

**TOWN OF LODI
PLAN COMMISSION MEETING MINUTES
OCTOBER 16, 2018**

1. Call to order & roll call: Meeting called to order by Chairman Krause @ 6:05 p.m. Plan Commission members present: Kris Krause, Robert Robbins, James Layne, Tom Marx, James Bechen. Absent: Jack Pfister. Also present: Town Engineer Katie MacDonald; Town Attorney Lawrence Bechler. For Fern Glen: Surveyor James Grothman and Atty. Rick Schmidt.

2. FERN GLEN FARMS: Preliminary Plat involving Parcels 11022-453; 11022-455; 11022-465 (W11381 CTH J); 11022-465.A (W11373 CTH J); 11022-466; 11022-476 & 11022-480 all located off CTH J. Owned by Francis W Groves Rev. Trust; c/o Jackie Groves, 1365 E. Corniche Ct., Boise, ID 83706:

Grothman – Ordinance requirement that plan be 1” per 100’. But if I did this the printed plan would be larger than the large pages presented tonight. We’ve included the land the Ice Age Trail will obtain in this plat, setbacks, where mound septic systems will be required for some lots, wetland areas. Regarding driveways I’ve shown possible slope, some easily 12% or less, but there are steeper slope issues. So there will be areas that work will need to be done to obtain the 12% slope or less. We’re proposing 9 lots of 3 acres – 22 acres. The layout of these lots was decided by the Groves family. All the family members are involved in this, and the lots will be divided up amongst them, and if and when they build on their lot is unknown. Krause – This is a difficult area of land to divide off into buildable lots. We still have some work to do on this. Grothman – I’m focusing on the 9 lots and their buildability. Any drainage from these lots will end up in the Ice Age Trail lands. We cannot change the boundaries of the land the Ice Age Trail is getting. There is a drainage easement included along the east side of Lot 5 and the top northeast corner of Lot 1. Krause – I see some of the septic systems are in the County Highway setback, is that allowed? Grothman – yes, they have to be 5’ off the road, but can be in the highway right-of-way; with a State Highway they can’t.

Bechen – is the town currently responsible for Bilkey Road (which goes to only 1 home currently)? Goeske – yes, it’s a town road. Bechen – you (Grothman) stated that the County requires 35’ setback from wetlands, but on your plat you show 25’ wetland setback line? Grothman – that is a typo, that should say 35’.

Krause – I drove back in this area tonight. You’re accurate that there are steep slopes dropping off the edge of the road. I think this plat as shown will be unpleasant to look at. I like where you put the building envelopes. But the locations of the driveways are facing north and steeply sloped. Grothman – I can change where the driveways are (some are shared driveways). Krause – this may be planned as a family subdivision/plat at this time, but we have to think about what could be in the future as lots are possibly sold by family members. Bechler – as I said in my Oct. 11th memo it’d be nice to examine these driveways in more detail and look at driveway siting permits. This is something that needs to be resolved now, not in the future. If you’re allowing filling of a slope to make the 12% slope we need to look at taking action on a variance for such and why we’d allow it, keeping in mind “setting a precedent”. We know that straight driveways are the easiest to put in, but sometimes one with curves may be safer and make more sense. Krause – I believe steeply sloped driveways decrease the value of a property. Grothman – I will look at the driveway issue in more detail.

MacDonald – is this a navigable stream, which limits building within 75’?

Krause – are they going to farm the northern parts in the yellow area outside of the building locations. Grothman – in talking to Jackie Groves she has said that the changes of any of the family members building on their lots in the near future is next to none. Krause – we have to keep in mind that any family member could decide to sell

their lot to someone else, possibly a non-family member. What I'd hate to see is someone buy the 21.5-acre Lot 5 and come in with a 15-lot subdivision proposal. Schmidt – what difference does that make, address that if and when it happens. Bechler – because we have to think of the future, you do not have an approved plat at this time and as it is right now it's not approvable. The Town has worked with problematic lands many times. Krause – if the zoning (currently Ag-1) had been thought of back in the 1970's when the County asked current owners what they wanted their land to stay zoned, and the owner then said they wanted it kept Ag. So the Comprehensive Plan shows areas that it's been planned/anticipated that there'd be future homes on, and this land is not included. This land is not an area I can see us approving a subdivision in. When we allow a small subdivision issues arise when others come in and want to create a larger subdivision.

Marx – I think Krause makes a good point about when the possible future residential pockets that were created. This plat could end up with 9 homes rather than the 1 that is there now. Grothman – but the owners have a right to divide the land for more homes. We're trying to comply with all the laws. Krause – this plat would require a Comprehensive Plan amendment because it is not in compliance with our future land use in that Plan. Grothman – I'm doing my best to try to comply. Krause – since we're not interested in large subdivisions in certain areas, that's why we would not approve a smaller subdivision that could possibly grow into a larger one. Grothman – I can go back and talk to the Groves Trust members. Krause – we're not trying to be adversarial, but we have to think these over very closely. Grothman – I'm just trying to do what the Groves Trust asked me to do.

