

Town of Eldorado Plan Commission (EPC) Meeting Minutes

January 12, 2021

Plan Commission Member Attendees (5) and terms:

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x	STAFF: Attorney Matt Parmentier													

Public Attendees:

Charlie Becker	Cheryl Pionke	Kathi Rabe	Tim Henke
Frank Mazanka	Gary Rabe	Adam Gratton	Jerry Borski

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:00 p.m. followed by pledge of allegiance. Brenner stated due to the attendance, he will move up the “Public Input” agenda item after the Rabe Concept Plan

Review of Minutes: EPC reviewed the meeting and hearing minutes from November 10, 2020 and December 8, 2020. Motion made by Brenner/White to approve minutes. Motion carried 5-0.

Tracking # CP-2020-11-30-Gary Rabe

Concept Plan – Application for Minor Land Division (MLD) and Conditional Use Permit (CUP) for Non-farm Residence (NFR) – Gary & Kathi Rabe:

Location/Description of Property: vacant land / T07-16-16-36-11-007-00

Parent parcel acres: 26.039 +/-

Current zoning: A-1

Proposed parcel acres: 2.467 +/-

Area of dedication acres: TBD +/- for County Rd I

Proposal: Spilt 2.467 or up to 3.171 acres for a non-farm residence for their daughter to purchase and build a new home.

Base Farm Tract (BFT) Acres: 66.6 +/- (Lorraine Rabe)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 63.428 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 3.171 +/-

This concept plan discussion is a follow-up to the initial **CP-2020-08-24-Gary Rabe on September 8, 2020** where Gary and Kathi Rabe initially asked for a minor land division and rezone to residential (R) or rural district (RD). After discussion in September about the Farmland Preservation Program and NFR, Rabe’s returned to their Surveyor and worked with Dave Jahns, Building Permit Officer, to review required setbacks for a non-farm residence and propose a preliminary certified survey map (CSM). The preliminary CSM presented a proposed 2.467 acre lot but Gary Rabe stated they now intend to slide the proposed southern parcel line 50 feet to the south to make the proposed lot about 3 acres. The proposed driveway location is also per Fond du Lac County as the parcel borders CR I.

EPC commented that the preliminary CSM does not allow EPC to see where the proposed southern property line falls with respect to the existing parcel lines at N7428 CR I. EPC discussed what the remnant parcel may look like and whether it would be considered a flag lot (not allowed under Ch. 18 Land Division and Subdivision Ordinance). EPC viewed the parcels on the Fond du Lac County GIS website. Lengthy discussion followed. Gary Rabe asked if it’s a “deal breaker” if they cannot get rid of the “sliver of land” between the proposed parcel & N7428 CR I. EPC informed Rabes they can return with another preliminary CSM for a third concept plan review without fee prior to submitting the formal applications if desired. Rabe’s will discuss the concern with their Surveyor prior to submittal of the final CSM for application.

Kathi Rabe stated they have not yet done a percolation test on the property. EPC stated needs to be done prior to submitting the MLD and CUP applications. EPC provided Rabes with a copy of the Application Process Instructions, an application for a MLD and application for a CUP. EPC stated the fees total \$650 for both applications and explained that there will be professional service fees for drafting of the CUP that will need to be paid prior to signing the CUP. For a NFR, the professional fees are generally around \$300+/-.

Public Input:

Tracking # CP-2020-01-12-Frank Mazanka

Concept Plan – Discussion of potential for minor land division and construction of new home - Frank Mazanka:

Location/Description of Property: W7518 Lincoln Rd / T07-16-16-12-05-002-00

Parent parcel acres: 5.32 +/-

Current zoning: A-1

Proposed parcel acres: TBD

Area of dedication acres: TBD +/- for Lincoln Rd

Proposal: Spilt land for their daughter to purchase and build a new home.

Base Farm Tract (BFT) Acres: not assigned (less than 10 acres) per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013

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

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): insufficient acreage.

Mazanka contacted Borski two days prior looking to see if there was a permit necessary to allow a mobile home on his property for his daughter. Borski verbally informed Mazanka during that phone call that new mobile homes are not allowed in the Town per our current ordinance and began to discuss his current situation. Borski informed Mazanka that only one home is allowed per parcel (i.e., cannot build a second home on same lot). Borski encouraged Mazanka to attend the EPC meeting to begin discussion of options.

Mazanka repeated the desire to build another residence for his daughter on his 5.32 acres and is willing to split the land. His acres are not farmed and most of it is non-wooded open land. Borski summarized the following:

- the property is zoned A-1 and is 5.32 acres which does not allow for a NFR;
- the current road frontage is approximately 215 ft. which is insufficient to create a second lot;
- with more than 3.0 acres and the current use, the entire property could potentially be rezoned A-2 to allow for a two-family dwelling since it is not prime farmland (would require remodel of existing home);
- the recently adopted Comprehensive Plan Update 2040 (“Comp Plan”) lists the property on the Existing Land Use (Map B-2) as partially “Farmstead” (south ½) and partially as “Open Other Land” (north ½);
- the Comp Plan’s Future Land Use Map (FLUM) (Map B-3) maintains this property as current use;
- the FLUM lists the property immediately to the east as future residential. The owner (Tim Henke, present) is not interested in selling his farmland;
- property to the E, S, W and NW is zoned A-1;
- property to the N is zoned RD (pre-dates existing ordinance certified by DATCP on 11/26/2013). [SECRETARY NOTE POST MEETING: Property to N warranty deed dated 9/23/2010.];
- property to the NE is zoned R (Townline Circle residential properties);
- based on the FLUM, it does not appear that rezone to anything other than A-2 is an option without an amendment to the FLUM.

Lengthy discussion with EPC, Mazanka and the public followed. Based on questions regarding the RD lot to the north, Jerry Borski, former Town Zoning Board member (pre-Plan Commission), explained that the Rural District used to be the Town’s way to allow for residences in the farmland area prior to the State’s Farmland Preservation Program. The

minimum lot size was 1.5 acres and the Town required at least 5.0 acres to have animals. During discussion, there was general support that a proposed new residence fits well with the surrounding area and would not interfere with neighboring farm use. However, there was uncertainty on how to proceed under current Zoning Ordinance.

It was noted that the Mazanka's current driveway used to be partially a Town maintained road that was turned over to Mazanka in 2020. In fact, approximately 535 ft. was paved and maintained by the Town. This would have provided them a total of approximately 750 ft. of road frontage and the possibility of splitting a 3.0 acre lot for rezone to A-2. Averbeck clarified that the Town will not be taking the road back.

Discussion followed regarding the potential that this created a hardship for the Mazanka's and the possibility of the Board of Appeals issuing a variance to the standards of the ordinance (road frontage) to allow the EPC to approve a MLD for creation of a min. 3.0 acre lot with at least 200 ft road frontage on Lincoln Rd for rezone from A-1 to A-2 and have the remnant lot remain zoned A-1 with at least 200 ft. road frontage being the former Town road/driveway (with variance). It is unclear if creation of a residential lot could be considered with the FLUM not including this parcel in future residential land use as noted immediately to the east.

EPC decided legal interpretation of options for this site-specific situation is necessary prior to continued discussion. EPC asked Borski to communicate with the Town Attorney for continued consideration in February. In the meantime, Averbeck confirmed for Mazanka that his daughter could temporarily reside in the RV on his property as long as there is a valid license plate on it (confirmed by Charlie Becker).

Status Update – Conditional Use Permit (CUP) # ELD-20-001 (Alliant/WP&L) & CUP # ELD-20-002 (Lasting Impressions LLC):

Borski stated the draft Alliant CUP is being reviewed by their legal team.

Borski informed EPC that the Fond du Lac County Register of Deeds, Jim Krebs, informed Borski when attempting to record the signed CUP that the CUP was missing two key items:

1. Statement of who drafted the document on the cover sheet.
2. Notarized signatures or signature by the Town Clerk attesting to the signatures. Per statute, Town Clerks have legal authority to sign legal documents in lieu of being notarized.

Borski informed Town Attorney Matt Parmentier of the issue who is revising the cover page to include both items so that the existing signatures on the CUP do not need to be redone. Attorney Lee Turonie in Matt Parmentier's office drafted the document. Cheryl Pionke signed the revised cover page and will file the CUP at the Register of Deeds office. Pionke will need to refund the applicants \$30 since only one recording fee will be charged per Krebs (because one document) in lieu of the two recording fees (due to two parcels) communicated to Borski by Turonie.

Review of Processes for Professional Services and Signatories for CUPs:

This agenda item is in response to the issues with the Lasting Impressions LLC CUP discussed above and concern on the legal fees associated with this CUP. Borski stated that the potential for professional service fees is included on the Application Process Instructions and is always verbally noted to applicants prior to submitting applications. Borski limits questions to the Town Attorney as much as possible and any costs incurred by the Town regarding implementation of our ordinances is not passed on to applicants. Town Attorney fees charged to applicants are specific to review and processing of their individual application. Brenner expressed desire to have a better understanding of the range of professional service fees that may be charged to the applicants and the potential for other legal resources available to the Town be used as a cost savings measure for the Town and applicants. Specific concern was brought up about the legal fees charged to Lasting Impressions LLC for the application review and drafting of their CUP by two different attorneys (i.e., was there a learning curve?) and the potential costs that may have been incurred if Borski was not as involved in the administrative process. Discussion followed. Averbeck and Borski expressed interest in utilizing the Town Attorney for these matters for consistency and so there is awareness of

all Town issues when processing applications. Borski has not previously been involved in recording of documents or charging applicants for legal fees but *thought* that generally the professional service fees have been around \$300 for a standard NFR. However, the unique and more complex CUPs likely cannot be estimated in advance (e.g., CUP for a warehouse on commercial land, CUP for an electric substation on A-1 land; CUP for a variance to lot dimensions in the Traditional Neighborhood Design Overlay (TNDO) District). Averbeck stated he will discuss the legal fees for the Lasting Impressions LLC CUP with Town Attorney Matt Parmentier but our Town Attorney should continue to be utilized for EPC questions on Town ordinances and review of applications.

Borski re-iterated that the Town Clerk has statutory authority to sign CUPs in lieu of a notary, not the EPC Secretary. The Town Clerk will need to sign future CUPs in addition to the EPC Chairman. This should be done for all CUPs, even those not recorded at the Register of Deeds.

Additional Public Input:

Adam Gratton introduced himself and stated he is running for a Town Supervisor position (Bill Averbeck's vacancy) on the Town Board in April 2021.

Charlie Becker asked a question on the Rabe CP with respect to the Farmland Preservation Program and what would be allowed if they did not have enough land to create a NFR for a new residence. A NFR would then not be an option. Discussion followed about the Farmland Preservation Program.

