Town of Oregon
Plan Commission Meeting Minutes
Tuesday, December 17th, 2024

Chair Yanacheck opened the Public Hearing on December 17th, 2024, meeting at 6:34 p.m.

Land Rezone/Land Division/CSM Request. Petition #DCPREZ-2024-12126. Parcel #0509-151-8501-0 170 feet west of 5337 Lincoln Rd., Oregon. This request is to rezone 2 acres from AT_35 to RR-2 to create one residential lot. Applicant/Owner is Timothy & Diane Haak 1060 Glenway Rd., Oregon, WI 53575.
Applicants Timothy & Diane Haak appeared in person. No public comments.

Close Public Hearing at 6:35 p.m.

Roll Call
Present: Tim Yanacheck, Sharon Christensen, Arlan Kay, Chuck Soule, Gena Larson, Jessica Barmack, Dave Hageman. Also, Present: Treasurer/Deputy Clerk Stephanie Goth, and Supervisor Laurie Fitzgerald.

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Hagemann stated that he was under the assumption that there were no splits available from the original farmstead based on a previous denial of an application by the applicant's sister. Applicant Diane Haak stated her sister has 20 acres that was divided before 1995 when the Town enacted the 1 per 35 density policy. Haak stated they have over 35 acres and, therefore should be eligible for a split.
Hagemann stated that the density study didn't include all the original farmland. Haak stated that the division of land happened prior to 1995 policy. Their home was built in 1978. Discussion ensued. Hagemann stated that he was under the assumption that the County uses the whole farm as it was in 1995. The applicants clarified that the landowner (her father) split that off before his passing, before 1995, the density study does show the land as of 1995.
Hagemann asked the applicants if they knew how many splits are available after this is used. The applicants stated they were not sure, they believe their brother may have 2. Soule stated that the density study provided shows that there would not be any additional splits after the applicants use the 1 remaining split.
Kay asked the applicants to clarify where the lot would be on the 40-acre parcel as it is not clear on the CSM provided. Discussion ensued regarding driveway placement and access. Kay stated he would like a map that shows where the lot will be on the 40-acre parcel.
Christensen asked the applicants if the siblings owned the pieces of property before 1995. Applicants responded that they did. Discussion ensued.
Christensen stated that there should be a deed restriction, restricting further development. Barmack inquired if the land is annexed by the Village does it make sense to require a deed restriction. Discussion ensued. Soule asked if the deed restrictions would be for the non-contiguous property if the 1 remaining split is utilized. Discussion ensued.
Hagemann stated that according to the density study there is only one remaining split and that there would not be any additional splits. The applicants stated that they did not think that was correct as the properties were split before 1995. Discussion ensued.
Kay stated that it is straightforward that they have one split available based on the density study provided. Soule stated that there is one split available to the 109 acres non-contiguous properties, that it may be on the deed that the other owners do not have a split available but that is not clear. The applicants disagreed with the density study using the 109 acres of non-contiguous property.
Barmack stated that there are two ways of looking at it and it is not clear which way to do so. There is confusion on whether the other owners will lose the opportunity for a split if the applicants use the split referenced in the density study.

Moved by Kay, seconded by Soule to recommend approval of petition DCPREZ-2024-12126 based on the density study from Dane County dated October 8th, 2024, the owners of parcel #0509-151-8501-0 have one split allowing them to build one residential lot with the deed restriction for no additional splits. 4-3 Motion Carried.

Barmack expressed concern about the other property owners. Kay expressed that is an issue for another day. Goth stated that is a personal transaction between siblings that they should work out between them and the focus of the Plan Commission should be on the application and materials provided that state that the applicants have 1 split available to use. Soule stated the Plan Commission's responsibility is to decide if it is proper under the current plan and that what the siblings decide with each other cannot be the Plan Commission's concern. The applicants assured the Commission that they will have that conversation with their siblings as they do not think they are fully aware that there is only one split available per the density study provided.

Hagemann noted that his opposition is based on waiting on clarification from Dane County regarding the density study.

Approval of Minutes.

Moved by Soule, seconded by Larson to approve the November 19th, 2024, meeting minutes. Motion Carried 7-0.

Discussion re: Right of Way (ROW) Road & Traffic Safety Committee overlap)

Kay shared the concerns of the Public Works Department and the Road and Traffic Safety Committee regarding work done in the Road Right of Away by utility companies and residents. The concern is that the work is done and there is no recourse in making sure it is done to standards and that it is cleaned up appropriately. The Road and Traffic Safety Committee is recommending an application with fees/deposits to where a portion of it is returned when standards are met. The Committee is working on developing a fee schedule and policy regarding ROW permits and Driveway Permits. Chair Yanacheck shared his recent training through the Wisconsin Town's Association regarding ROW permits and policies. He agreed to share the materials and his knowledge with the Committee.

Discussion and possible action re: Amendment to Dane County Ordinance OA-23, regarding the review process for conditional use permits.

Barmack expressed her concerns with the review process of CUP's, and if the ordinance amendments allow for more control from Dane County with the concerns from citizens after the CUP is active, she stated she would not be in favor of less supervision and less oversight of an active CUP. Discussion ensued. It appears that the amendments are related to the initial CUP application.

Moved by Hagemann, seconded by S. Christensen to approve amendments to Dane County Ordinance OA-23 regarding the review process of conditional use permits. 7-0 Motion Carried.

Public Comment.

No public comment.

Communications.

No communications.

Town Board Items.

Kay updated the Commission on the approval of the Levy, and his January absence.

Adjournment.

Moved by S. Christensen, seconded by Hagemann to adjourn the meeting at 8:10pm. Motion Carried 7-0.