

Town of West Point Plan Commission Minutes February 3, 2022

Pursuant to Wisconsin State Statutes s. 19.84 the Plan Commission of the Town of West Point held its semi-monthly meeting on February 3, 2022, at the West Point Town Hall, N2114 Rausch Road, Lodi, WI 53555, and via Zoom. The meeting agenda was posted in three places as required by law and on the Town's website. Vice-Chairman Darrell Lehman called the meeting to order at 7:00pm. Members in attendance were Nathan Sawyer (7:04pm), Ron Grasshoff (via zoom), Ben Carlson (via zoom), Byron Olson, Renee Nair, and Darrell Lehman. Also present was Taffy Buchanan, Clerk. Absent was Kevin Kessler (excused).

Agenda #2 – Approval of Agenda – A motion was made by Byron Olson to approve the agenda as presented, 2nd by Renee Nair – motion carried unanimously.

Agenda #3 Approve Minutes – January 20, 2022 – Copies of the January 20, 2022 Plan Commission minutes had been emailed to each member for their review. A motion was made by Byron Olson to approve the January 20, 2022, minutes as presented, 2nd by Ron Grasshoff – motion carried unanimously.

Agenda #4 Correspondence – None

Agenda #5 Citizen Input – None

Agenda #6 Jenna & Shannon McCann, W13046 State Highway 188, Lodi, WI 53555, for review of a 3-lot Certified Survey Map and rezoning - The McCanns currently own two parcels with a total of 22.36 acres, which are zoned R-1 Single Family Residence and they would like to divide the parcels into three lots and have two of the lots rezoned to RR-1 Rural Residence and one lot rezoned to AO-1 Agriculture and Open Space. Since they would like a new lot created a “park fee” will need to be collected if the proposal is approved. Darrell Lehman suggested to first address the proposed lot line adjustment and land division CSM, including any supporting agreements, restrictions, and covenants, then address the proposed zoning changes as described in the County's summary report.

A motion was made by Renee Nair motion to recommend to the Town Board to accept and approve the proposed *lot line adjustment and land division*

CSM for McCann's Lots 1, 2, and 3, dated 12 November 2021 with at least the following conditions:

1. All open or outstanding conditions included in separate motions related to this CSM for the Declaration of Covenants, Conditions and Restrictions, Declaration of Joint Access and Utility Easement and Covenants, and Joint Driveway Entrance Agreement, are resolved to the Town's satisfaction;
2. Lot 3 shall not be less than or exceed 2 acres, Lot 2 shall not be less than or exceed 2.44 acres, Lot 1 shall not be less than or exceed 17.91 acres,
2nd by Nathan Sawyer – motion carried unanimously.

A motion was made by Renee Nair to recommend to the Town Board to accept and approve the *Declaration of Covenants, Conditions and Restrictions* provided by McCann dated 1 Feb 2022 with at least the following conditions added to the document:

1. At least McCann's Lots 1, 2, and 3 shall be included;
2. The conditions and restrictions placed on the parcels post proposed rezoning shall reflect this and this document shall be a condition of any proposed rezoning recommendation and not only a part of the lot line adjustment and land division CSM;
3. The proposed new (ag) Lot 1 shall be included in this agreement, specifically but not limited to Section 3 (fencing);
4. No parcel shall be further subdivided for any purpose, provided, however, that this provision shall not prevent adjoining landowners from conveying real estate to each other so long as additional parcels are not created and such land division complies with all County and Town Ordinance requirements;
5. Provided Exhibit A and Exhibit B are exact duplicates of those recorded separately at the time of this recording,
2nd by Ron Grasshoff – motion carried unanimously.

A motion was made by Renee Nair to recommend to the Town Board to accept and approve the *Declaration of Joint Access and Utility Easement and Covenants* (Lots 2 and 3) provided by McCann dated 1 Feb 2022 with at least the following conditions added to the document :

1. Re: Paragraph (1): Easement shall accommodate construction and maintenance of a shared driveway as described in Chapter 12, including but not limited to Section 12.20(B)(2) width requirements;
2. If the owner of any of the Lots shall at any time violate or attempt to violate this Declaration, the Town Board of the Town of West Point, Columbia County, Wisconsin, provided the lands are within the governmental jurisdiction of said Town at that time the enforcement action is

commenced or, in the event it is not, the local governmental body in which it is located, shall have standing to bring proceedings at law or in equity against such owner or owners of the real estate to enjoin the violation and if the Town of West Point or other municipality prevails, it shall be awarded reasonable attorney fees and costs. In addition, any person or persons violating the covenants, conditions and restrictions shall be liable for all costs of removing and/or correcting any violation. The remedies and penalties described herein are in addition to all other remedies and penalties set forth under the Town of West Point ordinances or as otherwise available to the Town at law or in equity. In the event the person or persons violating the Declaration fails to reimburse the Town for all of its costs incurred in enforcing the Declaration, in addition to any other remedies the Town may have, the Town shall have the right to assess all of the costs related to the enforcement as a special charge against his/her Lot pursuant to Wisconsin Statutes;

3. The provisions of this Declaration may not be cancelled, released, amended or waived by any owner of such Lot without the express written consent of the Town Board of the Town of West Point, Columbia County, Wisconsin, provided that Lot is within the governmental jurisdiction of said Town at the time of cancellation, release, amendment, or waiver or, in the event it is not, the local governing body in which it is located;
4. Provided Exhibit A and Exhibit B are exact duplicates of those recorded separately at the time of this recording,
2nd by Ron Grasshoff – motion carried unanimously.

A motion was made by Renee Nair to recommend to the Town Board to accept and approve the *Joint Driveway Entrance Agreement* provided by Li and McCann dated 1 Feb 2022 with at least the following conditions added to the document:

1. The proposed driveway agreement shall include all parties using the shared access and driveway;
2. The Town approves waiving the Town's Code of Ordinances Chapter 12 shared driveway limitation of 4 parcels to allow shared use of no more than seven parcels, six of which are existing parcels plus a seventh new parcel being McCann's proposed Lot 1. All other requirements of Chapter 12 remain;
3. The parties to the agreement agree and certify that the shared access, driveway, and its use conform to the applicable provisions of Wis. Admin. Code for Parcels that abut and or access a state trunk highway;

4. If the owner of any of the Lots shall at any time violate or attempt to violate this Declaration, the Town Board of the Town of West Point, Columbia County, Wisconsin, provided the lands are within the governmental jurisdiction of said Town at that time the enforcement action is commenced or, in the event it is not, the local governmental body in which it is located, shall have standing to bring proceedings at law or in equity against such owner or owners of the real estate to enjoin the violation and if the Town of West Point or other municipality prevails, it shall be awarded reasonable attorney fees and costs. In addition, any person or persons violating the covenants, conditions and restrictions shall be liable for all costs of removing and/or correcting any violation. The remedies and penalties described herein are in addition to all other remedies and penalties set forth under the Town of West Point ordinances or as otherwise available to the Town at law or in equity. In the event the person or persons violating the Declaration fails to reimburse the Town for all of its costs incurred in enforcing the Declaration, in addition to any other remedies the Town may have, the Town shall have the right to assess all of the costs related to the enforcement as a special charge against his/her Lot pursuant to Wisconsin Statutes;
5. The provisions of this Declaration may not be cancelled, released, amended or waived by any owner of such Lot without the express written consent of the Town Board of the Town of West Point, Columbia County, Wisconsin, provided that Lot is within the governmental jurisdiction of said Town at the time of cancellation, release, amendment, or waiver or, in the event it is not, the local governing body in which it is located;
6. Provided Exhibit B and Exhibit C are exact duplicates of those recorded separately at the time of this recording,
2nd by Nathan Sawyer – motion carried unanimously.

A motion was made by Ron Grasshoff to recommend to the Town Board to recommend to the County to approve the proposed *rezoning of McCann's proposed Lots 1, 2, and 3 as described in the County's Summary Report: McCann Rezone dated 10 June 2021* with at least the following conditions:

1. Lot 1, Lot 2, and Lot 3 are those as described in the McCann proposed CSM dated 12 November 2021: Lot 3 shall not be less than or exceed 2 acres, Lot 2 shall not be less than or exceed 2.44 acres, Lot 1 shall not be less than or exceed 17.91 acres;
2. All open or outstanding conditions included in separate Town motions related to the McCann CSM and related *Declaration of Covenants, Conditions and Restrictions, Declaration of Joint Access and Utility*

Easement and Covenants, and Joint Driveway Entrance Agreement are resolved to the Town's satisfaction,
2nd by Renee Nair – motion carried unanimously.

Agenda #7 Preliminary Proposal for Blackhawk Ridge Condominiums – Molly Babler and Matt Parnell introduced a proposal for Parcels #413.001 & 413.002 on Golf Road which are zoned R-2 Multi Family Residence. The Plan Commission gave them feedback and said they should come back with a “concept” plan and identify any waivers they would need.

Agenda #8 Update on potential Town Ordinance changes to Chapter 6 and 12 – no update.

Agenda #11 Next Meeting Date – The next meeting will be scheduled as needed.

Agenda #12 Adjourn - A motion was made by Renee Nair to adjourn the February 3, 2022, Plan Commission meeting, 2nd by Ron Grasshoff – motion carried unanimously. The meeting was adjourned at 9:37pm.

Respectfully Submitted by
Taffy Buchanan, Town Clerk