

Town of Eldorado Plan Commission (EPC) Meeting Minutes

May 9, 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)		Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025)
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:

x	Cheryl Pionke, Town Clerk (Appointed position) Temporary Permit Officer		Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025)		Attorney Matt Parmentier
	Mike Pionke, Highway Patrolman		Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) 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 7:26 p.m. following public hearings. Agenda repair included re-ordering the Rickert Bros. LLC Certified Survey Map (CSM) application and Stahmann Concept Plan application due to attendance.

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 EPC meeting minutes from April 11, 2023. Five copies circulated to public per May 2021 decision. Motion made by Brenner/White to approve minutes. Motion carried 4-0.

Membership Update: Town Board Liaison with Plan Commission (2-year term): New Town Chairman Dave Jahns re-appointed Aaron Rickert for a two-year term on the Plan Commission as Town Board Liaison at the April 24, 2023 Town Board meeting.

Informational Update from County Planning regarding Concept Plan – Jim and Kelly Rickert, vacant land on Olden Rd, Parcel # T07-16-16-18-08-002-00:
On April 11, 2023, EPC reviewed a concept plan by Jim and Kelly Rickert to split approximately 3 acres from their existing lot that includes the pond and surrounding partially inaccessible farmland. After review and discussion, EPC provided J. Rickert with applications for a Certified Survey Map (CSM) and Rezone to create a lot and rezone from A-1 to A-2 to sell for construction of a residence/hobby farm. However, J. Rickert was informed by his Surveyor that this cannot be done at this time. Borski inquired with Terry Dietzel, Fond du Lac County Planner, who explained there is a limitation in the Fond du Lac County Subdivision Ordinance that limits land divisions to four per five-year period without platting. Since the Jim and Kelly Rickert lot was Lot 4 of a CSM created in 2021 by Doug & Judith Rehm and sold to Jim and Kelly Rickert, the proposed division would be creation of a fifth lot within the footprint of the CSM within a five-year time period. This land division could not be approved until at least 2026, when the County Ordinance allows creation of up to another four lots. Borski shared the email chain with EPC members and added it to the general file for future reference.

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: more than 3 acres

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 and rezone the house, buildings & yard to A-2

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

Continued discussion from initial concept plan review on March 21, 2023 with brief update on April 11, 2023. Since the last meeting, Borski reviewed the file for Frank Mazanka at W7518 Lincoln Road. Mazanka's property and application for a land division with rezone was a similar situation to Stahmanns where the Town returned a Town road to the property owner (creating a hardship related to road frontage) and a residence exists at the far end of the road. In the case of Mazanka, the EPC worked closely with the Town Attorney to understand the Town's authority within the existing Land Division/Sub-division Ordinance and the Zoning Ordinance. Based on the information obtained from the Town Attorney on the Mazanka applications for a CSM and rezone, EPC was able to find an agreeable path forward for the Stahmanns. A CSM can be created to split the former road (now driveway), existing house, buildings, airport tower and untilled land from the tillable land with a minimum road frontage of 30 feet (per County Subdivision Ordinance) and include at least 3.0 acres for rezone to A-2. However, the approval will have to be contingent upon the Board of Appeals issuing a variance for the minimum road frontage requirement of 200 feet. Borski provided Roger Stahmann with applications for a CSM and rezone. If applications and \$650 fees are received by May 22, 2023, a public hearing can be held by EPC on June 13, 2023. The next opportunity will be on July 11, 2023. Following a recommendation for conditional approval of both CSM and rezone by the EPC and conditional approval of both by the Town Board, Stahmanns will need to submit an application for a variance to the Board of Appeals with an additional \$350 application fee for a separate hearing. Stahmanns intend to proceed with creating a CSM and submitting the applications.

Tracking # CSM-2023-04-26-Rickert Bros LLC

Certified Survey Map – Applicant: Rickert Bros LLC

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: 16.510 +/-

Area of dedication acres: none for Jahn Rd

Proposal: Split portions from two lots and combine parcels along Jahn Rd with sale to JP Tank, Inc. for new location for the existing ag-related business

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+/-

Applicant or Surveyor not in attendance. Brenner summarized previous concept plan discussions from December 13, 2022 & January 10, 2023 regarding permitted use of an ag-related business in the A-1 district. EPC reviewed the proposed CSM which meets minimum lot dimensions for a buildable lot. The CSM includes 30' wide non-exclusive easement for use of owner of Lot 1 and owner of adjacent land, west of Lot 1 along the southern edge of the proposed lot. This easement allows Rickert Bros LLC continued use of the existing driveway to the pit on the remnant lot without creation of a flag lot. Borski contacted Fond du Lac County Planner Terry Dietzel prior to the meeting and confirmed the two remnants, although less than 35 acres, do not need to be shown on the CSM as separate lots since the remnants to be retained by Rickert Bros LLC are directly adjacent and connected to additional land owned by Rickert Bros LLC (approximately 160 acres). This is an exception to the requirement in the County Ordinance for remnants less than 35 acres to be surveyed as separate lots on a CSM.

Motion made by Yoder/White to recommend approval to the Town Board of application for a certified survey map regarding T07-16-16-04-13-002-00 & T07-16-16-04-16-001-00 for creation of 16.510 +/- acre Lot 1 with no acres dedicated to Jahns Road without rezone. Motion carried 4-0. The CSM will be further reviewed by the Town Board at the next meeting on May 22, 2023. If approved, the CSM will be signed by the Town Board.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020): No additional information or further discussion this month.

Status Update of Applications/Permits in Progress of Completion:

- a. Existing Conditional Use Permits
 1. Alliant, CUP #ELD-20-001 – Alliant currently has an open building permit application for construction of the building and the Town has an uncashed check from two years prior for the permits. Pionke contacted Alliant regarding the permit fees and time frame for construction completion, including landscaping, which was to be completed by March 22, 2023 per the CUP. Alliant informed Pionke there are some lines that need to be extended yet and the landscaping will be done by January 2024. Pionke drove by the property and confirmed landscaping is not completed, including on the adjacent residential properties. Borski will review the CUP to see if there are other items for follow-up. EPC recalls that Alliant reported the only item remaining to complete for this substation was the landscaping in spring 2023 when the weather allows. Borski and Pionke will follow-up with Alliant as landscaping needs to be completed now as they are out of compliance with their CUP.
 2. Ben & Sarah Isaac, CUP #ELD-14-001 – Town Attorney Matt Parmentier continues to work on the deed restriction correction. The CUP was reviewed and renewed at a public hearing prior to this meeting until March 2026.
 3. Mitch & Jenna Vis, CUP #ELD-16-001 – The deed doc is signed and recorded. The recorded version will be returned to Town Attorney Matt Parmentier following assignment of a document number by the County.
 4. Newcastle Property Investments, CUP #ELD-22-002 – Some containers have been moved to the property and there was supposed to be an on-site meeting with the Permit Officer ahead of that. Cheryl Pionke was temporarily assigned Permit Officer at the April 24, 2023 Town Board meeting and will reach out to Eric Borseth, property owner for an on-site meeting.

Review of General Inquiries Since April 11, 2023: None

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: June 13, 2023 (Brenner will be absent for the June & July meetings so Vice Chair Jeff White will facilitate)

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

Adjourn: Motion made by Borski/Yoder to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission