



MINUTES  
ROCK COUNTY PLANNING & DEVELOPMENT COMMITTEE  
THURSDAY, APRIL 9, 2015 - 8:00 A.M.  
COURTHOUSE CONFERENCE ROOM  
SECOND FLOOR  
ROCK COUNTY COURTHOUSE  
JANESVILLE, WI

1. **CALL TO ORDER**

The meeting of the Rock County Planning & Development Committee was called to order at 8:00 a.m. on Thursday, April 9, 2015 at the Rock County Courthouse. Chair Sweeney presided. Supervisors present: Wes Davis, Wayne Gustina, Jason Heidenreich and Mary Mawhinney. Supervisors absent: None.

Planning & Development Staff present: Colin Byrnes (Acting Planning Director/Zoning Administrator) and Kurt Wheeler (Acting Secretary).

Other County Staff present: Jeff Kuglitsch (Corporation Counsel) and Andrew Baker (Land Conservation).

Citizens present: Steve Lulich (Dodge Concrete), Joe Marx (Dodge Concrete), John Gritt (Sunset Forestry, LLC), Michael Ettner (Bluewater consulting), Warren Hansen (Farris, Hansen & Assoc.), Steve Gaffield (Montgomery Assoc.), Russ & Sandra Caley (Klug Road Resident), Ken Soergel (Klug Road Resident), James Hanlon (Klug Road Resident), Scott Traynor (Traynor Gravel Pit), Leonard Stalker (Town of Milton), Brandon Crandall (Camp Wakonda), David Keber (Klug Road Resident), Rebecca Kanable (Milton Courier), Linda Bricco Schalk (Klug Road Resident), and Matt Fleming (Representing Neighboring Residents), Mark Schattschneider, Ron Combs, Ryan Spies, Will Spencer, County Board Vice-Chair Sandra Kraft.

2. **ADOPTION OF AGENDA**

Supervisor Gustina and Davis moved the approval of the amended agenda. All in Favor (5-0) Passed

3. **MEETING MINUTES – MARCH 26, 2015**

Supervisors Mawhinney and Gustina moved the approval of the minutes of March 26, 2015 with the following addition to Item 1. CALL TO ORDER: "*Due to absence of Committee Members (Supervisors Davis, Heidenreich, and Mawhinney), by Board Rule, County Board Chair Russ Podzilni and County Board Vice-Chair Sandra Kraft sat on the Committee as Ex-Officio Committee members for this meeting. QUORUM PRESENT*" ADOPTED as amended. All in Favor: (5-0) Passed

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

None

5. **CONSIDERATION AND POSSIBLE ACTION ON A NEW PUBLIC HEARING REGARDING SHORELAND CONDITIONAL USE PERMIT – HAROLD TRAYNOR REVOCABLE LIVING TRUST**

Motion made by Supervisor Heidenreich and seconded by Supervisor Mawhinney for the consideration and possible action on a new public hearing regarding Shoreland Conditional Use Permit – Harold Traynor Revocable Living Trust.

At this time representatives of the applicant were asked if they would like to schedule – at a future date – another Public Hearing regarding their application request.

Representative, Mike Ettner stated that they did not want to schedule another public hearing as they felt that they would be given ample time during today’s meeting for their presentation

After clarification from Corporate Council, the above Motion and Second was withdrawn by Supervisor Heidenreich and Mawhinney.

6. **CODE ADMINISTRATION & ENFORCEMENT**

**A. Preliminary Land Division Approval**

- **LD 2015 003 (Johnstown Township) – Gordon Huber**

Supervisor Mawhinney made a motion to approve LD 2015 003 with conditions; Seconded by Supervisor Davis. All in favor – **Approved (Yes –5, No- 0)**

**CONDITIONS:**

- 1) Existing structures shall meet setback requirements.
- 2) CSM Note: Since lot 1 contains existing buildings which utilize and existing private sewage system, no soil evaluation was required at the time of this survey, however, soils may be restrictive to the replacement of the existing system.
- 3) 40 ft. ½ road right of way dedicated along CTH MM.
- 4) Final CSM to be submitted to, and approved, by Rock County Planning Dept.
- 5) CSM subject to local approval shall be recorded within 6 months of its last Approval.

- **LD 2015 011 (Center Township) – Vielhuber Family Trust**

Supervisor Gustina made a motion to approve LD 2015 011 with conditions; Seconded by Supervisor Davis. All in favor – **Approved (Yes –5, No- 0)**

**CONDITIONS:**

- 1) Acceptable soil site evaluation report received on lot 1 if no septic is present for indicated mobile home.
- 2) Indicate well and septic locations on final map, if present.
- 3) If septic system is present please include following note: Since lot 1 contains existing buildings which utilize and existing private sewage system, no soil

evaluation was required at the time of this survey, however, soils may be restrictive to the replacement of the existing system.

- 4) Dedicate at the discretion of Town of Center, a 33" half road right of way for lot 1 along Topp Road and W. Whitmore Road.
- 5) Final CSM shall be submitted to, and approved by, the Rock County Planning and Development Agency one year after date of Preliminary Approval.
- 6) A CSM that is subject to local approval must be recorded within 6 months after the first approval in an exclusive agricultural district.

- **LD 2015 023 (Union Township) – Michael Wincapaw**

Supervisor Mawhinney made a motion to approve LD 2015 023 with conditions; Seconded by Supervisor Davis. All in favor – **Approved (Yes –5, No- 0)**

**CONDITIONS:**

- 1) Separate access for parent lot via West CTH C or North STH 104.
- 2) Dedicate a 40' half road right of way to Rock County along front of lot 1 of the proposed CSM. Utility easements put on lots as required by utility companies.
- 3) Since lot 1 contains existing buildings which utilize and existing Private sewage system, no soil evaluation was required at the time of this survey, however, soils may be restrictive to the replacement of the existing system.
- 4) Final CSM submitted to, and approved by the Planning and Development Agency one year after Preliminary Approval.

**B. Additional Comment Period Regarding Shoreland Use Approval – Harold Traynor Revocable Living Trust.**

Citizen James Hanlon presented several photos of the water control device/culvert located on his land that had been tampered with affecting water levels of the marsh. Mr. Hanlon spoke in favor of the proposed project.

Neighborhood residents in close proximity to the project area: Linda Bricco Shalk, Brandon Crandall, Ken Soergel, Sandy Caley, and Dave Keber voiced several concerns including: Adherence to State Statutes, County Ordinances, Town Ordinances, law, water pollution, noise, dust, view shed, environmental, forestry, and road access, as well as the close proximity to the Storr's Lake Wildlife Area and fishery associated to this project. They asked the committee to deny this application for a Shoreland Conditional Use Permit based on these factors.

In addition, Linda Shalk played a recording of rural noise levels at her residence and at a gravel crushing and washing operation for comparison.

Attorney Matt Fleming spoke to the fact that he had previously represented the neighborhood residents (Linda Shalk, Brandon Crandall, Ken Soergel, Sandy Caley, and Dave Keber) He stated that to meet the general needs of the public there is ample supply without entering this Shoreland area for resources. He further went on to say that this location was directly adjacent to a State Wildlife Area, and originally classified as an Environmentally Sensitive Preservation Area, and was not consistent

with the Towns Comprehensive Plan. He stated that this area was a special area, and the use was inappropriate for this use and asked that it be denied.

At this time, Rock County Corporation Council Kuglitsch asked the Chair if the previously absent members of the committee had listened to the recording of the original public hearing of March 26, and viewed the PowerPoint presentation given at that meeting. They responded individually by stating the following: Supervisor Heidenreich (Yes, he obtained and listened to both), Supervisor Mawhinney (she listened to the recording, but did not listen to the PowerPoint presentation), Supervisor Davis (Yes, to both).

**C. Shoreland Conditional Use Approval – Harold Traynor Revocable Living Trust (Postponed from March 26, 2015 Meeting)**

Supervisors Heidenreich and Gustina moved this agenda item to bring it up for action after being postponed from the March 26, 2015 Planning & Development Committee meeting.

At this time, a revised PowerPoint presentation totaling 51 slides covering the Proposed Traynor Gravel Pit was given by Mike Ettner (Bluewater Consulting), Warren Hansen (Farris, Hansen, and Associates), John Gritt (Sunset Forestry), Steve Gaffield (Montgomery and Associates), and Steve Lulich (Dodge Concrete).

The presentation covered the 5 elements needed to site a sand and gravel operation: 1). Willing Property Owner 2). Need for Materials, 3). Suitable Aggregate Materials, 4). Engineered Design, and 5). Local and State Approvals. Topics also included water retention and quality, project history, engineering specifications, environmental concerns, as well as hydrologic characteristics of the site, reforestation events, floodplains, bridge replacement, and types of aggregate and associated costs.

After the applicant's presentation, Mr. Byrnes was given the floor and presented the Staff Report explaining the Rock County Shoreland Ordinance and key points as to the Staff's recommendation to deny the Conditional Use Permit.

At this time, Andrew Baker (Land Conservation) explained some of the other Rock County responsibilities as it pertains to this project. Mr. Baker explained the permitting process, design characteristics of similar projects and the County's role as to monitoring and enforcement of the project if approved.

Chair Sweeney asked additional questions ranging from financial liability to future inspections of conditional performance; also questions on the operation, performance, and responsibilities of the applicant's mining operations.

Supervisor Sweeney then asked the committee to construct conditions pending a vote to approve, deny, or approve with conditions. The conditions constructed were:

1. Financial responsibility shall be demonstrated by the contractor to the County of Rock by way of a Hold Harmless Agreement.
2. Rock County shall support and follow the established Town of Milton conditions in their entirety.

3. CTH N Access Permit shall be obtained and add lanes for passing.
4. DNR Chapter 30 permit shall be obtained and all necessary measures taken for the Otter Creek Bridge construction as well as all other related permits.
5. Gravel Pit floor shall be a minimum of 10 feet above the ground water level for either proposed project phase.
6. Fuel shall be delivered on-site daily. No on-site storage of fuel within the Shoreland area.
7. Monitoring Program Compliance shall be adopted per the Rock County Land Conservation and Planning & Development Department requirements. If required, enforcement of the Monitoring Program will utilize the authorization of citation. All reports shall be submitted to both Land Conservation and Planning & Development Departments.
8. There shall be an \$800.00 fee per year for 10 years to be provided as bond against unforeseen maintenance and mitigation surety.
9. The Reclamation Plan that is adopted shall be approved by the Rock County Land Conservation Department and shall be in force for any operator. The Reclamation Plan shall assess a \$5,000.00 per acre surety in the form of a 60% bond and 40% escrow account.
10. Otter Creek/Storrs Lake Watershed shall be monitored for Water Quality as part of the Monitoring Program.
11. Any change in owner/operator will require that the new owner/operator to appear before the Planning & Development Committee for review of the Conditional Use Permit.
12. Onsite access shall be granted for Rock County Land Conservation and Planning and Development Department Staff to conduct "at will" inspections.
13. The Conditional Use Permit expires on September 15, 2022.
14. Reclamation shall continue under the approved Reclamation Plan until implementation is complete and final approval is given by Rock County Land Conservation Department.
15. Approved Operational & Site Plan as contained in "*Dodge Concrete, Inc. Traynor Gravel Pit – Operational Plan & Traynor Bridge Replacement (Otter Creek) (Town of Milton, Rock County, Wisconsin) Rock County Planning, Economic, & Community Development Agency Shoreland Conditional Use Permit Application Date Submitted: March 5<sup>th</sup>, 2015*" and approved on April 9, 2015.

Supervisors Heidenreich and Gustina moved to approve the aforementioned Conditions of Approval.

A short discussion followed. Supervisor Mawhinney stated that she could not support this project based on the importance of our wetlands and the staff recommendations. Supervisor Gustina added that he felt there were enough precautions and safeguards placed on the project to support it. Supervisor Davis stated that while it was a good plan, he wished that it was located someplace else.

Chair Sweeney called for a roll call vote on whether or not to grant the permit. Supervisors Heidenreich and Gustina moved the approval of the Shoreland Conditional Use Permit with the above listed conditions.

Corporation Counsel Kuglitsch confirmed with the Chair that a "Yes" vote would indicate approval of the permit and a "No" vote would indicate a denial of the permit.

Roll Call Vote: Supervisor Davis – NO, Supervisor Gustina – YES, Supervisor Heidenreich – YES, Supervisor Mawhinney – NO, Chair Sweeney – Yes. **APPROVED** (Yes – 3, No – 2).

**D. Request to Reduce Shoreland Conditional Use Application Fee – Harold Traynor Revocable Living Trust (Postponed from March 26, 2015 Meeting)**

**Motion** Supervisor Heidenreich, **Seconded** by Supervisor Gustina to reduce Shoreland Conditional Use Application Fee.

A short discussion followed.

**Motion** made to deny refund by Supervisor Mawhinney, **Seconded** by Supervisor Gustina. **All in Favor 5-0 Passed**

**E. Public Hearing Shoreland Conditional Use Permit – Mark Schattschneider**

Supervisor Heidenreich moved to go into Public Hearing at 11:32 a.m. with a second by Supervisor Gustina and the roll call was read. Present: Davis, Gustina, Heidenreich, Mawhinney and Sweeney. ALL PRESENT

Mr. Byrnes gave an overview of the project and how it related to FEMA guidelines with explanations added by applicant.

Supervisor Heidenreich moved to go close the Public Hearing at 12:37 a.m. with a second by Supervisor Gustina and the roll call was read. Present: Davis, Gustina, Heidenreich, Mawhinney and Sweeney. ALL PRESENT

**F. Shoreland Conditional Use Permit Approval – Mark Schattschneider**

Supervisor Mawhinney made a motion to approve Shoreland Conditional Use Permit – Mark Schattschneider with the following conditions; Seconded by Supervisor Davis. All in favor – **Approved (Yes –5, No- 0)**

CONDITIONS:

- 1) Placement of fill shall be floodplain compliant.
- 2) Erosion control measures shall be in place during construction.
- 3) All disturbed ground shall be seeded and mulched by September 15, 2015.

7. **FINANCE**

None

8. **COMMITTEE REPORTS**

None

9. **DIRECTORS REPORT**

Southern Housing Region CDBG – Mr. Byrnes suggested postponement of the Directors report to the next meeting of the Planning and Development Committee. Approved.

10. **ADJOURNMENT**

Supervisors Mawhinney and Gustina moved to adjourn the committee at 12:45 p.m.  
ADOPTED by acclamation.

The next meeting of the Planning & Development Committee is scheduled to be held  
**Thursday, April 23, 2015 at 8:00 a.m.**

Prepared by: Kurt Wheeler – Acting Secretary