

TOWN OF UNION PLAN COMMISSION MEETING Minutes for July 26, 2007

The Town of Union Plan Commission meeting was called to order on July 26, 2007 at the Eager Free Public Library, 39 W. Main Street, Evansville, WI at 7:00 p.m. by Alvin Francis, chairman. Members present included Doug Zweizig, Kim Gruebling, Mike Exum, Alvin Francis, Marty Johnson, Eric Larsen and Richard Templeton. Also in attendance: Town Engineer Greg Hofmeister, Town Attorney Matt Dregne, and Building Inspector Bob Fahey.

Review and Approval of June 28, 2007 Plan Commission Minutes

Kim Gruebling moved to approve the June 28, 2007 Plan Commission minutes. Second by Doug Zweizig. Minutes approved.

Public Hearing: Larson Farms, 15230 W. Butts Corners Rd., Evansville, WI 53536 requests a land division to separate off a 6.3 acre parcel from its existing A1, 36.68 acre parcel (#6-20-78) located in the SE 1/4, NW 1/4 of Section 10 for the purpose of selling the land so that the 6.3 acres would be added to the adjoining 4 acre (#6-20-78.2) A3 parcel. The joining of this land would increase #6-20-78.2 to 10.3 acres which would be rezoned to A2. The remaining 6.2078 parcel acreage would likely be added with another adjoining 18.5 acre parcel (#6.20.17) which is under the same ownership as #6-20-78 to create one large A1 parcel. If these two parcels aren't joined, the owner petitions for a rezone of the remaining parcel of 30.28 acres to A2.

Public hearing opened at 7:07 p.m.

Rhonda Reidner (owner of parcel #6-20-78.2) was present, clarified that this request is to increase pasture land only, not build dwellings. The land to be added is currently high quality farm land, planted in soybeans. Dan Butz Jr. was in attendance, representing Cavalier Village Mobile Home Park. Mr. Butz indicated that it was his opinion that the map provided as part of the request is inaccurate, as it is not consistent with historical land transfers done verbally/by handshake and therefore disputes information presented in map. Mr. Butz requested that the Plan Commission approve the requested zoning change pending resolution of property boundary concerns (specific concern is west side of Larson property, east side of Cavalier Village). Mr. Butz indicated that a survey was never done following the land transactions in question, and was also not done when the land was originally purchased by Butz Sr. The Town attorney, Matt Dregne, clarified that the Plan Commission has no authority to resolve land boundary issues, and that zoning changes will occur prior to land conveyance and the Plan Commission is only required to approve the requested zoning change at this time. Marty Johnson voiced concern about the possibility of outcome of boundary issues affecting the size of resulting parcel, resulting in the combined parcel being under the 10 acre requirement for A2 zoning and therefore non-conforming. It is expected that the amount of land added will be enough to bring it to the 10 acre requirement for A2 zoning.

Public hearing closed 7:18 p.m.

Scoring sheet discussion: Doug Zweizig felt scoring sheets were somewhat inappropriate for use in this situation, due to their main purpose for buildings/dwellings. Kim Gruebling noted many parts of the scoring sheets are not appropriate, raising the overall score. Eric Larsen requested clarification whether the land was being taken out of ag use; the Commission agreed that the land will not be taken out of ag use, as it will be used for pasture.

Motion language discussion: Mike Exum asked about timeframe to complete sale; both seller and purchased indicated the desire to close ASAP. Attorney Dregne suggested town require a copy of surveys of each newly created parcel and evidence of their recording at the county level. Two deadline dates were suggested for completion of surveying and recording, to accommodate harvesting of crops prior to locating survey pins on cropland. Deadline dates suggested were October 1, 2007 for parcel #6-20-78.2, and December 1, 2007 for parcels #6-20-78 and 6-20-17. Attorney Dregne clarified that the certified maps do not need to be signed off by the town clerk.

Motion to recommend approval of application as written in agenda by Marty Johnson; motion read in by Marty Johnson:

Motion: Larson Farms, 15230 W. Butts Corners Rd., Evansville, WI 53536 request for a land division to separate off a 6.3 acre parcel from its existing A1, 36.68 acre parcel (#6-20-78) located in the SE 1/4, NW 1/4 of Section 10 for the purpose of selling the land so that the 6.3 acres would be added to the adjoining 4 acre (#6-20-78.2) A3 parcel. The joining of this land would increase #6-20-78.2 to 10.3 acres which would be rezoned to A2. The remaining 6.20.78 parcel acreage would likely be added with another adjoining 18.5 acre parcel (#6.20.17) which is under the same ownership as #6-20-78 to create one large A1 parcel. If these two parcels aren't joined, the owner petitions for a rezone of the remaining parcel of 30.28 acres to A2.

Contingencies to above motion: October 1, 2007 deadline for providing the township with a certified survey map of parcel #6-20-78.2 and evidence of recording at county level. Parcel #6-20-78.2 must be not less than 10 acres for approval of zoning change to A2. December 1, 2007 deadline date for providing the township with a certified survey map of newly joined parcels #6-20-78 and 6-20-17 and evidence of recording at county level.

Eric Larsen seconded motion.

Roll Call Vote:

Mike Exum - Y; Marty Johnson - Y; Eric Larsen - Y; Doug Zweizig - Y; Rich Templeton - Y; Kim Gruebling - Y; and Alvin Francis - Y Motion to approve carried by a 7-0 vote.

Public Hearing: Every Survivors Trust c/o Daria Mary A. Every, PO Box 1, Evansville, WI, request a land division and zoning change to divide a 4.8+/- A3 parcel from the current A1 56.2 acre parcel (#6-20-173) located in the NE 1/4, SW 1/4, of Section 21 approximately 750 feet north of the intersection of Evansville-Brooklyn Road and Cty. Hwy. C, Fire # 8140. The current owner would like to allow their son to build a new home.

Public Hearing Opened at 7:35 p.m.

Alvin Francis asked if remaining road frontage between the requested lot and the property owned by Lazlo Csukardi would be enough to create another lot? Every's indicated no, this is not their intent.

Kendall Schneider questioned if he should recuse himself from this decision item at the upcoming Town Board meeting as he is next door neighbor to the individuals requesting the land division? Attorney Dregne indicated that because Kendall holds no financial interest in the property, he does not feel there is a conflict of interest; however he may wish to excuse himself to avoid any appearance of impropriety. Dregne will confirm this opinion prior to the August 2 Town Board meeting. Kendall stated he has no objection at this time to the requested land division, only has concern about driveway location if an additional driveway is added for the property as the location would have an obstructed view (view to south is obstructed due to knoll).

Public Hearing Closed at 7:44 p.m.

Scoring sheet discussion: Alvin Francis noted that under scoring criteria 3-A (Significant natural features) the amount of wooded acres on site appeared to be more than 50%, and therefore a score of 10 should have been given, instead of the 30 points awarded in initial application. Mike Exum asked if the parcel is currently zoned A1? Answer: Yes. Marty Johnson asked if the City of Evansville long term plan consulted? Answer: Yes.

Motion to recommend approval of application as written in agenda by Eric Larsen; motion read in by Eric Larsen:

Motion: Every Survivors Trust c/o Daria Mary A. Every, PO Box 1, Evansville, WI, request a land division and zoning change to divide a 4.8+/- A3 parcel from the current A1 56.2 acre parcel (#6-20-173) located in the NE ⁰, SW1/4, of Section 21 approximately 750 feet north of the intersection of Evansville-Brooklyn Road and Cty. Hwy. C. The current owner would like to allow their son to build a new home.

Motion seconded by Kim Gruebling.

Roll Call Vote:

Mike Exum - Y; Marty Johnson - Y; Eric Larsen - Y; Doug Zweizig – abstained; packet was not in his mailing; Rich Templeton - Y; Kim Gruebling - Y; and Alvin Francis - Y
Motion to approve carried by a 6-0 vote.

Public Hearing: Proposed extended stay on construction of Large Wind Energy Systems in the Town of Union. The purpose of an extended stay would be to give the Town time to develop permanent regulations relating to the construction of large wind energy systems.

Chairman Alvin Francis removed himself, due to conflict of interest. Vice-Chair Doug Zweizig explained the purpose of the hearing and asked that all questions and comments be addressed to the vice-chairman.

Public Hearing Opened 7:55 p.m.

Eric Kostecki, WPPI: Presented an overview of the state requirements regarding renewable energy. WPPI feels development of ordinances is important when dealing with wind energy, and recommends adoption of an existing ordinance developed by another township/municipality, to save time for the board.

Wes Slaymaker, EcoEnergy LLC: Also asks town to adopt an existing ordinance, and suggests adding specific conditions as needed to address specific concerns. EcoEnergy will submit noise study, shadow flicker study, DNR review of project site, decommissioning plan w/ financial insurances, microwave study, site plan, road repair plan. Could add additional items if requested by town. EcoEnergy could improve cell/wireless communications by providing sites for these improvements as part of their wind energy siting. Proposed wind energy will provide electricity directly to town residents, as well as providing additional financial support to farmers on whose land turbines are sited.

