

**TOWN OF PLEASANT SPRINGS  
DANE COUNTY, WISCONSIN**

**RECORD OF THE PLAN COMMISSION MEETING**

**MARCH 10, 2021**

**MEETING LOCATION:** Due to the COVID-19 Pandemic, this meeting took place virtually via Zoom.

**CALL TO ORDER**

Chair Dalsoren called the meeting to order at 6:30 p.m.

**PLAN COMMISSION MEMBERS PRESENT:** Audra Dalsoren, Keith Comstock, John Pitas, Lila Lemanski, and Eric Olson, Liaison.

**PLAN COMMISSION MEMBERS ABSENT:** Melanie Miller, Claudia Quam

**OTHERS PRESENT:** Mark & Jan Bakken, 2541 Door Creek Rd., Stoughton, WI 53589, Ed Short, N8096 Buol Rd, Belleville, WI 53508, David Pfeiffer, 1838 Oakview Dr., Stoughton, WI, Lisa Skar, Deputy-Clerk/Treasurer-Finance Accountant.

**MINUTES OF THE FEBRUARY 10, 2021 PLAN COMMISSION MEETING**

Motion by member Comstock, second by member Pitas, to approve the minutes of the February 10, 2021 Plan Commission Meeting. Motion carried unanimously.

**PUBLIC COMMENT:**

None.

**BUSINESS**

**Discussion and possible action regarding a rezone request from Mark Bakken, with Ed Short acting as the agent, to rezone 5.4 acres of a total of 140 acres of parcel #s 0611-181-9590-6 and 0611-181-9000-9, located at 2541 Door Creek Rd., Stoughton, WI 53589, from FP-35 to RR-2 to create two residential lots.**

Member Pitas asked if the driveways are required to be on the CSM at this point. Chair Dalsoren said that marking driveway placement could be a condition. She also said that she was concerned about access to the property, in particular in the railroad right-of-way.

Ed Short, acting as the agent for this request, was in attendance and said that they were only trying to meet the county code regarding road frontage. He said they plan to

use the existing driveway and will have a shared driveway agreement between the four parties.

Chair Dalsoren also noted that another condition would be to ensure that the access easement is transferable to any owner in the future, so it does not terminate with a change in ownership.

Motion by member Pitas, second by member Comstock, to approve the rezone request from Mark Bakken, with Ed Short acting as the agent, to rezone 5.4 acres of a total of 140 acres of parcel #s 0611-181-9590-6 and 0611-181-9000-9, located at 2541 Door Creek Rd., Stoughton, WI 53589, from FP-35 to RR-2 to create two residential lots.

With the following conditions:

- Must bring forth a CSM for review
- CSM should reflect any right-of-way easements & driveways

Motion carried unanimously.

**Discussion and possible action regarding an Airbnb/short-term rental policy.**

Town Board Chair Pfeiffer reported that he discussed this topic with the Town of Dunn. He said that he discussed his concerns with them regarding the path they were taking in drafting this policy. He said he is concerned that they were trying to have a short-term rental ordinance stand in place of current town ordinances.

He said that the Town of Dunn held a public meeting, with discussion from both sides, those who are for and those who oppose short-term rental restrictions. He said that Town of Dunn staff members have done a substantial amount work in drafting the ordinance. They have reviewed many short-term rental policies from other municipalities throughout the state, many of which have held up in court. He said he thinks it would benefit us to work with the Town of Dunn, but they decided they do not want to have a joint task force between our township and theirs.

Town Chair Pfeiffer said that our township will have its own meeting with the joint task force that has been established. He plans to have the task force review the material that the Town of Dunn provides and use it as a starting point for the development of an ordinance draft. He said that our town will follow the same process, seeking public input and refining the ordinance before formally presenting it for approval by the town.

Chair Dalsoren asked if the town's legal council is familiar with this type of ordinance drafting, CUPs, etc. and if this is an area of expertise for them. Town Chair Pfeiffer said that they do have expertise in CUPs; however, since short-term rental policies are relatively new, they may not necessarily have expertise there. He said we will take advantage of the Town of Dunn's crafting, time, attorney input, etc.

