BANK	RP OFFICE SUPPLIES	15.44
10-1720-0000-63103	Legal Forms	P1900579	10/17/2019	US BANK	RP LEGAL FORMS TAX ROLL	295.29
10-1720-0000-64200	Training	P1900579	10/17/2019	US BANK	RP TRAINING ANNUAL CONF ROOM	246.00
Real Property Descripton PROG TOTAL						556.73
10-1726-2018-62119	Other Services	P1901770	10/03/2019	AMERICAN INDUSTRIAL STEEL AND	ITEM #RR34-2 3/4" X 24"	380.00
Strategic Initiative Grant PROG TOTAL						380.00

I have reviewed the preceding payments in the total amount of **\$936.73**

Date:

Dept Head _____

Committee Chair _____

COMMITTEE REVIEW REPORT
WITH DESCRIPTION
FOR THE MONTH OF OCTOBER 2019

Account Number	Account Name	PO#	Check Date	Vendor Name	Description	Inv/Enc Amt
64-6400-0000-63100	Office&Misc Exp	P1900403	10/24/2019	US BANK	2020 CALENDARS	31.09
Planning PROG TOTAL						31.09
64-6451-0000-64904	Sundry Expense	P1900410	10/10/2019	LANGE ENTERPRISES INC	SIGNS AND INSTALLATION	1,611.23
Address Signs PROG TOTAL						1,611.23
64-6730-0000-62420	Mach/Equip R&M	P1900403	10/24/2019	US BANK	PAPER AND 2020 CALENDARS	95.78
		P1900407	10/10/2019	HARRIS ACE HARDWARE LLP	BATTERIES FOR METAL DETECTOR	16.99
64-6730-0000-63100	Office&Misc Exp	P1900403	10/24/2019	US BANK	CALCULATOR BATTERIES	44.50
Surveyor PROG TOTAL						157.27

I have reviewed the preceding payments in the total amount of **\$1,799.59**

Date:

Dept Head _____

Committee Chair _____

**COURT OF APPEALS
DECISION
DATED AND FILED**

October 29, 2019

Sheila T. Reiff
Clerk of Court of Appeals

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See WIS. STAT. § 808.10 and RULE 809.62.

Appeal No. 2018AP547

Cir. Ct. No. 2017CV55

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT III**

STATE OF WISCONSIN EX REL. MICHAEL ANDERSON,

PETITIONER-APPELLANT,

v.

TOWN OF NEWBOLD,

RESPONDENT-RESPONDENT.

APPEAL from an order of the circuit court for Oneida County:
PATRICK F. O'MELIA, Judge. *Affirmed.*

Before Stark, P.J., Hruz and Seidl, JJ.

¶1 SEIDL, J. Michael Anderson owns shoreland property in the Town of Newbold (the Town) that he sought to divide into two lots. The Town denied Anderson's proposed division on the ground that the two lots would fail to comply with the Town's applicable minimum shoreland frontage requirement. The issue

before us is whether the Town may lawfully enforce its shoreland frontage requirement, which it enacted under its subdivision authority, even though an identical shoreland frontage requirement would not be enforceable had the Town enacted it under its zoning authority.

¶2 We conclude that the plain language of the applicable subdivision enabling statute gave the Town authority to enact its minimum shoreland frontage requirement. Thus, even though our state legislature has removed shoreland zoning authority for towns through the enactment of WIS. STAT. §§ 281.31 and 59.692 (2017-18),¹ we affirm the circuit court's order upholding the Town's decision.

¶3 We recognize in reaching our decision that there is undeniable tension between the legislature's decision to restrict towns' shoreland zoning authority while at the same time granting towns the power to enact a shoreland frontage requirement under their subdivision authority. We conclude, however, that in the absence of clear legislative intent demonstrating that the zoning enabling statute takes priority over the subdivision enabling statute, it is not the role of this court to resolve that tension. That task lies within the purview of the legislature alone.

BACKGROUND

¶4 Anderson owns a lot in the Town that has 358.43 feet of shoreland frontage on Lake Mildred, and thus is classified as shoreland property. *See* WIS.

¹ All references to the Wisconsin Statutes are to the 2017-18 version unless otherwise noted.

STAT. §§ 59.692(1)(b), 281.31(2)(d). In 2016, Anderson submitted a certified survey map to the Town that proposed dividing his current lot into two lots. The two proposed lots were to have shoreland frontage of 195 and 163.43 feet, respectively.