Robbins – right now the land is zoned Ag? Grothman – the 9 lots in yellow are zoned R-1, the rest in white is Ag-1. Krause – with the area that is zoned R-1 someone could come in and put the minimum-sized 2-acre lots (which would come to 25+ lots). Roberts – I think this plat is a reasonable request for dividing this land into larger lots. Bechler – as Grothman & Schmidt stated this plat layout is at the request of the current family members. If the issues with the land can be worked out it's reasonable. Grothman – we can state that these lots are not intended to be further divided, unless someone can come in with a really good plan to divide them further that could get approval. Bechen – I think the Plan Commission is not trying to be adversarial to development, all plats like this are extensive negotiations, which can sound adversarial at times. If your client can agree to restrict future dividing of these lots I'd be in favor of this plat. Grothman – I learned years ago that these are never easy and a lot of negotiation goes on. The owners have hired Schmidt and I to represent them in what they want. Marx – whether you realize it or not Kris has agreed to continue as Plan Commission Chairman (who is also an Engineer by trade) with vast knowledge and history that the rest of us newer Plan Commission members need. Krause – the location of the driveways is a determining point at this time. If you can speak to the Groves about limiting future development of the lots and the driveway issues I think that'd be things we'd value more information on. Grothman – I can come back with a revised driveway plan, and Atty. Schmidt can talk to them about limiting future development. Krause – the other few details (outlined in Dan Schrum's updated review received today) you (Grothman) will have to work on.

Bechler – there's other items on the checklist for preliminary plats that need to be done: (1) soil testing with report; Grothman has stated he has done some borings, but we should receive a report showing that. (2) there's no discussion of the answers to questions stated in the review of the Environmental Assessment. There are other requirements on the checklist that we've waived in the past, but we need to go through each of them. We require restrictive covenants for many reasons in this plat. We need to be very careful of our requirements. Grothman – a lot of those would have applied to the Pleasant Valley Plat (Ness), but ours is a rural development among family members and many of the preliminary plat requirements don't pertain to this plat. Krause – requirements pertaining to the driveways and the wetlands are the most relevant in my opinion. And there is a narrative needed to go with the Environmental Assessment you provided, it's important and go into the record with the plat. Bechler – doing the narrative for the Environmental Assessment on just the building lots is what is needed. Krause – also need the Conservation Easement.

Bechen/Robbins motion to table until November 13th meeting; MC 6-0.

3. ORDINANCE 2018-02 "An Ordinance to Update and Modernize the Lodi Erosion Control Ordinance"; continued from previous meetings:

Bechen – we just had a house built on Deer Run with a severe slope to their driveway, in fact their entire property, and the erosion control measures did not work and sand, dirt and gravel washed into the roads and into neighbors yards. MacDonald – this ordinance does not cover single family and duplex homes, but Wisconsin State Statutes does. Bechler – see Pages 7-8 beginning with (6) Land Disturbing Activities Subject to Erosion and Sediment Control. Bechen – as a recourse what are we allowed to require in erosion problems like this. Bechler – look further into this proposed ordinance. This is exactly why we need this updated ordinance. Bechen – can we include penalty fees and time limitations on remedies to the erosion problems caused? Bechler – we already have ordinances that allow us to charge for town costs. We can include a citation and fee.

MacDonald – we changed the slope percentage from 20% to 15% disturbance. There are prescriptive requirements for lands that don't meet the minimum disturbance size but where there are erosion control issues. Atty. Bechler and I need to still work on the wording of this ordinance, as it currently requires everyone get an erosion control permit for any land disturbance, including something as simple as digging a small hole in the ground.

4. ORDINANCE 2018-03 "An Ordinance to Update and Modernize the Lodi Storm Water Management Ordinance"; continued from previous meetings:

MacDonald: to my knowledge all comments from previous meetings have been corrected and codified by Atty. Bechler. I'm good with the Ordinance as written. Atty. Bechler – it's a substantial improvement over our previous ordinance and it addresses all questions and changes needed.

Bechen – one issue I have is retention ponds and who is responsible for the costs of cleaning/dredging them in the future. MacDonald – that is something that should be covered in the Developer's Agreement for each development. It's included in this ordinance under section (j) Financial Guarantee (1) Establishment of the Guarantee. Bechler – it is included in the Developer's Agreements. But this is something is something MacDonald and I need to look into incorporating this ordinance. Krause – the ordinance needs to be more specific. Bechen – and who is responsible for the cost needs to be included.

MacDonald – I have notes regarding removing wording regarding infill; also wording relating to a Certification of Compliance to be given to the town showing that the water management was completed as required.

Bechen/Marx motion to table both items #3 and #4 until the November 13th meeting; MC 6-0.

5. Minutes of August 14, 2018 meeting: *Bechen/Robbins motion to approve as presented; MC 6-0.*

6. Next meeting date is Tuesday, November 13, 2018 @ 6:00 p.m. in Lodi Town Hall.

7. Adjourn: *Bechen/Robbins motion to adjourn at 8:15 p.m.; MC 6-0.*

April D. Goeske

Clerk-Treasurer