

DRAFT MINUTES OF THE JOINT MEETING OF THE SPRINGDALE PLAN COMMISSION AND TOWN BOARD AT THE PLAN COMMISSION MONTHLY MEETING ON JUNE 22, 2020

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 three customary locations 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 Deputy Clerk to the Plan Commission at 608-839-0630 at least three (3) business days in advance of the meeting.

IN ATTENDANCE: Rich Bernstein, Ellen Bunn, Jim Hanson, Mike Healy, Amy Jester, John Rosenbaum, and Denise Sullivan. (A quorum is present.) Town Chair Mike Fagan, Town Supervisor Richard Schwenn, Vicki Anderson, Deputy to the PC, and Jackie Arthur, Town Administrator/Clerk.

CALL TO ORDER: by PC Chair A. Jester at 7:02 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 and identify oneself by name before speaking. A roll call vote will be called for each vote.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed; Class 1, Class 2 and 24-hour in advance meeting notice requirements fulfilled. The final agenda was posted on 06/18/2020 in the three customary locations in the Town of Springdale as required by law. In addition, the final agenda notice was posted on the Town website and distributed via the Town-wide email list. A short notice of the meeting was published in the *Mt. Horeb Mail*.

MINUTES: MOTION by M. Healy/J. Rosenbaum to approve the draft meeting minutes of the 6/1/2020 meeting of the Plan Commission, PC, as distributed. Motion to approve carried by voice vote: 4-0-1: Bernstein, Healy, Jester, Rosenbaum -ayes, Hanson abstained, zero nays. 7:03 p.m.

CALL TO ORDER OF PC FOR JOINT PUBLIC HEARING BY THE TOWN BOARD AND PLAN COMMISSION: by PC Chair A. Jester at 7:04 p.m.

BACKGROUND: Dane County amended “Chapter 10” of the Dane County Code of Ordinances in January 2019. This action necessitated changes to the Town of Springdale Land Use Plan, Plan, and Land Division and Subdivision Code, Code, to maintain consistency with Dane County. Additionally, Plan periodically requires amending to be consistent with recommended legal practices in local government proceedings. Finally, the Plan specifies the procedure for citizens or PC or TB members to propose amendments to be considered each year.

PUBLIC HEARING: A public hearing is held any time the Plan and Code are changed, even for administrative consistency. A joint work session of the PC and the TB was held on June 1, 2020 to review the updates. This hearing serves to inform citizens of the proposed changes and to offer citizens a chance to have their voices heard about the amendments prior to a vote on the amendments. Public comment will be taken after the overview of the changes.

PROPOSED AMENDMENTS:

1. Changes due to Dane County Chapter 10 amendments
 - a. UPDATE definition of “Warehouse” to be consistent with Dane County’s change.
 - b. ADD “Cemeteries” as a conditional use in SFR, TFR, MFR, RR, RM, HAM and LC Districts
 - c. ADD “Limited Farm Business” as a conditional use in RM 8 and RM 16
 - d. CHANGE Permitted Uses in RE (recreational District) from Pasture/grazing of “domestic animals” to “Livestock”
2. Changes due to alterations in recommended procedure
 - a. DELETE “a conditional use permit” in section 10(C) regarding pre application meetings
 - b. “Individuals intending to apply for a change to zoning district boundaries ~~or (b) a conditional use permit~~ are requested and encouraged to meet with the Town of Springdale Plan Commission before formally applying to Dane County. The purpose of the pre-application meeting is to provide the Town with development information so that the town shall be in a position to evaluate formal applications to Dane County for a zoning change ~~or conditional use permit~~ in an efficient and timely manner. The Town of Springdale Plan Commission would not make a final determination on any issue at the pre-application meeting.” (page 52 of the Plan)
3. Changes based on citizen proposed amendment to the Plan
 - a. ADD to section 4(G) language that enables a landowner to voluntarily retire density units.
 - b. “Retiring Density Units. The town acknowledges that there may be situations in which a property owner may wish to utilize only a portion of available density units, or to not utilize any of the aforementioned density options and instead seek to retire the possibility

of any current or future development potential on their property. Retiring density units requires approval of the town board and recording of a restrictive covenant on the property which grants the town enforcement rights.”

