

Town of Union

PLAN COMMISSION MEETING

Minutes of August 26, 2010

The Town of Union Plan Commission regular meeting was called to order at 7:00 p.m. on Thursday, August 26, 2010 at the Eager Free Public Library, 39 W. Main St., Evansville, WI by Chairman Alvin Francis. Members in attendance included Chairman Francis, Eric Larsen, Dave Pector, and Kim Gruebling. Town Chairman Kendall Schneider, Town Supervisor George Franklin, and Clerk Regina Ylvisaker were also in attendance. Members absent included Doug Zweizig, Renee Larsen, and Doug Lee.

Approve July 29, 2010 Plan Commission Minutes

Motion to approve the minutes of the July 29, 2010 Plan Commission meeting as written made by Eric Larsen. Second by Dave Pector. Motion carried by unanimous voice vote.

Public Comment (10 minutes max/issue)

No comments.

Discussion: Revised Farmland Preservation Tax Credit program, Local Conversion Fees

The Town Board discussed the Plan Commission's request to implement fees at its August 5, 2010 meeting and sent the issue back to the Commission for further discussion and clarification of the exact uses of fees, if they were to be implemented. The initial motion requesting the fees was made by Renee Exum. Larsen felt it was the intention of the Commission that the fees would be used to pay for changes to Town ordinances based on the implementation of the farmland preservation program, as the County will charge a fee for assisting in updates, and there may be legal fees involved as well. After that, the fees would be used for farmland preservation initiatives such as purchase of development rights (PDR) programs. Kim Gruebling feels that it is a significant increase in fees, and that the whole idea needs to be more concrete before the Town proceeds further with it. An implementation plan should be written for all to review, possibly drafted by a subcommittee or individual to reduce the time commitment involved by the Plan Commission. Thinks it would make things more productive across the board if this approach was used with more issues. It was agreed that the issue should be tabled until Exum is in attendance and can decide how she would like to proceed, i.e. subcommittee, as she was the individual initiating the motion. Pector thinks there is no reason the Town can't stay with the State conversion fee and see what happens. He realizes that the Town doesn't see any of the State fees but the fees should be going towards farmland preservation efforts on a State level and achieving a similar goal. Gruebling noted that he doesn't see a lot of residents attending meetings asking for farmland preservation efforts on the part of the Town, and he doesn't want to increase Town taxes to fund the program if the State and County can do it.

Motion made by Kim Gruebling to table local conversion fee issue until next month, as Exum is not in attendance and she initiated the motion at the July Plan Commission meeting. Second by Eric Larsen.

Larsen stated that he sees two issues that need to be addressed; one is the Town's reaction to the State law. Our actions will cost money and the people who are splitting the land affected should be funding the cost of revising the ordinances. Second issue is the PDR funding issue. Gruebling agrees, PDR and ordinance revisions are two separate issues, but the Town needs to

decide what the benefits of enacting either are to the Town. George Franklin voiced his concerns about scattered development throughout the Town that may result from the new program. He is also concerned about the different answers that he hears from different people regarding the new program, and the Town not knowing all the far-reaching consequences of the program before getting too far into it.

Motion carried by unanimous voice vote.

Review and possible recommendation to Town Board changes to ordinances including citation ordinance and related fee schedules.

Motion made by Kim Gruebling to request that the Town Board codify the Town ordinances, including contacting the Town Attorney if necessary, so the Plan Commission can proceed with finalizing the citation ordinance. Second by Eric Larsen. Motion carried by unanimous voice vote.

With regard to the noise ordinance, Gruebling stated he contacted the Rock County Sheriff's Department, and they don't have a noise ordinance but use disorderly conduct to enforce noise issues. Also distributed court decisions related to noise, and part of the City of Madison's noise ordinance. All use what is "unreasonable" as a measure of noise. Gruebling recommends either eliminating the current noise ordinance or changing it to reflect what has been upheld by courts in our area. He suggests members read the handouts and discuss the issue again next month. Enforcing our current ordinance is costly as we have to have a trained individual come out and take measurements, and also would have to file a civil suit to take action (currently). Motion made by Kim Gruebling to table issue until September Plan Commission meeting. Second by Eric Larsen. Motion carried by unanimous voice vote.

Review and discussion of possible amendments and updates to the Town of Union Comprehensive Plan, including long/short term development designations on maps.

Regina Ylvisaker distributed copies of the revised site assessment checklist and land use scoring sheets.

Scoring sheet: Agricultural Section A. 1. Should be type 1 *and* type 2, not and/or. Larsen noted a missing dividing line on page two of the scoring sheet.

Site assessment checklist needs the watershed location question added following the yes/no questions and prior to the applicant signature area.

The review of the comp plan maps should be done, and the Plan Commission has requested that the Town Engineer update the short/long term development map. The current land use map should be updated to reflect use as of date changes are made.

Rock County is unsure what the Plan Commission wants as far as help with the comp plan; it was decided that no help is needed at this time.

Larsen stated that defining "ag preservation" and "short and long term development", as well as what types of activities should be allowed to occur in ag preservation, should be added to the list of comp plan issues to be addressed. Completing these issues should logically lead into helping the Town update its ordinances to properly reflect those definitions.

Alvin Francis stated that the issue of the comp plan stating no RR parcels are allowed in A1 districts is an ongoing issue, and results in the A3 parcels we've seen lately. Larsen feels this issue will be worked out if we establish the definitions mentioned previously.

Regarding the comp plan issues remaining for discussion, the following decisions were made:

"Housing" section:

Page 3, second action item: "Identify short-term and long-term areas for development on the Land Use map that encourage development adjacent to existing developed areas. This is recommended for the following reasons..." Larsen questioned removing "short and long term" from the statement, since it is not on our map, or should it be put back on the map and leave this statement in? He would prefer to remove "short and long term" and just state "future land use." This is an issue for discussion in the future.