Becker asked if there has been discussion by the Town Board or Plan Commission on the alleged solar farm. Averbeck stated the Town Board has not asked EPC to look into this and no one has approached the Town. Becker stated it is probably a good idea for the Town to start preparing for this.

Future Meetings & Agenda Items: February 9, 2021:

- Frank Mazanka Concept Plan
- Bill Averbeck report on Attorney Fees
- Possibly one CUP renewal

[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Brenner/Wenker to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

February 9, 2021

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)	x	Bill Averbeck, Town Board Liaison (5/1/2019 - 4/30/2021)
x	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (11/16/2019 – 4/30/2021)		STAFF: Attorney Matt Parmentier

Public Attendees:

Cheryl Pionke, Town Clerk	Adam Gratton	Doug Rehm	
Frank Mazanka	Jerry Borski		

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:00 p.m. followed by pledge of allegiance.

Review of Minutes: EPC reviewed the minutes from January 12, 2021. Motion made by Brenner/Wenker to approve minutes. Motion carried 5-0.

Tracking # CP-2021-01-12-Frank Mazanka

Concept Plan – Discussion of potential for minor land division and construction of new home - Frank Mazanka:

Location/Description of Property: W7518 Lincoln Rd / T07-16-16-12-05-002-00

Parent parcel acres: 5.32 +/-

Current zoning: A-1 (but no ag use)

Proposed parcel acres: TBD

Area of dedication acres: TBD +/- for Lincoln Rd

Proposal: Spilt land for their daughter to purchase and build a new home.

Base Farm Tract (BFT) Acres: not assigned (less than 10 acres) per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013

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

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A – insufficient acreage

Discussion continued from the January 2021 EPC meeting. Brenner reviewed the A-1 District rules & turn-over of the driveway/Town road to the Mazanka’s for the benefit of new attendees. Borski referenced a letter from Mazanka received January 27, 2021 and forwarded to the Town Attorney for additional consideration. Borski reviewed the February 9, 2021 email from Town Attorney Matt Parmentier regarding options for creation of a new lot and construction of a new residence on this 5.32 acres currently zoned A-1 based on the January 2021 EPC meeting discussion.

The following points from Parmentier’s February 9, 2021 email are listed here:

- Land division of this parcel within the A-1 District is not allowed, which would require a rezone.
- The only current option for rezone based on the 2020 Future Land Use Map is A-2 District that requires 3.0 acres minimum and allows a single-family residence (does not require a “farm residence” or “non-farm residence”). Rezone would need to be conditioned upon a variance.
- A variance to the dimensional requirements for a new A-2 lot and the remnant A-1 lot are required for road frontage, setbacks, lot width, etc. and *may be* granted through a variance(s) by the Board of Appeals due to the extenuating circumstances of this property (unique lot shape, recent discontinuation of road frontage, proximity to other development).

- A variance should be conditioned upon a driveway easement recorded at the Register of Deeds if a separate driveway is not constructed for the new A-2 lot.
- Fond du Lac County requires a minimum of 30 feet of road frontage and will need to be met by both new and remnant parcels for the County to approve the CSM.

Mazanka asked if there could be a shared septic or potable well. EPC stated the Town discourages shared wells but Mazanka could research this with Dave Jahns, Building Permit Officer. Jahns is also the individual to work with on the septic. Jahns should be contacted if they choose not to share the driveway to get a culvert/driveway permit.

EPC suggested the A-1 remnant lot have the minimum 30 ft frontage to allow the new A-2 lot to have as much frontage as possible and be as close to 3 acres as possible (least amount of non-compliance as possible). The next step is for Mazanka to submit a preliminary certified survey map for another concept plan review. EPC noted that a perc test is part of the formal application for a MLD/Rezone. Mazanka asked if the MLD/Rezone could be contingent upon a perc test. EPC does not advise it due to the substantial cost to finalize the CSM, submit the applications and request for variance. Also, it is unclear if the County will approve the CSM without a perc test. Borski will research this further.

Status Update – Conditional Use Permit (CUP) #ELD-20-001 (Alliant/WP&L) & CUP #ELD-20-002 (Lasting Impressions LLC): Town & Alliant legal reviews of the Alliant CUP (electrical substation on property zoned A-1) are done and the CUP will be sent to Alliant for signature. The Town will also send an invoice to Alliant for payment for professional services and recording fee prior to Town signature.

The Lasting Impressions LLC CUP (property dimension variations in the Traditional Neighborhood Design Overlay District (TNDO)) has been recorded at the Register of Deeds and the invoice modified by the Town Attorney and modified invoice paid. This CUP is complete.

Farmland Preservation Rezone Report 2020: Borski presented the 2020 Report that lists 0.827 acres were zoned out of A-1 in 2020. EPC approved Borski to submit to Department of Agriculture, Trade and Consumer Protection (DATCP). Borski also shared DATCP's map of *Rezoned out of Farmland Preservation Zoning for Jurisdictions in 2017-2019* that shows what areas of Wisconsin have farmland preservation districts and the general acres rezoned out of A-1 in 2017-2019.

Review of General Inquiries since January 12, 2021: Borski shared general inquiries received outside of the EPC meeting the past month include:

- a developer about a property for sale on Townline Circle and questions on pre-fab homes and setbacks on properties zoned Residential – answered questions and referred to Dave Jahns to discuss building permit & septic questions;
- questions from residents of other municipalities on properties for sale to build residences – explained there are a variety of options but first need to find a willing seller;
- inquiry for a zoning map of the Town – provided existing land use map from Comprehensive Plan Update 2040, future land use map from same report and referred to County GIS for existing zoning;
- inquiry on a property in foreclosure – discussed legal process is typically a couple years where the property is not for sale by the bank and is generally not well maintained, despite interested purchasers. Town is unable to get anyone from the bank to respond.

White stated a couple months ago he received a general inquiry on Base Farm Tracts (BFT) (not from Jerry Borski). Jerry Borski elaborated on BFTs in the Town to assist with the Town's on-going discussion about budget shortfalls, taxes and construction of new homes.

- He reviewed the Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013 and found 194 BFTs in the Town. Options for non-farm residences (NFR) with the 20:1 ratio would allow approximately 340 lots with the minimum 1.5 acres, not considering existing NFRs.
- There are less than 25 BFTs that have less than the minimum 31.5 acres required to allow at least 1 NFR lot.

- He will continue to review BFTs in areas designated as future Residential on the new Future Land Use Map (2020) (areas that could be rezoned from A-1 to Residential and eliminate the 20:1 ratio requirement) to update the max future new residences for further Town consideration.
- The point being that it is not the Farmland Preservation Program that is limiting construction of new homes in the Town but is more likely related to owners of A-1 property needing to keep their acreage for their farm use, unwilling to sell land for loss of acreage, general lack of interest in close neighbors and potential for creating future land use conflicts (e.g., ag vs. residential).
- The State constitution was amended in 1974 to allow differential assessment of farmland and passed at a public referendum.
- In 1995, Act 27 provided “use value assessment” where property was taxed on use, not the fair market value. The Department of Revenue (DOR) moved to full implementation of 1995’s Act 27 in 2000. The Act was challenged twice in 2002 at the Wisconsin Supreme Court and the law was upheld both times. Jerry Borski explained the use value formula.

Town website update on Plan Commission tab & Comprehensive Plan Update 2040 (“Comp Plan 2040”): Cheryl Pionke, Town Clerk, is working with the website owner to update our website. Specifically, remove the outdated notice of the public input process on the Comp Plan 2040 from the main page and upload the Comp Plan 2040 on the Plan Commission tab.

Process discussion – CUP renewals for non-farm residences: Conditional use permits to be reviewed in March include:

- Dave & Kathy Rabe d/b/a D&K Endeavors, LLC (warehouse & residence on property zoned Commercial)
- Ben & Sarah Isaac (Annie Isaac non-farm residence) – will be postponed until property boundaries confirmed with County
- Larry & Virginia Hinz (non-farm residence)
- Gary & Teresa Haas & David & Paula Haas Living Trust (non-farm residence)

This will be the second renewal for the Larry & Virginia Hinz NFR since construction of the home. Borski encouraged EPC members to consider no term limits for future NFR renewals after all proposed construction activities are completed (e.g., on-site potable well, residence, other site-specific condition(s)). Brenner expressed concern with this and provided the example of Ben & Sarah Isaac where property boundaries were modified after construction of the residence.

Public Input:

Tracking # CP-2021-02-09-Rehm

Concept Plan – Discussion of potential for minor land division and construction of new home – Doug Rehm:

Location/Description of Property: W9652 Olden Rd / T07-16-16-18-07-001-00

Parent parcel acres: 32.59 +/-

Current zoning: A-1

Proposed parcel acres: TBD

Area of dedication acres: TBD +/- for Olden Rd

Proposal: Potentially spilt land for their son to purchase and build a new home on the east side of Olden Rd and sell their acres.

Base Farm Tract (BFT) Acres: 72.8 acres (confirmed during the meeting)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 69.33 +/- acres (calculated after the meeting)

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 3.47 +/- acres (calculated after the meeting)

Doug Rehm, W9652 Olden Rd (between Lincoln Rd & Moon Rd) stated he is planning to sell his acreage and/or have his son build a house on 5 acres in 2-5 years and would like to know his options. He currently has two parcels, one of which is split by Olden Rd. No Concept Plan application was submitted.

EPC reviewed the BFT map and found the Douglas Rehm BFT is 72.8 acres, allowing 3.74 max NFR. *[Note: During the meeting, a quick calculation of the max NFR acres was reported as 3.74 acres. However, after the meeting, Borski recalculated the acres as 3.47 acres.]*

A couple questions arose during discussion:

1. Since Rehm is considering selling to his son, does the situation qualify as a “farm residence” as defined under 17.09(45)(b)2 if Rehm also intends to sell his land at or near the same time? A “farm residence” is a permitted use in the A-1 district. (“Farm residence” under 17.09(45)(b)2 is defined as, “a parent or child of an owner or operator of the farm”.)
2. Could property be rezoned to A-2 for Rehm’s son’s residence in lieu of a NFR if the conditions for rezone out of A-1 are met?
3. How does rezone from A-1 to A-2 impact the 20:1 ratio for future NFRs and potential acres for NFRs since the BFT acres are set? (Note: A-2 does not require a “farm residence” or “NFR” and allows “one-family dwellings” and “two-family dwellings”).

Borski will inquire with the Town Attorney and possibly DATCP on these questions. EPC recommended Rehm submit a Concept Plan application with more detail in advance of a future EPC meeting and request to be added to the agenda for more in-depth discussion.

Future Meetings & Agenda Items: Next meeting March 9, 2021. Public hearings for Conditional Use Permit renewals for:

- Dave & Kathy Rabe d/b/a D&K Endeavors, LLC (warehouse & residence on property zoned Commercial)
- Larry & Virginia Hinz (non-farm residence)
- Gary & Teresa Haas & David & Paula Haas Living Trust (non-farm residence)

Gary and Kathi Rabe may have a revised preliminary certified survey map for another concept plan review.

[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Wenker/Averbeck to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

April 13, 2021

Plan Commission Member Attendees (5) and terms:

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Public Attendees:

Charlie Becker	Aaron Rickert, Town Board Supervisor beginning 4/26/21	David Jahns, Town Board Supervisor & Building Permit Officer	Gary Miller, Town Board Chairman
Jerry Borski	Matthew Zimmerman	Richard Schultz	Theresa Schultz
Ted Frank	Cheryl Pionke, Town Clerk	Mike & Lisa Pionke	Gary & Cindy Borgers
Jim Rozek	Brad Witt	Glenn Henning	Kellan Henning
Jordan Weed	Frank Mazanka	Jim Pionke	Ben Smith
Eric Freiburg, ET Surveying			

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 9:10 p.m. following two public hearings. Pledge done previously.

Review of Minutes: EPC reviewed the minutes from March 9, 2021. Motion made by Averbeck/Brenner to approve minutes. Motion carried 5-0.

Tracking # CP-2021-04-02-Frank Mazanka

Concept Plan – Minor land division and rezone for construction of new home – Frank Mazanka:

Location/Description of Property: W7518 Lincoln Rd / T07-16-16-12-05-002-00

Parent parcel acres: 5.32 +/-

Current zoning: A-1 (but no ag use)

Proposed parcel acres: 2.186 +/- for Lot 1 and 2.968 +/- for Lot 2 (remnant)

Area of dedication acres: 0.166 +/- for Lincoln Rd

Proposal: Spilt land and rezone for their daughter to purchase and build a new home.

Base Farm Tract (BFT) Acres: not assigned (less than 10 acres) per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013

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

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A – insufficient acreage

This concept plan discussion is a follow-up to the initial **Tracking # CP-2021-01-12-Frank Mazanka on January 12, 2021 and February 9, 2021** and further general discussion **on March 9, 2021**. Mazanka submitted CP-2021-04-02-Frank Mazanka along with a preliminary CSM for EPC review. Eric Freiburg, ET Surveying explained how he surveyed the property to accommodate the suggestions from EPC and the Town Attorney (Matt Parmentier) including a minimum 30 feet frontage for the remnant lot (Lot 2) and using the existing line of trees for the East-West split between proposed Lots 1 & 2. Mazanka owns to the center of the driveway, not the entire width of the driveway as previously thought by Mazanka but this does not affect the proposal. Freiburg will finalize the CSM including labeling Lincoln Rd and labeling the owner of property to the East. The southern property line for the remnant (Lot 2) does not meet the required setback from an existing accessory building but is the existing property line. The perc test is done and will be submitted with the application.

To be reviewed at the May 11, 2021 EPC meeting, the application for a rezone with \$350 fee and MLD with \$300 fee is due no later than April 19th to allow for the public notice process. The final CSM should be submitted no later than May 3rd. Applications for a MLD and Rezone were provided to Mazanka.

Status Update – Conditional Use Permit (CUP) #ELD-20-001 (Alliant/WP&L): The invoice for reimbursement of legal review and filing at the Register of Deeds was paid by Alliant. The CUP is now signed and recorded at the Register of Deeds. Borski provided a copy of the signed CUP to EPC and Town Board members (Gary Miller, Dave Jahns and new TB member Aaron Rickert-eff. 4/26/21) as well as Mike Pionke, Town Patrolman. Borski will send an electronic copy to the Town of Friendship.

Status Update & Compliance Question for Condition #3c – CUP #ELD-20-002 (Lasting Impressions LLC): Condition #3c of the CUP states, *The Applicant shall complete and receive all necessary approvals for a Certified Survey Map that combines the two parcels into a single parcel no later than September 8, 2021.* There has been email discussion the past month between Tom Schultz (Lasting Impressions, LLC), Fond du Lac County and Borski and also between Borski and Town Attorney Matt Parmentier regarding a CSM vs. a Plat of Survey. The discussions were whether a Plat of Survey would meet the criteria in condition #3c of the CUP. Theresa Schultz stated that they have decided to just go ahead with the CSM. The EPC still discussed and, for future reference, are not in favor of a Plat of Survey option because the document is not recorded with the Register of Deeds. Rather, the document is held by the Surveyor.

Review of General Inquiries since March 9, 2021:

- Brenner received a question on a property in the hamlet that is zoned Commercial and possible interest for conversion to a Residence. Since this is within the Traditional Neighborhood Design Overlay (TNDO) Brenner informed them it was a possibility. The inquiring party will consider further.
- White received multiple questions on solar projects.

Public Input: Question from Glenn Henning on why there is a big white arrow painted in the road at the intersection of Blewett Rd & Town Hall Rd/CR C. No one is certain. The public noted Leeward Solar Renewable Energy, LLC was out surveying land today.

Future Meetings & Agenda Items: May 11, 2021 – Public hearing for MLD & Rezone application by Frank Mazanka. Follow-up to Town Board action on Zoning Ordinance amendments (Solar Energy Systems & Changes and Amendments).
[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Wenker/Averbeck to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

May 11, 2021

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2021 - 4/30/2024)	x	Aaron Rickert, Town Board Liaison (5/1/2021 - 4/30/2023)
x	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (5/1/2021 – 4/30/2024)		STAFF: Attorney Matt Parmentier

Public Attendees:

Cheryl Pionke, Town Clerk	Gary Miller, Town Board Chairman	Mike Wagner, Board of Appeals Chairman	Doug & Judy Rehm
Frank Mazanka	Kathi Rabe	Charlie Becker	Rosalind Lyness

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:40 p.m. immediately following a public hearing followed by pledge of allegiance.

Introduction of Plan Commission Members: Brenner introduced each member, including Aaron Rickert, new Town Board Liaison (elected Town Supervisor in April 2021 and appointed to the EPC by Gary Miller on 4/26/21).

Public Input:

Based on discussion that took place in advance of start of the public hearing, Brenner moved “public input” ahead of minutes review to allow Rosalind Lyness to raise her issues. Lyness brought up a statement made by Cheryl Pionke, Town Clerk, at the last Town Board meeting that Town Board minutes will no longer be read at the beginning of each meeting. Lyness asked numerous questions regarding Town Board and EPC minutes about when the public is provided minutes in advance of approval, whether the public is asked for correction to minutes, the process for minutes approval, when approved minutes are required to be provided to the public, etc. and indicated she specifically has had her input mis-represented at least twice in previous EPC minutes. No specific dates or details were provided. Discussion followed.

Pionke informed all that Matt Parmentier, Town Attorney recently clarified for her there is no statute that requires minutes be read aloud and is the reason the Town Board will no longer be doing this. Brenner summarized that historically reading the EPC minutes has not been necessary since few members of the public typically attend and the EPC members are provided copies to review in advance. In addition, minutes are generally long and not a good use of our limited time to read the lengthy minutes aloud. After discussion, it was agreed that EPC will provide a few copies of the minutes ahead of time at future EPC meetings for the public to review.

Brenner requested Pionke ask Town Attorney Matt Parmentier what the process is for appeals to minutes that have already been approved.

Review of Minutes: EPC reviewed the minutes from April 13, 2021. Motion made by White/Wenker to approve minutes. Motion carried 5-0.

Status Update – Zoning Ordinance Amendments:

- Solar Energy Systems – Second public hearing held by the Town Board on 5/3/21 followed by a Special Town Board meeting to adopt the amendment to the Zoning Ordinance, creation of sec. 17.22, Solar Energy Systems.
- Changes and Amendments - Second public hearing held by the Town Board on 5/3/21 followed by a Special Town Board meeting to adopt the amendment to the Zoning Ordinance, revision of sec. 17.58(1), Changes and Amendments.

Both amendments will be published 5/12/21 and become effective 5/13/21 per Cheryl Pionke.

Status Update – Gary (& Kathi) Rabe applications for Minor Land Division (MLD) & Conditional Use Permit (CUP) for Non-Farm Residence (NFR): Applications received and public notice issued. Hearing scheduled for June 8, 2021. The perc test has not yet been submitted and may not be done prior to 6/8/21. Per previous clarification by Town Attorney Matt Parmentier, the EPC and Town Board can still process the applications with approval contingent upon receipt of a favorable perc test. Kathi Rabe inquired when the tax assessment will change. EPC informed Rabe that the tax is based on land use so they can expect the existing taxes to apply until the house is built.

Tracking # CP-2021-05-05-Rehm

Concept Plan – Application for Minor Land Division with multiple parcels – Doug & Judy Rehm:

Location/Description of Property: W9652 Olden Rd / T07-16-16-18-07-001-00

Parent parcel acres: 32.59 +/-

Current zoning: A-1

Proposed parcel acres: 6.41 +/- ac. lot w/ existing house, 5.0 +/- ac. lot, 22 +/- ac. remnant

Area of dedication acres: TBD +/- for Olden Rd

Proposal: Spilt land on west side of Olden Rd into two lots and leave remnant on east side of Olden Rd.

Base Farm Tract (BFT) Acres: 72.8 acres

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 69.33 +/- acres

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 3.47 +/- acres

Doug Rehm discussed their desire to split the existing 32.59-acre parcel that includes both sides of Olden Rd into two lots on the west side of Olden Rd and leave the remnant on the east side:

- a proposed 6.41-acre lot with their existing home on the west side,
- a 5.0-acre lot to the north of their existing home on the west side, and
- the remnant on the west side.

The intention is to sell the 5.0-acre lot for construction of a new home and sell the remnant on the east side with no specific plan for use. This would require rezone of the 5.0-acre lot from A-1 to A-2 in order for a home to be built on that size lot. The current use of the property would easily qualify for rezone from A-1 to A-2 (vacant, untilled open land). There is no intention to split the adjacent 40-acre lot that is landlocked further to the east (T07-16-16-18-08-001-00).

Rehm requested clarification on what size lot could be created for construction of a home on the east side for marketability reasons. EPC explained the A-1 Exclusive Ag district and 20:1 ratio for non-farm residences. Without rezone, the owner could create a single max 3.47-acre lot, or two lots with min 1.5 acres that together equaled no greater than 3.47 acres. The Future Land Use Map would also allow for rezone to A-2 with min 3.0-acre lots if they meet the criteria to zone out of the A-1 district. Discussion followed regarding options to maximize use of allowed non-farm residences and creation of A-2 parcels. Rehm will discuss options further with their surveyor and return with a revised concept plan application and preliminary CSM, likely in June.

Review of General Inquiries Since April 13, 2021:

Brenner received two general inquiries:

- 1) a landowner with less than 3-acre parcel interested in constructing an accessory structure. Surrounding farmland owned by his father so may look at purchasing some land to build a building; and
- 2) the daughter of aging parents that live on approx. 12-acre lot zoned Rural District that are interested in splitting land to build a home.

Neither individual came to the meeting tonight but are expected to follow-up in the coming months.

Borski and White both received questions regarding solar energy systems. Brenner added that the new Chairman for the Village of Rosendale was also unaware of the solar energy systems discussions and Brenner briefed him on the topic.

Public Input: none

Future Meetings & Agenda Items: June 8, 2021 – public hearing for Gary (& Kathi) Rabe MLD & CUP for NFR and likely a revised concept plan with preliminary certified survey map for Doug & Judy Rehm.
[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Wenker/White to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:47 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

June 8, 2021

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	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)
	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (5/1/2021 – 4/30/2024)		

Staff or Town Board Member Attendees:

Cheryl Pionke, Town Clerk	Gary Miller, Town Chairman (5/1/2021 - 4/30/2023)	Attorney Matt Parmentier
Mike Pionke, Highway Patrolman	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 input or as deemed necessary by EPC.

<p>Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:22 p.m. Pledge of allegiance performed at prior public hearing.</p>
<p>Review & Approve Minutes: EPC reviewed the public hearing & EPC meeting minutes from May 11, 2021. Five copies circulated to public per May 2021 decision. Motion made by White/Brenner to approve minutes. Motion carried 4-0.</p>
<p>Review & update practices for future public hearings/EPC meetings sign-in and minutes content: Brenner presented four items for discussion on the sign-in & minutes (underlined below) which was followed by lengthy discussion and public comments. Decisions by the EPC are recorded below.</p> <ol style="list-style-type: none"> 1. <u>Previously approved minutes</u> - If the public presents an issue with previous minutes already approved, a statement will go in the minutes for the meeting in which the issue is raised. Approved minutes will not be amended. 2. <u>Future minutes</u> - Minutes will continue to be recorded per the current process (e.g., level of detail) with the exception below regarding attendance. 3. <u>Sign-in Sheet</u> - The sign-in sheet is not a requirement at Town Board meetings per Cheryl Pionke, Town Clerk. The sign-in sheet will continue to be offered to the public but future EPC minutes will only list the EPC, Staff and Town Board attendees. Public names will be included for agenda items or contributions under public input. 4. <u>Minutes for review and approval read aloud or distributed?</u> – Five copies of minutes for review will be provided in advance of the meeting for circulation by the public attendees but will not be read aloud. The process will be for EPC to make a motion to approve the minutes, second the motion, and then before the vote, allow public input on <i>content</i> before EPC votes. Wording and semantics will not be modified.
<p>Tracking # CP-2021-06-03-Rehm Concept Plan – Application for Minor Land Division with multiple parcels – Doug & Judy Rehm:</p> <p>Location/Description of Property: W9652 Olden Rd / T07-16-16-18-07-001-00 Parent parcel acres: 32.59 +/- Current zoning: A-1 Proposed parcel acres: 5.4 +/- ac. lot w/ existing house, <u>two</u> 3.0 +/- ac. lot, 22 +/- ac. remnant Area of dedication acres: TBD +/- for Olden Rd Proposal: Spilt land on west side of Olden Rd into <u>three</u> lots, rezone two-3.0 +/- ac. lots and leave remnant on east side of Olden Rd.</p>

Base Farm Tract (BFT) Acres: 72.8 acres

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 69.33 +/- acres

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 3.47 +/- acres

Doug Rehm discussed their plan, revised after the May concept plan discussion and meeting with Eric Freiburg, E T Surveying, to split the existing 32.59-acre A-1 parcel that includes both sides of Olden Rd into three lots on the west side of Olden Rd and leave the remnant on the east side:

- a proposed 5.4-acre lot with their existing home on the west side (unsure if will remain A-1 or request to rezone to A-2),
- a proposed minimum 3.0-acre lot to the north of their existing home on the west side to be rezoned A-2,
- a second proposed minimum 3.0-acre lot to the north on the west side to be rezoned A-2, and
- the remnant lot on the west side (to remain A-1).

The intention is to sell the two 3.0-acre lots for construction of new homes at some point and sell the remnant farmland on the east side. This would require rezone of the two 3.0-acre lots from A-1 to A-2 for homes to be built. The current use of the property would easily qualify for rezone from A-1 to A-2 (vacant, untilled open land).

There is no intention to split the adjacent 40-acre lot that is landlocked further to the east (T07-16-16-18-08-001-00) but that will be sold with the remnant farmland on the east side of Olden Rd. This proposal does not include use of the max non-farm residence area of 3.47 acres that could still be split and constructed in the future on the east side of the road within the farmland. As discussed at the May 2021 concept plan, without rezone, the owner of the land east of Olden Rd could create a single max 3.47-acre lot, or two lots with min 1.5 acres that together equaled no greater than 3.47 acres. The Future Land Use Map would also allow for rezone of the eastern lot to A-2 with min 3.0-acre lots if they meet the criteria to zone out of the A-1 district (currently farmland).

