



MINUTES
ROCK COUNTY PLANNING & DEVELOPMENT COMMITTEE
THURSDAY, MARCH 25, 2010 - 8:30 A.M.
COURTHOUSE CONFERENCE CENTER
SECOND FLOOR - EAST WING
ROCK COUNTY COURTHOUSE
JANESVILLE, WI

1. **CALL TO ORDER**

The meeting of the Rock County Planning & Development Committee was called to order at 8:30 a.m. on Thursday, March 25, 2010 at the Rock County Courthouse. Chair Al Sweeney presided. Supervisors present: Wayne Gustina, Marilynn Jensen, Phil Owens, and Mary Mawhinney. Supervisors absent: None

Planning & Development staff present: Paul Benjamin (Director), Colin Byrnes (Code Administrator), David Somppi (Community Development Mgr.), Steve Schraufnagel (Planner III), and Cheryl Martin (Accountant). Michelle Schultz (Real Property Lister), Phil Boutwell (Assist. to Co. Administrator), and Eugene Dumas (Corporation Counsel) were also in attendance.

Others present: Cecil Piper, Steve Wind, Mark Hutchins and Tammy Kolovitz (Blackhawk Community Credit Union).

2. **ADOPTION OF AGENDA**

Supervisor Owens moved the adoption of the agenda as presented; second by Supervisor Gustina. **ADOPTED.**

3. **MEETING MINUTES – MARCH 11, 2010**

Supervisor Mawhinney moved the approval of the March 11, 2010 Committee minutes; second by Supervisor Owens. **APPROVED as presented.**

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

Mr. Boutwell (Assistant to the County Administrator) reported to the Committee on the updating of the County's Hazard Mitigation Plan. Vierbecher & Assoc. was contracted in April 2009 to update the Plan that is set to expire on May 3, 2010. The contractor has submitted a Plan to Wisconsin Emergency Management (WEM), who reported they are unhappy with the quality of the update. With the limited amount of time before the May deadline, it is highly likely that our current Plan will expire and both Rock County and the City of Janesville will be unable to process payments on existing Flood Mitigation Grants. Administration will be working with the contractor on project performance and providing a satisfactory final product for WEM and Federal Emergency Management Agency (FEMA). Mr. Boutwell will provide a project update at the next Planning & Development Committee meeting on April 8th.

The Committee thanked Steve Schraufnagel for his service as Interim Director of the Planning & Development Agency and also introduced Paul Benjamin as the newly appointed Director.

5. **CODE ADMINISTRATION & ENFORCEMENT**

A. Public Hearing: Shoreland Conditional Use Permit 2010 003 (Fulton Township) – Rock County/429 E. Ellendale Rd.

Supervisor Owens moved and Supervisor Mawhinney seconded to go into Public Hearing at 8:38 a.m. and the roll call was read: Present: Supervisors Gustina, Jensen, Mawhinney, Owens, and Sweeney. Absent: None.

Steve Wind (419 E. Ellendale) stated that his concerns with the subject property were: the clear definition of the patio versus the seawall in regards to what will be removed and work plans for the artesian well on the property.

Supervisor Owens moved to close the Public Hearing at 8:48 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Gustina, Jensen, Mawhinney, Owens, and Sweeney. Absent: None.

B. Approval of Shoreland Conditional Use Permit 2010 003 (Fulton Township) – Rock County/429 E. Ellendale Rd.

Staff has reviewed the application and recommended approval of Shoreland Conditional Use Permit 2010 003 subject to the following conditions:

1. Any project modifications or additions shall be submitted to Staff for review and approval.
2. Install and maintain temporary erosion control measures until seeded permanent vegetative cover is established. Ground disturbance shall be kept to a minimum.
3. Obtain all permits or approvals for your project from the US Army Corps of Engineers, Department of Natural Resources, or other local government agencies before starting the project.
4. This permit expires one year from the date of Committee approval, however, all earthwork and grading must be completed and the disturbed areas must be seeded or otherwise stabilized prior to September 15, 2010.

Supervisor Jensen moved the Conditional Approval of Shoreland Conditional Use Permit 2010 003; second by Supervisor Gustina. All in favor – APPROVED (Yes – 5, No – 0, Absent – 0).
--

C. Public Hearing: Shoreland Conditional Use Permit 2010 004 (Fulton Township) – Rock County/431 E. Ellendale Rd.

Supervisor Mawhinney moved and Supervisor Owens seconded to go into Public Hearing at 9:03 a.m. and the roll call was read: Present: Supervisors Gustina, Jensen, Mawhinney, Owens, and Sweeney. Absent: None.

There was no public comment.

Supervisor Owens moved to close the Public Hearing at 9:05 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Gustina, Jensen, Mawhinney, Owens, and Sweeney. Absent: None.

D. Approval of Shoreland Conditional Use Permit 2010 004 (Fulton Township) – Rock County/431 E. Ellendale Rd.

Staff has reviewed the application and recommended approval of Shoreland Conditional Use Permit 2010 004 subject to the following conditions:

1. Any project modifications or additions shall be submitted to Staff for review and approval.
2. Install and maintain temporary erosion control measures until seeded permanent vegetative cover is established. Ground disturbance shall be kept to a minimum.
3. Obtain all permits or approvals for your project from the US Army Corps of Engineers, Department of Natural Resources, or other local government agencies before starting the project.
4. This permit expires one year from the date of Committee approval, however, all earthwork and grading must be completed and the disturbed areas must be seeded or otherwise stabilized prior to September 15, 2010.

Supervisor Gustina moved the Conditional Approval of Shoreland Conditional Use Permit 2010 004; second by Supervisor Jensen. **All in favor – APPROVED (Yes – 5, No – 0, Absent – 0).**

E. Public Hearing: Shoreland Conditional Use Permit 2010 005 (Rock Township) – Rock County/3636 W. Cemetery Rd.

Supervisor Owens moved and Supervisor Mawhinney seconded to go into Public Hearing at 9:10 a.m. and the roll call was read: Present: Supervisors Gustina, Jensen, Mawhinney, Owens, and Sweeney. Absent: None.

Cecil Piper (3949 Afton Rd.) inquired about the ownership of the subject property and 2 nearby flood affected properties.

Supervisor Owens moved to close the Public Hearing at 9:16 a.m. with a second by Supervisor Mawhinney and the roll call was read. Present: Supervisors Gustina, Jensen, Mawhinney, Owens, and Sweeney. Absent: None.

F. Approval of Shoreland Conditional Use Permit 2010 005 (Rock Township) – Rock County/3636 W. Cemetery Rd.

Staff has reviewed the application and recommended approval of Shoreland Conditional Use Permit 2010 005 subject to the following conditions:

1. Any project modifications or additions shall be submitted to Staff for review and approval.

2. Install and maintain temporary erosion control measures until seeded permanent vegetative cover is established. Ground disturbance shall be kept to a minimum.
3. Obtain all permits or approvals for your project from the US Army Corps of Engineers, Department of Natural Resources, or other local government agencies before starting the project.
4. This permit expires one year from the date of Committee approval, however, all earthwork and grading must be completed and the disturbed areas must be seeded or otherwise stabilized prior to September 15, 2010.

Supervisor Jensen moved the Conditional Approval of Shoreland Conditional Use Permit 2010 005; second by Supervisor Owens. **All in favor – APPROVED (Yes – 5, No – 0, Absent – 0).**

G. Public Hearing: Shoreland Conditional Use Permit 2010 006 (Janesville Township) – Rock County/4917 N. River Rd.

Supervisor Mawhinney moved and Supervisor Gustina seconded to go into Public Hearing at 9:18 a.m. and the roll call was read: Present: Supervisors Gustina, Jensen, Mawhinney, Owens, and Sweeney. Absent: None.

David Sheen (4851 W. Wood Edge Rd.) stated that he has no opposition to the demolition of the property and thanked the County for buying the property.

Supervisor Mawhinney moved to close the Public Hearing at 9:20 a.m. with a second by Supervisor Gustina and the roll call was read. Present: Supervisors Gustina, Jensen, Mawhinney, Owens, and Sweeney. Absent: None.

H. Approval of Shoreland Conditional Use Permit 2010 006 (Janesville Township) – Rock County/4917 N. River Rd.

Staff has reviewed the application and recommended approval of Shoreland Conditional Use Permit 2010 006 subject to the following conditions:

1. Any project modifications or additions shall be submitted to Staff for review and approval.
2. Install and maintain temporary erosion control measures until seeded permanent vegetative cover is established. Ground disturbance shall be kept to a minimum.
3. Obtain all permits or approvals for your project from the US Army Corps of Engineers, Department of Natural Resources, or other local government agencies before starting the project.
4. This permit expires one year from the date of Committee approval, however, all earthwork and grading must be completed and the disturbed areas must be seeded or otherwise stabilized prior to September 15, 2010.

Supervisor Jensen moved the Conditional Approval of Shoreland Conditional Use Permit 2010 006; second by Supervisor Owens.

Supervisor Mawhinney then moved to amend the motion to add the condition that called for staff to bring the selected demolition bids for this property back to the Committee for approval; second by Supervisor Gustina. **All in favor – APPROVED (Yes – 5, No – 0, Absent – 0).**

Vote on the amended motion: **All in favor – APPROVED (Yes – 5, No – 0, Absent – 0).**

Preliminary Approval of Land Divisions

Staff has reviewed the applications and associated documentation and recommended Preliminary Approval of the following Land Divisions with conditions as indicated: Land Division 2010 005 and Land Division 2010 008.

I. Land Division 2010 005 (La Prairie Township) – Heilman & Heilman

Supervisor Owens moved the Conditional Approval of Land Division 2010 005; second by Supervisor Gustina. **All in favor – APPROVED (Yes – 5, No – 0, Absent – 0).**

Conditions To Be Met Before Final Approval:

1. Existing structures shall meet setback regulations.
2. 33-foot 1/2 ROW to be dedicated along S. Tarrant Rd.
3. Following notation on final map: “Since Lot 1 contains existing buildings which utilize an existing private sewage system no soil evaluation on the lot was required at the time of this survey. However, soils on the lot may be restrictive to the replacement of the existing system.” Also proposed lot lines must include the system area with the building that utilizes the system.
4. Show septic system and well locations for existing structures on final CSM.
5. Final CSM (1 year time frame) submitted to and approved by the Planning and Development Agency on or before March 25, 2011.
6. As per Section 15.23(8) of The Rock County Land Division Regulations “any land division not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for preliminary approval. Extensions may be applied for and may be granted at the discretion of the Committee upon findings that delays are beyond control of the applicant and that no material change in standards or in conditions has occurred or is reasonably expected to occur”. Extension requests must be made in writing prior to the expiration date listed above.
7. Certified Survey Maps that are subject to local approval must be recorded within 6 months of their last approval and 24 months of the first approval.

Supervisor Sweeney recused himself from Committee Chair responsibility at 9:28 am. Supervisor Mawhinney assumed responsibility as Committee Vice-Chair.

J. Land Division 2010 008 (Porter Township) – Sweeney Farms Inc.

Supervisor Owens moved the Conditional Approval of Land Division 2010 008; second by Supervisor Gustina. **All in favor – APPROVED (Yes – 4, No – 0, Absent – 1).**

Conditions To Be Met Before Final Approval:

1. Existing structures shall meet setback regulations.
2. 33-foot 1/2 ROW to be dedicated along N. Casey Rd.
3. Following notation on final map: "Since Lot 1 contains existing buildings which utilize an existing private sewage system no soil evaluation on the lot was required at the time of this survey. However, soils on the lot may be restrictive to the replacement of the existing system." Also proposed lot lines must include the system area with the building that utilizes the system.
4. Show septic system and well locations for existing structures on final CSM.
5. Final CSM (1 year time frame) submitted to and approved by the Planning and Development Agency on or before March 25, 2011.
6. As per Section 15.23(8) of The Rock County Land Division Regulations "any land division not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to resubmit a new application for preliminary approval. Extensions may be applied for and may be granted at the discretion of the Committee upon findings that delays are beyond control of the applicant and that no material change in standards or in conditions has occurred or is reasonably expected to occur". Extension requests must be made in writing prior to the expiration date listed above.
7. Certified Survey Maps that are subject to local approval must be recorded within 6 months of their last approval and 24 months of the first approval.

Supervisor Sweeney resumed his duties as Committee Chair at 9:33 am.

K. Shoreland Violation – 4523 N. River Rd., Janesville Township

Mr. Byrnes reported to the Committee about a violation of the Shoreland Zoning Ordinance along N. River Rd. in the Town of Janesville. Supervisor Owens recommended that more specific language in the Notice of Violation be provided to the property owner and future respondents regarding the clarification of the term "*timely fashion*". He suggested a date certain or within a set number of days.

Ron Combs (Combs & Assoc./County Board Supervisor) recommended that the Planning & Development Agency provide an opportunity for local Town Building Inspectors to receive information regarding County development regulations.

6. **FINANCE**

A. Department Bills/Encumbrances/Pre-Approved Encumbrance Amendments/Transfers

Supervisor Jensen moved the approval of payment of the department bills; second by Supervisor Mawhinney. **All in favor – APPROVED (Yes – 5, No – 0, and Absent – 0).**

7. **HOUSING & COMMUNITY DEVELOPMENT**

Mr. Somppi presented the Staff report.

A. History of Subordination Policy in “Housing Procedure Manual”

Mr. Somppi presented an overview of the development of the Subordination Policy in the “Housing Procedures Manual”.

B. Reconsideration of Subordination Request

A Request for Review of the February 25, 2010 Committee decision to deny a Subordination request based upon the Housing Procedures Manual Subordination Policy was discussed. Supervisor Jensen stated that the Policy not to subordinate for loans with an Adjustable Rate Mortgage was not consistent with State Policy and was discriminatory, particularly in this economy. Further, if the Committee approved the Subordination of the County Loan, this would combat foreclosure rates.

Eugene Dumas (Corporation Counsel) stated that the program for low interest loans administered by Community Development Division is to be recycled to additional applicants. Subordination may jeopardize the goals of the program, as the money may not be recouped.

Supervisor Mawhinney made the motion to table the Reconsideration Request to obtain additional information concerning this particular application and to direct Staff to generate alternative Policy language to be considered at the next meeting; second by Supervisor Sweeney. **Motion APPROVED – (Yes – 3 [Gustina, Mawhinney, and Sweeney], No – 2 [Jensen and Owens], Absent – 0.**

C. Hazard Mitigation Grant Program – Expenditures for Non-Acquisition Expenses

Mr. Somppi presented a table that outlined non-acquisition expenses (i.e. legal and/or demolition costs) for the four properties the County acquired via the Hazard Mitigation Grant Program.

There were no Conflict of Interest Statements in regards to the aforementioned requests.

8. **ADJOURNMENT**

Supervisor Mawhinney moved to adjourn the committee at 11:15 A.M.; second by Supervisor Gustina. **ADOPTED** by acclamation.

The next meeting of the Planning & Development Committee will be **Thursday, April 8, 2010 at 8:30 AM.**

Prepared by: Cheryl Martin - Acting Secretary