

Town of Eldorado Plan Commission (EPC) Meeting Minutes

September 12, 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) (4/18/2023 - 4/18/2025)
	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) Temporary Permit Officer	x	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, Pledge of Allegiance and Agenda Review: Meeting called to order by Brenner at 7:02 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 minutes (Isaac Conditional Use Permit Renewal) from May 9, 2023 & EPC meeting minutes from August 9, 2023. Five copies circulated to public per May 2021 decision. Motion made by White/Brenner to approve minutes. Motion carried 3-0 (Rickert not yet arrived).

Request by Jordan Weed for Removal of December 16, 2009 Deed Restriction for Lot 1 of Certified Survey Map (CSM) #4292 (W9640 Olden Rd L& vacant land on Olden Rd):

EPC reviewed the following:

- Weed’s August 18, 2023 email request to extinguish the deed restriction;
- Deed Restriction Doc # 951682, recorded December 18, 2009;
- CSM # 4292 recorded October 13, 1992, Doc # 519447; and
- Current property boundaries for Lots 1 and 2 of CSM # 7507-55-13 that together are listed as Vacant land / T07-16-16-18-07-002-00 (Lot 1) and W9640 Olden Rd / T07-16-16-18-10-005-00 (Lot 2).

Jordan Weed presented his request. The Deed Restriction limits the land to no more than two parcels at no less than 5.0 acres each. Weed believes the restriction is no longer needed due to the current Zoning Ordinance. Borski explained this restriction was filed at a time when the Zoning Ordinance required a minimum of 1.5 acres in the Rural District (RD) but a minimum of five acres for animals in RD or a minimum 35 acres in the Agricultural District. This was prior to the existing Zoning Ordinance certified by DATCP in 2013 that created a new agricultural district for General Agricultural (A-2) with a minimum 3.0 acres.

EPC agreed the current property boundaries are the same as shown on CSM #4292 that is part of Deed Restriction Doc #951682 by reference. The current Zoning Ordinance appears to address the concern from 2009. As written in the

Deed Restriction, the Town has the authority to decide to extinguish the restriction. No additional documentation is needed from Weed. All Town Attorney costs and recording fees will be the responsibility of the applicant.

Motion made by Brenner/White to recommend approval of the request to extinguish Deed Restriction Doc # 951682, recorded December 18, 2009. Motion carried 3-0 (Rickert not yet arrived).

The request will be further reviewed by the Town Board on September 25, 2023.

Tracking # CP-2023-07-26-Weed

Concept Plan – Application for Certified Survey Map – Applicant: Jordan & Amanda Weed

Location/Description of Property: W9640 Olden Rd / T07-16-16-18-10-005-00 & Vacant land / T07-16-16-18-07-002-00

Parent parcel acres: 12.58 & 5.3 +/-

Current zoning: Rural District (RD)

Proposed parcel acres: 1.736 (W9640 Olden Rd) & 16.156 (proposed for new home & outbuildings) +/-

Area of dedication acres: none for Cty Rd I – previously dedicated

Proposal: split off existing house for sale and merge remnant open land with existing vacant parcel for construction of new home and outbuildings with rezone of vacant new parcel from RD to A-2

Base Farm Tract (BFT) Acres: N/A – parcels not zoned Ag at the time of DATCP certification in 2013

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 of the Concept Plan from August 2023. Jordan Weed presented a preliminary CSM and explained the reasoning behind the irregular proposed lot lines surrounding the existing house (proposed Lot 2) and answered EPC questions. Reasons included the location of an existing power transformer, existing septic, existing berm around the back of the lot with the house, need to meet rear yard and side yard setbacks from the existing structures and setbacks for future buildings and septic on the vacant lot that is proposed to be rezoned to A-2, and minimum lot dimensions (lot size, frontage & rear and side yard setbacks) for each respective zoning district. The existing potable well will be sold with the existing house. Weed will install a potable well and septic on the vacant lot prior to occupancy. The existing driveway for the vacant land will be used for the new house and buildings. There were no further questions from EPC.

Borski provided Weed with applications for a CSM and Rezone along with Application Process Instructions. Totals fees due with submittal of the applications is \$650. If Weed chooses to move forward with submitting the applications in advance of a decision by the Town Board on the 2009 Deed Restriction, he does so at his own risk as application fees cannot be refunded. If Weed would like to move forward with holding the public hearing in October, applications and fees are due September 18, 2023. The ability to approve the applications is also dependent upon extinguishing the 2009 Deed Restriction.

[Note Rickert joined meeting at 7:25 pm at this agenda topic]

Update on Department of Agriculture, Trade & Consumer Protection (DATCP) (10-year) Re-certification Process for Town Zoning Ordinance:

Borski shared that the request for the maximum two-year extension of the Town's certification of the Zoning Ordinance was submitted to DATCP following the August 2023 EPC meeting and was approved by DATCP under "DARM Docket No 039-23150-O-13 E-0823" dated August 14, 2023. The Town's Zoning Ordinance is now certified by DATCP through December 31, 2025. It is now up to the Town Board to decide how to proceed. Dave Jahns, Town Chairman, joined discussion on the certification and asked general questions regarding Farmland Preservation

Program, Zoning Ordinance, Land Division/Sub-division Ordinance, Smart Growth (Comprehensive Planning requirements), Comprehensive Plan Update 2040 and the Future Land Use Map.

Brenner opened discussion for public comment. Jerry Borski, Charlie Becker and Rosalind Lyness provided comments. Note during discussion, a recommendation was made to place an advertisement/notice in the Annual Tax Bill to come talk with EPC with questions on what can be done with a person's property or with ideas on what they want to do with a property. EPC decided to resume monthly conversation on the Comprehensive Plan Update 2040 Action Items outlined in Ch. 2 that have been set aside for a couple months. According to Jahns & Rickert, the Town Board will discuss additional options further.

Status Update of Applications/Permits in Progress of Completion:

a. Existing Conditional Use Permits (CUP):

1. Alliant, CUP #ELD-20-001 for substation– Alliant not yet submitted a request for an extension of the CUP (with \$350 application fee). If nothing received by next month, EPC will consult with Town Attorney regarding non-compliance with the CUP.
2. Ben & Sarah Isaac, CUP #ELD-14-001 for non-farm residence (NFR) – Waiting on signature by Isaac on the deed restriction amendment. Once received, the Town will file with the Register of Deeds.
3. Gary Rabe (original applicant), CUP # ELD-21-001 for NFR, N7462 Cty Rd I / T07-16-16-36-10-006-00 (3.168 ac. owned by Kimberly & Craig Shesky) – Jahns was able to obtain a signed copy of the CUP and provided it to the Town Clerk. Rabe is working with the Town Assessor on dispute over one-time land use Conversion Fee. The Town has no authority regarding a Conversion Fee under Wisconsin Statutes.
4. Rickert Bros LLC (original applicant), CUP # ELD-22-003 for NFR, N9113 Town Hall Rd / T07-16-16-09-07-006-00 (3.005 ac. owned by Kieran & Apryl Weed) – K. Weed is working with Town Assessor on dispute over one-time land use Conversion Fee. The Town has no authority regarding a Conversion Fee under Wisconsin Statutes.

Review of General Inquiries Since August 9, 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: October 10, 2023 – Jordan Weed CSM & rezone hearing; Return on-going discussion on Ch 2 of Comprehensive Plan 2040 Action Items; & Continued discussion of DATCP re-certification process for Zoning Ordinance.

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

Adjourn: Motion made by Borski/Rickert to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 9:07 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission