



PLANNING & DEVELOPMENT COMMITTEE MEETING  
THURSDAY, OCTOBER 13, 2016 – 8:00 A.M.  
COURTHOUSE CONFERENCE CENTER - (2<sup>nd</sup> FL – EAST WING)  
ROCK COUNTY COURT HOUSE  
JANESVILLE, WI

AGENDA

1. Call to Order
2. Adoption of Agenda
3. **Action Item:** Approval of Minutes of the Planning & Development Meeting held Thursday September 22, 2016
4. Citizen Participation, Communications and Announcements
5. Code Administration & Enforcement
  - A. **Action Item:** Public Hearing - Rock County Shoreland Zoning Ordinance Revision
  - B. **Action Item:** Review and Recommendation to the Rock County Board - Rock County Shoreland Ordinance Revision
  - C. **Action Item:** Review and Preliminary Approval, Preliminary Approval with Conditions or Denial of Land Divisions:
    - 2016 031 (Janesville Township) – ABC North River Hills
    - 2016 039 (Milton Township) – Van Altona
6. Finance
  - A. Information Item: Committee Review of Payments
  - B. **Action Item:** Transfers
7. Community Development
  - A. Information Item: Community Development Activity Report
  - B. **Action Item:** Community Development Block Grant (CDBG) and Healthy Homes Lead Hazard Control Grant (HH/LHC) Loans
    - Project ID 71 = \$15,760 (LHC)
    - Project ID 72 = \$5,600 (LHC)
    - Project ID 73 = \$9,705 (CDBG)
    - Project ID 73 = \$12,015 (LHC)

8. Committee Reports

9. Directors Report

A. 2016 APA-WI Annual Planning Conference

10. Adjournment

**Future Meetings/Work Sessions**

October 27, 2016 (8:00 am)  
November 10, 2016 (8:00 am)  
December 15, 2016 (8:00 am)  
January 12, 2017 (8:00 am)  
January 26, 2017 (8:00 am)



## **Public Notice**

### ROCK COUNTY SHORELAND ZONING ORDINANCE REVISION

The Wisconsin Legislature has recently made changes to the laws implementing Shoreland Zoning in Wisconsin through Wisconsin Acts 55, 167 and 391 (2015). These revisions to State Law require counties to adopt and implement the amendments in the respective local ordinance. Notable revisions pertain to (but are not limited too) the inability of counties to regulate matters more restrictively than the matter is regulated under the state minimum standards, the regulation of nonconforming structures and structures authorized by a variance, shoreland setback averaging, impervious surface limit standards and definitions.

Wisconsin counties are required to adopt and enforce Shoreland Zoning regulations to “further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses and reserve shore cover and natural beauty.” Rock County has enforced a shoreland zoning ordinance in the unincorporated areas of the county, with amendments, since 1983.

The Rock County Planning and Development Agency has drafted revisions to the Rock County Shoreland Zoning Ordinance consistent with changes to State Law and based on the model ordinance developed by the State of Wisconsin Department of Natural Resources. The draft ordinance is available at the P&D Agency offices at the Courthouse or at the Agency’s webpage, <http://www.co.rock.wi.us/planning> .

A Public Hearing will take place in the Courthouse Conference Center, second floor, east wing of the Rock County Courthouse, 51 S. Main Street, Janesville, WI at 8:00 AM on **Thursday, October 13, 2016** at the regular meeting of the Rock County Planning and Development Committee. Interested parties are welcome to attend and/or submit comments prior to the meeting.

Please contact the Rock County Planning & Development Agency with any questions at 608-757-5587.

RESOLUTION NO. \_\_\_\_\_

AGENDA NO. \_\_\_\_\_

**RESOLUTION  
ROCK COUNTY BOARD OF SUPERVISORS**

PLANNING & DEVELOPMENT  
COMMITTEE  
INITIATED BY



JEFFREY S. KUGLITSCH  
DRAFTED BY

PLANNING & DEVELOPMENT  
COMMITTEE  
SUBMITTED BY

SEPTEMBER 21, 2016  
DATE DRAFTED

**REPEALING AND RECREATING ROCK COUNTY ORDINANCE 4.2 ZONING OF  
SHORELANDS AND COUNTY-OWNED LANDS**

1 The Rock County Board of Supervisors at its regular meeting this \_\_\_\_ day of \_\_\_\_\_,  
2 2016, does ordain as follows:

3  
4 I. Ordinance 4.2, Zoning of Shorelands and County-Owned Lands is hereby repealed and  
5 recreated to read as follows:

6  
7 **Part 2 – Zoning of Shorelands and County-Owned Lands**

8  
9 **Subpart 1: Zoning of Shorelands**

10  
11 **4.201 Statutory Authorization, Finding of Fact, Statement of Purpose And Title**

12  
13 (1) Statutory Authorization. This ordinance is adopted pursuant to the authorization in ss.  
14 59.692 Wis. Stats to implement 59.69, 59.692, 59.694, 87.30, 236.45, and 281.31 and to  
15 parallel as closely as possible the regulatory provisions of ch. NR 115 Wis. Adm. Code and the  
16 statutory language reflected in Act 55, 167 and 391 (2015).

17  
18 (2) Finding of Fact. Uncontrolled use of the shorelands and pollution of the navigable waters  
19 of Rock County will adversely affect the public health, safety, convenience, and general welfare  
20 and impair the tax base. The legislature of Wisconsin has delegated responsibility to the  
21 counties to further the maintenance of safe and healthful conditions; prevent and control water  
22 pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of  
23 structures and land uses; and to preserve shore cover and natural beauty. This responsibility is  
24 hereby recognized by the County of Rock, Wisconsin.

25  
26 (3) Purpose and Intent. For the purpose of promoting the public health, safety, convenience  
27 and welfare, and promote and protect the public trust in navigable waters this ordinance has  
28 been established to:

29  
30 (A) Further the Maintenance of Safe and Healthful Conditions and Prevent and Control  
31 Water Pollution Through:

- 32 1. Limiting structures to those areas where soil and geological conditions will  
33 provide a safe foundation.  
34 2. Establishing minimum lot sizes to provide adequate area for private on-site  
35 waste treatment systems.  
36 3. Controlling filling and grading to prevent soil erosion problems.  
37 4. Limiting impervious surfaces to control runoff which carries pollutants.

38  
39 (B) Protect Spawning Grounds, Fish and Aquatic Life Through:

- 40 1. Preserving wetlands and other fish and aquatic habitat.  
41 2. Regulating pollution sources.  
42 3. Controlling shoreline alterations, dredging and lagooning.

43  
44 (C) Control Building Sites, Placement of Structures and Land Uses Through:



- 45 1. Prohibiting certain uses detrimental to the shoreland-wetlands.
- 46 2. Setting minimum lot sizes and widths.
- 47 3. Setting minimum building setbacks from waterways.
- 48 4. Setting the maximum height of near shore structures.
- 49
- 50 (D) Preserve and Restore Shoreland Vegetation and Natural Scenic Beauty Through:
- 51 1. Restricting the removal of natural shoreland cover.
- 52 2. Preventing shoreline encroachment by structures.
- 53 3. Controlling shoreland excavation and other earth moving activities.
- 54 4. Regulating the use and placement of boathouses and other structures.
- 55

56 (4) Title. The Rock County Shoreland Zoning Ordinance.

57  
58 **4.202 General Provisions**

59  
60 (1) Areas to be Regulated. Areas regulated by this ordinance shall include all the lands  
61 (referred to herein as shorelands) in the unincorporated areas of Rock County which are:

62  
63 (A) Within one thousand (1,000) feet of the ordinary high-water mark of navigable  
64 lakes, ponds or flowages. The Rock River is considered a flowage within Rock  
65 County.

66  
67 (B) Within three hundred (300) feet of the ordinary high-water mark of navigable rivers  
68 or streams, or to the landward side of the floodplain, whichever distance is greater.

69  
70 (C) The provisions of this chapter apply to regulation of the use and development of  
71 unincorporated shoreland areas. Unless specifically exempted by law, all cities,  
72 villages, towns, counties and, when s. 13.48 (13), Stats., applies, state agencies are  
73 required to comply with, and obtain all necessary permits under, local shoreland  
74 ordinances. The construction, reconstruction, maintenance or repair of state  
75 highways and bridges carried out under the direction and supervision of the  
76 Wisconsin Department of Transportation is not subject to local shoreland zoning  
77 ordinances if s. 30.2022, Stats., applies. Shoreland zoning requirements in annexed  
78 or incorporated areas are provided in s. 61.353 and s. 62.233, Stats.

79  
80 (D) Determinations of navigability and ordinary high-water mark location shall initially  
81 be made by the Zoning Administrator. When questions arise, the Zoning  
82 Administrator shall contact the appropriate office of the Department for a final  
83 determination of navigability or ordinary high-water mark. The County may work  
84 with surveyors in regard to s. 59.692(1h).

85  
86 (E) Under s. 281.31(2m) Wis. Stats., notwithstanding any other provision of law or  
87 administrative rule promulgated thereunder, this shoreland zoning ordinance does  
88 not apply to:

- 89 1. Lands adjacent to farm drainage ditches if:
  - 90 (a) Such lands are not adjacent to a natural navigable stream or river;
  - 91 (b) Those parts of such drainage ditches adjacent to such lands were not
  - 92 navigable streams before ditching; and
- 93 2. Lands adjacent to artificially constructed drainage ditches, ponds or stormwater
- 94 retention basins that are not hydrologically connected to a natural navigable
- 95 water body.

96  
97 (2) Shoreland-Wetland Maps. The most recent version of the Wisconsin Wetland Inventory  
98 maps (available at <http://dnrm.wisconsin.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland>) are made part of this ordinance along with other maps and images that can be readily  
99 used to help the Zoning Administrator and landowners evaluate the presence or absence and  
100 likely extent of wetlands on the property, as further defined in section 4.203(1)(A) of this  
101 ordinance.

102  
103  
104 (3) Compliance. The use of any land, the size, shape and placement of lots, the use, size, type  
105 and location of structures on lots, the installation and maintenance of water supply and waste  
106 disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of  
107 shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this

108 ordinance and other applicable local, state or federal regulations. Buildings and other structures  
109 shall require a permit unless otherwise expressly excluded by a provision of this ordinance.  
110 Property owners, builders and contractors are responsible for compliance with the terms of this  
111 ordinance.

112

113 (4) Municipalities and State Agencies Regulated. Unless specifically exempted by law, all  
114 cities, villages, towns, and counties are required to comply with this ordinance and obtain all  
115 necessary permits. State agencies are required to comply when s. 13.48(13), Wis. Stats.,  
116 applies. The construction, reconstruction, maintenance and repair of state highways and bridges  
117 carried out under the direction and supervision of the Wisconsin Department of Transportation  
118 are exempt when s. 30.2022 Wis. Stats., applies.

119

120 (5) Abrogation and Greater Restrictions. The provisions of this ordinance supersede all the  
121 provisions of any county zoning ordinance adopted under s. 59.692, Wis. Stats., which relate to  
122 shorelands. In other words if a zoning standard only applies to lands that lie within the  
123 shoreland and applies because the lands are in shoreland, then this ordinance supersedes those  
124 provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis.  
125 Stats., is more restrictive than this ordinance, for example the Floodplain Zoning Ordinance,  
126 that ordinance shall continue in full force and effect to the extent of the greater restrictions, but  
127 not otherwise.

128

129 (A) Pursuant to s. 59.692(2)(a), Wis. Stats., this ordinance shall not require approval or  
130 be subject to disapproval by any town or town board.

131

132 (B) Pursuant to s. 59.692(2)(b), Wis. Stats., if an existing town ordinance relating to  
133 shorelands is more restrictive than this ordinance or any amendments thereto, the  
134 town ordinance continues in all respects to the extent of the greater restrictions but  
135 not otherwise.

136

137 (C) This ordinance is not intended to repeal, abrogate or impair any existing deed  
138 restrictions, covenants or easements. However, where this ordinance imposes  
139 greater restrictions, the provisions of this ordinance shall prevail.

140

141 (D) This ordinance may establish standards to regulate matters that are not regulated in  
142 NR 115, but that further the purposes of shoreland zoning as described in section  
143 4.201(3) of this ordinance.

144

145 (E) Counties may not establish shoreland zoning standards in a shoreland zoning  
146 ordinance that requires any of the following:

147

148 1. Approval to install or maintain outdoor lighting in shorelands, impose any fee or  
149 mitigation requirement to install or maintain outdoor lighting in shorelands, or  
150 otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is  
151 designed or intended for residential use.

152

153 2. Requires any inspection or upgrade of a structure before the sale or other transfer  
154 of the structure may be made.

155

156 (F) (s.59.692(7), Stats) The construction and maintenance of a facility is considered to  
157 satisfy the requirements of a shoreland zoning ordinance if:

158

159 1. The department has issued all required permits or approvals authorizing the  
160 construction or maintenance under ch. 30, 31, 281, or 283.

161

162 A "facility" means any property or equipment of a public utility, as defined in s.  
163 196.01 (5), or a cooperative association organized under ch. 185 for the purpose  
164 of producing or furnishing heat, light, or power to its members only, that is used  
165 for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

166

167 (6) Interpretation. In their interpretation and application, the provisions of this ordinance shall  
168 be held to be minimum requirements and shall be liberally construed in favor of the County of  
169 Rock and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin  
170 Statutes. Where a provision of this ordinance is required by statute and a standard in ch. NR  
115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be  
interpreted in light of the statute and ch. NR 115 standards in effect on the date of the adoption  
of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

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(7) Severability. If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

#### 4.203 Shoreland-Wetland District

(1) Designation. This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

(2) Locating Shoreland-Wetland Boundaries. Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory maps and actual field conditions, the County shall contact the Department to determine if the map is in error. If the Department determines that a particular area was incorrectly mapped as wetland or meets the wetland definition but was not shown as wetland on the map, the county shall have the authority to immediately grant or deny a shoreland zoning permit in accordance with the applicable regulations based on the Department determination as to whether the area is wetland. Depending on the scope of the proposed activity, a third-party wetland delineation may be required by the Department or the County and all costs shall be assumed by the applicant. Maps do not represent the definitive presence and boundaries of wetlands and cannot serve as a substitute for a delineation of wetland boundaries. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

(3) Purpose. This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

(4) Permitted Uses. The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of chs. 30, 31 and 281.36, Wis. Stats. and the provisions of other applicable local, state and federal laws:

- (A) Activities and uses which do not require the issuance of a zoning permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating.
  - 1. Hiking, fishing, trapping, hunting, swimming, and boating;
  - 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
  - 3. The pasturing of livestock;
  - 4. The cultivation of agricultural crops;
  - 5. The practice of silviculture, including the planting, thinning, and harvesting of timber; and
  - 6. The construction or maintenance of duck blinds.
  
- (B) Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
  - 1. Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected;
  - 2. The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries,
  - 3. The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;

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4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance; and
  5. The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (C) Uses which require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below. These uses may also require a Shoreland Conditional Use Permit under this ordinance.
1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation, provided that:
    - (a) The road cannot as a practical matter be located outside the wetland;
    - (b) The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 4.203(6)(B);
    - (c) The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use;
    - (d) Road construction activities are carried out in the immediate area of the roadbed only.
  2. The construction or maintenance of nonresidential buildings, provided that:
    - (a) The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district;
    - (b) The building cannot, as a practical matter, be located outside the wetland;
    - (c) Such building is not designed for human habitation and does not exceed 500 sq. ft. in floor area; and
    - (d) Only limited filling or excavating necessary to provide structural support for the building is authorized.
  3. The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:
    - (a) Any private development is used exclusively for the permitted use and the applicant has received a permit or license under ch. 29, Wis. Stats., where applicable;
    - (b) Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 4.203(3)(C)1. (a)-(d) and;
    - (c) Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.
  4. The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:
    - (a) The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland;
    - (b) Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 4.203(6)(B).
  5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
- (5) Prohibited Uses. Any use not listed in sections 4.203(3)(A),(B) or (C) is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 4.203(6) of this ordinance and s. 59.69(5)(e), Wis. Stats.

- 296 (6) Rezoning of Lands in the Shoreland-Wetland District.  
297  
298 (A) For all proposed text and map amendments to the shoreland-wetland provisions of  
299 this ordinance, the appropriate office with the Department shall be provided with the  
300 following:  
301 1. A copy of every petition for a text or map amendment to the shoreland-wetland  
302 provisions of this ordinance, within 5 days of the filing of such petition with the  
303 county clerk. Such petition shall include a copy of the Wisconsin Wetland  
304 Inventory map adopted as part of this ordinance describing any proposed  
305 rezoning of a shoreland-wetland;  
306 2. Written notice of the public hearing to be held on a proposed amendment at least  
307 10 days prior to such hearing;  
308 3. A copy of the Rock County Planning and Development Agency's findings and  
309 recommendations on each proposed amendment within 10 days after the  
310 submission of those findings and recommendations to the Rock County Board of  
311 Supervisors (County Board); and  
312 4. Written notice of the County Board's decision on the proposed amendment  
313 within 10 days after it is issued.  
314  
315 (B) A wetland, or a portion thereof, in the shoreland-wetland district shall not be  
316 rezoned if the proposed rezoning may result in a significant adverse impact upon any  
317 of the following:  
318 1. Storm and flood water storage capacity;  
319 2. Maintenance of dry season stream flow, the discharge of groundwater to a  
320 wetland, the recharge of groundwater from a wetland to another area, or the flow  
321 of groundwater through a wetland;  
322 3. Filtering or storage of sediments, nutrients, heavy metals or organic compounds  
323 that would otherwise drain into navigable waters;  
324 4. Shoreline protection against soil erosion;  
325 5. Fish spawning, breeding, nursery or feeding grounds;  
326 6. Wildlife habitat; or  
327 7. Wetlands both within the boundary of designated areas of special natural  
328 resource interest and those wetlands which are in proximity to or have a direct  
329 hydrologic connection to such designated areas as defined in NR 103.04 which  
330 can be accessed at the following web site: [http://www.legis.state.wi.us/  
331 rsb/code/nr/nr103.pdf](http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf).  
332  
333 (C) If the Department notifies the Rock County Planning And Development Agency that  
334 a proposed text or map amendment to the shoreland-wetland provisions of this  
335 ordinance may have a significant adverse impact upon any of the criteria listed in  
336 section 4.203(6)(B) of this ordinance, that amendment, if approved by the County  
337 Board, shall contain the following provision:  
338  
339 "This amendment shall not take effect until more than 30 days have elapsed after  
340 written notice of the County Board's approval of this amendment is mailed to the  
341 Department of Natural Resources. During that 30-day period the Department of  
342 Natural Resources may notify the County Board that it will adopt a superseding  
343 shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the  
344 Department does so notify the County Board, the effect of this amendment shall  
345 be stayed until the s. 59.692(6) adoption procedure is completed or otherwise  
346 terminated."  
347

348 **4.204 Land Division Review and Sanitary Regulations**  
349

- 350 (1) Land Division Review.  
351  
352 (A) The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in  
353 shoreland areas which create 3 or more parcels or building sites of 5 acres each or  
354 less within a 5-year period. In such review all of the following factors shall be  
355 considered:  
356 1. Hazards to the health, safety or welfare of future residents.  
357 2. Proper relationship to adjoining areas.  
358 3. Public access to navigable waters, as required by law.

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4. Adequate stormwater drainage facilities.
  5. Conformity to state law and administrative code provisions.
- (B) Land Division review under this section is separate from land divisions review authorized by the Rock County Land Division and Development Ordinance.
- (2) Planned Residential Unit Development (PUD).
- (A) Purpose. The Planned Residential Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Residential Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- (B) Requirements for Planned Residential Unit Development. The Committee may at its discretion, upon its own motion or upon petition, approve a Planned Residential Unit Development Overlay District upon finding, after a public hearing, that all of the following facts exist:
1. Area. The area proposed for the Planned Residential Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on a navigable water.
  2. Lots. Any proposed lot in the Planned Residential Unit Development that does not meet the minimum size standards of Section 4.205 shall be a non-riparian lot.
  3. Vegetative buffer zone and preservation of ground cover. The location of lots and the dedication of part of the land for use by the public or residents of the Planned Residential Unit Development shall preserve the vegetative buffer zone and ground cover of the shoreland to enhance scenic beauty of the navigable water, prevent erosion, and provide wildlife habitat. All lands not used for lots and streets shall be dedicated in perpetuity to remain in open space. This may be accomplished by conveyance in common to each of the owners of lots in the development or to a corporation formed by them, or by dedication to the county, town or municipality. Lands dedicated to the public must be accepted by action of the governing body of the accepting unit of government. If the land is to be conveyed to owners of lots in the development, a homeowner's association or similar legally constituted body shall be created to maintain the open space land. Any restriction placed on platted land by covenant, grant of easement or any other manner which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the public body the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction.
  4. Density. The number of platted lots shall not exceed those which would have been possible if the same land were platted in accordance with the minimum lot sizes and widths provided by the applicable provisions of the zoning ordinance. This figure shall be determined by dividing the total developable area of the subdivision by the minimum lot size required by Section 4.205 of this ordinance.
  5. Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Residential Unit Development the Committee shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in Section 4.207 (2) shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.
  6. Consistency with other development ordinances. Planned Residential Unit Development shall be consistent with standards in other development ordinances administered by the County of Rock.

- 421 (3) Sanitary Regulations. Each county shall adopt sanitary regulations for the protection of  
422 health and the preservation and enhancement of water quality.  
423  
424 (A) Where public water supply systems are not available, private well construction shall  
425 be required to conform to ch. NR 812, Wis. Adm. Code.  
426  
427 (B) Where a public sewage collection and treatment system is not available, design and  
428 construction of private on-site waste treatment system shall, prior to July 1, 1980, be  
429 required to comply with ch. SPS 383, and after June 30, 1980 be governed by a  
430 private sewage system ordinance adopted by the county under s. 59.70(5), Wis.  
431 Stats.

432

433 **4.205 Minimum Lot Size and Setbacks**

434

- 435 (1) Purpose. Minimum lot sizes and setbacks in the shoreland area shall be established to  
436 afford protection against danger to health, safety and welfare, preserve natural beauty, reduce  
437 flood hazards and protect against pollution of the adjacent body of water. Shoreland setback  
438 standards are addressed in Section 4.206 of this Ordinance.  
439

440 In calculating the minimum area or width of a lot, the beds of navigable waters shall not  
441 be included.

442

443 (2) Sewered Lots

444

- 445 (A) Minimum Area and Width for Each New Lot. The minimum lot area shall be  
446 10,000 sq. ft. and the minimum average lot width shall be 65 feet.

447

- 448 1. The width shall be calculated by averaging measurements at the following 4  
449 locations:

- 450 (a) The ordinary high water mark.  
451 (b) The building setback line.  
452 (c) One other location on the lot within 300 feet of the ordinary highwater mark.  
453 (d) The rear lot line

454

455 (B) Setbacks (Applicable to New and Existing Lots)

456

- 457 1. There shall be a side yard for each principal structure or building. The minimum  
458 width of one side yard shall be 8 feet. The minimum combined width of both  
459 principal side yards shall be 20 feet. There shall be a side yard of 5 feet for  
460 accessory structures excluding fences.

461

- 462 2. The rear yard setback for all structures shall be 25 feet.

463

- 464 3. The front yard setback for all structures shall be 25 feet.

465

466 (3) Unsewered Lots

467

- 468 (A) Minimum Area and Width for Each New Lot. The minimum lot area shall be  
469 20,000 sq. ft. and the minimum average lot width shall be 100 feet with at least 100  
470 feet of frontage at the ordinary high-water mark.

471

- 472 1. The width shall be calculated by averaging measurements at the following 4  
473 locations:

- 474 (a) The ordinary high water mark.  
475 (b) The building setback line.  
476 (c) One other location on the lot within 300 feet of the ordinary highwater mark.  
477 (d) The rear lot line.

478

479 (B) Setbacks (Applicable to New and Existing Lots)

480

- 481 1. There shall be a side yard for each principal structure or building. The minimum  
482 width of one side yard shall be 15 feet. The minimum combined width of both

- 483 principal side yards shall be 40 feet. There shall be a side yard of 5 feet for  
484 accessory structures excluding fences  
485 2. The rear yard setback for all structures shall be 25 feet.  
486 3. The front yard setback for all structures shall be 50 feet.

487  
488 (4) Substandard Lots

489  
490 (A) A legally created lot or parcel that met minimum area and minimum average width  
491 requirements when created, but does not meet current lot size requirements, may be  
492 used as a building site if all of the following apply:

- 493  
494 1. The substandard lot or parcel was never reconfigured or combined with another  
495 lot or parcel by plat, survey, or consolidation by the owner into one property tax  
496 parcel.  
497 2. The substandard lot or parcel has never been developed with one or more of its  
498 structures placed partly upon an adjacent lot or parcel.  
499 3. The substandard lot or parcel is developed to comply with all other ordinance  
500 requirements, including setbacks.

501  
502 (B) Other Substandard Lots. Except for lots which meet the requirements of sections  
503 4.205(4)(A) a building permit for the improvement of a lot having lesser dimensions  
504 than those stated in sections 4.205(2)(A) and 4.205(3)(A) shall be issued only if a  
505 variance is granted by the Rock County Board of Adjustment.

506  
507 **4.206 Setbacks.** Permitted setbacks shall be established to conform to health, safety and welfare  
508 requirements, preserve natural beauty, reduce flood hazards and avoid water pollution. Additional  
509 setback standards are established in Section 4.205 of this ordinance.

510  
511 (1) Shoreland Setback. Unless exempt under section 4.206(1)(A), or reduced under section  
512 4.206(2), a setback of 75 feet from the ordinary high-water mark of any navigable waters to the  
513 nearest part of a building or structure shall be required for all buildings and structures.

514  
515 (A) Exempt Structures. All of the following structures are exempt from the shoreland  
516 setback standards in section 4.206(1):

- 517  
518 1. Boathouses located entirely above the ordinary high-water mark and entirely  
519 within the access and viewing corridor that do not contain plumbing and are not  
520 used for human habitation.  
521 (a) The use of boathouses for human habitation and the construction or placing  
522 of boathouses beyond the ordinary highwater mark of any navigable waters  
523 shall be prohibited.  
524 (b) Boathouses shall be designed and constructed solely for the storage of boats  
525 and related equipment and shall not be used for human habitation. The main  
526 door shall face the water.  
527 (c) One boathouse is permitted on a lot as an accessory structure.  
528 (d) Boathouses shall be set back a minimum 10 feet from the ordinary highwater  
529 mark and shall be constructed in conformity with local floodplain zoning  
530 standards.  
531 (e) Boathouses shall not exceed one story and 500 square feet in floor area.  
532 (f) Boathouses permitted after October 1, 2016 shall have a pitched roof of no  
533 flatter than 4/12 pitch.  
534 (g) The roof of an existing boathouse may be used as a deck provided that:  
535 1. The boathouse has a flat roof and was built prior to October 1, 2016  
536 2. The roof has no side walls or screens.  
537 3. The roof may have a railing that meets the Department of Safety and  
538 Professional Services standards.  
539 (h) All other ordinance requirements shall be met, including impervious surface  
540 standards.  
541  
542 2. Open sided and screened structures such as gazebos, decks, patios and screen  
543 houses in the shoreland setback area that satisfy the requirements in s.  
544 59.692(1v), Stats.



- 545 (a) The part of the structure that is nearest to the water is located at least 35 feet  
546 landward from the ordinary-high water mark.  
547 (b) The floor area of all the structures in the shoreland setback area (excluding  
548 boathouses) will not exceed 200 square feet.  
549 (c) The structure that is the subject of the request for special zoning permission  
550 has no sides or has open or screened sides.  
551 (d) The county must approve a plan that will be implemented by the owner of  
552 the property to preserve or establish a vegetative buffer zone that covers at  
553 least 70% of the half of the shoreland setback area that is nearest to the  
554 water.  
555 (e) An enforceable affidavit must be filed with the register of deeds prior to  
556 construction acknowledging the limitations on vegetation.  
557  
558 3. Broadcast signal receivers, including satellite dishes or antennas that are one  
559 meter or less in diameter and satellite earth station antennas that are 2 meters or  
560 less in diameter.  
561  
562 4. Utility transmission and distribution lines, poles, towers, water towers, pumping  
563 stations, well pumphouse covers, private on-site wastewater treatment systems  
564 that comply with ch. SPS 383, and other utility structures that have no feasible  
565 alternative location outside of the minimum setback and that employ best  
566 management practices to infiltrate or otherwise control storm water runoff from  
567 the structure.  
568  
569 5. Walkways, stairways or rail systems that are necessary to provide pedestrian  
570 access to the shoreline and are a maximum of 60-inches in width.  
571  
572 6. Devices or systems used to treat runoff from impervious surfaces.  
573  
574 (B) Existing Exempt Structures. Existing exempt structures may be maintained,  
575 repaired, replaced, restored, rebuilt and remodeled provided the activity does not  
576 expand the footprint and does not go beyond the three-dimensional building  
577 envelope of the existing structure. Counties may allow expansion of a structure  
578 beyond the existing footprint if the expansion is necessary to comply with applicable  
579 state or federal requirements.  
580  
581 (2) Reduced Principal Structure Setback. A setback less than the 75' required setback from  
582 the ordinary high water mark shall be permitted for a proposed principal structure and  
583 shall be determined as follows:  
584  
585 (A) Where there are existing principal structures in both directions, the setback shall  
586 equal the average of the distances the two existing principal structures are set back  
587 from the ordinary high water mark provided all of the following are met:  
588 1. Both of the existing principal structures are located on adjacent lot to the  
589 proposed principal structure.  
590 2. Both of the existing principal structures are located within 250' of the proposed  
591 principal structure and are the closest structure.  
592 3. Both of the existing principal structures are located less than 75' from the  
593 ordinary high water mark.  
594 4. The average setback shall not be reduced to less than 35' from the ordinary high  
595 water mark of any navigable water.  
596  
597 (3) Floodplain Structures. Buildings and structures to be constructed or placed in a  
598 floodplain shall be required to comply with any applicable floodplain zoning ordinance.  
599

600 **4.207 Vegetation**

- 601  
602 (1) Purpose. To protect natural scenic beauty, fish and wildlife habitat, and water quality, the  
603 county shall regulate removal of vegetation in shoreland areas, consistent with sound forestry  
604 and soil conservation practices and considering the effect of vegetation removal on water  
605 quality, including soil erosion, and the flow of effluents, sediments and nutrients.  
606

607 (2) Activities allowed within Vegetative Buffer. To protect water quality, fish and wildlife  
608 habitat and natural scenic beauty, and to promote preservation and restoration of native  
609 vegetation, this ordinance shall designate land that extends from the ordinary high water mark  
610 to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation  
611 in the vegetative buffer zone except as follows.

