

PLAN COMMISSION

Monday, May 20, 2019

7:00 PM

McFarland Municipal Center
Community Room

AGENDA

1. CALL TO ORDER
2. PUBLIC APPEARANCES.
3. APPROVAL OF MINUTES.
 - a. Review and possible approval of draft minutes from the March 18, 2019 Plan Commission meeting.
4. BUSINESS.
 - a. Public Hearing - Review and possible recommendation to the Village Board on a request by the Village of McFarland regarding Ordinance 2019-08 an Ordinance amending the standards for granting Conditional Use Permits in the Village of McFarland.
 - b. Discussion - possible development of Outlot 3 - Freeway Manor
 - c. Review and possible recommendation to the Village Board of Resolution # 2019 -10 a Resolution adopting the 2019-2023 Outdoor Recreation and Open Space Plan
 - d. Discussion - possible changes to the Village of McFarland sign code
5. STAFF REPORTS
 - a. Property maintenance report
 - b. Community Development Highlights
6. SCHEDULE NEXT MEETING DATE.
7. ADJOURNMENT.

This meeting notice constitutes an official meeting of the above referenced group and was posted in accordance with all applicable laws related to Open Meetings Law. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information. No action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals. For additional information or to request this service, contact the McFarland Municipal Center at (608) 838-3153 or cassandra.suettinger@mcfarland.wi.us.

Working Draft - Minutes

Plan Commission

Meeting

March 18, 2019

Members Present: Cathy Kirby, Jeff Sorenson, Dan Kolk, Bruce Fischer, Brad Czebotar, Peter Bloechl-Anderson

Members Absent: Tom Rogers

Staff Present: Pauline Boness, Matt Schuenke, Karen Knoll, Tim Stieve (Town & Country Engineering)

Others Present: Aaron Falkosky, Quam Engineering, Tara Furst, Nathan Furst, Adam Hebgen (McFarland Liquor), Gary and Karyn Schneider, Robert Anderson, Carolyn Simpson

1. CALL TO ORDER

Czebotar called the meeting to order at 7:00 p.m.

2. PUBLIC APPEARANCES - None

3. APPROVAL OF MINUTES

- a. Review and approval of draft Minutes from the February 18, 2019 Plan Commission meeting.
Boness indicated Karen Knoll needs to be identified under staff present

Czebotar requested the unidentified male speaker in item "4. c" be identified as Chris Fredrick. Boness indicated under Knoll needs to be identified under staff present and under item "4.e" it should state "with a for sale sign on property indicating it was for sale".

Czebotar moved to accept the minutes as amended. Kolk seconded the motion. Motion carried 6-0.

4. BUSINESS:

- a. **Public Hearing Review and possible recommendation to the Village Board regarding a request by developer Ezra Properties LLC to approve a Detailed Development Plan for Phase 1 and a General Development Plan for Phases 2,3, & 4 for 4703 Terminal Drive, McFarland, WI. Ezra Properties LLC plans to**

construct a 3-story 27-unit multifamily apartment building on Phase 1. Phases 2 & 3 will each have one office building. Phase 4 will consist of a 27-unit 3 story multi-family apartment building. The site is approximately 10.5 acres and currently owned by RCA Trust.

Czebotar opened the public hearing at 7:04 p.m.

Gary Schneider – 5508 Cardinal Drive (owner of 4804 Ivywood Trail) – concerned over traffic issues with the proposal including the blind intersection, increased traffic, speed of vehicles in the area.

Aaron Falkosky – Quam Engineering – available to answer any questions on the project. They have recently responded to the Village Engineers comments, and have brought paper copies with some revised plans.

Falkosky pointed out they added three burn pit locations to the plan, permits have been obtained from the Fire Department. Per request, the plan has been submitted to CARPC for review of wetland grading. Falkosky stated the site is being serviced by private sanitary, water and storm sewer as shown on C-2. The general development plan shows all four phases of the project. Regarding the request for additional curb and gutter, they would prefer not to add it, as they want to be able use the area to push snow up, and use for future driveway extension in Phase IV. Boness spoke with Mitch Sutter in Fire and Rescue; they had spoken with Quam regarding making the driveway 26' wide instead of 20', which also includes the curb and gutter. Falkosky stated he thought it was one portion, Boness replied it would be the entire driveway down to Terminal Drive. Falkosky stated, Quam is working to get a grading easement from the neighboring property. He also met with the Fire Department regarding the grade, and it will be less than 10%, which the Fire Department was comfortable with. The safety shelf will now be 10' wide rather than 8', the width of the berms are enlarged to 8', per the engineers request to have them be 8' – 10' rather than 3' wide. Fischer inquired about the steepness of the grade, and how they would handle it so as not to cause silting and run off into the retention pond. Falkosky replied they intend to plant the area as soon as they could to help prevent any issues. He also went over the proposed run off, green space and 100-year rain event potentials. They have made the material change of using a reinforced concrete culvert rather than corrugated metal culvert.

On sheet C-5 for the private water main, they do have the easements. Per some of the Village comments, they have submitted the erosion plan for approval on Friday and it has been updated. At the entrance at Terminal Drive, there will be some acceleration and deceleration lanes and additional tapering at the entrance. Regarding future curb, gutter and sidewalks on Terminal Drive, they are acceptable to it; they would like to review the proposal in advance. Boness advised that would be part of the Development Agreement.

Karyn Schneider -5508 Cardinal Drive – voiced concerns over sidewalks and bike lanes in the area due to the large population moving into the area. Bike lanes and sidewalks should be included in future Terminal Drive planning due to residential density.

Czebotar closed the public hearing at 7:25 p.m.

Kolk asked for clarification on the turn lanes on Terminal Drive. Stieve stated they wanted to identify this in order to accommodate a possible expansion of Terminal Drive and to create more of a “creeper lane” rather than an acceleration/deceleration lane. Town & Country did a brief review of the plans received on Friday, and do need to take a deeper look into what was submitted. It does appear Quam has addressed the majority of the comments they made previously. Kolk inquired about the obstructed view in the area. Steive replied that was not one of the initial questions they were to review, but is something they can look into. Sorenson questioned if there would be fencing around the retention ponds, with the location next to apartment complexes this makes for an attractive nuisance. Falkosky replied there is no proposed fencing.

Kirby felt the Commission should not be focusing on the smaller issues but the larger one of whether this a good proposal for the Villages’ vision for this area. It is identified as commercial highway, which is what it should be used for. To change zoning to accommodate apartments is the wrong vision, and creates a precedent for the area. This takes away one of the prime areas for commercial development, of which there are very few parcels. There are many which could be used for apartments. Mr. Quam himself stated he is not a business developer, but an apartment developer. Kirby doubts we will ever see a business development on this site. This will increase car traffic, bike traffic, and pedestrian traffic in an area where there is already a lot of truck traffic. There could be other potential for this site rather than apartments. There was another business developer interested in this site; but, because that did not work out does not mean another business developer would not be interested in the site. Kirby stated she cannot support this project, and is voicing her opinion for all four agenda items pertaining to this project. Kirby quoted Czebotar in saying the last thing he wants to see on this site is an apartment building with no other commercial development. Bloechel-Anderson felt while it has not been developed to date; it is an odd area for apartments. When this was first brought forward, Commissioners were told there was a tenant who was almost committed to the project, since then, in the past 2 – 3 months they have heard little to nothing on this commitment, and he would rather see a project like this driven by the office portion rather than the by apartments. Czebotar concurred but said in order to move forward with the office space, you would need more than 50% of the space rented, and they have heard very little about any commitment from Quam in regards to that. Falkosky stated, that is a question Quam would have to answer; he does know it is their desire to have Phases II and III as office space, with Phase IV as an apartment, which is their general intention. Kirby pointed out, he understands that is his desire, and the financing issues; however, Quam has stated commercial is not his expertise area of development, he is more an apartment developer, and hopes the office building will come along. Should the Village finance someone’s hopes, give money for

something that is not business related, and then subsequently qualify for TID money for hundreds of thousands of dollars? Kirby cannot recall in the past 20 years when they have ever put housing on a commercial property, in the hopes that there will be business there. There does not appear to be any form of a lease or contract for the business aspect. They also need to consider some businesses may be concerned about security issues with a 27-unit apartment complex on the site of their business. Czebotar stated while he understands the risk, Quam feels there is potential, and if the business end falls through, Quam himself stated his business is growing and he could possibly take some of the space. It is the Village Board's intention that there be office buildings developed on this site. Fischer asked of Kirby if she is opposed to the mix of office and apartments; or, the fact that there are going to be apartments there first, without confirmation of the office buildings? Kirby replied, if the office were to go up first she would not have an issue with this proposal, it is the phasing of it. Bloechel-Anderson agreed he has the same feeling and would rather the office go up first. Czebotar stated it comes down to financing, Quam cannot finance the office buildings first, he can finance the office using monies off the apartments. Czebotar stated he would prefer to see the office first. Kirby stated because Quam cannot finance it without the apartments, does not mean some other company could not, the lack of financing is Quam's issue. Czebotar feels passing this up would hurt the TID, and time is running out before the TID closes. Kirby stated there is no guarantee with an apartment building that the TID is not going to close without some commercial development, if that is the case, there should be some type of commitment and deadline for Quam to do the commercial portion. The TID can still close with no commercial and all you would have is the apartment.

Robert Anderson – owner of the property, currently residing on the property, said the problem with the site is it is not commercially construction ready; the topography is a large issue for the site. Czebotar asked of Anderson how many people he had knock on his door and inquire about building something on the site. Anderson replied he has had three that he can remember. One was very interested but the economy then dropped and that proposal did not move forward.

Boness summarized concerns for the general plan – is generally ok, she is questioning the timetable for phase II, there is the need for grading easements. Parking is adequate for phase I, but not for II – IV, these phases are short about 18 stalls. Additional parking can be addressed in future site plans; they should be able to figure out locations for additional stalls, and better identification for the common areas.

The detailed plan is much the same, the timeframe is still October of 2019 for Phase I. Better identification of common areas, grading easements, adequate parking for future phases, storm water are still being worked on, if approved tonight, you should condition approval of the storm water plan, the Comprehensive Plan would need to be changed and the Redevelopment Plan, both those are pending. The private street, which is longer than 800', is actually a cul – du – sac, which is not allowed by ordinance, when you vary that, it is approved as part of the review and approval process. The Police

Department wants stop signs at the intersection of the driveways, a Development Agreement is needed. Off street parking needs to be addressed, as does storm water management. Fees in Lieu will be paid as there is no parkland dedication as part of this project, we do not accept land in floodplains as part of the dedication. Some additional items on the list have already been addressed. There are erosion and easements being worked on, along with the Developer's Agreement.

Fischer feels it is a strange place to put an apartment, what happens if the property is built and he cannot rent them? Boness replied, Quam would likely do what others do if they have vacant properties, lower the rents. If Quam then wants to change his detailed plan in the future, that would remain to be seen. He would have to go through all committees and boards for approval. Kolk feels if the developer feels there is a need for apartments, market research must have been done to back the need for them. Kolk did not feel there would be time for a different commercial project to be proposed before the TIF would close, he would prefer to see the office building, but feels the apartments are an improvement to the site. Sorensen questioned the Villages ability to hold the developer to the proposed time schedule, if only one portion is completed. Boness replied that would all be worked out in the Development Agreement, it was discussed in depth at the Village Board meeting. Kirby questioned, if this proposal is not accepted, you could always build apartments on this site. Boness replied yes, you would still have to go through the same steps, there would be no financial assistance offered to the developer, unless a new TID was opened. She commented, it is possible to finance apartments on your own in Dane County. Bloechel-Anderson questioned, will they get the office building, which is being proposed, or will they just get more apartment buildings. Boness pointed out, once Quam purchases the land, he will have to move forward with developing it, and it is unlikely he will just develop one phase.

Commissioners discussed the availability of rental units, both apartment and duplex style in McFarland, and the other rental projects, which may be moving forward in the coming year.

Kolk feels while it does not reflect the commercial development they would like to see, it does represent development, while not optimal, he feels it is worth taking a risk. Sorenson questioned having him do Phase I & II at the same time. Czebotar replied they had tried to do that but Quam was not willing, as he did not have a tenant for the office space. The Village Board originally wanted it with the office space. Schuenke summarized if this is the plan that is put forth, and approved, this is what Quam has to follow. The Village Board struggled with the same issues, and decided this is a project, which utilizes the whole site; they provided the approval on the first phase to give it a chance. If after 10 years, Quam has tried as hard as he can to get the commercial aspect and cannot, they can be given a chance to consider something different at that point.

Kolk moved to recommend approval to the Village Board regarding a request by developer Ezra Properties LLC to develop a Detailed Development Plan for Phase 1

and a General Development Plan for Phases 2, 3, & 4 for 4703 Terminal Drive, McFarland, WI. with the conditions of approval by staff of revised landscaping, street, utilities, stormwater and erosion control plans. Bloechl-Anderson seconded the motion. Kolk amended his motion to add “and an approved Development Agreement by the Village Board” There were no objections to the amendment. Bloechl-Anderson seconded the amendment to the motion. Motion carried 5-1 with Kirby opposed.

- b. Public Hearing Review and possible recommendation to the Village Board on a request by RCA Trust regarding Ordinance No. 2019-03. Rezoning lands in the Village of McFarland at 4703 Terminal Drive Parcel A to be rezoned from Commercial Highway (C-H) to Planned Development District Detailed Plan Approved (PDD-DPA) and Parcel B to be rezoned from Highway Commercial (C-H) to Planned Development District General Plan Approved (PDD-GPA), to accommodate a Planned Development by Ezra Properties LLC.**

Czebotar opened the public hearing at 8:21 p.m. with no one wishing to speak Czebotar closed the public hearing.

Boness summarized all items listed by Atty. Dan Evans included in packets unless Commissioners wanted to add something.

Czebotar moved to recommend approval to the Village Board on a request by RCA Trust regarding Ordinance No. 2019-03. Rezoning lands in the Village of McFarland at 4703 Terminal Drive Parcel A to be rezoned from Commercial Highway (C-H) to Planned Development District Detailed Plan Approved (PDD-DPA) and Parcel B to be rezoned from Highway Commercial (C-H) to Planned Development District General Plan Approved (PDD-GPA), to accommodate a Planned Development by Ezra Properties LLC., conditioned upon approval of changes to the Comprehensive Plan and Redevelopment Plan. Sorenson seconded the motion. Motion carried 5-1 with Kirby opposed.

- c. Public Hearing Review and possible recommendation to the Village Board regarding a request by RCA Trust LLC to approve a 4 Lot Certified Survey Map (CSM), property located at 4703 Terminal Drive, McFarland, WI. to accommodate a Planned Development by Ezra Properties LLC.**

Czebotar opened the public hearing at 8:25 p.m., with no one wishing to speak Czebotar closed the public hearing.

Czebotar moved to recommend approval to the Village Board a request by RCA Trust LLC to approve a 4 Lot Certified Survey Map (CSM), property located at 4703 Terminal Drive, McFarland, WI. to accommodate a Planned Development by Ezra Properties LLC. Kolk seconded the motion.

Boness requested the motion include conditioned upon review by the Village Engineer due to some changes to the easements on the CSM.

Czebotar revised his motion without objections to include conditioned upon review and approval by the Village Engineer. Czebotar called the motion modified. Motion carried 5-1 with Kirby opposed.

d. Review and possible action regarding a Site/Design for a proposed 1200 sq.ft. addition to McFarland Liquors located at 4716 Farwell Street. Property is located in TIF #5 and is zoned General Commercial (C-G).

Adam Hebgin 2605 S. Stoughton Road - representing McFarland Liquors. They are looking to expand the building by approximately 1200 sq.ft. to accommodate business needs and some structural issues. They will add an ADA compliant bathroom, updated insulation, and front facade along with bringing the building up to current energy standards. They would like to keep the plantings along the front of the building, with a 3 ½ feet planting strip. The parking lot will be double-loaded with the removal of the west parking lot access, and the addition of a landscape island in the last 2 stalls. They propose to remove the current freestanding sign and wish to install a lighted sign at grade along with a sign on the building with some down lighting. There is no drive access currently behind the building, nor will there be any added. Boness inquired if they had brought a color palette. Hebgin advised he did not, they were thinking of staying with a LP smart clade siding with some stone.

Sorenson did not feel expanding the width of the building is the way to go, but to expand the building forward with parking on the side to go with the approved guidelines for the TID. We should move towards eliminating the parking of cars in front towards the street. Kirby stated she does not disagree, but others in the area do have the parking in the front. Sorenson felt they should move toward the vision for the area as approved last year. Kolk inquired if they had looked at having an eastward facing entrance with the building expanded toward Farwell, Hebgin replied he did not think they had looked into that type of design. Czebotar inquired if they did expand toward the front instead of the side would that give them the space needed. Hebgin replied it would give an awkward long design. Commissioners discussed the pros and cons of the proposed design versus expanding the building forward towards Farwell Street. Boness advised the CDA looked at this as an improvement to an existing property, it may not be ideal but it serves the function of the interior space.

Boness reviewed the landscaping plan; they will keep the planters in front so they can keep a 5-foot sidewalk and address the parking. Boness also informed per conversations with Village Engineer Brain Berquist, they will be required to take the apron out of the terrace and replace any sidewalk and curbing as necessary. Kirby inquired if there is any opportunity to create a barrier similar to Culvers, with plantings, something to make the front area more appealing, or something near the sidewalk to create a barrier,

a decorative fence or some shrubs. Kolk pointed out Police Chief Sherven was concerned about trees or shrubs near the street blocking the view, but something could be done to soften the area up.

Kolk moved to approve the Site/Design for a proposed 1200 sq.ft. addition to McFarland Liquors located at 4716 Farwell Street. Property is located in TIF #5 and is zoned General Commercial (C-G) conditioned upon staff approval of a landscaping plan with visual screening for four parking stalls, which abut the sidewalk, and conditioned upon replacement of curb and gutter and approval of expanded liquor license. Kirby seconded the motion. Sorenson stated he does not feel this is moving Farwell Street in the direction they wanted to go, with having many buildings with parking lots in front of them. Motion carried 5-1 with Sorenson opposed.

e. Review and possible action on a Detailed Plan for the development of Lot 20, Woodland Commons with a 3 unit multi-family structure.

Tara Furst 5210 Rustic Way – they are proposing a three unit, designed to be built into the hill similar to other properties in the area. Furst reviewed the proposed elevations, and they will be dropping the garages to have the same incline as adjacent properties. Boness reviewed staff comments on the development plan, along with her comments on items C, D, J & K. A development plan for Woodland Commons was approved in 2003. This is one of the last lots in the subdivision. There is a burial mound on the back of the site, which this project is not infringing upon; the project will be constructed in one phase. This is generally in compliance of the general plan. Furst anticipates construction starting in the summer with completion in late fall. Furst showed samples of the shingles, siding and brick work color renderings, along with photos of area properties and their color schemes.

Kirby moved to approve a Detailed Plan for the development of Lot 20, Woodland Commons with a 3 unit multi-family structure conditioned upon approval by the Village Engineer of a grading plan. Sorenson seconded the motion. Motion carried 6-0.

f. Review and possible action on Resolution 2019-06 Plan Commission resolution approving Detailed Plan for the Development of Lot 20 Woodland Commons.

Kirby moved to approve Resolution 2019-06 Plan Commission resolution approving Detailed Plan for the Development of Lot 20 Woodland Commons. Sorenson seconded the motion. Motion carried 6-0.

g. Discussion on process and timetable regarding changes to the zoning code relating to conditional uses.

Boness summarized there was discussion of forming a sub-committee. A two-person committee can be done; a larger committee would need to go before the Village Board

for approval. Schuenke, in talking to Boness suggested reviewing additional portions of the zoning code, i.e. parking, planned development, and possibly other items like cell towers.

There are two options, one is to hold off and not do anything until the new Community Development Director is in place, the other option would be to review, with a two or three person committee to get it done, and if it has to be updated later, it has at least been reviewed. Amenments with a more encompassing review of the zoning code would take more time, and there is concern about parties applying for CUP's in the near future. The text only revisions for CUP's could be done now and wait on the table of permitted and conditional uses and other topics until a later time. Commissioners previously reviewed the narrative changes for CUPS and the Village Attorney addressed many of the questions by Commissioners.

Czebotar inquired if they did the comprehensive review are there concerns about putting off the review of the table of permitted and conditional uses, is there anything the staff is concerned about if the table was not revised at this time? Boness replied the only time you need to be concerned about the new state statute regarding CUPS is if you were to turn down an application, you need to have the grounds for a denial. Boness stated if they wanted to hold off looking at the table, she would recommend addressing the text portion, in packets, at a future meeting; as, a public hearing is required. Commissioners discussed the pros and cons of what to handle at this time and concurred to move forward with the public hearing of the text change ordinance, and hold off on the review of the table of permitted and conditional uses.

h. STAFF REPORTS

- a. Highlights and updates – Kirby inquired when the new Commissioners would take over, as she is not going to be continuing at the end of her term. Boness indicated new Commissioners would be seated in May.
- b. Property Maintenance – no comments.

i. ADJOURNMENT

Motion to adjourn by Kirby, seconded by Sorenson. Motion carried. Meeting adjourned at 9:07 p.m.



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, May 20, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT:

AGENDA ITEM: Public Hearing - Review and possible recommendation to the Village Board on a request by the Village of McFarland regarding Ordinance 2019-08 an Ordinance amending the standards for granting Conditional Use Permits in the Village of McFarland.

PREVIOUS ACTION:

ISSUE SUMMARY:

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

At one of our last meetings, it was decided to go ahead and make the text changes suggested by Attorney Dan Evans. Passage of this Ordinance will align our code with the new state statutes.

I have included once again Dan's January memo, which outlined the process. As discussed previously, possible revisions to the list of conditional uses and other changes will be taken up with the new director.

Recommendation: Approval to the Village Board.

ATTACHMENTS:

1. Ordinance to Modify CUP -draft 1-16-19
2. Memo CUP process 1.22.19



ORDINANCE 2019-08

AN ORDINANCE AMENDING THE STANDARDS FOR GRANTING CONDITIONAL USE PERMITS

Purpose: Recent changes by the Wisconsin Legislature regarding Conditional Use Permits modified the standards in which permits are reviewed and granted by municipalities. Also known as the Landowner's Bill of Rights, 2017 Wisconsin Act 67 provides new requirements of applicants and authorities in the review and granting of Conditional Use Permits.

Sponsor: Community Development Director Boness

Recommended Referral: Plan Commission (Required)

Public Hearing: Required; Preceded by Class 2 Notice

WHEREAS, The Plan Commission has reviewed proposed changes to the process and standards under which Conditional Use Permits are granted; and,

WHEREAS, the Village Board accepts the recommendations of the Plan Commission and Village staff and finds that it is in the public interest to amend the McFarland Municipal Code to reflect changes in Wisconsin law with respect to Conditional Use Permits.

NOW THEREFORE, The Village Board of the Village of McFarland does hereby ordain as follows:

1. Sections 62-105 through 62-116 of the McFarland Municipal Code are amended to read as follows:

Sec. 62-105. - Statement of purpose; conditional uses; [definitions](#).

[\(a\)](#) The development and execution of this Article is based upon the division of the Village into districts, within which districts the use of land and buildings, and bulk and location of buildings and structures in relation to the land, are mutually compatible and substantially uniform. However, there are certain uses which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district, without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses, nevertheless, may be necessary or desirable to be allowed in a particular district, provided that due consideration is given to location, development and operation of such uses. Such uses are classified as conditional uses.

[\(b\)](#) As used in this Subdivision, the term "substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and

conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(Code 1998, § 13-1-60; Ord. No. 2003-03, § 1(13-1-60), 3-24-2003)

Sec. 62-106. - Authority of the Plan Commission; requirements.

- (a) The Plan Commission may authorize the Zoning Administrator to issue a conditional use permit for either regular or limited conditional use after review and public hearing, provided that such conditional use and involved structures are found to be in accordance with the purpose and intent of this Zoning Code and are further found to be not hazardous, harmful, offensive or otherwise adverse to the environment or the value of the neighborhood or the community. In the instance of the granting of a limited conditional use, the Plan Commission in its findings shall further specify the delimiting reasons or factors which resulted in issuing limited rather than regular conditional use. Such Plan Commission resolution, and the resulting conditional use permit, when, for limited conditional use, shall specify the period of time for which effective, if specified, the name of the permittee, the location and legal description of the affected premises. Prior to the granting of a conditional use, the Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with. The Plan Commission's findings and decision to approve or deny a conditional use permit must be supported by substantial evidence.
- ~~(b) Any development within 500 feet of the existing or proposed rights-of-way of freeways, expressways and within one-half mile of their existing or proposed interchange or turning lane rights-of-way shall be specifically reviewed by the highway agency that has jurisdiction over the traffic way. The Plan Commission shall request such review and await the highway agency's recommendation for a period not to exceed 20 days before taking final action.~~
- (~~b~~) Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this Chapter.
- (~~d~~) Compliance with all other provisions of this Chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses. No conditional use permit shall be issued unless the applicant provides a detailed written description and proof that all of the standards set forth in Sec. 62-111 shall be met, to the satisfaction of the Plan Commission.