Chair Dalsoren said that it will be important to ensure that the policy put in place will stand up in court.

Town Chair Pfeiffer noted that the Town of Dunn is using a model from a municipality outside of the county that has been challenged in court and upheld.

He noted that this may require additional staff time; therefore, the town may need to charge a fee for the additional staff time required.

He also said that he asked the Town of Dunn if there is a precedent for setting a limit on the number of CUPs for this type of activity that may get approved in a given area. He noted that there is a limit on liquor licenses to prevent issues that could arise from having too heavy of a density of bars in an area. He said that allowing any number of CUPs for short-term rentals could significantly impact a residential neighborhood. He did note, however, that if a resident is simply renting a room in their home while residing there, they are exempt from the short-term rental policy. It only applies when a property owner rents the entire house and is not on the premise.

Chair Dalsoren asked if Town Chair Pfeiffer could circulate the information from Dunn, once obtained, and suggested setting up a subcommittee meeting to discuss the topic further.

**Review of Building Inspector's report issued in January, 2021.**

The Plan Commission reviewed the January, 2021 Building Inspector's reports.

**Report from Town Board liaison, Eric Olson, concerning any Plan Commission agenda items discussed or acted upon by the Town Board.**

Liaison Olson reported out that the Town Board addressed the Williams rezone request. He said that it has been a constantly changing scenario.

Town Board Chair Pfeiffer provided an update regarding this request. He said that the Williams were changing their request from three lots to two, based on MMSD's cost for allowing property to be served by public sewer. He said that MMSD has been inconsistent with their responses regarding this, however.

He said that the PSSD drafted a letter to the Williams regarding what fees are required depending on the status of the parcel seeking service and will copy the town and plan commission to keep everyone in the loop. He said that the entire Williams parcel was included in the DNR annexation to the Limited Service Area, so no petition is required to amend the service area if they want service to three lots. He noted that MMSD's boundary, however, is halfway down the lot. He said that he argued with MMSD that they cannot recharge a connection fee on land that has already been annexed into the service area. If the property is divided into three lots, the middle lot should not have a connection charge fee, since it has already been paid. If the property is only divided into two lots, the Williams would have to pay on the entire lot two. MMSD added a new

treatment plant connection charge. They are claiming that their ordinance says that they can charge this fee to any new lot, even if it is already in the district. He noted that the fees are based on acreage.

He said he was invited and plans to attend a meeting with MMSD next week.

He said that MMSD has told him that fees are going to rise rapidly, so the longer we wait, the more it will cost. PSSD intends to hold a spring/summer public meeting with property owners near the district regarding this.

Liaison Olson also reported out that the Town Board passed Tim Vitense & Brian Remer's final CSM.

### **Communications / Correspondence**

The Plan Commission reviewed the included correspondence.

### **Other items of note:**

- Town Board Chair Pfeiffer discussed Stoughton's dam removal. He said that he attended the Town of Dunkirk's public meeting (conference call) on the dam removal. The former operator of the Stoughton dam was on the call. Residents were able to ask him questions regarding their concerns. Chair Pfeiffer said that he asked the Town of Dunkirk what will happen to the Dunkirk dam if there is no Stoughton dam and there are high water events. He noted that Madison's dredging will cause water to move more quickly downstream. He said that the Town of Dunkirk did not seem to be aware of this possibility. He also said that the City of Stoughton has still failed to acknowledge that there are legitimate concerns regarding the dam removal and seem to just want to dismiss concerns. He feels there will likely be a lawsuit and Stoughton's case will not hold up in court against property owners who rely on the continuance of water levels.

### **Agenda items for future Plan Commission meeting(s):**

- Brett & Tiffany Skaar revised maps
- Williams request, if changed to three lots
- Short-term rentals
- Review of Comprehensive Plan (on-going as available or necessary)
- Any other items as needed, submitted, or requested

### **ADJOURNMENT**

Motion by member Pitas, second by member Comstock, to adjourn at 7:25 p.m. Motion carried unanimously.

Respectfully submitted:

Lisa Skar  
Deputy-Clerk/Treasurer