

APPROVED MINUTES OF THE SPRINGDALE PLAN COMMISSION MONTHLY MEETING FOR APRIL 22, 2019

IN ATTENDANCE: Ellen Bunn, Rich Bernstein, Jim Hanson, Mike Healy, Amy Jester, John Rosenbaum, David Schmidt, Denise Sullivan (A quorum is present.) Town Chair Mike Fagan, Town Supervisor Richard Schwenn, Town Clerk Susan Duerst Severson and Vicki Anderson, Deputy to the PC.

CALL TO ORDER: by A. Jester at 7 p.m. in the Springdale Town Hall, 2379 Town Hall Road, Mt. Horeb, WI 53572.

NOTICE OF THE MEETING: pursuant to Wisconsin Open Meeting Law was confirmed. The final agenda was posted on 04/18/2019 in the three customary locations in the Town of Springdale as required by law, and as a courtesy to the citizens, published in the *Mt. Horeb Mail* on 4/18/2019. In addition, a Class 2 notice for the public hearing on the Conditional Use Permit #2019-02466, Garfoot proposed expansion of current CUP 999 for airport, was published in the *Mt. Horeb Mail*.

MINUTES: MOTION by J. Rosenbaum/E. Bunn to approve the draft meeting minutes of the 3/25/2019 special joint meeting of the Springdale PC and TB re: the SCURE committee written submittal to the Public Service Commission, PSC, re: lack of support for a proposed power line through Springdale. Motion to approve carried 7-0.

MOTION by J. Hanson/D. Sullivan to approve the 3/25/2019 PC meeting minutes as distributed carried 7-0.

JEREMY PINGS/ACCESSORY BUILDING/1942 OAK WOOD VIEW DR./SEC. 25: NO ACTION/APPLICANT WITHDREW HIS APPLICATION.

PRE-APPLICATION MEETING/CONCEPT PLAN/NO ACTION-INFORMATION ONLY:

A. KAREN BRINKS' LANDS, AGENT CHARLIE WILLS/CTH G/SEC.26 – Contiguous acres owned on the effective date of the Plan = approximately 90.2 acres, Option 1 = 3 new lots, Option 2 = 5 new lots and Option 3 = 6 new lots. There is an existing farmhouse. The property is divided by CTH G. C. Wills believes the best farmland is on the North side of CTH G and houses may be best located on the property on the South side of CTH G. The Deputy to the PC will contact Dane County Highway for possible highway access points on CTH G. A site visit will be scheduled.

B. TOM AND ROSEMARY BRUNNER/ CTH G/SEC. 23 & 26 – Contiguous acres owned on the effective date of the Plan = 112.48 acres. The Brunner's 2005 approved concept plan for 3 new lots with an existing farmhouse shows more development areas than needed. Of the 3 potential new lots, 1 has been used. Since 2005, the family wishes to reconsider the concept plan. The Deputy to the PC will contact Dane County Highway for possible highway access points on CTH J. A lot may be accessed via the existing driveway to the Brunner farmhouse. This access point was discontinued as a farm-to-market road but now exists as a 33' wide access point for the Brunners, side by side with a 33' access point for the adjacent property owner W. Hefty. A site visit will be scheduled.

BILL GARFOOT/PUBLIC HEARING/NEW Conditional Use Permit, CUP #2019-02466 FOR AIRPORT/SPRINGDALE CENTER RD./SEC. 28:

Proposal: CUP #2019-02466 for Heckler's Airstrip, 2161 Springdale Center Rd., Verona, WI was submitted to Dane County Zoning on 3/14/19 by B. Garfoot. The DC Zoning public hearing date is scheduled for 05/28/2019. This is a new CUP proposed to replace CUP #999. The parcel numbers affected are 0607-281-8000, 0607-281-8075-0 and 0607-281-8220-3. Generally speaking, the new proposal is an expansion of the area and use of the airstrip/airport: increase in the number of users and aircraft, number of owners of the land in the CUP boundary and the CUP boundary, etc.

New Information: Since the 3/25/2019 PC meeting, B. Garfoot submitted to the Town and Dane County Zoning a revised CUP boundary and revised conditions on 04/05/2019.

Proposed Conditions: The submitted conditions were discussed and further amended:

1. The airstrip/airport shall be designated as a "Private Airstrip" and used for private purposes only. The parcel numbers for land contained within the boundary of the airport CUP are: 0607-281-8000, 0607-281-8075-0 and 0607-281-8220-3.
2. No aircraft other than aircraft owned by resident landowners are permitted to use the airstrip/airport and aircraft granted permission by a resident landowner to land for short term visitations.
3. A maximum of 10 operational aircraft may be stored within the CUP boundary.
4. Any nonoperational aircraft within the CUP boundary shall be stored inside.
5. Only single-engine aircraft shall use the airstrip/airport. Ultra-light type of aircraft and twin prop aircraft shall not use the airstrip/airport.
6. The airstrip shall operate under FAA's "Visual Flight Rules." Night flying operations or lighting of the landing strip shall not be permitted.
7. Hours of operation shall be one-half hour before sunrise and one-half hour after sunset.
8. A maximum of 10, FAA defined "aircraft operations" are permitted per day.
9. Aircraft operations, including 'touch and go' landing operations are not permitted.
10. Crop dusting operations are not allowed to use the airstrip/airport.
11. Commercial businesses, including the sale of fuel, are not permitted at the airstrip/airport.
12. Changes to the topography of the airstrip/airport shall not be permitted. The airstrip shall remain grass.

13. Educational training pertaining to airframe construction sanctioned by an accredited academic institution is permitted.
14. The premises shall be kept in a neat and orderly fashion.
15. Fuel for personal use shall be stored in appropriate containers.
16. Loudspeakers shall not be permitted.
17. Signage shall not be permitted.
18. The CUP shall expire when the Bureau of Aeronautics takes away the permit for the airstrip, OR no residential landowners use the CUP and the CUP becomes null and void.
19. The CUP may be revoked upon failure to meet and continue to meet any requirements or conditions.

Discussion: The comments below are listed by number corresponding to the number of the proposed condition above. The comments include, but may not be limited, to the following:

1. Proposed condition 1: Area of airstrip and CUP airport boundary: For the purposes of this discussion, the term airstrip refers to the actual runway for aircraft operations. The term airport refers to the land area of approximately 43 acres which currently contains B. Garfoot's duplex, D. Kartman's single-family residence and the existing structures on their lands. (It was clarified that a grassy area to the west of the airstrip has been used for emergency landings due to wind conditions. This area does not need to be included within the CUP airport boundary.)

In addition, the CUP airport boundary contains the potential for three, 3, additional single-family residences on B. Garfoot lands and two, 2, additional single-family residences on D. Kartman's land. Thus, a total of eight, 8 residential properties, with the existing Garfoot duplex counted as two, 2, are proposed to be contained within the CUP airport boundary.

Question: The land area within the CUP boundary exceeds the area needed to contain the airstrip and Garfoot's existing duplex and three, 3, Lot preliminary Certified Survey Map and Kartman's existing residence. Why? Why are potential building envelopes for future lots included in the proposal at this time?

2. Proposed condition 2 and 3: 10 operational aircraft may be stored within the CUP boundary. The number 10 was derived by allocating an operational aircraft for every potential residence and two, 2, additional aircraft. The two, 2, additional aircraft were proposed by B. Garfoot to be available to allow a non-landowner to use one of these planes and fly from the airstrip/airport. In addition, it was stated that existing resident landowners and potential resident landowners may grant permission for anyone to land at the airport for short term visitations.

Questions: Who is the ultimate authority of the use of the airport? How do the owners of the eight, 8, potential properties within the CUP airport boundary coordinate the use of the airport to maintain safety and compliance with the CUP conditions? What is the definition of "short term visitation". Is a flight plan required for the visits? Where are these visiting planes housed and for what period of time? To comply, a high degree of communication is required among a lot of people. When does the use of an airport by non-landowners constitute a business transaction? Why type of insurance for safety reasons is required? How can neighboring property owners be assured of the safety of planes being flown into the airport/airstrip by unknown pilots? Who regulates the type of aircraft being flown into the airport?

3. Proposed condition 5: Only single-engine aircraft shall use the airstrip/airport. Helicopters are single-engine aircraft. It is documented that helicopters fly lower and are louder than other single-engine aircraft.

Question: How many helicopters may be housed at the airstrip/airport as part of the 10 aircraft housed there? How many helicopters may be included in the unlimited number of aircraft granted permission to land at the airstrip/airport?

4. Proposed condition 8: It was clarified that an 'aircraft operation' is counted as a landing = 1, a take off = 2, etc.

5. Proposed condition 11: Commercial businesses are not permitted at the airstrip/airport.

Question: When does the use of an airplane belonging to one of the 8 properties by other pilots constitute a business? When does the use of the airstrip/airport by others who are not owners of the airstrip/airports constitute a business? What is the difference between sharing of services, bartering and a business?

6. Proposed condition 19: Compliance with the proposed conditions relies on the landowners within the CUP boundary.

B. Garfoot stated in the April 22, 2019 PC meeting that he had not adhered to the current CUP #999 conditions since he allowed pilots to land at the airstrip to visit relatives, attend Badger football games, and other non-emergencies; others' planes were stored at the airport and other pilots operated out of the airport. He stated there was no way to enforce the conditions; no one was watching it.

Question: With this history of acknowledged noncompliance of the current CUP, what is the plan to demonstrate compliance going forward with:

- a. More owners, from 2 – to at least 8 owners;
- b. More planes, from 3 to at least 10 operational aircraft housed within the CUP and an unknown number of aircraft coming and going;
- c. A larger CUP boundary, from \_\_\_\_\_ acres to 43 acres; and
- d. More unidentified airport users going from 2 users to unlimited number of unidentified pilots and planes using the facility?
- e. No sample legal agreements among the various landowners with property within the CUP boundary.

The Six Standards for a Conditional Use Permit: The six questions were considered by the Plan Commission and all 6 received a vote of aye-7, nay-0, abstention – 1.

MOTION by D. Sullivan/M. Healy motion to recommend approval with the conditions as reviewed. Motion carried 7-0-1(Bunn abstained.)

PLAN COMMISSION PROCEDURES:

Next PC meeting: June 3, 2019 for May due to Memorial Day falling on the fourth Monday of May: Submittals for the May monthly meeting should be submitted to the Town Clerk by Monday, May 20, 2019.

ADJOURN: MOTION by unanimous consent, motion carried 8-0. Respectfully submitted, Vicki Anderson, Deputy to the PC