

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

October 4, 2022

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

x	Jeremy Brenner, Chairperson (5/1/2022 - <b>4/30/2025</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	Dennis Yoder, Member (5/1/2022 – <b>4/30/2025</b> )	x	Jeff White, Vice Chairperson (5/1/2021 – <b>4/30/2024</b> )		

**Staff or Town Board Member Attendees:**

	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 comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.*

**Call to Order, Pledge of Allegiance and Agenda Review:** Meeting called to order by Brenner at 7:00 p.m. followed by pledge of allegiance.

**Public Comments** *(Please note this is the Plan Commission’s monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this “Public Comments” agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* None

**Review & Approve Minutes:** EPC reviewed the public hearings & EPC meeting minutes from September 13, 2022. Five copies circulated to public per May 2021 decision. Motion made by Rickert/White to approve minutes. Motion carried 5-0.

**Review Anderson Creek Substation final landscape plan for Wisconsin Power and Light Company Conditional Use Permit (CUP) #ELD-20-001 for decision on acceptance or scheduling a public hearing for continued discussion:**

Attending on behalf of permittee: Michael Ott, Manager of Anderson Creek Substation construction out of Fond du Lac ([michaelott@alliantenergy.com](mailto:michaelott@alliantenergy.com)). Ott explained that Greg Ardrey is typically in charge of the landscape plan but was unable to attend as was Jerry Lund (replaced Tom Erstad).

EPC reviewed the history of the CUP, initial landscape plan, previous neighbor comments at the April 12, 2022 EPC meeting, lack of involvement of the neighbors specifically listed in the CUP on the initial landscape plan, current landscape plan and signed statements from two of the three neighbors agreeing to the current proposed landscape plan. According to Ott, Design Studio worked with the neighbors going back and forth a few times on the design. Ott reiterated information provided to EPC via email from Lund that Design Studio and Alliant have been unable to contact the third neighbor after phone and email attempts. The third neighbor communicated that she was away taking care of her sister.

EPC discussed the attempts to contact the third neighbor and opportunities offered to provide input. The current proposed landscape plan includes plantings on the neighboring properties. Ott clarified that no dirt will be moved on the neighbors’ properties, and they intend to begin landscaping the neighbors’ properties this year following approval of the landscape plan. The substation construction will also begin upon approval this fall with below grade and base work. Above grade work will commence in Feb-Apr 2023 followed by the landscaping on the substation property.

EPC noted the CUP expires two years from date of the permit (per Alliant's agreement at the public hearing), which is March 22, 2023. This would put the permittee in default. EPC will discuss options with the Town Attorney. Dave Jahns, Town Permit Officer, and Mike Pionke, Highway Patrolman, have yet to do the joint inspection of the road with the Town of Friendship and Alliant. EPC questioned when the substation will be connected to the grid. Ott stated American Transmission Company (ATC) needs to tie the line in so it may not be energized until Oct/Nov 2023.

Motion by Brenner/Yoder to approve the proposed landscape plan as presented. Motion carried 5-0.

**Tracking # CP-2022-09-13-Rickert Bros LLC**

**Concept Plan – Application for Minor Land Division of A-1 Land with Rezone to A-2 – Applicant:** Rickert Bros LLC (Greg and Jim Rickert)

**Location/Description of Property:** Vacant land / T07-16-16-04-13-002-00 & T07-16-16-04-16-001-00 (Jahns Rd north of Lincoln Rd)

**Parent parcel acres:** 37.61 & 7.26+/-

**Current zoning:** A-1

**Proposed parcel acres:** 15-19 +/-

**Area of dedication acres:** unknown for Jahns Rd

**Proposal:** Split and combine parcels for sale to Josh Pipping to build storage and shop for his ag concrete business in 2-5 years

**Base Farm Tract (BFT) Acres:** 545.7+/-

**Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05):** 519.714+/-

**Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05):** 25.986+/-

Neither the applicants nor the prospective purchaser attended. A. Rickert began to provide background info on behalf of Rickert Bros LLC. Brenner asked A. Rickert to step away from the decision-making part of the application due to the potential for perception of a conflict of interest with his relationship to the applicants and practice of speaking on their behalf. A. Rickert explained the property owners have been in discussion with Josh Pipping who would like to buy 15-20 acres on Jahns Rd for the visibility from I-41 (similar to Skid Loaders Plus south of the Town on I-41) and is the most desirable location to Pipping. Rickert Bros LLC is looking at selling the existing 7-acre lot and a portion of the adjacent existing 37-acre lot to merge as a single parcel. They would retain at least the driveway on the south end of the 37-acre lot that provides access to their existing open pit further west. EPC discussed that approval cannot be granted for creation of a flag lot and to plan to split the 37-acre lot to prevent this issue. A. Rickert explained the ag concrete business exclusively constructs digesters for feed storage and Pipping is looking to move his business out of the Fox Valley and closer to home in the Town of Eldorado. This is a separate business from Pipping Construction.

