

# Town of Union PLAN COMMISSION MEETING Minutes of January 28, 2010

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The Town of Union Plan Commission monthly meeting was called to order at 7:00 p.m. on Thursday, January 28, 2010 by Chairman Alvin Francis.

Members in attendance included Chairman Francis, Doug Zweizig, Dave Pestor, Kim Gruebling, Eric Larsen, Renee Exum, Supervisor George Franklin, Clerk Regina Ylvisaker, and Building Inspector Bob Fahey.

### **Approve November 17, 2009 Plan Commission Minutes**

Motion to approve the minutes of November 17, 2009 as written made by Doug Zweizig. Second by Kim Gruebling. Motion carried by unanimous voice vote.

### **Public Comment (10 minutes max/issue)**

None.

### **Discussion: Working Lands/Farmland Preservation Initiatives**

Alvin Francis, Doug Zweizig, Kim Gruebling and Renee Exum, as well as Elisabeth Howard from Stafford Rosenbaum, attended the Working Lands meeting at the Rock County Courthouse on January 20. Gruebling discussed the issue. To him, it sounds like the Town will need to designate all the "home farms" as of today, and the owners of those farms will be allowed by state law to separate off up to four parcels without rezoning. This will require changes in the Town's zoning ordinance. Eric Larsen asked if A1 parcels would remain A1 parcels, no matter their size; Doug Zweizig stated yes, that was his understanding. Gruebling gave the example of Larsen's two tax parcels, which would become one "home farm". Gruebling thinks the County should come and explain the program to the Board, Building Inspector and the remainder of the Plan Commission who have not yet attended any training.

It appears that the Town has to do the mapping to identify the "home farms", but may not have to loosen up the Town ordinances to address the program. Gruebling feels the program will lead to a lot of minor developments, which is counter to the Town's entire smart growth plan. He feels as a whole the program is not in the best interest of the Town. Francis believes the Town may end up changing the farmland preservation area on our land use map. Gruebling thinks the Town Engineer should be included in the meeting as well, as he would be doing any mapping changes.

Motion to recommend to the Town Board scheduling a special meeting, to be a joint session with Rock County, Plan Commission, Town Board, Building Inspector and Town Engineer and Town Attorney to discuss the farmland preservation/working lands issue made by Kim Gruebling. Second by Renee Exum. Possible date: Thursday, February 11. Motion carried by unanimous voice vote. Wade Thompson seems to be the person at the County that would be best to have attend.

George Franklin doesn't see the need for the Town Attorney to be present at the joint meeting, as the County will be telling the Town how the program operates and the

Attorney won't be making any decisions. Gruebling feels the attorney may be better informed on the issue than some of the people at the County, as he deals with these issues with other Towns. Doug Zweizig believes that having the attorney in attendance would help keep him up to speed on the possible issues the Town would face, and reduce the time and expense it would take later to get him up to speed.

Bob Janes thinks it would be a good idea to have a public hearing/meeting about the issue with landowners, as probably very few know about it. He doesn't think that any big decisions should be made by the Town without this type of meeting being held.

#### **Review and recommendation to Town Board adoption of future land use map as proposed by EUIC**

The Town Engineer is waiting for final approval before doing any mapping.

Motion to recommend to the Town Board to accept the map as presented made by Kim Gruebling. Second by Doug Zweizig. Zweizig thinks the Town should wait to actually update our map until the City approves the map. Renee Exum expressed concerns with potential land use conflicts arising from the City's residential area abutting the Town's agricultural preservation area. Motion carried by 5-1, with Renee Exum casting the no vote.

#### **Review and possible recommendation to Town Board proposed changes to Town of Union Building Code**

Zweizig asked for background on why the Building Inspector is proposing changes. Bob Fahey stated that the proposed document is more detailed than the Town's current building code, which is part of the Town's zoning ordinance. Normally, the building code is its own section. The proposed code allows for more detailed requirements and conditions, and puts more teeth into things that the Town might run into in the future i.e. moving buildings, unsafe and unsightly buildings. The language in the proposed code came from the City of Fitchburg, Fahey modified it for Footville and then for Union. It has been reviewed by Footville's legal counsel. Several changes were noted, mostly typos.

Motion to recommend to the Town Board adoption of the proposed building code made by Kim Gruebling. Second by Doug Zweizig. Friendly amendment made to recommend also repealing the corresponding sections of existing ordinances made by Doug Zweizig. Second by Kim Gruebling. Motion carried by unanimous voice vote.

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

Fee schedule amounts were reviewed.

Driveway Ordinance: According to Fahey, installation of field driveways without permits does occur but is not a huge problem. Gruebling recommends changing the penalties for violation of the driveway ordinance to a range of not less than \$100 and not more than \$500, and maintaining consistency in penalty amounts throughout ordinances. Motion to recommend this change to the Board made by Kim Gruebling. Second by Eric Larsen. Motion carried by unanimous voice vote.

Land Division Ordinance, Section 16.23 (1): Motion to recommend to Town Board to change the language for the land division ordinance to "not less than \$100 and not more

than \$500, plus any additional applicable costs” made by Kim Gruebling. Second by Doug Zweizig. Motion carried by unanimous voice vote.

Zoning Ordinance, 17.02 (4): Motion to recommend to Town Board changing the language to “not less than \$100 nor more than \$500” made by Eric Larsen. Second by Doug Zweizig. Motion carried by unanimous voice vote.

Regarding stating “costs of prosecution for each violation,” check with Tom Alisankus on whether this is lawful. Each ordinance has separate language outside of the penalty amount in the penalty section; should this be standardized throughout the ordinances as well? Undecided.

Doug Zweizig suggests changing 17.21 (2) (D) from “refuses to vote” to “refuses to participate”. Agreed.

Stormwater Ordinance: The memo from Attorney Matt Dregne regarding his suggestion that the Town repeal their Stormwater Ordinance has been previously distributed and was reviewed. Gruebling feels that Dregne makes a clear case for the Town to not have their own stormwater ordinance, even if it adopts the County’s stormwater ordinance. By adopting the County ordinance, the Town has the responsibility for enforcing it; if the Town does not adopt it, the County must handle enforcement.

Motion to recommend to the Town Board repealing the Town’s Chapter 19 Town of Union Adoption of Rock County Stormwater Management Ordinance (Chapter 28) pursuant to the Town Attorney’s recommendations in his memo dated January 21, 2010 made by Kim Gruebling. Second by Doug Zweizig. Motion carried by unanimous voice vote.

Motion to table the citation ordinance issue until a proposed ordinance is received from Tom Alisankus made by Doug Zweizig, second by Kim Gruebling. 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.**

Gruebling feels a meeting is needed specifically to address the outstanding issues on “the list”, with the agenda devoted expressly to this issue instead of putting it off until the end of a regular meeting when everyone is tired.

Latest “list” date is June; Regina Ylvisaker will check minutes from June forward for any additions and send out a finalized “list” to the Plan Commission.

Motion to adjourn made by Dave Pestor. Second by Eric Larsen. Meeting adjourned at 8:58 pm.