(Code 1998, § 13-1-61; Ord. No. 2003-03, § 1(13-1-61), 3-24-2003)

Sec. 62-107. - Initiation of conditional use; burden.

(a) Any person, firm, corporation or organization having a freehold interest or a possessory interest entitled to exclusive possession, or a contractual interest that may become a freehold interest, or an exclusive possessory interest, and which is specifically enforceable in the land for which a conditional use is sought may file an application to use such land for one or more of the conditional uses in the zoning district in which such land is located.

(b) An applicant for a conditional use permit must demonstrate and prove, by substantial evidence, that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied.

(Code 1998, § 13-1-62; Ord. No. 2003-03, § 1(13-1-62), 3-24-2003)

Sec. 62-108. - Application for conditional use.

(a) *Required application materials.* An application for a conditional use shall be filed in duplicate on a form prescribed by the Village. Such applications shall be forwarded to the Plan Commission on receipt by the Zoning Administrator. Such applications shall include where applicable:

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor and all property owners of record within 100 feet.
- (2) Description of the subject site by lot, block and recorded Subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a registered land surveyor showing all of the information required for a building permit and existing and proposed landscaping.
- (4) Additional information as may be required by the Plan Commission or other authorities, boards, commissions or officers of the Village. The Plan Commission may require such other information as may be necessary to determine and provide for an enforcement of this Chapter, including a plan showing contours and soil types; high-water mark and groundwater conditions; bedrock, vegetative cover, specifications for areas of proposed filling, grading, and lagooning; location of buildings, parking areas, traffic access, driveways, walkways, open spaces and landscaping; plans of buildings, sewage disposal facilities, water supply systems and arrangements of operations.

(5) A detailed written description and proof meeting the substantial evidence standard showing each of the standards set forth in Section 62-111 (a) through (h) will be satisfied, including a detailed description of how each said standard is met, and how the proposed use will comply with any applicable regulations regarding light, noise, traffic, nuisance, health, safety, welfare and environment. When any applicable law, ordinance or other regulation prohibits a certain measurable level of any activity or substance, including but not limited to noise, light, dust, particulate emissions, odor, visibility, pollution, and vibration and frequency levels, the applicant shall also demonstrate and prove how the proposed use will comply with such regulations.

(6) Upon request by the Village Board, Plan Commission or Zoning Administrator, the applicant shall provide reports and studies, prepared by a qualified professional, addressing any applicable standard. The applicant is solely responsible for the cost of such reports and studies. A qualified professional is one with appropriate education, experience, license and/or certification pertinent to the applicable standard, and the professional's qualifications should be provided with the report or study (e.g. a curriculum vitae or resume).

(57) The fee established by the Village Board from time to time and provided in Appendix A to this Code for application for a conditional use. The applicant shall also pay all costs incurred by the Village in notifying the public and property owners pursuant to Section 62-110.

(b) *Plans.* In order to secure information upon which to base its determination, the Plan Commission may require the applicant to furnish, in addition to the information required for a building permit, the following information:

- (1) A plan of the area showing contours, soil types, high-water mark, groundwater conditions, bedrock, slope and vegetation cover;
- (2) Location of buildings, parking areas, traffic access, driveways, walkways, open spaces, landscaping, lighting;
- (3) Plans for buildings, sewage disposal facilities, water supply systems and arrangements of operations;
- (4) Specifications for areas of proposed filling, grading, lagooning or dredging;
- (5) Other pertinent information necessary to determine if the proposed use meets the requirements of this Chapter.

(c) *Third party consultants.* If necessary expertise is not available from staff or other appropriate governmental agency, the Village Board, Plan Commission or Zoning Administrator may consult with a third-party consultant to effectively evaluate the application. The Zoning Administrator will select the consultant. The applicant is solely responsible for all reasonable costs and expenses associated with such consultation. Applicants retain the right to withdraw an application if they choose not to pay consultant fees.

(Code 1998, § 13-1-63; Ord. No. 2003-03, § 1(13-1-63), 3-24-2003; Ord. No. 2006-04, § 1, 2-13-2006)

Sec. 62-109. - Hearing on application.

All requests for conditional uses shall be to the Plan Commission or the Plan Commission can, on its own motion, apply conditional uses when applications for rezoning come before it. Upon receipt of the complete application and statement referred to in Section 62-108, the Plan Commission shall hold a public hearing on each application for a conditional use at such time

and place as shall be established by the Plan Commission. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Plan Commission shall, by rule, prescribe from time to time. The Plan Commission may inform the applicant and members of the public attending the hearing of the substantial evidence standard and that statements and information will be considered subject to that standard. This may include examples that speculative opinions not based on reliable evidence or knowledge do not meet the evidentiary standard (such as a potential loss in value of a neighboring property based on pure speculation and not an appraisal, market analysis or other reliable information).

(Code 1998, § 13-1-64; Ord. No. 2003-03, § 1(13-1-64), 3-24-2003)

Sec. 62-110. - Notice of hearing on application.

Notice of the time, place and purpose of such hearing shall be given by publication of a class 2 notice under the Wisconsin Statutes in the official Village newspaper. Notice of the time, place and purpose of such public hearing shall also be sent to the applicant, the Zoning Administrator, members of the Village Board and Plan Commission, and the owners of record as listed in the office of the Village Assessor who are owners of property in whole or in part situated within 100 feet of the boundaries of the properties affected, said notice to be sent at least five days prior to the date of such public hearing. Failure to comply with this provision shall not, however, invalidate any previous or subsequent action on the application.

(Code 1998, § 13-1-65; Ord. No. 2003-03, § 1(13-1-65), 3-24-2003)

Sec. 62-111. - Standards; conditional uses.

No application for a conditional use shall be approved by the Plan Commission or appeal granted by the Village Board unless the Plan Commission and Village Board shall find that the following conditions are present:

- (a) That the establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- (b) That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the conditional use and the proposed use is compatible with the use of adjacent land.
- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- (d) That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- (e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- (f) That the conditional use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.

(g) That the proposed use does not violate floodplain regulations governing the site.

(h) That the proposed use will not violate any applicable regulation in the McFarland Municipal Code or any other applicable law or regulation.

(ih) That, when applying the standards to any new construction of a building or an addition to an existing building, the Plan Commission and Board shall bear in mind the statement of purpose for the zoning district such that the proposed building or addition at its location does not defeat the purposes and objective of the zoning district.

(j) That, in addition to passing upon a conditional use permit, the Plan Commission and Village Board shall also evaluate the effect of the proposed use upon:

- (1) The maintenance of safe and healthful conditions.
- (2) The prevention and control of water pollution including sedimentation.
- (3) Existing topographic and drainage features and vegetative cover on the site.
- (4) The location of the site with respect to floodplains and floodways of rivers and streams.
- (5) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
- (6) The location of the site with respect to existing or future access roads.
- (7) The need of the proposed use for a shoreland location.
- (8) Its compatibility with uses on adjacent land.
- (9) The amount of liquid wastes to be generated and the adequacy of the proposed disposal systems.

(Code 1998, § 13-1-66; Ord. No. 2003-03, § 1(13-1-66), 3-24-2003)

Sec. 62-112. - Denial of application for conditional use permit.

When a decision of denial of a conditional use application is made, the Plan Commission shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate reasons the Plan Commission has used in determining that each standard was not met.

(Code 1998, § 13-1-67; Ord. No. 2003-03, § 1(13-1-67), 3-24-2003)

Sec. 62-113. - Appeals.

Any action of the Plan Commission in granting or denying a conditional use permit may be appealed to the Village Board, if a written request for an appeal is filed within ten days after the date of the Plan Commission's action in granting or denying the permit. Such request for appeal shall be signed by the applicant or by the owners of at least 20 percent of the land area immediately adjacent extending 100 feet therefrom or by the owners of 20 percent or more of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land.

The request shall be filed with the Zoning Administrator who shall submit it to the Village Board at its next meeting, together with any documents and other data used by the Plan Commission in reaching its decision. The Village Board may consider the matter forthwith, refer the matter to a subsequent meeting or set a date for a public hearing thereon. In the event the Village Board elects to hold a public hearing, notice thereof shall be given by mail to the known owners of the lands immediately adjacent thereto and directly opposite any street frontage of the lot or parcel in question and by publication of a class 1 notice in the official newspaper at least ten days before the date of the hearing. The Village Board may either affirm or reverse in whole or in part the action of the Plan Commission and may finally grant or deny the application for a conditional use permit. The Village Board's decision to approve or deny the conditional use permit must be supported by substantial evidence.

(Code 1998, § 13-1-68; Ord. No. 2003-03, § 1(13-1-68), 3-24-2003)

Sec. 62-114. - Conditions and guarantees.

The following provisions shall apply to all conditional uses:

- (a) *Conditions.* Prior to the granting of any conditional use, the Plan Commission, or the Village Board on appeal, may stipulate or impose such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the conditional use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements specified in Section 62-111. In all cases in which conditional uses are granted, the Plan Commission or Village Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated or imposed in connection therewith are being and will be complied with. Such conditions may include specifications for, without limitation because of specific enumeration:
- (1) Landscaping;
 - (2) Type of construction;
 - (3) Construction commencement and completion dates;
 - (4) Sureties;
 - (5) Lighting;
 - (6) Fencing;
 - (7) Operational control;
 - (8) Hours of operation;
 - (9) Traffic circulation;
 - (10) Deed restrictions;
 - (11) Access restrictions;
 - (12) Setbacks and yards;
 - (13) Type of shore cover;

- (14) Specified sewage disposal and water supply systems;
- (15) Planting screens;
- (16) Piers and docks;
- (17) Increased parking; or
- (18) Any other requirements necessary to fulfill the purpose and intent of this Chapter.

- (b) *Site review.* In making its decision, the Plan Commission shall evaluate each application and may request assistance from any source which can provide technical assistance. The Plan Commission may review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation/use.
- (c) *Alteration of conditional use.* No alteration of a conditional use shall be permitted unless approved by the Plan Commission.
- (d) *Architectural treatment.* Proposed architectural treatment will be in general harmony with surrounding uses and the landscape. To this end, the Plan Commission may require the use of certain general types of exterior construction materials and/or architectural treatment.
- (e) *Sloped sites; unsuitable soils.* Where slopes exceed six percent and/or where a use is proposed to be located on areas indicated as having soils that are unsuitable or marginal for development, on-site soil tests and/or construction plans shall be provided which clearly indicate that the soil conditions are adequate to accommodate the development contemplated and/or that any inherent soil condition or slope problems will be overcome by special construction techniques. Such special construction might include, among other techniques, terracing, retaining walls, oversized foundations and footings, drain tile, etc.
- (f) *Conditional uses to comply with other requirements.* Conditional uses shall comply with all other provisions of ~~this Chapter~~ [the McFarland Municipal Code](#) such as lot width and area, yards, height, parking and loading. No conditional use permit shall be granted where the proposed use is deemed to be inconsistent or conflicting with neighboring uses for reasons of smoke, dust, odors, noise, vibration, lighting, health hazards or possibly of accident.

(g) Provisions applicable to all conditional uses. In addition to any conditions imposed under sub. (a), *supra*, the following conditions apply to all conditional use permits:

(1) No building or use may violate any other provision set forth in the McFarland Municipal Code, or any other applicable law or regulation.

(2) No building or use is permitted unless all necessary permits, licenses and approvals are obtained from the applicable regulatory authority, including but not limited to,

approvals by the Wisconsin Department of Transportation for ingress and egress to the property, and permits issued by the Wisconsin Department of Natural Resources related to air, water, and other environmental regulations.

(Code 1998, § 13-1-69; Ord. No. 2003-03, § 1(13-1-69), 3-24-2003)

Sec. 62-115. - Validity of conditional use permit.

Where the Plan Commission has approved or conditionally approved an application for a conditional use, such approval shall become null and void within 12 months of the date of the Plan Commission's action unless the use is commenced, construction is underway or the current owner possesses a valid building permit under which construction is commenced within six months of the date of issuance and which shall not be renewed unless construction has commenced and is being diligently prosecuted. Approximately 45 days prior to the automatic revocation of such permit, the Zoning Administrator shall notify the holder by certified mail of such revocation. Extensions of up to one year each may be granted by the Plan Commission for just cause, if application is made to the Village at least 30 days before the expiration of said permit. Conditional use permits shall also expire if the use is abandoned or terminated for a period of 12 months.

(Code 1998, § 13-1-70; Ord. No. 2003-03, § 1(13-1-70), 3-24-2003)

Sec. 62-116. - Complaints regarding conditional uses.

The Plan Commission shall retain continuing jurisdiction over all conditional uses for the purpose of resolving complaints against all previously approved conditional uses. Such authority shall be in addition to the enforcement authority of the Zoning Administrator to order the removal or discontinuance of any unauthorized alterations of an approved conditional use, and the elimination, removal or discontinuance of any violation of a condition imposed prior to or after approval or violation of any other provision of this Code. Upon written complaint by any citizen or official, the Plan Commission shall initially determine whether said complaint indicates a reasonable probability that the subject conditional use is in violation of either one or more of the standards set forth in Section 62-111, a condition of approval or other requirement imposed hereunder. Upon reaching a positive initial determination, a hearing shall be held upon notice as provided in Section 62-110. Any person may appear at such hearing and testify in person or represented by an agent or attorney. The Plan Commission may, in order to bring the subject conditional use into compliance with the standards set forth in Section 62-111 or conditions previously imposed by the Plan Commission, modifying existing conditions upon such use and impose additional reasonable conditions upon the subject conditional use. Additionally, the offending party may be subjected to a forfeiture as set forth in this Chapter and Section 1-16. In the event that no reasonable modification of such conditional use can be made in order to assure that Section 62-111(a) and (b) will be met, the Plan Commission may revoke the subject conditional approval and direct the Zoning Administrator and the Village Attorney to seek elimination of the subject use. Following any such hearing, the decision of the Plan Commission shall be furnished to the current owner of the conditional use in writing stating the

reasons therefor. An appeal from a decision of the Plan Commission under this Section may be taken to the Village Board.

(Code 1998, § 13-1-71; Ord. No. 2003-03, § 1(13-1-71), 3-24-2003)

The above and foregoing Ordinance was duly adopted at a regular meeting of the McFarland Village Board on the _____ day of _____, 2019.

APPROVED:

Brad Czebotar, Village President

ATTEST:

Cassandra Suettinger, Village Clerk-
Treasurer

ORDINANCE 2019 –	
MOTION	SECOND
ACTION	DATE
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Adrian	Kolk
Brassington	Lytle
Utter	Kryzenske
Czebotar	
VOTING RESULTS	
Motion Carried	
Motion Defeated:	

REUTER, WHITISH & EVANS, S.C.

ATTORNEYS AT LAW
44 EAST MIFFLIN ST., SUITE 306
MADISON, WISCONSIN 53703

ALLEN D. REUTER
BARBARA O. WHITISH (1952-2013)
DANIEL J. EVANS
DAVID D. RELLES
KEVIN F. MILLIKEN (OF COUNSEL)
BLAYNE NICOLE STEINKRAUS

TELEPHONE
(608) 250-9053

FACSIMILE
(608) 250-9054

To: McFarland Plan Commission
From: Dan Evans, Assistant Village Attorney
Date: January 22, 2019
Re: Process for Review of CUP Applications

The following outline contains suggested steps for review of conditional use permit applications. The Plan Commission has flexibility in addressing each application and in the conduct of the public hearing.

1. The Application. The applicant will submit a written application for the conditional use permit consistent with code requirements. Prior to the Plan Commission's review, Village Staff will review the initial application for completeness. Although not required, an applicant may meet with staff to address the application and any issues, questions or concerns raised by staff. The Plan Commission may also allow an applicant to meet with the Plan Commission for a "concept review" prior to the submission of the application. A concept review may be beneficial to the Plan Commission and applicant in recognizing specific issues with a site prior to the applicant incurring significant costs in preparing a site plan. Once a completed application is received it will be scheduled for a public hearing.

2. The Public Hearing. A public hearing is required to consider the application and should be held within a reasonable time once the complete application is received. To avoid any appearance of bias, individual Plan Commission members should not meet with the applicant prior to the public hearing. The public hearing will provide the applicant the opportunity to present his or her plan and answer questions. The public hearing also provides the opportunity for the public to comment on the proposal, state concerns and submit evidence pertinent to the proposed use and its expected impact.

a. Beginning of Hearing. At the outset, the Chairperson should explain the general procedure that will govern the hearing. At this time the Chairperson may explain the general process and purpose of the hearing.

This explanation may include:

1. That no conditional use will be issued unless the Plan Commission finds that the standards under section 62-111 of the McFarland Municipal Code are met.
2. That the applicant must demonstrate that the application and all requirements and conditions established by the Village relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

3. The Plan Commission's decision to approve or deny the permit must be supported by substantial evidence.

4. Any condition imposed by the Plan Commission must be related to the purpose of zoning code and be based on substantial evidence.

5. Pursuant to state law, "substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

A sign in sheet should be provided for members of the public who intend to speak, to include the speakers name and address, and whether they support or oppose the use, or merely want to comment on the proposed use.

b. Applicant's Presentation. The applicant and his or her consultants will present the proposal and address how the proposal will meet each of the conditional use standards. Adequate time should be provided in order for the applicant to address the proposal and pertinent use standards and how those standards will be met.

c. Questions from Plan Commission. Commissioners may ask questions during the applicant's presentation. Before the close of the applicant's presentation, the Chairperson should ask fellow Commissioners if they have any questions.

d. Public Comment. General comments by the public are permissible, but as explained before, these comments may or may not rise to the level of evidence. Whether or not a comment constitutes evidence, a speaker may raise an important question or issue for the Commission to consider. During public comments, it is important for the Chairperson to maintain control of the hearing. All public comments should be addressed to the Commission, rather than to the applicant or another speaker. The Commissioners, however, may ask questions of the applicant or any other speaker at any time.

e. Rebuttal. At the conclusion of public comments, the applicant may provide a response to the public comments and information, and answer additional questions from the Plan Commission.

3. Closing the Public Hearing. The Plan Commission has flexibility during the public hearing make sure the applicant and the public have an adequate opportunity to present all relevant evidence. Once the applicant is given the opportunity to respond to the public comments, the Plan Commission may do any of the following:

a. Close the public hearing. Once the hearing is closed, the Plan Commission will discuss and take action on the application (step 4 below).

b. Continue the public hearing to another date, to provide the applicant and public time to prepare and submit additional information, reports and comments to the Plan Commission, including information requested by the Plan Commission. Alternatively, the public hearing can be closed, but the applicant and public given a reasonable time (e.g. 20 days) to submit any additional comments, materials and information to the Plan Commission prior to the Commission's deliberations on the application (Step 4 below) at its next meeting.

4. **Action by Plan Commission.** Once the public hearing has been closed, the Plan Commission discusses and decides the application, considering the applicable evidentiary and approval standards. During these deliberations, the Plan Commission may ask additional questions of the applicant or staff. The Plan Commission will then vote on the application. When voting, it is important to make a clear record to show the basis for any decision. Based on the standards and evidence, the Plan Commission should do one of the following:

a. **Vote to approve the application.** The vote to approve should include findings that all of the standards set forth under sec. 62-111 are met. If no conditions are being imposed, it is not necessary to separately address each of the standards under sec. 62-111, though this would be good practice if conflicting information was submitted dealing with certain standards, or if there is significant public opposition to the application.

b. **Vote to approve the application with conditions.** The vote to approve the application with conditions should include a breakdown of the standards that require conditions, and should include the following:

- i. Findings as to which standards under sec. 62-111 are met without the need for any special conditions.
- ii. Findings as to which standards will be met only with conditions, and the basis for that decision. **EXAMPLE:** The standard in sec. 62-111 (e) concerns traffic congestion. If the Commission determines that standard will be met only if certain conditions are satisfied (such as the addition of a turning lane, specific location of driveway entrances, traffic controls or hours of operation) a finding should be made that the proposed use will meet that standard only if the development complies with the appropriate condition.

c. **Vote to disapprove the application.** In a vote to disapprove the application, the Commission should go through each of the standards under sec. 62-111 and vote on each standard. This will provide a clear record of which standards the applicant meets and does not meet, and the basis for the denial. If a standard is not met, the findings should reflect that decision and the basis for the decision specific to that standard. **EXAMPLE:** Under sec. 62-111 (e) an applicant may have failed to provide sufficient information to show how the requested use will impact traffic at a busy intersection adjacent to the proposed use, or that the information submitted shows that traffic volume will increase substantially and create congestion if the use is permitted.

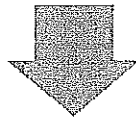
5. **Provide Reasons for Denial.** The Plan Commission's decision to deny a permit should be reduced to writing and explained, pursuant to sec. 62-112. This can be done through the minutes of the meeting, provided the minutes contain enough detail to reflect the findings and the basis for the findings and decision. Alternatively, a separate document containing the findings and decision of the Plan Commission could be prepared by staff and provided to the applicant, which is appropriate if the applicant seeks to appeal the Plan Commission's decision to the Village Board.

6. **Hearing Record.** The minutes of the meeting, any document containing the Commission's decision, any written materials and records submitted to or relied on by the Commission and an audio recording of the public hearing (or a transcript of the hearing) should be preserved as the record of the proceedings.

7. **Appeal Process.** The Plan Commission's decision can be appealed to the Village Board pursuant to sec. 62-113. A written request for appeal may be filed within 10 days after the date of the Plan Commission's action to grant or deny the permit. An appeal may be initiated by the applicant, or by sufficient neighboring landowners, pursuant to sec. 62-113. The Village Board's decision may be appealed further to the Circuit Court.

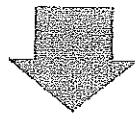
Application Submitted to Village

- Village Staff reviews application for completeness.
- Staff may request additional information to complete application.
- Applicant may meet with staff to discuss proposal and potential concerns.
- Schedule for public hearing with Plan Commission.



Public Hearing

- Public Hearing held for applicant and public input.
- Public Hearing can be closed or continued to later meeting for additional comment or information period, at the option of the Commission.



Deliberations by Plan Commission

- Once the public hearing is closed, the Plan Commission discusses the application and the standards for approval in light of evidence submitted.
- May ask further questions of the applicant or staff.
- May request additional information from other sources as may be necessary for an informed decision.



Voting by Plan Commission - Commission may:

- Approve the permit without additional conditions based on finding that all standards are met.
- Approve the permit with conditions, but make findings as to how the specific conditions are necessary to meet any applicable standard, and the supporting evidence for that decision.
- Disapprove the permit, making findings as to which specific standards are not met and why, and the supporting evidence for that finding (or lack thereof if the applicant did not meet his or her burden).



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, May 20, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT:

AGENDA ITEM: Discussion - possible development of Outlot 3 - Freeway Manor

PREVIOUS ACTION:

ISSUE SUMMARY:

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

Outlot 3 is owned by the Town of Blooming Grove. Even though this area was recently annexed into the Village. When originally platted Outlot 3 was unbuildable, probably due to poor conditions.

If some legal hurdles can be overcome, the Town would like to know if the Village would have any objections to creating a residential lot. See memo from Town Administrator Mike Wolf dated April 26, 2019 and Attorney Allen Reuters email of April 26, 2018.

ATTACHMENTS:

1. Outlot 5.20.19 meeting

From: Allen D. Reuter <areuter@rwelaw.net>
Sent: Thursday, April 26, 2018 7:30 PM
To: Matt Schuenke <Matt.Schuenke@mcfarland.wi.us>; Brad Czebota <Brad.Czebota@mcfarland.wi.us>
Cc: Daniel J. Evans <devans@rwelaw.net>
Subject: RE: Blooming Grove parcels in McFarland

Matt and Brad:

There are a number of factors that make it impossible to say with any confidence that you would be able to sell the lots for development. Let me outline the issues that I think need to be addressed and my initial reaction, and you can decide whether this is something you want me to spend a lot of time on.

First, I suspect the Town is getting anxious to sell the property so it can use the money for the benefit of the current Town residents (e.g. tax relief) before they become residents of Madison in another 9 years or so. If they can't sell it, I'm not sure what happens to the lots in 2027. The boundary agreement does not address the ownership of Town assets when the Town no longer exists. My guess is that Madison would claim ownership as a successor corporation as would be the case in the business world, but Madison is not taking over the assets of the Town, but just governmental jurisdiction over its geographical area. It could be that the Village would have just as valid a claim to the lots, or maybe they go to the State. If they went to the State, the State would probably want to get rid of them. In short, I don't know without a fair amount of research whether these lots might come to the Village for free if nobody buys them in the next 9 years.

In order for the Town or Village to sell them for development, they not only have to be developable, but a buyer would have to be satisfied they are developable. I can't comment on soil conditions or other septic restrictions that might be at issue, but from a legal perspective I would discourage any client from buying the lots to build on. The title insurance commitment will contain an exclusion based on the plat restriction, basically putting all of the risk on the buyer. I can't really determine the impact of the plat restriction because it doesn't really make any sense. It provides that the lots are "unbuildable until local conditions permit." I frankly have no idea how one would determine whether local conditions permit, as it is not even clear what conditions this refers to, or who makes the determination that local conditions now make them buildable.

Secondly, it goes on to say that the lots shall remain in private ownership. We know that provision has already been violated since they are owned by the Town. Selling to a private party would fix the problem, but in the meantime the Village would own lots it has no legal right to own. I can't say off-hand what would happen if a resident of the subdivision challenged the Village's ownership. (Obviously, that has not happened with the Town ownership, but development efforts might trigger a bit more attention from the neighbors.

Thirdly, the restriction says that no buildings for human habitation and no septic system is allowed on these lots. This restriction does not appear to be tied to the "local conditions permit" provision, so it appears to be an outright prohibition on human-occupied buildings. Reading all of these provisions together, it appears that the lots could, once "local conditions permit" be used for construction of a building not for use by humans or perhaps some other structure like a cell or radio tower. The bottom line is that anyone buying these lots with the intent of developing them would have to be a

significant risk-taker, or be satisfied if they end up owning vacant land. I don't see it as very likely that either the Town or the Village (if it purchased them) would find many buyers willing to speculate to that extent.

Because the restrictions don't appear to be intended solely for the public benefit, I don't know of a way the Village could make them go away without approval of all other residents of the subdivision. There is a possibility they could be challenged as too vague, but at a minimum you would likely be buying a lawsuit to challenge their validity. That would significantly add to the purchase price, and the likelihood of success would take some additional research.

It may also be possible to acquire the rights of the other residents in the subdivision by condemnation (again, not something I am aware has ever been tried before, so requiring additional research). That, too, would require some expense beyond the research, as the condemnation process involves appraisals and legal work.

I would expect that any effort to develop these lots with houses would generate neighborhood opposition, as homeowners frequently prefer open space that they don't have to pay for over additional neighbors. Aside from the political fallout (which is above my pay grade) it is reasonably likely that any action by the Village will be opposed legally, which would increase the costs.

Although I would have to confirm this through additional research, it is possible that the tax deed taken by the county extinguished the restrictions on these lots. I know there is one decision by the Court of Appeals holding that this argument does not fly, but that decision is unpublished and is not binding precedent. I consider this approach to be possible, but unlikely.

Given all of these issues, I can conclude that getting to the point of being able to develop these lots (or finding out with certainty that you can't) would add significantly to the \$41,000 purchase price. Unless you get a judgment from a court, or a release of the restrictions signed by all of the owners in the subdivision, I see the prospects of selling the land for even that price to be slim at best.

Let me know if you think it makes sense for me to dig into this further. But unless the Village wants to use it as a park or other open space use (in which case the price is probably pretty attractive), I don't think it is likely that we could turn this into a profitable venture.



1880 S. Stoughton Road Madison WI 53716
Phone 608-223-1104 * Fax 608-223-1106
www.blmgrove.com

To: Pauline Boness, Community Development Director, Village of McFarland
From: Mike Wolf, Town Administrator, Town of Blooming Grove
re: Outlot #3 in Freeway Manor
Date: April 26, 2019

Please refer to the attachments as you read this summary:

The Town has owned this outlot for over 30 years (see attachment A). As you know, the land now resides in the Village of McFarland, even while the Town owns it. The Town of Blooming Grove ceases to exist on October 31, 2027, and all assets of the Town go to the City of Madison as of the next day. So if nothing changes between now and then, this outlot will be owned by the City of Madison as of November 1, 2027.

The Town's primary objective is to no longer have ownership of the outlot. The secondary objective would be to do this while minimizing costs and maximizing revenue for Blooming Grove taxpayers.

The outlot is 3.388 acres, and was independently appraised at \$30,000 in 2017. (The entire appraisal is available upon request). The primary reason the value is not more than that, is language on the plat map that indicates the outlot is "... unbuildable until local conditions permit." You will see (on attachment B) there is more specific language that applies to the outlot.

Shortly after the appraisal was done, the Town reached out to the Village to see if it would be interested in purchasing the land at the appraised value. The Village respectfully declined.

Since then the Town has taken inquiries about the land, as has the Village. But prospective buyers have been concerned about the uncertainty for development, given the language on the plat map. So thus far, nobody has made an offer to purchase.

Just two weeks ago the Town reached out to Dane County, and Zoning Administer Roger Lane weighed in (see attachment C). According to Roger, the Village now has the authority to decide whether or not to allow this outlot, or parts of it, to be buildable.

The Town then contacted our engineering firm, Mead & Hunt, for preliminary input. Anne Anderson of Mead & Hunt provided us with attachment D.

The outlot is subject to McFarland Zoning, which currently shows the parcel to be zoned residential.

So that brings you up to date.

Now the question is, where do we go from here? Assuming the Village still has no interest in purchasing the outlot, then the Town is looking for feedback as to whether or not the Village would allow one or two residential lots on the land.

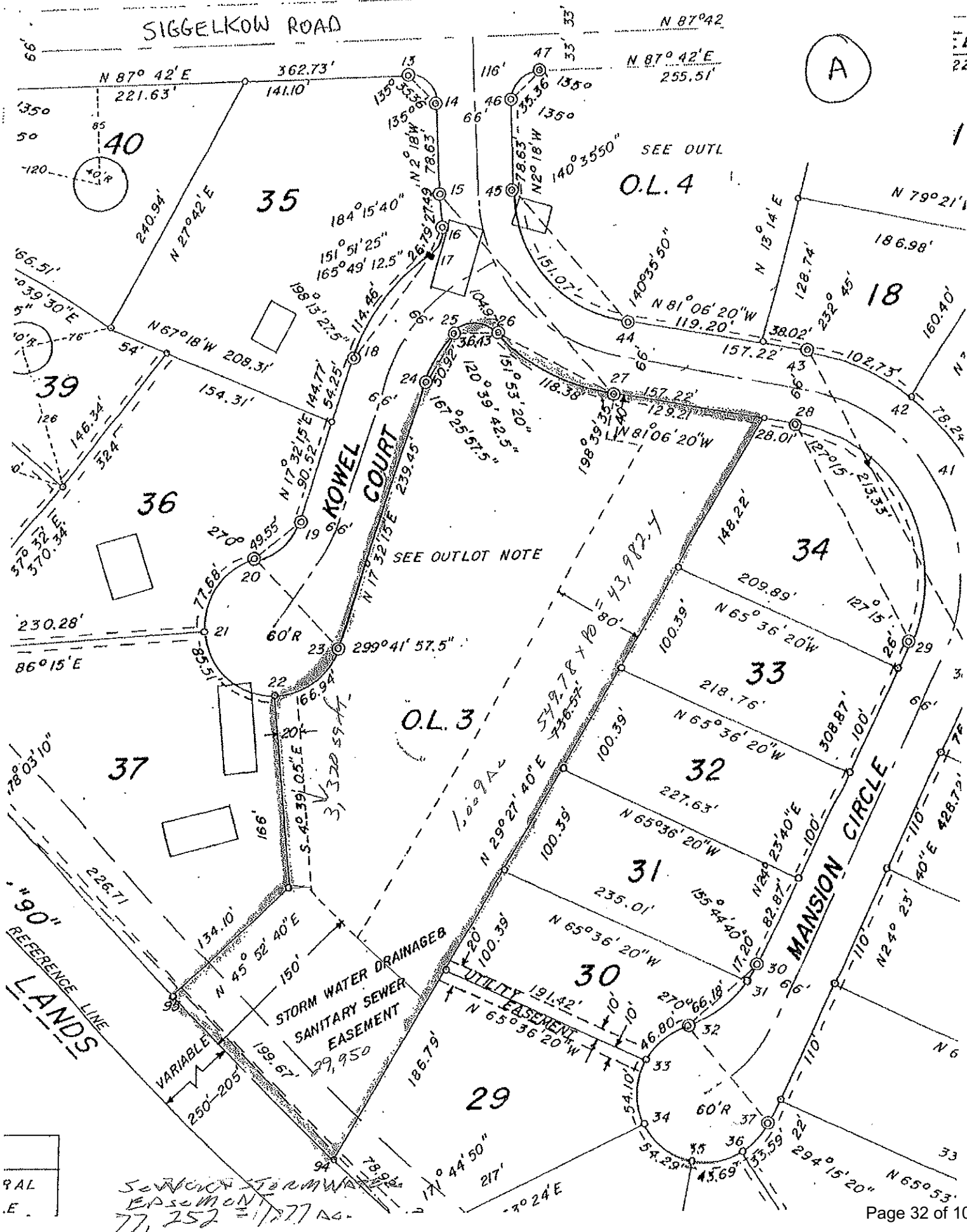
If the Village would allow for that, the Town Board would then consider moving forward with getting the engineering plan, and/or certified survey maps, and/or legal advice needed – such that we could come back with a final plan to the Village that could be evaluated and ultimately approved. This plan would include proposed property lines, and address all concerns such as stormwater runoff, septic systems, and well water. Naturally the Town doesn't want to spend \$20,000 or more to do this if the Village decides they don't want the land developed at all.

Thank you in advance for considering the future of this property.

1" = 100 ft.

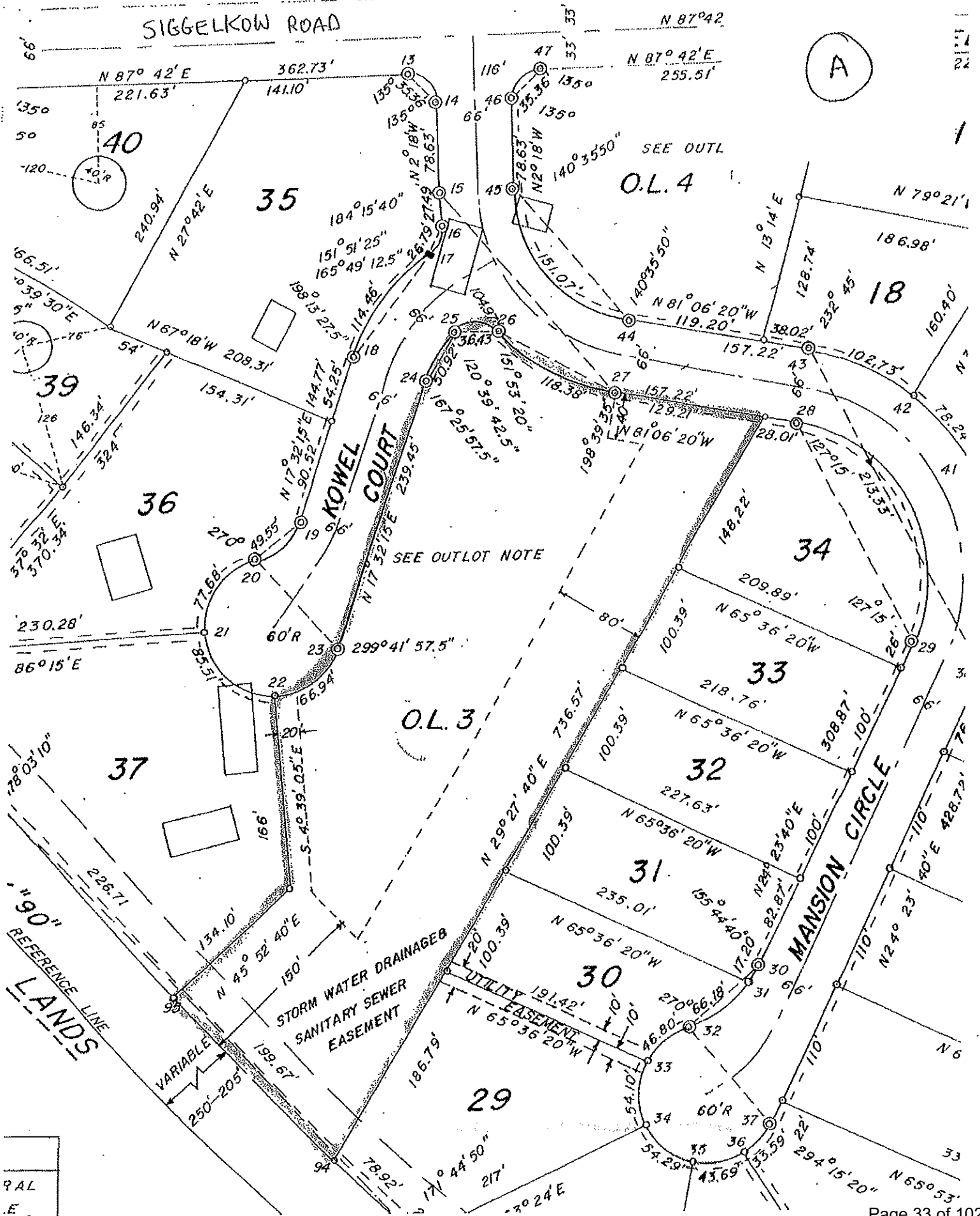
FREEWAY MANOR LANDS

SIGGELKOW ROAD



LANDS

SIGGELKOW ROAD



ENTRAL ANGLE

1° 36' 00"
° 04' 20"
2° 10' 10"
0° 53' 00"
1° 52' 30"
5° 00' 00"
5° 00' 00"
7° 10' 40"
1° 46' 40"
0° 00' 00"
5° 27' 40"
5° 08' 20"

SNOW
STORAGE
EASEMENT -
THERE IS A
10' SNOW STORAGE EASE-
MENT ADJACENT TO THE ROAD
R/W ON THE FOLLOWING LOTS.
SIG COURT LOTS 38 & 39
KOWEL COURT LOTS 36, 37, & O.L. 3
FREEWAY COURT LOTS 6, 7, 9, & 10
MANSION CIRCLE LOTS 26, 27, 28, 29 &

LEGEND

- 1" X 24" STEEL PIPE 1.13 LBS./LINEAL FOOT
 - 2" X 30" STEEL PIPE 3.65 LBS./LINEAL FOOT
- ALL MEASUREMENTS ARE TO THE NEAREST ONE HUNDREDTH
OF A FOOT.

ALL ANGLES ARE TO THE NEAREST 0.5 SECONDS.
CURVE DISTANCES SHOWN ARE CHORD MEASURE.

UTILITY EASEMENTS
(NO POLES SET ON LOT LINES OR LOT CORNERS)

BUILDINGS

RESTRICTION:
HOMES FOR HUMAN HABITATION ON LOTS 7, 8, 9, 10, 13, 14,
15, 39, 40, & 41 SHALL BE LOCATED SUCH THAT THE CENTER
OF EACH HOME FALLS WITHIN THE CIRCLE SHOWN.
DISTANCES SHOWN AT RIGHT ANGLES TO LOT LINES OR TO
LOT CORNERS LOCATE CENTER OF CIRCLES.

DRILL HOLE IN CONCRETE

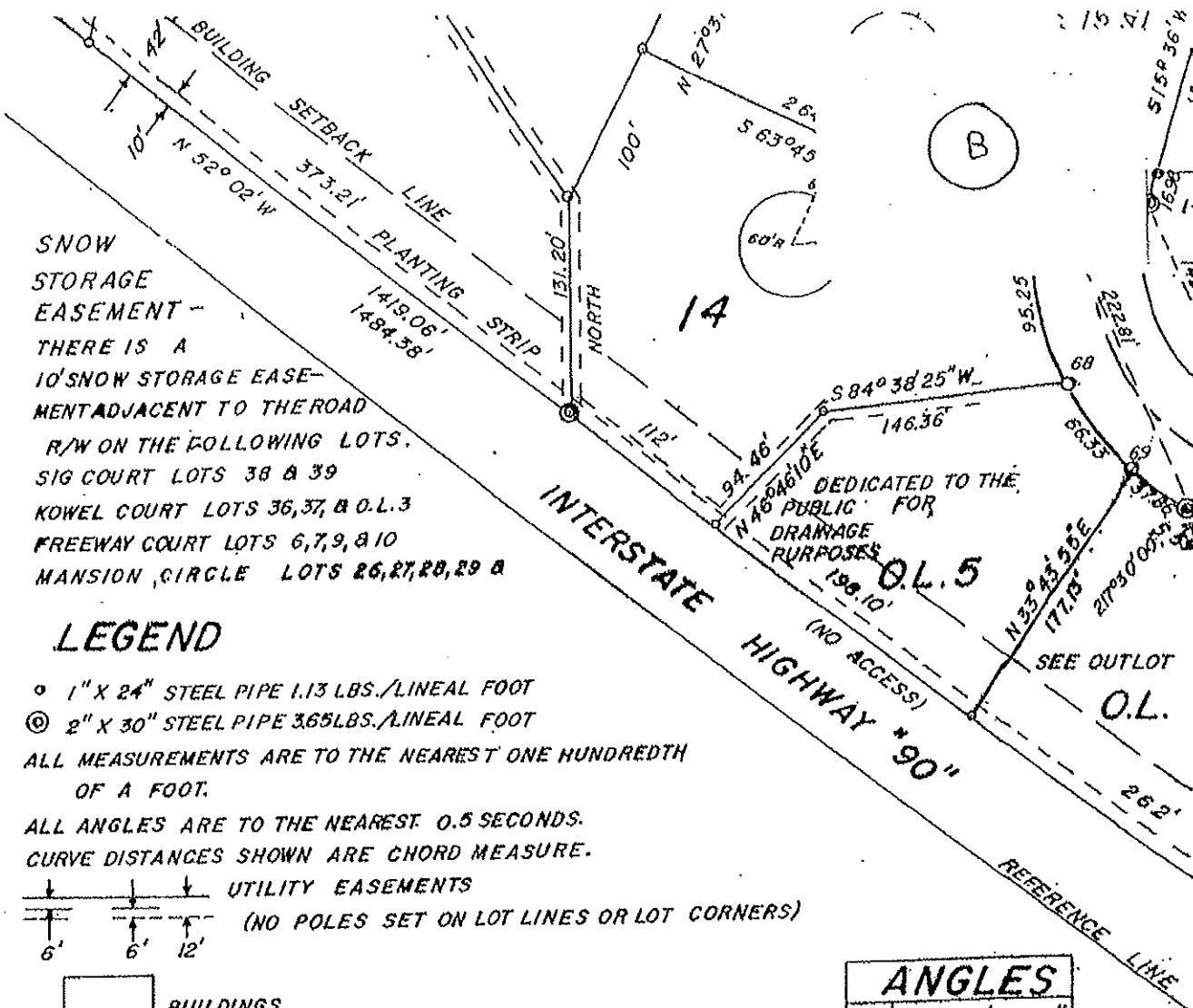
BEARINGS

1" E		
" E		
7" W	79	N 84° 32' 20" W
1" E		
1" E		
1" W	91	S 85° 34' 47" E
	93	S 45° 43' 40" E

O.L.'S 2, 3 & 4 ARE UNBUILDABLE UNTIL LOCAL
CONDITIONS PERMIT. LOTS SHALL REMAIN IN
PRIVATE OWNERSHIP. THE ERECTION OF
BUILDINGS FOR HUMAN HABITATION AND THE
INSTALLATION OF SOIL ABSORPTION
SYSTEMS FOR SEPTIC TANK EFFLUENT
DISPOSAL ON THESE OUTLOTS IS
PROHIBITED

ANGLES

2	123° 13' 57.5"
3	146° 46' 32.5"
7	288° 07' 25"
8	179° 39' 10"
10	195° 08' 02.5"
19	150° 16' 02.5"
52	172° 36' 40"
53	172° 36' 40"
54	137° 43' 35"
55	142° 25' 20"
56	184° 39' 25"
62	230° 30' 25"
63	159° 29' 35"
73	135° 25' 40"
75	187° 25' 20"



C

From: Lane, Roger
Sent: Thursday, April 11, 2019 2:40 PM
To: 'Mike Wolf'
Subject: Outlot 3 of Freeway Manor

Dear Mike,

Chair Bristol contacted me today regarding the notations on a subdivision plat. He stated that the Town owns Outlet 3 of Freeway Manor and is looking at selling the property. There are concerns regarding notes on the subdivision plat that restrict the development of the property. Ron asked if a note on the subdivision plat could be removed in some fashion.

Unfortunately there is no simple mechanism to remove a note on a subdivision plat. Below is the County Surveyor review of the situation.

The noted rules are already broken since it states the outlot is to stay in private ownership. It is also referring to soils unsuitable for a standard at grade septic system. With modern rules and mound systems, it is quite possibly now suitable. The note will never go away; however, it is up to the local unit of government to administer the terms of the restriction. An official action by the Village of McFarland stating that if the lands are now suitable for development and can meet current design standards, they may pursue development under current applicable rules. If I were a potential buyer, I would want to see an action in the village minutes, an approved motion or resolution.

The lot may need a bit of work to be developed correctly. It appears that outlot 3 was graded to be a storm water basin for the surrounding subdivision with no outlet. See attached map. That differs from the 80-foot storm water easement shown on the subdivision plat. In the 1970's people didn't worry too much about storm water and grading.

Future development of the site lies in the hands of the Village of McFarland. You may want to contact them regarding development concerns.

Regards,

Roger Lane
Dane County Zoning Administrator

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4/22/2019

(D)

Mike Wolf

From: "Anne Anderson" <anne.anderson@meadhunt.com>
Date: Monday, April 22, 2019 3:12 PM
To: "Town of Blooming Grove" <ronbtobg@charter.net>
Cc: "Mike Wolf" <bgadmin@bhngrove.com>
Attach: Subdlvision.pdf; outlot 3 map.pdf
Subject: RE: Town of Blooming Grove Outlot 3 at Freeway Manor

Ron,

Based on my review of the drainage map and plat that you provided, I recommend keeping Outlot 3 as a stormwater outlet. The main reason is because it may be cost prohibitive, but also because it is a current location for stormwater storage. If you were to pursue selling of Outlot 3, I recommend looking into the steps needed to break it apart into an outlot and a sellable residential lot. Creating a CSM could cost \$7,000-\$14,000. Stormwater runoff from lots 29-34 and portions of 35-37 collect in outlot 3 in a low spot and in order to mitigate for the lost storage, you may need to work with Dane County Water Resources Department.

What is the lot zoned? Will it need to get re-zoned with the CSM? That could add to the cost.

Soil testing for suitability for a septic system would be required to change the outlot or a condition that the lot must have a holding tank.

Does this lot hold stormwater runoff after large storm events?

I would recommend contacting the County to ask about splitting the lot and what they may be looking for.

If you want us to do any more pursuing of this to better identify costs, we can do that for a small fee.



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, May 20, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT:

AGENDA ITEM: Review and possible recommendation to the Village Board of Resolution # 2019 -10
a Resolution adopting the 2019-2023 Outdoor Recreation and Open Space Plan

PREVIOUS ACTION:

ISSUE SUMMARY:

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

This document is updated every 5 years to allow us to remain eligible for various state and federal recreational grants. An outline highlighting the plan is included.

ATTACHMENTS:

1. Resolution - Adopting Outdoor Recreation and Open Space Plan 5.16.19
2. 5.20.19 outline 2019-2023
3. V-6 Public Hearing Copy Parks and Open Space Plan 2019-2024 - Revised 4.5.19

RESOLUTION #10-2019

A RESOLUTION ADOPTING THE 2019-2023 OUTDOOR RECREATION AND OPEN SPACE PLAN

WHEREAS, for over thirty years, the Village of McFarland Outdoor Recreation and Open Space Plan has provided the foundation for creating active and passive parks that enhance the quality of life in the Village; and

WHEREAS, the 2019-2023 Outdoor Recreation and Open Space Plan serves as a guide for making future decisions relating to the preservation, development, and expansion of needed passive and active recreation areas in the community; and

WHEREAS, the 2019-2023 Outdoor Recreation and Open Space Plan is consistent with the Village's Comprehensive Plan and was reviewed and endorsed by the Parks and Recreation Committee and the Plan Commission, and a public hearing on the plan was held on April 25, 2019; and

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of McFarland does hereby adopt the 2019-2023 Outdoor Recreation and Open Space Plan for the Village of McFarland.

BE IT FURTHER RESOLVED that the Village Board does hereby request the Department of Natural Resources to continue to extend the Village's eligibility to participate in the Stewardship fund, Land and Water Conservation Fund, and Recreational Trail Act Programs.

The above and foregoing Resolution was duly adopted at a regular meeting of the McFarland Village Board on the _____, 2019.