Cathy Bembinster, Hwy C: Feels that the Town should write their own ordinance, and review health & safety concerns. The Town should not rush into something that impacts everyone's future.

Matt Gaboda (prior Town resident): Union Township has a history of reviewing and taking time to look at issues. The Town should take all the time it needs to review this issue. Locally impacted residents should be taken into consideration and input sought in this issue.

Doug Lee, Emery Rd.: Feels the Town should look at other ordinances, learn from what other towns and municipalities have done, and do research on the issue.

Robin Ringhand, Hwy 104: The Town should take as much time as needed to develop ordinances specific to this area. Other ordinances used by other towns are not specific to this area/land. Subcommittee should be formed to review this issue, as it will have a large impact on health/safety of residents.

Scott McElroy, Croft Rd.: Wants lengthy stay, the Town has no full time staff to devote to issue. The issue needs research and other sites should be visited. Wants Kendall to appoint citizen committee to review issue, propose ordinances. There are long term effects of these decisions.

Renee Exum, Cty. C: Agrees with comments of others. Issue is complex; she has been compiling ordinances and likes idea of committee. Feels at least a year is needed for research, etc before any decisions are made.

Sandy Havri, Croft Rd.: Just heard about this issue, and is unhappy with the idea that wind turbines could be placed next to her land that she has worked hard to obtain. Feels the whole issue needs further review.

John Diefenthaler, landowner, Pleasant Prairie Rd.: Feels wind turbines will dominate the landscape, and negatively affect property values.

Angie Wienke, Pleasant Prairie: Agrees with her neighbors. We need to be sure we're

fully aware of how this will affect our area.

Jim Bembinster, Cty. C: Feels moratorium should be extended at least 18 months. A committee should be formed and participants chosen by Plan Commission.

Elaine Strassburg, Cty. C: Supports neighbors' comments, but need to keep in mind the state law which mandates renewable energy and the reason EcoEnergy is looking at these sites. Feels the Town should look at other ordinances to see what else has been done.

Steve Leeder, Croft Rd.: Agrees with all comments, feels the Town needs to take our time as we have done with all other issues and fully research issue.

Public Hearing Closed at 8:09 p.m.

Attorney Dregne provided draft ordinance and comments; recommended adopting it with changes outlined in memo. Noted that the moratorium must be as legally defensible as possible, and the timeline must be appropriate and defensible. Recommended making the duration as short as possible considering the work to be done, and making a reasonable effort to get it done in time.

Marty Johnson asked how long has it taken to write all the Town ordinances in existence now? Kendall Schneider stated it has taken 2 years thus far, and the process is not done.

Mike Exum stated he likes idea of citizen committee, allows for public input, perhaps include Plan Commission members as well.

Kim Gruebling recommended the Plan Commission handle development of ordinance, as members have committed a lot of time and energy thus far on this issue, can accomplish it in a shorter timeframe and are relatively unbiased.

Marty Johnson agreed with Kim, felt the Plan Commission should write ordinance with public input.

Mike Exum wanted clarification on who will actually do the work/writing? Kim felt the Town attorney should actually write the ordinance. Mike feels strongly that public should be included, as they are willing to help & participate.

Attorney Dregne outlined the stages identified in the ordinance: basic investigation; identify issues & solutions; drafting ordinance stage; legal review; back to Plan Commission for review prior to recommendation to Town Board; public hearing.

Mike Exum stressed the importance of listening to the public, getting their opinions, and the need to have public meetings. Eric Larsen requested clarification, that the public would be involved at investigation stage, then scale back in next stages to Plan Commission only? Attorney Dregne stated that was a possible approach, was not sure how much public input will be needed or be appropriate. Mike Exum suggested collecting information in specific areas from individuals and using that info at Plan Commission to craft ordinance. There are only certain areas that can be regulated;

some cannot. Linda O'Leary suggested using the website to post sample ordinances. Doug Zweizig expressed concern about how many more meetings the Plan Commission can handle, as more may be needed depending upon the process decided upon. Doug feels the additional resources available outside the Plan Commission are a resource that should be taken advantage of.

Attorney Dregne proposed the following process:

- Publish the scope of the process in the paper/on website.
- Town Board develops a citizen committee to research the issue and present a report to the Plan Commission.
- Plan Commission meets to review the report with legal counsel.
- Legal counsel drafts ordinance, presents at Plan Commission meeting for review and finalization prior to presentation to Town Board.
- Public hearing conducted prior to presentation of ordinance to Town Board.
- Public hearing conducted by Town Board prior to adopting ordinance.