¶5 The Town's planning commission considered Anderson's proposal at its November 3, 2016 meeting. According to the minutes of that meeting, the commission voted to recommend that the Town deny the request "because it does not comply with Town of Newbold On-Water Land Division Standards 13.13[.02 ("the Subdivision Ordinance")] which requires a minimum 225 foot lot width at the ordinary high water mark" on Lake Mildred. One week later, the town board adopted this recommendation and thereby denied Anderson's proposal.

¶6 Anderson sought certiorari review of the Town's decision in the circuit court. The court ultimately affirmed the Town's authority to enforce the Subdivision Ordinance and therefore upheld the Town's denial of Anderson's proposed subdivision. Anderson now appeals.

STANDARD OF REVIEW

¶7 On an appeal from a judgment on certiorari, we review the actions of the town board, not the circuit court. *Lake Delavan Prop. Co., LLC v. City of Delavan*, 2014 WI App 35, ¶5, 353 Wis.2d 173, 844 N.W.2d 632. Certiorari review requires us to consider whether the board: (1) kept within its jurisdiction; (2) acted according to law; (3) acted in an arbitrary, oppressive, or unreasonable manner; and (4) whether the evidence was such that the board might reasonably have made the order or determination in question. *Id.*, ¶4.

¶8 Here, the sole issue is whether the town board acted according to law. To resolve this issue, we must interpret portions of WIS. STAT. §§ 59.692 and 236.45. Statutory interpretation presents a question of law that we review independently. *Wood v. City of Madison*, 2003 WI 24, ¶11, 260 Wis. 2d 71, 659 N.W.2d 31.

¶9 When interpreting a statute, our objective “is to determine what the statute means so that it may be given its full, proper, and intended effect.” *State ex rel. Kalal v. Circuit Court for Dane Cty.*, 2004 WI 58, ¶44, 271 Wis. 2d 633, 681 N.W.2d 110. Our analysis begins with the plain language of the statute. *Id.*, ¶45. Statutory language is given its common, ordinary, and accepted meaning, except that technical or specially-defined words or phrases are given their technical or special definitional meaning. *Id.* In addition, statutory language must be interpreted in the context in which it is used; not in isolation but as part of a whole; in relation to the language of surrounding or closely-related statutes; and reasonably, to avoid absurd or unreasonable results. *Id.*, ¶46. Where possible, we must read statutory language so as to give reasonable effect to every word, in order to avoid surplusage. *Id.*

DISCUSSION

¶10 This case concerns the interplay between two “complementary land planning devices”—zoning and subdivision control. See *Town of Sun Prairie v. Storms*, 110 Wis. 2d 58, 68, 327 N.W.2d 642 (1983). More specifically, the question on appeal is whether a town retains the authority, granted to it under WIS. STAT. § 236.45, to enact subdivision regulations in a shoreland area, despite the fact that our legislature has prohibited a town from enacting shoreland zoning regulations, pursuant to WIS. STAT. § 59.692. To answer this question, we must

first provide a brief overview of the “separate and independent enabling legislation” that governs a town’s authority to enact subdivision control regulations and zoning regulations. *See Town of Sun Prairie*, 110 Wis. 2d at 70.

¶11 As a general matter, both towns and counties possess the authority to zone. *See* WIS. STAT. §§ 59.69, 60.22(3), and 60.61. Only counties, however, may enact shoreland zoning ordinances,² except for in a limited circumstance that the parties do not argue exists in this case.³ *See Hegwood v. Town of Eagle Zoning Bd. of Appeals*, 2013 WI App 118, ¶9, 351 Wis. 2d 196, 839 N.W.2d 111. As explained in *Hegwood*, the conclusion that towns may not enact shoreland zoning ordinances is compelled by the “plain language of the statutory scheme [which] evinces that by enactment of WIS. STAT. §§ 281.31 and 59.692, the legislature intended that towns would not have authority to regulate shorelands” through the passage of zoning ordinances. *Id.*, ¶16.

¶12 Although towns are prohibited from enacting shoreland zoning ordinances, they do have the general authority to enact subdivision regulations. *See* WIS. STAT. § 236.45. As our supreme court has explained, WIS. STAT. ch. 236 provides “separate and independent enabling legislation [as compared to zoning

² Following our decision in *Hegwood v. Town of Eagle Zoning Board of Appeals*, 2013 WI App 118, 351 Wis. 2d 196, 839 N.W.2d 111, our legislature adopted 2015 Wis. Act 41, which created WIS. STAT. §§ 60.61(3r) and 60.62(5). These new subsections appear to modify our decision in *Hegwood* to clarify that although towns do not have authority to enact a zoning ordinance that is specific to shoreland areas, they may still enact and apply a general zoning ordinance that applies in both shoreland and non-shoreland areas. *See* §§ 60.61(3r) and 60.62(5). As neither party argues that these new subsections have any impact on our analysis in this case, we will not further discuss them and our opinion should not be construed as definitively interpreting either subsection.

