

MINUTES OF THE JOINT MEETING OF THE SPRINGDALE PLAN COMMISSION AND TOWN BOARD AT THE PLAN COMMISSION MONTHLY MEETING ON APR. 26, 2021 APPROVED May 24, 2021

Due to the COVID-19 pandemic, this meeting was held via Zoom on the computer or via telephone. The Notice of the Meeting with instructions to access the meeting via the internet or telephone was posted in the Town Hall bulletin board in the Town of Springdale, on the Town of Springdale website townofspringdale.org and via the Town-wide email distribution list. Individuals needing reasonable accommodations to access the meeting contact the Plan Commission Chair at 608-618-1448 at least three (3) business days in advance of the meeting.

IN ATTENDANCE: Rich Bernstein, Mike Healy, Jim Hanson,, Amy Jester, John Rosenbaum, Ellen Bunn, and Denise Sullivan. (A quorum is present.) Town Chair Mike Fagan and Richard Schwenn

CALL TO ORDER: by PC Chair A. Jester at 7:01 p.m. as a Zoom meeting via Internet or telephone. FYI: During the meeting, attendees will be asked to mute their speakers/phones, unmute their speaker/phones when you wish to speak, identify yourself by name before speaking. A voice vote will be called unless the vote is not unanimous. Then, a roll call vote will be called.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. The final agenda was posted on 4/22/2021 at the Town Hall and on the website as required by law.

MINUTES: MOTION by R. Bernstein/ M. Healy to approve the draft minutes of the 3/2/2021 meeting of the PC as amended to change a typo. Motion to approve carried unanimously by voice vote: 6-0 ayes, no nays

Springrose Acres LLC/ Building Envelope Change/ B. Arbaje/ 1717 Gammeter Rd. Sec 36.

Motion: by E. Bunn/ M. Healy recommended to the Town Board approval of a building envelope in excess of 100ft from the location of the original house as depicted in slides presented at the meeting, the new location is consistent with the Town Land Use Plan.

Discussion: This property is zoned At-35 and needs approval for a building envelope change in excess of 100ft from original location of house in existence prior to 2010. This farmhouse was demolished prior to applicants purchase and they seek a change in building envelope to just north of the pond as depicted in slides presented at the meeting. J. Rosenbaum and M. Fagan both visited the property and had no concerns about building envelope move. M Healy asked about soils at the new location - the new envelope is elevated and so water is not of concern. M Fagan mentioned a historical issue with the gate at the road and town snowplow ability to navigate and additionally the new house location will require a new driveway permit.

Vote: 7 ayes, 0- nays

JOINT MEETING OF THE TB FOR THE PURPOSES OF REVIEWING AND ACTING ON AGENDA ITEMS ABOVE.

CALL TO ORDER THE TB DURING THE JOINT MEETING OF THE PC AND TB by Town Chair Mike Fagan at 7:13pm for the purposes of discussion and action on the agenda item above recommended to the TB for approval by the PC. In attendance M. Fagan, J. Rosenbaum., R. Schwenn.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed by PC Chair A. Jester.

Springrose Acres LLC/ Building Envelope Change/ B. Arbaje/ 1717 Gammeter Rd. Sec 36.

MOTION: by J. Rosenbaum/ R Schwenn to approve moving the residential location of the building envelope as recommended by the Plan Commission

Discussion: Will need new driveway approval and owner plans to start building next spring.

Vote: 3 ayes, 0 nays

Next Steps: New driveway permit from town.

Meeting Adjourned: 7:15pm

R & A Acres LLC/ Pre-Application Meeting/ Concept Plan/ Schedule Site Visit/CTH G and Springrose Rd/ Sec 25.

Discussion Only: This is a pre-application meeting for a concept plan for R&A Acres LLC.

Background: R&A acres contains lands in both the Town of Springdale and the Town of Verona. As of the plan effective date in 2002 the Town of Springdale lands are 27.66 acres (exclusive of r/o/w). There is no existing dwelling unit on the Springdale portion of the property (the two lots that you see carved out of the lands along Springrose Rd were created before the plan in 86 and 87), therefore there is one density unit already with the land (often referred to as “nonexisting farmhouse”) AND. according to the land use plan these lands are eligible for 1 additional density unit/division (for either option 1 or 2).