PROCEDURE FOR PUBLIC COMMENTS AT A PUBLIC HEARING:

1. Public comments are an opportunity for the public to provide comments on the subject matter of the public hearing. Public comments should not be made on topics outside the scope of the public hearing.
2. Commenters should understand that members of the TB and PC will not respond to comments or engage in a discussion with the commenter at the public hearing.
3. Commenters should begin comments by stating their name. Individual comments shall not exceed 3 minutes.

COMMENTS: Steve Gauger supported the proposed Plan amendment for retiring density units because it gave landowners an extra choice of what to do with their land. It could result in more conservation of land unsuitable for development.

CLOSE THE PUBLIC HEARING: Hearing no more comments, PC Chair A. Jester closed the public hearing, 7:15 p.m.

CALL TO ORDER THE TB FOR THE PUBLIC HEARING AND JOINT MEETING OF THE PC AND TB: by Town Chair Mike Fagan for the purposes of the public hearing and the TB discussion and action on the agenda items recommended to the TB for approval by the PC. A quorum of the TB is in attendance: J. Rosenbaum, R. Schwenn and M. Fagan. Discussion. J. Rosenbaum, a member of the zoning subcommittee, stated that the amendments as presented make perfect sense; for the Town Plan and Code to be in harmony with Dane County Zoning and Planning and Development.

PLAN COMMISSION CONSIDERATION AND ACTION ON THE PROPOSED AMENDMENTS TO THE LAND USE PLAN AND SUBDIVISION CODE:

MOTION by J. Rosenbaum/D. Sullivan to adopt Resolution 2020 6 1:

TOWN OF SPRINGDALE PLAN COMMISSION RESOLUTION 2020 6 1

CONSIDERATION AND REPORT OF THE TOWN OF SPRINGDALE PLAN COMMISSION ON THE ADOPTION OF THE AMENDMENTS TO THE TOWN OF SPRINGDALE CODE OF ORDINANCES TITLE 9, CHAPTER 4, THE COMPREHENSIVE PLAN, THE LAND USE PLAN

WHEREAS, the Town Board of the Town of Springdale desires to promote the health, safety, convenience and general welfare of the residents of the Town and to encourage planned and orderly land use and development.

WHEREAS, the Town Board has prepared amendments to the Town Comprehensive Plan for its consistency with the recent amendments to the Dane County zoning ordinance, for adoption of the recommended procedures for conditional use permits, and to enable landowners to voluntarily reduce available density units (the “Ordinance Amendments-Town Land Use Plan”).

WHEREAS, the Town Board has appointed members to the Town of Springdale Plan Commission, an advisory body to the Town Board for planning and development.

WHEREAS, the Town Board referred the Ordinance Amendments-Town Land Use Plan to the Plan Commission.

WHEREAS, upon consideration of the Ordinance Amendments-Town Land Use Plan, the Plan Commission has determined that the public interest requires that the Ordinance Amendments-Town Land Use Plan be adopted by the Town Board.

NOW, THEREFORE, the Town of Springdale Plan Commission hereby reports and recommends that the Town Board of the Town of Springdale adopt the Ordinance Amendments-Town Land Use Plan to the Town of Springdale Code of Ordinances Title 9, Chapter 4, the Comprehensive Plan, the Land Use Plan. Motion to adopt carried by voice vote: Bernstein, Bunn, Hanson, Healy, Jester, Rosenbaum, and Sullivan, 7 – ayes, zero – nays.

MOTION by D. Sullivan/M. Healy to adopt Resolution 2020 6 2:

TOWN OF SPRINGDALE PLAN COMMISSION RESOLUTION 2020 6 2

CONSIDERATION AND REPORT OF THE TOWN OF SPRINGDALE PLAN COMMISSION ON THE ADOPTION OF THE AMENDMENTS TO THE TOWN OF SPRINGDALE CODE OF ORDINANCES TITLE 9, CHAPTER 3, THE LAND DIVISION AND SUBDIVISION ORDINANCE

WHEREAS, the Town Board of the Town of Springdale desires to promote the health, safety, convenience and general welfare of the residents of the Town and to encourage planned and orderly land use and development.

WHEREAS, the Town Board has prepared amendments to the Town Land Division and Subdivision Ordinance for its consistency with the recent amendments to the Dane County zoning ordinance, for adoption of the recommended procedures for conditional use permits, and to enable landowners to voluntarily reduce available density units (the “Ordinance Amendments”).

WHEREAS, the Town Board has appointed members to the Town of Springdale Plan Commission, an advisory body to the Town Board for planning and development.

WHEREAS, the Town Board referred the Ordinance Amendments to the Plan Commission.

WHEREAS, upon consideration of the Ordinance Amendments, the Plan Commission has determined that the public interest requires that the Ordinance Amendments be adopted by the Town Board.

NOW, THEREFORE, the Town of Springdale Plan Commission hereby reports and recommends that the Town Board of the Town of Springdale adopt the Ordinance Amendments consisting of amendments to Title 9, Chapter 3, of the Springdale Code of Ordinances, Town of Springdale Land Division and Subdivision Ordinance. Motion to adopt carried by voice vote: Bernstein, Bunn, Hanson, Healy, Jester, Rosenbaum, and Sullivan, 7 – ayes, zero – nays. 7:31 p.m.

TOWN BOARD CONSIDERATION AND ACTION ON THE PROPOSED AMENDMENTS TO THE LAND USE PLAN AND SUBDIVISION CODE: MOTION by M. Fagan/R. Schwenn to adopt Ordinance 2020 6 1

TOWN BOARD ORDINANCE 2020-6-1

AN ORDINANCE TO AMEND THE TOWN OF SPRINGDALE CODE OF ORDINANCES, TITLE 9, CHAPTER 4, THE COMPREHENSIVE PLAN, INCLUDING THE TOWN LAND USE PLAN, OF THE TOWN OF SPRINGDALE, DANE COUNTY, WISCONSIN

WHEREAS, pursuant to sections 62.23(2) and (3) of the Wisconsin Statutes, the Town of Springdale is authorized to prepare and adopt amendments to the comprehensive plan as defined in sections 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes.

WHEREAS, the Town Board of the Town of Springdale, Dane County, Wisconsin, has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes.

WHEREAS, an amendment to Chapter 4 has been prepared which is attached hereto and incorporated herein as Attachment A (the “Ordinance Amendments-Town Land Use Plan”); and

WHEREAS, the Town Plan Commission has adopted a resolution recommending to the town board the adoption of the Ordinance Amendments-Town Land Use Plan; and

WHEREAS, subsequent to a class 1 notice under ch.985, a public hearing was held on June 22, 2020, by the Town Board regarding the adoption of the Ordinance Amendments-Town Land Use Plan.

NOW THEREFORE, based on the above and pursuant to state statutes including section 66.1001 of the Wis. Stats., the Town Board of the Town of Springdale, Wisconsin, does hereby ordain as follows:

Section 1. Title 9, Chapter 4, Comprehensive Plan Ordinance, including the Town Land Use Plan, contained in the Town Code of Ordinances is hereby amended as provided in the Ordinance Amendments. In the event of a conflict between a provision contained in the Ordinance Amendments and an existing ordinance provision, the provision contained in the Ordinance Amendments shall govern and prevail.

Section 2. If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid, by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 3. This ordinance shall become effective upon adoption and posting as provided by law.

The above and foregoing ordinance was duly adopted by the Town Board of the Town of Springdale, Dane County, Wisconsin at a meeting held on June 22, 2020, by a vote of 3 in favor, 0 opposed. Motion to adopt carried by voice vote: Fagan, Rosenbaum, Schwenn – ayes, zero – nays.

MOTION by M. Fagan/R. Schwenn to adopt Ordinance 2020 6 1 2

TOWN BOARD ORDINANCE 2020 6 2

AN ORDINANCE TO AMEND THE TOWN OF SPRINGDALE CODE OF ORDINANCES, TITLE 9, CHAPTER 3, THE LAND DIVISION AND SUBDIVISION ORDINANCE OF THE TOWN OF SPRINGDALE, DANE COUNTY, WISCONSIN

WHEREAS, the Town has completed a review in 2020 of its land use plan and Title 9, Chapter 3, Land Division and Subdivision Ordinance contained in the Town Code of Ordinances (“Chapter 3”) for consistency with the recent amendments to the Dane County zoning ordinance, for adoption of the recommended procedures for conditional use permits, and to enable landowners to voluntarily reduce available density units (the “Ordinance Amendments-Town Land Use Plan”).

WHEREAS, an amendment to Chapter 3 has been prepared which is attached hereto and incorporated herein as an Attachment A (the “Amended Chapter 3”); and

WHEREAS, subsequent to a class 2 published notice, a public hearing was held on June 22, 2020, by the Town Board regarding the adoption of the Amended Chapter 3 and the Town Board has considered any public comments provided at the public hearing; and

WHEREAS, the Town Plan Commission has met and recommended the Town Board adopt Amended Chapter 3, and the Town Board has considered the Town Plan Commission recommendation; and

WHEREAS, the Town Board believes that the adoption of the Amended Chapter 3 will promote the public health, safety, and general welfare of the Town, and will encourage the most appropriate use of land throughout the Town.