APPROVED:

Brad Czebotar, Village President

ATTEST:

Cassandra Suettinger, Village Clerk-Treasurer

RESOLUTION # 10-2019	
MOTION	SECOND
ACTION	DATE
Adopted	
Referred	
Tabled	
Withdrawn	
Defeated	
Published	
INDIVIDUAL VOTING RECORD	
Adrian	Kolk
Brassington	Lytle
Utter	Kryzenske
Czebotar	
VOTING RESULTS	
Motion Carried	
Motion Defeated:	

2019-2023

Village of McFarland Outdoor Recreation and Open Space Plan

- Plan provides guidance for the development and expansion of our park system in a fiscally sound manner.
- Every five years an update is necessary in order to remain eligible for financial assistance from federal and state recreation & conservation programs.
- Survey conducted in 2018 with 259 responses.
 - Highest priorities were:
 - Develop an outdoor pool/splash pad
 - Expand pedestrian and bicycle trails
 - Improve access to waterways
 - Increased role of Village in community recreational programming currently provided by the McFarland School District
 - Protect wildlife habitat
 - Improve trails (benches, signage, etc.)
 - Develop a community center
 - Improve/add playground equipment
 - Acquire land for future parks/develop new parks
 - Increase park maintenance
- Most popular recreational activities were walking, bicycling, swimming, hiking, jogging/running, picnicking, boating, reading and playgrounds.

Current Conditions

- Village provides 16.3 acres of active and passive parkland per thousand persons.
- National Recreation and Park Association recommends 6.25 – 10.5 acres per thousand. However when evaluating specific park types, the Village is behind in providing mini-parks with .2 acre per thousand rather than .25- .5 acres per thousand. For neighborhood parks, the Village just meets the 1 -2 acre per thousand standard with 2.5 acres per thousand.
- By 2030 with a projected population of 9,335 and using 16.3 acres per thousand as a benchmark, the Village would need an additional 19.3 acres of parkland.
- Our population is aging with an estimated 2016 median age of 43.8 years, an increase of approximately 4 years from the 2010 Census figure of 39.7 years. In 2016 , 23.6% of the Village's population were 19 years of age or younger; while 47% were 45 or older.

Key General Recommendations

- The Village should continue to develop a pedestrian interlinked access system with an emphasis on child safe access to parks and playgrounds.

- Place more emphasis on accessibility and the aesthetic function of parks and management of conservancy areas.
- Improvements to existing parks or development of new parks should include features to help make them more accessible to seniors and the disabled.
- Continue to develop consistent park signage policies throughout the entire park system, employ the new Village logo when establish/replacing park signage.
- Employ safety issues in our parks with cameras, time locks, etc.

Highlights of Specific Recommendations

- Expanse Lower Yahara River Bike Trail by extending trail through southern portion of the Village and continuing it on to the Lake Kegonsa State Park
- McDaniel Park
 - Continue implementation of Master Plan – 2nd public pier, boat racks for small boats, expand park when adjacent parcels are up for sale.
- Brandt Park
 - Acquire adjacent land for parking.
- William McFarland Park
 - Add pickle ball/tennis courts
- Cedar Ridge Park –
 - Replace gazebo, add ice skating rink
- Highland Oaks Park
 - Possible location of tennis/pickle ball courts
- Lewis Park –
 - Add restrooms
- Legion Memorial Park -
 - Improve hiking/biking path to include boardwalk
- Grandview Conservancy –
 - Complete trail system with signage and connection to Marsh Woods Park
- John Urso Park –
 - Continue expansion of off leash dog area.
 - Connection to Lower Yahara River Trail
- Community Park
 - Acquire 20 – 40 acres for a community park east of Village. Help to relieve pressure and consolidate similar active uses into one area in advance of potential development.



Outdoor Recreation & Open Space Plan

2019 – 202³⁴
Adopted _____

Plan Summary - Outdoor Recreation and Open Space Plan

Recreation planning has become an essential element of long-range community planning. Increased leisure time, renewed emphasis on physical fitness, and the need to find relief from the pace of life in urbanizing communities has underlined the need for an increased variety and expansion of recreational facilities. Parks also serve a valuable function for providing open space in an increasingly urbanizing environment, provides important habitats for urban wildlife and laboratories for environmental/conservation education. As a community grows and densities increase, parks also function as the focal point for community aesthetics.

An attempt has been made in planning McFarland's parks and conservancy areas, to view outdoor recreation facilities as part of a system, serving diverse functions for all members of the community. Parks are no longer viewed as single-use facilities serving only limited groups in a community; rather, there is now an emphasis on providing diverse outdoor recreational opportunities for all ages and social groups. In viewing parks as part of a system, issues such as access, neighborhood aesthetics and multiple uses of environmental resources are all elements of park planning.

Purpose

- Establish goals, objectives and policies to serve as the base for subsequent recreation and conservation planning efforts.
- To remain eligible to participate in federal, state and county recreation/conservation programs by updating this plan every 5 years.

Goals

- To provide permanent open space throughout the Village for outdoor recreation, to accommodate a variety of recreational uses for all ages and abilities, provide environmental protection and to encourage the same within neighboring towns.
- To evaluate proposed land to be dedicated for park and open space purposes as new subdivisions develop for contributions to the quality as well as to the quantity of the Village's park and open space system.
- To recognize that the natural environment is an integrated unit comprised of interacting land, water and air resources, and to ensure that the health and stability of this resource system are maintained.
- To regard all land as an irreplaceable resource, and to ensure that its use does not impair its value for future generations

Primary Objectives

- Draft a maintenance schedule to provide and help ensure successful use or reuse of safe accessible playground equipment.
- Continue to provide better pedestrian, bicycle and vehicular access to all parks and recreation facilities, including internal linkages between our parks, recreation and conservancy areas.
- Restore and preserve natural areas through continued development, implementation and updating of management plans.
- Continue innovative funding methods for outdoor park and recreation facilities. These methods may include public/private partnerships or cost sharing among many governmental agencies.
- Explore ways to better market our parks, conservancies and open spaces to the public through brochures, maps, website, holding of community events, etc.

Key Policies (taken from the 2017 Vil. of McFarland Comprehensive Plan)

- Emphasize use and enhancement of natural drainage systems wherever practical for greater sustainability and value.
- Use environmental Best Management Practices in the management of Village owned properties.
- Utilize extraterritorial authorities and agreements to help ensure that (a) development occurs in the appropriate location, time frame, density, and use type, and (b) conflicts between urban and rural uses are minimized.
- Coordinate utility and community facility planning with land use, transportation, natural resource, and recreation planning.
- Ensure safe and convenient access for motorists, pedestrians, and cyclists among McFarland's neighborhoods, parks, waterways, schools, downtown, and commercial and employment districts.
- Preserve and restore areas of native vegetation and erosion prone slopes as passive recreational areas and outdoor laboratories; direct most land disturbance away from such areas and slopes.

Analysis of Existing Facilities

The Village currently provides 16.3 acres of active/passive park and open space facilities per 1,000 persons; which, is greater than the 6.25 – 10.5 acres per 1,000 persons recommended by the Natural Recreation and Park Association. However, with regard to specific park types, the Village falls short of meeting the standard for mini-parks (.25 -.5 ac. per 1,000 persons) with .2 acre per 1,000 persons and just meets the standard (1 - 2 ac. per 1,000 persons) for Neighborhood Parks with 2.5 ac. per 1,000 persons. It should be noted; the Village uses these Standards only as a guideline; while continuing to assess our unique recreational needs to determine the focus of our future needs.

With an expected Village population of 9,335 persons by 2030, the Village would require an additional 19.3 acres of active and passive parkland/open space if we adhere chose to continue to meet the 16.3 acres-per-1,000 benchmark-

Key Recommendations

- The Village should continue to develop a pedestrian interlinked access system with an emphasis on child safe access to parks and playgrounds.
- Place more emphasis on accessibility and the aesthetic function of parks and management of conservancy areas.
- Site and acquire an eastside community park of approximately 20 - 40 acres along the Villages eastside.
- Improvements to existing parks or development of new parks should include features to help make them accessible to the disabled.
- Continue to develop consistent park signage policies throughout the entire park system. Employ the new Village logo when establishing/replacing park signage.

Appendices

- 2018 Parks and Recreation Survey Results
- McDaniel Park and Brandt Park Master Plan
- Updated Urso Community Park Master Plan
- Public Facilities Needs Assessment for Park Improvements
- Conservancy Management Plans
- Indian Mound Policy

Contents

Plan Summary - Outdoor Recreation and Open Space Plan	1
Purpose.....	1
Goals	1
Primary Objectives.....	1
Key Policies (taken from the 2017 Vil. of McFarland Comprehensive Plan).....	2
Analysis of Existing Facilities	2
Key Recommendations	2
Appendices	2
Acknowledgements	6
Village Board:.....	6
Parks, Recreation, and Natural Resources Committee:.....	6
Plan Commission:	6
Village Staff:.....	6
Introductions	7
Public Participation	7
Recreation, Open Space, and Environmental Protection Goals, Objectives, and Policies.....	9
Goals:	9
Objectives:	9
Policies:	10
Dane County Parks and Open Space Plan, 2018-2023.....	11
Parks and Open Space Standards	12
Totlot	12
Neighborhood Park/Playground.....	12
Community Park	13
Special Use Area	13
Activity Related Standards.....	13
Demographics.....	14
Existing Parks and Recreation Facilities	17
Analysis of Existing Facilities	24
Park and Open Space Needs Assessment	26
Gross Acreage Requirements	26
Park Distribution and Access	27

RECOMMENDATIONS	28
General Recommendations	28
Acquisition Recommendations.....	32
Specific Development Recommendations.....	32
FUNDING PARKLAND ACQUISITION AND DEVELOPMENT	39
Parkland Dedication or Fees-in-Lieu of Parkland Dedication	39
Park Improvement/Impact Fee.....	39

Tables

<i>Table 1. Population Trends 1970 – 2010</i>	14
Table 2. Population Estimates and Projections 2015 - 2040	14
<i>Table 3. Household Estimates and Projections 2000 - 2040</i>	15
<i>Table 4. Village of McFarland Demographics</i>	16
Table 5. McFarland School District Enrollment 2019	16
<i>Table 6. Recreation Areas by Ownership, Park Type, and Function</i>	24
<i>Table 7. Recreation acres per 1,000 persons</i>	26
<i>Table 8. Activity Related Standards</i>	27
Table 9. Five-Year Parks Capital Expenditure Plan.....	40

Images

Image 1. Map of Parks and Open Space	23
Image 2. Proposed Parks & Open Space Map	38

Acknowledgements

Village Board:

Brad Czebotar, President
Dan Kolk
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Jerry Adrian
Shaun O'Hearn
Stephanie Brassington
Carolyn Clow

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Shaun O'Hearn
Chuck Rolfsmeyer
John Feldner
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Cliff White
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Katharine Pease
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Jacob Schkirkie

Plan Commission:

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Peter Bloechl-Anderson
Tom Rogers
Bruce Fischer
Cathy Kirby

Village Staff:

Pauline Boness, Community Development Director
Allan Coville, Former Public Works Director
Jim Hessling, Public Works Director
Karen Knoll, Community Development Clerk
Andrew Day, Technical Specialist

Introductions

Recreation planning has become an essential element of long-range community planning. Increased leisure time, renewed emphasis on physical fitness, and the need to find relief from the pace of life in urbanizing communities has underlined the need for expanded recreational facilities. Parks also serve a valuable function of providing open space in an increasingly urbanizing environment creating important habitats for urban wildlife and laboratories for environmental/conservation education. As a community grows and densities increase, parks also function as the focal point for community aesthetics.

An attempt has been made in planning McFarland's parks and conservancy areas to view outdoor recreation facilities as part of a system serving diverse needs for all members of the community. Parks are no longer viewed as single-use facilities serving only limited groups in a community; rather, there is now, an emphasis on providing diverse outdoor recreational opportunities for all ages, social groups, and physical abilities. In viewing parks as part of a system, such issues as access, neighborhood aesthetics and multiple uses of environmental resources become elements of park planning.

As McFarland continues to grow, additional park areas must be acquired and developed. The McFarland Outdoor Recreation and Open Space Plan provides guidance for the expansion and development in a fiscally responsible manner of McFarland's outdoor recreation facilities. Updates to this document occur every five years in order to remain eligible for financial assistance from federal, state, and county recreation and conservation programs.

The Plan begins with a listing of objectives and policies; followed by a set of definitions and a discussion of criteria used to evaluate the adequacy of park system standards. "Demographics" places park planning within the context of community development population trends and projections. The next section inventories existing park facilities and school recreation areas followed by an analysis of our outdoor recreation needs. The final section proposes acquisitions and sets forth recommendations and a capital improvement schedule.

Public Participation

The Village of McFarland conducted a Survey of Parks in 2018. The survey was available in paper form and on-line through links published in the Village newsletter, website, and in the local newspaper. The survey was open from June 19 to July 16, 2018 and elicited 259 responses. Results from the 2018 survey are incorporated into the general recommendations where applicable:

- A. Findings from the 2018 Village of McFarland parks and recreation survey (see Appendix A) were incorporated in the Plan.
 1. The majority of survey respondents were satisfied with the physical condition of parks and recreation facilities. However, the greatest dissatisfaction resulted from the condition of restrooms. Also mentioned are the condition of furnishings e.g., picnic tables, benches, and water fountains.
 2. Of the 259 respondents, the highest priorities for various actions by the Parks, Recreation & Natural Resources Committee were identified as follows:
 - a. Develop outdoor pool /splash pad
 - b. Expand pedestrian & bicycle trails
 - c. Improve access to waterways
 - d. Increased role of Village in community recreational programming which is currently provided by the McFarland School District
 - e. Wildlife habitat

- f. Improve trails (benches, signage, etc.)
 - g. Develop a community/senior center.
 - h. Improve /add playground equipment
 - i. Acquire land for future parks/develop new parks
 - j. Increase park maintenance
 - 3. Walking, bicycling, fitness, reading, swimming, hiking, playgrounds, picnicking, jogging/running and boating were identified as the most popular recreational activities.
 - 4. Repair of our existing hockey rink at Lewis Park.
 - 5. An overwhelming number of respondents supported utilizing tax dollars, donations, and raising fees as a means of financial support.
- B. A public hearing was held on April 25, 2019 to hear comments regarding the contents of this plan.

Recreation, Open Space, and Environmental Protection Goals, Objectives, and Policies

The first step in the recreation and open space planning process is to establish goals, objectives, and policies that serve as the base for all subsequent planning efforts. The term goals, objectives, and policies are frequently used interchangeably even though each has its own distinct definition. It is therefore, appropriate to define each of these terms to eliminate confusion about their meaning. Goals are general in nature and represent conditions which are striven for but which may not be fully attainable. An example of a goal is “clean air and water”. Objectives are more specific and are usually attainable. For example, an objective might be “construction of three new parks in the community during the year”. Policies are rules or courses of action used to ensure plan implementation. An example of a policy would be “all public recreation facilities shall be accessible to the handicapped”.

Goals:

- To provide permanent open space throughout the Village for outdoor recreation to accommodate a variety of recreational uses for all ages and abilities, provide environmental protection and to encourage the same within neighboring towns.
- To evaluate proposed land to be dedicated for park and open space purposes as new subdivisions develop for contributions to the quality as well as to the quantity of the Village’s park and open space system.
- To recognize that the natural environment is an integrated unit comprised of interacting land, water, and air resources, and to ensure that the health and stability of these resource systems are maintained.
- To regard all land as an irreplaceable resource, and to ensure that its use does not impair its value for future generations.
- Provide an adequate supply and maintenance of park, recreation, and open space facilities for the enjoyment of all age groups and capabilities of McFarland residents.

Objectives:

An essential element of any long-range planning process is the development of a set of objectives acceptable to McFarland.

- Draft a maintenance schedule to provide and help ensure successful use or reuse of safe accessible playground equipment
- Continue to provide improved identification signage throughout the system, including trail directional signs relating to the Lower Yahara River Trail
- Manage and protect the natural features within the Penitto Creek, Mud Lake and Door Creek watersheds. These features include such areas as wetlands, prairies and woodlands.
- Continue to provide better pedestrian, bicycle and vehicular access to all parks and recreation facilities, including internal linkages between our parks, recreation, and conservancy areas.
- Restore and preserve natural areas through continued development, implementation and updating of management plans.
- Facilitate and participate in linking public lands and trails of various political jurisdictions to McFarland to amplify the accessibility and recreational use of these lands.
- Continue innovative funding methods for outdoor park and recreation facilities. These methods may include public/private partnerships or cost sharing among many governmental agencies.
- Explore ways to better market our parks, conservancies and open spaces to the public through brochures, maps, website, holding of community events etc.

- Support energy efficiency and environmental sustainability as a criteria in the design of public facilities in our parks and conservancy areas.

Policies:

These policies encompass those listed in Village of McFarland Comprehensive Plan that relate to recreation and natural resources.

- Refer to the Villages naming policy when assigning official names to parks and conservancy areas
- Use major natural areas, such as Lake Waubesa, the Door Creek corridor, Yahara River, and Mud Lake wetlands as long-term edges to community growth and urban –rural transition areas.
- Site future parks in areas that also forward the Village’s natural resource protection goal, objectives, and initiatives
- Preserve and restore areas of native vegetation and erosion – prone slopes as passive recreational areas and outdoor laboratories; direct most land disturbance away from such areas and slopes.
- Emphasize use and enhancement of natural drainage systems wherever practical for greater sustainability and value.
- Emphasize water conservation, groundwater recharge, and infiltration, including using areas with sub-surface glacial till deposits or engineered soils for enhanced infiltration.
- Enforce the Village’s erosion control and stormwater management ordinance and keep this ordinance up to date with County and State standards.
- Use environmental Best Management Practices in the management of Village-owned properties.
- Maintain the urban tree inventory on public lands and be a resource for landowners to manage mature trees and woodlands.
- Utilize extraterritorial authorities and agreements to help ensure that (a) development occurs in the appropriate location, time, density and use type, and (b) conflicts between urban and rural uses are minimized.
- Promote the long-term viability of agricultural uses, including those areas planned for “Agricultural Preservation on Map 6 in the Comprehensive Plan as may be amended, and through activities like community gardening and small –plot farming to provide food for local markets.
- Encourage employment, retail, service, and recreational uses in areas that conveniently serve Village Neighborhoods and the greater McFarland community that includes Dunn and the Madison subdivisions that border the Village
- Clearly and consistently communicate what it means to be in McFarland through quality development, branding, consistent public signage and landscaping, parks, the library, other public facilities, and programming.
- Coordinate utility and community facility planning with land use, transportation, natural resource, and recreation planning
- Combine utility and community facility projects with other projects- like roads, parks, and broadband- wherever practical.
- Promote a continuous, interconnected network of highways, streets, sidewalks, bicycle routes and trails.
- Ensure safe and convenient access for motorists, pedestrians, and cyclists among McFarland’s neighborhoods, parks, waterways, schools, downtown, and commercial and employment districts.

- Coordinate transportation system planning and construction with utilities, land uses, recreation, and natural resources.
- Work together with neighboring municipalities; Dane County; the Wisconsin Department of Natural Resources (WisDNR); Madison Metropolitan Sewerage District (MMSD); and sportsmen, watershed, and other private associations on lake, river, watershed, recreation, flood control, and habitat projects, including those in the Natural Resources chapter of the Comprehensive Plan

Dane County Parks and Open Space Plan, 2018-2023

This plan also incorporates the following goals and initiatives of the Dane County Parks and Open Space Plan, 2018-2023:

Vision Statement:

Connect people to the land, water, and cultural resources of Dane County

Goals:

- Provide sufficient parkland and recreation facilities to meet the demand of Dane County residents without adversely affecting existing natural and cultural resources.
- Preserve for posterity the characteristics and diversity of the natural, cultural and historical resources of Dane County.
- Preserve large tracts of natural and agricultural rural landscapes at urban fringe areas that will provide regional resource protection and recreation benefits.
- Provide volunteer opportunities and stewardship education to all county residents
- Protect lakes, rivers, and streams, including shorelines, wetlands, high filtration areas and associated vegetative buffers to maintain high water quality, manage water quantity and sustain water-related recreation throughout Dane County.
- Provide an inclusive parks system for all Dane County residents, regardless of age, race, gender or gender identity, national origin, ethnicity, culture, sexual orientation, political affiliation, place of residence, veteran status, physical ability, cognitive capacity, or family, martial, or economic status. Several initiatives are considered for maintaining and achieving equitable, inclusive and accessible parks system.

Parks and Open Space Standards

An important step in the park and open space planning process is to define a set of minimum standards for such facilities. These standards enable a community to determine how well its existing recreational facilities meets the needs of its current residents, as well as to project future needs. There are typically three sets of standards.

The first are gross acreage standards, expressed as population ratios, that is, the minimum number of acres recommended per 1,000 persons. Second, are service area standards, expressed as park service radii which differs by park type. Last are activity related standards, expressed as acres per 1,000 population for a specific activity e.g., one baseball diamond per 3,500 persons.

The National Recreation and Park Association (NRPA) has developed a set of recommended park and open space standards which can be used by local communities as a general guide in their park and open space planning efforts. While providing guidelines as a resource, the NRPA acknowledges a shift away from reliance on national standards and suggests that they be used only as tools, allowing communities to work within their unique social, economic, and institutional structures in determining the needs of their own community.

The following is a list of various types of park and open space facilities and their recommended standards. Activity standards have been customized for the Village of McFarland based on population and service area using NRPA standards. Generally, the NRPA gross acreage standard is 6.25 to 10.5 acres of developed park/open space per 1,000 population.

Totlot

These parks are specialized facilities that serve a concentrated or limited population or specific group such as tots or senior citizens.

Desirable site characteristics: Within neighborhoods and in close proximity to apartment complexes, townhouse development or housing for the elderly.

Desirable size: 1 acre or less.

Acres per 1,000 population: 0.25 to 0.5 acres.

Service area: Less than ¼ mile radius.

Neighborhood Park/Playground

An area for intense recreational activities such as field games, court games, crafts, playground apparatus area, skating, picnicking, wading pools, ball fields, adult areas with benches, shelters and game tables.

Trees, open fields and undeveloped natural areas are also desirable components of neighborhood parks.

Desirable site characteristics: Suited for intense development. Easily accessible to the neighborhood population. Geographically centered with safe walking and bike access. May be developed as a school-park facility.

Desirable size: 1-5 acres.

Acres per 1,000 population: 1 to 2 acres.

Service area: ¼ to ½ mile radius to serve a population of 1,000 to 5,000 persons.

Community Park

An area of diverse uses. May include areas suited for intense recreational facilities such as athletic complexes and large swimming pools. May be an area of natural quality for outdoor recreation such as walking, viewing, sitting, picnicking. May be any combination of the above, depending on the site and community need. Desirable facilities in community parks include those listed above in neighborhood parks, along with swimming facilities, picnicking, lighted ball fields and tennis courts, a community center, and adequate off-street parking. It is important that community parks be located on or near major thoroughfares and also be easily accessible by foot. Landscaping and natural areas are desirable in a community park.

Desirable site characteristics: May include natural areas such as water bodies, and areas suited for intense development. Easily accessible to neighborhood served.

Desirable size: 5 or more acres with 15 to 40 acres being most common.

Acres per 1,000 population: 5 to 8 acres.

Service area: Several neighborhoods. 1 to 2 mile radius.

Special Use Area

Areas for single-purpose recreational activities such as golf courses, nature centers, marinas, zoos, conservatories, arboreta, display gardens, arenas, outdoor theaters, downhill ski areas, trails, or areas that preserve, maintain and interpret buildings, sites and objects of archeological significance. Plazas or squares in or near commercial centers, boulevards, or parkways also serve as special use areas.

Desirable site characteristics: Within communities.

Desirable size: Variable.

Service area: No applicable standard.

Activity Related Standards

Activity	Standard
Baseball Diamonds/Skating Rinks	1 per 3,500 persons
Softball Diamonds/Soccer Fields	1 per 1,000 persons
Tennis Courts	1 per 1,500 persons
Basketball Courts	1 per 1,000 persons
Swimming Pools	1 per 10,000 persons

Demographics

The Village of McFarland has a history of steady population growth over the last several decades, outpacing the overall growth rate of Dane County. 2010 Census figures indicate the Village population rose from 6,416 in 2000 to 7,808, or 21.7%. This increase is modest compared to the 80s and 90s. A contributing factor may be the economic slowdown which began in 2007. The Wisconsin Department of Administration (DOA) estimates a population of 8,490 for the Village in, 2020 an 8.7% increase over 2010. During the next 20 years, the population of McFarland is projected to grow slightly faster than the county as a whole, but the rate of growth will be less than growth rates experienced during the 80s and 90s.

Table 1. Population Trends 1970 – 2010

Year	V. McFarland	Increase from prev. census	% increase from prev. census	Dane County	% increase from prev. census
1970	2,386	--	--	290,272	--
1980	3,783	1,397	58.5%	323,545	11.5%
1990	5,232	1,449	38.3%	367,085	13.5%
2000	6,416	1,184	22.6%	426,526	16.2%
2010	7,808	1,392	21.7%	488,073	14.4%

Source: U.S. Census, Wisconsin Department of Administration

Table 2. Population Estimates and Projections 2015 - 2040

Year	V. McFarland Population	Increase since 2010	% increase since 2010	Dane County Population	% increase since 2010
2015	8,035	227	2.90 %	505,410	3.55%
2020	8,490	682	8.73%	530,620	8.71%
2025	8,930	1,122	14.3%	555,100	13.73%
2030	9,335	1527	19.5%	577,300	18.28%
2035	9,635	1827	23.4%	593,440	21.58
2040	9,895	2087	26.7%	606,620	24.28

Source: U.S. Census, Wisconsin Department of Administration 2013 projections

The City of Madison is an employment center for Dane County, with McFarland primarily a suburban community. In 2000, 86.9 percent of the workforce traveled outside of McFarland, to places of employment; while 13.1 percent worked in the Village. Like most suburban communities, McFarland tends to attract families with children. The average household size in McFarland was 2.63 in 2000, dropping to 2.54 in 2010 with a continuing decline to an estimated 2.49 in 2016. Following nationwide trends reflecting aging baby boomers and smaller families, household size in the Village is projected to continue to decline over the next several years.

Table 3. Household Estimates and Projections 2000 - 2040					
Year	V. McFarland Population	V. McFarland Households	% increase Households Since 2010	Pers./HH (Village)	Pers./HH (County)
2000 census	6,416	2,434	--	2.63	2.46
2005 estimate	7,179	2,720	10.5%	2.64	2.44
2010	7,808	3,200		2.54	2.33
2015	8,035	3,226	81%	2.49	2.29
2020	8,490	3,450	7.81%	2.46	2.27
2025	8,930	3,664	14.5%	2.44	2.25
2030	9,335	3,866	20.8%	2.41	2.23
2035	9,635	4,027	25.8%	2.39	2.21
2040	9,895	4,161	30.03%	2.38	2.20

Source: U.S. Census, Wisconsin Department of Administration Population and Household Projections 2013, Wisconsin Future Population Projections for the State, its Counties, and Municipalities, 2010-2040 Dec. 2013.

In addition to growing slower, our population is also aging. Estimates-by age for 2016 indicate 23.6 percent of the population of McFarland was 19 years of age or younger, while 47.7 percent were 45 or older. Our median age was 39.7 in 2010 compared to 37.1 in 2000. An estimated increase to 43.8 years of age was expected for 2016.

The rural areas immediately surrounding the Village of McFarland contributes to demands on Village parks and its open space system. Growth in surrounding areas impacts McDaniel Park, Brandt Park, Lewis Park, and William McFarland Park, all of which are located near our Village limits or near major traffic arteries.

McFarland is predominantly a community of single-family dwelling units accounting for 80% of all residences. However, the proportion of multifamily units in the Village is increasing with 15 percent of total housing in 1980 to 17.3% in 2018. As the housing market continues recovering from the recession, it is questionable whether families will still gravitate towards the single-family housing market or look to duplex and multi-family units to meet their needs.

Highway AB appears to be an unofficial boundary for near-term Village expansion. Just north of Siggelkow Road is the expected northern boundary for Village growth based on the recently expired 20-year boundary agreement with the City of Madison. Growth to the northwest has been predominately for commercial development. The strongest residential growth given recent annexations and development of subdivisions continues to be to the east. Growth to the southwest is limited, by the Villages boundary agreement with the Town of Dunn. Some of these areas beyond the Village limits will make use of McFarland's recreation services.

Table 4. Village of McFarland Demographics						
Category	Census 2000	% of Total	Census 2010	% of Total	Est. 2016*	% of Total
Population	6,416		7,808		8,168	
Households	2,434		3,200		3,371	
Avg. Household Size	2.63		2.54		2.46	
AGE						
0-4	412	6.4%	469	6.0%	399	4.9%
5-19	1,615	25.2%	1,787	22.9%	1,529	18.7%
20-24	234	3.6%	284	3.6%	471	5.7%
25-44	2,051	32.0%	2,028	26.0%	1,864	23.0%
45-64	1,595	24.9%	2,438	31.2%	2,651	32.4%
65+	509	7.9%	802	10.3%	1,254	15.3%
Median Age	37.1		39.7*		43.8	
Per Capita Income	\$26,625		\$35,894*		\$38,540*	
Median Household Income	\$62,969		\$73,814*		\$78,009*	

Source: U.S. Census *2012-2016 American Community Survey 5-year Estimate and Quick Facts

Per capita personal income for the Village of McFarland was \$38,540 in 2016 with a median household income of \$78,009. Similar data for Dane County unsurprisingly was lower with a per capita income of \$35,687 and median income of \$64,773.

Table 5. McFarland School District Enrollment 2019		
2019 Grade	School	Total
Early Learning, 4 & 5 KG	C. Elvehjem Ctr.	341
1	McFarland Primary	190
2	McFarland Primary	151
3	Waubesa Intermediate	187
4	Waubesa Intermediate	174
5	Waubesa Intermediate	192
6	Indian Mound Middle	187
7	Indian Mound Middle	194
8	Indian Mound Middle	187
9	McFarland High	185
10	McFarland High	187
11	McFarland High	194
12	McFarland High	170
Total		2539

Source: Wisconsin Department of Public Instruction

Virtual Enrollment 1905 students

Existing Parks and Recreation Facilities

A comprehensive inventory of McFarland's existing parks and recreation facilities was conducted in conjunction with the drafting of this Plan. Included in the inventory were municipal and educational recreational areas which contribute to the recreational opportunities (or supply) in the Village.

The following are descriptions of each open space area, conservancy, or park and a summary of its facilities. Using the number to the left of each description, the geographic location of each park and open space can be found on the Existing Park and Open Space Map.

1. **Capitol Springs State Recreation Area Upper Mud Lake Portion of E-Way:** With the exception of a 12-acre parcel owned by the City of Madison, this large (123.6 acres) conservancy area is owned and managed by the State Department of Natural Resources. This floodplain-wetland complex makes up the eastern edge of the E-Way, establishing a greenbelt across the southern part of Madison urban area. A County owned and maintained access of 4.6 acres to Upper Mud Lake was established in 2015 serving ice fishermen. The Terminal Drive location is equipped with a permanent kiosk, porta potty, trash bins, marked trail to the water's edge, and 65 parking stalls. A connection to McFarland's portion of the Lower Yahara River Trail completed in 2017, winds thru Lussier Farm Park and heads south across Lake Waubesa to McDaniel Park.
2. **McDaniel Park, 4806 McDaniel Lane (refer to Master Plan):** This area was acquired by the Village in 1976 and is a community park to complement nearby Brandt Park. Together, the two parks are 13.6 acres in size. McDaniel Park itself is 8.7 acres; of which, the northern portion is wetland intended for conservancy use (7 acres). The southern portion is developed and includes an open picnic shelter, 1 grill, benches, picnic tables, public restrooms, drinking fountains, public pier, wading beach, sand volley ball court, canoe rack, and trail marker and description board – Eagle Scout project Troop 53. There is a lit bike repair station and kiosk. Wood play apparatus was removed in 2006 and new replacement playground equipment was installed in 2008. In 2017 the McFarland trail head of the Lower Yahara River Trail connecting McFarland to Lussier Farm Park via a bridge/boardwalk opened after almost two years of construction and over 10 years of planning and design work. The bridge provides overlooks for viewing /fishing as well as a pathway for biking walking/running. Parking stalls were added to accommodate increased usage.
3. **Brandt Park, 4601 Siggelkow Road:** All age groups heavily use this community park. Facilities serving the park include 2 lit and fenced softball fields (upper and lower), bleachers, and park benches. Other facilities include a new shelter constructed in 2009, restrooms, drinking fountain, kitchen facility, numerous picnic tables, a basketball court, 2 backhoes and play structure. The park area covers 4.9 acres. A new playground was added in 2010, with fence improvements along Siggelkow Road. New lighting for the ballfields was completed in fall of 2018
4. **Beckler Street:** - Path, small amount of parking, "Pedestrian access only" sign
5. **Field Avenue:** – Stairs to lake, parking, "Pedestrian access only" sign
6. **Larson Street:** – Poor access, no sign

7. **Lakeview Avenue:** – Bench, limited parking, “Pedestrian access only” sign
8. **Wisconsin Avenue:** – Limited parking, “Pedestrian access only” sign
9. **Bellevue Court:** – Poor access, bench, “Pedestrian access only” sign
10. **Siggelkow Road Park, 5002 Valley Drive:** This passive park area was acquired under the provisions of the Village’s subdivision ordinance. The area (approximately 5.5 acres) has the potential to become a neighborhood park. The western portion of the park is extremely hilly. Protection and maintenance of the Indian Mounds located on the hilltop should be a priority. An Indian Mound Maintenance Policy was developed and adopted in 2010. A second identification sign was added in 2018
11. **Autumn Grove Park, 5207 Falling Leaves Lane:** This park (1.5 acres) on Falling Leaves Lane serves the north-central neighborhood. Play equipment includes 2 tot swings, 2 swings, 2 backhoes, a play module with slides and climbing wall, teeter totter assembly, a sand area, basketball half-court, picnic table, benches and an open playfield. Wood play apparatus was removed in 2006 and replaced with new equipment in 2007.
12. **William McFarland Park, 4820 Marsh Road:** This community park (20.3 acres) contains soccer fields, a pedestrian/bike path, a skateboard facility, and a baseball diamond. An indoor curling facility is located on Village parkland. The McFarland Community Ice Arena is located next to William McFarland Park. A sand box and play area comprised of a climbing structure with slides, 2 spring animals, 2 sand diggers, woodchips, and picnic tables have been installed in the last few years. A high school batting cage and outfield fence were added in 2010, along with a state-of-the-art bocce ball court system that includes 3 open air shelters, 4 courts, 2 grills, 1 water fountain, small maintenance shed and horseshoe pits. A camera/security system has been installed.
13. **Waubesa Intermediate School, 5605 Red Oak Trail:** This 24.5-acre neighborhood school provides 18.5 acres for a play area with 2 varsity softball fields, dugouts, concession stand, bleachers, 3 batting cages, 2 sheds, 1 soccer/football field with 2 goals, 6 swings, tether ball, one handicap swing, 1 climbing apparatus, 3 hole frisbee golf and 3 basketball hoops.
14. **Cedar Ridge Park, 5303 Wild Cherry Lane:** This 3.9-acre neighborhood park serves the northeast portion of the Village with a playground of 4 swings, spring animal, bench, sandbox, slides, climbers, backhoe, small gazebo, picnic tables, walking path, open play area, and soccer practice field.
15. **Ridgeview Totlot, 5323 Black Walnut Drive:** Consists of a 0.4-acre play lot serving part of the Ridgeview neighborhood with a playground slide, spring animal, and an open play area.
16. **Woodland Estates Park, 5601 Glenway Street:** This neighborhood park (2.4 acres) serves the east-central neighborhood. The park includes an open-air shelter, an outside grill, a basketball half-court, a play module with slides and climbing wall, 3 swings, 1 tot swing, a volleyball court, picnic tables, a bench and an open playfield with backstop and soccer net. Wood play apparatus was removed in 2006 and replaced with new equipment in 2007.

17. **Highland Oaks Park, 5945 Osborn Drive:** This 2.2-acre park provides an open air park shelter, basketball court, 2 swings, 2 tot swings, 2 benches, sandbox, 2 back hoes, 2 spring animals, play structure with 4 slides, climbing wall, climbing bars, walking path and picnic tables.
18. **McFarland Community Garden, 5710 Anthony Street:** Property owned by United Church of Christ, leased to the Village, developed and maintained by the Friends of McFarland Parks, a private non-profit 501c (3) organization. Garden to be developed in phases over three years. Consists of individual planting beds, 4H youth garden, composting area, pumpkin patch, flower beds, shed, adaptive garden, and McFarland School District garden. This is McFarland's first community garden initiative.
19. **Discovery Garden Park, 5920 Milwaukee Street:** Serving as a neighborhood park (.2 acres), this area was once owned by McFarland State Bank. It was purchased by the Village along with an adjacent bank site to be redeveloped for a park and public library. The area is now home to the E.D. Locke Public Library. The existing park was redeveloped in 2007 and has since undergone a second transformation in 2018 with new playground equipment, safety padding, picnic table and benches.
20. **Arnold Larson Park, 6002 Exchange Street:** This Village redevelopment area (1.4 acres) is located downtown with a gazebo park benches, and picnic tables. It is the home to the community band's summer performances and is now used as a regional stop for the recently completed McFarland segment of the Lower Yahara River Trail.
21. **Valley Totlot, 5100 Broadhead Street:** This one-acre greenway on Valley Drive was filled after installation of storm sewer and developed as a totlot. The play equipment includes 2 tot swings, a play module with slides, a bench and picnic tables. Wood play apparatus was removed in 2006 and replaced with new equipment in 2007.
22. **Taylor Road Conservancy, Taylor Road:** This 5.9-acre hillside conservancy preserves the northeastern slope of the drumlin adjacent to Taylor Road. An Indian mound is located in the area. Limited hiking access is available.
23. **Woodland Commons Conservancy, 5604 Lexington Street:** 5 acres acquired as a result of parkland dedication requirements for Woodland Commons Subdivision. The park is currently used for passive recreation. Two Indian mounds have been identified within the park.
24. **Public Access Site, South Court:** This Village-owned access site located on Lake Waubesa is relatively unimproved and consists of a public right-of-way called South Court, ending at water's edge.
25. **Babcock Conservancy, South Court:** This 16.3-acre Village site located on Lake Waubesa was deeded to the Village in 1986. It is relatively unimproved and consists of natural areas and a public right-of-way called South Court. It provides excellent views of Lake Waubesa and is a popular fishing spot
26. **Babcock County Park, 4214 US Hwy 51:** Babcock Park straddles our southeast border. Named after Stephen Babcock, an internationally known Wisconsin dairy scientist, this 36.4-acre park is owned and operated by Dane County and is of regional significance. It is recognized as a location

which provides picnicking, 25 campsites, boat launches and fishing opportunities.

27. **Indian Mound Conservancy, 6400 Exchange Street:** While serving as a specialized recreation area, this 8.9-acre area is a wooded hill that includes seven Indian mounds (Indian effigy mound cultural tradition) and a Village water tower site. As well as providing a beautiful view of McFarland and the surrounding area, this is an important historical site. The area is limited to passive recreational uses. There are walking trails, some made of asphalt and some of gravel, that allow a walking tour of the area. No vehicle access is allowed. Acreage is classified as conservancy, not as a neighborhood park area. Trail improvements and mound restoration efforts are planned for the forest and mounds. A restoration plan was developed and adopted in 2010.
28. **Thurn Marsh and Conrad Jaeger Conservancy, 6400 Jaeger Road:** Like the Grandview Conservancy Area, Thurn Marsh is a wetland area of approximately 6.2 acres located adjacent to the high school/middle school site. The northwestern edge has a graveled path identified as "Jaeger Hiking and Biking Trail." This trail links Yahara Drive with Highland Drive and Conrad Jaeger Conservancy. This 2-acre conservancy located west of the marsh on the Yahara River is accessible by Jaeger Drive. The site is leased by the DNR to the Village and consists of a paved parking lot, a small boat ramp, and 6 canoe/kayak racks on a concrete pad each capable of holding 6 craft. A bench and pier replacement were done in 2017. Village is responsible for all maintenance activities at this site.
29. **McFarland High School/Indian Mound Middle School, 5103 Farwell/6330 Exchange Street:** This school provides a combination football/soccer field with track-and-field event pits. Surrounding the field is an 8-lane all-weather track with associated lighting, bleachers for 1,200 persons combination press box, concession stand and rest room facility. At the Middle School are basketball courts and swings. About 15 acres of the school's 42 acres are used for playfield activities. Area is currently under construction.
30. **Yahara River Conservancy, 6623 Meredith Way:** This 1.8-acre conservancy area located north of the Yahara River provides pedestrian access to the river and a canoe launch.
31. **Lewis Park, 5012 Highland Drive:** When combined with adjacent Legion Memorial Park, this area serves the southern half of the Village as a community park. Lewis Park itself provides a volleyball court, one baseball field with backstop, play module, slides and climbing apparatus, benches, picnic tables, 7 swings and 1 tot swing on 6.4 acres. Wooden play equipment was removed in 2006 and replaced with new equipment in 2007. An ice hockey rink with newly upgraded LED lights is available in the winter months.

Located on the western portion of the park is a newly enclosed heated shelter. Constructed in 2016 with public restrooms, a kitchen, several picnic tables, and a glass overhead door which can be left open during warm days or closed during inclement weather while still providing a outside view.
32. **Legion Memorial Park, 5301/5305 Marshwoods Drive:** Like McDaniel Park, this park serves two functions. The eastern 9.2 acres consists of wetlands and woodlands with frontage on Mud Lake. The western 6.6 acres of this 15.8-acre park includes a parking lot (at the end of Highland Dr.), a lit ice-skating rink, an open playfield by Lewis Park's baseball field and refurbished observation

deck along Mud Lake. The Legion also maintains a memorial monument and flag pole in front of the new shelter. The eastern conservancy portion of the park can be accessed from Marsh Woods Drive. Legion Memorial Park, together with Lewis Park (adjacent), serves as a combined 22.2-acre community park for the southern half of McFarland.

33. **Marsh Woods Conservancy, 5301/5305 Marshwoods Drive:** This park is a specialized recreation area located on the 123.6-acre Lower Mud Lake and is predominately a wetland area of 19.2 acres, classified as conservancy use. The wetland area should be used strictly as a conservancy area and is accessible through Legion Memorial Park. The area could best be used for educational purposes. A nature trail constructed of wood chips with benches and informational signage has been completed by volunteer youth groups. Restoration efforts began in 2010.
34. **McFarland Primary School and Conrad Elvehjem Early Learning Center, 6009/6013 Johnson Street:** Serving as a neighborhood playground, this outdoor recreation area serves both schools. The village owned a portion of the property, with the school district holding a 50-year lease. The Village sold this property to the school district in 2017. The site provides playground apparatus (12 various climbing apparatus, 2 slides) 3 basketball courts, 2 lower basketball standards, an asphalt play area with striping for various games, 1 softball field (grass infield) with backstop, and a large grassy open area for activities and recreation. Eight tennis courts were built in 1998. Four courts have lights. The area covers 13.2 acres with 6 acres for recreation.
35. **Grandview Conservancy, 5602 Creamery Road:** This specialized area was acquired in 1984. The southern 25.6 acres were received by dedication and the northern 7 acres by purchase. A small part of the conservancy area south of Creamery Road could be improved for passive recreation purposes. A path and new boardwalk were installed in 2017 providing a connection to Marsh Woods Conservancy.
36. **Egner Park, 5703 Bird Song Court:** This neighborhood park (2.3 acres) serves the southeast side of the Village. Amenities include a well house, shelter house with picnic tables, a basketball half court, and a children's basketball court. In 2018 the playground equipment was completely replaced.
37. **John Urso Community Park, 6201 Elvehjem Road:** consists of 39.5 acres acquired as part of parkland dedication requirements for Park View Estates ~~and incorporates the 18.8-acre Schuetz property acquired in 2008 with state stewardship funds.~~ A Master Plan for passive recreation areas was completed in 2005 with updates in 2009 and 2018 (see Appendix C). Eight acres were set aside for an off-leash dog exercise area in 2009. Trails were added on the western portion in 2011. A portion of the new Lower Yahara River Trail runs parallel to the dog park.
38. **Orchard Hill Park:** 18.8 acres in size immediately adjacent to John Urso Park was purchased from the Shuetz family in 2008 with stewardship funds. This acreage was originally considered part of John Urso Park, has now been given its own name; however, it is still included as part of the Master Plan for John Urso Park. A parking lot was completed in 2018. A future shelter with restrooms and other amenities is also being planned.
39. **Juniper Ridge Park:** This to be officially named park consists of a mixture of detention basins and open areas for a total of 8.9 acres. The area contains a 0.6 mile meandering paved path with various fitness stations along the way, a 1.5-acre active play area with open air shelter,

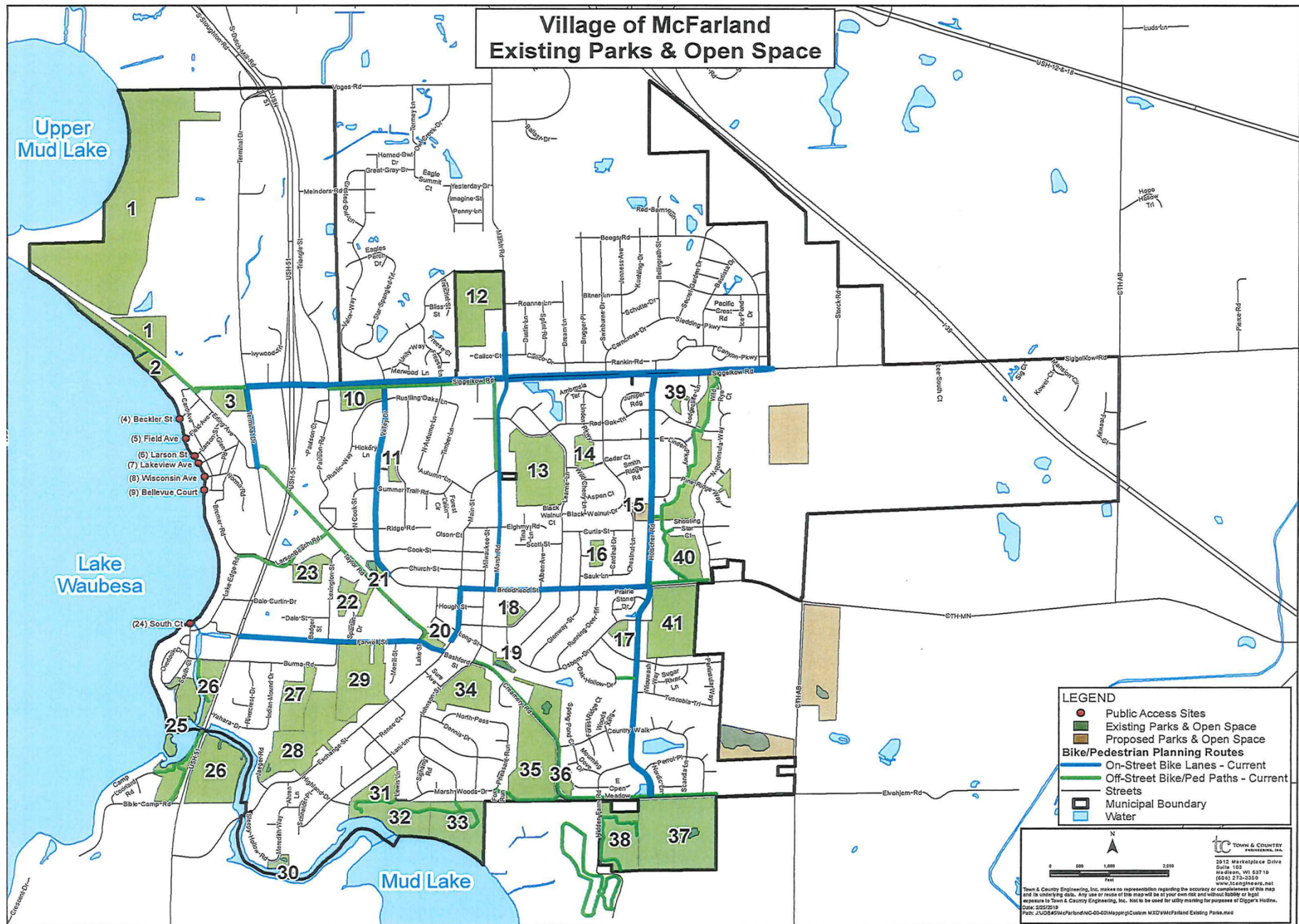
playground equipment and a council ring. Restrooms are to be constructed in 2018/2019

40. **Prairie Place Park:** This to be officially named passive park area is 3.3 acres in size with a 10ft. asphalt trail meandering thru a 6.8-acre wetland restoration area. As part of a development agreement of Prairie Place subdivision, the Village has approved the developers plan to restore wetland areas with a combination of plantings, spot spraying and seeding, removal of invasive species, scheduled mowing /burns and soil surface monitoring.

41. **McFarland School District Baseball Facility, CTH MN:** This site is approximately 23.0 acres and includes two baseball fields; one with artificial surface infield and one with skinned (all dirt) infield. Both fields have dugouts, backstops screens and fencing. The site also includes two large green space areas that support a variety of outdoor activities. Village of McFarland has approved the future development of a concession/storage/restroom facility and lighting.

The following parks are identified by official park signs:

- Arnold Larson Park
- Brandt Park
- Cedar Ridge Park
- Conrad Jaeger Trail
- Egner Park
- Highland Oaks Park
- Lewis Park
- McDaniel Park
- Orchard Hill Park
- Urso Park
- William McFarland
- Woodland Estates Park



Analysis of Existing Facilities

The most commonly used method for measuring the adequacy of a community's park and open space system is to determine if the number of people it serves, or has the capacity to serve, the geographic distribution as well as accessibility, meets the Village's desired standards. This analysis begins by assigning a minimum acreage standard to each type of park and to the system as a whole. *Table 6* below shows the total acreage of land devoted to each type of park in the Village. The table also breaks down the aggregate acreage per park type into five categories of open space. This breakdown more clearly indicates how much parkland in McFarland is devoted to both active and accessible passive recreational activity and how much is comprised of open space areas which serve specialized recreation purposes or provide environmental and/or aesthetic benefits. This plan focuses on the 132.5 acres (totlots, neighborhood and community parks) of active and accessible passive Village recreational areas identified in the first two columns of *Table 6*. The 363.2-acre balance of the Village's 495.7 aggregate acres of parkland (495.7-132.5) includes natural areas, special facilities, and other open spaces that do not relate to park provision standards.