So this concept plan asks us to locate 2 development areas. One to be divided off as a lot and one to stay with the remainder of the land.

This LLC is co-owned by 8 siblings. They have all given written permission to discuss this matter at the town. They are thinking of a smaller 1-2 acre parcel on the south end of their property in springdale. Was the family seeking access to the Town of Verona from Spring Rose Rd. No.

Next Steps: Site Visit Scheduled May 5th 6pm at field road access to lands on Spring Rose Rd.

5. PC Deliberation / Carolyn Bradt- Marca Andriesse, agent/CUP #02516 Accessory Dwelling Unit-Attached at 8283 N Riley Rd. Sec. 2.

Discussion: Public hearing for this CUP was last month. Testimony and letters to the Town were entered into the public record, See minutes from last month’s meeting for details. PC asked for additional information for our deliberation. Applicant provided septic evaluation and a lease agreement. Additionally applicants provided a well test that came back clean. Also, a map of the ADU with accurate dimensions was submitted (718 sq ft). Applicant also stated that she has applied for license for the incidental room rental of the room within the main house that is permitted in the zoning district (pending upgrade to septic)

Discussion included but was not limited to:

- Issue of owner living on property - standards for ADU state that the owner must live in either the main residence or ADU - at this time C. Bradt (owner) lives in a condo not on property. Lease agreement is not an ownership - merely option to purchase. Some members say they might be okay with a time bound limit to ownership transfer. Some feel for fairness and standard application of rules that we must stick to standards as written. Owner states she is willing to move back to property until the ownership transfer is complete. Indicates that she will move to the airbnb room until ownership transfer can be established
- Note from Dane County indicated that the septic system needs replacement - an upgraded system needs to be rated for at least 7 bedrooms to accommodate the 2 bedrooms desired for the CUP.
- Does CUP run with property? - Yes, except for the case of Limited Family Business or when the town/county places other conditions that address that issue. Discussion of keeping the CUP to immediate family so if property is sold to an unrelated third property the new owner would have to return to the town to discuss the CUP.

Motion: J. Rosenbaum/ D. Sullivan PC shall craft recommended conditions tonight that would be acceptable to PC at a future date.

Discussion: Do we have Dane County recommendations as a starting point - yes. We would need to merely talk about any additional conditions we would be looking for as a town.

Vote: 5-aye: 2 - nay: Roll call: M. Healy - nay, J Rosenbaum- aye , R Bernstein - aye, D Sullivan - aye, E Bunn, - aye, J Hanson - nay, Jester - aye

Nest Steps: Craft conditions now.

Motion: A. Jester/ M. Healy recommended to the Town Board to approve the CUP for Carolyn Bradt with conditions stated below with the explicit understanding that the current owner must reside on the premises.

Conditions: (Conditions in bold are in addition to Dane County Staff recommendations)

