

# Minutes of the Plan Commission of the Town of Spring Green

17 April 2007 at the Spring Green Town Hall, E4411 Kennedy Road, Spring Green, WI

1. Fred Iausly, Pending Chair, called the meeting to order at 7:07 p.m.
2. Roll Call – Graves, Iausly, Snyder, Schmidt, Thomas were present. Merlie had resigned and Stenner had appointed Thomas; Snyder's membership is pending appointment of a new fifth member. It was noted that the Commission, and its actions, would not be official until Town Clerk Jim Blau arrived to swear in the members.
3. Iausly attested that proper public notice had been made 04.12.07 and that the Agenda had been sent to the Spring Green and Baraboo papers.
4. Motion adopting the Agenda, as posted / Schmidt / Snyder / Motion passed unanimously.
5. Motion approving the Minutes from the March 2007 meeting, prepared by Graves / Snyder / Graves / Motion passed unanimously.

## 6. Updates & Communications

- Iausly provided an update on his, and Schmidt's, participation in the County's recreational planning committee and the timeline for that process.
- Snyder said that over the next two weeks, he would be attending a county-level planning meeting required for eligibility for federal funding and would provide an update at the next meeting.
- Stenner said he had been contacted by Dale Pfhorr regarding a subdivision, which would likely be on the next Agenda.
- Open Records request from River Valley Concerned Citizens Committee – Iausly said he and others on the Board and Commission had received the request. Mary Merlie had provided an update:

April 11, 2007

Re: Public Records request

Spring Green Plan Commission Members 4/2005-4/2006

I received a public records request from Mike Birr on behalf of the River Valley Concerned Citizens Committee (RVCCC) on April 10, 2007. On April 11, 2007, I had a phone conversation with Mike Birr to clarify the request. Per our conversation, he is not requesting any records from the Plan Commission at this time on behalf of the RVCCC.

He does want to be able to convey to RVCCC that specific records will be available from the Plan Commission upon request.

Mike Birr and I also discussed that Plan Commission items for Discussion and Action/possible action are part of the agenda. Citizens should reference the agenda for items of interest.

Mary Merlie, Former Chairperson Spring Green Plan Commission

CC. Mike Birr  
Irv Snyder  
Jerry Schmidt  
Fred Iausly  
Joni Graves

Birr said he agreed with that, but that what people wanted was to know what's happening, including access to emails and summaries of phone calls going up to April 2008. Iausly said it was his understanding that requests have to be specific. Graves said she respected the spirit of the open records request, but also cited *The Wisconsin Department of Justice's Compliance Outline for Public Records Law* (online at <http://www.doj.state.wi.us/dls/docs/publicrecords805.pdf>) and referenced two related points of guidance:

*D. The request must be reasonably specific as to subject matter and length of time involved. Wis. Stat. § 19.35(1)(h). Schopper v. Gehring, 210 Wis. 2d 208, 212-13, 565 N.W.2d 187 (Ct. App. 1997) (request for tape and transcript of three hours of 911 calls on 60 channels is not reasonably specific).*

*F. "Continuing" requests are not contemplated by the public records law. The right of access applies only to extant records, and the law contemplates custodial decisions being made with respect to a specific request at the time the request is made." 73 Op. Att'y Gen. 37, 44 (1984).*

Birr acknowledged this and said he accepted it, but wanted the Commission to know that people have concerns and want to be kept informed. Iausly urged Birr, and others, to read the posted Agendas for any items, which may be of interest or concern.

## **7. Business Items & Possible Action**

- **Agricultural Building: Request by Dave Liegel related to building an agricultural structure (storage/shop) located at \_\_\_\_\_ Jones Road, just east of Liegel Court.**

Liegel provided handouts showing the location of his proposed building and summarized his request. Iausly said it is within the ET and would require their approval. Snyder expressed concern about the eave heights, given that the building is in the ET, but noted that may be different because this is an agricultural use. There was some discussion about what the Village / ET requirements and fees may be. Liegel asked some questions about setbacks, driveway ordinance, and any other requirements. Upon further review of the Zoning Ordinance and Driveway Ordinance, Liegel was provided with references and information related to the driveway and other criteria. Liegel said he did not plan to have equipment sitting out, although during planting and harvesting season there would be equipment outside. Iausly said this would be a recommendation that the Commission would make to the ET and Snyder concurred.

At this point, the Commission took a break for members to be sworn in by Town Clerk Jim Blau. After Iausly, Graves, Schmidt, and Thomas were individually sworn in, Snyder was sworn in as an alternate. The Commission reconvened at 7:38 p.m.

**Motion to recommend that the Commission forward a recommendation for approval of Dave Liegel's request for approval to build an agricultural structure (storage/shop) located at \_\_\_\_\_ Jones Road, just east of Liegel Court / Schmidt / Snyder / Motion passed unanimously.**

- **Motion that the newly sworn Commission take action to affirm that there is quorum, the Minutes, and the Agenda, as acted upon earlier / Graves / Schmidt / Motion passed unanimously.**
- **Residential Subdivisions: Review inventory and application documents provide by Sauk County. Discuss timeline for Public Discussions, County Participation, Public Notification and Public Hearing Process for rezoning of residential subdivisions currently zoned Agriculture in the Town of Spring Green.**

Iausly said Merlie had forwarded documents from Brian Simmert, Sauk County, related to the process steps for rezoning. In addition to the handouts, there are 239 persons who will receive the mailings and an additional 12 adjacent owners – the largest being Sauk County and the DNR.