It was agreed by all that no changes to the statement would be made at this time.

"Transportation" section:

Dregne felt that one outstanding issue in this area is whether to require right of way dedications for future road improvements.

The first question that needs to be addressed is whether right of way dedications should be required; it was agreed by all that they should be, in the best interest of the Town. Motion made by Kim Gruebling to add to "Transportation" section, page three, bullet point two: "New subdivisions shall require right-of-way dedications for future road improvements." Second by Dave Pestor. Motion carried by unanimous voice vote.

"Ag" section:

Page 5: Zweizig stated page 5 of the Ag section needs to be revisited when Land Use is discussed.

Gruebling believes this issue should be addressed by a subcommittee, and the issue should be referred back to Zweizig for further action if he would like to pursue it. Agreed by all.

Zweizig noted that the last two items on page 5 are still on the to do list: "develop a farming operation disclaimer and require the Agriculture Use Information form be used for all real estate changes in the township" and "establish a Right-to-Farm ordinance to protect farmers." Dregne stated that an item such as the disclaimer could be required to be attached whenever a land division that would create a developable lot is approved by the Town; the document would then come up automatically on a title search. It was agreed that this issue could be addressed the next time a land division request comes before the Plan Commission, and examples of the disclaimers in question should be researched as well.

Gruebling felt this issue should also be referred back to Zweizig for further action/development of a subcommittee to address. Agreed by all.

Livestock facility siting information should be included in this section. Renee Exum provided suggested language to use to incorporate the information into the Plan; it was suggested by Dregne that the statement be changed to read that "the Town has accepted state standards

of the livestock facility siting law.” Whether or not to include this information in the Plan is yet to be decided; Ylvisaker will research action taken by the Town on the issue and report back.

It was agreed by all that this change should be made.

Page 14: Regarding the Purchase of Development Rights (PDR), the Plan Commission and Board should revisit this issue in the future.

No action at this time (8.26.10).

Page 15: Regarding park land, per Kendall Schneider there is no park master plan at this time. It is in progress.

Page 15: Regarding payment of fees in lieu of parkland dedication: It could be incorporated into the subdivision ordinance if the Town should choose to do so, unless it is already incorporated. The amount in the comp plan should be checked for accuracy and the basis for the number should be researched, specifically the 5% methodology. Dregne recommends determining whether people should be required to dedicate land for parks when subdividing land, if so it should be required in subdivision code. The amount of land required should be explained; he is concerned that the current 5% requirement has no basis. The Town needs to decide if it wants to include the option of payment in lieu of land, and if so the fee should be calculated on the amount of land and current land prices. Dregne recommended that this language be added to the Town’s subdivision ordinance prior to next land division/subdivision request. Dregne outlined that the Town will need to adopt an ordinance amending the subdivision ordinance, and the Board needs to act on adoption. Typically, a park plan is needed upon which the Town bases its requirements in the subdivision ordinance.

It was agreed that no action related to this issue within the Comp Plan would be taken at this time (8.26.10). This issue is potentially an ordinance issue.

Page 19: Under “Objective: Protect the Town’s archeological resources,” the statements “require a developer/builder to conduct an archaeological survey according to State regulations” and “require the development plan to adequately protect the archaeological resources in accordance with State regulations”: the Plan Commission needs to find out more about this process and what it entails. Zweizig will try to find some information on the subject from the State Historical Society and report back.

It was agreed by all to take no action at this time; no report back from Zweizig has been received on this issue to date.

“Economic Development” section:

Revisit the issue of commercial development on the future land use map along Hwy 14 corridor between Elmer Rd/Golf Course and Union Rd.

It was agreed by all that no changes were necessary.

“Intergovernmental Cooperation” section:

Parkland dedication issue: Kendall Schneider stated he had researched the issue and believes the 5% amount used currently should remain in place, as it has been used for 20+

years. If dollar amounts were used they would need to be changed continually to keep up with changing land values. In the past, the Town used per-lot figures that the City of Evansville was using when payment in lieu of land was allowed.

As noted earlier, possible ordinance issue and not one to be addressed in the Comp Plan.

Regarding the issue of tracking changes to the Plan, Ylvisaker suggested creating an index in the back of the Comp Plan detailing previous statements removed or changed and the dates the changes were made. Agreed by all to use this approach.

Larsen believes the term “severely restricted,” used within the Land Use section, page 11, needs to be defined. Gruebling disagrees, believes the term is self-explanatory, and everyone will have a slightly different interpretation.

Larsen noted that a number of policies need to be defined/outlined for the Plan Commission, and the Commission needs to figure out the best way to establish the policies and where to locate them. An example of a policy that needs to be addressed is the issue of deed restrictions and when/how they are used. Larsen would like a policy discussion at the next meeting; Gruebling is of the opinion that a special meeting to discuss only policy issues is appropriate. No decision made at this time.

Motion to begin the process to approve the changes made to date to the Comprehensive Plan, including those made at tonight’s meeting and including map changes, made by Kim Gruebling. Second by Eric Larsen. Motion carried by unanimous voice vote. A public hearing on the changes will be held at the September Plan Commission meeting. Recommended changes will be considered by the Board at their October meeting.

Motion to adjourn made by Kim Gruebling. Second by Eric Larsen. Motion carried by unanimous voice vote. Meeting adjourned at 9:01 p.m.

Respectfully submitted by Clerk Regina Ylvisaker.

Note: minutes are considered draft until reviewed and approved by the Plan Commission at a properly noticed meeting.