- (1) No more than one attached accessory dwelling unit may be created.
- (2) The attached accessory dwelling unit shall not exceed 800 square feet of occupiable floor area and shall not have more than two bedrooms.
- (3) The occupancy limit for the ADU shall be 2 people.**
- (4) Rental term must exceed 30 days. No short term or incidental rental allowed.**
- (4) The accessory dwelling unit shall not be sold separately from the principal dwelling unit, nor from the property on which it sits.
- (5) The lot or parcel of land containing the accessory dwelling unit shall continue to be occupied by the owner of the premises. The owner may live in either the accessory dwelling unit or the principal residence.
- (6) The orientation of the proposed accessory dwelling unit shall, to the maximum extent practical, maintain the privacy of residents in adjoining dwellings.
- (7) Accessory dwelling units must meet applicable residential building codes and sanitary codes.
- (8) The physical development and operation of the conditional use must conform, in all respects, to the approved site plan, operational plan and phasing plan.
- (9) The applicant shall apply for, receive and maintain all other legally required and applicable local, county, state and federal permits. Copies of approved permits or other evidence of compliance will be provided to the zoning administrator upon request.
- (10) Existing onsite wastewater sewage disposal systems serving the conditional use must be inspected by a licensed plumber to determine its suitability for the proposed or expanded use. Deficient systems must be brought, at the owner's expense, into full compliance with the current requirements for new development of the state plumbing code and Chapter 46, Dane County Code. **The septic system must be certified to serve at least 7 bedrooms.**
- (11) All vehicles and equipment must access the site only at approved locations identified in the site plan and operations plan.
- (12) Off-street parking must be provided, consistent with s. 10.102(8).
- (13) If the Dane County Highway, Transportation and Public Works Department or the town engineer determine that road intersection improvements are necessary to safely accommodate the conditional use, the cost of such improvements shall be borne by the landowner. Costs borne by the landowner shall be proportional to the incremental increase in traffic associated with the proposed conditional use.
- (14) The Zoning Administrator or designee may enter the premises of the operation in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. Zoning staff conducting inspections or investigations will comply with any applicable workplace safety rules or standards for the site.
- (15) The owner must post, in a prominent public place and in a form approved by the zoning administrator, a placard with the approved Conditional Use Permit number, the nature of the operation, name and contact information for the operator, and contact information for the Dane County Zoning Division.
- (16) The owner or operator must keep a copy of the conditional use permit, including the list of all conditions, on the site, available for inspection to the public during business hours.
- (17) Failure to comply with any imposed conditions, or to pay reasonable county costs of investigation or enforcement of sustained violations, may be grounds for revocation of the conditional use permit. The holder of a conditional use permit shall be given a reasonable opportunity to correct any violations prior to revocation.
- (18) If any use allowed by an approved conditional use permit is abandoned for one year or more, the associated conditional use permit shall be terminated. Future re-establishment of an abandoned conditional use shall require approval of a new conditional use permit.
- (19) This CUP shall expire upon the sale of the property to an unrelated third party.**
- (20) A review of the CUP may be requested by the Town of Springdale after a period of two years**

following the final approval by Dane County.

Vote on Standards of CUP: (with conditions does this CUP meet the standard)

Standard 1: Standard 1 The proposed land use will not be detrimental to or endanger the neighborhood health, safety, comfort, or general welfare. Explain how the proposed land use will fit into the neighborhood. If there is going to be lighting, noise, outdoor storage, traffic, or other outside activities, explain how the activities will be limited to a reasonable level.

Vote: 5-ayes: 2 - nays. Roll call: M. Healy - nay, J. Rosenbaum - aye, R. Bernstein-aye, D. Sullivan - aye, E. Bunn - aye, J. Hanson -nay, A Jester - aye.

Standard 2 The uses, values and enjoyment of other properties in the neighborhood already permitted shall be in no foreseeable manner be substantially impaired or diminished by establishment, maintenance or operation of the proposed conditional use. Explain how the proposed land use will fit into the neighborhood and what will be done to avoid potential nuisances, such as limiting the hours of operation, noise control measures, paving the parking area, or the screening of outdoor storage.

Vote: 5-ayes: 2 - nays. Roll call: M. Healy - nay, J. Rosenbaum - aye, R. Bernstein-aye, D. Sullivan - aye, E. Bunn - aye, J. Hanson -nay, A Jester - aye.

Standard 3 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. Explain how the proposed land use will not interfere with the development of the surrounding property. It's possible that there may already be limitations on development on the surrounding properties such as being deed restricted to just agriculture.

Vote: 7-ayes: 0 - nays. Roll call: M. Healy - aye, J. Rosenbaum - aye, R. Bernstein-aye, D. Sullivan - aye, E. Bunn - aye, J. Hanson -aye, A Jester - aye.

Standard 4 There are adequate utilities, access roads, drainage, and other necessary improvements to allow the land use, or improvements are planned to provide adequate measures. Explain what impact the proposed use has on such things as water, septic, storm water, electricity, and traffic. Provide information on improvements that may be needed or if additional buildings are needed.

Vote: 7-ayes: 0 - nays. Roll call: M. Healy - aye, J. Rosenbaum - aye, R. Bernstein-aye, D. Sullivan - aye, E. Bunn - aye, J. Hanson -aye, A Jester - aye.

Standard 5 Adequate measures have been or will be taken to provide adequate ingress /egress to public streets and the proposed conditional use will not present traffic conflicts. Provide information on vehicle traffic that the proposed use will generate. Include frequency and types of vehicles.

Vote: 7-ayes: 0 - nays. Roll call: M. Healy - aye, J. Rosenbaum - aye, R. Bernstein-aye, D. Sullivan - aye, E. Bunn - aye, J. Hanson -aye, A Jester - aye.

Standard 6 The conditional use shall conform to all applicable regulations of the district in which it is located. Provide information on any necessary licensing, or regulations associated with the proposed land use. Explain any buffering or screening that will be installed as part of the proposed use.

Vote: 4-ayes: 3 - nays. Roll call: M. Healy - nay, J. Rosenbaum - aye, R. Bernstein-aye, D. Sullivan - aye, E. Bunn - nay, J. Hanson - nay, A Jester - aye.

Standard 7 The conditional use is consistent with the adopted Town and County Comprehensive Plans. The Town and the County may have specific policies on the development of particular areas of the county. Please provide any specifics that relate to the conditional use.

Vote: 7-ayes: 0 - nays. Roll call: M. Healy - aye, J. Rosenbaum - aye, R. Bernstein-aye, D. Sullivan - aye, E. Bunn - aye, J. Hanson -aye, A Jester - aye.

Standard 8 If the conditional use is to be located in a Farmland Preservation District, the conditional use must meet the findings as listed below: If the property is located in the FP-35, FP-1, or FP-B Zoning District, additional information is needed.

Vote: Does not apply in Town of Springdale

Motion: A. Jester/ M. Healy recommended to the Town Board to approve the CUP for Carolyn Bradt with conditions as stated with the explicit understanding that the current owner must reside on the premises.

Discussion: How do we determine owner occupancy? Carolyn would live in the airbnb suite - so if that was being offered for short term rental we would know she was not living there.

Vote: 6 ayes: 1 - nays. Roll call: M. Healy - aye, J. Rosenbaum - aye, R. Bernstein - aye, D. Sullivan - aye, E. Bunn - aye, J. Hanson - nay, A. Jester - aye.

Next Steps: recommendation to the town board

6. Public Hearing/ Land Use Plan Amendment/ Definition of Agricultural Land and Residential Lot Sizes on Agricultural Land.

Proposed Amendment: J. Rosenbaum introduced the two amendments under consideration. The new language does not contradict any current Plan language. This proposed amendment/policy is intended to provide some guidelines while maintaining flexibility in identifying development areas, building envelopes and current lot proposals.

Proposed Amendment to Land Use Plan regarding Residential Lots on Ag Land - Changes to original in bold.

New density units (lots) shall, to the extent possible, be located on non-agricultural lands in order to minimize the conversion of farmland to non-agricultural use.

(a) If density units must be located on agricultural land because other locations are not possible, **new density units for nonfarm uses on agricultural land shall be the minimum size necessary for the residential use proposed. The goal is for such residential density units to be 1-2 acres maximum in size.**

(b) Density units on agricultural land shall be located near the edges of agricultural fields and/or to use the least productive soil as determined by soil types.

(c) Lot lines shall be located so as to best minimize the breakup of contiguous tracts of agricultural lands.

(d) To the extent possible, lot lines shall be located to follow previously existing natural or man-made boundaries, such as roads, fence rows, woods, waterways, streams, or similar boundaries.

Proposed amended definition of Agricultural Land:

Agricultural land. (A) Consists of land that has since 1981 been **intermittently or consistently tilled** or used as open pasture. (B) Consists of tilled or open pastureland that since 1981 has been placed in federal programs, in return for payments in kind or that has been enrolled in the conservation reserve program.

Public Hearing: No members of the public wished to make comment about this proposed amendment.

Discussion:

The PC has discussed this and re-worked the wording of the proposed amendment several times.

Questions:

- E. Bunn: has the attorney looked at this? Concern about the meaning of “shall” - can it be qualified or is it certain.- A. Jester - shall is in the original language, the original language qualifies the “shall” with words like “minimize” and “to the extent possible”
- E. Bunn expresses support for the idea behind the amendment - clarifies the intent/ goal of the Land Use Plan is to preserve ag land.
- E. Bunn: Do we usually have attorney check amendments to Land Use Plan? M. Fagan: there are no set procedures. A. Jester provided examples of amendments that went through attorney and some that did not.
- M. Fagan this is not binding it is still subject to discretion. J Rosenbaum the purpose is to put into writing what has been a practice for the last many years and to clarify practices of the town to help guide residents in planning.

- M. Healy suggests changing the word “man-made” to “artificial” to avoid sexist language
- M. Healy said that he appreciates the work that has been done to the language of this amendment to date and that it has improved and clarified our intent.
- E. Bunn points out that this amended language does not intend to prevent small scale farming and she doesn’t feel this amendment would preclude that opportunity.
- R. Bernstein wants to clarify that the 2 acres is the guidance for the amount of ag land to be used for residential purposes not that a lot could not be larger if it was including non ag lands for example 5 acres of woods. Proposes language change to include the words “of agricultural land” to the proposed goal of 1-2 acres of ag land. A. Jester suggested “The goal is for such residential density units to include a maximum of 1-2 acres of agricultural land.”
- R. Bernstein observed that typically in the Land Use Plan that our lists are in priority order. Are we intending one of these subpoints to have priority over the others. J Rosenbaum and D Sullivan point to the word “goal” as allowing Town discretion.
- Review of the change in definition of agricultural land. Original language “plowed” to intermittently or consistently tilled”. Need to capitalize “Conservation Reserve Program”.

Motion: R. Bernstein/ D. Sullivan to recommend to the Town Board the proposed amendments to the Town of Springdale Land Use Plan. (Changes text in the proposed motion are in bold below):

“New density units (lots) shall, to the extent possible, be located on non-agricultural lands in order to minimize the conversion of farmland to non-agricultural use.

(a) If density units must be located on agricultural land because other locations are not possible, new density units for nonfarm uses on agricultural land shall be the minimum size necessary for the residential use proposed. The goal is for such residential density units to include a maximum of 1-2 acres of agricultural land.

(b) Density units on agricultural land shall be located near the edges of agricultural fields and/or to use the least productive soil as determined by soil types.

(c) Lot lines shall be located so as to best minimize the breakup of contiguous tracts of agricultural lands.

(d) To the extent possible, lot lines shall be located to follow previously existing natural or **artificial** boundaries, such as roads, fencerows, woods, waterways, streams, or similar boundaries.”

“Agricultural land. (A) Consists of land that has since 1981 been **intermittently or consistently** tilled or used as open pasture. (B) Consists of tilled or open pasture land that since 1981 has been placed in federal programs, in return for payments in kind or that has been enrolled in the Conservation Reserve Program.”

Discussion: Do we want attorney review? No. People felt good with additional changes in language made during this meeting.

Vote: 7-aye: 0- nay: Roll call: Roll call: M. Healy - aye, J. Rosenbaum - aye, R. Bernstein - aye, D. Sullivan - aye, E. Bunn - aye, J. Hanson - aye, A. Jester - aye.

Next Steps: Recommendation to the Town Board for consideration

7. PC Procedures We have a growing backlog of discussion topics. Our summer meetings are getting longer as a result of a lot of action required by residents - perhaps a summer work session makes sense to talk about issues/ policies including: Request to revisit conflict of interest rules/statements, Discuss land without a density unit, Inform PC members how we calculate density units in land with r/o/w, concept plan when no existing house on lands, time limits for public hearings, talk about the size of building envelopes. Take a look at summer calendars and think about possible times.

8. Motion to Adjourn M Healy/ D Sullivan 7-aye, 0-nay. 10:28pm