612

613 (A) The county may allow routine maintenance of vegetation.

614

615 (B) The county may allow removal of trees and shrubs in the vegetative buffer zone to  
616 create access and viewing corridors.

617

618 Per s. 59.692(1f)(b), Stats. the viewing corridor may be at least 35 feet wide for  
619 every 100 feet of shoreline frontage. The viewing corridor may run contiguously for  
620 the entire maximum width of shoreline frontage owned.

621

622 (C) The county may allow removal of trees and shrubs in the vegetative buffer zone on a  
623 parcel with 10 or more acres of forested land consistent with "generally accepted  
624 forestry management practices" as defined in s. NR 1.25 (2) (b), and described in  
625 Department publication "Wisconsin Forest Management Guidelines" (publication  
626 FR-226), provided that vegetation removal be consistent with these practices.

627

628 (D) The county may allow removal of vegetation within the vegetative buffer zone to  
629 manage exotic or invasive species, damaged vegetation, vegetation that must be  
630 removed to control disease, or vegetation creating an imminent safety hazard,  
631 provided that any vegetation removed under the permit be replaced by replanting in  
632 the same area as soon as practicable.

633

634 (E) The county may authorize by permit additional vegetation management activities in  
635 the vegetative buffer zone. The permit issued under this subparagraph shall require  
636 that all management activities comply with detailed plans approved by the county  
637 and designed to control erosion by limiting sedimentation into the waterbody, to  
638 improve the plant community by replanting in the same area, and to maintain and  
639 monitor the newly restored area. The permit also shall require an enforceable  
640 restriction to preserve the newly restored area.

641

642 (3) Cutting More Than 35 Feet Inland. From the inland edge of the 35 foot area to the outer  
643 limits of the shoreland, the cutting of vegetation shall be allowed when accomplished using  
644 accepted forest management and soil conservation practices which protect water quality.

645

646 **4.208 Filling, Grading, Lagooning, Dredging, Ditching and Excavating.** Filling, grading,  
647 lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions  
648 of s. NR 115.04, the requirements of ch. 30, Stats., and other local, state and federal laws where  
649 applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment  
650 of fish and wildlife habitat and natural scenic beauty in compliance with the standards below:

651

652 (1) General Standards. Filling, grading, lagooning, dredging, ditching or excavating which  
653 does not require a permit under section 4.208 may be permitted in the shoreland area provided  
654 that:

655

656 (A) It is done in a manner designed to minimize erosion, sedimentation and impairment  
657 of fish and wildlife habitat.

658

659 (B) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland  
660 district meets the requirements of sections 4.203(4)(B) and 4.203(4)(c) of this  
661 ordinance.

662

663 (C) All applicable federal, state and local authority is obtained in addition to a permit  
664 under this ordinance.

665

666 (D) Any fill placed in the shoreland area is protected against erosion by the use of riprap,  
667 vegetative cover or a bulkhead.

668

- 669 (E) No filling or grading shall be done from the ordinary high water mark to 35 feet  
670 landward unless necessary to establish or re-establish the vegetative buffer or for the  
671 construction of a boathouse.  
672
- 673 (2) Conditional Use Permit Required. Except as provided in section 4.208(3) conditional use  
674 permit is required:  
675
- 676 (A) For any filling or grading of any area which is within the Shoreland Zoning District  
677 which consists of:  
678 1. A single area of more than 1,000 sq. ft. exposed or the cumulative exposed area  
679 exceeds 1,000 sq. ft. or  
680 2. More than 40 cubic yards of fill is deposited  
681
- 682 (B) For any construction or dredging commenced on any existing artificial waterway,  
683 canal, ditch, lagoon, pond, lake or similar waterway which is within the jurisdiction  
684 of this ordinance or where the purpose is the ultimate connection with a navigable  
685 body of water.  
686
- 687 (3) Soil Conservation Practices and Agricultural Drainage Maintenance.  
688
- 689 (A) Soil conservation practices such as tiled terraces, runoff diversions and grassed  
690 waterways used for erosion control shall not require a permit under section 4.208(2)  
691 when designed and constructed to Natural Resources Conservation Service technical  
692 standards.  
693
- 694 (B) The maintenance of existing agricultural drainage systems shall be allowed in  
695 conformity with the following construction standards:  
696 1. The maintenance dredging of farm drainage ditches is limited to reestablishing  
697 the original ditch cross section unless a conditional use permit under section  
698 8.22 is obtained.  
699 2. Ditch banks shall be constructed at a slope of 2 horizontal to 1 vertical (50%  
700 grade) or flatter.  
701 3. Ditch banks shall be maintained in a sod cover and free of woody vegetation.  
702 4. A 35 foot wide buffer strip of untilled, ungrazed sod cover shall be maintained  
703 adjacent to the ditch bank.  
704
- 705 (4) Permit Conditions. In granting a permit under section 4.208(2), the County shall attach  
706 the following conditions, where appropriate, in addition to other appropriate conditions and  
707 provisions resulting in permit review specified in sections 4.214(2) or 4.214(3).  
708
- 709 (A) The smallest amount of bare ground shall be exposed for as short a time as feasible.  
710
- 711 (B) Temporary ground cover (such as mulch or jute netting) shall be used and  
712 permanent vegetative cover shall be established.  
713
- 714 (C) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other  
715 methods shall be used to prevent erosion.  
716
- 717 (D) Lagoons shall be constructed to avoid fish trap conditions.  
718
- 719 (E) Fill shall be stabilized according to accepted engineering standards.  
720
- 721 (F) Filling shall comply with any local floodplain zoning ordinance and shall not restrict  
722 a floodway or destroy the flood storage capacity of a floodplain.  
723
- 724 (G) Consideration and care shall be taken to inhibit transfer of invasive species when fill  
725 material is relocated to or from a site as part of construction project.  
726
- 727 (H) Channels or artificial watercourses shall be constructed with side slopes of two (2)  
728 units horizontal distance to one (1) unit vertical or flatter (50% slope or less) which  
729 shall be promptly vegetated, unless bulkheads or riprap are provided.  
730

731 **4.209 Impervious Surface Standards**

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(1) Purpose. Establish impervious surface standards to protect water quality and fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

(2) Calculation of Impervious Surface. Percentage of impervious surface shall be calculated by dividing the surface area of existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark by the total surface area of that lot or parcel and multiplied by 100. Impervious surfaces described in 4.209(6) shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

(3) Impervious Surface Standard. Except as otherwise allowed in sections (4)-(6) below, the County shall allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 of the ordinary high-water mark

(4) Maximum Impervious Surface. More than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high water mark shall be permitted with a mitigation plan that meets the standards found in section 4.213.

(5) Existing Impervious Surfaces. For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 4.209(3) or the maximum impervious surface standard in section 4.209(4), the property owner may do any of the following:

- (A) maintain and repair the existing impervious surfaces;
- (B) replace existing impervious surfaces with similar surfaces within the existing building envelope;
- (C) relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of the county shoreland ordinance, and the impervious surface meets the applicable setback requirements of this ordinance.

(6) Treated Impervious Surfaces. Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 4.209(2) :

- (A) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- (B) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.
- (C) To qualify for the statutory exemption, property owners shall submit a complete permit application that is reviewed and approved by the county. The application shall include 1) calculations showing how much runoff is coming from the impervious surface area; 2) documentation that the runoff from the impervious surface is being treated by a proposed treatment system, treatment device, or internally drained area; and 3) an implementation schedule and enforceable obligation on the property owner to establish and maintain the treatment system, treatment devices, or internally drained area. The enforceable obligations shall be evidenced by an instrument recorded in the office of the Register of Deeds prior to the issuance of the permit.

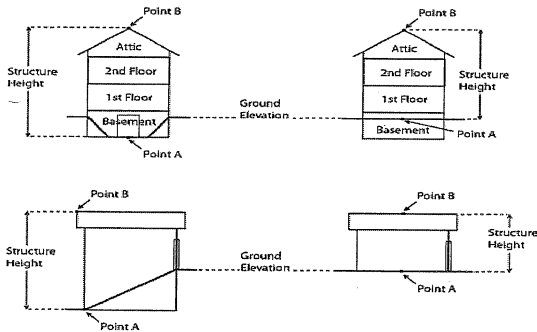
(7) This section of the ordinance shall not be construed to supersede other provisions in this ordinance. Maintenance, reconstruction, relocation and expansion of existing structures must

795 comply with other provisions including the shoreland setback standards in sections 4.206(1) or  
796 4.206(2) and the nonconforming structure provisions of sections 4.11(1) through 4.211(8).  
797

798 **4.210 Heights.** To protect and preserve wildlife habitat and natural scenic beauty, on or after  
799 February 1, 2010, no construction that results in a structure taller than 35 feet shall be permitted within  
800 the Shoreland Zoning District.

801  
802 Structure height is the measurement of the vertical line segment starting at the lowest point of any  
803 exposed wall and it's intersect with the ground (Point A Below) to a line horizontal to the highest point  
804 of a structure (Point B Below) unless specified under other sections of this code. This includes  
805 partially exposed basements.

806



807

808

809

810 **4.211 Nonconforming Uses and Structures.**

811

812 (1) Purpose. To protect water quality, fish and wildlife habitat, and natural scenic beauty,  
813 some control is needed over the modification and reconstruction of these structures.

814

815 (2) Discontinued Nonconforming Use. If a nonconforming use is discontinued for a period of  
816 12 months, any future use of the building, structure or property shall conform to this ordinance.

817

818 (3) Maintenance, Repair, Replacement or Vertical Expansion of Nonconforming Structures.  
819 An existing structure that was lawfully placed when constructed but that does not comply with  
820 the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or  
821 remodeled if the activity does not expand the footprint of the nonconforming structure. Further,  
822 an existing structure that was lawfully placed when constructed but that does not comply with  
823 the required shoreland setback may be vertically expanded unless the vertical expansion would  
824 extend more than 35 feet above grade level. Counties may allow expansion of a structure  
825 beyond the existing footprint if the expansion is necessary to comply with applicable state or  
826 federal requirements.

827

828 Pursuant to s. 59.692(1k)(a)1.b. and d. Stats., the County may not require any approval or  
829 impose any fee or mitigation requirement for the activities specified in section 4.211(3) if the  
830 activity does not expand the footprint of the nonconforming structure or extend the height more  
831 than 35 feet above grade level.

832

833 (4) Lateral Expansion of Nonconforming Principal Structure Within the Setback. An existing  
834 principal structure that was lawfully placed when constructed but that does not comply with the  
835 required building setback per sections 4.205 and 4.206(1) may be expanded laterally, provided  
836 that all of the following requirements are met:

837

838 (A) The use of the structure has not been discontinued for a period of 12 months or  
839 more if a nonconforming use.

840

841 (B) The existing principal structure is at least 35 feet from the ordinary high-water  
842 mark.

843

844 (C) Lateral expansions are limited to a maximum of 200 square feet over the life of the  
845 structure. No portion of the expansion may be any closer to the ordinary high-water  
846 mark than the closest point of the existing principal structure.

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(D) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4.213.

(E) All other provisions of the shoreland ordinance shall be met.

(5) Expansion of a Nonconforming Principal Structure Beyond Setback. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setbacks may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per sections 4.205 and 4.206(1) and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for expansion under this paragraph, but may be required under the impervious surface standards of this ordinance.

(6) Relocation of Nonconforming Principal Structure. An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setbacks may be relocated on the property provided all of the following requirements are met:

(A) The use of the structure has not been discontinued for a period of 12 months or more.

(B) The existing principal structure is at least 35 feet from the ordinary high-water mark.

(C) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.

(D) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirements.

(E) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 4.213 including enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the County Register of Deeds.

(F) All other provisions of the shoreland ordinance shall be met.

(7) Wet Boathouses. The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121, Stats.

**4.212 Maintenance, repair, replacement or vertical expansion of a structures that were authorized by a variance.**

A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 13, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. Counties may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

**4.213 Mitigation.**

909 (1) Application for Mitigation Permit Requirements. When the county issues a permit  
910 requiring mitigation under sections 4.206(1)(A)2, 4.209(2), 4.211(5) and 4.211(7), the property  
911 owner must submit a complete permit application that is reviewed and approved by the county.  
912 The application shall include the following:

913  
914 (A) A mitigation plan shall be submitted on forms provided by the Zoning Administrator  
915 for review and approval. The mitigation measures shall be proportional in scope to  
916 the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and  
917 natural scenic beauty. The site plan shall be designed and implemented to restore  
918 natural functions lost through development and human activities. Plan review will  
919 be based on current guidance from sources such as the Wisconsin Department of  
920 Natural Resources, the USDA-Natural Resources Conservation Service, University  
921 of Wisconsin-Extension or other appropriate sources. The plan shall be signed by  
922 the property owner and filed with the Zoning Administrator prior to issuance of the  
923 zoning permit. The plan shall include, at a minimum:

- 924  
925 1. Name and Address of property owner  
926 2. Property address and legal description  
927 3. Extent of the shoreland buffer  
928 4. Scale (e.g. 1 inch = 10 feet)  
929 5. Existing and planned topography  
930 6. Ordinary high water mark (OHWM) location  
931 7. Location of all structures on the property including those planned as part of  
932 mitigation  
933 8. Viewing and access corridor  
934 9. Boundary of the shoreland buffer zone  
935 10. Existing trees, shrubs, and native ground cover  
936 11. Areas to be planted with trees, shrubs, and groundcovers  
937 12. Implementation schedule (see detail below)  
938 13. A plant species list and potential substitutions if availability is an issue (see  
939 restoration standards and specifications below)  
940 14. Erosion control practices (to be installed prior to and during buffer  
941 establishment)  
942 15. Water diversions and channelized flow areas  
943 16. Buffer Maintenance (watering, weeding, replanting, etc)  
944

945 (B) Implementation schedule. The approved mitigation plan must be started within one  
946 year from the issue date of applicable permit. All plantings and any other required  
947 activities in the mitigation plan must be completed within two years of the permit  
948 issue date.  
949

950 (C) The mitigation measures shall be maintained in perpetuity, unless the property  
951 owner receives approval of a new, approved mitigation plan meeting the same point  
952 requirements. The maintenance obligations shall be evidenced by an instrument,  
953 provided by the Agency, recorded in the office of the Register of Deeds prior to  
954 issuance of the permit.  
955

956 (D) Certification of Completion. Within two years of issuance of the related zoning  
957 permit, the property owner shall complete the mitigation practices and shall certify  
958 in writing to the Zoning Administrator that the required mitigation has been  
959 completed. As part of the certification, the property owner shall submit photos  
960 documenting the mitigation measures.  
961

962 (E) Subsequent Development. Subsequent zoning permit applications in compliance  
963 with all new development standards of this ordinance shall not require additional  
964 mitigation provided the mitigation measures are maintained.  
965

966 (2) Determination of Level or Required Mitigation. A plan to mitigate for the adverse effects  
967 of construction on a waterfront property is required under other sections of this Ordinance and  
968 will be based on a point system. The number of mitigation points necessary for a zoning permit  
969 depends on the type, size and location of the construction activity. Similarly, the various  
970 mitigation practices have been assigned point values to be accumulated to an amount equal or  
971 greater than the point value of the adverse construction activity. The Zoning Administrator

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shall determine the number of points necessary and the landowner shall choose mitigation options in consideration the impact of the project based on the following:

- (A) Points are required for developing property under the following conditions and shall be cumulative when more than one condition applies:
  - 1. Installation of impervious surfaces on greater than 15% (but less than 30%) of the portion of the lot within 300' of the ordinary high water mark (section 4.209(4)) – 2 points.
  - 2. Lateral expansion of a non conforming principal structure (section 4.211(4)) --- 2 points.
  - 3. Relocation of a non conforming principal structure (section 4.211(6)) – 6 points.
  - 4. Building or excavating on slopes greater than or equal to 20 % - 1 additional point
  
- (B) Approved Mitigation Practices. Property owners may choose among the following mitigation practices to achieve the number mitigation points chosen. Practices shall be chosen in consideration of the project impact on the purposes and intent of this ordinance.
  - 1. The associated privately owned wastewater treatment system must be evaluated and upgraded as appropriate in compliance with SPS 383, Wis. Administrative Code. Replacement of failing septic system due to setbacks or sizing - 2 points. Replacement of failing septic system due to surface water or groundwater impacts - 3 points
  - 2. Native vegetation and water quality protection functions of the shore buffer area must be restored to the extent practicable following the standards in Section 4.213(3). Points may be obtained for maintaining existing buffer zones or for creating and maintaining new buffer zones as set forth below.

When a shoreland buffer restoration is required as part of the mitigation plan, the buffer type shall be either woodland, prairie, wetland or a combination if the site characteristics permit. The woodland and prairie buffers shall comply with the standards set forth in Sec. 4.213(3). Wetland buffers will also be permitted where deemed appropriate by the Zoning Administrator.

    - a. Primary Active Buffer Zone: Shore buffer zone within thirty-five feet (35') of the OHWM, including trees, shrubbery, underbrush and other natural vegetation, and subject to the standards in Sec. 4.213(3) - 3 points.
    - b. Secondary Active Buffer Zone: An additional fifteen feet (15') of buffer zone depth inland from the OHWM beyond the thirty-five feet (35') of buffer zone already established, providing a total of fifty feet (50') of buffer zone depth, subject to Sec. 4.213(3) - 2 points.
    - c. Increasing buffer depths - ½ point for each rounded 5 ft increment beyond the secondary active buffer zone.
    - d. Passive Buffer Zone: Shoreland vegetation buffer area within thirty-five feet (35') of the OHWM, including un-mowed, grass or other under story vegetation, but without the tree and shrub layers required to meet the three-point mitigation standard - 1 point.
    - e. Side lot Buffer Zone: A ten foot (10') wide side lot buffer zone including trees, shrubbery, underbrush and other natural vegetation extending along a side lot line for a depth of at least one hundred feet (100') from the OHWM. One point. The side lot buffer area is subject to the same standards and conditions as the active buffer zone. Points for side lot line buffers may be additive, for a maximum of two (2) points, if buffer areas exist and are maintained along both side lot lines.
  - 3. Nonconforming structures removed from the shore setback area. Points may be obtained for the removal of structures as set forth below.
    - a. Removal of a principal structure located within seventy-five feet (75') of the OHWM to a site that meets the OHWM set back requirements for new development on that water body - 3 points.
    - b. Removal of all non-principal, accessory structures located within thirty-five feet (35') of the OHWM, with the result that all such structures, including boathouses, are set back at least thirty-five feet (35') from the ordinary high water mark - 2 points.
    - c. Removal of all non-principal, accessory structures located between thirty-five feet (35') and seventy-five feet (75') from the ordinary high water mark,



- 1035 with the result that all such structures, including boathouses, are set back at  
1036 least seventy-five feet (75') from the ordinary high water mark - 1 point.  
1037 d. No non-principal, accessory structures are located less than seventy-five feet  
1038 (75') from the ordinary high water mark. This point is not added to points  
1039 awarded for removal of structures from para. ii and iii above - 1 point.  
1040 e. Removal of non-structural impervious surfaces - ½ point for each rounded  
1041 500 sq.ft. of pavement or hardpacked gravel.  
1042 4. Exterior building materials shall blend with the natural ground cover in the  
1043 vicinity of the construction - 1 point  
1044 5. Having percentages of the parcel in a natural state. 25-49% - 1 point. 50-74% - 2  
1045 points. >74% - 3 points  
1046 6. Other Practices. At the discretion of the Zoning Administrator, up to three (3)  
1047 additional mitigation points may be approved for restoration or protection  
1048 activities that are likely to provide significant benefits to meet the objectives of  
1049 this ordinance. Examples may include construction of a storm water detention  
1050 basin or implementation of other storm water management plan activities,  
1051 replacement of seawalls with bio-engineered structures, installation of rain  
1052 barrels, compaction mitigation or removal of artificial sand beaches.

1053  
1054 Factors to be considered in making the determination of number of points and  
1055 approval of alternative mitigation practices include, but are not limited to:

- 1056 a. Cost of implementation;  
1057 b. Runoff diversion and/or retention;  
1058 c. Lot configuration;  
1059 d. Parcel size;  
1060 e. Location of impervious areas;  
1061 f. Sensitivity and level of development of the water body; and  
1062 g. Significance toward meeting ordinance objectives.

1063  
1064 (3) Restoration Standards and Specifications. All shoreland restoration projects shall be  
1065 designed based on the following standards and specifications:

- 1066  
1067 (A) Natural Recovery. Shoreland buffer areas that are suited for natural recovery will be  
1068 allowed only after Zoning Administrator approval.  
1069  
1070 (B) Accelerated recovery. Areas not suited to natural recovery will require plantings to  
1071 establish native vegetation. Areas such as lawns or eroded sites with no seed source  
1072 will require plantings following site preparation including turf removal. Planted  
1073 buffers must meet the required plant densities based on square footage of buffer area  
1074 and the type of buffer (Table 1).  
1075  
1076 (C) Planting credits will be allowed for the viewing corridor, areas of existing native  
1077 vegetation, and areas suited for natural recovery.  
1078  
1079 (D) Viewing Corridor. Sod, mulch, or other approved non-erodeable natural material is  
1080 allowed in the view corridor to the minimum extent necessary for access and  
1081 recreation as stipulated below:  
1082 1. Wherever feasible, grass species used shall be no-mow/low-grow grasses which  
1083 do not require cutting.  
1084 2. One path with a maximum width of 4 feet as allowed by this ordinance.  
1085 (E) Vegetation used in any restoration shall be native to the state of Wisconsin and shall  
1086 be installed at densities that are adequate to reestablish the water quality, habitat and  
1087 natural beauty protection functions of a shoreline buffer area.  
1088  
1089 (F) Planting densities are based on the total area of the required buffer. Area credits  
1090 calculated are subtracted from the total required density on an equal square footage  
1091 of coverage basis. Trees must be at least 2 years old and greater than 1 foot tall to  
1092 qualify as a credit or planting.  
1093  
1094 (G) Pre-existing structures. For lots with legal pre-existing structures, restoration is not  
1095 required within 15 feet of the principal structure.  
1096

1097 (H) Once the shoreline buffer has been reestablished, vegetation removal and land  
 1098 disturbing activities are generally prohibited as outlined in the recorded maintenance  
 1099 agreement.  
 1100  
 1101

<i>Woodland Buffer</i>			<i>Prairie Buffer</i>		
Layer	Minimum number of species	Density per 100 square feet	Minimum number of species	Density per 100 square feet	Area Credits
Tree Canopy	3	1	2	0.2	Existing tree canopy
Shrub Understory	4	1.5	2	0.5	Existing shrub understory
Groundcover Plant Plugs	3	70	5	70	Existing well vegetated native ground cover
Groundcover seeding	3	Varies	5	Varies	Existing well vegetated native ground cover

1102 **Table 1**

1103

1104

1105 **4.214 Administrative Provisions.**

1106

1107 (1) Zoning Administrator. The Zoning Administrator shall have the following duties and  
 1108 powers:

1109

1110 (A) System of permits for new construction, development, reconstruction, structural  
 1111 alteration or moving of buildings and structures. A copy of applications shall be  
 1112 required to be filed in the office of the County Zoning Administrator, unless  
 1113 prohibited by s. 59.692(1k), Stats.

1114

1115 (B) Regular inspection of permitted work in progress to insure conformity of the  
 1116 finished structures with the terms of the ordinance.

1117

1118 (C) A variance procedure which authorizes the board of adjustment to grant such  
 1119 variance from the terms of the ordinance as will not be contrary to the public interest  
 1120 where, owing to special conditions and the adoption of the shoreland zoning  
 1121 ordinance, a literal enforcement of the provisions of the ordinance will result in  
 1122 unnecessary hardship.

1123

1124 (D) A conditional use procedure.

1125

1126 (E) The county shall keep a complete record of all proceedings before the Board of  
 1127 Adjustment, and Planning and Development Agency.

1128

1129 (F) Written notice to the appropriate office of the Department at least 10 days prior to  
 1130 any hearing on a proposed variance, special exception or conditional use permit,  
 1131 appeal for a map or text interpretation, map or text amendment, and copies of all  
 1132 proposed land divisions submitted to the county for review under section 4.204.  
 1133 Upon request of the Department a county shall provide to the appropriate office a  
 1134 copy of any permit issued under section 4.214.

1135

1136 (G) Submission to the appropriate office of the Department, within 10 days after grant or  
 1137 denial, copies of any permit related to a nonconforming structure, any decision on a  
 1138 variance, special exception or conditional use permit, or appeal for a map or text  
 1139 interpretation, and any decision to amend a map or text of an ordinance.

- 1140  
1141 (H) Mapped zoning districts and the recording, on an official copy of such map, of all  
1142 district boundary amendments.  
1143  
1144 (I) The establishment of appropriate penalties for violations of various provisions of the  
1145 ordinance, including forfeitures. Compliance with the ordinance shall be enforceable  
1146 by the use of injunctions to prevent or abate a violation, as provided in s. 59.69 (11),  
1147 Stats.  
1148  
1149 (J) The prosecution of violations of the shoreland ordinance.  
1150  
1151 (2) Permits  
1152  
1153 (A) When Required. Except where another section of this ordinance specifically  
1154 exempts certain types of development from this requirement, a permit shall be  
1155 obtained from the Zoning Administrator before any new development.  
1156  
1157 (B) Application. An application for a permit shall be made to the Zoning Administrator  
1158 upon forms furnished by the county and shall include for the purpose of proper  
1159 enforcement of these regulations, the following information:  
1160 1. Name and address of applicant and property owner.  
1161 2. Legal description of the property and type of proposed use.  
1162 3. A scaled drawing of the dimensions of the lot and location of all existing and  
1163 proposed structures and impervious surfaces relative to the lot lines, center line  
1164 of abutting highways, the ordinary high water mark and floodplain of any  
1165 abutting waterways.  
1166 4. Location and description of any existing private water supply or sewage system  
1167 or notification of plans for any such installation.  
1168 5. Plans for appropriate mitigation when required.  
1169 6. Payment of the appropriate fee established by the Rock County Board of  
1170 Supervisors.  
1171 7. Additional information required by the Zoning Administrator.  
1172  
1173 (C) Expiration of Permit. Zoning permits shall expire 12 months from date issued.  
1174  
1175 (D) Certificates of Compliance of Mitigation. For permitted projects that require  
1176 mitigation under this ordinance, no land or building shall be occupied or used until a  
1177 certificate of compliance is issued by the Zoning Administrator.  
1178 1. The certificate of compliance shall certify that the building or premises or part  
1179 thereof, and the proposed use thereof, and associated mitigation practices  
1180 conform to the provisions of this ordinance and the approved permit.  
1181 2. The certificate of compliance shall be issued within 10 days after notification of  
1182 the completion of the work specified in the zoning permit and mitigation plan, if  
1183 the building or premises or proposed use thereof conforms with all the  
1184 provisions of this ordinance.  
1185 3. The Zoning Administrator may issue a temporary certificate of compliance for  
1186 part of a building, pursuant to rules and regulations established by the County  
1187 Board.  
1188  
1189 (3) Conditional Use Permits.  
1190  
1191 (A) Application for a Conditional Use Permit. Any use listed as a conditional use in this  
1192 ordinance shall be permitted only after an application has been submitted to the  
1193 Zoning Administrator and a conditional use permit has been granted by the  
1194 Committee. To secure information upon which to base its determination, the  
1195 Committee may require the applicant to furnish, in addition to the information  
1196 required for a zoning permit, the following information:  
1197 1. Name and address of applicant and property owner.  
1198 2. Legal description of the property and type of proposed use.  
1199 3. A plan of the area showing surface contours, soil types, ordinary high-water  
1200 marks, ground water conditions, subsurface geology and vegetative cover.  
1201 4. A scaled drawing of the dimensions of the lot and location of all existing and  
1202 proposed structures and impervious surfaces relative to the lot lines, center line

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- of abutting highways, the ordinary high-water mark and floodplain of any abutting waterways.
5. Location and description of any existing private water supply or sewage system or notification of plans for any such installation.
  6. Plans for appropriate mitigation when required.
  7. Specifications for areas of proposed filling, grading, lagooning or dredging.
  8. Rationale for why the proposed conditional use meets all of the conditional use permit criteria listed in the ordinance
  9. Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance as required by the Zoning Administrator.
- (B) Notice, Public Hearing and Decision. Before deciding whether to grant or deny an application for a conditional use permit, the Committee shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the Committee, shall be given as a Class 2 notice under ch. 985, Wis. Stats and via mail to surrounding landowners (those within 1000 feet in areas not served by sanitary sewer and those landowners within 500 feet in areas served by sanitary sewer). Such notice shall be provided to the appropriate office of the Department at least 10 days prior to the hearing. The Committee shall state in writing the grounds for granting or denying a conditional use permit.
- (C) Standards Applicable to All Conditional Uses. In deciding a conditional use permit application, the Committee shall evaluate the effect of the proposed use upon:
1. The maintenance of safe and healthful conditions.
  2. The prevention and control of water pollution including sedimentation.
  3. Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
  4. The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  5. The location of the site with respect to existing or future access roads.
  6. The need of the proposed use in a shoreland location.
  7. Its compatibility with uses on adjacent land.
  8. The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
  9. Location factors under which:
    - a. Domestic uses shall be generally preferred;
    - b. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source;
    - c. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- (D) Conditions Attached to Conditional Use Permits.
1. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. Upon consideration of the factors listed above, the Committee shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance.
  2. In granting a conditional use permit, the Committee may not impose conditions which are more restrictive than any of the specific standards in the ordinance. Where the ordinance is silent as to the extent of restriction, the Committee may impose any reasonable permit conditions to affect the purpose of this ordinance. Minimum conditions of approval are found in section 4.208.
- (E) Recording. When a conditional use permit is approved, an appropriate record shall be made of the land use and structures permitted. Such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a

1265 conditional use permit shall be provided to the appropriate office of the Department  
1266 within 10 days after it is granted or denied.  
1267  
1268 (F) Revocation. Where the conditions of a conditional use permit are violated, the  
1269 permit may be revoked.  
1270  
1271 (4) Variances. The Board of Adjustment may grant upon appeal a variance from the  
1272 standards of this ordinance where an applicant convincingly demonstrates that:  
1273  
1274 (A) Power to Grant.  
1275  
1276 1. literal enforcement of the provisions of the ordinance will result in unnecessary  
1277 hardship on the applicant;  
1278 2. the hardship is due to special conditions unique to the property; and  
1279 3. is not contrary to the public interest.  
1280  
1281 (B) Notice, Hearing and Decision. Before deciding on an application for a variance, the  
1282 Board of Adjustment shall hold a public hearing. Notice of such hearing specifying  
1283 the time, place and matters of concern, shall be given a Class 2 notice under ch. 985,  
1284 Wis. Stats and via mail to surrounding landowners (those within 1000 feet in areas  
1285 not served by sanitary sewer and those landowners within 500 feet in areas served by  
1286 sanitary sewer). Such notice shall be provided to the appropriate office of the  
1287 Department at least 10 days prior to the hearing. The Board shall state in writing the  
1288 reasons for granting or refusing a variance and shall provide a copy of such decision  
1289 to the appropriate Department office within 10 days of the decision.  
1290  
1291 (5) Board of Adjustment.  
1292  
1293 (A) The Rock County Board of Adjustment created by the Rock County Board of  
1294 Supervisors in accordance with s. 59.694, Wis. Stats., as provided in Chapter 4 Part  
1295 12 of the Rock County Code, shall serve as the board of adjustment provided for in  
1296 this ordinance and all provisions of Part 12 consistent with the terms of this  
1297 ordinance shall apply to the Board of Adjustment and its proceedings under this  
1298 ordinance.  
1299  
1300 (B) Powers and Duties  
1301  
1302 1. The board of adjustment shall adopt such additional rules as it deems necessary  
1303 and may exercise all of the powers conferred on such boards by s. 59.694, Wis.  
1304 Stats. The County Board has adopted such rules for the conduct of the business  
1305 of the board of adjustment as required by s. 59.694(3), Wis. Stats known as the  
1306 "Rock County Board of Adjustment Rules and Procedures."  
1307 2. It shall hear and decide appeals where it is alleged there is error in any order,  
1308 requirements, decision or determination made by an administrative official in the  
1309 enforcement or administration of this ordinance.  
1310 3. It may grant a variance from the standards of this ordinance pursuant to section  
1311 4.214(4).  
1312 4. In granting a variance, the board may impose any reasonable permit conditions  
1313 to effect the purpose of this ordinance.  
1314  
1315 (C) Appeals to the Board. Appeals to the board of adjustment may be made by any  
1316 person aggrieved or by an officer, department, board or bureau of the county  
1317 affected by any decision of the Zoning Administrator or other administrative officer.  
1318 Such appeal shall be made within 30 days, as provided by the rules of the board, by  
1319 filing with the officer whose decision is in question, and with the board of  
1320 adjustment, a notice of appeal specifying the reasons for the appeal. The Zoning  
1321 Administrator or other officer whose decision is in question shall promptly transmit  
1322 to the board all the papers constituting the record concerning the matter appealed.  
1323  
1324 (D) Hearing Appeals and Applications for Variances.  
1325  
1326 1. The board of adjustment shall fix a reasonable time for a hearing on the appeal  
1327 or application. The board shall give public notice thereof by publishing a Class

1328 2 notice under ch. 985, Wis. Stats, specifying the date, time and place of the  
1329 hearing and the matters to come before the board. Notice shall be mailed to the  
1330 parties in interest. Written notice shall be given to the appropriate office of the  
1331 Department at least 10 days prior to hearings on proposed shoreland variances  
1332 and appeals for map or text interpretations.  
1333 2. A decision regarding the appeal or application shall be made as soon as  
1334 practical. Copies of all decisions on shoreland variances and appeals for map or  
1335 text interpretations shall be submitted to the appropriate office of the  
1336 Department within 10 days after they are granted or denied.  
1337 3. The final disposition of an appeal or application to the board of adjustment shall  
1338 be in the form of a written resolution or order signed by the chairman and  
1339 secretary of the board. Such resolution shall state the specific facts which are  
1340 the basis of the board's determination and shall either affirm, reverse, vary or  
1341 modify the order, requirement, decision or determination appealed, in whole or  
1342 in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the  
1343 application.  
1344 4. At the public hearing, any party may appear in person or by agent or by attorney.  
1345

1346 (6) Fees. The County Board may, by resolution, adopt fees for the following:  
1347

- 1348 (A) Zoning permits.
  - 1349 (B) Certificates of compliance.
  - 1350 (C) Planned Unit Development reviews.
  - 1351 (D) Public hearings.
  - 1352 (E) Legal notice publications.
  - 1353 (F) Conditional use permits.
  - 1354 (G) Variances.
  - 1355 (H) Administrative appeals.
  - 1356 (I) Other duties as determined by the County Board.
- 1357

1358 **4.215 Changes and Amendments.** The County Board may from time to time, alter, supplement or  
1359 change the regulations contained in this ordinance in accordance with the requirements of  
1360 s. 59.69(5)(e), Wis. Stats, ch. NR 115, Wis. Adm. Code and this ordinance where applicable.  
1361

1362 (1) Amendments to this ordinance may be made on petition of any interested party as  
1363 provided in s. 59.69(5), Wis. Stats.  
1364

1365 (2) Shoreland Wetland Map Amendments  
1366

1367 (A) Every petition for a shoreland-wetland map amendment shall be referred to the Rock  
1368 County Planning and Development Agency. A copy of each petition shall be  
1369 provided to the appropriate office of the Department within 5 days of the filing of  
1370 the petition with the Planning and Development Agency. Written notice of the  
1371 public hearing to be held on a proposed amendment shall be provided to the  
1372 appropriate office of the Department at least 10 days prior to the hearing.  
1373

1374 (B) A copy of the County Board's decision on each proposed amendment shall be  
1375 forwarded to the appropriate office of the Department within 10 days after the  
1376 decision is issued.  
1377

1378 **4.216 Enforcement and Penalties**  
1379

1380 (1) Forfeitures. Any person, firm or corporation who fails to comply with, or violates, the  
1381 provisions of this Ordinance shall, upon conviction thereof, forfeit those amounts as established  
1382 by reference in Resolution 08-8A-054 and any subsequent amendments thereto. Each day a  
1383 violation exists or continues shall constitute a separate offense and is considered a public  
1384 nuisance.  
1385

1386 (2) Enforcement. It shall be unlawful to construct or use any structure, land, or water in  
1387 violation of any of the provisions of this Ordinance. In case of any violation, the Zoning  
1388 Administrator, the County Planning and Development Committee, or any neighboring property  
1389 owner may institute appropriate action or proceeding to enjoin a violation of this Ordinance or  
1390 cause a structure or use to be vacated or removed.

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- (A) The Planning & Development Agency Director or Zoning Administrator or their designee, are authorized to issue an ordinance citation, pursuant to Chapter 21 of the County Code of Ordinances to any person, firm, association or corporation for engaging in activities that are in violation of this ordinance. Each day of violation, and each section violated, shall be considered a separate offense and subject to additional enforcement action, including, but not limited to the issuance of additional ordinance citations. Issuing a citation shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.
- (B) The Planning & Development Agency shall notify the landowner/permit holder by certified mail of any non-complying activity or structure. The notice shall describe the nature of the violation, remedial actions needed, a schedule for remedial action, and additional enforcement action that may be taken.
- (C) Upon receipt of written notification from the Planning & Development Agency under paragraph (2) the landowner/permit holder shall comply with the remedial actions described in the notice.
- (D) If a landowner/permit holder does not comply with the provisions of a notice of non-compliance, the Planning & Development Agency may issue a citation(s) and/or revoke the permit.
- (E) If non-compliance with this ordinance is determined by the Planning & Development Agency as likely to result in damage to adjacent property, public facilities, or waters of the state, the Planning & Development Agency may post a stop-work order at the time of notification.
- (F) If the landowner/permit holder does not comply with the provisions of a notice of non-compliance, or violates a stop-work order, the Planning & Development Agency may request the Corporation Counsel to obtain a cease and desist order in any court with jurisdiction.
- (G) Any permit revocation, stop-work order, or cease and desist order shall remain in effect unless retracted by the Planning and Development Agency, Board of Adjustment, or by a court with jurisdiction.

(3) Civil Enforcement

Appropriate actions and proceeding may be taken by Law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, and to prevent illegal occupancy of a building, structure, premises or use. These remedies shall be in addition to the Penalties described above.

**4.217 Definitions**

(1) For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances unless otherwise specified shall be measured horizontally.

(2) The following terms used in this ordinance mean:

ACCESS AND VIEWING CORRIDOR means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ACCESSORY STRUCTURE means a subordinate structure which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.

1453 BOATHOUSE means a permanent structure used for the storage of watercraft and  
1454 associated materials and includes all structures which are totally enclosed, have roofs or  
1455 walls or any combination of these structural parts.  
1456

1457 BUILDING ENVELOPE means the three dimensional space within which a structure is  
1458 built.  
1459

1460 COUNTY ZONING AGENCY means that committee or commission created or  
1461 designated by the County Board under s. 59.69(2)(a), Wis. Stats, to act in all matters  
1462 pertaining to county planning and zoning. In Rock County, it is referred to as the Rock  
1463 County P&D Agency.  
1464

1465 CONDITIONAL USE means a use which is permitted by this ordinance provided that  
1466 certain conditions specified in the ordinance are met and that a permit is granted by the  
1467 Planning and Development Committee.  
1468

1469 DEPARTMENT means the Department of Natural Resources.  
1470

1471 DEVELOPMENT means any artificial change to improved or unimproved real estate,  
1472 including but not limited to, the construction of buildings, structures or accessory  
1473 structures; the construction of additions or substantial improvements to buildings,  
1474 structures or accessory structures; the placement of buildings or structures; mining,  
1475 dredging, filling, grading, paving, excavation, or drilling operations; and the storage,  
1476 deposition or extraction of materials.  
1477

1478 EXISTING DEVELOPMENT PATTERN means that principal structures exist within 250  
1479 feet of a proposed principal structure in both directions along the shoreline.  
1480

1481 FLOODPLAIN means the land which has been or may be hereafter covered by flood  
1482 water during the regional flood. The floodplain includes the floodway and the flood  
1483 fringe as those terms are defined in ch. NR 116, Wis. Adm. Code.  
1484

1485 FOOTPRINT means the land area covered by a structure at ground level measured on a  
1486 horizontal plane. The footprint of a residence or building includes the horizontal plane  
1487 bounded by the furthest exterior wall and eave if present, projected to natural grade. For  
1488 structures without walls (decks, stairways, patios, carports) – a single horizontal plane  
1489 bounded by the furthest portion of the structure projected to natural grade. Note: For the  
1490 purposes of replacing or reconstructing a nonconforming building with walls, the footprint  
1491 shall not be expanded by enclosing the area that is located within the horizontal plane  
1492 from the exterior wall to the eaves projected to natural grade. This constitutes a lateral  
1493 expansion under NR 115 and would need to follow NR 115.05 (1)(g)5 and provision of  
1494 this Ordinance.  
1495

1496 GENERALLY ACCEPTED FORESTRY MANAGEMENT PRACTICES means forestry  
1497 management practices that promote sound management of a forest. Generally accepted  
1498 forestry management practices include those practices contained in the most recent  
1499 version of the department publication known as Wisconsin Forest Management  
1500 Guidelines and identified as PUB FR-226.  
1501

1502 IMPERVIOUS SURFACE means an area that releases as runoff all or a majority of the  
1503 precipitation that falls on it. "Impervious surface" excludes frozen soil but includes and is  
1504 not limited by enumeration to rooftops, sidewalks, driveways, parking lots, and streets  
1505 unless specifically designed, constructed, and maintained to be pervious. Roadways as  
1506 defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis.  
1507 Adm. Code, are not considered impervious surfaces.  
1508

1509 MAINTENANCE AND REPAIR includes such activities as interior remodeling, painting,  
1510 decorating, paneling, plumbing, insulation, and replacement of windows, doors, wiring,  
1511 siding, roof and other nonstructural components; and the repair of cracks in foundations,  
1512 sidewalks, walkways and the application of waterproof coatings to foundations.  
1513



1514 MITIGATION means balancing measures that are designed, implemented and function to  
1515 restore natural functions and values that are otherwise lost through development and  
1516 human activities.  
1517

1518 NAVIGABLE WATERS means Lake Superior, Lake Michigan, all natural inland lakes  
1519 within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the  
1520 territorial limits of this state, including the Wisconsin portion of boundary waters, which  
1521 are navigable under the laws of this state. Under s. 281.31(2)(m), Wis. Stats,  
1522 notwithstanding any other provision of law or administrative rule promulgated thereunder,  
1523 shoreland ordinances required under s. 59.692, Wis. Stats, and ch. NR 115, Wis. Adm.  
1524 Code, do not apply to lands adjacent to:  
1525

1526 (1) Farm drainage ditches where such lands are not adjacent to a natural navigable  
1527 stream or river and such lands were not navigable streams before ditching; and,  
1528 (2) Artificially constructed drainage ditches, ponds or storm water retention basin that  
1529 are not hydrologically connected to a natural navigable water body.  
1530

1531 ORDINARY HIGH-WATER MARK means the point on the bank or shore up to which  
1532 the presence and action of surface water is so continuous as to leave a distinctive mark  
1533 such as by erosion, destruction or prevention of terrestrial vegetation, predominance of  
1534 aquatic vegetation, or other easily recognized characteristics.  
1535

1536 REGIONAL FLOOD means a flood determined to be representative of large floods  
1537 known to have generally occurred in Wisconsin and which may be expected to occur on a  
1538 particular stream because of like physical characteristics, once in every 100 years.  
1539

1540 REPLACEMENT CONSTRUCTION in which the principal building or portion thereof is  
1541 torn down and replaced by a new structure or building or portion thereof.  
1542

1543 ROUTINE MAINTENANCE OF VEGETATION means normally accepted horticultural  
1544 practices that do not result in the loss of any layer of existing vegetation and do not  
1545 require earth disturbance.  
1546

1547 SHORELAND means lands within the following distances from the ordinary highwater  
1548 mark of navigable waters: 1,000 feet from a lake, pond or flowage; and 300 feet from a  
1549 river or stream or to the landward side of the floodplain, whichever distance is greater.  
1550

1551 SHORELAND SETBACK also known as the "Shoreland setback area" in s.  
1552 59.692(1)(bn) means an area in a shoreland that is within a certain distance of the ordinary  
1553 high-water mark in which the construction or placement of buildings or structures has  
1554 been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.  
1555 In this ordinance, the shoreland setback is seventy-five feet.  
1556

1557 SHORELAND-WETLAND DISTRICT means the zoning district, created as a part of this  
1558 shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on  
1559 the wetland maps which have been adopted and made a part of this ordinance.  
1560

1561 STRUCTURAL ALTERATIONS means any changes in the supporting members of a  
1562 structure such as foundations, bearing walls, columns, beams or girders, footing and piles  
1563 or any substantial change in the roof structure, or in the exterior walls.  
1564

1565 STRUCTURE means a principal structure or any accessory structure including a garage,  
1566 shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.  
1567

1568 STRUCTURE, PRINCIPAL means the main structure on a lot, intended for primary use  
1569 as permitted by the regulations of the district in which it is located. A lot on which more  
1570 than one principal use is located may have more than one principal structure.  
1571

1572 STRUCTURE, TEMPORARY A structure which is built of such materials and in such a  
1573 way that it would commonly be expected to have a relatively short useful life, or is built  
1574 for a purpose that would commonly be expected to be relatively short-term.  
1575

1576 UNNECESSARY HARDSHIP means that circumstance where special conditions, which  
1577 were not self-created, affect a particular property and make strict conformity with  
1578 restrictions governing area, setbacks, frontage, height or density unnecessarily  
1579 burdensome or unreasonable in light of the purposes of this ordinance.  
1580

1581 VARIANCE means an authorization granted by the board of adjustment to construct, alter  
1582 or use a building or structure in a manner that deviates from the dimensional standards of  
1583 this ordinance.  
1584

1585 WETLANDS means those areas where water is at, near or above the land surface long  
1586 enough to be capable of supporting aquatic or hydrophytic vegetation and which have  
1587 soils indicative of wet conditions.  
1588

1589 **Subpart 2: Zoning of County-Owned Lands**

1590  
1591 **4.217 Statutory Provisions and Statement of County Policy**  
1592

1593 (1) Subsection 59.69(9) of the Wisconsin Statutes provides as follows: with regard to the  
1594 Zoning of County-Owned Lands.:

1595 (A) The County Board may by ordinance zone and rezone lands owned by the County  
1596 without necessity of securing the approval of the town boards of the towns wherein  
1597 such lands are situated and without following the procedure outlined in sec. 59.69(5),  
1598 Wis. Stats., provided that the County Board shall give written notice to the town board  
1599 of the town wherein such lands are situated of its intent to so rezone and shall hold a  
1600 public hearing on the proposed rezoning ordinance and give notice of such hearing by  
1601 posting in 5 public places in the town.  
1602

1603 (B) This subsection shall not apply to land that is subject to a town zoning ordinance  
1604 which is purchased by the county for use as a solid or hazardous waste disposal  
1605 facility or hazardous waste storage or treatment facility, as these terms are defined  
1606 under sec. 289.01, Wis. Stats.  
1607

1608  
1609 (2) If current land uses and Town designated zoning do not correspond on County-owned  
1610 lands the Planning and Development Committee will seek to zone the property within the  
1611 context of Town Zoning Authority.  
1612

1613 **4.218 Town Zoning in Shoreland Zoning**

1614  
1615 (1) The County Board adopts and incorporates by reference, as if set forth in full, the town  
1616 zoning ordinances for each of the 20 respective towns in Rock County, by text and by map as  
1617 may be amended from time to time.  
1618

1619 (2) The County Board authorizes the creation of an Intergovernmental Agreement with each  
1620 town in Rock County, pursuant to Wis. Stat. §§ 59.692(4) and 66.0301 for the purpose of  
1621 delegating the administration and enforcement of town zoning, as it relates to shoreland areas,  
1622 back to each respective town in Rock County.  
1623

1624 (3) This subsection shall be repealed effective December 31, 2016, along with each  
1625 Intergovernmental Agreement, unless earlier repealed or extended upon the agreement of the  
1626 parties.

Respectfully submitted:

PLANNING & DEVELOPMENT COMMITTEE

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Alan Sweeney, Chair

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Mary Mawhinney, Vice Chair

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Wes Davis

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Wayne Gustina

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Jason Heidenreich

LEGAL NOTE:

The County Board is authorized to take this action by Wisconsin Statutes section 59.02(2).



Jeffrey S. Kuglitsch  
Corporation Counsel

FISCAL NOTE:

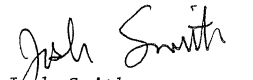
No fiscal impact.



Sherry Oja  
Finance Director

ADMINISTRATIVE NOTE:

Recommended.



Josh Smith  
County Administrator

## **Executive Summary**

### **REPEALING AND RECREATING ROCK COUNTY ORDINANCE 4.2 ZONING OF SHORELANDS AND COUNTY-OWNED LANDS**

The Wisconsin Legislature has recently made changes to the laws implementing Shoreland Zoning in Wisconsin through Wisconsin Acts 55, 167 and 391 (2015). These revisions to State Law require counties to adopt and implement the amendments in the respective local ordinance. Notable revisions pertain to (but are not limited too) the inability of counties to regulate matters more restrictively than the matter is regulated under the state minimum standards, the regulation of nonconforming structures and structures authorized by a variance, shoreland setback averaging, impervious surface limit standards and definitions.

Wisconsin counties are required to adopt and enforce Shoreland Zoning regulations to “further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses and reserve shore cover and natural beauty.” Rock County has enforced a shoreland zoning ordinance in the unincorporated areas of the county, with amendments, since the 1970s.

Planning and Development Agency staff have drafted the necessary revisions based on State Law and the model ordinance created by the DNR. Due to the number of changes proposed, repealing and recreating the ordinance is the most efficient way to complete this process. An underline/strike out version of the draft ordinance (showing all of the revisions) is available for review at the Planning office and on the department’s website. The draft ordinance has been reviewed and approved by the DNR, assuring the ordinance meets the current standards.

A Public Hearing was held Thursday, October 13, 2016 at the regular meeting of the Rock County Planning and Development Committee. Legal Notices were posted and interested parties were invited to attend and/or submit comments prior to the meeting.



## **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

**DATE:** October 4, 2016

**Land Division Summary:**

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

2016 031 (Janesville Township) – ABC North River Hills

2016 039 (Milton Township) – Van Altena

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

P&D Agency Staff recommends Preliminary Approval the above referenced Land Divisions with conditions as presented.

RECEIVED

JUL 7 2016



AGENCY USE ONLY

Application Number: LD2016 031

Received By - Date (MM/DD/YYYY): 7-7-16

**PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM**

**\*\*PLEASE DO NOT COMPLETE THIS APPLICATION FORM UNTIL YOU HAVE READ THE ROCK COUNTY PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM INFORMATION. PLEASE COMPLETE BOTH PAGES OF THIS FORM AND PREPARE A MAP CONTAINING ALL INFORMATION AS IDENTIFIED ON PAGE 2 OF THIS FORM.\*\***

- 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:  Yes  No
- Land division will require a zoning change:  Yes  No

**APPLICANT INFORMATION**

6. LANDOWNER OR AUTHORIZED LANDOWNER REPRESENTATIVE

a. Name:	ABC NORTH RIVER HILLS, LLC		Telephone:		
Address:	4166 N WEST RIVER DR	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:		
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.

**LAND DIVISION INFORMATION**

9. Reason for land division:  Sale/ownership transfer  Farm consolidation  Refinance  Other:

10. Land division area location: Town of JANESVILLE gov 1/4 of LOT 2 1/4  
Section GOV.LOT 2 SEC.10 Tax parcel number(s) - 6-8-93

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): 26.5 Acres	14. Land division area (Square feet or acres): 26.5 Acres	15. Current zoning of land division area: A-2
16. Number of new/additional lots created by land division: 1	17. Future zoning of new/additional lot(s) created by land division: B-1	18. Future zoning of parent lot: A-2

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

**APPLICANT STATEMENT AND SIGNATURE**

I, as the undersigned, am a landowner applying for a minor land division in unincorporated Rock County, or am serving as the primary contact for said landowner. I do hereby verify that I have reviewed the ROCK COUNTY PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM INFORMATION, 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, with all information accessible to me. These statements are being made to induce official action on the part of Rock County, its agents, employees, and officials.

LANDOWNER/PRIMARY CONTACT SIGNATURE: *Roll J. Cook* DATE: 7/4/16

APPLICATION CHECKLIST			
	Yes	No	Comment
1. Have you included 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 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 type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(2) Streets, alleys, and public ways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(3) Driveways:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(4) Rail lines:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(5) Private water wells or water supply systems:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(7) Any other public utilities:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(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"/>	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 checked="" type="checkbox"/>	<input type="checkbox"/>	
(12) Surface water features:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(13) Drainageways:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(14) Detention or retention areas:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(15) Cemeteries:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(16) Bridges/culverts:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
(17) Rock outcroppings:	<input type="checkbox"/>	<input checked="" 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"/>	<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"/>	

THANK YOU FOR COMPLETING THE ROCK COUNTY PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM.

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



# PRELIMINARY CERTIFIED SURVEY MAP

PART OF GOVERNMENT LOT 2 OF FRACTIONAL SECTION 10, 10N, R12E, OF THE 4TH PM, TOWN OF JANESVILLE, ROCK COUNTY, WISCONSIN

ROCK RIVER

RECEIVED  
JUL 27 2016

RIVER DRIVE  
N. WEST  
TO THE PUBLIC  
70' RADIUS TEMPORARY TURN-AROUND  
70' RADIUS TEMPORARY TURN-AROUND

LOT 1  
10.3 ACRES  
PARCEL 6-8-93

LOT 2  
15.6 ACRES  
PARCEL 6-9-98

U.S.H. "74"

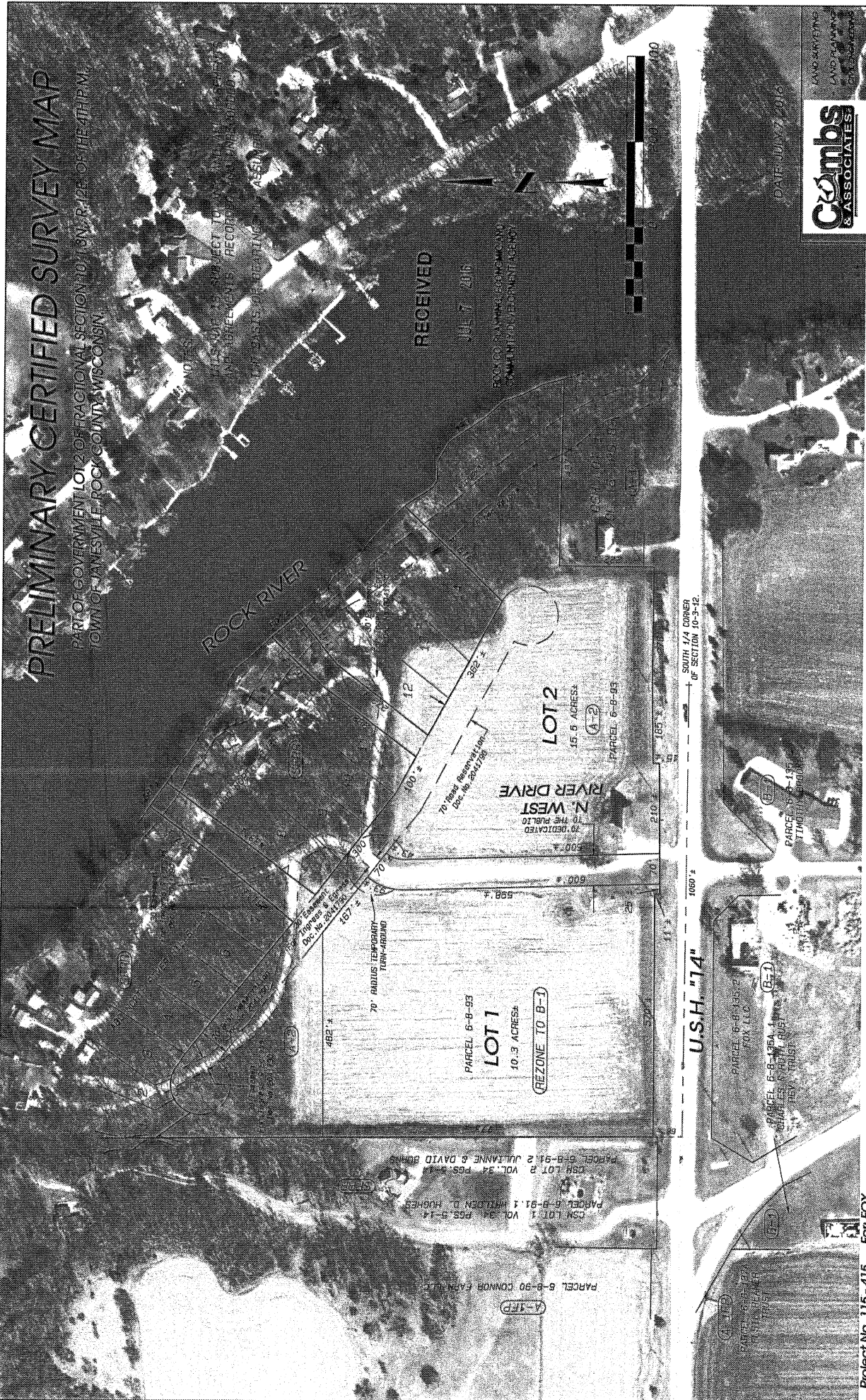
SOUTH 1/4 CORNER  
OF SECTION 10-3-12

**Combs & Associates**  
LAND SURVEYING  
LAND PLANNING  
ENGINEERING

109 N. Milwaukee St.  
Janesville, WI 53548  
www.combsurvey.com  
tel: 608 752-0575  
fax: 608 752-0534

DATE: JULY 7, 2016

Project No. 115-415 For: FOX







**Coombs ASSOCIATES**  
 401 E. Williams St.  
 P.O. Box 1001  
 Fort Collins, CO 80501

DATE: 01/18/16  
 PROJECT: AFG  
 DRAWING: B/C  
 SHEET: 115-415



Application Number: LD2016 031 ABC North R

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

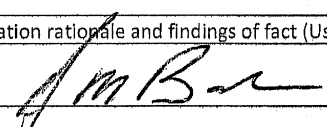
Review

## 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 type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. Land division meets Town Base Farm Tract and any other applicable Farmland Preservation zoning district requirement:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
5. Land division is in an Agricultural Resources Priority Area, per the Rock County Farmland Preservation Plan:	<input type="checkbox"/> Yes <input checked="" 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"/>
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(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"/>
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(12) Surface water features:	<input type="checkbox"/>
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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"/>

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: If you answered No, the application must be provided to other reviewing parties before completing any further sections of this form.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

AGENCY RECOMMENDATION	
10. Agency recommendation:	<input type="checkbox"/> Approve <input checked="" type="checkbox"/> Approve With Conditions <input type="checkbox"/> Deny
11. If you answered <b>Approve With Conditions</b> to 10., list conditions (Use additional sheet (2a) if necessary):	
1. Please see attached separate document revise September 12, 2016 for recommended conditions of approval.	
2.	
3.	
12. Agency recommendation rationale and findings of fact (Use additional sheet (2a) if necessary):	
AGENCY SIGNATURE:  TITLE: <u>Administrator - Rock County Planning, Economic &amp; Community Development Agency</u>	DATE: <u>9/12/16</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 <b>Approve With Conditions</b> to 13., list conditions (Use additional sheet (2a) if necessary):	
1. Rezone and preliminary land division were approved by the Town of Janesville on July 5, 2016	
2.	
3.	
15. Town action rationale and findings of fact (Use additional sheet (2a) if necessary):	
TOWN SIGNATURE: _____ TITLE: _____	DATE: <u>7/5/16</u>

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 <b>Approve With Conditions</b> 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: _____ TITLE: <u>Chair – Rock County Planning &amp; Development Committee</u>	DATE: _____

**AGENCY RECOMMENDATION**

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

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

**12. Agency recommendation rationale and findings of fact:**

The proposed Land Division creates two new lots in Janesville Township. A rezone of Lot 1 from A2 to B1 has been approved by the Town of Janesville. Lot 2 will remain zoned A2. The applicant proposes to building and dedicate a new public road to access the two new lots along with the existing residential lots along the Rock River. The Wisconsin DOT has provided preliminary approval for the new road, subject to a Traffic Impact Analysis and a Traffic Mitigation Plan during construction. The developer is proposing to make improvements to the intersection on both the north and south sides of Hwy 14 as part of this project.

The Land Division is within the Extra-Territorial Jurisdiction of the City of Janesville.

**TOWN ACTION**

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

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

**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:**

ROCK COUNTY, WISCONSIN



Planning, Economic & Community  
Development Agency  
51 South Main Street  
Janesville, WI 53545  
Phone: 608-757-5587  
Fax: 608-757-5586  
Website: [www.co.rock.wi.us](http://www.co.rock.wi.us)

**TO:** Rock County Planning and Development Committee

**FROM:** Planning & Development Agency Staff

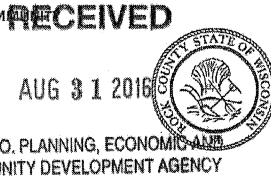
**SUBJECT:** ABC North River Hills LLC Land Division (Janesville Township)  
Recommended Conditions of Approval LD 2016 031

**DATE:** August 1, 2016 (**REVISED SEPTEMBER 12, 2016. CONDITION 9 ADDED**)

Staff recommends preliminary approval of the above referenced two lot CSM subject to the following conditions of approval.

1. A noted on the final CSM shall state, "No buildings which produce wastewater are allowed on Lots 1 & 2 until acceptable means of wastewater disposal are approved by the necessary government agencies."
2. Utility easements to be located on lots as requested by utility companies.
3. Utilities shall be installed prior to the final approval of the CSM.
4. A vision easement triangle shall be located at the intersection of Hwy 14 and the new public road extending from a point three hundred feet in each direction along the centerline of Hwy 14 to a point two hundred feet north of the intersection along the centerline of the new public road. The vision easement triangle shall be kept clear of vegetation under six inches in diameter. Trees larger than six inches, if applicable, may remain if trimmed up to eight feet above the ground.
5. The CSM shall indicate that access to Lots 1 and 2 is restricted to the new public road.
6. The Wisconsin DOT shall approve the new public road access to Hwy 14 and the design and installation of the intersection improvements.
7. Construction Site Erosion Control and Storm Water Management Permits shall be obtained from the Rock County Land Conservation Department for the construction of the new road and future development on the property.

8. Road construction plans shall be submitted to and approved by the Town of Janesville or another entity working as the Town's agent. The design shall incorporate the most recent standard road cross-section. The road construction plans shall include a proposed schedule for asphalt pavement and gravel shoulder installation as it relates to the development of lots. The developer shall be responsible for all costs associated with the design and construction of road improvements.
9. For consistency with the standards found in the Rock County Address Ordinance and to avoid any unnecessary delay in a situation that requires emergency service response, the portion of the new road that is dedicated as part of this land division shall be named N. Hackbarth Road.
10. A temporary turn around shall be constructed at the north end of the new public road.
11. The developer shall be responsible for all costs to the Town of Janesville (or other entity working as the Town's agent) associated with the review of road construction plans and on-site inspections during construction.
12. The developer shall reimburse the Town of Janesville for the installation of the necessary road signs as included and approved in the road construction plans.
13. A performance bond or similar financial instrument shall be provided to the Town of Janesville to provide assurance for the road construction work (e.g. final lifts of asphalt, gravel shoulders, etc) that is scheduled to be completed after the final approval of the CSM. The amount and duration shall be approved by the Town of Janesville and be released only after final acceptance of the roads by the Town of Janesville.
14. Developer shall provide the Town of Janesville as-built plans documenting the construction of the public roads. The level of detail required shall be decided as part of the plan review and approval process.
15. Final CSM to be submitted and approved by the Planning and Development Agency within one year of the date of Preliminary approval by the Planning and Development Committee.
16. CSMs subject to local approval shall be recorded with the Register of Deeds within 6 months of the last approval.



AGENCY USE ONLY  
 Application Number: LD2016 039  
 Received By - Date: 8-31-16  
 (MM/DD/YYYY):

## PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM

**\*\*PLEASE DO NOT COMPLETE THIS APPLICATION FORM UNTIL YOU HAVE READ THE ROCK COUNTY PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM INFORMATION. PLEASE COMPLETE BOTH PAGES OF THIS FORM AND PREPARE A MAP CONTAINING ALL INFORMATION AS IDENTIFIED ON PAGE 2 OF THIS FORM.\*\***

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:  Yes  No
5. Land division will require a zoning change:  Yes  No

### APPLICANT INFORMATION

6. LANDOWNER OR AUTHORIZED LANDOWNER REPRESENTATIVE

a. Name:	JOHN VAN ALTENA & CONSTANCE BROUILLETTE		Telephone:		
Address:	5142 E COUNTY LINE RD	City:	MILTON	State:	WI Zip: 53563
b. Name:			Telephone:		
Address:		City:		State:	Zip:

7. AGENT (SURVEYOR AND DEVELOPER)

a. Surveyor name:	COMBS AND ASSOCIATES, INC		Telephone:		
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.

### LAND DIVISION INFORMATION

9. Reason for land division:  Sale/ownership transfer  Farm consolidation  Refinance  Other:

10. Land division area location: **Town of MILTON** NW & NE 1/4 of NE 1/4  
 Section 3 Tax parcel number(s) - 6-13-25.01

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

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): 49	14. Land division area (Square feet or acres): 31.7 LOTS 1&3	15. Current zoning of land division area: A-1
16. Number of new/additional lots created by land division: 1	17. Future zoning of new/additional lot(s) created by land division: A-2	18. Future zoning of parent lot: A-1

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 minor land division in unincorporated Rock County, or am serving as the primary contact for said landowner. I do hereby verify that I have reviewed the ROCK COUNTY PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM INFORMATION, 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, with all information accessible to me. These statements are being made to induce official action on the part of Rock County, its agents, employees, and officials.

LANDOWNER/PRIMARY CONTACT SIGNATURE: Rull Plumb DATE: 6-28-16



APPLICATION CHECKLIST			
	Yes	No	Comment
1. Have you included 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 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"/>	
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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"/>	
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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 type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(2) Streets, alleys, and public ways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(3) Driveways:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(4) Rail lines:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(5) Private water wells or water supply systems:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(6) Private onsite wastewater treatment systems or public sanitary sewer systems:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(7) Any other public utilities:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	NONE
(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 checked="" type="checkbox"/>	<input type="checkbox"/>	
(12) Surface water features:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(13) Drainageways:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(14) Detention or retention areas:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
(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"/>	

THANK YOU FOR COMPLETING THE ROCK COUNTY PRELIMINARY MINOR LAND DIVISION – APPLICATION FORM.

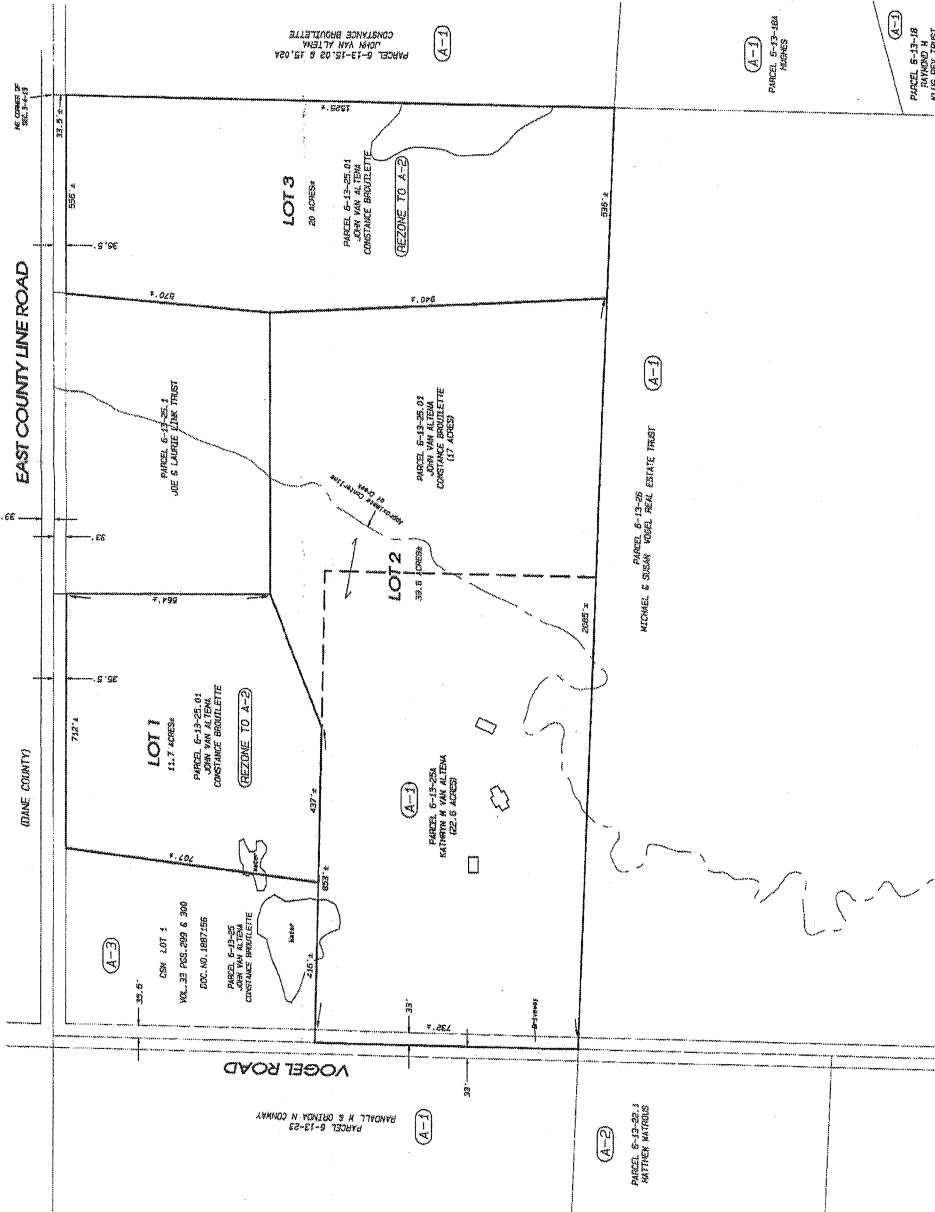
PLEASE SEND VIA POSTAL MAIL, OR HAND-DELIVER, THIS FORM,  
A HARD COPY AND ELECTRONIC COPY OF THE PRELIMINARY MAP, AND THE APPLICATION FEE TO:

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



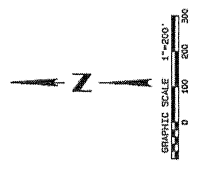
# PRELIMINARY CERTIFIED SURVEY MAP/REZONE MAP

LOT 2 OF A CERTIFIED SURVEY MAP AS RECORDED IN VOLUME 33, PAGES 299 AND 300 OF CERTIFIED SURVEY MAPS OF ROCK COUNTY, WISCONSIN AND LOCATED IN THE NW 1/4 OF THE NE 1/4 AND IN THE NE 1/4 OF SECTION 3; ALSO THE SOUTH 1/2 OF THE NW 1/4 OF THE NE 1/4 OF SECTION 3; ALL BEING IN T.8N., R.18E. OF THE 4TH PM., TOWN OF MILTON, ROCK COUNTY, WISCONSIN.