Questions were raised about whether animals would be allowed upon a change of ownership or if the animals were gone. There was subsequent discussion and a request for clarification about continuance of keeping livestock if a property is sold. As Iausly noted, technically any livestock ownership in the Pinelands is NOT allowed, since it is platted as a subdivision. Snyder suggested that the letter be revised to state that livestock is not allowed within 300' of another residence, and that other requirements, related to proximity to wells, may also apply. Request said that this should be reviewed by an attorney.

Thomas said she understood the points, but that she recollected that the Town's attorney had said that animals would be allowed. Iausly said the presence of animals is a violation and that as a non-conforming use, it likely could not be continued. Snyder spoke to the need for clarification and the desire to create a situation that would

put an end to complaints. Graves recommended that the Commission seek clarification from both the Town's attorney and the County's legal counsel. It was agreed that the increased population density in the area, and the lack of enforcement, problems had multiplied. There were other questions about whether it was required that dogs be leashed and fenced, etc. Iausly referred this to the County's requirements and said he did not think this change would affect that.

There were also questions about other violations, in general, and Iausly said that it may not immediately redress existing violations, but in the future it will be clear and put an end to the ambiguity. It was asked if the letter would also reference that home-businesses are not allowed. It was noted that "cottage industries" are probably covered under the County's Zoning Ordinance and it was recommended that this also be referenced in the letter, to distinguish between ag and residential zoning.

Iausly concluded that this will not be a magic bullet, but it is a step in the right direction and residents and the Town will have to continue to press the County on enforcement, but that this is a good first step – but probably one of many steps that will be required and that satisfaction may take several years. Stenner asked if 239 was the total number of households and Iausly said yes and that the notices would be sent to the 12 adjacent property owners. Iausly referred to the map, said he had reviewed it, and thought it was in order. Schmidt questioned whether the lots north of Porter Road would be included; Iausly said that earlier maps had shown those lots as already zoned residential, but that he would verify this with Simmert. The timeline was reviewed and revised:

**BEFORE APRIL 10<sup>th</sup>:**

- Provide written information for Plan Commission to discuss what consequences would be for non-conforming uses or structures resulting from the change and any other impacts they see as positive or negative.
- Supply mailing labels of landowners in Agricultural zoned areas and adjacent landowners.
- Provide sample draft of application for Town to fill out.

**Following this, the Town Plan Commission would:**

- Finalize draft letter, which will be sent to affected and adjacent landowners informing them of the rezoning, what the change would mean, and reference the future land use map in the Town's Plan.
- Include schedule for the process and the date for the planned informational meeting.
- Assessor's point of view on the affect on real estate taxes would be included in the letter and Snyder said he had contacted the Assessor and he will be present at the meeting(s).

**MAY:**

- Town Plan Commission and Town Board hold an informational meeting for resident with representative of Sauk County Planning and Zoning present.
- Plan Commission convenes to discuss public hearing, vote and forward approval or denial of rezoning application to County and Town Board. Adjourn
- Town Board convenes to discuss public hearing, vote and forward approval or denial of rezoning application to County and Town Board
- If Approved, forward application to County

**JUNE / JULY:**

- County Planning and Zoning committee reviews rezoning request votes to Recommends, Changes or Not Recommends
- Public Hearing at County
- County Board meeting votes to Approve or Deny or Change

After discussion, Stenner said that the revised letter should go to the Town Board for approval first. Snyder suggested that it could proceed to the Town Board at its May meeting and that the Town would file the official application with the County. Questions were asked about the timeline and it was clarified that the informational meeting, with County staff present, was at the Town's request – in addition to the required County's hearing.

**Motion that the draft letter be revised, per discussion, sent to the Town's attorney for review, and be on the Town Board's May Agenda for approval / In discussion Graves asked for clarification that the Commission was also recommending that the Town Board process the necessary paperwork for proceeding with the rezoning and Snyder said that was his intent / Snyder / Graves / Motion passed unanimously.**

**8. Public Comment**

- Graves commented that public comment should not be a discussion, with Commissioners, of items that were not on the Agenda.
- Birr congratulated the Commission on its appointment and work.
- Iausly spoke of Mary Merlie's tremendous work with land use and that he hopes to continue that tradition.
- Mertens congratulated the Commissioners and the Town's good fortune to have so many dedicated speakers and Merlie's leadership and courage.

**9. Next Meeting Date for the Town Board May 3<sup>rd</sup> and May 8<sup>th</sup> for the Plan Commission.**

**10. Adjournment motion graves at 8:37 / Snyder / Motion passed unanimously.**

**Signature of the Secretary:**

\_\_\_\_\_  
**Joni Graves**

**Signature of the Chair:**

\_\_\_\_\_  
**Fred Iausly**