Springfield Plan Commission Meeting

Springfield Town Hall

Monday, March 12, 2018 – Approved April 9, 2018; Amended 10/1/18

1. **Call to Order, Roll Call, Pledge of Allegiance**

The Plan Commission meeting was called to order at 7:30 p.m. by Chair Jeff Endres. Present were: Bill Acker, Nate Wagner, Scott Laufenberg and Jim Pulvermacher and Deputy Clerk/Treasurer Jan Barman, Clerk/Treasurer Dianah Fayas and Mark Roffers from MDRoffers Consulting. Steve Resan absent. Also present: Scott Gussick, Mike Maly, Chris Adams, Noa Prieve, Dan Nemke, Bryan Butteris, Mike Herl, Steve Forrer, Jason Helt, Steve Helt, Kate & Mike Hetzer, Janice Faga, Ryan Faga, Gary Helt, Brad Maly, Don Esser, Duane Wagner, Dan Dresen, Pat O’connor, Dale & Judy Maly, Jeff Pongratz, Dave Laufenberg and Will Hensen. **The pledge of allegiance was recited.**

1. **Confirmation of Compliance with Open Meetings Law**

Deputy Clerk Barman reported that notice of this meeting was met by posting at the Town Hall, the website, listserve , Hwy K and Church Rds and this meeting is being recorded.

1. **Approval of Minutes from January 8, 2018 Meetings**

**Motion (Pulvermacher/Wagner) to approve the January 8, 2018 minutes. Motion carried, 5 – 0.**

1. **Public Comment Time**: Don Esser will be attending the April meeting to discuss dividing his 5 acre parcel into two 2½ acre lots. Jan invited anyone interested to fill out an application as there are two openings on the Plan Commission.
2. **Dynamic Concepts, 7167 Schneider Rd, Dan Nemke and Scott Gussick, agents.**

Improvements for a new process bay that will house ultra-filtration and reverse osmosis equipment, parts storage, workshop and office spaces. The new equipment will separate the water from the digested manure in the liquids coming from the centrifuge. Separated water will be discharged into Pheasant Branch Creek or used by farms for irrigation water. Water quality will be improved, reducing volume from 15,000 gallons to 5,000 gallons/acre, hauling 50% less and taking more solids out.

There will be a DNR meeting on March 20, 2018 for erosion control & storm water management permits approval, State building plans are approved. The permit will expire in May but will be extended until December 1, 2018 for completion of this project.

* Need to check CUP if allowable.
* MSA comments need to be addressed.

**Motion (Pulvermacher/Laufenberg) to table until April 9, 2018 meeting, will need the following:**

1. **Refer to MSA’s memo dated Feb 21, 2018 for detail of the crossing on the existing drain tile**
2. **Detail on the discharge pipe to the creek**
3. **Easement with Zieglers**
4. **Construction schedule**
5. **Required permits DNR & Dane County**

**Motion approved, 5 – 0.**

Need to check with Atty Hazelbaker on the CUP for coverage of this building. If changes to CUP will need to hold a Public Hearing on April 9, 2018.

1. **Zoning Ordinance Amendments**

Corrections to the zoning ordinance are needed. One of the issues is the accessory building size was not accurate, need to change the maximum area for an accessory building to be no larger than the principle buildings and must be located on the side or rear of lot.

Setbacks to side and back of lot are being adjusted.

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The land use permit for ag buildings to be removed, but will still need a building permit

**Motion (Pulvermacher/Acker) to adopt the March 5, 2018 corrections as presented. Motion carried, 5 – 0.**

1. **Fees**

Change the retainer fee for CSMs to $1000 because the current fees are not covering these charges.

**Motion (Laufenberg/Wagner) to approve the increase to $1000 for CSMs. Motion carried, 5 – 0.**

Institute TDR retainer fees of $1000. **Motion (Pulvermacher/Wagner) to institute a $1000 retainer fee for TDRs. Motion carried, 5 – 0**.

Variance fee waiver – with the approval of the Ordinance Amendments the need for this waiver is no longer necessary.

1. **Farmhouse relocation on new CSM and rezone requirement**

Questioning the need for a new CSM when removing current farmhouse and building a new farm house away from the buildings but still within the 40 acre parcel. Atty Hazelbaker informed the staff that a new CSM would be required and rezone the farmhouse to SFR under the new zoning ordinances. Williamson Surveying disagrees. Mark Roffers there is a farmhouse replacement in our ordinances for a residence built before 1979 does not require a split/right, if postage stamp around home would require a new CSM. After a lengthy discussion, the plan commission decided no rezone or CSM would be required. Commission would like the Town Board review also. May need to discuss with the other 6 towns that are in our zoning area.

**Motion (Pulvermacher/Wagner) a new CSM and/or rezone will not be required if built prior to 1979. Friendly amendment by Acker – conforms to legacy zoning, second by Wagner and accepted by Pulvermacher. Motion carried, 5 – 0.**

1. **Density study**

There are two requests at this time with a possibility of two more, Mark Roffers (MDRoffers Consulting) to work with title company to complete.

Jim suggested that a group of residents could meet for 4 or more evenings to compile a town wide density study. Tabled.

1. **Draft Deed Notice for all CSMs**

As the Plan Commission did not have time to review these documents they would like to table until the April meeting.

Mark Roffers- it is a tracking mechanism for development rights to be recorded to the balance of the land. When all rights are exhausted this will be recorded also.

**Motion (Pulvermacher/Laufenberg) to table. Motion carried, 5 – 0.**

See Item #11 after 13.

1. **TDR Program**

Program Update – there seems to be a lot of interest in this new program.

This program has been in effect since January 1, 2018 and there seems to be a need to tweak a few items which is not unexpected.

 The receiving areas – need to work thru the TDR Rules & Procedures on these. There are 3 types of receiving areas –

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Hensen/Maly – 39 acres wooded A-1EX receiving area in the Ag Preservation Area which does not allow for any more houses. Currently assessed as type 3 in the TDR program s it was not sub 35 acres created before 1979 only allows 1:1) – next item on agenda. Malys want 2 lots so to get there with 1 development right the TDR program would need to be tweaked. Type 1 may be a possibility for a sub-35 lot if placed in Rural Neighborhood area can be 2:1, 3:1 etc.

1. Process to amend comp plan – PC, PH, TB and map cleaned up, etc. Caution because this change could lead to a subdivision not just 2 lots
2. Type 2 – option to expand now sub-35, if performs well enough could get up to 2:1 (not 1:1). Should the town make the decision to crack open the door to include 2 new homes on a wooded lot vs a workable ag lot for every right acquired here as opposed to me?

Other issues on TDR:

1. Type 2 is 1.5 – 3 acres should this be increased to 5 acres?
2. Change from sub 35 acres to 40?
3. Sending area has to be super sending area, 75% group soils I or II, no 40 acres with group soils 1 or 2 difficult to determine the soils in some areas are very broad and production is still good. As the land in question produces 173 to 225 bushels/acre. Criteria needs to be tweaked some way.
4. General approach – Plan Commission grant status eventho it doesn’t meet criteria, to be considered or does the PC want to add another page to Rules & Procedures to provide criteria for a waiver amount on a case by case situation where it is similar to a Type 1 or 2 but not quite right or do you want to keep it precisely as it is. If waiver is granted need to document why this was done for future reference.
5. Better maps needed for soils, suggestion of NRCS maps may have more information.

Jim Pulvermacher left room *for a phone call* and returned 3 minutes later.

1. Type 3 – Farm to Farm up to 5 larger than 3 acres – 2 TDRs are needed
2. Commission can’t be afraid to say no if not good for town.
3. Amend Comp Plan but Rules and Procedures are easier and quicker to update.

**Motion (Pulvermacher/Laufenberg) to table until April meeting. Motion carried, 5 – 0.**

1. **TDR Project near intersection of Hwys 12 & 19 Lake Brandenburg**

This is a 35 acre parcel, would like to create 3 lots now and then in 5 years 3 more. This is next to an existing subdivision. Lots 1 – 3 would be 4 acres each and the remaining Lot 4 would be 23 acres and stay as farmland. Duane Wagner has 7 development rights to provide for this parcel. Will need a density study.

1. **Amend the Town Comp Plan to redesignate a 39 acre parcel in Ag Preservation Area to Rural Neighborhood Area designation.**

**Motion (Pulvermacher/Wagner) to table this request. Motion carried, 5 – 0. Discussed in previous item #12.**

1. **Ziegler Dairy Farms, Greg Ziegler, owner and Ryan Faga, agent**
2. Farm to farm TDR, rezone & CSM to create 2 lots 2.41 acres SFR and 2.05 acres AE on the northeast side of Riles Rd near CTH P.

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Ryan has been to numerous meetings and has done a lot of work on this TDR proposal. Lot 1 is 2.41 acres and Lot 2 is 2.05 acres.

Discussion of need to update CSM, identifying the building envelope, ditch & size of culvert (to match Dane County Hwy culvert in size), elevation of the lowest opening the garage floor no lower than existing road. Right to farm notice, deed restrictions on sending area needs to be recorded on both this lot and on the complete farm, no building right to allow division of this lot.

**Motion (Pulvermacher/Acker) to approve the CSM and rezone of 2.41 acres to SFR and 2.05 acres to remain in A-1Ex. with the following conditions:**

1. **Culvert location and size**
2. **Show building envelope**
3. **Show drainage ditch profile**
4. **Lot 1 – deed restriction no future division of this lot**
5. **Lot 2 – deed restriction no new TDR or building split can be created**
6. **TDR document to be recorded prior to lot being created**
7. **House’s garage floor elevation must be at least as high as the existing Town Road height at the driveway entrance.**
8. **Right to farm notice to be recorded on deed/CSM**
9. **Deed restriction on the balance of the farm where the development right is coming from and that all rights/splits are exhausted. (~~Munz~~ *Matz* farm)**

**Motion carried, 5 – 0.**

1. Farm to farm TDR, rezone and CSM to create 2 lots on the southeast side of CTH P. 4.31 acres Lot 1 to rezoned to SFR and 9.67 acres to remain A-1Ex.

Before discussion started on this, Steve Forrer, Realtor and working with Greg Ziegler informed the commission that the plans have changed and there would be 4 new lots created. He did not have any paperwork to show the commission. The 4 splits (rights) would create 3-5 acre parcels, the Ziegler have 13 TDRs currently, easement for access will be needed. TDR would be a farm to farm transfer.

Commission informed him that a separate access will be needed to feed the 4 lots and he would need to resubmit the application documenting these lots. Building envelope may be needed concerns on height because this area may have slope issues.

The biggest hurdle will be the access because adding this many homes may require a public road be installed which will mean bringing all the lots up to code with cul-de-sacs for safety concerns. Will need to get approval from Middleton Fire District, also.

**Motion (Laufenberg/Pulvermacher) to table. Motion carried, 5 – 0.**

1. **Communications/Announcements**

Jeff presented Scott with a service award for his time on the commission as this was Scott’s last meeting.

Jan reminded everyone to vote on April 3rd and that the next PC meeting will be Monday, April 9th because of the election. Jan invited all to the Annual Meeting on Tuesday, April 17th which will be followed with cake recognizing her retirement and would like to see you there.

1. **Adjourn**

**Motion (Laufenberg/Pulvermacher) to adjourn at 10:30 p.m. Motion carried, 5 – 0.**

Jan Barman

Deputy Clerk/Treasurer