

Town of Eldorado Plan Commission (EPC) Meeting Minutes

March 21, 2023

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	x	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 and Agenda Review: Meeting called to order by Brenner at 7:25 p.m. following public hearings.

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.):*

Public comments made by Rosalind Lyness

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from February 14, 2023. Five copies circulated to public per May 2021 decision. Motion made by White/Yoder to approve minutes. Motion carried 4-0 (Rickert abstained due to absence 2/14/23).

Tracking # CP-2023-02-27-Kemnitz

Concept Plan – Application for Rezone from A-1 to A-2 – Applicant: Wayne & Shannon Kemnitz

Location/Description of Property: Vacant Land East of N7678 County Rd I / T07-16-16-35-01-007-00

Parent parcel acres: 7.678 +/-

Current zoning: A-1

Proposed parcel acres: 7.678 +/-

Area of dedication acres: none – dedicated with last CSM in 2019

Proposal: Rezone from A-1 to A-2 for the future

Base Farm Tract (BFT) Acres: 33.9 +/- (Wayne Kemnitz BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 32.29 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 1.61 +/-

Kemnitz presented his application for the approximately 7-acre parcel surveyed in 2019 as Lot 1. He since sold Lot 2. A perc test has not been done. There are grass and trees on the property with a sliver of land in the Crop Rotation Program (CRP) with the Department of Agriculture, Trade and Consumer Protection (DATCP). In 2019, at the time of the initial application to split Kemnitz’s 17.060 +/- acre parcel, EPC understood Kemnitz did not have an option to rezone this land from A-1 and the only option for a residence was to split off land for one non-farm residence.

However, subsequent applications for rezone of other properties from A-1 to A-2 (i.e., Douglas and Judy Rehm on Olden Road), revealed through working with the Town Attorney that landowners do have the potential to rezone land from A-1 to A-2 under the current Zoning Regulations if the property is not tillable ag land and meets dimensional requirements. This would allow for one or two homes to be built on this land under A-2 (minimum lot size of 3.0 acres). Kemnitz has no plans for the property at present but is interested in rezoning at this time to allow more flexibility in the future.

After discussion by EPC and agreement that this parcel likely meets the criteria for rezone from A-1 to A-2, Borski provided Kemnitz with an application for a rezone and application process instructions. The earliest a public hearing can be held is at the May 2023 EPC meeting due to public notice requirements. Kemnitz is not currently interested in an application for a CSM (i.e., land division).

Tracking # CP-2023-03-13-Stahmann

Concept Plan – Application for CSM – Applicant: Marian Stahmann (Deceased – represented by son Roger Stahmann)

Location/Description of Property: N9101 Hass Rd / T07-16-16-11-08-004-00 & Vacant land on Hass Rd / T07-16-16-11-07-002-00

Parent parcel acres: 10.0 & 20.0 +/-, respectively

Current zoning: A-1

Proposed parcel acres: 7.678 +/-

Area of dedication acres: TBD

Proposal: to sell the driveway off the 20-acre parcel & house, yard & tower off from the tillable land on the 10-acre parcel to retain the tillable land

Base Farm Tract (BFT) Acres: 29.9 +/- (Marian Stahmann BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): N/A – less than 31.5 acres

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A – less than 31.5 acres

R. Stahmann presented the application. His brother, Stanley Stahmann has leased the tillable land for 15-18 years and previously purchased the adjoining farmland to the east (T07-16-16-11-08-003-00, 10 +/- acres) and other lots to the east. S. Stahmann is interested in purchasing the remainder of the tillable land from these two parcels, leaving the driveway, house and yard for sale. The Oshkosh airport leases part of the yard for their FAA outer perimeter tower. The long driveway along the south side of the 20-acre parcel (T07-16-16-11-07-002-00) that leads to the house and tower on the 10-acre parcel (N9101 Hass Rd / T07-16-16-11-08-004-00), used to be a Town Road. However, the Town recently turned all roads with one single landowner over to the property owner. S. Stahman is not interested in retaining the driveway or having a driveway easement.

Borski informed R. Stahmann that the Land Division/Sub-division Regulations do not allow creation of a flag lot. EPC also discussed the need to create parcels that are more squared off and not irregular shapes that follow natural features or yard/field boundaries. EPC noted that the Town turning over the road may have created a hardship at this location and discussed potential options. Discussion included a recent application by Frank Mazanka on Lincoln Road with a similar situation (where Town turning over the single road/driveway resulted in creating a hardship). However, EPC could not identify a solution that would allow the land division without a driveway easement during the meeting discussion. EPC encouraged R. Stahmann & family to consider this information and submit a revised concept plan with straighter property boundaries and either 200 feet road frontage for the proposed house parcel or consider a driveway easement. R. Stahmann indicated neither option discussed is desired.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 – Brenner informed attendees that EPC is reviewing goals and their respective action items included in the Comp Plan Update adopted in 2020. Recommendations for

these actions are intended to be presented by EPC to the Town Board at a future meeting for their consideration. There is no formal step for a public hearing on the action items included in the Comp Plan Update other than the routine opportunity for public input at the beginning and end of each EPC and Town Board meeting, as appropriate. There was opportunity for public review and input of the proposed goals and action items during the Comp Plan Update process (Mar 2019-Sept 2020).

EPC reviewed notes from the Ch. 2 discussion in February 2023. EPC noted the upcoming Town Board election, school referendums and proposed large scale solar farm will likely influence future decisions for the Town. The goals & respective action items will remain a recurring agenda item on the monthly EPC agenda.

Status Update of Applications/Permits in Progress of Completion:

- a. TJRVJM Real Estate, LLC (Highland Farm) CUP # ELD-22-001 for W8232 West Lone Elm Road submitted their first annual report with very limited information in January 2023. Borski since obtained additional information that there were no attendees at the two events listed. Borski informed Highland Farms that future reports need to include what permitted land use activity each event fits under.
- b. Vis, N9177 Town Hall Rd (CUP #ELD-16-001) – The update documents for the Register of Deeds have yet to be prepared.
- c. Isaac, W9509 Rose-Eld Rd (CUP #ELD-14-001) – The update documents for the Register of Deeds have yet to be prepared.

Review of General Inquiries Since February 14, 2023:

Rickert & Brenner updated EPC that Jim Rickert intends to submit a complete concept plan for Olden Road for April.

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.*): None

Next Meeting Date & Tentative Agenda: April 11, 2023 – Jim Rickert concept plan if received and keep review of Ch 2 of Concept Plan Update 2040 on agenda. Kemnitz rezone in May.

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

Adjourn: Motion made by Yoder/Rickert to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission