

ROCK COUNTY BOARD OF ADJUSTMENT
September 16th, 2015
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR, ROCK COUNTY COURTHOUSE
JANESVILLE, WISCONSIN

MINUTES

Chair Jones called the September 16th meeting of the Rock County Board of Adjustment to order at 6:00 p.m. at Courthouse Conference Center.

Board of Adjustment members in attendance at roll call: Francette Hamilton and Jo Miller. Henry Stockwell was delayed. Harry O'Leary and J.P. Lengjak were absent.

Development staff in attendance: Colin Byrnes (Planning Director/Zoning Administrator), and Kurt Wheeler (Acting Secretary).

Others in attendance: County Board Chairman Russ Podzilni, Alan Sweeney, Jeff Kuglitch, Scott Traynor, Mike Ettner, Matt Fleming, Steve Uulich, Rebecca Kanable, Buck Sweeney, Mary Mawhinney, Andrew Phillips, Sandy Caley, Russ Caley, Linda Bricco Schalk, William Springer, Mike Sheridan, Mary Mawhinney, Mike McConnell, Oz Kind, Jim Hanlon, Wes Davis.

Proceedings of the following meeting were recorded by a Court Reporter.

Adoption of Agenda: Motion by Francette Hamilton to adopt the agenda as amended, **Seconded** by Jo Miller. Motion approved 3-0

Reading and Approval of the Minutes – July 15th, 2015: Motion by Francette Hamilton to approve the minutes, **Seconded** by Jo Miller. Minutes approved 3-0.

Reading and Approval of the Findings of Fact – July 15th, 2015: Motion by Jo Miller to approve the Findings of Fact. Francette Hamilton seconded the motion. Approved 3-0.

Announcements of Decisions – July 15th, 2015:
Decision of Geraldine Brown variance request from August 26th, 2015 read by Chair Jones to all in attendance.

Communications: None

Reports of Committees: There were no reports of committees at this time.

Chair Jones requested a recess in order to wait for Henry Stockwell to arrive @ 6:02 p.m.

Henry Stockwell arrived at 6:03 p.m.

The Board of Adjustment was called to order by Chair Jones @ 6:04

Traynor Application Case

Andrew Phillips explained the history of this case, prior meetings, and motions.

ORIGINAL MAIN MOTION: Motion by Jo Miller, Seconded by Francette Hamilton, to deny the appeal (approve the permit application) and affirm the decision of the Planning and Development Committee;

AMENDMENT 1: Motion by Jo Miller, Seconded by Chair Don Jones, to amend the motion to include as an additional condition to the permit a 300-foot setback from the lot line requirement, established through deed restriction, consistent with the 300-foot setback from the lot line identified on Exhibit 6; **roll call vote: 3 Yes, 1 No, (motion carries);**

ORIGINAL MAIN MOTION (AS AMENDED): Deny the appeal (approve the permit application) and affirm the decision of the Planning and Development Committee and include as an additional condition to the permit a 300-foot setback from the lot line requirement, established through deed restriction, consistent with the 300-foot setback from the lot line identified on Exhibit 6.

AMENDMENT 2: Motion by Francette Hamilton, Seconded by Jo Miller, to amend the motion to incorporate the conditions imposed by the Planning and Development Committee as amended and supplemented as follows:

P&D Condition #1: Financial responsibility shall be demonstrated by the owner/operator to the County of Rock by way of a Hold Harmless Agreement to be negotiated between owner/operator and Rock County Corporation Counsel.

P&D Condition #2: Owner/operator shall support and follow the established Town of Milton conditions in their entirety.

P&D Condition #7: Monitoring Permit Compliance shall be conducted by the Rock County Land Conservation and Planning & Development Department staff at their discretion. Staff is authorized to enforce compliance through the citation process as authorized by the Rock County Code of Ordinances. All staff reports shall be submitted to both Land Conservation and Planning & Development Departments.

P&D Condition #8: Owner/operator shall pay a fee of \$1,000 annually for 10 years, due on or before the anniversary date of the permit issuance date commencing on the date the permit is issued, for purposes of reimbursing the County for its estimated costs associated with monitoring and enforcing the Permit.

Additional Condition: Owner/operator shall update the operations plan submitted with the permit application to include fully-engineered drawings relating to the updated footprint of the mine site as a result of the 300-foot setback condition set forth on Exhibit 6.

Additional Condition: Owner/operator shall faithfully adhere to the operations plan, as amended through these conditions, and faithfully follow all best management practices in relation to the operations and mine site as established by industry standard.

AMENDMENT TO AMENDMENT 2: Motion by Henry Stockwell, Seconded by Jo Miller to modify P&D Condition #8 to read that the annual fee amount shall be reviewed annually by the P&D Committee for sufficiency; **roll call vote: All in favor (motion carries).**

Roll Call Vote on AMENDMENT 2 (as amended): 3 Yes, 1 No (motion carries).

Roll Call Vote on ORIGINAL MAIN MOTION (as amended): 1 Yes, 3 No (motion fails).

Motion by Francette Hamilton, Seconded by Henry Stockwell, to approve the appeal (deny the permit application); **roll call vote: 3 Yes, 1 No (motion carries).**

Unfinished Business: None

New Business:

Mr. Byrnes gave a status update on previous cases and also stated that so far, there were no cases slated for the next Board of Adjustment meeting at the regularly scheduled meeting September 28th.

Henry Stockwell asked if we could send out future meeting notices to all area Libraries. Mr. Byrnes said he would look into the possibility.

Motion to Adjourn made by Jo Miller, **Seconded** by Henry Stockwell. All in Favor.
Time 6:50 p.m.

Respectfully Submitted, by Kurt Wheeler, Acting Secretary

These Minutes are not official until approved by The Rock County Board of Adjustment