³ The limited circumstance to which we refer is governed by a “grandfather” clause provided in WIS. STAT. § 59.692(2)(b).

legislation] for local governments to enact subdivision control regulations. Separate and distinct procedures are required for the adoption of such regulation as compared to zoning ordinances.” *Town of Sun Prairie*, 110 Wis. 2d at 70 (footnote omitted).

¶13 With this legal background in mind, we turn to the specifics of Anderson’s arguments on appeal. He first contends that although the Town undisputedly enacted the Shoreland Ordinance pursuant to the conditions and procedures of WIS. STAT. ch. 236, it is in actuality a disguised zoning ordinance.⁴ Thus, because the Town has no authority to enact a shoreland zoning ordinance, he argues the Town may not enforce the Shoreland Ordinance.⁵

¶14 Anderson’s argument that the Shoreland Ordinance is a disguised zoning ordinance relies primarily on the fact that it shares many characteristics with a zoning ordinance. In short, he states that “if it looks like a zoning function, and acts like a zoning function, it is a zoning function.”

⁴ We note that, on appeal, Anderson cites extensively to *Lagoon Lane, LLC v. Rice*, No. 2016AP2118, unpublished slip op. (WI App Apr. 25, 2018), an unpublished per curiam opinion, for persuasive value in violation of WIS. STAT. RULE 809.23(3)(a)-(b). We therefore do not credit Anderson’s argument under *Lagoon Lane*, and we admonish counsel that future violations of the Rules of Appellate Procedure may result in sanctions. See WIS. STAT. RULE 809.83(2).

⁵ Anderson also notes that under WIS. ADMIN. CODE § NR 115.05(1)(a)2. (Jan. 2017), a county shoreland zoning ordinance for unsewered lots “shall have a minimum average width of 100 feet and a minimum area of 20,000 square feet.” Based on this requirement, he argues that the Town cannot enforce the Shoreland Ordinance because its 225 foot frontage requirement is more restrictive than § NR 115.05(1)(a)2. We need not address this argument, however, because § NR 115.05(1) applies solely to “shoreland zoning ordinance[s].” And, for reasons set forth above, the Town has no authority to exercise shoreland zoning authority. Therefore, if we were to conclude that the Shoreland Ordinance was an exercise of the Town’s zoning authority, it would be unenforceable regardless of whether it is more or less restrictive than the standards set forth in § NR 115.05(1)(a)2.

¶15 The main problem with Anderson’s argument is that there is inherently a significant overlap between subdivision and zoning powers. See *Wood*, 260 Wis. 2d 71, ¶¶23, 29. This overlap results from the fact that zoning and subdivision are “complementary land devices,” which makes it difficult—at best—to definitively classify a particular regulation as being either a subdivision or zoning ordinance. See *Town of Sun Prairie*, 110 Wis. 2d at 68. Stated differently, “there is no sharp distinction between zoning and platting,”⁶ as both share common objectives like “dividing a municipality into districts and adoption of a comprehensive plan with regard to roads, streets, transportation facilities, schools, parks, etc., usually on recommendations by an appropriate commission.” *State ex rel. Albert Realty Co. v. Village Bd.*, 7 Wis. 2d 93, 97-98, 95 N.W.2d 808 (1959) (citation omitted).

¶16 It was against this murky backdrop that our supreme court provided guidance for determining whether a regulation is a valid exercise of a municipality’s subdivision authority in *Town of Sun Prairie*. Specifically, the court stated: “As long as the regulation is authorized by and within the purposes of [WIS. STAT.] ch. 236, the fact that it may also fall under the zoning power does not preclude a local government from enacting the regulation pursuant to the conditions and procedures of ch. 236.” *Town of Sun Prairie*, 110 Wis. 2d at 70-71. Given that Anderson fails to develop any argument that the Shoreland Ordinance was not enacted “pursuant to the conditions and procedures of ch. 236,” and instead focuses merely on how it shares characteristics of a zoning ordinance,

⁶ A plat is a “map of a subdivision.” WIS. STAT. § 236.02(8).

we reject his argument.⁷ See *State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992).

