

Town of Eldorado Plan Commission (EPC) Meeting Minutes

December 13, 2022

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025)	x	Jenna Borski, Secretary (5/1/2021 - 4/30/2024)	x	Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (5/1/2021 - 4/30/2023)
x	Dennis Yoder, Member (5/1/2022 – 4/30/2025)	x	Jeff White, Vice Chairperson (5/1/2021 – 4/30/2024)		

Staff or Town Board Member Attendees:

	Cheryl Pionke, Town Clerk (Appointed position)	x	Gary Miller, Town Chairman (5/1/2021 - 4/30/2023)		Attorney Matt Parmentier
	Mike Pionke, Highway Patrolman		Dave Jahns, Town Supervisor #1 (5/1/2021 - 4/30/2023) 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 hearing & EPC meeting minutes from November 1, 2022. Five copies circulated to public per May 2021 decision. Motion made by Brenner/White to approve minutes. Motion carried 4-0 (Rickert abstained due to absence 11/1/22).

Tracking # CP-2022-12-05-Rickert Bros LLC

Concept Plan – Application for Minor Land Division of A-1 Land without Rezone – Applicant: Rickert Bros LLC selling to Joshua and Jilien Pipping (signed by Josh Pipping)

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: 17-18 +/-

Area of dedication acres: unknown for Jahns Rd

Proposal: Split and combine parcels for sale to Josh Pipping to build a shop for JP Tank, Inc. and Wisconsin Farm Drainage, Inc. and future shop facility with office and maybe someday employee housing. JP Tank, Inc. and Wisconsin Farm Drainage, Inc. are both exclusively agricultural serving companies. The reason for choosing this location is vision from I-41 and it is close to Josh Pipping’s residence in Eldorado.

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 property owner was present. Josh Pipping presented the application. Pipping started the JP Tank business in 2019 south of Rosendale on CR T with cold storage. He also has a small, heated building in Fond du Lac but these are inadequate for the business now. Pipping resides north of the hamlet of Eldorado and is looking to consolidate his business on a visible highway close to home. Pipping spoke with Greg Rickert of Rickert Bros, LLC for land options on either Hwy 26 or I-41. They settled on the proposed location that was acceptable to both parties. Pipping only has the concept of a big agricultural business building but no specifics. Before proceeding Pipping needs to understand if this will be an "agricultural" building or a "commercial" building and what is allowed within the agricultural district. Pipping intends to construct the workshop and rebar fabrication portion first followed by the cold storage shed as funds allow and eventually an office. The JP Tank business is 100% an ag-serving business of ag waste storage concrete but also includes feed pads and anaerobic digesters. No waste is actually transported as they build on their clients' farms.

Wisconsin Farm Drainage is another business for farm field drain tile with 3-4 employees that may eventually move to this location with potential for employee housing. During the "off season", Pipping's employees perform snowplowing services to stay employed.

Pipping understands he needs to bring power to the location. A family member of his works with an electric company who estimated it would cost approximately \$2,000 to bring power to the site. Pipping plans to present a clean business front with visibility of the business name on the building or a sign for advertising purposes. He does not intend to construct a billboard. EPC informed Pipping of the Sign Ordinance available on the Town's website and that there are specific rules about signage along I-41 beyond the Town's authority of which he will need to research and comply. EPC recommended Pipping consider reaching out to Eric Borseth of Newcastle Property Investments, LLC that has been researching rules for signage along I-41 recently for his business and property on Sales Rd.

Borski explained the difference between *zoning* and *land use* and what EPC recently learned regarding state building codes. Based on information presented, the business meets the definition of an "Agricultural-related Use" in the Zoning Regulations (ch. 17.09(5)(a)) which is a *permitted use* in the A-1, Farmland Preservation District (ch. 17.33(2)(c)). The use is agricultural-related. The property is zoned A-1. However, the business does not meet the definition of a "Farm" (ch. 17.05(42)). Rather, it is a commercial business and therefore must meet all state building codes as a commercial building. However, a rezone to Commercial District is not required in this instance since the businesses are "Ag-related Use" permitted in the A-1 District.