EPC briefly discussed whether a Conditional Use Permit would be needed for this business or if it falls under a permitted use but could not discuss further without additional details on the proposed business. Concerns were raised by EPC regarding the lack of details presented, cost for bringing electricity to the location, timing of the prospective build with respect to the rezone without a CUP or Site Plan for review and approval, etc. All options including an amendment to the Future Land Use Map for future Commercial zoning need to be discussed with Pipping along with gaining a better understanding of the proposed land use.

EPC decided to table further discussion on the concept plan application until a more detailed plan can be presented and representatives from the property owner and business can attend for discussion. A. Rickert will take this information back to the interested parties. A. Rickert questioned if the property owners could move forward with a Certified Survey Map (CSM) and land sale without the rezone. EPC replied that as A-1 land, there is no restriction on moving forward with a CSM but strongly advises the CSM be created to allow for what Pipping intends to do with the new parcel.

A. Rickert requested further clarification on his involvement with applications regarding property owned by the farm. Brenner explained that this is a gray area and the Town needs to stay on the side of caution. All EPC members need to be aware of the potential for perceived conflicts of interest and remove themselves as appropriate. Due to the existing relationship with the farm owners and speaking on their behalf, Brenner requested A. Rickert remove himself from decisions on applications submitted by the farm.

**Status Update of Applications/Permits in Progress of Completion:**

- a. Newcastle Property Investments, LLC, CUP, N8030 Sales Rd (CUP #ELD-22-002) – Attorney fees paid. Finalized & signed September 26, 2022. CUP requires a certificate of liability insurance with the Town named as insured.
- b. Rickert Bros LLC, CSM and CUP for non-farm residence (Weed), vacant land at parcel #T07-16-16-09-07-005-00 (CUP #ELD-22-003) – CSM approved at Town Board meeting on September 26, 2022. Attorney fees paid. CUP finalized & signed September 26, 2022. A new parcel number will be assigned with recording of the CSM.
- c. Existing Conditional Use Permits:
  1. Vis, N9177 Town Hall Rd (CUP #ELD-16-001) – The renewal document is drafted but has not yet been signed by the Town Clerk. The update documents for the Register of Deeds have not yet been prepared.
  2. Isaac, W9509 Rose-Eld Rd (CUP #ELD-14-001) – The renewal document is drafted but has not yet been signed by the Town Clerk. The update documents for the Register of Deeds have not yet been prepared. The next review is scheduled to take place in March 2023.
  3. TJRVJM Real Estate LLC (a.k.a. Highland Farms) (CUP #ELD-22-001) – The Eldorado Fire Chief inspected the location for the future Greenhouse dinners per the CUP and consulted with the State Building Inspector. They found the building out of compliance with State regulations as a public venue. As a result, the dinner event scheduled for the Greenhouse venue has been cancelled. The CUP issued by the Town that permits the use under Town Zoning Regulations jurisdiction does not exempt the applicant from other local, State or Federal requirements under their jurisdictions.

**Review of General Inquiries Since September 13, 2022:**

Brenner reported that Terry Dietzel, Fond du Lac County Planner, attended the Town Board meeting in September looking for feedback about the potential to rezone existing A-1 land in the southeast portion of the Town to Commercial for sale. The County purchased the land long ago as a potential site for a future landfill but is no longer needed. The County has always rented the land out for farming. The Town Board members explained the process necessary for rezone that includes amending the Future Land Use Map in the Comprehensive Plan Update 2040. Additional comments were also provided to the County during the public comment period of the Town Board meeting. The County will discuss and advise the Town how they intend to proceed.

**Public Comments** (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this "Public Comments" agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): Public comments made by Charlie Becker

**Next Meeting Date & Tentative Agenda:** November 1, 2022

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

**Adjourn:** Motion made by White/Yoder to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:27 p.m.

Respectfully submitted,

Jenna Borski  
Member/Secretary  
Town of Eldorado Plan Commission