Table 6. Recreation Areas by Ownership, Park Type, and Function						
Type of Park & Ownership	Active Recreation Area	Passive Recreation Area	Natural Area	Special Facilities Area	Water, Wetland, Floodplain	Total Park Acreage
Totlots - Village						
Discovery Garden	0.2					
Ridgeview	0.4					
Valley Greenway	1.0					
Total – Totlots	1.6	0.0	0.0	0.0	0.0	1.6
Neighborhood Parks – Village						
Juniper Ridge	1.5					
Autumn Grove	1.5					
Highland Oaks park	2.2					
Egner	2.3					
Arnold Larson Park	1.4					
Siggelkow Road	5.5					
Woodland Estates	2.4					
Cedar Ridge	3.9					
Total – Neighborhood Parks	20.7	0.0	0.0	0.0	0.0	20.7
Community Parks - Village						
William McFarland	20.3					
Brandt Park	4.9					
Lewis Park	6.4					
Legion Memorial Park	6.6					
McDaniel Park	8.7					
Woodland Commons		5.0				
Orchard Hill Park		18.8				
Urso Park		39.5				
Total – Community Parks	46.9	63.3	0.0	0.0	0.0	110.2

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Type of Park & Ownership	Active Recreation Area	Passive Recreation Area	Natural Area	Special Facilities Area	Water, Wetland, Floodplain	Total Park Acreage
Conservancy Areas - Village						
Grandview Conservancy			25.6			
Indian Mound			8.9			
Legion Memorial (E)			9.2			
Marsh Woods			19.2			
McDaniel Park (N)			7.0			
Thrun Marsh			8.2			
Taylor Road			5.9			
Yahara River			1.8			
Babcock Conservancy			16.3			
Upper Mud Lake					123.6	
Juniper Ridge Park Conservancy			8.9			
Prairie Place Park Conservancy			3.3		6.8	
Total – Conservancy Areas	0.0	0.0	114.3	0.0	130.4	244.7
School District and Dane Co.						
Primary and Elementary	6.0					
Waubesa School	18.5					
CTH. MN Ballfield	23.0					
McFarland High School				15.0		
Indian Mound Middle School	15.0					
Babcock County Park				36.4		
Upper Mud Lake Access Area		4.6				
Total School Dist. and Dane Co.	62.5	4.6	0.0	51.4	0.0	118.5
Grand Total (All Recreation Areas)	131.7	67.9	114.3	51.4	130.4	495.7

Table 7 ~~Table 6~~ includes the NRPA recommended acreage standards for each type of park per 1,000 persons and the existing active and accessible passive acreages per park category in McFarland. The information in this table indicates that the Village of McFarland is currently satisfying the recreational needs of its residents in terms of the ratio of total acreage of active and accessible passive Village recreation parkland to persons.

Specifically, Table 7 indicates that Village public park facilities currently meet the NRPA standard, of 6.25 to 10.5 acres per 1,000 persons, with 16.3 acres per 1,000 persons. In terms of the provisions of specific park types, results are mixed, the Village falls just short of the NRPA suggested range for mini-parks, with 1.6 acres, just meeting the standard for neighborhood parks and exceeding the range for community parks. The School District and Dane County provides 8.2 acres per 1,000 persons for recreation activities in special use areas and schools, for which there is no specified NRPA standards.

When active and passive recreational facilities belonging to both the School District and Dane County are blended with the Village's active and passive park facilities for totlots, neighborhood and community parks, a total of 199.6 (131.7 + 67.9) acres of park and open space land are provided for active and accessible passive use. This breaks down to 24.5 acres per 1,000 persons, much higher than the Dane

County gross acreage standard of 15 acres per 1,000 persons. However, it's important to keep in mind school and county facilities serve a larger geographic area and population, than just the Village-proper, and are not under the control of the Village park system.

Table 7. Recreation acres per 1,000 persons						
	NRPA Standards	Village Park Facilities		School and Dane Co. Active and Passive Facilities		Total
Type of Park	Acres/1,000 persons	Total Acres	Acres per 1,000 persons ¹	Total Acres	Acres per 1,000 persons ¹	Acres per 1,000 persons ¹
Mini-park	0.25 - 0.50	1.60	0.20	0.00	0.00	0.20
Neighborhood Park	1.00 - 2.00	20.70	2.50	0.00	0.00	2.50
Community Park	5.00 - 8.00	110.20	13.60	0.00	0.00	13.60
Subtotal	6.25 - 10.50	132.50	16.30	0.00	0.00	16.30
Sch. And Dane Co.	None	0.00	0.00	67.1	8.20	8.20
Total	None	132.50	16.30	67.1	8.20	24.50

Used 2016 U.S. census population estimate 8,168 to calculate acres per 1,000 persons

As the Village population increases, deficiencies will be ongoing especially with park types where we are currently falling behind with meeting the acre per 1,000 persons standards e.g., mini-parks and narrowly meeting our needs for neighborhood parks. As our community grows, we must continually reassess our park and open space needs.

Park and Open Space Needs Assessment

The future needs assessment is a critical component of the Outdoor Recreation Plan. This analysis is included in part, to assist the Village with planning and budgeting for the development of future parks. Overall, future recreational needs were determined by applying the recommended minimum acreage standards to a reasonable Village population for the year 2030. By examining how well the Village meets activity related standards as well as the location of existing facilities serving the Village's population, recommendations for future improvements can be developed.

Gross Acreage Requirements

The 2001 Outdoor Recreation Plan recommended the rate of ten (10) acres of parkland and open space per 1,000 persons be raised to more closely parallel the fifteen (15) acres per 1,000 persons used by Dane County. Since 2001, the Village has succeeded in increasing its acreage per thousand acre standard to 16.3 in 2018. By the year 2030, the Village population is projected to increase to 9335 persons. (Given current development trends this figure could be much higher once the 2020 U.S. Census is completed and new projections are calculated.) Excluding school and special facilities, the Village would require a total of 152.0 acres (9.33 x 16.3) of active and accessible passive parkland or an additional (152.0 -132.5) 19.5 acres by 2030 to maintain the current Village standard.

Activity Related Standards

Table 8. Activity Related Standards
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Activity	Standard No./Persons	Minimum Requirements ¹	Current Facilities	Future Needs (2030)
Baseball Diamonds	3,500	3	4	0
Skating Rinks ²	3,500	3	3	0
Softball Diamonds	1,000	9	4	5
Soccer Fields	1,000	9	9	0
Tennis Courts	1,500		8 (one location)	1
Basketball Courts ²	1,000	9	6	3
Swimming Pools ³	10,000	1	1	1

Combination of National & locally adopted standards

² Includes the winter rink at Lewis Park

³ McFarland High School indoor pool is open to the public.

Table 8 indicates the number of activity-related facilities which have a few deficiencies. Mixed into this analysis should be distribution factors, including the need for an outdoor water facility.

Locations of park and open space facilities in relation to Village residents are also an important indicator of how well existing facilities meet community needs. Whereas community parks serve the entire Village, other parks have a more defined service area. For example, totlots have a service area of 1/4 mile and neighborhood parks 1/2 mile. Service area recommendations do not consider barriers such as major roads e.g., Farwell Street, Broadhead Street, Holscher Road, etc. Access barriers must be considered when determining service distances for parks and planning linkages using pedestrian/bike paths.

Park Distribution and Access

When adding to McFarland's Park and Trail System consideration should be given to the following:

- Newer subdivisions on the eastern edge of the Village are generally well served by neighborhood parks. Totlots, however, are in shorter supply. With trends towards smaller residential lot sizes or concentrations of multi-family housing, land becomes a premium. As a result, park distribution is increasingly important. New subdivisions should be scrutinized for park and open space needs relating to park distribution of totlots and smaller neighborhood parks.
- Many neighborhoods lack sidewalks or pathways for safe pedestrian access to park facilities particularly along heavily traveled streets and should be improved.
- Future trail systems should take the form of bike, nature, jogging, walking or multi-purpose systems. Links to existing systems are important if we are to achieve an inter-connected system.
- While the number of tennis courts appears sufficient (see *Table 7***Error! Reference source not found.**), all eight courts are clustered in one location. Additional courts should be dispersed throughout the Village.

RECOMMENDATIONS

The following recommendations to improve recreation programs in the Village of McFarland are based on projected growth rates, deficiencies identified in preceding sections, the 2017 update to the Village of McFarland Comprehensive Plan and results of the 2018 Park & Recreation Survey. Recommendations encompass not only parkland acquisition, development projects and the provision of diversified recreational opportunities, but also relate to administration, funding, and land use.

Most of the recommendations are based on the assumption that McFarland will continue its moderate rate of growth and that park and recreational facilities planning should be geared toward serving a population with growing recreational needs. However, the timing of park acquisitions and development should coincide with the actual demand for growing recreational needs. The highest priority should be placed on expanding and improving parks and recreation areas to meet a growing desire for recreational outlets.

General Recommendations

1. Village and school officials responsible for recreation in McFarland should place a continued emphasis on the provision of areas and facilities for those of varying physical abilities and that can support “lifetime” recreational exercise activities. Falling into latter category are activities such as tennis, horseshoes, bicycling, cross-country skiing, skating, walking, running, volleyball, pickle ball, badminton, hiking, swimming and bocce ball. Currently, walking and biking have the highest participation rates as demonstrated by responses to the 2018 recreation survey.

In designing recreation areas, the Village could possibly partner with occupational and physical therapists specializing in working with seniors as well as those affiliated with the McFarland School District who are acquainted with children in the McFarland community in order to be inclusive of the recreational needs of all members of the community.

2. The Village should continue to develop a pedestrian interlinked access system with an emphasis on child-safe access to parks and playgrounds. Access improvements are especially needed where there are no sidewalks. Street improvement programs along collector streets in the developed portions of the Village should include provisions for better parking, interconnected sidewalks/bicycle trails with the goal to provide links to parks, neighborhoods and other destinations through a system of interconnected routes. Where recreation use is heavy, an off-street path linked system may be preferred. Developers of new subdivisions are required to provide sidewalks or pathways. Adequate crossing facilities need to be provided at major road obstacle points during both school and non-school hours. Emphasis will continue to be placed on increasing the use of bicycles within the Village, and interconnectivity of trails within our park system as well as connection to other communities (Madison, Dunn and Blooming Grove. With the completion of the McFarland segment of the Lower Yahara Trail, connection to the Capital Springs State Recreation Area through McDaniel Park is now possible.
3. More emphasis should be placed on accessibility and the aesthetic function of parks and management of conservancy areas. Park conservancy areas provide the largest expanse of green open space in the community, and in some newer sections of the community they are the only areas of mature vegetation. Many types of recreational activities, particularly “lifetime”

activities such as hiking, bird watching and wildlife observations, are greatly enhanced by the attractive environments that conservancy areas provide. A buffer of trees or tall shrubbery around playfields and open area enhances these types of locations and reduces land use conflicts between heavily used parks and neighboring residential areas. Trail entrances should be clearly identified.

The Village has begun to actively maintain or manage conservancy areas or to make them more accessible to citizens for passive recreational opportunities. In the past, these areas have suffered from neglect and from the invasion of undesirable species. In recent years, volunteer groups have contributed considerable time in helping eradicate invasive from park and conservancy areas. The Village has adopted and is implementing management plans (see Appendix F) for these sensitive areas.

An active and continuous tree and shrub planting program for our parks should be sustained. The planting program should emphasize native species with a mix of fast-growing and slow-growing species avoiding overdependence on one or two species, which may fall victim to blight or other diseases. Other considerations in developing a planting program are selecting trees for attractiveness, shade, time and expense involved with maintenance, and the adverse effects of trees and shrubs on surface and underground public utilities.

4. The Village developed and adopted a policy for preservation and maintenance of McFarland's Indian Mounds at 4 different locations in August of 2010 (see Appendix E). This policy addresses a phased approach to the mounds that included hazard tree removal, invasive control of weeds and brush and new seeding requirements. McFarland places a high priority on its mound maintenance, this should continue to be a high priority both in budgeting and work schedules.
5. The Village should look beyond its present corporate boundaries to the east and south for lands suited to recreational development. This is of particular importance where recent annexations to the east have taken place. Larger community parks are proposed in the Village's Comprehensive Plan and the East Side Neighborhood Plan. Adjacent parcels to existing parkland should be considered as a means to merge newly annexed lands to increase park acreages. The location for needed totlots and smaller neighborhood parks should be analyzed for our eastside growth area. Advance planning will give added assurance that lands best suited to satisfying recreational demands or protecting vital recreational resources, will be preserved for public use.
6. The Village should utilize community fund raising, volunteer labor and donated materials to the greatest extent possible. Community groups such as the Friends of McFarland Parks, Lions, garden clubs, scouts, and senior citizen clubs often make significant contributions to recreation programs through fund raising. Utilization of volunteer labor is popular and is generally most successful where a single tangible project is involved, such as tree planting, construction of a single facility, or a one-day clean-up and beautification project. Volunteer labor should not be relied on for day-to-day maintenance or routine acquisitions and improvements. The Village has established a volunteer committee to provide a framework or structure for managing the efforts of volunteer groups. Adequate funds for hiring employees should be budgeted so that the

community recreation program can succeed regardless of whether or not volunteer labor is available. There were 141 responses to the survey that supported opportunities for volunteer programs.

7. The Village should develop existing recreation facilities concurrent with park acquisition. McFarland has developed a land pool for its parks and recreation facilities, but a few of these areas have not been developed to their full capacity. Concurrent with consideration of expansion of the parks and recreation land base, the Village should assure that all existing facilities fulfill the needs of their designated service areas and consider redevelopment if warranted.
8. The Village should emphasize the development of winter recreation programs and facilities. In the upper Midwest, winter activities should be an essential part of recreation planning. Future trail development will provide many opportunities for cross-country skiing. The trail system could be tied in with nature trails developed for summer and fall use. Sledding and tobogganing hills that are safe and accessible should be developed. Grooming equipment would be needed to develop and maintain a formal cross-country trail system. Two-hundred and seventy-nine (279) respondents were also supportive of more winter sports activities.
9. Improvements to existing parks or development of new parks should include features to help make them accessible to the disabled and seniors where feasible. Features should include ramps, grab rails, traction walkways, poured in place play surfaces special seating, accessible drinking fountains, designated parking and special playground equipment. Currently, many handicapped individuals are restricted in the areas of active and passive recreation. The Village is striving to continue to improve ADA access at each of its parks.
10. The Village of McFarland should continue use of environmental corridors to preserve and connect open space and direct development to lands suitable for construction as shown on the Proposed Park and Open Space Plan Map. Environmental corridors include those lands forming continuous, linear systems of natural resource features and/or public open space and recreation lands. Examples of features within environmental corridors include parks, school playgrounds, Indian mounds and other areas of historical importance, drainage ways, wetlands and floodplains. There were 242 responses to the survey that supported environmental corridor recreations such as hiking and bird watching, while 104 also supporting fishing along McFarland's river and lake shorelines.
11. Distribution of parks and facilities throughout the Village should be considered in addition to service area and per thousand population standards when determining deficiencies. Strict adherence to formal park standards may need re-evaluation when analyzing the distribution of parks (e.g., tennis courts) within the Village. Natural and man-made barriers, e.g. lack of sidewalks and crosswalks, can hinder use by adjacent residents. Heavily traveled roads and topography can be obstacles to parks posing accessibility and safety issues.

12. The Village of McFarland should explore the creation of a Parks Department that would function as a key department for the physical planning, operations, and maintenance of our parks and conservancy areas. This potential reorganization would utilize the current parks manager and budgeted staff positions within the Public Works Department, with no additional staff requirements. The Village may also consider park recreation programming as a part of this future department.

The current operational structure utilizes the Department of Public Works to coordinate all functions relating to Village parks and conservancy areas. A potential reorganization would utilize the current parks manager and budgeted staff positions within the Public Works Department, with no additional staff requirements. The goal for this change would be to provide more time and better service selected areas in the park system that are currently underserved.

13. The Village should incorporate safety measures using appropriate technology into our park system. The Village looks to modernize its parks by retooling equipment and buildings to meet the evolving recreational needs of its citizens. Safety systems employing cameras, time locks etc. should be employed to protect our facilities.
14. A community park of approximately 20-40 acres in size with proposed a location between Siggelkow Road and County Trunk Highway MN East of the proposed extension of CTH AB is identified for acquisition in the Village's Comprehensive Plan. In addition, the Village should acquire or otherwise preserve lands adjacent to the E-Way, the wetlands and Yahara River frontage located west and south of Legion Memorial Park, natural resources areas adjacent to the Lower Mud Lake Resource Protection Area and explore a downtown family-oriented recreational amenity.
15. Park Signage. The Village should continue to develop consistent park signage policies throughout its entire park and conservancy system. The overall goal of an effective sign policy is to enable Village residents and visitors to locate and enjoy McFarland's vast park system. Signs will also provide information in emergencies and other situations. Aging park signs should be established/refurbished/replaced based on condition and the need for updated information such as the new Village logo. Any new or replacement schedule should include new or replaced wayfinding signage for park facilities.
16. Continue to promote and enhance efforts to keep our designation for Tree City U.S.A. and Bird City Wisconsin. McFarland achieved Tree City U.S.A. in 2009 and Bird City Wisconsin in 2011. Volunteers are active in promoting Bird City through multiple events throughout the season including IMBD (International Migratory Bird Day) held each spring. Residents and visitors have the opportunity to learn about habitat, bird identification along with hands on events for kids. A program established by the Arbor Day Foundation, Tree City U.S.A. provides the opportunity to educate people who care about their community, the value of tree resources, the importance of sustainable tree management and engaging the citizenry in advancing tree planting and care across the urban forest. McFarland should continue to build and promote both of these green initiatives.

Acquisition Recommendations

Acquisition recommendations are identified on the Proposed Park and Open Space Plan Map. Areas shaded in brown are identified for future park and open space as depicted in the 2017 Village of McFarland Comprehensive Plan (see Appendix E).

As the Village looks to the future, demographic changes in overall population and age distribution resulting in differing recreational needs and interests, will demand the Village continuously reassess our facilities to avoid having an outdated park system mismatched to the needs of our citizens.

Specific Development Recommendations

1. **Capital Springs State Recreation Area Upper Mud Lake Portion of E-way** – includes the eastern half of the Nine Springs E-Way from Fish Hatchery Road to Upper Mud Lake.
 - a. Continue to work with the County to extend the Lower Yahara River Trail thru the southern portion of the Village exiting our southern boundary and continuing on to Lake Kegonsa State Park.
2. **McDaniel Park, 4806 McDaniel Lane** – Continue implementation of Master Plan (see Appendix B)
 - a. Develop additional picnic areas
 - b. Increase woodland buffers with additional tree plantings
 - c. Plan and construct second shelter/storage building
 - d. Add larger outdoor grills, informational kiosks and trash cans
 - e. Maintain pier and construct second public pier
 - f. As time and money permit replace and add trees Add camera/security system
 - g. Look for opportunities to expand the park when adjacent parcels are up for sale.
 - h. Add boat racks for small boats
3. **Brandt Park, 4601 Siggelkow Road**
 - a. Continue to add trees to filter setting sun
 - i. Update ball field fencing, add 2-5 year age-appropriate playground equipment, and underground utilities
 - ii. Supply internet access
 - iii. Acquire the adjacent house on the Siggelkow Road for added parking
 - iv. Add camera/security features
4. **Beckler Street** - Path, small amount of parking, “Pedestrian Access Only” sign
5. **Field Avenue** – Stairs to lake, parking. “Pedestrian Access Only” sign
6. **Larson Street** – Better access and “Pedestrian Access Only” sign
7. **Lakeview Avenue** – Bench, limited parking, “Pedestrian Access Only” sign
8. **Wisconsin Avenue** – Limited parking, “Pedestrian Access Only” sign
9. **Bellevue Court** – Poor access, replace stairs, bench, picnic table, “Pedestrian Access Only” sign

10. **Siggelkow Road Park, 5002 Valley Drive**
 - a. Provide plan for development as a passive area
 - b. Landscape the flat section: garden areas with corner entryway emphasis
 - c. Develop hiking trails through the wooded sections with benches
 - d. Implement Indian Mound Policy for this park
 - e. Explore the idea of establishing a community garden and athletic field
 - f. Add park benches, picnic tables, and kiosk
 - g. Possible new location for tennis/pickle ball court
11. **Autumn Grove Park, 5207 Falling Leaves Lane**
 - a. Add park benches and trees
 - b. Add main park sign
12. **William McFarland Park, 4820 Marsh Road**
 - a. Maintain rain garden
 - b. Add two water fountains
 - c. Relocate skate park facility
 - d. Add benches and trash receptacles
 - e. Improve pedestrian access with sidewalk and crosswalk
 - f. Add pickle ball / tennis court
 - g. Continue working with the Soccer Association to implement a field maintenance program
 - h. Improve condition of parking lot
13. **Waubesa Intermediate School, 5605 Red Oak Trail**
 - a. Continue cooperation between Village and School District to develop or improve sports fields and play area
14. **Cedar Ridge Park, 5303 Wild Cherry Lane**
 - a. Continue to implement park master plan
 - b. Replace gazebo
 - c. Provide park benches
 - d. Add additional playground equipment
 - e. Explore the addition of restrooms and water fountain
 - f. Add ice skating rink
15. **Ridgeview Totlot, 5323 Black Walnut Drive**
 - a. Maintain
 - b. Install trees near park bench and play area
 - c. Add park sign
 - d. Explore the addition of a water fountain
16. **Woodland Estates Park, 5601 Glenway Street**
 - a. Add water fountain
 - b. Reconfigure basketball court
 - c. Add restrooms
17. **Highland Oaks Park, 5945 Osborn Drive**
 - a. Plant additional trees and landscaping

- b. Provide informational kiosk
- c. Explore the addition of restrooms and a water fountain
- d. Possible location of tennis/pickle ball court

18. McFarland Community Garden, 5710 Anthony Street

- a. Continue Village support for this effort.

19. Discovery Garden Park, 5920 Milwaukee Street

- a. Add perimeter fence
- b. Add shade trees near benches and picnic table

20. Arnold Larson Park, 6002 Exchange Street

- a. Explore the addition of restrooms
- b. Add trees and fencing on north side to screen railroad to prevent crossing of railroad tracks

21. Valley Totlot, 5100 Broadhead Street

- a. Maintain
- b. Add signage
- c. Explore the addition of a water fountain

22. Taylor Road Conservancy, Taylor Road

- a. Implement a conservancy management plan
- b. Implement the Indian Mound Policy for this park
- c. Prune pine trees
- d. Provide park sign
- e. Develop a forest management plan

23. Woodland Commons Conservancy, 5604 Lexington Street

- a. Develop a Master Plan
- b. Implement the Indian Mound Policy for this park
- c. Provide informational kiosk
- d. Provide park sign
- e. Develop Lexington St, access path
- f. Update vegetative management plan

24. Public Access Site, South Court

- a. Maintain
- b. Add signage

25. Babcock Conservancy, South Court

- a. Add park identification sign
- b. Provide informational sign
- c. Provide benches
- d. Develop a management plan

26. Babcock County Park, 4214 US Hwy 51

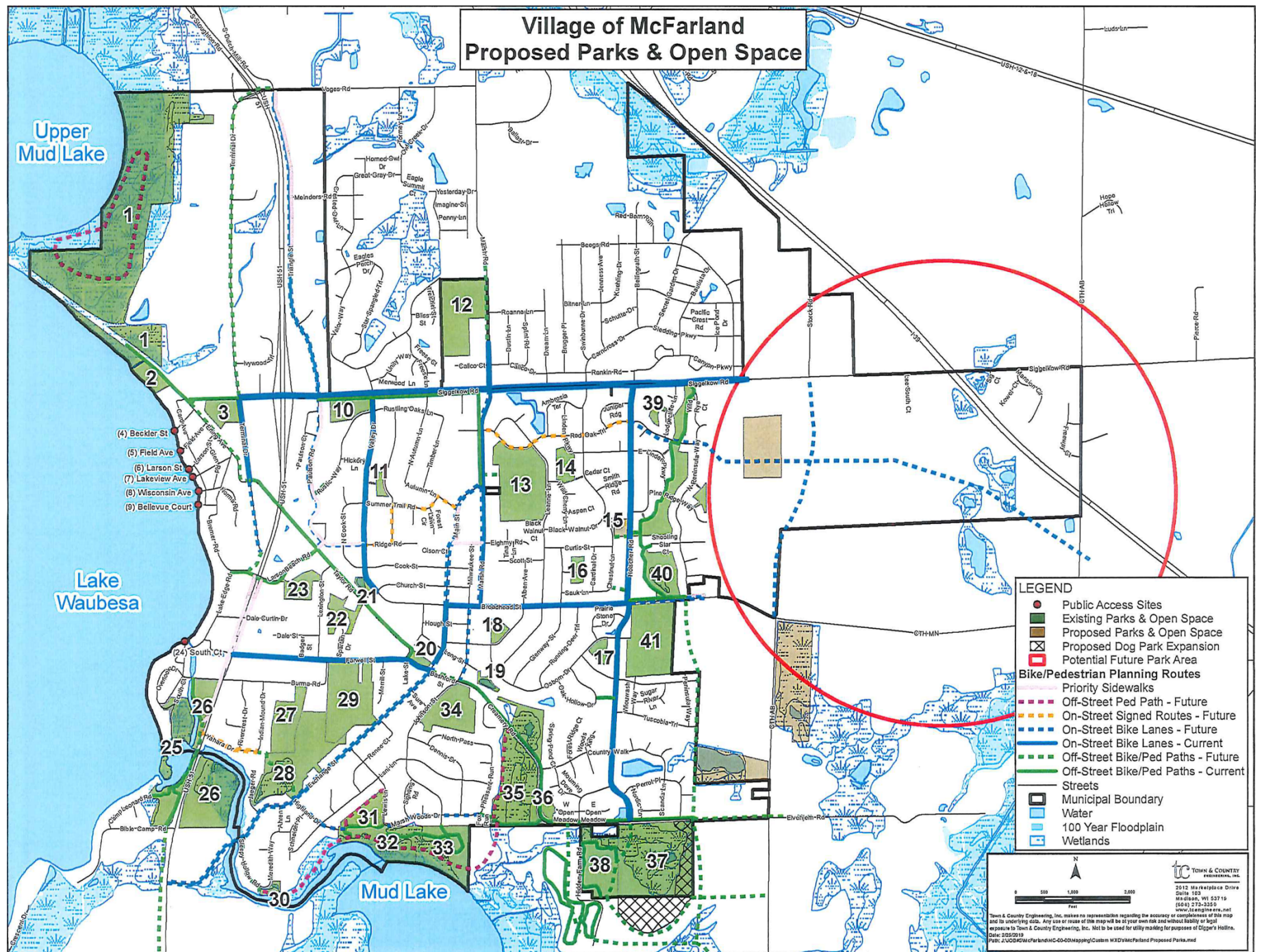
- a. Support County development of trails linking boat ramp to Camp Leonard Road through to Bible Camp Road
27. **Indian Mound Conservancy, 6400 Exchange Street**
- a. Continue to implement the Indian Mound Policy .
 - b. Continue to involve the school in any development and maintenance plan.
 - c. Update signage at trailhead
28. **Thrun Marsh and Conrad Jaeger Conservancy, 6400 Jaeger Road**
- a. Maintain trails
 - b. Add a bench and trees
 - c. Concrete pads installed in 2018
 - d. Provide maps and kiosk information about area
 - e. Add signage
29. **McFarland High School/Indian Mound Middle School, 5103 Farwell/6330 Exchange Street**
- a. Continue cooperation between School District and Village
 - b. Develop plan for eliminating invasives
 - c. Install new signage
30. **Yahara River Conservancy, 6623 Meredith Way**
- a. Add informational sign
 - b. Add a bench
 - c. Develop a management plan
 - d. Install new signage
31. **Lewis Park, 5012 Highland Drive**
- a. Provide lighting for hiking/biking path
 - b. Develop shaded areas near playground structure
 - c. Provide additional benches especially near skating rink
 - d. Add restrooms
32. **Legion Memorial Park, 5301/5305 Marshwoods Drive**
- a. Improve hiking/biking path to include boardwalk
 - b. Maintain grass walkway and construct boardwalk to Marsh Woods Drive
 - c. Implement the Conservancy Management Plan
 - d. Add signage
 - e. Continue to implement a vegetation management plan for the shoreline
33. **Marsh Woods Conservancy, 5301/5305 Marshwoods Drive**
- a. Maintain hiking trails
 - b. Implement the Conservancy Management Plan
 - c. Add trail signage
 - d. Add park main sign
 - e. Improve informational kiosk
 - f. Implement a vegetation management plan for the shoreline
 - g. Add boardwalk between Marsh Woods Park and Legion Park

34. **McFarland Primary School/Conrad Elvehjem Early Learning Center, 6009/6013 Johnson Street**
 - a. Continue cooperation between School District and Village
35. **Grandview Conservancy, 5602 Creamery Road**
 - a. Update and implement the Conservancy Management Plan
 - b. Complete trail system with signage, with a connection to Marsh Woods Park
 - c. Add park sign
36. **Egner Park, 5703 Bird Song Court**
 - a. Maintain
 - b. Add water fountain & restrooms
 - c. Replace sign
 - d. Seal basketball court
37. **John Urso Community Park, 6201 Elvehjem Road**
 - a. Ensure Master Plan addresses ADA standards
 - b. Continue expansion of the off-leash dog exercise area
 - c. Provide trail signage and improve trail surfaces
 - d. Provide informational kiosk
 - e. Continue to work with Dane County to establish connection to Lower Yahara River Trail
 - f. Explore addition of a water fountain
38. **Orchard Hill Park**
 - a. New disc Golf Course
 - b. Restrooms
 - c. Parking lot
39. **Juniper Ridge Park (Juniper Ridge Subdivision)**
 - a. Add restrooms
 - b. Establish name
40. **Prairie Place Park (Prairie Place Subdivision)**
 - a. Establish name
41. **McFarland School District Baseball Facility**
 - a. Concession/storage/restroom facility
 - b. Lighting

42. Future Eastside Park 20-40 acres

This park while only in the concept stage would encompass a very large area. Major improvements along with various utilities will needed to develop the area. The area may be a mix of useable and low land. The park may contain the following amenities.

- Agility Course
- Amphitheater
- Archery area
- Baseball/softball diamonds
- Basketball Courts
- Batting cages
- Bike Trails
- Bocce Courts
- Canoe/Kayak/Paddle Board Rack
- Climbing Tower
- Concession Stand (s)
- Council Rings
- Cross Country Running
- Cross Country Skiing
- Disc Golf
- Dog exercise area
- Exercise Areas
- Field Hockey
- Horseshoe Pits
- Ice Skating
- La Crosse Field
- Meditation areas
- Municipal Campground
- Natural Areas
- Natural Areas with Water Features
- Observation Platforms
- Off road biking areas
- Outdoor Art
- Parking Lot
- Pickle Ball Courts
- Play Structures
- Rest Rooms
- Sand Play Areas
- Shelter(s)
- Skate Park
- Snowshoeing
- Soccer Field
- Tennis Courts
- Various Seating Amenities
- Volley Ball Courts
- Walking Trails



FUNDING PARKLAND ACQUISITION AND DEVELOPMENT

Parkland Dedication or Fees-in-Lieu of Parkland Dedication

As part of its subdivision regulations, the Village of McFarland requires developers to dedicate land for public parks. The dedication standard used by the Village is one acre per fifteen dwelling units.

For development projects where the dedication of land serves no benefit to citizens of the Village, a fee-in-lieu payment may be required as an alternative. The amount of this payment is reviewed annually and is based upon development activity in and around the Village to appropriately measure the cost the Village would incur to acquire parkland for recreational purposes.

Prior to a recommendation by the Plan Commission as to whether land dedication or fees-in-lieu is appropriate, development projects are typically referred to the Village's Park and Recreation Committee for review. Recreational needs created by the proposed development are assessed. Opportunities to fulfill needs expressed in the Outdoor Recreation Plan are also taken into consideration.

Park Improvement/Impact Fee

In order to fund improvements (other than land acquisition) for future parks and recreational areas, the Village Board in April 2004 adopted an ordinance establishing a park improvement/impact fee.

Wis. State Statutes 66.0617 establishes the authority for municipalities to charge impact fees. Prior to imposing a new or revised fee, a public facilities needs assessment must be prepared. Such an assessment must include:

- An inventory of existing public facilities including identification of any existing deficiencies.
- Identification of new public facilities or improvements/expansions of existing public facilities that will be required because of land development for which impact fees may be imposed.
- A detailed estimate of the capital costs of providing new or expansion to existing public facilities.

While the fee is commonly referred to as a "Park Impact Fee", the actual assessment covers impact fees for future bike trails, expansion to the public works facility as well as for future park capital costs.

The total Park Facility Improvement Impact Fee per single-family home is \$731.47 and for multi-family units is \$443.93 per unit. Actual monies are collected at the time a building permit is issued.

Note: In 2019 the Village has budgeted monies to analyze the methodology for charging fees in lieu of parkland dedication as well as updating our park impact fees. Recent changes to state law have identified various impacts that need to be considered when determining both of these fees. The latest evaluation process for fees in lieu of parkland dedication essentially mimics the way impact fees have historically been determined. The Village has retained a consultant to assist in determining a methodology and resulting fee structure that complies with the new legislation.

**Table 9. Five-Year Parks Capital Expenditure Plan
2019-2023**

2019				
Projects	Description	Funds	Funding Type	Amount
General Improvement	Applies to various parks as needed.	Parks	Impact	\$ 50,000
McDaniel Park	Add 2nd Shelter, Internal Paths, Facility Addition	Capital, Parks	Borrowed, Impact	\$ 235,000
McFarland Park	Master Plan Study	Capital	Borrowed	\$ 25,000
Park Equipment	Applies to various parks as needed.	Parks	Impact	\$ 10,000
Park Signage	Applies to various parks as needed.	Parks	Impact	\$ 5,000
Property Acquisition	East Side Park Purchase, Duplex Adjacent to Trail	Capital, Parks	Borrow, Reserve, Grant, Impact	\$ 2,775,000
Urso/Schuetz Park	Disc Golf, Dog Park, Woodland Restoration	Capital	Borrowed	\$ 350,000
Total for 2019				\$ 3,450,000
2020				
Projects	Description	Funds	Funding Type	Amount
Community Park	Master Plan Study	Capital	Borrowed	\$ 50,000
General Improvement	Applies to various parks as needed.	Parks	Impact	\$ 50,000
Park Equipment	Applies to various parks as needed.	Parks	Impact	\$ 10,000
Park Signage	Applies to various parks as needed.	Parks	Impact	\$ 5,000
Property Acquisition	Considered annually as opportunities arise.	Capital	Borrowed	\$ -
Urso/Schuetz Park	Internal Trail Development, Restoration	Capital	Borrowed, Grant	\$ 500,000
Total for 2020				\$ 615,000
2021				
Projects	Description	Funds	Funding Type	Amount
Brandt Park	Parking Lot Addition	Capital, Parks	Borrowed, Impact	\$ 200,000
General Improvement	Applies to various parks as needed.	Parks	Impact	\$ 50,000
Park Equipment	Applies to various parks as needed.	Parks	Impact	\$ 10,000
Park Signage	Applies to various parks as needed.	Parks	Impact	\$ 5,000
Property Acquisition	Considered annually as opportunities arise.	Capital	Borrowed	\$ -
Urso/Schuetz Park	Facility Development, Restoration	Capital	Borrowed, Grant	\$ 350,000
Total for 2021				\$ 615,000
2022				
Projects	Description	Funds	Funding Type	Amount
General Improvement	Applies to various parks as needed.	Parks	Impact	\$ 50,000
Park Equipment	Applies to various parks as needed.	Parks	Impact	\$ 10,000
Park Signage	Applies to various parks as needed.	Parks	Impact	\$ 5,000
Property Acquisition	Considered annually as opportunities arise.	Capital	Borrowed	\$ -
Urso/Schuetz Park	Facility Development, Restoration	Capital	Borrowed, Grant	\$ 1,250,000
Total for 2022				\$ 1,315,000
2023				
Projects	Description	Funds	Funding Type	Amount
General Improvement	Applies to various parks as needed.	Parks	Impact	\$ 50,000
Park Equipment	Applies to various parks as needed.	Parks	Impact	\$ 10,000
Park Signage	Applies to various parks as needed.	Parks	Impact	\$ 5,000
Property Acquisition	Considered annually as opportunities arise.	Capital	Borrowed	\$ -
Total for 2023				\$ 65,000



PLAN COMMISSION SUMMARY SHEET

MEETING DATE: Monday, May 20, 2019

SECTION: Business

DEPARTMENT: Community Development

CONTACT:

AGENDA ITEM: Discussion - possible changes to the Village of McFarland sign code

PREVIOUS ACTION:

ISSUE SUMMARY:

FINANCIAL/BUDGET IMPACT:

VILLAGE PLAN REFERENCE:

ORDINANCE REFERENCE:

BOARD, COMMISSION OR COMMITTEE RECOMMENDATION:

A U.S. Supreme Court case – Reed vs. Town of Gilbert was a landmark case as it relates to signage that can be regulated. Basically, the court decided the content of signs cannot be regulated but number, size and placement can be. As a result, our attorney has reviewed a recent model ordinance drafted by the league of municipalities and has suggested changes to our current code.

You will notice all suggested changes relate to sign content. Please review and bring your questions and comments to the meeting

ATTACHMENTS:

1. Signs 5.20.19 meeting

ARTICLE XI. - SIGN AND BILLBOARD REGULATIONS

Sec. 8-484. - Purpose.

The purpose of this Article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards.

(Code 1998, § 15-1-30)

Sec. 8-485. - Definitions.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) *Advertising sign.* A sign that directs attention to a business, commodity, service or entertainment not exclusively related to a premises where such sign is located or to which it is affixed.
- (b) *Awning.* A temporary hood or cover that projects from the wall of the building, which can be retracted, folded or collapsed against the face of a supporting structure.
- (c) *Billboard.* A sign that advertises goods, products or facilities, or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- (d) *Blanketing.* The unreasonable obstruction of view of a sign caused by the placement of another sign.
- (e) *Business sign.* A sign that directs attention to a business or profession conducted, or to one principal commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.
- (f) *Combination business-advertising sign.* A sign that indicates the name of the establishment where such sign is located or to which it is affixed and which also directs attention to a product not exclusively related to the premises where such sign is located or to which it is affixed and which also directs attention to a product not exclusively related to the premises where such sign is located or to which it is affixed, but sold or offered upon such premises.
- (g) *Directly illuminated sign.* Any sign designed to give any artificial light directly through any transparent or translucent material from a source of light originating within or on such sign.
- (h) *Directory sign.* Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and houses of worship directories.
- (i) *Electronic message unit sign.* Any sign whose message may be changed by electronic process, including such messages as copy, art, graphics, time, date, temperature, weather or information concerning civic, charitable or the advertising of products or services for sale on the premises. This also includes traveling or segmented message displays.
- (j) *Face sign.* The surface of the sign upon, against or through which the message of the sign is exhibited.
- (k) *Flashing sign.* Any directly or indirectly illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times when in use.
- (l) *Ground and/or pole sign.* Any sign that is supported by structures or supports in or upon the ground and independent of support from any building. (Also referred to as a freestanding sign.)
- (m) *Identification sign.* Any sign that carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or combination of these.

- (n) *Indirectly illuminated sign.* A sign that is illuminated from a source outside of the actual sign.
- (o) *Marquee sign.* Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against weather.
- (p) *Nonconforming sign.* Any sign that does not conform to the regulations of this Article.
- (q) *Portable sign.* Any sign not permanently attached to the ground that is designed to be easily moved from one location to another.
- (r) *Projecting sign.* A sign that is attached to a wall of a building and projects more than 15 inches beyond such wall.
- (s) *Real estate sign.* Any sign that is used to offer for sale, lease or rent the property upon which the sign is placed.
- (t) *Roof sign.* Any sign erected upon or over the roof or parapet of any building.
- (u) *Sign.* An emblem, name, identification, description or illustration that is affixed to or appears directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization or business. ~~Neither official court or public notices, nor the flag, emblem or insignia of a national, political unit, school or religious group, nor during election campaigns, posters on behalf of candidates for public offices or on behalf of a particular political belief shall be considered a sign under this Chapter.~~
- (v) *Sign, gross area of.* The entire area within a single continuous perimeter enclosing the extreme limits of such sign and in no case passing through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.
- (w) *Temporary sign.* Any sign intended to be displayed for a short period of time, including real estate, political or construction site signs, and banners, decorative-type displays or anything similar to the aforementioned.
- (x) *Wall sign.* A sign that is attached to a wall of a building and projects not more than 15 inches from such a wall.
- (y) *Window sign.* Any sign located completely within an enclosed building and visible from a public way.

(Code 1998, § 15-1-31; Ord. No. 2010-04, § 1, 1-11-2010)

Sec. 8-486. - Sign permit required; exemptions.

- (a) ~~Except as otherwise provided in this Article, n~~ No sign may be constructed, erected, remodeled, relocated, or expanded until a sign permit is obtained in accordance with the McFarland Building Code. No sign permit shall be issued for any sign unless the sign is accessory to a permitted use and the sign is permitted by, and complies with the regulations of this Article; provided, however, that the following types of signs are exempt from the permit requirement ~~and from the regulations of this Section and do not count toward the number of accessory signs permitted for a property as set forth in Sections 8-494 through 8-499:~~
- (1a) ~~Flags or emblems of a government or of a political, civic, philanthropic, educational or religious organization, displayed on private property. Political campaign signs must be removed within one week after election.~~
- (2b) ~~Signs erected by or on behalf of a duly constituted governmental body on public right of ways, parks and other public property, including traffic or similar regulatory devices, legal notices and warnings at railroad crossings.~~

- (3c) Memorial signs and tablets displayed ~~on private property in cemeteries.~~
- (4d) Address numerals and other signs required to be maintained by law or governmental order, rule or regulation, provided that the content and size of the sign do not exceed the requirements of such law, order, rule or regulation.
- (5e) Small signs, not exceeding two square feet in area, ~~displayed on private property for the convenience of the public, including signs to identify restrooms, freight entrances and the like for a maximum four (4) on each property. Signs allowed under this paragraph do not count toward any limit on number or area of signs permitted under any other Section of this Article.~~
- (6f) ~~Reserved~~ Signs permitted under § 12.04, Wis. Stats.
- ~~(g) A sign not visible from any public street, highway, sidewalk, path or park.~~
- ~~(b) — Provided further that the following types of signs are exempt from the permit requirement, but must comply with all of the other regulations of this Article:~~
 - (4h) Signs permitted by Sections 8-494(a) and (b) and 8-497(h).
 - ~~(2) — Reserved.~~

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(Code 1998, § 15-1-32; Ord. No. 2010-04, §§ 2, 3, 1-11-2010)

Sec. 8-487. - Sign permit requirements.

- (a) *Application.* Application for a sign permit shall be filed with the Building Inspector upon forms provided by the Building Inspector and shall contain or have attached thereto the following information:
 - (1) The name, address, and telephone number of the sign owner, the property owner where the sign is or will be located, and the sign contractor of the proposed sign.
 - (2) Clear and legible scale drawings with description and nominal dimensions of the proposed sign, the construction, size and dimensions, kind of materials to be used in such structure. The site plan shall show the buildings on the premises upon which the structure is to be erected and maintained together with location, size, and types of existing signs on the premises where the proposed sign is to be located.
 - (3) If required by the Building Inspector, calculations showing that the structure and design meets the requirements of this Article for wind speed.
 - (4) Insurance policy or bond as required herein.
 - (5) Such other information as the Building Inspector may require to show full compliance with this and all other applicable laws of the Village.
 - (6) Signature of the applicant.
- (b) *Permit fees.*
 - (1) The applicant shall pay the permit fee established by the Village Board from time to time and provided in Appendix A to this Code.
 - (2) Permit fees may be waived for any nonconforming sign that is reconstructed in conformity with this Article within one year of the original effective date of the ordinance from which this Article is derived.
- (c) *Permit issuance or denial.* The Building Inspector shall issue a permit for the erection, structural alteration, enlargement, or relocation of a sign within the Village when the permit application is properly made, all appropriate fees have been paid, and the sign complies with the appropriate Village laws and regulations. If the sign permit is denied by the Building Inspector, the Building

Inspector shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

(d) *Permit denial appeals.*

- (1) Appeal from denial of a sign permit may be taken to the Board of Zoning Appeals. Such an appeal can be made at a regularly scheduled Board of Zoning Appeals meeting, provided a request for hearing is made in writing to the Building Inspector no less than 15 calendar days before a scheduled meeting. The Building Inspector shall comply with and enforce the Board of Zoning Appeals decision.
- (2) The Building Inspector's failure to either formally grant or deny a sign permit within five days of the date an application meeting the requirements of this Chapter is filed shall be cause for appeal to the Board of Zoning Appeals.

(Code 1998, § 15-1-33; Ord. No. 98-20, § 13, 12-14-1998)

Sec. 8-488. - Indemnification of Village.

All persons engaged in the erection, alteration, relocation or maintenance of a sign or other sign work in the Village shall agree to hold harmless and indemnify the Village, its officers, agents and employees, from any and all claims of negligence resulting from the erection, alteration, relocation or maintenance of this sign or any other sign work insofar as this Chapter has not specifically directed the placement of the sign.

(Code 1998, § 15-1-34)

Sec. 8-489. - Contractor's insurance.

Every sign contractor shall file with the Building Inspector a certificate of insurance indicating the applicant holds a public liability insurance policy, including worker's compensation, public liability and property damage specifically to include the hold harmless clause with bodily injury limits of at least \$300,000.00 per occurrence and \$300,000.00 aggregate and property damage insurance of at least \$100,000.00 per occurrence and \$100,000.00 aggregate. Such insurance shall not be cancelled or reduced without the insured first giving 30 days' notice in writing to the Village of such cancellation or reduction.

(Code 1998, § 15-1-35)

Sec. 8-490. - Abatement of violations.

- (a) Violation or failure to comply with the provisions of this Article shall be and hereby is declared to be unlawful.
- (b) Any sign erected, altered, moved or structurally modified without a permit, or altered with a permit but in violation with the provisions of this Article, shall be removed at the owner's expense or brought into compliance within 30 days of written notification by the Building Inspector. If the violation is failure to obtain a permit, a permit fee shall be required, and the permit fee shall be doubled. In the event that the owner does not remove or bring into compliance, the Building Inspector may order removal or compliance with this Code.
- (c) This Section shall not preclude the Village from maintaining any appropriate action to prevent or remove a violation of this Article.

(Code 1998, § 15-1-36)

Sec. 8-491. - Construction specifications.

- (a) All signs shall comply with the provisions of the Village Building Code, as amended, and the additional construction standards hereinafter set forth.
- (b) All ground and roof sign structures shall be self-supporting structures and permanently attached to sufficient foundations.
- (c) Electric service to ground signs shall be concealed.
- (d) All signs, except those attached flat against the wall of a building, shall be constructed to withstand wind speeds as follows, with correct engineering adjustments for the height of the sign above grade.
 - (1) For solid signs, 90 miles per hour on the largest face of the sign and structure.
 - (2) For skeleton signs, 90 miles per hour of the total face cover of the letters and other sign surfaces, or 90 miles per hour on the gross area of the sign as determined by the overall dimensions of the sign, whichever is greater.
- (e) No sign shall be suspended by chains or other devices that will allow the sign to swing due to wind action. Signs shall be anchored to prevent any lateral movement that could cause wear on supporting members or connections.
- (f) Supports and braces shall be an integral part of the sign design. Angle irons, chains, or wires used for supports or braces shall be hidden from public view to the extent technically feasible.
- (g) All signs shall be marked with a manufacturer's name in a size that is easily visible from the ground. All electric signs shall also include: for incandescent lamp signs, the number of lamp holders; and for electric discharge-lamp signs, the input amperes at full load and the input voltage.

(Code 1998, § 15-1-37)

Sec. 8-492. - Installation and maintenance.

- (a) All signs shall be installed and maintained in a workmanlike manner using equipment that is adequate and safe for the task. This Article recognizes that one of the greatest perils to public safety is improper performance of sign contractors in the use of inadequate equipment. As such, the Building Inspector may deny a sign permit if the sign contractor does not have or does not arrange for use of adequate equipment. The Building Inspector may also cite the sign contractor for a violation of this Chapter if the contractor fails to use proper equipment in the maintenance of signs.
- (b) This Article recognizes that electric signs are controlled under the special equipment provisions of the National Electrical Code (Article 600) and the Village Electrical Code. It also recognizes that electric sign contractors have developed a specialized trade of high voltage discharge electric sign installation and maintenance to properly install and service high voltage electric signs. Electric sign contractors and their employees are herein authorized to perform the following specific tasks:
 - (1) Install exterior electric signs, ballasts, or high voltage transformers to sockets or outline lighting tubes, and may connect said signs to primary branch circuit, if said circuit already exists outside of the building.
 - (2) Install interior electric signs, but may not connect said signs to the primary branch circuit.
 - (3) Maintain and replace any electric component within the sign, on its surface, or between the sign and building for exterior signs only. This Article prohibits the electric sign contractor or its employees from performing work on electric signs in contradiction to the National Electrical Code or the Village Electrical Code.

(Code 1998, § 15-1-38)

Sec. 8-493. - General construction standards.

All signs hereafter constructed, erected, remodeled, relocated or expanded shall comply with the following standards:

- (a) *Banners, pennants, streamers, strings of lights.* No banner, pennant, streamer, string of lights or any other similar sign shall be permitted, except for special promotions allowed twice a year, not to exceed 30 days for each event by permit issued by the Building Inspector.
- (b) *Illuminated signs.* Signs shall be shaded wherever necessary to avoid casting bright light upon property located in any Residential District or upon any public street or park. Any illuminated sign located on a lot adjacent to or across the street from any Residential District, which sign is visible from such Residential District, shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m., except that businesses may illuminate their signs during hours they remain open after 11:00 p.m.
- (c) *Flashing or moving signs.* No flashing signs, rotating or moving signs, animated signs, signs with moving lights, or creating the illusion of movement shall be permitted. An electronic message unit sign shall not be deemed to be a flashing sign if the message changes are limited to not more frequently than every 30 seconds.
- (d) *Projecting signs.* A projecting sign is any sign that is attached to a building and projects more than 12 inches beyond the wall surface of said building. Such signs located beneath a permanent canopy attached to a building shall not project from the building any further than the canopy. No projecting signs shall extend into the street right-of-way. The total area of a projecting sign shall not exceed 16 square feet on one side or 32 square feet on both sides.
- (e) *Accessway or window.* No sign shall block any required accessway or the outside of any window.
- (f) *Signs on vacant property.* No sign shall be located on vacant property except ~~a sign advertising the premises for sale or lease if the vacant property is actively listed for sale or lease, and~~ which meets the standards of Section 8-494(b).
- (g) *Signs on trees or utility poles.* No sign shall be attached to a tree or utility pole whether on public or private property.
- (h) *Building and Electrical Code applicable.* All signs must conform to the regulations and design standards of the Village Building Code. Wiring of all electrical signs must conform to the Electrical Code of the Village and the National Electrical Code.
- (i) *Traffic safety.* No sign shall be maintained at any location where by reason of its position, size, shape or color it may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal or device, or where it may interfere with, mislead or confuse traffic.
- (j) *Obsolete signs.* No sign shall be permitted that advertises a business that is not being presently conducted. Obsolete signs shall be removed within 30 days of termination of business advertised.
- (k) *Signs on ~~parkways~~ public right of way; ~~garage sale signs.~~* No sign shall be permitted on any public street, right of way, sidewalk, alley or parkway or other public property unless, posted by the Village, or a County, State or Federal agency, except that a sign advertising "Garage Sale," not to exceed nine square feet in area, may be placed in the parkway in front of the residence for a period not to exceed three days in length. If the residence does not front on a major thoroughfare, a second sign may be placed in the parkway of the closest thoroughfare for the day of the sale.
- (l) *Billboards.* {Billboards} are prohibited.
- (m) ~~Reserved Advertising Signs. Advertising signs are prohibited in residential districts.~~

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(Code 1998, § 15-1-39; Ord. No. 2010-04, §§ 4—10, 1-11-2010; Ord. No. 2010-12, § 1, 6-14-2010)

Sec. 8-494. - Signs accessory to residential uses.

Each sign accessory to residential uses, except as provided in Section 8-493(a), shall be set back from the street line a distance of at least one-half of the required minimum setback specified in the district regulations, except for signs permitted under Subsection (b)(3) of this Section, which shall fully comply with the minimum setback requirements for that district. No sign accessory to any residential use shall be permitted except in compliance with the following regulations:

- (a) ~~Nameplates and identification signs~~ Signs shall be permitted subject to the following regulations:
 - (1) For each single-family and two-family dwelling, ~~there shall be permitted one nameplate sign not exceeding one square foot in area is permitted, indicating the name and/or address of the occupant and, where applicable, a professional status, but not to indicate a product or business.~~
 - (2) For each multifamily dwelling or single-family and two-family Subdivision, ~~there shall be permitted one identification sign not exceeding 32 square feet in area located near the main entrance to the building or Subdivision is permitted and indicating only the name of the building or Subdivision and name of the owner, manager or developer thereof.~~
 - (3) In connection with the construction or remodeling of a building, ~~there shall be permitted no more than one nonilluminated sign not exceeding 32 square feet in area is permitted indicating the names of any or all professional offices; on corner lots two such signs, one sign facing each street, shall be permitted.~~ Any signs permitted under this Subsection shall be removed by the person erecting the same not longer than two weeks after completion of the structure indicated.
- (b) ~~"For Sale" or "For Rent"~~ The following additional signs shall be permitted on residential properties actively marketed for sale or rent, subject to the following regulations:
 - (1) For ~~sale or rental of single-family dwellings (or lots for dwelling purposes), for each lot there shall be no more than one such sign is installed permitted in such yard adjoining an existing or dedicated street. No The such sign shall not exceed nine square feet in area, and no may not such sign shall be illuminated. Each The sign must be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the property. Each The sign must be placed only upon the property offered for sale or rent and positioned in accordance with this Section.~~
 - (2) ~~Where For multifamily dwelling units, are offered for sale or rental by individual owners, there shall be no more than one such sign is installed permitted in each yard adjoining an existing or dedicated street, not to exceed 12 square feet in area and placed in accordance with this Section, and no more than one such sign per unit installed within ten feet of the front door of said unit, not to exceed three square feet in area. No such sign shall be illuminated. Each such sign must be devoted solely to the sale or rental of the unit being offered and must be removed immediately upon the sale or rental of the unit.~~
 - (3) Where more than six dwelling units (or lots for dwelling purposes) are offered for sale or rental by the same party, ~~there shall be permitted one sign is permitted facing each public street providing access to the property being offered. Each such sign shall not exceed ten square feet in area and must be devoted solely to the sale or rental of the property being offered and must be removed immediately upon the sale or rental of the last property offered at that location.~~
- (c) Reserved.

(Code 1998, § 15-1-40; Ord. No. 2010-04, § 11, 1-11-2010)

Sec. 8-495. - Signs accessory to parking areas.

No signs accessory to any parking area shall be permitted except in compliance with the following regulations:

- (a) One sign ~~may be erected to designate~~ by each entrance ~~to~~ or exit from a parking area ~~may be permitted~~; each such sign shall be no more than two square feet in area; such signs are exempt from minimum setback requirements, but shall be located at least one foot behind the lot line. ~~Such signs shall not contain nondirectory content such as advertising messages or business logos.~~
- (b) One sign ~~designating the conditions of use shall be permitted for~~ ~~may be permitted in~~ each parking area; each such sign shall be limited to a maximum area of nine square feet; such signs are exempt from minimum setback requirements, but shall be screened from adjoining property.

(Code 1998, § 15-1-41)

Sec. 8-496. - Signs accessory to houses of worship, schools or nonprofit institutions.

No signs accessory to any house of worship, school or nonprofit institution shall be permitted except in compliance with the following regulations:

(a) ~~(a)~~ In residential districts:

~~(1) There shall be not~~ No more than one freestanding sign ~~may be permitted~~ per lot, except that on a corner lot two signs, one facing each street, shall be permitted. The total area of such sign shall not exceed 40 square feet. The maximum height shall not exceed eight feet.

~~(2)(b) No more than one. An identification sign shall be permitted on the front wall sign may be permitted on~~ of the building. The total area of the sign shall not exceed one-tenth of the area of the front facade of the building.

(b) In non-residential districts, the provisions of Section 8-497 shall apply.

- (c) Temporary signs, banners and displays for houses of worship, schools, institutional or civic events are permitted, but must be located on property owned or controlled by the house of worship, school, institution, or civic organization or on public lands approved by the Building Inspector, and may be displayed only during a period commencing 30 days prior to the scheduled event and ending three days after closing date of said scheduled event.

(Code 1998, § 15-1-42; Ord. No. 2010-04, § 12, 1-11-2010)

Sec. 8-497. - Signs accessory to business, commercial or industrial uses.

No sign accessory to any business, commercial or industrial use shall be permitted, except in compliance with the following regulations:

- (a) Front wall signs shall be permitted subject to the following regulations:
 - (1) A sign shall be permitted on the front wall of any principal building. For the purpose of this Chapter, large petroleum storage tanks will be considered as a principal building. The 90 degrees of the tank circumference facing the access street shall be the front wall. The total area of such sign shall not exceed one-tenth of the area of the front face, including doors and windows, of the principal building. If a building has direct access to a road or street, the speed limit upon which is 35 miles per hour or more, the allowable maximum area of a front wall sign hereunder shall be increased by 50 percent. Twelve square feet wall signs are permitted for building faces under 120 square feet. Front wall signs shall not project above the roof of the building.

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- (2) Where a single principal building is devoted to two or more businesses, commercial or industrial uses, the operator of each such use may install a front wall sign. The maximum area of each such sign shall be determined by determining the proportionate share of the front face (including doors and windows) of the principal building occupied by each such use and applying such proportion to the total sign area permitted for the front wall of the building.
 - (3) Front wall signs that do not violate Section 8-493(d) may project not more than 12 inches beyond the minimum setback.
 - (4) Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet to ground.
 - (5) Front wall signs may be gaseous tube type or may be illuminated by interior means of lighting of an intensity to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent light from being directed on surrounding property.
 - (6) Front wall signs that meet the following characteristics may be increased by 25 percent of the allowable sign area permitted in Subsection (a)(1) of this Section except that the total area of such sign shall not exceed 100 square feet: front wall signs that consist only of individual, outlined alphabetic, numeric, and symbolic characters without background except that provided by the building surface to which they are affixed. If illuminated, such illumination shall be by internal shielded illumination, shielded silhouette lighting or shielded spot lighting but not any lighting where the light source itself is visible or exposed on the face or sides of the characters.
- (b) Side wall signs be permitted subject to the following regulations:
- (1) The total area of such sign shall not exceed one-tenth of the area of the side wall (including doors and windows) of the principal building, provided that the total area of such sign shall not exceed 100 square feet. Side wall signs shall not project above the roof of the building.
 - (2) The sign must be located on a side wall facing a side yard complying with the side yard setback of the district in which it is located, or on a side wall facing a side street.
 - (3) Side wall signs that do not violate Section 8-493(d) may project not more than 12 inches into required side yards.
 - (4) Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet to ground.
 - (5) Side wall signs may be gaseous tube type or may be illuminated by interior means of lighting of an intensity to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent light from being directed on surrounding property.
 - (6) Side wall signs that meet the following characteristics may be increased by 25 percent of the allowable sign area permitted in Subsection (b)(1) of this Section except that the total area of such sign shall not exceed 100 square feet; side wall signs that consist only of individual outlined alphabetic, numeric, and symbolic characters without background except that provided by the building surface to which they are affixed. If illuminated, such illumination shall be by internal shielded illumination, shielded silhouette lighting or shielded spot lighting, but not any lighting where the light source itself is visible or exposed on the face or sides of the characters.

- (c) A sign shall be permitted on the rear wall of any principal building subject to the following regulations:
- (1) The maximum area of such rear wall sign shall not exceed 50 percent of the maximum area permitted for a front wall sign of the same building. Rear wall signs shall not project above the roof of the building.
 - (2) Rear wall signs that do not violate Section 8-493(d) may project not more than 12 inches into the required rear yards.
 - (3) Signs constructed of metal and illuminated by any means requiring internal wiring or electrically wired accessory fixtures attached to a metal sign shall maintain a free clearance to grade of nine feet. Accessory lighting fixtures attached to a nonmetal frame sign shall maintain a clearance of nine feet to ground.
 - (4) Rear wall signs may be gaseous tube type or may be illuminated by interior means of lighting of an intensity to prevent excessive glare, or by indirect lighting designed to flood only the area of the sign with light and to prevent light from being directed on surrounding property.
- (d) Two ground signs shall be permitted for any building. The total area and maximum height of each individual permitted ground sign shall comply with criteria set forth in the following table. If only one ground sign is erected, the maximum area may be increased by 25 percent and no further ground signs shall be permitted:

Setback from R.O.W.	Maximum Area	Maximum Height
1'—9'	40 square feet	8'
9'—17'	70 square feet	16'
17'—25'	100 square feet	25'

- (e) No part of any sign shall extend above the crest of the roof of any building or structure. No sign, considered a wall sign by virtue of its attachment to the wall of a building, shall be allowed to extend above the top edge of the wall. Roof signs shall not exceed 64 square feet in area.
- (f) Letters may be painted or otherwise affixed to any permissible awning or canopy subject to the following regulations:
- (1) Lettering or letters shall not project above, below or beyond the physical dimensions of the awning or canopy.
 - (2) Lettering or letters shall not be larger from top to bottom than eight inches.
 - (3) Lettering or letters shall not denote other than the name and address of the business conducted therein and/or a product produced or sold or service rendered therein.
- (g) Nameplates indicating the name and corporate insignia of the building owner or occupant, address and/or product may be located on gates, gate posts and/or gate houses, provided that in the case of multiple occupancy, one name be utilized for identification purposes.
- (h) ~~"For Sale" or "For Rent"~~ For business, commercial or industrial properties that are actively being marketed for sale or rent, additional signs shall be permitted subject to the following regulations:

- (1) ~~For sale or rental of business, commercial or industrial real property, f~~For each lot there shall be no more than one such sign installed in each yard adjoining an existing or dedicated street. No such sign shall exceed 32 square feet in area and no such sign shall be illuminated. Each sign must be removed immediately upon the sale or rental of the property offered for sale or rent and positioned from the street line a distance of at least one-half of the setback required within the particular zoning district in which the property is located.
- (2) Where a ~~commercial or industrial~~ plat is offered for sale or rental there shall be permitted one sign facing each public street providing access to the property being offered. Each sign shall not exceed 100 square feet in area ~~and must be devoted solely to the sale or rental of the property being offered~~ and must be removed immediately upon the sale or rental of all the property within the plat ~~and shall be located in accordance with Subsection (d)(1) of this Section.~~
- (i) The total area of all on-premises signs for any individual business shall not exceed 300 square feet.

(Code 1998, § 15-1-43; Ord. No. 2010-04, § § 13—18, 1-11-2010)

Sec. 8-498. - Nonconforming signs.

Lawful nonconforming signs may be maintained subject to the following regulations:

- (a) A nonconforming sign existing at the effective date of the ordinance from which this Article is derived may be continued, except that if its use, the purpose for which it was intended, or the business to which it relates is sold, or is discontinued for a period of 30 days or more, or if the individual or business owning such nonconforming sign moves from the premises where such sign is located, it shall be deemed abandoned and any further use of said sign, either on the premises where located or on new premises, will not be allowed unless the sign conforms with this Article. It is the intent of this Article that a nonconforming sign, maintained by virtue of the rights conferred by this Section, shall not be continued after the sale or other disposition of the business to which it relates.
- (b) Normal maintenance, such as painting, repairing without removal, cleaning, maintaining electrical wiring and appurtenances on site and changing or repairing fasteners or guy wires or chains shall be permitted on any lawful nonconforming sign.
- (c) Any nonconforming sign existing at the time this Article takes effect, which is destroyed by fire or the elements, may be reconstructed only in conformity with this Article.
- (d) A lawful nonconforming sign may not be enlarged or altered, except as allowed under Subsection (b) of this Section for normal maintenance or to make such sign conform to this Article.
- (e) Any lawful nonconforming sign under this Article, which is altered or changed so as to conform with this Article, shall not thereafter be changed so as to again become nonconforming.

(Code 1998, § 15-1-44)

Sec. 8-499. - Temporary signs.

- (a) *General requirements:* All temporary signs shall comply with the requirements of this Code. Except for those signs listed in this Section, Section 8-496(c) or defined as "Exempt signs" in Section 8-486, no temporary sign shall exceed 12 square feet in area, be displayed for a period of more than 30 consecutive days, be displayed more than twice per calendar year, [or] be displayed without a sign permit. A parcel may display one such sign per street frontage.

(b) *Sandwich board signs:*

- (1) *Location.* Portable sandwich board-type signs ~~displaying messages associated with a commercial activity~~ are permitted on private property in all commercial, industrial, and mixed-use areas subject to the standards defined in this Sign Code.
- (2) *Number of signs.* There shall only be one sandwich board sign allowed per premise per street frontage.
- (3) *Size and design regulations.* A sandwich board sign shall not exceed 12 square feet in area, measuring no more than three feet at the base and no more than four feet in height (measured vertically).
- (4) *Duration of display.* A sandwich board sign may be displayed only during business hours, but not for a period exceeding 18 consecutive hours.
- (5) *Placement of sign.* A sandwich board sign may be placed only in front of the ~~business property~~ in a way that does not obstruct normal pedestrian movement, and must be placed on private property.
- (6) *[Anchoring.]* All sandwich board signs shall be anchored or weighted to withstand the wind speeds per Section 8-491(d)(1).

(Ord. No. 2010-04, § 19, 1-11-2010)

Editor's note— Ord. No. 2010-04, § 19, adopted Jan. 11, 2010, repealed the former § 8-499 and enacted a new § 8-499 as set out herein. The former § 8-499 pertained to licensing of erectors of temporary greeting signs, and derived from Code 1998.

Secs. 8-500—8-521. - Reserved.

McFarland VILLAGE OF

Memorandum

TO: Plan Commission Members

FROM: John Griffith, Code Enforcement Officer

DATE: April 11, 2019

RE: March Property Maintenance Report

<u>ADDRESS-OWNER OR TENANT OCCUPIED (JANUARY AND PRIOR LETTERS/CONTACT)</u>	<u>VIOLATION:</u>	<u>STATUS</u>
4709 Taylor Road (Howe)	Van stored on lawn	2nd notice sent in November – now on gravel
5706 Wisconsin (Frisch)	Accumulated junk, debris & unlicensed inoperable vehicles stored on property. Weeds & grass height	Still in compliance 4-11-19
4761 McFarland Ct. (Neitzel)	Outside storage by tenant not permitted by conditional use permit.	Spoke to tenant in November Items relocated –issue and area cleaned up
5909 Smith Ridge (Gevens)	Snow removal	Resolved
5915 Exchange St. (Byrne)	Tuck pointing	Letter sent to owner
5905 Main St. (Schnieder)	2 nd notice about repairs	Working with fire dept. 4/11/19 Letter from fire dept. was received by owner
5103 Marsh Rd (Horswill)	Snow removal	cleared
Condo Project on Marsh (Midland)	Snow removal	cleared
5912 E. Open Meadow (Williams)		moved 1-20-19 letter

6009 Exchange St (Bock)	Couch on lawn	removed
5506 Valley Drive (Vogel)	Too many vehicles on property	Number reduced
4814 Dale St (dale St. apts.)	Work being done w/out permit	expired permit renewed
5320 Autumn Ln. (Powers)	Car on jack stands	none sighted
Juniper Ridge (Veridian)	Sidewalk not cleared at community mailboxes	Snow removed
4908 Burma Rd. (Leeder) Rental	Unlicensed inoperable vehicle and furniture & debris on property	Item removed
5502 Alben St (Hansen)	Vehicle on lawn	Vehicle relocated
5703 Milwaukee Street (Schwoerer)	Vehicle with expired auto plates on property -Letter sent	Plates renewed/updated
Prairie Walk (Urso)	Uncleared sidewalk	Cleared by Urso
5619 Alben St (Hund)	Snow removal	Issue resolved by owner
5909 Smith Ridge Rd. (Jordan)	Snow Removal	issue resolved
5506 Valley Drive (Vogel)	Too many vehicles on property	Extra vehicle reappeared not there 3-7-19
4908 Burma Rd. (Leeder)	Snow removal	issue resolved

<u>LETTERS /CONTACT IN MARCH :</u>	<u>VIOLATION:</u>
5003 Paulson Road (Kanvik)	Boat parked on front lawn
5116 Erling (Richel)	Garage in disrepair, was to have been torn down
5804 Juniper Ridge (Dash)	Trash & fallen brush in front yard

5320 Autumn lane (Powers)	Non-running/broken down vehicle
4814 Dale Street (Dale Street Apt, LLC)	Water in basement of building, mold and moldy items in basement, hole in ceiling of building
5405 N. Cook St (Bloyer)	RV parked in yard on property
6407 Fox Run (Phillips)	Letter about firewood sent 4/2/19, neighbors offering to help clean up property
5906 Oak Hollow Drive (Garcia)	Carpet and pad at curb
5997 Oak Hollow Drive (Boyle)	Reports of work being done without a permit
4830 Larson Beach Road (Neitzel)	Tenants unable to access garbage dumpsters for over 4 weeks, property owner has not plowed them out. Dumpster company unable to access to empty dumpsters

McFarland VILLAGE OF

Memorandum

TO: Plan Commission Members

FROM: John Griffith, Code Enforcement Officer

DATE: May 9, 2019

RE: April Property Maintenance Report

<u>ADDRESS-OWNER OR TENANT OCCUPIED (FEBRUARY AND PRIOR LETTERS/CONTACT)</u>	<u>VIOLATION:</u>	<u>STATUS</u>
5706 Wisconsin (Frisch)	Accumulated junk, debris & unlicensed inoperable vehicles stored on property. Weeds & grass height	Still in compliance 5-9-19
4761 McFarland Ct. (Neitzel)	Outside storage by tenant not permitted by conditional use permit.	Spoke to tenant in November Items relocated –issue and area cleaned up
4830 Larson Beach Road (Neitzel)	Tenants unable to access garbage dumpsters for over 4 weeks, property owner has not plowed access to them. Dumpster company unable to access to empty dumpsters	Owner given warning to resolve, dumpsters plowed out and 4 weeks of garbage removed.
5902 Spartan Drive – apartment building	Remodeling being done without a permit	Building inspector served a stop work order until properly permitted
5915 Exchange St. (Byrne)	Tuck pointing	Letter sent to owner- No response from owner

5905 Main St. (Schneider)	2 nd notice about repairs	Working with fire dept. 4/11/19 Letter from fire dept. was received by owner
5003 Paulson Road (Kanvik)	Boat parked on front lawn	
5116 Erling (Richel)	Garage in disrepair, was to have been torn down	Repairs completed 4-30-19
5804 Juniper Ridge (Dash)	Trash & fallen brush in front yard	
5320 Autumn lane (Powers)	Non-running/broken down vehicle	Repaired 3-30-19
5506 Valley Drive (Vogel)	Too many vehicles on property	Number reduced
4814 Dale St (dale St. apts.)	Work being done w/out permit	expired permit renewed
5320 Autumn Ln. (Powers)	Car on jack stands	none sighted
Juniper Ridge (Veridian)	Sidewalk not cleared at community mailboxes	Snow removed
4908 Burma Rd. (Leeder) Rental	Unlicensed inoperable vehicle and furniture & debris on property	Item removed
5906 Oak Hollow Drive (Garcia)	Carpet and pad at curb	Letter posted on door
5997 Oak Hollow Drive (Boyle)	Reports of work being done without a permit	Permit pulled
4814 Dale Street (Dale Street Apt, LLC)	Water in basement of building, mold and moldy items in basement, hole in ceiling of building	Permit pulled for work
5405 N. Cook St (Bloyer)	RV parked in yard on property	Owner is pouring area to park the RV
6407 Fox Run (Phillips)	Letter about firewood sent 4/2/19, neighbors offering to	Firewood placed in accordance with code

	help clean up property	
5506 Valley Drive (Vogel)	Too many vehicles on property	Extra vehicle reappeared not there 3-7-19

<u>LETTERS /CONTACT IN APRIL :</u>	<u>VIOLATION:</u>
5115 Ridge Road (Bell)	Stacks of firewood stored in front yard of property
5861 Holscher Road (Blum)	Multiple non licensed vehicles on property
6119 Johnson Street (Deyoe)	Property not being maintained free of debris or garbage, unlicensed vehicle(s) on property, RV being used for storage, pool used for storage of debris
5999 Oak Hollow Road	Work being done without permit

Community Development Highlights

April 2019

- During the month of April, 54 permits were issued. Six permits were issued for new single-family homes. Total revenues for the month were just over \$111,500.00. To date 154 permits have been issued with \$277,490.76 collected in revenue.
- Met with a property owner with property on the outskirts of the Village regarding development as well as annexation of their property.
- Met with Melissa Hunt of WEBC regarding one of their economic development grant programs.
- Met with representatives of Horizon Development to discuss possible locations for a project. Looked at some possibilities that might work in the not too distant future.
- Working with other Village staff on a development agreement for Ryan Quams' Terminal Drive project.
- Final touches are being made to our update to the Outdoor Recreation and Open Space Plan. Final approval should occur by late June.
- Working with a realtor and company looking to purchase the remaining portion of the former 84 Lumber site.
- McFarland Liquor project was conditionally approved at the April Plan Commission meeting.
- Met with Carla Gogin of Barker Tilly regarding the analysis study for our park impact & fee's in lieu of parkland dedication.
- Attended the monthly Chamber of Commerce meeting.
- Working with developer on final plans for a three unit on Lot 20 Lexington Street.
- Posting of the job vacancy for the Community Development Director, position has taken place.
- Attended the following monthly meetings.
 - Plan Commission

- Community Development Authority
- Parks & Natural Resources Committee

Submitted by:

Pauline Boness

Community Development Director