Pipping presented the concept maps and clarified proposed use locations. EPC explained a flag lot cannot be created per our Land Division/Sub-division Ordinance and indicated the proposed southern lot line will need to be extended further south to the existing lot line and include the existing driveway leading to the pit on land west that Rickert Bros, LLC will retain. Since Rickert Bros, LLC owns the surrounding land and has access to the future 20 +/- & 3 +/- acre land-locked parcels, the County will allow creation per past EPC experience. EPC discussed a driveway easement between the parties is a recommended option but not required (i.e., not a condition of approval of the Certified Survey Map (CSM)). Rickert Bros, LLC also has the option to merge the 20 +/- & 3 +/- acre remnants with their adjacent 36.23-acre parcel to eliminate creation of small land-locked parcels. However, EPC is unclear how large of a parcel size the County will allow (36 + 20 + 3 = 59). EPC will inquire max lot size with the County.

EPC discussed the proposal for a single 17-18 ac. parcel for potentially two separate businesses in two separate buildings. EPC is unclear how many business addresses can be on a single parcel zoned A-1 or if there is a limit. EPC will review the Zoning Regulations & inquire with the County. Pipping inquired how many driveways can be added per parcel. EPC informed Pipping of the Road Ordinance administered by the Town that covers driveways (Permit Officer issues driveway permits). It is possible that the 17-18 ac. will need to be created into two separate parcels to accommodate the future Wisconsin Farm Drainage business but that would add another lot line to adhere to setbacks. Setback requirements for the A-1 district were reviewed. EPC believes that a four-plex house cannot be built for employees of the business on the same parcel as the business since this is not a "Farm" (no option for a "Farm

Residence”) and four-plexes are not allowed in the A-1 district (multi-family). Options for single or two-family non-farm residences under Conditional Use Permits (CUPs) were not discussed.

EPC also discussed lighting concerns with Pipping. Specifically, the Comprehensive Plan Update 2040 calls for protection of the rural atmosphere and recommends developing a Dark Sky Ordinance. However, EPC recognizes the need for growth in the Town and lack of ordinance on the topic. EPC encouraged lighting necessary for safety and business operation but not light the night sky as seen at, for example, car dealerships. Lighting is encouraged to be pointed downward. Pipping explained there will be no equipment on display outside for sale so exterior lighting would be limited to business needs. Again, the focus is a clean business front with visibility of the business name.

EPC provided Pipping with an application for a CSM that must be signed by both owners of Rickert Bros, LLC. The application and fee must be submitted to the Town Clerk. Once the CSM is sent to the Town by the County, and the application and fee are received, the EPC can add the CSM application to the routine EPC meeting agenda. No public hearing is required for a CSM and neither a rezone nor a CUP are needed for the proposed uses. However, EPC suggested Pipping wait until the outstanding questions can be answered either via email outside EPC meetings or at a future EPC meeting if additional discussion is needed.

Comprehensive Plan Update 2040 Tasks: Borski reviewed some of the Action Items in Chapter 2, *Plan Framework and Implementation*. EPC summarized the comp plan process and history for newer EPC members and discussed strategy to review, prioritize and implement the many Action Items that include responsibility by EPC, Town Board and/or Town Clerk. EPC members agreed to individually review Chapter 2 of the Comp Plan Update 2040 for discussion of ideas and recommendations at the February 2023 EPC meeting. Review and prioritization within the EPC is intended to be finalized at the March 2023 EPC meeting and recommendations presented to the Town Board in April or May 2023.

Conditional Use Permit (CUP) Review Schedule for 2023: Borski provided a list of all CUPs issued since adoption of the current Zoning Regulations in 2013. CUP # ELD-14-001 (Ben & Sarah Isaac at W9509 Rose-Eld Rd) is due for review in March 2023. No other CUPs are due for review in 2023.

Status Update of Applications/Permits in Progress of Completion:

- a. Cory & Brittney Zickert, Rezone, N7828 / N7840 Town Hall Rd - Rezone approved at Town Board meeting on November 21, 2022 and minutes submitted to the County by the Town Clerk.
- b. Existing Conditional Use Permits:
 - a. Vis, N9177 Town Hall Rd (CUP #ELD-16-001) – The renewal document has been signed by the Town Clerk. The update documents for the Register of Deeds have yet to be prepared.
 - b. Isaac, W9509 Rose-Eld Rd (CUP #ELD-14-001) – The renewal document has been signed by the Town Clerk. The update documents for the Register of Deeds have yet to be prepared.

Review of General Inquiries Since November 1, 2022:

- Borski received an inquiry from a potential purchaser of a residential property on Town Line Rd wanting to know what is allowed in the district. Borski was unable to connect with the individual.

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 Gary Miller.

Next Meeting Date & Tentative Agenda: January 10, 2022 (Rickert will be absent). Possible CSM application by Rickert Bros, LLC.

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

Adjourn: Motion made by Rickert/White to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission