

TOWN OF ASHIPGUN
PUBLIC HEARING
MARCH 13, 2007

The Public Hearing began at 7:30 p.m. for the purpose of providing the residents of the Town of Ashippun with an opportunity to ask questions and make comments on the proposed Land Division Ordinance (LDO) changes. Moderators for the hearing were CarrieAnn Hewitt and Anne Cook from MSA Professional Services. Town Chairman Jim Schoenike welcomed everyone and explained how the discussion will proceed.

Ms. Hewitt began by introducing the Ashippun Planning Commission and the Town Board in attendance. She asked the question, "What is a Land Division Ordinance?" Its regulations are in place by the town to guide development and also require developers to install streets, curb and gutter, storm water facilities, water, sewer, and landscaping. It also defines lots sizes and the process for approval or denial by the town board. Ms. Hewitt explained that many other towns' plans were compared when making the proposed changes. By having a Land Division Ordinance in place the town can legally enforce what best benefits the town and the residents.

Each section of the Land Division Ordinance with the proposed changes and notes on the general discussion follows:

Article I – General Provisions

- 1.3 Identified "preserving prime agricultural land for farming purposes" as an intent of the ordinance
- 1.10 Removed the requirement of the developer to pay park fees. There have been changes recently with the Wisconsin State Law that makes the collection of these fees very difficult from a legal standpoint.

Sections referring to various Chapters of the Wisconsin Statutes were made to be less specific in the event that, over time, these particular sections become renumbered, which they already have in some instances. Various grammatical errors were also corrected.

Members of the committees established goals early in the planning and development of the ordinance changes. They are: to maintain controlled growth in the town; preserving farmland in a solid and fair way; to have a better understanding of the legal process; and to maintain the best interests of the residents of the town.

No public comment.

Article II – Definitions

Over 30 new definitions were added and many existing definitions were further expanded to assist with clarification.

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No public comment.

Article III – Procedure

3.2.C This section has been modified to include a statement that "The Town Board shall transmit in writing any conditions for approval or reasons for denial/ rejection to the party requesting the action by the Town Board within 30 days of the formal action."

3.3 *The Town Board shall have the authority to request additional information relative to a particular issue. Such additional information may include, but not be limited to, such items as Street Construction Plans, Grading Plans, Stormwater/Erosion control Plan, Utility Plans, and/or Developer's Agreement.*

The time frame of the submittal of materials for review and the entire review process have been changed to reflect the requirements as identified by Dodge County.

Sections referring to various Chapters of the Wisconsin Statutes were made to be less specific in the event that, over time, these particular sections become renumbered, which they already have in some instances. Various grammatical and spelling errors were also corrected. Other minor revisions were made.

Bill Bremer: Could the town have a board of appeals in addition to the Land Division Ordinance? The town is not required to have one because we use the counties zone coding.

Dick Bruss: Is 30 days enough time for a reply? It is for the protection of parties involved.

Roger Johnson: What legally binds the town to the procedures (150 foot frontage)? Must meet the requirements of the town and the county. The county may deny these applications.

Mark Powers: If the county overrides the town on a road frontage application of less than the recommended length, what happens at the town level? The county is supporting the wishes of the town.

Article IV – Required Information

4.1.B.9 *Section added requiring that a deed be attached to the Sketch Map.*

4.1.B.10 *Section added requiring that if the property is in Managed Forest, Farmland Preservation, Forest Cropland, WRP Program, or the CRP Program, a copy of the contract be attached to the Sketch Map.*

4.1.B.11 *Section added stating that a stormwater management/erosion control plan, road construction plans, and/or utility construction plans may be required prior to Final Approval.*

4.1.C.6, 4.2.16, & 4.3.2 *Certified Survey, Preliminary Plat, and Final Plat all require that wetland boundaries be shown, whether as delineated on Wisconsin Department of Natural Resources Wetland Inventory Map dated 9-19-94 or a revised boundary as established by a wetlands delineation.*

4.2.B *Section added stating that the Subdivider and the Town shall enter into a Developer's Agreement which sets conditions for completion dates, IE bonds and guarantees, timelines, landscaping, etc.*

Sections referring to various Chapters of the Wisconsin Statutes were made to be less specific in the event that, over time, these particular sections become renumbered. Various grammatical and spelling errors were also corrected. Other minor revisions were made.

Mark Powers: What about a Title Policy? Not at this time due to the high cost (possibly \$300)

Ray Zuercher: Whose plan is the town using for stormwater management?

Jim Schlieve: Are we referring to minor or major land splits?

Article V – Design Standards

5.1.A.1.a *Lots served with sewer were required to be a minimum of 18,000 sf; now, the minimum is 18,000 sf, but a maximum has also been set at 43,000 sf.*

5.1.A.1.b *Lots with no public sewer service fronting a minor street were required to be a minimum of 3 acres with a minimum 200 ft. of frontage at the building line.*

Lots with no public sewer service fronting an arterial or collector street were required to be a minimum of 5 acres with a minimum of 500 ft. of frontage at the building line.

Now, all lots zoned residential with no public sewer service, whether fronting an arterial, collector, or minor street, require a minimum 1 acre lot size with a maximum 2 acre lot size and a minimum 150 ft. of frontage at the building line.

5.1.A.2 This whole section has been added to account for non-farm residential uses in agricultural districts. "The right to divide and develop one (1) non-farm lot is granted for the first fifteen (15) contiguous acres and one (1) additional non-farm development right for each fifty (50) acres.

5.1.A.7 The section on driveways was expanded stating minimum widths, maximum lengths, etc. Shared driveways are not allowed, but shared access points may be acceptable, depending on circumstances.

5.3.A The minimum pedestrian easement width changed from ten feet in width to twenty feet in width.

5.4.E, F, G, P & Q Clarification was made in regards to urban road sections vs. rural road sections. Diagram A was modified. Specifications were added for additional stabilization if questionable subsoils.

5.4.N.4 Vision triangle distances were changed. They are now dependent on a chart based on speed limits, rather than Average Daily Traffic Counts. The Wisconsin Department of Transportation and Dodge County have recently adopted a similar chart.

5.8.C Section added regarding underground tanks for fire protection.

5.10, 5.13, & 5.14 Previously, street lights, sidewalks, and curb and gutter may have been required by the Town Board for a subdivision. Now, if the project is within the limits of the sanitary district, it will be required to have all of these amenities and if it is outside the sewer district, the Town Board may or may not require their construction.

5.11 In the past, street trees were required at the discretion of the Town Board. Now, a landscaping plan must be provided for all subdivisions. The plan must show a minimum of one tree per lot with each tree having a minimum diameter of 2 inches.

5.12 The stormwater/ erosion control section was expanded to include more specific and stricter requirements.

Sections referring to various Chapters of the Wisconsin Statutes were made to be less specific in the event that, over time, these particular sections become renumbered. Various grammatical and spelling errors were also corrected. Other minor revisions were made.

David Wendorf: One acre/two acre maximum is good. Should lots be a certain shape or there may be a need to add acreage depending on lot design? The town will look at each situation for sensible decisions.

Bob Guenther: Concerned about land splits and credits.

Peter Monis: Why would the town board want to relinquish control over what the land splits would be? Shouldn't they decide on an individual basis? The LDO is designed to give the community and the town board the ability to say "no" to a land split. It gives the town board more control. Peter: Concerned over maximum lot size.

Mark Powers: In agreement with Peter; the town wouldn't have control over splits. Land would get "chewed up".

Dick Bruss: Buying additional land would not be a land split, it would be buying an additional parcel. The county has a 15-year waiting period between land splits.

Bob Guenther: The goal of this LDO was to get away from large lots and to preserve farmland.

Peter Monis: Doesn't agree with a two-acre lot where you loose control.

Brad Kraut: As the lot size grows there is more road frontage.

Jim Koepke: If there is a 350-acre farm and someone splits off 1-acre. He then can decide to buy the rest of the farm, and that would be okay. I agree with the LDO.

Mark Powers: I agree with the LDO changes. Jefferson County has an ordinance on A-1 that sewers and buildings must be on the original property of the owner. This discourages buying adjoining property to develop.

Ron Mallow: What if you buy 35-acres and you want to build?

Peter Monis: Doesn't agree with the minimum lot size of 14.9-acres to split. It should be 25-acres.

Brad Kraut: The growth should be controlled. Building shouldn't be clustered in the rural area. Don't want to increase density in an area that I like as it is. People will only be buying acres where they are available.

Opposed to the smaller tract size. Wants the 25-acre minimum.

Bill Bremer: Then we might as well stay with the 25-acre minimum and the 500' road frontage.

Jim Schoenike: My 80-acres will remain farmland as long as we live there.

Peter Monis: How is splitting 15-acre parcels maintaining the rural atmosphere? A driveway every 300 feet is not rural.

Sheryl Jaeger: Everyone's idea of "rural" is different.

Brad Kraut: I built my home when we were under the old LDO and now it is changing. I don't want more houses next to mine.

Bob Guenther: What is more important – rural character or preserving farmland? I support the 15-acre minimum to split. The only ones selling these lots will be the farmers.

David Guckenberger: Fifteen acres is usually "substandard" as far as farmers are concerned. I support the 15-acre minimum parent tract.

Jim Koepke: Dairy is the biggest industry in Wisconsin.

Mark Powers: How many board/commission members does this affect?

Don Chapman: We are selfish and are worried about ourselves. Not far from our town there is much growth.

Mark Powers: If soils are Class I or II can they build there?

George Monis: How much Class I soils are there in the town? Most of town is Class II. Some Class I.

Jim Schlieve: If the land is farmed every year then can this parcel be built on?

Mark Powers: Are you forcing a lot to be created next to an existing home?

Peter Monis: What are the DOT requirements for driveway spacing? One access point every 1200' on a state highway, but every area is different. Why restrict driveway width? Thirty-foot culverts are required.

Syl Hoerth: Town roads are 24 feet wide. The new LDO will affect new subdivision roads being built and will be 32 feet wide, which includes curb/gutter, etc.

Dave Wendorf: Highway 67 is 25 feet wide.

Mark Powers: If a private lot owner doesn't like trees, what restrictions are there?

Ray Zuercher: Subdivision lights can be turned off.

Peter Monis: Would sidewalks be required on both sides of the street?

Dick Bruss: Is the retention pond part of the subdivision's developer's agreement? It's part of the homeowners association's responsibility.

Article VI – Required Improvements

6.2.F This section was added to include the requirement of underground tanks for fire protection to be installed per fire department requirements.

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Mark Powers: Who decides the fire department's requirements? The fire department has regulations.

Peter Monis: Does this apply to major subdivision? Yes, and this should be included in the LDO.

There are three subdivisions at this time and one more in the future.

Article VII – Fees

The Public Site Fee and Street Tree Fee were eliminated and the corresponding numbering was reconfigured.

The dates for adoption and amending were left blank.

Bill Bremer: Is there money in the park fee accounts? Yes there is at this time.

FINAL COMMENTS

Peter Monis: How do these changes get enacted? Discussion at Town Board meeting and approved at a Town Board meeting.

Bill Bremer: Agreed with Jim Koepke on comments made.

Jim Schlieve: Thanks to MSA, Town Board and Planning Commission for their efforts.

David Guckenberger: There should be a "straw" pole taken on lot size – 15 acres vs. 25 acres.

With a show of hands 17 people approved of the 15-acre parent tract as proposed. Four people approved of the 25-acre parent tract.

Bill Bremer: There are about 30 people here tonight.

Diane Chapman: Does this proposed LDO reflect the residents feelings as presented in the 2004 Survey?

Ernie Borchardt: Not everyone will like these proposed changes to the LDO.

MSA Professional Services thanked the town for the opportunity to work on the LDO changes.

The public hearing was closed at 10:00 p.m. with the recommendations and comments being presented this evening as a basis for any additional changes the Town Board may make before the final draft is voted on at an upcoming Town Board meeting.

Respectfully Submitted:

Vickie Schlieve, Clerk
Town of Ashippun