Timeline for above process:

- Assemble citizen committee: 1 month.
- Research and development of ordinance by citizen committee: 5 months.
- Plan Commission review of ordinance/work sessions/legal counsel review/public hearing: 1-3 months.
- Suggestion by Attorney Dregne is to allow 12 months total for entire process to be completed.

Motion to recommend process as outlined by Attorney Dregne, which will be drafted in written form for presentation to Town Board by Eric Larsen. Second by Mike Exum.

Roll Call Vote:

Mike Exum - Y; Marty Johnson - Y; Eric Larsen - Y; Doug Zweizig – Y; Rich Templeton - Y; Kim Gruebling - N Motion to approve carried by a 5-1 vote.

Attorney Dregne will forward details of process to Town Clerk prior to August 2 Town Board meeting.

Continued discussion of distribution of new lots meeting goals of Comprehensive Plan.

Attorney Dregne distributed memo addressing questions, with attached policies from other communities. Summarized: Historic average of 25 houses built per year, maintain this growth. Key questions include: Should we maintain this lot limit? (options are explored in memo) Are additional policies or rules needed to enforce this? The process should be as evenhanded as possible (i.e. does not like the suggestion of favoring parcels for family members); administration of policies: who will be in charge of administration of the policies? Town must consider impact of plan on property owners and developers.

Rich Templeton stated that he feels the yearly development numbers should be viewed as a limit, not a goal. Asked if Mike Exum has gotten any further with a cost of service

study? Exum: still hoping to find a school or college to work with the Plan Commission on it, as the study is involved and takes a significant amount of time. Mike explained that the cost of service study tells the town if the way the town is developing is paying for itself.

Kim Gruebling felt that the yearly development numbers should be a target, and should provide for flexibility. Historical data shows slow steady development over the last 10-15 years. He believes it is important for the Town to be prepared in the event that a developer comes in and wants to develop 25 lots immediately, and there is nothing in place to regulate it.

Doug Zweizig asked Attorney Dregne what gives the town the ability to limit the development on a yearly basis? Dregne stated that the Town's comprehensive plan and the policy in question allow the Town to limit development. The policy in question should ultimately be an amendment to the subdivision ordinance. He clarified that zoning changes do not have to be based upon the comprehensive plan. Greg Hofmeister was of the opinion that lot inventory will self-regulate.

Matt Dregne asked the Commission for clarification if the 2 year timing on development is a rolling year, or a calendar year? Kim Gruebling believes calendar year should be used for ease of tracking, and 25 per year should be a target that could be gone over, but the 50 per 2 years cannot be exceeded. Must be first come first serve. Dregne stated that this issue must be given thought by the Commission and defined.

Attorney Dregne asked for clarification from the Commission regarding what the ultimate goal is of limiting lots on a yearly basis? Kim Gruebling felt that the main goal was to maintain historic growth limits, and to control impact upon community (schools, roads, etc).

Attorney Dregne stated that currently the scoring sheet is not attached to the ordinance; therefore there are no "standards" in place for approving or not approving lots (assuming that zoning is in place for development). Dregne recommends looking for an alternative method to achieve the objectives wanted, not at the level of control the Plan Commission is trying to achieve now. Bob Fahey felt that zoning should be used as a tool for achieving these goals.

Motion to postpone discussion and decision to next meeting made by Kim Gruebling, second by Eric Larsen. Motion passed by unanimous voice vote.

Will be added to next meeting agenda.

Clarification of Land Division Ordinance Sec. 16.07(s) regarding Town approval of any land divisions.

Clarification of Zoning Ordinance Sec. 17.06(A-1) and 17.07(A-2) subsections (2)C and (3)F regarding owners right to build.

Alvin Francis stated he had received questions from town residents regarding whether individuals would be guaranteed to be able to build a house on a land division if the division was at least 35 acres. Marty Johnson questioned whether a land conveyance

between neighbors of at least 35 acres would be buildable. Attorney Dregne felt it would not be per ordinance.

Dregne suggested looking at Springdale ordinances to see how similar issues were addressed. Additionally, he felt that the comprehensive plan should be used as a tool to manage these issues.

Review model wind energy and/or tower ordinances as time permits.

Motion was made by Chairman Francis, second by Marty Johnson to adjourn the meeting. Meeting adjourned 10:05 p.m.

Respectfully submitted by Regina Ylvisaker, Clerk.

Minutes not official until approved by the Plan Commission at the following properly noticed meeting.