¶17 Anderson next argues that even if the Town lawfully enacted the Shoreland Ordinance under the authority granted by WIS. STAT. ch. 236, the fact that an identical frontage restriction would be unlawful if the Town attempted to enact it as a zoning ordinance creates a statutory conflict. Anderson further contends that to resolve this conflict, we must reconcile the statutes by concluding that the power granted to towns under WIS. STAT. § 236.45 was impliedly revoked by the enactment of WIS. STAT. § 59.692.⁸ We decline to reconcile the statutes as Anderson suggests for the following reasons.

¶18 First, WIS. STAT. § 59.692 repeatedly states that its provisions apply only to zoning ordinances “enacted under this section.” See, e.g., § 59.692(1)(c), (1d)(a), (1r), (2)(a)-(c), (5). Given the legislature’s deliberate choice to include

⁷ Beyond any failure on Anderson’s part to develop an argument that the Shoreland Ordinance was not enacted pursuant to the conditions and procedures of WIS. STAT. ch. 236, we note that, in this particular instance, it was, in fact, Anderson’s proposed subdivision of land and not a newly proposed “use” of the land that created the violation. In that regard, the facts here suggest a primacy of the Town’s exercise of its subdivision authority as opposed to its zoning authority, regardless of the commonality of certain characteristics between the two complementary land planning devices. See *Zwiefelhofer v. Town of Cooks Valley*, 2012 WI 7, ¶¶35-43, 338 Wis. 2d 488, 809 N.W.2d 362 (describing “those characteristics that are at the heart of traditional zoning ordinances”—including the general function of a zoning ordinance to provide landowners with permitted uses of their land).

⁸ WISCONSIN STAT. ch. 236 was “comprehensively revised” in 1955 and, although individual sections have undergone revisions since that date, it provides the current subdivision law that governs this case. See *Wood v. City of Madison*, 2003 WI 24, ¶58, 260 Wis. 2d 71, 659 N.W.2d 31 (Prosser, J., concurring). In addition, we note that WIS. STAT. § 236.45(2) (1955-56) granted towns the authority to enact subdivision ordinances prior to our legislature’s adoption of 1965 Wis. Laws, ch. 614, §§ 22, 42. That law enacted WIS. STAT. §§ 59.971 and 144.26, which were the predecessors to WIS. STAT. §§ 59.692 and 281.31, respectively.

this limiting language, we are not free to simply ignore it. See *Kalal*, 271 Wis. 2d 633, ¶46 (stating we interpret statutes, where possible, to avoid surplusage). Accordingly, because a subdivision ordinance enacted under WIS. STAT. ch. 236 is clearly not enacted under § 59.692, a plain reading of § 59.692 does not support a conclusion that the legislature intended to revoke a town's authority to exercise its valid subdivision authority under ch. 236 through its adoption of § 59.692.

¶19 Second, WIS. STAT. § 236.45(2)(b) states: "This section and any ordinance adopted pursuant thereto shall be liberally construed in favor of the municipality, town or county and shall not be deemed a limitation or repeal of any requirement or power granted or appearing in this chapter or elsewhere, relating to the subdivision of lands." Notably, there is no provision in § 236.45 that restricts a town's authority to regulate the subdivision of shoreland property.

¶20 Moreover, no provision appears in WIS. STAT. § 59.692 that instructs us to liberally construe that statute. Thus, to conclude that § 59.692 impliedly revoked a town's authority to enact subdivision ordinances in shoreland areas would require us to ascribe greater priority to a statute that the legislature has not instructed to be liberally construed than to one that it has instructed to be liberally construed. We decline to do so.

¶21 Notwithstanding our above analysis, we recognize that there is undeniable tension between WIS. STAT. §§ 59.692 and 236.45. Indeed, it may seem incongruent, and perhaps even a matter of bad policy, to allow a town to enforce a regulation enacted under one statutory subsection that it would not be allowed to enforce if it had enacted its ordinance under a different subsection. But it is not the function of this court to make policy decisions or to rewrite statutes to accomplish a result that a party urges upon us. See *Milwaukee Journal Sentinel*

v. City of Milwaukee, 2012 WI 65, ¶¶36-37, 341 Wis. 2d 607, 815 N.W.2d 367. Instead, we leave such actions to the legislature.

¶22 In sum, we conclude the Town has the authority to enforce the Shoreland Ordinance, which, again, was undisputedly enacted as a lawful exercise of the Town's subdivision authority under WIS. STAT. § 236.45. Accordingly, we affirm the circuit court order that upheld the Town's denial of Anderson's proposed division of his current lot.

By the Court.—Order affirmed.

Recommended for publication in the official reports.