MINUTES OF THE SPRINGDALE PLAN COMMISSION MEETING, Feb. 22, 2016

IN ATTENDANCE: Ellen Bunn, Mike Fagan, Jim Hanson, Amy Jester, and John Rosenbaum. (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 2/18/16 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 2/18/16*.*

MINUTES: MOTION by Fagan/ Jester to approve the 1/25/2016 PC meeting minutes as distributed. Motion carried 4-0.

ELVER-BILSE LANDS/PRELIMINARY CSM/TOWN HALL ROAD AND LUNDE LANE/SEC. 17: MOTION by Fagan/Rosenbaum to approve the preliminary CSM as distributed. Discussion: The CSM is consistent with the approved concept plan. Discussion: The TB will act on the CSM at the 3/14/2016 business meeting. The driveway permit may be discussed at that time, too. A shared easement agreement will be required for that portion of the driveway to be shared. Motion carried 4-0.

B. AND M. STEINHAUER/PRE-APPLICATION FOR CONCEPT PLAN/STATE ROAD 92/SEC. 29: NO ACTION/DISCUSSION ONLY: The contiguous acres owned on the effective date of the Plan = 15.725 acres. An OPTION 2 concept plan is the only option available per the Plan: “For contiguous acres of at least 14 acres and less than 17 acres (owned on the effective date of the Plan), one new lot for residential use may be allowed.” The landowners are encouraged to the read the Plan prior to a site visit which will be scheduled.

L. J. AND R. EGGIMAN/ PRE-APPLICATION FOR CONCEPT PLAN/MALONE ROAD./SEC. 30: NO ACTION/DISCUSSION ONLY: The contiguous acres owned on the effective date of the Plan = 224.949 acres. The number of acres would allow: Option 1 – 8 new lots, Option 2 – 12 new lots, Option 3 – 15 new lots. There are two residences on the 224.949 acres: the original farmhouse and outbuildings at 9450 Malone Rd. and a newer residence built by Luann Eggiman and her husband D. Selvig at 9393 Malone Rd. Because no land division/Plan review was required for a new residence to be built on the land on the west side of Malone Rd. at that time, a concept plan has not been created to date. In looking at the land division Options 1, 2, or 3 for the property, the location of the newer residence at 9393 Malone Rd. and its consistency with Plan goals may impact the Option to be used for subsequent development/concept plan. (In Section 4 (F) the Plan states “…Prior conveyances or construction of improvements may affect the land division options available…”) The landowners are encouraged to the read the Plan prior to a site visit which will be scheduled.

M. HEALY/ECOLOGICAL RESTORATION AND FORESTRY BUSINESS/ACCESSORY BUILDING/STATE ROAD 92/SEC. 33: NO ACTION/DISCUSSION ONLY:

Proposal: The Healys continue to research the possible expansion of their business, BioLogic Environmental Consulting, which is currently located at their home and 10 acre property on State Rd. 92. They currently hold CUP 2147 for a limited family business under A-1 zoning. The proposed business expansion would allow for a new Residential Accessory Building of 40’ x 60’ or 60’ x 80’ on the property to contain an office, equipment and supplies, and a single office staff person. Currently, the employees are only on site to pick up and drop off equipment. In preliminary research with Dane County Zoning, the

A-B zoning district was suggested. Some of the permitted uses in the A-B zoning district are: Agriculture-related primary use including: providing agricultural supplies, equipment, inputs or services to farms. Storing, processing or handling raw agricultural commodities from farms. Processing agricultural by-products or wastes received from farms…”

Comments: It was general agreed that the Plan supports such ag-based activities as long as no customers, sales, increased traffic is generated by the business. Questions to be considered include, but may not be limited to the following: 1. How complex or expensive is the proposed building? (bathroom, interior water, signage, lighting, building aesthetics, etc.) The Town wants to avoid the installation of specific business-use RABs because that increases the pressure to sell the property to another business. 2. Could the rezoning to A-B include only the area of the property to be used in the business? 3. Could the rezoning be landowner specific, cease when the property/business is no longer owned by the Healys?

Next step: The Healys are encouraged to generate a description of the business operation and physical needs and a list of rezoning conditions that would be acceptable to them.

C. AND C. HANSON/PRELIMINARY CSM/STATE ROAD 92/SEC. 18 & 19: MOTION by Rosenbaum/Fagan to approve the preliminary CSM as submitted with the stipulation that there be no further division of the property beyond what was agreed to at the time of approval of the concept plan on 11/28/2005. (PC meeting minutes of 11/28/2005: C. Hanson/Sec. 18/State Rd. 92/Land divisions by CSM: motion by Hefty/Spaay to approve the amended concept plan for three development areas for three lots including the current home site with access from a shared driveway on State Road 92. DISCUSSION: Contiguous acres owned on the plan effective date = 163.078. Due to the terrain and access limitations the landowners have agreed to no further divisions of these (3) lots according to the current land use plan and ordinances. Since Lot 1 contains less than 35 acres a flagpole shaped lot will be required to meet Dane County requirement for 66’ of frontage on an existing public way. Motion carried 7-0.) 2016 Motion carried 5-0.

C. KAVON/ADDITIONAL LOT PROPOSAL/ERB RD./SEC. 23: NO ACTION/DISCUSSION ONLY: C. Kavon continued to press for an option to create an additional lot, beyond the number of lots/density units available per the Plan, because the additional lot would be retained as agricultural/open space lands for perpetuity. Generally speaking, the Town is in agreement with the idea but need to develop a process and find a conservation easement third-party participant. Kavon also asked the following questions:

1. Could he acquire additional acreage to own at least 70 acres and then use an Option 3 concept plan to preserve 75% of the land as agricultural. 2. Would the town waive the 66’ of frontage on an existing public way? 3. What did the Plan Commission think about a long driveway skirting the property lines along Erb Road and the southern property line of his property.

AMENDMENTS TO LAND USE PLAN AS SUBMITTED BY 12/31/2015: The following suggestions for Plan and/or Ordinance amendments were received in 2015. Here is draft language for discussion purposes. The PC will continue to wordsmith the proposals.

1. Amendment submitted: Anyone selling a density unit is required to have a concept plan to show they meet the goals and requirements of the land use plan and requirements of Dane County.

Draft: Add to Section 15 “Notes….”

(A) 6. Anyone selling a parcel that may or may not contain a density unit is required to have a concept plan to show they meet the goals and requirements of the land use plan and requirements of Dane County. It is recommended that anyone selling or buying real estate with a density unit verify that a town-approved concept plan is on file in the town hall and documents the allocation of a density unit.

2. Amendment submitted: Language in Plan to better protect the ag land from the encroachment of lot line adjustments into the ag land. The goal is to prevent a concept plan being circumvented by a lot line adjustment. For example: a. A lot line adjustment that would break up contiguous tracts of agricultural land. b. A lot line adjustment that would take a development area identified on a town-approved concept plan or a potential development area. On the remaining agricultural lands or in remaining natural resource areas, the Town would not be compelled to approve development areas.

Draft: Add a definition of ‘lot line adjustment’ to Sec. 2 Definitions

Draft: Amend Section 4 (E) by adding the phrases underlined below:

In the case of a landowner with contiguous parcels and/or prior land divisions and/or prior lot line adjustments, the concept plan shall be prepared to show all contiguous parcels and/or land covered by prior land divisions and/or lot line adjustments owned on the Plan effective date without affecting the calculation of density unit(s). This applies to all land owned before or after the Plan effective date.

Draft: Amend Sections 5 (B) 2. (a); 6 (B) 2. (a); and 7 (B) 2. (a).: Question – Is it understood that land can be sold by a landowner via a lot line adjustment so this section does NOT need to include the term ‘lot line adjustment’?

Section 5(B) 2.(a) states: ‘If all or part of the approved development area is sold by a landowner, before the lot(s) are created by certified survey map or plat, the Town of Springdale Plan Commission is not compelled to approve new development areas.

Draft: Amend Sections 5 (B) 2. (a); 6 (B) 2. (a); and 7 (B) 2. (a). by adding (b):

(b) If all or part of the agricultural land, open spaces and other natural resource areas designated as non- development areas on a town-approved concept plan are minimized by a lot line adjustment, the available density units may be reduced.

OR: If a lot line adjustment minimizes the agricultural land, open spaces and other natural resource areas designated as non-development areas on a town-approved concept plan, it will trigger a new concept plan.

OR: A lot line adjustment may trigger a change in the existing concept plan.

(The landowner enters into an agreement with the Town by choosing an Option 1, 2 or 3 concept plan. By using a lot line adjustment to reduce the ag, open space and/or other natural resource areas to be protected as part of the Option 1, 2 or 3 concept plan agreement, the terms of the agreement may not have been honored. The Town does not interfere with the right of the landowner to sell land via a lot line adjustment. However, there may be consequences to that sale.)

3. Carryover of Plan Amendment form 2014:

To allow a property owner to create an additional lot, exceeding the number of density units on the property, when the lot would be restricted for perpetuity to remain as agricultural/open land. This could be included in the Plan as an Option 4. Discussion included but may not be limited to the following:

a. Key word is ‘perpetuity.’ Now, through lot line adjustments or a change in the Plan, the contiguous tracts of ag/open land may be eroded. With this additional density unit/lot as the incentive, it is proposed that preservation for perpetuity could be accomplished.

b. It was generally agreed that no building of any type would be permitted on the property.

c. The various restrictions and legal documents which might keep the land as agricultural/open land for perpetuity were discussed.

4. Amendment submitted: Language in Plan to clearly articulate that limits will be placed on size of growth available to existing/newly permitted businesses.

Draft: Add to Section 10 Non-Residential Uses (A) the underlined sentence.

“Non-residential uses may provide employment opportunities for individuals in the town and sometimes provide services that benefit some of the town’s residents. The guidelines in this Land Use Plan are designed to promote rural non-residential uses primarily related to agricultural that do not impact negatively on the rural character of the town. Applicants for non-residential uses should recognize that rezoning or relocation of the business may be necessary if the business is expanded.

5. Amendment submitted: Language in Plan and Ordinance that all approvals of preliminary and final plats will be subject to a “Developer needs to fulfill conditions of approval in a reasonable period of time. For each application a date will be specified by the Town Board.”

6. Amendment submitted: No change on terrain of property where it could negatively impact neighbors.

Draft: Include this language in Plan and Ordinance. This language was found in a Declaration of Covenants, Restrictions and Conditions for a private development.

“The elevation of any lot shall not be changed so as to materially affect the surface elevation or grade or water flow patterns on adjacent lands.” (Question: What is the definition of ‘materially affect’? Would this requirement fit in the building permit ordinance?)

PC PROCEDURES/SITE VISITS:

Next PC monthly meeting: March 28, 2016. Applications for the meeting should be submitted by Monday, March 14, 2015.

Site visit: Saturday, March 5, 2016 at: 1. 9 a.m. - Steinhauers-2160 State Highway 92, 2. 9:45 a.m. –Eggimans – 9450 Malone Rd.

Handout for concept plan applicants: The handout developed in 2009 will be updated and handed out to applicants. The update will include reference to the current procedure to conduct a pre-application meeting in the town hall prior to the site visit. The goal is to avoid lengthy conversations standing outside at site visits. Also, the handout will encourage readers to read the Town Plan, available on the town website or from the Town Clerk.

ADJOURN: MOTION by Fagan/Rosenbaum– unanimous agreement, 9:15 p.m.

Respectfully submitted, Vicki Anderson, Recording Secretary