

1. Open Public Hearing:

- a. Land Division and Rezone Request. Petition # Not Available. Parcel # 0509-354-8030-3; 114 Union Road, Brooklyn, WI 53521. The request is to create a 2-acre residential lot for son. Owner and applicant is Russell Schmid, 114 Union Road, Brooklyn, WI 53521.

Chairman Duffin called the public hearing to order on Tuesday, April 24, 2018 at 6:30 p.m. Russell Schmid, 114 Union Road, Brooklyn, WI 53521, appeared to request creating a residential lot at the end of an existing farm driveway for his son to build a house and help run the farm. The new lot would be 4.25 acres including the driveway. They plan to start construction in July and complete in November. This land division would use one (1) of the seven (7) available splits. He has meet with Town Board Supervisor Arlen Christensen to discuss the driveway requirements. Arlen suggested using a 30-foot culvert due to semi-trucks going into the field.

2. Close Public Hearing.

Duffin closed the public hearing at 6:35 p.m.

3. Call Plan Commission meeting to order.

The Plan Commission meeting was called to order immediately after close of the public hearing.

4. Roll Call.

Roll call was not taken. The following Plan Commission members were present Blomstrom, A. Christensen, S. Christensen, Duffin, Hagemann, Kay and Yanacheck. Town Board Chairman Wayne Ace was also present.

5. Discussion and possible Recommendation to the Town Board.

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There was no opposition to the Schmid petition. The town will charge an impact fee of \$1,000 for the new lot. **Motion made by A. Christensen and seconded by T. Yanacheck to approve the Land Division and Rezone request for Russell Schmid; Petition #DCPREZ-2018-11299. No further comments. Motion carried 7-0.**

- b. Deed Notice to record that two (2) remaining housing density units (HDU) or “splits” remain eligible due to house replacement for Tom Buglass, 5119 Lincoln Road, Oregon, WI 53575. Parcel #'s 0509-141-8000-6 and 0509-141-8501-0.

Tom Buglass, 5119 Lincoln Road, appeared to request the town record a Deed Notice that two (2) housing density units remain on his property. Mr. Buglass meet with Majid Allan, senior planner at Dane County to discuss the remaining splits. Mr. Allen concluded that the Buglass property is entitled to two splits based on the town’s policies. Mr. Buglass built a new residence at 5119 Lincoln Road and then demolished the existing farm residence at 5075 Lincoln Road. The new residence is effectively his replacement residence. Mr. Allen emailed the Deed Notice document to be signed by the town if in agreement. There was discussion that creating a CSM would be a better option, but Mr. Buglass preferred the Deed Notice. **Motion made by Blomstrom and seconded by Kay to record the Deed Notice prepared by Dane County that two (2) housing density units (HDU) or splits remain and stipulate that the county is recognizing the new home as a house replacement. No further comments. Motion carried 7-0.**

6. Approval of minutes.
Motion made by A. Christensen and seconded by T. Yanacheck to approve the March 20, 2018 Plan Commission Meeting Minutes. No further comments. Motion carried 7-0.

7. Public Comments.

Kathy Linzmeier, 3330 Siggelkow Rd., and her husband, Glenn, purchased the property at 5582 Bell Brook Rd. The home was demolished and they are building a new home using the existing driveway. She feels this is a dangerous driveway and asked for hidden driveway signs or shaving the hill to make it safer. A. Christensen suggested moving the driveway up the hill toward the neighboring driveway. There was discussion regarding the location of other driveways in the area. Wayne Ace suggested contacting the neighbors to connect to that driveway. Mrs. Linzmeier said it would be difficult to move the driveway because they are building a shed and she would prefer to not share a driveway. There was discussion about reducing the speed limit to 45 mph using a yellow and black caution sign and installing hidden driveway signs. The plan commission suggested A. Christensen and Wayne Ace inspect the driveway location and discuss at the board meeting on Tuesday, May 1st.

Eric Grover appeared on behalf of William and Charlotte Cummings, 6060 Sun Valley Parkway, for preliminary discussion regarding creating a three (3) lot CSM. The Cummings' own approximately 69 acres with a house. The density study shows the property is eligible for two (2) additional housing units. The owners would like to sell the forty-three (43) acres of agricultural land to the adjoining neighbor at 6050 Sun Valley Parkway. Mr. Grover explained the layout of the three CSM lots to retain privacy. The first buildable homesite will be six (6) acres and rezoned to RH-2. The second homesite will be ten (10) acres with the existing homesite and rezoned to RH-3. The third buildable homesite will be ten (10) acres and rezoned to RH-3. All the lots will end up with a small portion of the fifteen (15) acres of CRP land. The driveway will need to be improved to meet the current driveway requirements. All three lots should have sixty-six (66) feet of road frontage although no longer a requirement at Dane County. There are accepted offers on the proposed properties pending approval from the town and county. Jordan Doll, 6050 Sun Valley Parkway, is concerned that the current easement is no longer valid. Duffin asked Mr. Grover to check if there is an easement to access the agricultural land. The town will charge an impact of \$1,000 per lot created.

Steve Ace, 7105 North Shore Dr., Belleville, WI, appeared for preliminary discussion regarding separating the house at 996 Storytown Road from the agricultural land. Mr. Ace is having a density study completed at Dane County to determine the number of potential housing units available since he owns adjacent land. Mr. Ace is unsure how many acres a potential buyer may want with the existing house. The existing house would be eligible for a house replacement following all town and county requirements. There was discussion regarding the current A-4 zoning because all the splits were exhausted from the original farmstead. The town would allow splits to be placed on contiguous owned land, however the A-4 land would need to be rezoned. Duffin said a preliminary CSM is required with the submittal application to the town. Mr. Ace is unsure of the lot size, so the plan commission recommended putting the house up for sale and applying for a land division and rezone after a buyer has been found.

There was discussion that the town should require all new homes receive a driveway permit.

8. Discussion and possible Recommendation to the Town Board re: Dane County Comprehensive Revision including zoning map, new zoning categories and notification to town residents of zoning changes.

Duffin read the answers from Brian Standing, senior planner at Dane County, on questions the plan commission had from last month regarding chapter 10 revisions.

1. Will all RH-4 and A-2 go into the RM-16 zoning district?

Yes, all parcels currently zoned RH-4 and A-2 that are between 16 and 35 acres in size are proposed to be rezoned to the new RM-16 zoning district.

2. Will RM-16 allow for unlimited animals? According to this fact sheet on the Dane County website it is a limit of one animal unit per

acre? https://plandev.countyofdane.com/documents/pdf/CompZoningRevision/Zoning_Districts/RM-16-2017.pdf

In RM-16, there would be no numerical limit on animals, as long as they comply with County soil and water conservation standards. In practical terms, this would mean that they would have to have a farm conservation plan approved by the Dane County Land and Water Resources Department.

3. If they town eliminated RM-8, would someone that was storing vehicles be allowed in continue as “grandfathered?”

That would depend on whether or not such an existing use was legal under the current zoning ordinance. The current ordinance allows “seasonal storage of recreational equipment and motor vehicles in existing buildings” as a conditional use only in the [A-1\(ex\)](#), [A-2](#), [A-3](#), and [A-4](#) districts. So, if they were in one of these districts, with an approved CUP, they’d be “grandfathered” as a legal, nonconforming use if they were rezoned to a new district that doesn’t permit such use, like [RR-8](#). Under these circumstances, the existing use could continue, but would have limits on expansion or re-establishment once abandoned for a year or more.

On the other hand, if they did *not* have an approved CUP, they would have to stop storing other people’s RV’s or cars once they were rezoned to RR-8. The new ordinance would allow seasonal storage of recreational equipment, etc. as a permitted use (no CUP required) in all of the FP, RM and AT districts. The logic for this is that, once a large agricultural accessory building is permitted, it’s very difficult for a zoning inspector to determine what’s stored inside it, so enforcement becomes complicated. In addition, the impacts to neighboring property owners, or to public roads aren’t much different whether a pole barn is storing a tractor or an RV.

4. Why isn’t there an RR-16? Currently RH-4 has a limit of one per acre and going to unlimited in RM-16.

There was a general decision to try to make the RR and RM districts more distinct from each other than the RH and A-2 districts are in the current ordinance. The subcommittee agreed that once a property reaches 16 acres in size, that should provide sufficient room to allow for most agricultural and agricultural accessory uses with minimal or no impact on surrounding property owners. In addition, staff from the Dane County Land Conservation Division have told us that at 16 acres, it becomes practical and advisable to use site-specific conservation practices to manage livestock impacts, rather than an arbitrary numerical cutoff, which may or may not be suitable to a particular terrain, soils, etc. Finally, in an effort to promote farmland preservation, we wanted to encourage more purely residential properties (like the RR districts) to be smaller in size, so they convert less productive farmland to non-farming uses.

5. Could you please elaborate on why “pick-your-own” has a limit of 10 days?

First of all, please note that in the FP, RM and AT districts, a landowner can apply for a conditional use permit for agricultural entertainment, “pick your own” and similar uses that exceed 10 days a year. By allowing retail customers on the premises, such uses have very different parking, traffic and other impacts than does a standard farming operation. The subcommittee wrestled with the question “If I

were a neighbor of such a property, how many times a year would I be willing to put up with a lot of cars coming and going, perhaps parking on the ROW, etc.?” with or without an opportunity to comment on it. Some on the subcommittee argued for more time, some argued for less, but they eventually settled on 10 days a year (five weekends) as “reasonable” without seeking neighbor input. If you start doing that kind of thing much more than that, you are changing the nature of the use, and that should probably be subject to neighborhood and town scrutiny through a conditional use permit. This will make sure there’s adequate parking, trash removal, hours of operation, etc.

Duffin said that agricultural entertainment is not allowed on RR properties. Therefore, he didn’t make the recommendation to the town board that RM being taken off the town map. He asked the additional question from Brian Standing.

1. Could you please explain “horseback riding” under agricultural entertainment?

This would mean offering rides on horses to the general public, usually for a fee. It would not include riding your own horse on your own property.

The town board told Duffin that the plan commission could submit a list of concerns with the chapter 10 revisions and they would review to send a letter to the county. Duffin is concerned with the definition of agricultural entertainment and the ten (10) day requirement. There was discussion about RM allowing unlimited animals by complying with standards of ATCP 50.

Motion made by Kay and seconded by A. Christensen to rescind the recommendation from March 20, 2018 to not take all RM -8 off the map. There was discussion about enforcing the restrictions and withdrawing from Dane County Zoning. Motion carried 6-0. S. Christensen abstained.

Duffin feels the town board wants to send notifications to all residents regarding the chapter 10 revisions and therefore didn’t make the recommendation to the town board.

Motion made by Kay and seconded by S. Christensen to rescind the recommendation from March 20, 2018 to send notification by 2nd and 3rd regarding the chapter 10 revisions. No additional comments. Motion carried 7-0.

Motion made by S. Christensen and seconded by Kay to recommend the town board choose the method of notification to town residents regarding chapter 10 revisions. No additional comments. Motion carried 7-0.

There will not be a work session scheduled. The map will need to be discussed. Additional map will be available at the next meeting. Duffin feels that the town board needs to direct the plan commission to look at the commercial zoned properties. There was additional discussion regarding commercial rezoning free of charge as part of the chapter 10 revisions. The plan commission would like a list of HC and GC properties in the town to review next month.

9. Discussion and Possible Recommendation to the Town Board re: Updates to the Town Comprehensive Plan.

No further information presented.

10. Communications

There have been inquires of tiny homes in the town. The county will be eliminating dependency living

arrangements and replacing with an attached and detached accessory dwelling units in the chapter 10 revisions. The town will need to look at the accessory dwelling units and if a land division will be required for an accessory dwelling unit.

11. Adjournment.

Motion made by Kay and seconded by S. Christensen to adjourn the meeting at 9:05 p.m. Motion carried 7-0.

Respectfully submitted,

Jennifer Hanson