NOW, THEREFORE, based on the above and pursuant to state statutes including secs. 60.22, 61.34(10), and 236.45, Wis. Stats., the Town Board of the Town of Springdale, Dane County, Wisconsin, does hereby ordain as follows:

Section 1. Title 9, Chapter 3, Land Division and Subdivision Ordinance contained in the Town Code of Ordinances is hereby amended as provided in the Amended Chapter 3. In the event of a conflict between a provision contained in the Amended Chapter 3 and an existing ordinance provision, the provision contained in the Amended Chapter 3 shall govern and prevail.

Section 2. If any section or part of this ordinance is adjudged to be unconstitutional, unlawful, or invalid, by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby.

Section 3. This ordinance shall become effective upon adoption and posting as provided by law.

The above and foregoing ordinance was duly adopted by the Town Board of the Town of Springdale, Dane County, Wisconsin at a meeting held on June 22, 2020, by a vote of 3 in favor, 0 opposed. Motion to adopt carried by voice vote: Fagan, Rosenbaum, Schwenn –3- ayes, zero – naves.

ACCESSORY BUILDING/L. WEGNER/STATE ROAD 92/SEC. 28: MOTION by A. Jester/J. Rosenbaum to recommend approval to the TB of the residential accessory building, 80' x 60', for a horse arena with no cool roof and no commercial activity. Motion to recommend approval carried by voice vote: Bernstein, Bunn, Hanson, Healy, Jester, Rosenbaum and Sullivan-7– ayes, zero-naves.

ACCESSORY BUILDING/M. AND W. GASCH/CTH P/SEC. 4:MOTION by M. Healy/J. Rosenbaum to recommend approval to the TB of the residential accessory building, 48' x 34', for storage and livestock, no commercial activity permitted, as consistent with the Plan and ordinances. Discussion: It was clarified that the structural footprint of the proposed structure is the basis for the square footage calculation. In this case, one side of the proposed building will be a covered walkway/porch. Motion to recommend approval carried by voice vote: Bernstein, Bunn, Hanson, Healy, Jester, Rosenbaum and Sullivan-7– ayes, zero-naves.

CONCEPT PLAN REVISION-MOVE BUILDING ENVELOPE/WINDY RIDGE FARM-MEYLOR LANDS – A. AND K. HITE/TOWN HALL ROAD/SEC. 8: MOTION by J. Rosenbaum/J. Hanson to recommend approval to the TB of the revised concept plan on the Windy Ridge Farm, Lot 4, CSM 15133 as shown on the submitted material, an expanded area to include the house in a slightly different location and a proposed accessory building. Discussion: The change to the building envelope: *moves the house North, to the center of the lot and a little farther back from the road, *results in a shorter driveway, * retains the shared driveway to a future small lot to the North, and *expands the building envelope to include a future accessory building. Discussion: The Meylor family, Windy Ridge Farm, authorize the Hites to discuss Lot 4 at the PC meeting. It was generally agreed that the revision retains the goals of the original concept plan: staggered building envelopes to prevent strip development along the road and to preserve the views to the West for all lots. The lots were kept small to reduce the impact on agricultural land; the building envelopes did not impact the agricultural land. Motion to recommend approval to the TB carried by voice vote: Bernstein, Bunn, Hanson, Healy, Jester, and Rosenbaum 6 ayes, zero-naves, Sullivan abstained.

OF THE TB FOR THE PURPOSES OF REVIEWING AND ACTING ON AGENDA ITEM ABOVE.

CALL TO ORDER THE JOINT MEETING OF THE PC AND TB by Town Chair Mike Fagan for the purposes of discussion and action on the agenda item above recommended to the TB for approval by the PC.

(NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed above.)

ACCESSORY BUILDING/L. WEGNER/STATE ROAD 92/SEC. 28: MOTION by M.Fagan/R. Schwenn to approve with no cool roof and no commercial uses as recommended by the PC. Motion to approve carried by voice vote Fagan, Rosenbaum, Schwenn – 3 ayes, zero-naves, 8:15 p;m.

