

Town of Eldorado Plan Commission (EPC) Meeting Minutes

September 10, 2024

Plan Commission Member Attendees (5) and terms:

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

Staff or Town Board Member Attendees:

	Cheryl Pionke, Town Clerk (Appointed position thru 4/20/2027)	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)		Cheryl Pionke, 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.

<p>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.</p>
<p>Public Comments <i>(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.):</i> None</p>
<p>Review & Approve Minutes: EPC reviewed the EPC meeting minutes from August 13, 2024. 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 8/13/24).</p>
<p>Town Staff Update: Cheryl Pionke will remain Town Clerk through 2024 and continue to post agendas and legal notices. Deputy Clerk Kristy Weinke will start September 11, 2024 and assume the Town Clerk position January 1, 2025 through the end of Cheryl Pionke’s term ending April 20, 2027. All emails should continue to be sent to the Town Clerk email address.</p>
<p>Tracking # CP-2024-08-29-Nemitz Concept Plan – Application for Minor Land Division of A-1 Land without Rezone – Applicant: Carla Nemitz</p> <p>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: 4.0 +/- Area of dedication acres: unknown for Lone Elm Rd Proposal: split 5.6 +/- acres to create 4.0 +/- lot for sale to Mark Nemitz (adjacent land owner) and leave 1.6 +/- acres with the existing house at W8662 Lone Elm Rd</p> <p>Mark Nemitz, son of C. Nemitz, attended on behalf of the applicant. Regarding the shared driveway that comes to the south off Lone Elm Rd, 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,</p>

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). Borski shared maps from the County GIS that shows land dedicated to the Public along W. Lone Elm Rd along the full north and east sides of C. Nemitz’s parcel and along a portion of the east side of M. Nemitz’s parcel.

M. Nemitz shared there is a 5-ft wide power easement on the west side of the parcel running approximately 60 ft. C. Nemitz has a conventional septic at W8662 Lone Elm Rd and M. Nemitz has a mound system on his parcel at W8664 Lone Elm Rd. The two parcels share a well located in the southeast corner of M. Nemitz’s parcel. C. Nemitz would like to split off the house and yard from the ag land, sell the ag land to M. Nemitz and sell her house.

After discussion of options allowed under the Zoning Ordinance, specifically for A-1 Farmland Preservation and A-2 General Agricultural, EPC reviewed two options for C. Nemitz:

1. Create a lot by Certified Survey Map (CSM) including the house, yard and septic and *minimum necessary* ag land to reach the 3-acre minimum and lot dimensions for rezone to A-2, General Ag, with the remnant ag land labeled as an Outlot (unbuildable until certain conditions met). The Outlot is not to be combined with M. Nemitz existing parcel but to remain a separate parcel. The Outlot could then be sold to M. Nemitz without modifying his 5-acre A-1 lot with his existing residence.
2. Petition the Town for a change to the Future Land Use Map (FLUM) in the Comprehensive Plan (v. July 2022) for C. Nemitz’s parcel to be listed as future Residential. If that is approved by the Town Board following public hearing and recommendation by the EPC, C. Nemitz could then apply for creation of a 1.5-acre lot through a CSM and apply to rezone the house to Residential (min 0.75 ac. for Residential District). C. Nemitz would be responsible for all costs associated with the application for amending the FLUM (hearing fee, attorney & admin costs, etc) in addition to the CSM and Rezone applications.

M. Nemitz is not in favor of modifying the FLUM to show C. Nemitz land as future Residential that may allow construction of additional homes on this land. M. Nemitz will discuss options with C. Nemitz. EPC recommended C. Nemitz submit another Concept Plan application with an updated land division proposal prior to submitting a formal application for CSM and/or Rezone. EPC provided M. Nemitz with a copy of the Process Instructions for applications for CSM and Rezone to understand timing, process & fees for applications for consideration.

Tracking # CP-2024-09-05-Rickland Farms Inc

Concept Plan – Application for Minor Land Division of A-1 Land with Rezone – Applicant: Rickland Farms Inc

Location/Description of Property: N9507 & N9509 Town Hall Rd / T07-16-16-04-07-002-00 & T07-16-16-04-10-003-00, respectively

Parent parcel acres: 32.5 & 0.898 +/-, respectively

Current zoning: A-1

Proposed parcel acres: 5.0 +/-

Area of dedication acres: unknown for Town Hall Rd

Proposal: Split existing house, farm buildings & yard from 32.5-acre ag land at N9507 Town Hall Rd and combine with:

- all of parcel with silos, farm building and yard at N9509 Town Hall Rd (0.898 ac),
- existing yard and portion of building on portion of ag parcel T07-16-16-04-08-002-00 (32.5 ac),
- existing yard on portion of ag parcel T07-16-16-04-09-001-00 (40 ac)

for creation of a single 5.0 +/- acre lot comprised of all of the existing house, farm buildings, silos and yard for sale to a prospective purchaser.

Greg Rickert attended on behalf of Rickland Farms Inc. as Secretary/Treasurer and explained the application as summarized above. EPC reviewed minimum lot dimensions, lot size, side and rear yard setbacks for A-2 General Agricultural District. Since the land proposed to be split and rezoned is not tillable land, currently has an agricultural

use and would not interfere with continued farming of adjacent parcels, it appears the proposed 5.0 +/- acres would meet the criteria for rezone from A-1 to A-2.

EPC discussed a couple items to consider for this application and discuss with a surveyor:

1. Some land from the 32.5-acre lot at N9507 Town Hall Rd will need to be dedicated to the public along Town Hall Rd, at least the length of the frontage of the proposed lot.
2. Borski provided a map from a previous CSM by another landowner where the original large parcel spanned both sides of a road. In that instance, the west side of the road was split into three parcels at the request of the landowner and the east side of the road was split into a separate parcel with the full length of the road between the two sides being dedicated to the public as part of the CSM. It is unclear if dedication to the public of the full length of the road in parcel # T07-16-16-04-07-002-00 will also be required for this proposed land division.
3. Generally, Fond du Lac County Subdivision Ordinance requires any remnant that is less than 35 acres be surveyed and included in the CSM as a separate lot. This *may* apply to all three parcels where a portion of the parcel will be split and merged (32.5-acre parcel for N9507 Town Hall Rd, 32.5-acre parcel of ag land & 40-acre parcel of ag land).

EPC provided G. Rickert with a copy of the Process Instructions and applications for CSM (\$300 application fee) and Rezone (\$350 application fee). EPC informed G. Rickert a CSM, completed applications with proper signature(s) and \$650 fees need to be submitted by September 23rd to be considered for public hearing on October 8th. Alternatively, G. Rickert could submit another Concept Plan with preliminary CSM for continued discussion, if preferred.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020): Keep as a standing agenda item. No update on email domain name. Town is transitioning to a new Clerk. Reference October 2023 EPC minutes for additional details about this agenda item.

Status Update of Applications/Permits in Progress of Completion:

- a. Existing Conditional Use Permits - Alliant CUP #ELD-20-001. Based on drive-by observation, it appears the substation property is graded and seeded. It is unclear if the retention basin is constructed. The drag mats and dumpsters are gone. Alliant has through October 2024 to complete the landscape work.

Review of Inquiries / Complaints Since August 13, 2024:

- Brenner – Received a general inquiry regarding the Ruth E. Will farm on Lincoln Rd & Jahn Rd and possibility for construction of a residence. Brenner gave general information and encouraged submittal of a concept plan for discussion.
- Rickert – Received an inquiry from David Frederick on Lincoln Rd. Rickert gave general information and encouraged submittal of a concept plan for discussion
- Borski – Received inquiry from Kieran Weed on Town Hall Rd regarding required setbacks for accessory structures at a non-farm residence. Since this was the first non-farm residence property owner to inquire about constructing an accessory structure, and setbacks are dependent upon the size of the building, Borski created an informational sheet with the sliding setback requirements for reference by EPC, Building Permit Officer, non-farm residence property owners, etc.

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 Jeff Wehle

Next Meeting Date & Tentative Agenda: October 8, 2024 – possible updated Concept Plans or applications for CSM and Rezone by: Rickland Farms Inc. and/or Carol Nemitz

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

Adjourn: Motion made by Rickert/Yoder to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:32 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission