

Town of West Point
Plan Commission Minutes
March 1, 2012

Pursuant to Wisconsin State Statutes s. 19.84 the Plan Commission of the Town of West Point held its semi-monthly meeting on Thursday, March 1, 2012 at the West Point Town Hall, N2114 Rausch Road, Lodi, Wisconsin. The meeting agenda was posted in three places as required by law and on the town's web site. Chairman Kevin Kessler called the meeting to order at 7:35 p.m. Members present were Kevin Kessler, Nathan Sawyer, Sheila Landsverk, Wayne Houston, Fred Madison, Byron Olson and Gordon Carncross (Town Board Representative). Also present were Edith K. Eberle, Town Clerk and Jeff Clark, Town Attorney.

Agenda #2 – Approval of Agenda – A motion was made by Gordon Carncross to combine #11, #12, #13 for discussion purposes, 2nd by Sheila Landsverk – motion carried unanimously.

Agenda #3 Approve Minutes – Copies of the January 19, 2012 Plan Commission minutes had been emailed to each member for their review. A motion was made by Sheila Landsverk to approve the minutes with 2 corrections, 2nd by Fred Madison – motion carried unanimously.

Agenda #4 Correspondence – An email from Linda Bishop on a Ceremony of Life for Joe Costanza on Saturday, April 28, 2012 at the Prairie du Sac Town Hall. Correspondence from Columbia County on a public hearing for the proposed Floodplain Ordinance will be held on March 6, 2012 at 4:00 p.m.

Agenda #5 Citizen Input – None

Agenda #6 Public Hearing for a 2 acre CSM for Thomas and Nancy Bannan to do a Farm Consolidation at N1897 State Highway 188 – Tax Parcel #142 – The public hearing started at 7:43 p.m. Town Clerk Edith Eberle stated that she had sent 6 letters to adjacent landowners within 1000 feet. Jim Grothman from Grothman and Associates presented a photo of the proposed 2 acre CSM. Mr. Grothman stated that there was home there prior to 1977 and therefore the lot does not need to be rezoned. All adjacent land is zoned agricultural. The Farm Consolidation requires the use of a residential development right. One development right remains on the parent

parcel farm. No one spoke for or against the proposed CSM. The proposal requires a waiver of Town of West Point Ordinance Section 6.04(B) specifically Subsections (1) Inventory and Mapping of Existing Resources, (2) Development Analysis, (3) Site Analysis and Concept Plan, (4) General Location Map, and (6) Phase I Environmental Site Assessment. Public hearing was closed at 7:47 p.m.

Agenda #7 Public Hearing for the rezoning of the house and 5 acres from Agricultural to Rural Residential for Kathy Ballweg at W12744 State Highway 60 – Tax Parcel #317.1 – The public hearing was started at 7:47 p.m. The Town Clerk, Edith Eberle stated that she had sent 10 letters to adjacent landowners within 1000 feet. Jim Grothman from Grothman and Associates presented the proposed CSM showing the 5 acre parcel to be rezoned to the Rural Residential zoning district and which will be supported by a deed restriction and the rezoning of other lands to the agricultural overlay district. No one spoke for or against the proposed rezoning of 5 acres from Agricultural to Rural Residential.

Agenda #8 Public Hearing for a 5 acre CSM for Kathy Ballweg at W12744 State Highway 60 – Tax Parcel #317.01 – The public hearing was continued from Agenda #7, which 10 public hearing letters were sent of adjacent landowners within 1000 feet. The proposal requires a waiver of Town of West Point Ordinance Section 6.04(B) specifically Subsections (1) Inventory and Mapping of Existing Resources, (2) Development Analysis, (3) Site Analysis and Concept Plan, (4) General Location Map, and (6) Phase I Environmental Site Assessment. The proposed CSM requires a waiver of access since the proposed lot does not abut a public road. Jim Grothman from Grothman and Associates presented a photo showing the proposed 5 acre CSM to be created and rezoned.

Ron Hunt at W12746 State Highway 60 stated that he has no issues with the proposed rezoning and CSM. Mr. Hunt had concerns with the Driveway Easement. Mr. Hunt's concerns are that the easement documents do not address the following issues, among others:

- Is more division of property allowed?
- If Jon Ballweg does something with property
- How to deal with a new owner
- Who is responsible for driveway damages
- Impact on property values

- Consequences of the transfer of underlying land ownership to an adjacent landowner

Ron Hunt suggested the proposed division negatively impacts the existing driveway users and strongly recommended that the Plan Commission condition approval on a requirement that a new driveway agreement between Ballweg-Hunt-Reichert be required, at least as to maintenance issues.

Agenda #9 Public Hearing for 4.82 acre CSM for Jon and Carrie Ballweg to do a Farm Consolidation at W12790 State Highway 60 – Tax Parcel #321.01 – The public hearing was continued from Agenda #8. 7 public hearing letters were sent out to adjacent landowners within 1000 feet. The proposal requires a wavier of Town of West Point Ordinance Section 6.04(B) Initial Application specifically Subsections (1) Inventory and Mapping of Existing Resources, (2) Development Analysis, (3) Site Analysis and Concept Plan, (4) General Location Map, and (6) Phase I Environmental Site Assessment. Jim Grothman from Grothman and Associates presented a photo of the proposed Farm Consolidation. Since this is a Farm Consolidation, no rezoning of the proposed CSM lot is necessary but the Farm Consolidation does require the application of a development right. An additional building site or development right remains available on the parent parcel farm. This Farm Consolidation does not require a wavier of access. No one spoke for or against the proposed Farm Consolidation.

The public hearing closed at 8:00 p.m.

Agenda #10 A 2 acre CSM for Thomas and Nancy Bannan at N1897 State Highway 188 – Tax Parcel #142 –The Town received a letter dated On February 9, 2012 from Attorney Dale Carlson asking for wavier and variances in the Town of West Point Ordinance Section 6.04(B) Initial Application specifically Subsections (1) Inventory and Mapping of Existing Resources, (2) Development Analysis, (3) Site Analysis and Concept Plan, (4) General Location Map, and (6) Phase I Environmental Site Assessment and (5) Evidence of Ownership and (6) Phase I Environmental Site Assessment . The Plan Commission has discretion to waive these requirements under section 6.09(B)(1) of the Town ordinance. A Predevelopment Agreement that was presented to the Plan Commission in which the payment for review services is included. Declaration of Covenants, Restrictions and Conditions for Property the Bannan property was also presented to the Plan Commission. The Town Attorney Jeff Clark

has reviewed and approved both documents. A motion was made by Sheila Landsverk to waive the provisions of 6.04, B Initial Application specifically Subsections (1) Inventory and Mapping of Existing Resources, (2) Development Analysis, (3) Site Analysis and Concept Plan, (4) General Location Map, and (6) Phase I Environmental Site Assessment, 2nd by Fred Madison – motion carried unanimously.

A motion was made by Fred Madison to recommend approval to the Town Board of Grothman proposed CSM #911-339, contingent upon the Predevelopment Agreement and Declaration of Covenants, Restrictions and Conditions being executed, 2nd by Wayne Houston. There was a question on Lot 1 restrictions; there is no requirement for rezoning if the house was built prior to 1977. It was stated that the current home was built after 1977; but it replaced a home that was built prior to 1977. An Agriculture Overlay is not required. The motion was carried unanimously. The Bannan's have one development right left which is subject to all Town Ordinances.

Agenda #11 Rezoning of House and 5 acres from Agricultural to Rural Residential for Kathy Ballweg at W12744 State Highway 60 – Tax Parcel 317.01 – A motion was made by Wayne Houston to recommend approval of the rezoning request from Agricultural to Rural Residential for Kathy Ballweg, 2nd by Nathan Sawyer – the motion was amended as follows, that all of the remaining land in the parent parcel farm owned by Ballweg's be subjected to the agricultural overlay district. There were the following questions during discussion:

- What is the consequence of a default under the land contract
- Follow up regarding legal opinion about driveway access
- Comprehensive Plan - applying to ordinance
- Deed Restrictions – town is getting a lot of deed restricted land

Yes 6 in favor of motion – Sheila Landsverk recused herself from voting – motion carried.

Agenda #12 - 5 acre CSM for Kathy Ballweg at W12744 State Highway 60 – Tax Parcel #317.01 – A wavier for 5 acre CSM which has access by driveway agreement for frontage on public road was considered by the Plan Commission. There is a driveway agreement and the access is drawn on the map that shows frontage on a public road. The remaining 30 acres of this 35 acre parcel will be deed restricted and will be in an agricultural overlay district. Only one additional development right exists on the parent parcel. The Plan Commission has discretion to waive section

6.04(B) initial application requirements under section 6.09(B)(1) of the Town ordinance. A motion was made by Nathan Sawyer to waive Town of West Point Ordinance Section 6.04, B Initial Application specifically Subsections (1) Inventory and Mapping of Existing Resources, (2) Development Analysis, (3) Site Analysis and Concept Plan, (4) General Location Map, and (6) Phase I Environmental Site Assessment, since there no new building site, 2nd by Gordon Carncross – Yes 6 in favor of the motion and Sheila Landsverk recused herself from voting – motion carried.

A motion was made by Fred Madison to recommend approval to the Town Board of Grothman proposed CSM #511-179, contingent upon the Predevelopment Agreement and Declaration of Covenants, Restrictions and Conditions being executed, 2nd by Wayne Houston –yes 6 in favor of the motion and Sheila Landsverk recused herself from voting – motion carried.

There were concerns expressed during discussion on the Driveway Agreement between Hunt, Ballweg, Reichert as follows:

- Not creating a separate lot
- Owner of the land has the right to use but can not block the driveway
- Now two separate ownerships
- Maintenance easement has 4 property owners – 2 property owners are responsible
- Is a new owner subject to easement agreement

Attorney Jeff Clark presented the Plan Commission with a seven page letter on the Driveway Access Rights. The easement is non-exclusive for a shared driveway for the purpose of ingress and egress between the respective residences of the parties and the road known as State Highway 60. In the attorney's opinion, the easement documents do not prevent the underlying fee title owner from using the driveway.

A motion was made by Fred Madison to correct an error in the draft by amending the Declaration of Covenants, Restrictions and Conditions on page 2 #1 to Rural Residential District not Agricultural District, 2nd by Wayne Houston – yes – 6 in favor of the amendment and Sheila Landsverk recused herself from voting – motion carried.

A motion was made by Fred Madison to recommend to the Town Board approval of wavier of Road Frontage in Town of West Point Ordinance Section 6.12 Design Standards (D) Block and Lot Design

Standards, (5) Lot Frontage, 2nd by Wayne Houston – yes 6 and Sheila Landsverk recused herself from voting – motion carried.

Agenda #13 A 4.82 acre CSM for Jon and Carrie Ballweg at W12790 State Highway 60 – tax parcel #321.01 – All of the parent parcel farm owned by Ballweg is to be deed restricted except tax parcel 321.01 for use of the one remaining development right. The Plan Commission has discretion to waive section 6.04(B) initial application requirements under section 6.09(B)(1) of the Town ordinance. A motion was made by Byron Olson to waive the provisions of section 6.04(B)(1,2,3,4,and 6) and to recommend to the Town Board approval of the CSM contingent upon the Predevelopment Agreement and Declaration of Covenants, Restrictions and Conditions being executed and the Ballweg's to petition to have an agricultural overlay on entire parent parcel owned by Ballweg except where the development right can be exercised as noted in the Declaration, 2nd by Nathan Sawyer – yes 6 and Sheila Landsverk recused herself from voting – motion carried.

Agenda #14 Columbia County Zoning Ordinance Update – Chairman Kevin Kessler stated that he not heard from Columbia County Zoning after the public hearing was held.

Agenda #15 Town Board Report – Gordon Carncross gave a report on the February 9, 2012 Town Board meeting.

Agenda #16 Next Meeting Agenda and Date – There will be no meeting until the agenda requires a meeting.

Agenda #17 Adjourn Meeting. A motion was made by Fred Madison to adjourn the March 1, 2012 Plan Commission meeting at 10:02 p. m., 2nd by Gordon Carncross - motion carried unanimously.

Respectfully Submitted by,
Edith K. Eberle
Town Clerk