ACCESSORY BUILDING/M. AND W. GASCH/CTH P/SEC. 4: MOTIOIN by M. Fagan/J. Rosenbaum to approve as recommended by the PC. Motion to approve carried by voice vote: Fagan, Rosenbaum, Schwenn – 3-eyes, zero-naves.

CONCEPT PLAN REVISION-MOVE BUILDING ENVELOPE/ WINDY RIDGE FARM-MEYLOR LANDS – A. AND K. HITE/TOWN HALL ROAD/SEC. 8: MOTION by Fagan/Schwenn to approve the revised building envelope for Lot 4, Windy Ridge Farm as drawn on the concept plan submitted. Motion to approve carried as voice vote 3-0: Rosenbaum, Schwenn, and Fagan – ayes, zero - naves, .

ADJOURN THE JOINT MEETING OF THE TB: MOTION by M. Fagan/R. Schwenn. Motion to adjourn carried 3-0: Rosenbaum, Schwenn and Fagan -eyes, no naves.

CONCEPT PLAN/GUST TRUST/SPRINGROSE RD./SEC. 13 AND 14:

BACKGROUND: Contiguous acres owned on the effective date of the Plan =approximately 141 acres along the west side of Spring Rose Road on both the North and South sides of US Hwy 18/151. A pre-application meeting was held via Zoom on 6/1/2020 and site visit on 6/6/2020. The family is pursuing an Option 1 concept plan – six new density units in addition to the existing farmhouse.

MOTION by A. Jester/D. Sullivan to approve a concept plan with the acreage North of US Hwy. 18/151, parcels 0607-1348310-2, 0607-134-9001-4, 0607-134-9501-9, to include three new density units and the existing farmhouse with the building envelopes located

on submittal entitled Alternative #2: #1-building envelope A, on the edge of the hayfield and into the woods attached to the bulk of the farmland; #2-building envelope B and #3-building envelope C to be lots of no more than 1.75 acres each; and #4-building envelope D to include the existing farmhouse, barn and outbuildings and some pasture/fields to the West; and the acreage South of US Hwy.18/151 to include #5-building envelope E attached to the farmland, parcels 0607-241-8061-4 and 0607-241-9561-0, with the requirement that the Gust Trust shall file the necessary paperwork to retire two potential density units. There shall be no further division of the lands for development per the current Town of Springdale Land Use Plan after the four lots are created on the acreage North of US Hwy. 18/151 and with the existing acreage South of US Hwy 8/151. Discussion included, but may not be limited, to the following: *The Plan requires that the entire farm be considered as contiguous for the purposes of preparing the concept plan even though the landowners may not be viewing it in that way at this time. *To reduce the negative impact on agricultural land, could all development be contained on the acreage to the North? In response to this question, it was generally agreed that the North side is more appropriate for the bulk of the development areas. Therefore, the landowners wish to allocate only three density units to the acreage North of US Hwy. 18/151 and one residential site with the acreage South of US Hwy.18/151. The landowners will retire two density units. *There appears to be only one safe access point for a residence on the acreage to the South due to the slope of Spring Rose Road. *To support small farming operations, the PC and landowners worked to retain some agricultural land with the existing farmhouse, barn and outbuildings. Motion to approve the Option 1 concept plan carried on voice vote: Bernstein, Bunn, Hanson, Healy, Jester, Rosenbaum and Sullivan-7- ayes, zero-nayes. Next step: The Deputy Clerk to the PC shall work with Tom Gust to file the necessary paperwork for the retirement of density units.

PROPOSED FUTURE PLAN AMENDMENT: DISCUSSION ONLY: J. Rosenbaum submitted a proposed amendment to the Plan to establish a policy for a maximum number of acres in a proposed lot when the land was entirely agricultural land. It was generally agreed that more discussion and wordsmithing would be productive. J. Rosenbaum agreed to continue to research his proposal and bring it back to the PC. Specifically, PC members are interested in language to support small farms and further discussion of how to apply the definition of ‘farmable land.’

Next meeting: The regular monthly meeting for July is scheduled for Monday, 07/27/2020 at 7 p.m. The deadline for submittals for the meeting is Monday, 07/13/2020. In accordance with Dane County Emergency Management guidance during the COVID-19 pandemic, future town government meetings will be conducted via Zoom.

ADJOURN: MOTION to adjourn by unanimous consent. Respectfully submitted, Vicki Anderson, Deputy to the PC