MINUTES OF THE SPRINGDALE PLAN COMMISSION MEETING, March 28, 2016

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 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.

P. AND K. ANDERSON-LINGARD LANDS/CONCEPT PLAN/ERB RD./SEC. 22 AND 27: MOTION by Fagan/\_\_\_\_\_to approve the Anderson concept plan as an Option 1 plan for four lots: a. Lots 2, 3, 4 and 5 on the concept plan shall be one-acre lots, b. Lots 3 and 4 shall share a driveway on Erb Rd., c. Lot 1 shall remain with the farmland. In considering the goals of the Plan with and Option 1 lot, preservation of agricultural land was prioritized over preventing strip development. In this section of Erb Rd., strip development is the norm. Discussion: Contiguous acres owned on the effective date of the Plan = 105 acres. No residence is associated with the farmland. Option 1 = 4 new lots for a total of 5 building envelopes located on the concept plan. There shall be no further division of Lots per the current Town Land Use Plan. This statement will be recorded on the four, one-acre CSMs when each individual CSM is recorded and on the farmland associated with Lot 1 when Lots 2-5 are recorded. It was reiterated that the concept plan process is designed to consider the long-range plans for the land, not to encourage development. Motion carried 7-0.

B. AND M. STEINHAUER/ CONCEPT PLAN/STATE ROAD 92/SEC. 29: MOTION by Fagan/Bunn to approve the Option 2 concept plan with changes marked on Exhibit A: the single-use driveway will follow the new lot line extending from the shared driveway to the existing house in a easterly direction to the woods where it will course within 40’ of the woods to the one-acre town-approved building envelope designated on the concept plan. Discussion: 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.” There shall be no further division of Lots per the current Town Land Use Plan. The 15.725 acre lot was divided to allow a lot for the existing residence and outbuildings and some agricultural land for strawberries and grapes. A large tract of contiguous agricultural remains with the new lot. The town-approved building envelope, limited to one acre, is located at the edge of the ag land. Motion to approve carried 7-0.

L., J. AND R. EGGIMAN/CONCEPT PLAN/MALONE ROAD./SEC. 30:

MOTION by Jester/Fagan to approve the Eggiman Option 1 concept plan with four different development areas as marked on it: #1 – 2 density units, #2 – 1 density unit, #3 – 2 new density units, #4-3 density units. Building envelopes are indicated with an X for development areas #1 and #2. The development area for #1, 3 and 4 is between a line on the concept plan and Malone Rd. to prevent encroachment on the ag land. Discussion: The contiguous acres owned on the effective date of the Plan = 224.949 acres = Option 1 – 8 new lots; the existing two residences have been subtracted from the possible 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. At this time, the family plans to sell a four-acre CSM parcel in development area #3 to separate the existing farmhouse from the farm. There shall be no further division of this proposed lot per the current Town Land Use Plan. Development area #2, located on the south-side of Malone Rd. is on the parcel with Luann’s residence. After the density unit/split is created in this area, there shall be no further division of the new lot and the lot with Luann’s residence. The largest tract of ag land in each development area shall be associated with one of its density units.

AMENDMENT TO THE MOTION: MOTION by Fagan/Bunn to approve the submitted concept plan with the restriction that the building envelopes in development area # 1 avoid clearcutting the woods. Amended motion carried 5-2. Discussion: It was questioned whether woods are included in the Plan for protection.

AMENDED MOTION: Amended motion carried 7-0.

T. AND T. BEARD/CHANGE IN BUILDING ENVELOPE/GETZ RD./SEC. 6: MOTION by Fagan/Heisch to approve the change in building envelope as requested. Discussion: The building envelope is moved to the east, up out of the waterway. Motion to approve carried 7-0.

AMENDMENTS TO LAND USE PLAN AS SUBMITTED BY 12/31/2015: NO ACTION – The PC requested that the Town Attorney review the language before PC reconsiders it.

Here is the text as discussed in the February PC Meeting: 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: April 25, 2016. Applications for the meeting should be submitted by Monday, April 11, 2016.

Upcoming meeting schedule/some changes due to scheduling conflicts: May PC meeting – June 6; June PC meeting – June 27; July PC meeting – July 25; Aug. PC meeting – 8/29.

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

Respectfully submitted, Vicki Anderson, Recording Secretary