

## Town of Eldorado Plan Commission (EPC) Meeting Minutes

April 12, 2022

**Plan Commission Member Attendees (5) and terms:**

x	Jeremy Brenner, Chairperson (5/1/2019 - <b>4/30/2022</b> )	x	Jenna Borski, Secretary (5/1/2021 - <b>4/30/2024</b> )	x	Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (5/1/2021 - <b>4/30/2023</b> )
x	Lee Wenker, Vice Chairperson (5/1/2019 – <b>4/30/2022</b> )	x	Jeff White, Member (5/1/2021 – <b>4/30/2024</b> )		

**Staff or Town Board Member Attendees:**

x	Cheryl Pionke, Town Clerk (Appointed position)	x	Gary Miller, Town Chairman (5/1/2021 - <b>4/30/2023</b> )		Attorney Matt Parmentier
	Mike Pionke, Highway Patrolman	x	Dave Jahns, Town Supervisor #1 (5/1/2021 - <b>4/30/2023</b> ) Permit Officer		

*Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public input or as deemed necessary by EPC.*

**Call to Order and Agenda Review:** Meeting called to order by Brenner at 7:12 p.m. following public hearing.

**Review & Approve Minutes:** EPC reviewed the public hearing & EPC meeting minutes from March 8, 2022. Five copies circulated to public per May 2021 decision. Motion made by Brenner/Wenker to approve minutes. Motion carried 5-0.

**Review of Alliant’s Anderson Creek Substation Preliminary Landscape Plan (received 2/21/22):**

Two neighbors attended to discuss the preliminary landscape plan:

- Jenny (& Darrell) Reinhold, N7837 Townline Rd
- Katie Hari, N7845 Townline Rd

They both shared that they were not contacted by Alliant or provided with the details of the preliminary landscape plan by Alliant as required in the Conditional Use Permit (CUP) #ELD-21-001, and only knew about the plan because of the 8.5x11" hard copy of the plan mailed to them by the Town with a brief letter in advance of this April meeting. Both expressed significant concerns about the height of the proposed trees that range between 4-6 ft. with three types being proposed as 1.5" cal. (unsure what this equates to in height). This is not as they recall being discussed at the hearing where "up to 18 feet tall" was mentioned by the representatives of Alliant. The neighbors also expressed concern about transmission towers that are supposedly planned to run along Townline Rd, which is also not as discussed during the hearing. There are also questions regarding water runoff after the grade is elevated and health implications for children living near the substation.

EPC provided a summary of the public hearing held in 2020 and that the CUP has been issued. However, Alliant is to provide a preliminary landscape plan to the three listed property owners (“Affected Owners” identified in the CUP as property owners of N7837, N7845 and N7913 Townline Rd) and consider their comments. EPC discussed the input from the neighbors and do not believe the requirement to provide the “Affected Owners” with the preliminary landscape plan has been met (CUP Special Condition #5a). Borski will send an email to Alliant reminding them of the requirements and summarizing the concerns raised. Borski will also send a copy of the full CUP to the Affected Owners.

**2021 Zoning Report to Department of Agriculture Trade & Consumer Protection (DATCP):** Borski shared a copy of the report with the public and EPC members and explained that the Town is required to submit the number of acres zoned out of A-1 to DATCP annually as part of the Farmland Preservation Program. Brief discussion followed about the purpose and benefits of the Farmland Preservation Program and allowed uses on land zoned A-1.

**Status Update – Chris and Sharon Schumacher Certified Survey Map (CSM) for W7431 Cemetery Rd:** The Town Board approved the CSM to reconfigure three lots to two lots at the March 28, 2022 Town Board meeting.

**Status Update – TJRVJM Real Estate LLC Conditional Use Permit (CUP) for Agri-Tourism Businesses at W8232 Lone Elm Rd (Highland Farm):** The Plan Commission approved the CUP at the April 4, 2022 Special Meeting for a term of three years. The permit includes approval of the agri-tourism businesses including greenhouse/garden dinners, greenhouse/garden planting sessions, barn wedding venue, barn business meeting venue, ag learning experiences, live music venue, commercial bakery and/or coffee shop with specific conditions for each business and general conditions. EPC is working with the Town Attorney to draft the CUP.

**Tracking # CP-2022-02-28-Zickert**

**Concept Plan – Application for rezone – Cory & Brittney Zickert**

**Location/Description of Property:** N7840 Townhall Rd / T07-16-16-29-10-014-00

**Parent parcel acres:** 6.642 +/-

**Current zoning:** Residential

**Proposed parcel acres:** same

**Area of dedication acres:** N/A

**Proposal:** rezone back to A -1 for construction of additional accessory buildings

**Base Farm Tract (BFT) Acres:** N/A – Residential at time of BFT

**Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05):** N/A

**Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05):** N/A

Continued discussion from March 8, 2022 on application # CP-2022-02-28-Zickert. Prior to the March 8, 2022 meeting, Terry Dietzel, Fond du Lac Co Planner confirmed the property was zoned Residential as far back as 2007. This means that the property was not rezoned as part of the Town-initiated rezone of a group of properties as part of the initial Comprehensive Planning process around 2009-2010. EPC agreed to research the zoning history of the property following the March 8, 2022 meeting to determine how to legally proceed (options verbally provided by Matt Parmentier, Town Attorney).

Since the March 8<sup>th</sup> meeting, EPC found the 1997 Zoning Map which lists the property (and adjacent properties between Cty Rd C & Town Hall Rd) as zoned Residential (R). Parcel boundaries today appear the same as shown in the 1997 map. In 1997, zoning options for residences were either A-1 if larger than 35 acres, or Residential if less than 35 acres, commonly known as the “35-acre rule” and a rezone from A-1 to R would have likely occurred when the property was split below 35 acres.

Cory Zickert maintains that the zoning of his parcel from A-1 to R was an error by the Town and will continue to research the history. However, Zickert is willing to move forward with the current process laid out by the Town Attorney. Zickert intends to first request an amendment to the Future Land Use Map (FLUM) of the Comprehensive Plan Update 2040 to identify his property as future Agricultural as opposed to future Transitional Residential District (TRD). Zickert may include additional properties in the application for an amendment to the FLUM. If successful in the amendment, Zickert then intends to request to rezone his parcel from R to A-1.

Borski agreed to email Zickert with process instructions for requesting an amendment to the FLUM and for a rezone, along with timing and fees for each.

**Review of General Inquiries Since March 8, 2022:**

- Brenner – Inquiries regarding the Alliant substation discussed tonight.

- Rickert – Inquiry from an ag-related business owner looking to purchase land to move his business into the Town. A concept plan will likely be submitted for discussion next meeting.

**Public Input:** One comment of appreciation for the EPC.

**Next Meeting Date & Tentative Agenda:** May 10, 2022 tentative meeting moved to **May 3, 2022**. Agenda will include another update on the Alliant substation. A new Plan Commission member may be appointed at the Town Board meeting on April 25, 2022. Thanks to Lee Wenker for six years of service on the Plan Commission! His term expires April 30<sup>th</sup>.

*Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.*

**Adjourn:** Motion made by Wenker/Brenner to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:23 p.m.

Respectfully submitted,

Jenna Borski  
Member/Secretary  
Town of Eldorado Plan Commission