

Minutes of the Plan Commission - Town of Spring Green

8 May 2007 • Spring Green Town Hall, E4411 Kennedy Road, Spring Green, WI 53588

1. Fred Iausly, Chair, called the meeting to order at 7:04 p.m.
2. Roll Call – Graves, Iausly, Snyder, Schmidt, and Thomas were present.
3. Iausly attested that proper public notice had been made on April 12th and that the Agenda had been sent to the Baraboo and Spring Green papers.
4. Motion adopting the Agenda, as posted / Schmidt / Snyder / Motion passed unanimously.
5. Motion approving the Minutes from the April 2007 meeting, prepared by Graves, with the clarification that there is not an official address for the Liegel property site of the proposed ag building that was discussed at the April meeting / Schmidt Snyder / Motion passed unanimously.

6. Updates & Communications

- Snyder provided an update on the citizen land use workshop that he attended in April. The four most pressing issues identified were: 1) urban sprawl, 2) waste management, 3) alternative sources of energy (and the related impact of row crops on water quality), and 4) education of newcomers about rural environments. He said it was a good discussion and the meetings were worthwhile. The input will inform the County's 20-year land use plan.
- A copy of information about the state's scenic byways program had been left at the Town's office by Sally Konnak and Iausly had been contacted by Mark Cupp, Lower Wisconsin Riverway Board. Cupp had asked if the Plan Commission or Town Board would be interested in a presentation on the locally initiated Highway 60 Scenic Byway application. Graves suggested that the Plan Commission ask him to make his PowerPoint presentation to the Plan Commission, which could forward a recommendation to the Town Board.
- Merlie had forwarded an email from Don Golembiewski, requesting copies of the Plan Commission's adopted Minutes from November 2006 and March 2007 regarding two Shifflet property requests on those Agendas. It was clarified that *draft* Minutes are not distributed and Snyder said that, in the future, requestors should be asked to provide both their name and address.

7. Business Items for Possible Action

- **Rezone Application: Dale Pforr, representing a client, and requesting that 46 acres southeast of the intersection of Kennedy Road and Pearl Road be rezoned.**

Pforr told the Commission about his proposed subdivision and plans for location of the driveways. Handouts were provided, explaining that the eight parcels would be from 5.0 to 6.7 acres in size. Schmidt expressed concern about the driveways for two of the lots being quite close to the intersection with Kennedy Rd. Pforr said he thought he could move the access somewhat southerly, although he said the impression created by the handouts may be somewhat misleading. Snyder said it should be a minimum of 200'; Pforr said it could still be extended to be 300' south of that. Other options were also discussed, including putting the driveways closer to the Kennedy intersection, in the theory that traffic would be slower there, and Graves asked whether the driveway ordinance addressed this.

Iausly said it should be noted that the property was in the ET, which would bring another set of requirements to bear. Iausly reviewed the current zoning and the ET's future land use plan, which had the property designated to remain as ag-preservation, and noted that the properties further east were mapped for future development. Pforr said the site was between two subdivisions and his goal was to blend the two and create smaller lots in a country setting.

Schmidt asked who would make this decision and Pforr said he thought "It would be you," adding that he had no problem with deed restrictions limiting the minimum size of the lots. Iausly read from the zoning, related to R4 in the ET, and defined as providing low-density single-family homes with specific provisions including a ban on animals. Iausly noted that there had been an issue several months earlier, related to a rezoning outside of the ET, and the prevailing guidance had been to "follow the plan."

Graves asked Iausly to summarize the plan and the applicability of this proposal. He said that, under the plan, it was designated to remain open space.

Maps 1-5 from the Town and Village Comprehensive Plans (adopted 2005) showing the property in question:



[1] For the property in question, the Town’s current adjacent zoning is RCD 35; **[2]** the Town’s future adjacent zoning is Single Family; **[3][4]** the ET District’s current and future zoning is Ag Preservation; **[5]** the Village’s future zoning is Rural Residential.

Pforr expressed his opinion that this was dubious, given that there were subdivisions on both sides; Graves said the same argument could probably be made against the continued preservation of New York’s Central Park. Iausly said the intent of the plans was to separate subdivisions. Graves said that although we may not always agree with it, the Commission’s guiding document is the plan and it seems like it would be difficult to recommend approval of a rezoning that would violate its comprehensive plan without careful consideration, a formal proposal to change the plan, and a public hearing noticed to that effect. Iausly said one of the goals of the plan is to preserve ag/open space.

Snyder said if approved, he would want to see 20- or 30-year deed restrictions so the properties could not be subdivided for several years. Pforr said it was not his intent to sell them so someone else could buy them and subsequently subdivide them. Iausly asked about the proposed location of the driveways and whether a property owner could have a driveway in a different location if it had not been installed yet; it was noted that this could be by covenant (and that Lot #4 would not have an easement but the location of the driveway would be determined in advance and the location of the other driveways could also be determined in advance).

Schmidt referenced pages 78-79 of the plan and, which states: “Make site specific land use decisions based on the Land Use Plan Map. If a proposed land use does not comply with the Land Use Plan Map or the Comprehensive Plan text, either deny the request or require an application to the Town to amend the Land Use Plan Map or Comprehensive Plan text to reflect the proposed change.” Concern was expressed that changing the plan – a lengthy process in and of itself – could open the proverbial can of worms. The process for making recommendations to the ET committee was also discussed.

Snyder said the plan is only a guide – not written in stone. Iausly returned to comments made by Thomas and noted that precedents are set by making changes to plans. Snyder spoke to the value of continuity around parcels of land and said “we need to be careful so we don’t shut the door to growth in the community – we need to do it wisely – and this would be a better use of the 46 acres than having one house built in the center of it. If anyone wants to do something like this, they would have to go through the process and we still have to give approval.” He added that we need to slow “urban sprawl, but if we stop it entirely it can be the death of a community.”

Schmidt asked about the background and Snyder said there had been some horse-trading at the time and maybe this should have been designated single-family residential then – rather than ag-preservation. Iausly agreed that the plan is a living document, but said the Plan Commission would have to consider the impact of changing the land use map. He said this request was somewhat murkier, since it would be a decision of the ET committee, and that three members of the Town’s Plan Commission are on that committee.

Stenner asked whether it was not correct that any action of the Plan Commission would advance to the Town Board. Graves asked whether there weren’t more questions about protocol and process and few clear answers providing direction on how to proceed. Snyder said he thought it would go to the Town and then to the ET committee.

Motion that this Commission, in light of other single-family residential areas, send its approval of this request to the Town Board, with the acknowledgement that Lot 4’s driveway be recorded by deed and the location of the driveways of Lots 7 and 8 be located and noted under covenant, and that there be no further subdivisions of the parcels for a minimum of 20 years / Snyder / Schmidt / Graves called for a roll call vote and Iausly, Schmidt, and Snyder voted in favor and Thomas and Graves voted against / Motion passed and the matter will be forwarded to the Town Board.

Iausly suggested that there should be a Motion that if this were approved by the Town Board, and the ET Committee approves it, then the Plan should be amended. After discussion, Snyder said the ET cannot amend the Town's Plan. Iausly withdrew his Motion and asked that it be noted as a suggestion. Snyder said the process for changing the adopted comp plan is on page 84 of the Town's plan.

Plan Amendments: This Comprehensive Plan may be amended at any time by the Town Board following the procedures set forth in Wisconsin Statutes § 66.0295(4). Amendments are generally defined as minor changes to the plan maps or text. Amendments may be needed for a variety of reasons including:

- Changes in Town goals, objectives, policies and recommendations
- Unique opportunities presented by private development proposals
- Changes in Town programs and services
- Changes in state or federal laws

Any proposed amendments should be submitted to the Plan Commission for their review and recommendations prior to being considered by the Town Board for final action.

- **Residential Subdivisions: Review letters provide by Sauk County and Town of Spring Green. 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.**

Draft letters from the County were reviewed. One issue of concern related to cottage industries and Brian Simmert, Sauk County, had recommended that they be identified *prior* to a rezoning so people could come forward and request a nonconforming use permit. Graves suggested that this information be included in the letter that will be sent to property owners so they would be aware of the opportunity to apply for a non-conforming cottage industry permit. It was suggested that the County provide a list of permitted cottage industries. Another issue related to livestock, and was summarized in email correspondence between Iausly and Simmert. After discussion, it was agreed that revisions to the draft letter include reference the cottage industries issue as #3 and some other corrections, which Iausly will forward to Simmert.

The second letter reviewed was the draft of the letter that would come from the Town was discussed and some changes were suggested. Iausly provided an updated timeline reflecting some of the changes to-date.

Motion to approve the changes to the draft letters, forward the revised drafts to the Town's legal counsel, and then forward the correspondence to the Town Board for action / Snyder / Schmidt / Motion passed unanimously.

8. Discussion & Public Comment

- Graves asked about the process for Phorr's request, given that it would require amending the comp plan and that the plan states that "...amendments should be submitted to the Plan Commission for their review and recommendations prior to being considered by the Town Board for final action." The timeline, Iausly suggested, would require the input of the ET committee, without being binding, and then would return to the Plan Commission via the Town Board. It was agreed that the process was not wholly clear and Schmidt noted that, after the Plan Commission's discussion, he had asked Mr. Pforr to make a formal request for a rezone amendment to the plan map.
- A resident asked if a change to accommodate Phorr's request would apply only to this property – or have broader implications noting that Thomas had expressed concern that if you approve one request, how you deny another. Snyder said he felt they would have to be addressed individually. In further comment, citizen concern was expressed about whether actions such as this would undermine the plan, which initiated further discussion about this issue and the rezoning of the agriculturally zoned subdivisions.
- It was announced that Town Board Chair Benny Stenner has appointed Brian Frank to the Plan Commission.

9. Next Meeting Date

- **Next Town Plan Commission meeting rescheduled to June 5th.**
- **The Town Board meeting is June 7th.**
- **The information meeting on the agriculturally zoned subdivisions will be June 26th.**

10. Adjournment

- **The meeting adjourned by consensus at 9:27 p.m.**

Signature of the Secretary: _____

Joni Graves

Signature of the Chair: _____

Fred Iausly