MINUTES OF THE SPRINGDALE PLAN COMMISSION MEETING, October 5, 2015 (September PC meeting moved to October.)

IN ATTENDANCE: Ellen Bunn, Mike Fagan, Jim Hanson, David Heisch, Amy Jester, John Rosenbaum and Denise Sullivan. (A quorum is present.) Clerk Vicki Anderson as the recording secretary.

CALL TO ORDER: by Rosenbaum at 7 p.m.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. The final agenda was posted on 9/24/15 in the three customary locations in the Town of Springdale as required by law, and as a courtesy to the citizens, published in the *Mt. Horeb Mail* on 9/24/15 and 10/01/15 due to the date change. *.*

MINUTES: MOTION by Hanson/Fagan to approve the minutes of 8/24/15 as distributed. MOTION carried 7-0.

D. MIDTHUN-D. PERKINS/LOT LINE ADJUSMTENT VIA CSM/CTH J/SEC. 24: MOTION by Fagan/Sullivan to approve the lot line adjustment to Lot 4 of CSM 10595. Discussion: A back ridge is added to the existing lot to create a lot of 4.567 acres. It was generally agreed that the additional area is not a building area and not agricultural land; it is a wooded slope. There will be no further division of this lot. Motion carried 7-0.

D. MIDTHUN-B. NEERLAND/LOT LINE ADJUSTMENT VIA CSM/CTH G/SEC. 25: MOTION by Fagan/Heisch to approve the lot line adjustment to Lot 1 CSM 6203. Discussion: Neerland’s existing lot contains the residence and several outbuildings on approximately 5 acres. The additional 7 acres to be added to the existing lot contains some wooded areas and agricultural land for a total of 12.04 acres net. It was reiterated that there will be no further division of this lot and as a condition of the Neerland CUP for a limited family business, no buildings associated with the CUP will be located on this additional land. Motion to approve carried 7-0.

C. VALDEZ AND P. DEPUE/CUP 2015-02328/DEPENDENT LIVING ARRANGEMENT/HIDDEN VIEW TRAIL/SEC. 2:

Proposal: The Valdez/DePue family request a CUP for a dependent living arrangement in their home on Hidden View Trail. The in-laws wish to move into the existing living area in the basement of the residence. No exterior structural changes are needed for the home and there is an existing bedroom and bathroom and ground level access. There are no provisions in the Home Owners Agreement for residents in the Hidden Ridge subdivision which prohibit a dependent living arrangement.

Conditions:

1. The dependent living arrangement in the single family residence shall only be used by members of the immediate family (parents). In no event shall the space be used for general rental purposes.

2. The conditional use permit shall expire upon sale of the property to an unrelated third party.

3. The following typical conditions for a CUP are not applicable to this use: hours of operation, number of employees, anticipated customers, outside storage, outdoor activities, outdoor lighting, outside loudspeakers, proposed signs, and trash removal.

Standard considerations for all CUP applications: The Plan Commission after consideration of the conditional use permit made the following findings of fact. Dane County Code of Ordinances 10.255(2)(b):

1. That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare; Aye 7.

2. That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use. Aye 7.

3. That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. Aye 7.

4. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made; Aye 7.

5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and Aye 7.

6. That the conditional use shall conform to all applicable regulations of the district in which it is located. Aye 7.

MOTION by Bunn/Sullivan that the CUP meets the six standards with the conditions the PC requires. The conditions as part of the approval are listed above. Motion carried 7-0.

T. FECHT/ RESIDENTIAL ACCESSORY BUILDING, RAB, PERMIT/ /DAIRY RIDGE ROAD/SEC. 13: MOTION by Fagan/Bunn to approve the RAB permit for a 2400 sq. ft. building to be used for personal use, no business use. Discussion: The structure will contain three outdoor faucets, in-floor heat, space for storage and a personal office space – a man-cave. It was stressed that no business activity may be conducted within the office space without a Conditional Use Permit. Because this proposed structure would exceed a total of 1500 Sq. Ft. in RAB on the property, a review by the PC and TB is required per the Town of Springdale Residential Accessory Building Ordinance. The review provides an opportunity to weigh the impact of the proposed structure on neighboring property owners and to verify the structure would be used for residential, not commercial, purposes. There is no fee to the property owner for the PC and TB review. The RAB may be accessed via an extension of the existing driveway. Motion to approve carried 7-0.

D. AND P. ESSER/CONCEPT PLAN REVISION/OFFERDAHL RD./SEC. 21: NO ACTION/DISCUSSION ONLY: The Essers wish to revisit the concept plan previously approved in 2002. They wish to improve the concept plan to keep the residential uses off of agricultural land and more hidden from view from neighboring properties and the road. At a PC site visit in September, 2015, potential development areas adequate for 7 building sites were considered: a. in the eastern edge of the northern most property on the north side of Offerdahl Rd., b. northeast of Stephenson’s property back by the woods on the north side of Offerdahl Rd., c. Southwest of the ravine on the south side of Offerdahl Rd. and on the eastern edge of Deb Jeffer’s lot on the southside of Offerdahl Rd. Town Chair Eloranta will review possible driveway access for these possible development areas. The Essers will notify the Town when they wish to submit a concept plan for approval by the PC.

RESOLUTION TO DISCONTINUE EXCESS RIGHT-OF-WAY, (R-O-W)/HENSEY PROPERTY/WHITE CROSSING ROAD/SEC. 13: MOTION by Fagan/Sullivan to adopt the following resolution:

TOWN OF SPRINGDALE

CONSIDERATION AND REPORT OF THE TOWN OF SPRINGDALE PLAN COMMISSION ON THE RESOLUTION TO DISCONTINUE A PORTION OF WHITE CROSSING ROAD LOCATED IN THE TOWN OF SPRINGDALE, DANE COUNTY, WISCONSIN

WHEREAS, the Town Board of the Town of Springdale introduced a Resolution to discontinue a portion of White Crossing Road (“The Road”) located in the Town of Springdale, Dane County, Wisconsin and listed above. A copy of the Resolution is attached hereto; and

WHEREAS, the Town Board referred the Resolution to the Town of Springdale Plan Commission for consideration and report; and

WHEREAS, upon consideration of the Resolution, the Town of Springdale Plan Commission has determined that the public interest requires that the “The Road,” described on the diagrams and legal descriptions attached hereto, be discontinued and the Resolution be adopted;

NOW, THEREFORE, the Town of Springdale Plan Commission hereby reports and recommends that the Town Board of the Town of Springdale adopt the Resolution vacating “The Road.” The Town’s official map should also be revised and amended consistent with this recommendation. Motion carried 7-0, 8:20 p.m.

BELLA VISTA PLAT STATUS UPDATE/INFORMATION ONLY: NO ACTION/INFORMATION ONLY: Town Chair Eloranta updated the PC since the agents for the landowners have discontinued their development of the land. The TB will discuss next steps at the TB meeting.

PLAN COMMISSION PROCEDURES:

Next PC monthly meeting: Nov. 2, 2015. Applications for the meeting should be submitted by Monday, Oct. 19, 2015.

Work session with Town Attorney Chris Hughes prior to the Nov. 2 meeting, from 6:30 – 7:30 p.m.

Questions to submit to the town attorney prior to the work session include the following. Please note, the questions are stated for Plan Commission but may apply to Town Board and Town-appointed subcommittees, too.

A. Open Meeting Law – best practices for Plan Commission members

1. The site visit is a posted meeting/a work session of sorts, at which no formal action is taken. A quorum of the Plan Commission does not need to be in attendance. It has been recommended that the date for the schedule site visit can accommodate two Plan Commissioners so no single Plan Commissioner would have to attend the site visit alone. Should a Plan Commission member accept an invitation to attend a site visit alone when they cannot attend the schedule Plan Commission site visit?

2. What is the best way to handle a citizen’s request for information/advice while stressing that it does not represent the opinion of the Plan Commission or Town Board? How can a member be helpful and not cross a line?

3. With a 7-member Plan Commission, 4 members constitute a quorum. May two members discuss meeting matters outside of an open meeting? Or, since two members could block a vote when 4 members were in attendance, could a two-member discussion ever constitute a violation of the open meeting law?

4. How does the open meeting law apply to a subcommittee of the Plan Commission with two members from the Plan Commission and one member as a citizen-at-large?

5. To avoid the ‘reply to all’ email button, should the Clerk send emails individually to all PC and TB members.

B. To recuse or not to recuse- best practices for Plan Commission members

1. Please help explain the line we cannot cross as a Plan Commissioner when the PC members is a neighbor to a project and simultaneously a member of the Plan Commission ready to act on the matter?

2. Would it be advisable for the PC to establish a procedure by which a PC member automatically recuses themselves from action on an application that involves land to which the PC member abuts? This way, the PC would not be placed in the uncomfortable position of asking a PC member to recuse themselves.

C. Quasi-judicial actions

1. What does quasi-judicial mean?

2. Are actions on rezonings and conditional use permits vs. actions of land divisions by CSM or Plat to be addressed in different ways?

3. May a PC member confer with an applicant regarding a rezoning, CUP, CSM, Plat outside of the open meeting? Best procedures please.

D. Conditional Use Permits

1. Which comes first? The discussion regarding the proposed CUP, its consistency with the Town Plan and Ordinances, its potential for negative impacts and possible conditions to mitigate the potential negative impacts…OR a review of the proposed CUP and its compliance or lack of compliance with the six standards for CUP approval from Dane County Zoning and then review of conditions to mitigate potential negative impacts if necessary.

E. Lot line adjustment

1. May the Town adopt an amendment to the Town Land Use Plan and Land Division Subdivision Ordinance with the intent of discouraging lot line adjustments which serve to circumvent the goal of the Plan? Background-The Town has experienced cases in which CSM lot #1 is approved which retains the bulk of the agricultural land in one parcel, CSM #2. With a subsequent lot line adjustment, ag land is removed from CSM #2 and added to CSM #1, exactly what was not approved at the time of CSM lot #1 creation. Therefore, could the Plan/Ordinances state that lot line adjustments could trigger an impact on future land divisions?

In those cases when the approved concept plan has been built out and no land divisions remain, the Town would not be able to negatively reinforce a lot line adjustment.

ADJOURN: MOTION by Fagan/Hanson. Motion carried 7-0. Respectfully submitted, Vicki Anderson, Recording Secretary