

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

December 10, 2024

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

x	Jeremy Brenner, Chairperson (5/1/2022 - <b>4/30/2025</b> )	x	Jenna Borski, Secretary (5/1/2024 - <b>4/30/2027</b> )	x	Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - <b>4/18/2025</b> )
x	Dennis Yoder, Vice Chairperson (5/1/2022 – <b>4/30/2025</b> )	x	Jeff White, Member (5/1/2024 – <b>4/30/2027</b> )		

**Staff or Town Board Member Attendees:**

x	Kristy Weinke, Deputy Town Clerk (until 1/1/2025) (Appointed 9/11/2024 thru <b>4/20/2027</b> )	Dave Jahns, Town Chairman (4/18/2023 - <b>4/18/2025</b> )	Attorney Matt Parmentier
	Mike Pionke, Highway Patrolman	Joe Kopf, Town Supervisor #1 (4/18/2023 - <b>4/18/2025</b> )	Cheryl Pionke, Town Clerk (until 12/31/2024) 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 EPC meeting minutes from November 12, 2024. Five copies circulated to public per May 2021 decision. Motion made by Rickert/Yoder to approve minutes. Motion carried 4-0-1 (Borski abstained due to absence November 10<sup>th</sup>).

**Tracking # CP-2024-09-03-Freiberg**

**Concept Plan – Application for Combination of Parcels – Applicant:** Howard and Sharon Freiberg

**Location/Description of Property:** N8280 Town Hall Rd / T07-16-16-20-09-003-00 & vacant land / T07-16-16-20-09-004-00

**Parent parcel acres:** 0.96 & 1.45 +/-, respectively

**Current zoning:** General Agricultural (A-2) & Residential, respectively

**Proposed parcel acres:** 2.41 +/-

**Area of dedication acres:** unknown +/- for Town Hall Rd

**Proposal:** combine lots with house (N8280 Town Hall Rd) & septic system (vacant lot) so both are on the same lot

Sherry Freiberg attended on behalf of the applicants. Borski contact S. Freiberg ahead of the meeting and requested she return to the EPC for continued discussion of the concept plan as, per the minutes, discussion on November 12<sup>th</sup> did not include review of the Future Land Use Map (FLUM) of the 2040 Comprehensive Plan. S. Freiberg summarized that their house was built in 1977 and that they would like to combine the two parcels so the septic is on the same lot as the residence. EPC reviewed options for splitting and rezoning, future sale options, etc. The reason the parcel with the house (0.96 ac.) is currently zoned as General Ag (A-2) was not researched. However, Borski recalls the Town-initiated rezone of many parcels following adoption of the revised Zoning Ordinance in 2013 included the option for

many clusters of small parcels with residences and zoned A-1 identified by the Fond du Lac County Planning Dept to choose between a residential rezone and a General Ag (A-2) rezone based on direction from the FDL Co Planning Dept. S. Freiberg stated there is no agricultural use of the property at present and the General Ag (A-2) zoning is not needed. Since the combination of the two lots is not 3 acres, the Town could not rezone the vacant parcel General Ag (A-2) to merge with the parcel already zoned General Ag (A-2). The only option to consider combining the two lots appears to rezone the parcel with the residence from General Ag (A-2) to Residential District.

Per the FLUM, the property zoned General Ag (A-2) cannot be rezoned Residential without an amendment to the FLUM. If an amendment after a Class I (30-day) public notice and public hearing is approved, the rest of the process discussed on November 12<sup>th</sup> to rezone the single parcel from General Ag (A-2) to Residential and combine the two lots by certified survey map (CSM) can take place after the FLUM is officially amended. Borski verbally summarized the process & timeline for an amendment to the FLUM for a single parcel at the request of the property owner and associated fees, including professional fees, for Freiberg's to consider. Borski will send S. Freiberg an email with the information to include in their letter of request for an amendment to the FLUM to decide if they wish to proceed. Freiberg's have no timeline for combination of the parcels and do not plan to sell.

**Tracking # CP-2024-12-06-Nemitz**

**Concept Plan – Application for Minor Land Division of A-1 Land – Applicants:** Mark Nemitz for Carla Nemitz (passed away November 19, 2024)

**Location/Description of Property:** W8662 Lone Elm Rd / T07-16-16-04-02-002-00

**Parent parcel acres:** 5.61 +/-

**Current zoning:** A-1

**Proposed parcel acres:** Preliminary CSM for combination of two existing lots and creation of three lots (Lot 1 of 2.257 ac., Lot 2 of 3.045 ac & Lot 3 of 5.285 ac. – Mark Nemitz property at W8664 Lone Elm Rd)

**Area of dedication acres:** N/A

**Proposal:** split 5.6 +/- acres at W8662 Lone Elm Rd to create 2.257 +/- ac. Lot 1 for sale to Mark Nemitz to farm, leave 3.045 +/- ac. Lot 2 with the existing house at W8662 Lone Elm Rd for rezone to A-2 and sale, and sell approximately 12 ft from W8662 Lone Elm Rd to combine with all of W8664 Lone Elm Rd to create 5.285 +/- ac. Lot 3.

M. Nemitz, son of C. Nemitz, attended on behalf of the applicant. This concept plan is a revised version of the concept plan, *CP-2024-08-29-Nemitz*, discussed in September 2024. M. Nemitz since worked with surveyor, Eric Freiberg, (also present) and reviewed options to split his mother's house from the farm for rezone as General Ag (A-2) and sale but to keep the ag land with the farm. M. Nemitz presented a preliminary CSM. There is a conventional septic at W8662 Lone Elm Rd and M. Nemitz has a mound system on his parcel at W8664 Lone Elm Rd. Discussions included a proposal to add approximately 12 ft to M. Nemitz's current parcel at W8664 Lone Elm Rd to be certain all of M. Nemitz's mound system is on the parcel with his house. The remainder of C. Nemitz's property is proposed to be split to create the minimum 3-acre lot with the house for rezone to A-2 for sale, and allow the ag land to remain A-1 and be sold to M. Nemitz.

For the benefit of E. Freiberg, M. Nemitz re-iterated the history regarding the shared driveway that comes to the south off Lone Elm Rd that is labeled as "Woehler Rd" on the preliminary CSM. M. Nemitz stated in 1981, John Wohler (former owner) turned the driveway over to the Town to assist with miles for federal allocation of road repair. In 1987, the driveway, formerly referred to as Wohler drive, was supposed to be turned back over to Wohler but never was. Currently there are two property owners on the "driveway" that is not named but considered W Lone Elm Rd (W8662 for C. Nemitz of 5.61 acres and W8664 for M. Nemitz of 5.0 acres). E. Freiberg stated that he will remove the label of WoehlerRd off the CSM prior to finalizing.

M. Nemitz also mentioned to E. Freiberg about the 5-ft wide power easement on the west side of the parcel running approximately 60 ft. EPC informed E. Freiberg the two parcels share a well located in the southeast corner of M.

Nemitz's parcel for inclusion on the CSM and recommended M. Nemitz draft up a shared well agreement prior to sale of the new lot for W8662 Lone Elm Rd.

M. Nemitz reiterated he is not in favor of allowing construction of additional homes on the ag land labeled as "Lot 1" on the preliminary CSM and no percolation test has been performed. EPC and E. Freiberg discussed relabeling the proposed Lots 1, 2 and 3 as Outlot 1, Lot 1 and Lot 2, respectively. EPC will follow up with M. Nemitz and provide the following:

- A CSM application for M. Nemitz for W8664 Lone Elm Rd
- A CSM application for W8662 Lone Elm Rd for the representative for C. Nemitz to sign
- A Zoning application for W8662 Lone Elm Rd for the representative for C. Nemitz to sign
- The Process Instructions for applications for CSM and Rezone to understand timing, process & fees for applications for consideration.

EPC clarified the fees will include a single \$300 CSM fee, \$25 additional Lot fee, and \$350 Rezone fee for a total of \$675. To hold the public hearing on January 14, 2025, the applications, final CSM and fees need to be submitted to the Town by Monday, December 23<sup>rd</sup>. The next opportunity for a public hearing is February 11, 2025 if applications, final CSM and fees are received by January 20, 2025.

**Tracking # CP-2024-12-08-Deta-J Farms LLP (unsigned)**

**Concept Plan – Application for Minor Land Division of A-1 Land – Applicant:** Deta – J Farms LLP (David Schultz)

**Location/Description of Property:** vacant land in northeast corner of northern intersection of Ridge Rd & Lincoln Rd / T07-16-16-03-11-003-00 & vacant land to East / T07-16-16-03-12-001-00

**Parent parcel acres:** 9.439 & 40 +/-

**Current zoning:** A-1

**Proposed parcel acres:** 5.84 +/- or similar

**Area of dedication acres:** unknown for Lincoln Rd (Ridge Rd dedicated to the public under 12/2/2018 CSM Doc #1077647)

**Proposal:** create a lot of existing pond and accessory structures (ag buildings) and marsh land with limited tillable land for sale to granddaughter for construction of a residence and mound system

**Base Farm Tract (BFT) Acres:** 131.5 +/- (Albrecht)

**Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05):** 125.24 +/-

**Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05):** 6.3 +/-

E. Freiberg attended on behalf of the applicant who had a last-minute conflict and could not attend. E. Freiberg explained Schultz would like to sell a lot to his granddaughter for construction of a residence. The proposed area spans two parcels and includes a pond and four ag-related accessory structures and marsh area bordered by two roads but will need to include a minor amount of tillable ag land for the house and mound system. A percolation ("perc") test was performed earlier in the day and results were not yet shared with E. Freiberg. Parcel lines will be finalized depending on the perc results with the intent to minimize the amount of tillable ag land included in the new lot and square up the proposed lot as best as possible with the existing drainage ditch.

EPC discussed options for the land division and creation of a non-farm residence under A-1 District, farm residence under A-1 District or rezone to A-2 District. The proposed use does not meet the definition of a "Farm Residence" as a granddaughter of the owner, nor is a conditional use permit for a non-farm residence appropriate with the ag buildings and potential for a hobby farm. With the proposed lot size being greater than 3 acres, majority of land including the existing pond and marsh land and ag-related buildings, EPC recommends requesting the proposed lot be rezoned to General Ag (A-2). This is in agreement with the FLUM of the 2040 Comprehensive Plan.

EPC does not need to see a revised concept plan and provided E. Freiberg with applications for CSM and Zoning along with Process Instructions to provide to Schultz. Associated fees include \$300 CSM and \$350 Rezone for a total of \$650. EPC informed E. Freiberg that the registered agent/representative for Deta-J Farms, LLP needs to sign the applications and be present for the hearing. To hold the public hearing on January 14, 2025, the applications, final CSM and fees need to be submitted to the Town by Monday, December 23<sup>rd</sup>. The next opportunity for a public hearing is February 11, 2025 if applications, final CSM and fees are received by January 20, 2025.

**Status Update on Department of Agriculture, Trade & Consumer Protection (DATCP) (10-year) Re-certification Process for Town Zoning Ordinance** – Rickert spoke with Chairman of the Town Board of TN Nekimi, Glen Barthels. No additional action.

**Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020)** – Brenner updated Borski that last month they spoke about putting tidbits of information in the monthly newsletter (e.g., no minimum 5 acres needed for animals in ag district).

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

- a. Existing Conditional Use Permits – Alliant CUP #ELD-20-001. White drove past the Alliant property and observed the trees are planted, there is a berm in front of the property along the road and there is a small retention pond visible. Borski will send an email to Greg Ardrey of Alliant to verify whether the approved landscaping work is complete. EPC questioned when the Town will begin to receive revenue from the substation and asked Rickert to find out as a Town Board member.

**Review of Inquiries / Complaints Since November 12, 2024:** White received a general inquiry about minimum lot size.

**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:** January 14, 2024 – possible public hearings & standing agenda items

*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 8:22 p.m.

Respectfully submitted,

Jenna Borski  
Member/Secretary  
Town of Eldorado Plan Commission