MINUTES OF THE SPRINGDALE PLAN COMMISSION MEETING, April 25, 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 4/21/16 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 4/21/16*.*

MINUTES: MOTION by Fagan/ Jester to approve the 3/28/2016 PC meeting minutes as distributed. Motion carried 4-0.

B. AND M. STEINHAUER/ CSM/STATE ROAD 92/SEC. 29: MOTION by Fagan/Bunn to approve the CSM as submitted for 2 lots of 9.84 acres and 5.95 acres. Discussion: The CSM is consistent with the approved Option 2 concept plan. It was appreciated that the landowners worked with the PC to retain most of the agricultural land in one piece. Some agricultural land remains with the existing house and outbuildings for strawberries and grapes. The lots will share a driveway. A building envelope is designated on the concept plan. There shall be no further division of either lot per the current Town land use plan. Motion to approve carried 5-0.

G. HENDERSON/REVISED CONCEPT PLAN AND CSM CONSISTENT WITH REVISED CONCEPT PLAN/CTH J/SEC. 11, 12, 13. MOTION by Bunn/Fagan to amend the 8/24/2009 town-approved concept plan by:

a. removing all other density units from the farmhouse cluster (the 8/24/2009 concept plan showed the farmhouse, a house and a density unit in this area of the farm) from the eastside to the west side of CTH J. Lot 1 CSM 12788 contains no additional building sites/density units. (This is consistent with the TB 9/21/2009 minutes which state: “…the PC approved concept plan shows an additional land division on this 5 acre parcel…A revised concept plan may be required if an additional lot is requested on this 5 acre lot in the future.”)

b. Lot 1-1.86 acres proposed CSM lot with the existing farmhouse – no further division per the current town land use plan.

c. Lot 1-5.66 acre lot on the west side of CTH J contains two density units with the entire lot considered the development area. Discussion: The Henderson family chooses to retain the additional building envelopes/development areas as depicted on the 8/24/2009 town-approved concept plan with the understanding that it may be revised in the future. At some point the family needs to decide which density unit will remain with the contiguous agricultural land. Motion to approve the revised concept plan carried 5-0.

MOTION by Bunn/Fagan to approve the preliminary CSM for Lot 1-5.66 acres because it is consistent with the concept plan. Discussion: The two density units, if developed, will be served by a shared driveway. Motion to approve carried 5-0.

MOTION by Bunn/Jester to approve the preliminary CSM for Lot 1-1.866 acres with the existing farmhouse. Discussion: It is consistent with the concept plan and will be accessed by the existing driveway. Motion to approve carried 5-0.

J. WELCH/RAB/CTH S/SEC. 5: MOTION by Fagan/\_\_\_\_\_ to approve the Residential Accessory Building Permit for a 50’ x 50’ detached garage as shown on the map and specifications. Discussion: the RAB is nicely sheltered from view from the road by the residence; it is not close to the neighbors; it is for personal, not business use; and it is consistent with the town plan. Motion to approve carried 5-0.

RESOLUTION TO DISCONTINUE A DEAD-END ROAD AND PORTIONS OF DEAD-END ROADS:

MOTION by Rosenbaum/Jester to approve:

CONSIDERATION AND REPORT OF THE TOWN OF SPRINGDALE PLAN COMMISSION ON THE RESOLUTION TO DISCONTINUE WEEPING WILLOW BEND AND A PORTION OF ALLEN DRIVE, FARGO ROAD AND LINGARD ROAD LOCATED IN THE TOWN OF SPRINGDALE, DANE COUNTY, WISCONSIN

 WHEREAS, the Town Board of the Town of Springdale introduced A Resolution to discontinue Weeping Willow Bend and a portion of Allen Drive, Fargo Road and Lingard Road (“The Roads”) 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 Roads,” 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 Roads.” The Town’s official map should also be revised and amended consistent with this recommendation.

 This recommendation was duly adopted by the motion at a Plan Commission meeting on 4/25/2016, 4-aye, 1- abstain-Bunn.

AMENDMENTS TO LAND USE PLAN AS SUBMITTED BY 12/31/2015:

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.

Motion by Fagan/Bunn to approve the following amendment for Section 15 Notes:

“It is recommended that anyone buying or selling real estate with a specified number of density units verify that a town-approved concept plan is on file in the town hall and it documents the allocation of one or more density units.” Motion to approve carried 5-0.

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.

Motion by Bunn/Fagan to approve “An Ordinance Regarding Lot Line Adjustments” as drafted with handwritten changes. Discussion: The Town Attorney will determine where the new ordinance should be referenced in the Plan and Land Division Subdivision Ordinance. AN ORDINANCE REGARDING LOT LINE ADJUSTMENTS

RECITALS

1. The Town has expended considerable time and resources adopting a Land Use Plan. The Land Use Plan was adopted for the general purpose of guiding and accomplishing adjusted, coordinated, and harmonious development in the Town, which will, in accordance with the existing and future needs, best promote order, convenience, prosperity, public health, safety and general welfare, as well as economy and efficiency in the process of any development that occurs in the Town.
2. The Land Use Plan recognizes that unplanned development can occur in a way that conflicts with and intrudes upon the general purpose of the Land Use Plan and the general intent of preserving land for agricultural use.
3. Lot line adjustments have occurred in the Town that result in unplanned development that conflicts with and intrudes upon the general purpose of the Land Use Plan. Specifically, lot line adjustments have, on occasion, resulted in: (1) the fragmentation of contiguous land available for agricultural use; (2) inappropriate and unapproved changes in land division concept plans that had been approved by the Town pursuant to the Town’s Land Division and Subdivision Code; and (3) in a failure to fulfill the general purpose of the Land Use Plan.
4. In order to help avoid the issues identified in Recital C above, the Town intends to regulate lot line adjustments as provided in this Ordinance.
5. This Ordinance will also allow the Town to determine whether the exchange of land between adjoining property owners comes within the exception in Wis. Stat. § 236.45(2)(am)3.
6. The Town held a public hearing on this Ordinance with notice of the hearing given by publication of a Class 2 Notice under Chapter 985, Wis. Stats.
7. The Town Plan Commission has reviewed and recommended adoption of this Ordinance.
8. The Town Board believes that regulating lot line adjustments will promote order, convenience, and the public health, safety, and welfare of Town residents and owners of property in the Town.

ORDINANCE

Now, therefore, based on the above recitals, and pursuant to its police power authority and the authority granted in the Wisconsin Statutes, including, but not limited, to Wis. Stat. Sections. 60.10, 60.22, 61.35, 62.23, and 236.45, the Town Board of the Town of Springdale ordains as follows:

1. Chapter of the Town Code of Ordinances is created to provide as follows:

Chapter \_\_\_\_\_\_. Regulation of Lot Line Adjustments

* 1. Purpose. The Purpose of this Chapter is to regulate Lot Line Adjustments as defined in this Chapter, in order to support the Land Use Plan, the Land Division and Subdivision Code and to promote the public health, safety, and general welfare of Town residents and owners of property in the Town.
	2. Definition of Lot Line Adjustment. For purpose of this Chapter the phrase “Lot Line Adjustment” means the sale, conveyance or exchange of one or more parcels of land between owners of adjoining property. “Lot Line Adjustment” does not include the sale, conveyance or exchange of lots lawfully created by CSM or Plat.
	3. Town Approval of Lot Line Adjustments and Procedure. All Lot Line Adjustments in the Town must be approved by the Town Board taking into account the review and recommendation of the Town Plan Commission. Applications forms for approval of Lot Line Adjustments shall be obtained from and filed with the Town Clerk. Applications shall include the legal description(s) and map of land to be sold, conveyed, or exchanged. The Plan Commission shall review and make a recommendation on an application within days of the date a complete application is filed with the Town Clerk. The Town Board shall approve, conditionally approve, or deny the application within days of the date of the Plan Commission meeting at which the Plan Commission made its recommendation on the application. If the application is approved by the Town Board, the Lot Line Adjustment may be engaged in and completed. If the application is conditionally approved by the Town Board, the applicant shall comply with the conditions of approval. If the application is denied by the Town Board, the Lot Line Adjustment shall not be completed and the applicant and/or property owners may not record a deed or other record of the proposed sale, conveyance, or exchange with the Dane County Register of Deeds.
	4. Prohibited Lot Line Adjustments. The Town Board shall not approve a Lot Line Adjustment if:
		1. Additional lots are created;
		2. The parcels after the Lot Line Adjustment would be reduced below the minimum sizes required by Chapter 236 of the Wisconsin Statutes or as required to comply with other applicable laws and ordinances, including, but not limited to the Town’s Land Use Plan and the Town’s Land Division and Subdivision Code;
		3. The Lot Line Adjustment would result in the loss and/or breakup of land used for agricultural use;
		4. The Lot Line Adjustment would result in the conveyance or transfer of development rights; unless the development rights are prohibited from development via a deed restriction or conservation easement.
		5. The Lot Line Adjustment would result in a change to a concept plan approved pursuant to the Town’s Land Division and Subdivision Code.
		6. The Lot Line Adjustment would conflict with one or more purposes or provisions of the Land Use Plan.
	5. Remedies. In addition to all other remedies available to the Town, in the event a Lot Line Adjustment is performed without the Town Board approval required by this Chapter, the Town Board shall have the right to consider the Lot Line Adjustment to be a property split or division that reduces the number or splits or divisions otherwise available to the property owner(s) under the Town Land Division and Subdivision Code.
1. Severability. In the event that any term or provision of this Ordinance is found to be unenforceable by a court of competent jurisdiction, such enforceable term or provision shall be deemed severed from this Ordinance and the remainder of this Ordinance shall continue in full force and effect.
2. Effective Date. The Ordinance shall become effective upon passage and publication or posting.

Discussion: Is a variance permitted? Motion to approve carried 5-0.

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.

NO MOTION: GENERALLY AGREED: M. Fagan volunteered to draft language to present to the PC to outline the criteria for the amendment. The general outline of the approach is as follows:

a. An additional split is available when the agricultural land, resource area will be preserved for perpetuity.

b. Instead of referring to it as an Option 4 which could be confusing, it could be named the Conservation Easement Incentive or something similar. The “Incentive” could be available under Option 1, 2 or 3 as an additional lot while adhering to the requirements of the chosen option.

c. The applicant is responsible for identifying the conservation entity to serve as the third-party holder of the conservation easement in conjunction with the Town and the applicant. The Town could provide a list of possible conservation entities to the applicant.

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.

MOTION by Fagan/Bunn to add the underlined statement above to Section 10 Non-Residential Uses. Motion to recommend approval to the TB carried 5-0.

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.”

MOTION by Bunn/Jester to amend the Town Land Division Subdivision Ordinance and include the statements above. Discussion: The Town Attorney recommended the language and will identify locations for the statements within the Plan and Ordinances.

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

MOTION by Fagan/Hanson to not adopt this amendment based on the attorney’s comments. Discussion:

a. Suggested that such matters of erosion control are enforced by Dane County erosion control ordinances. In the past, the Town has contacted this Dane County department and the ordinance has been enforced.

b. Re: definition of ‘materially affect’ – No concrete definition because it depends upon the circumstance. In a particular circumstance, the elevation/water flow could be considered unreasonable.

c. Such language is typically found in private development agreements and it is the neighbors that have to work things out. Usually Town government does not get involved in private disputes. Motion to not recommend carried 5-0.

PC PROCEDURES/SITE VISITS:

Next PC monthly meeting: June 6, 2016. Applications for the meeting should be submitted by Monday, May 23, 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.

Change in building envelope: Before the PC would approve a change in a building envelope, M. Fagan recommends that the applicant obtain a signed statement from the developer who planned the building envelopes and/or the neighboring property owners who agreed to the building envelopes as part of the development. A statement with this requirement could be added to various applications: driveway permits, Conditional Use Permits, building envelope change requests, etc. Also, an applicant developing a lot within a development covered by a private development agreement, should provide to the Town Hall office a copy of said agreement at the time of applying for a RAB, driveway permit, building permit, CUP, rezoning, change in building envelope, etc.

ADJOURN: MOTION by Fagan/Rosenbaum. Motion carried 5-0.

Respectfully submitted, Vicki Anderson, Recording Secretary

**Town of Springdale Meeting Notice**

The Springdale Plan Commission will conduct its May monthly business meeting on Monday, June 6, 2016, at 7 p.m. in the Springdale Town Hall, 2379 Town Hall Road, Mt. Horeb, WI 53572. (The May meeting has been moved to June due to Memorial Day.) AGENDA ITEMS FOR DISCUSSION/PUBLIC INPUT/POSSIBLE ACTION: (The final agenda will be posted at Riley Tavern, the Town Hall and the Mt. Vernon Family Auto.)

1. Call to order, Certification of compliance with the Open Meeting Law, Quorum present, Approval of the agenda, (Public input at the time of each agenda item may be permitted.)

2. Minutes of previous meetings, 3. J., L., R. Eggiman/CSM consistent with concept plan/Malone Rd./Sec. 30, 4. Rick Wipperfurth/change of building envelope/Getz Rd./Sec. 6,

5. Luke Proctor/preapplication meeting-RAB/CUP for limited family business/State Rd. 92/Sec. 34, 6. Sharon and Mark Hughes/preapplication meeting – CUP-water fixtures in ag accessory building, 7. Joshua Zimmer/preapplication meeting – CUP –limited family business/CTH G/Sec. 34, 8. PC procedures/election of officers/schedule site visits if requested, 9. Adjourn. A majority of the PC and TB may be in attendance.

Post and Publish: 6/2/16 Vicki Anderson, Town Clerk

Reminder: Springdale Residents:
a. Spring Clean-Up: Saturday, June 11-Trash Only.
b. Open Book – Tues., June 21 from 4-6 p.m., Board of Review – Tues., June 28 from 5-7 p.m