**RECEIVED**  
 AUG 31 2016

ROCK CO. PLANNING, ECONOMIC AND  
 COMMUNITY DEVELOPMENT AGENCY



**Combs & Associates**  
 200 N. ALTAIR BLVD.  
 MILWAUKEE, WI 53212  
 WWW.COMBSANDASSOCIATES.COM

DATE: 06/27/2015  
 PROJECT: 116-230  
 DRAWING: 511  
 CLIENT: VAN ALTEMA

• LAND SURVEYING  
 • LAND PLANNING  
 • CIVIL ENGINEERING

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



Application Number: LD2016 039 VanAltena

## 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  
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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. Utility easement(s) shall be placed on lots as requested by utility companies (if applicable).	
2. Note on Final CSM: "No buildings which produce wastewater allowed on Lot 1 & 3 until acceptable means of wastewater	
3. disposal is approved by the necessary government agencies."	
12. Agency recommendation rationale and findings of fact (Use additional sheet (2a) if necessary):	
AGENCY SIGNATURE: <u><i>[Signature]</i></u>	DATE: <u>9/15/16</u>
TITLE: <u>Administrator - Rock County Planning, Economic &amp; 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. The rezone and land division were approved by the Town with no conditions on August 22, 2016.	
2.	
3.	
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 &amp; Development Committee</u>	

**AGENCY RECOMMENDATION**

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

- 3. Final CSM shall be submitted to and approved by the Agency one year after preliminary approval.
- 4. CSM's subject to local approval shall be recorded with the Rock Co. Register of Deeds within 6 months of their last approval.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

**12. Agency recommendation rationale and findings of fact:**

The proposed Land Division creates two new lots from an existing 47 acre lot in Milton Township, along with a transfer of approximately 17 acres to the adjoining property owned by the applicants' daughter (CSM Lot 2). Proposed Lots 1 (consisting of 11.7acres) and Lot 3 (consisting of 20 acres) are the result of the fact that the land being transferred is essentially in the middle of the parent lot. In other words, the remaining land is disconnected therefore must be recorded as two separate lots. This division will require zoning changes to be approved by the Town of Milton (A1 to A2), as indicated on the application and the Preliminary Map, simply based on the resulting lot size of Lots 1 and 3. There is a permanent federal conservation easement on the property that restricts any future development on the land. The proposed land division is primarily for estate planning purposes.

**TOWN ACTION**

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

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

**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:**

**COMMITTEE REVIEW REPORT**  
FOR THE MONTH OF SEPTEMBER 2016

Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
64-6400-0000-63100	OFC SUPP & EXP				
		P1600688	08/11/2016	STAPLES BUSINESS ADVANTAGE	54.90
64-6400-0000-63200	PUBL/SUBCR/DUES				
		P1602793	07/28/2016	AMERICAN PLANNING ASSOCIATION	495.00
64-6400-0000-64200	TRAINING EXP				
		P1602778	09/20/2016	WISCONSIN COUNTY CODE ADMINIST	250.00
		P1602791	09/20/2016	RADISSON PAPER VALLEY HOTEL	164.00
		P1602792	09/20/2016	RADISSON PAPER VALLEY HOTEL	164.00
				<b>PLANNING PROG TOTAL</b>	<b>1,127.90</b>
64-6460-0000-63110	ADMIN.EXPENSE				
		P1602602	08/17/2016	NEIGHBORWORKS BLACKHAWK	300.00
				<b>HOUSING GRANT CLEARING ACCOUNT PROG TOTAL</b>	<b>300.00</b>
64-6900-0000-63107	PUBL & LEGAL				
		P1600225	08/31/2016	JANESVILLE GAZETTE INC	70.82
				<b>BOARD OF ADJUSTMENT PROG TOTAL</b>	<b>70.82</b>

**COMMITTEE REVIEW REPORT**  
FOR THE MONTH OF SEPTEMBER 2016

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Account Number	Account Name	PO#	Inv Date	Vendor Name	Inv/Enc Amt
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I have reviewed the preceding payments in the total \$1,498.72

Date: \_\_\_\_\_ Dept \_\_\_\_\_  
Committee \_\_\_\_\_

**OCTOBER 2016 ROCK COUNTY ACTIVITY REPORT**

*through the end of August, 2016*

<b>HOME FUNDS</b>	
Program Income-Beginning of 2015	\$ 129,559
Program Income through July 2016	\$ 272,237
Program Income-August 2016	\$ 2,678.13
<b>TOTAL</b>	<b>\$ 401,795</b>
Projects Completed/All Paid	\$ (294,748)
Admin Paid to Rock County	\$ (31,659)
Other Expenses	\$ (18,822)
Payments Made for projects underway	\$ (20,760)
Program Income Amount Remaining	\$ 35,807
Projects Underway	\$ (56,897)
Projects Approved	\$ (28,749)
Projects Proposed	\$ (35,708)
Additional Grant Funds	\$ 140,605
<b>TOTAL HOME FUNDS REMAINING FOR ALLOCATION</b>	<b>\$ 55,058</b>
Loans Closed	16
Approved, waiting for loan closings	1
In Process	3
Projects Completed	13
<b>LEAD HAZARD GRANT FUNDS</b>	
Lead Hazard Grant Funds	\$ 602,689
Eligible Applications Received (Units)	16
Projects for Approval	3
Loans Closed	2
Projects Completed	2
Funds Obligated	\$ 38,770
Funds Spent	\$ 38,770
Requests for approval	\$ 33,375
Funds Remaining	\$ 530,544
<b>CDBG REVOLVING LOAN FUNDS</b>	
Project Funds Available	\$ 489,299.00
Applications Received-Emergency	1
Corrective Action Projects-Funds Committed	\$ (3,035)
Project Underway	\$ (16,417)
Current Request for Approval	\$ (9,705)
Remaining for Allocation	\$ 460,143.00

**ROCK COUNTY REQUEST FOR COMMITTEE ACTION FOR REHAB LOAN**

Date:	October 13, 2016	Project ID:	71 (Lead)
Project Recommended By:	WPHD		
Project Funding Source	Lead Hazard Grant		
<b>HOUSEHOLD INFORMATION</b>			
Household Size	5	Household Income	\$36,522
		Project Location	Janesville
<b>FAIR MARKET VALUE INFORMATION</b>		<b>ASSESSED VALUE INFORMATION</b>	
LAND		LAND	
BUILDINGS		BUILDINGS	
TOTAL	NA—Previously tax exempt, Appraisal =103,000	TOTAL	NA—Previously tax exempt
<b>MORTGAGE AND LIENS</b>			
1. (Bank)	\$89,725	2.	
3.		PROPOSED ROCK COUNTY LOAN	\$15,760
TOTAL MORTGAGES AND LIENS (with new loan)		LOAN TO VALUE (WITH ROCK COUNTY LOAN)	NA

<b>ELIGIBILITY VERIFICATIONS</b>			
<input checked="" type="checkbox"/>	Income less than 80%	<input checked="" type="checkbox"/>	Title in Name
<input checked="" type="checkbox"/>	Loan to Value less than 120%	<input checked="" type="checkbox"/>	Mortgage Current
<input checked="" type="checkbox"/>	Home value (after rehab) less than \$143,000 (NA)	<input checked="" type="checkbox"/>	Taxes Current
<input checked="" type="checkbox"/>	Insurance	<input checked="" type="checkbox"/>	Conflict of Interest Signed
<input type="checkbox"/>	Flood Insurance (if required)	<input checked="" type="checkbox"/>	Lead Pamphlet received and signed

<b>SUMMARY OF WORK:</b> Lead Hazard reduction	
Recommended Loan Amount:	\$15,760.00

**COMMITTEE ACTION**

<input type="checkbox"/>	APPROVE	<input type="checkbox"/>	DENY
LOAN AMOUNT APPROVED		\$	
Signature-Committee Chair		Date	



**ROCK COUNTY REQUEST FOR COMMITTEE ACTION FOR REHAB LOAN**

Date:	October 13, 2016	Project ID:	72 (Lead/HH)
Project Recommended By:	WPHD		
Project Funding Source	Lead Hazard Grant/Healthy Homes		
<b>HOUSEHOLD INFORMATION</b>			
Household Size	5	Household Income	\$49,963
		Project Location	Janesville
<b>FAIR MARKET VALUE INFORMATION</b>		<b>ASSESSED VALUE INFORMATION</b>	
LAND	20,200	LAND	20,000
BUILDINGS	61,500	BUILDINGS	60,900
TOTAL	81,700	TOTAL	80,900
<b>MORTGAGE AND LIENS</b>			
1. (Bank)	\$58,147	2.	
3.		PROPOSED ROCK COUNTY LOAN	\$5,600
TOTAL MORTGAGES AND LIENS (with new loan)		LOAN TO VALUE (WITH ROCK COUNTY LOAN)	NA

<b>ELIGIBILITY VERIFICATIONS</b>			
<input checked="" type="checkbox"/>	Income less than 80%	<input checked="" type="checkbox"/>	Title in Name
<input checked="" type="checkbox"/>	Loan to Value less than 120% (NA)	<input checked="" type="checkbox"/>	Mortgage Current
<input checked="" type="checkbox"/>	Home value (after rehab) less than \$143,000 (NA)	<input checked="" type="checkbox"/>	Taxes Current
<input checked="" type="checkbox"/>	Insurance	<input checked="" type="checkbox"/>	Conflict of Interest Signed
<input type="checkbox"/>	Flood Insurance (if required)	<input checked="" type="checkbox"/>	Lead Pamphlet received and signed

<b>SUMMARY OF WORK:</b> Lead Hazard reduction and Healthy Homes, matched with HOME funding
Recommended Loan Amount: <span style="float: right;">\$5,600</span>

**COMMITTEE ACTION**

<input type="checkbox"/> APPROVE	<input type="checkbox"/> DENY
LOAN AMOUNT APPROVED	\$5,600
Signature-Committee Chair	Date

**ROCK COUNTY REQUEST FOR COMMITTEE ACTION FOR REHAB LOAN**

Date:	October 13, 2016	Project ID:	73 (CDBG)
Project Recommended By:	WPHD		
Project Funding Source	CDBG program income		
<b>HOUSEHOLD INFORMATION</b>			
Household Size	5	Household Income	\$26,476
		Project Location	Clinton
<b>FAIR MARKET VALUE INFORMATION</b>		<b>ASSESSED VALUE INFORMATION</b>	
LAND	\$20,200	LAND	\$22,100
BUILDINGS	\$23,600	BUILDINGS	\$25,800
TOTAL	\$43,800	TOTAL	\$47,900
<b>MORTGAGE AND LIENS</b>			
1. (Bank)	\$30,022	2.	
3.		PROPOSED ROCK COUNTY LOAN	\$9,705
TOTAL MORTGAGES AND LIENS (with new loan)	\$55,021	LOAN TO VALUE (WITH ROCK COUNTY LOAN)	

<b>ELIGIBILITY VERIFICATIONS</b>			
<input checked="" type="checkbox"/>	Income less than 80%	<input checked="" type="checkbox"/>	Title in Name
<input checked="" type="checkbox"/>	Loan to Value less than 120% (NA)	<input checked="" type="checkbox"/>	Mortgage Current
<input checked="" type="checkbox"/>	Home value (after rehab) less than \$143,000 (NA)	<input checked="" type="checkbox"/>	Taxes Current
<input checked="" type="checkbox"/>	Insurance	<input checked="" type="checkbox"/>	Conflict of Interest Signed
<input type="checkbox"/>	Flood Insurance (if required)	<input checked="" type="checkbox"/>	Lead Pamphlet received and signed

<b>SUMMARY OF WORK:</b> Lead Hazard reduction and Healthy Homes, matched with CDBG funding	
Recommended Loan Amount:	\$9,705
<b>COMMITTEE ACTION</b>	

<input type="checkbox"/>	APPROVE	<input type="checkbox"/>	DENY
LOAN AMOUNT APPROVED		\$9,705	
Signature-Committee Chair		Date	

**ROCK COUNTY REQUEST FOR COMMITTEE ACTION FOR REHAB LOAN**

Date:	October 13, 2016	Project ID:	73 (Lead/HH)
Project Recommended By:	WPHD		
Project Funding Source	Lead Hazard Grant/Healthy Homes		
<b>HOUSEHOLD INFORMATION</b>			
Household Size	5	Household Income	\$26,476
		Project Location	Clinton
<b>FAIR MARKET VALUE INFORMATION</b>		<b>ASSESSED VALUE INFORMATION</b>	
LAND	\$20,200	LAND	\$22,100
BUILDINGS	\$23,600	BUILDINGS	\$25,800
TOTAL	\$43,800	TOTAL	\$47,900
<b>MORTGAGE AND LIENS</b>			
1. (Bank)	\$30,022	2.	
3.		PROPOSED ROCK COUNTY LOAN	\$12,015
TOTAL MORTGAGES AND LIENS (with new loan)		LOAN TO VALUE (WITH ROCK COUNTY LOAN)	NA

<b>ELIGIBILITY VERIFICATIONS</b>			
<input checked="" type="checkbox"/>	Income less than 80%	<input checked="" type="checkbox"/>	Title in Name
<input checked="" type="checkbox"/>	Loan to Value less than 120% (NA)	<input checked="" type="checkbox"/>	Mortgage Current
<input checked="" type="checkbox"/>	Home value (after rehab) less than \$143,000 (NA)	<input checked="" type="checkbox"/>	Taxes Current
<input checked="" type="checkbox"/>	Insurance	<input checked="" type="checkbox"/>	Conflict of Interest Signed
<input type="checkbox"/>	Flood Insurance (if required)	<input checked="" type="checkbox"/>	Lead Pamphlet received and signed

<b>SUMMARY OF WORK:</b> Lead Hazard reduction and Healthy Homes, matched with CDBG funding	
Recommended Loan Amount:	\$12,015

**COMMITTEE ACTION**

<input type="checkbox"/>	APPROVE	<input type="checkbox"/>	DENY
LOAN AMOUNT APPROVED	\$12,015		
Signature-Committee Chair	Date		