Freiburg informed EPC that normally the remnant of 20 acres would require to be included in the CSM as a separate lot; however, since the remnant of 20 acres is adjacent to 40 acres by the same owner (contiguous land), he will not need to create a lot for the remnant on the east side of Olden Rd. The County requires a remnant with less than 35 acres contiguous land to be included in the CSM.

EPC discussed the options for the lot line between the 5.4-acre lot and first 3.0-acre lot, side yard and rear yard setbacks for A-1 vs. A-2 and minimum lot size (3.0 acres) and frontage (200 feet) for A-2. Also, a percolation (perc) test needs to be done for each of the proposed 3.0-acre lots. Perc tests are typically good for five years. EPC provided Rehm with applications for Minor Land Division and Zoning to be submitted when he is ready to proceed.

Status Update – Frank & Jeni Mazanka application for Minor Land Division & Rezone from A-1 to A-2 (Frank & Jeni Mazanka): The Town Board approved the applications for MLD & Rezone of Lot 1 conditioned upon the variances & recording of the driveway easement. The Board of Appeals public hearing is scheduled for June 16, 2021.

Review of General Inquiries Since May 11, 2021: none beyond the agenda items and public present (including Chris & Keetra Baker discussed under public input)

Public Input:

Chris & Keetra Baker

Tracking # - NA - no Concept Plan application submitted

Location/Description of Property: vacant land on Dike Rd / T07-16-16-35-13-003-00

Parent parcel acres: 9.62 +/-

Current zoning: RD

Proposed parcel acres: same

Area of dedication acres: N/A

Proposal: Rezone from RD to A-2

Base Farm Tract (BFT) Acres: N/A - not assigned per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013 (zoned RD)

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

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A – zoned RD

Chris Keetra explained that they just purchased this lot that is currently farmed. They intend to request the Town rezone the parcel from RD, Rural District, to A-2, General Agricultural to construct a larger accessory building than allowed in RD. They intend to put in a culvert and driveway with an accessory building and plant trees soon and eventually build their home several years from now. They also intend to request a variance to the road setback requirement in A-2 of 350 feet. EPC explained the process for submitting a Concept Plan application and the Process Instructions available on the Town website. Dave Jahns is the Permit Officer and the contact for both the culvert and building permits. Baker has already been in contact with both Jahns and Borski on this plan.

Question from public on EPC “pushing/encouraging” A-2, General Agricultural, over RD, Rural District just mentioned. EPC explained RD was the only residential option for properties less than 35 acres in the agricultural district under the old Zoning Regs with a 5-acre minimum for hobby farms with animals. A-2 is the option designed for residences, hobby farms and other uses in the ag district under the revised (current) Zoning Regs. The intent of EPC during revision of the Zoning Regulations was to replace RD with A-2 as opportunities arise and is supported by the Comprehensive Plan’s Future Land Use Map that only allows rezones to A-1 or A-2 in the agricultural district (not RD). Rezones from A-1 to A-2 still need to meet the requirements to zone out of the Farmland Preservation district. However, since properties are still zoned RD in the Town, a section of the Zoning Regs needed to include this district. EPC reviewed differences between A-2 vs. RD (e.g., minimum lot size, outbuildings, permitted & conditional uses).

Next Meeting Date & Tentative Agenda: July 13, 2021

[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Borski/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 9:10 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

July 13, 2021

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	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	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (5/1/2021 – 4/30/2024)		

Staff or Town Board Member Attendees:

x	Cheryl Pionke, Town Clerk	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 input or as deemed necessary by EPC.

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:00 p.m. followed by pledge of allegiance.

Review & Approve Minutes: EPC reviewed the public hearing & EPC meeting minutes from June 8, 2021. Five copies circulated to public per May 2021 decision. Motion made by White/Brenner to approve minutes. Motion carried 3-0. (Wenker abstained; Rickert not yet arrived).

Tracking # CP-2021-06-28-Ihrig

Concept Plan – Application for Rezone – James & Jodi Ihrig:

Location/Description of Property: N8537 Tutz Rd / T07-16-16-15-11-005-00

Parent parcel acres: 4.193 +/-

Current zoning: Residential

Proposed parcel acres: N/A

Area of dedication acres: N/A

Proposal: Rezone back to Ag to allow continued use as hobby farm and construct additional ag-related buildings

Base Farm Tract (BFT) Acres: N/A (Residential) per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013

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

Ihrig purchased the property over 15 years ago and has had goats, chickens, etc. as a hobby farm. The property used to be zoned A-1, Exclusive Ag. He recently applied for a building permit for an ag-building and was denied because the property is currently zoned Residential. Ihrig informed EPC he was not informed of the rezone from A-1 to Residential. Dave Jahns, Permit Officer, stated the property is zoned Residential and already exceeds the maximum square footage for accessory structures. Jahns also pointed out that existing structures on the property are currently legal, non-conforming lots since they pre-date the current Zoning Ordinance (e.g., accessory structure is located just five feet off the east property line). Ihrig stated he obtained the permit for that building from Elmer Wohler a long time ago (Secretary Note: Wohler was the long-time Permit Officer prior to Dave Jahns and also served on the Zoning Board for many years. The “Zoning Board” preceded creation of the Plan Commission in 2010 after adoption of the Town’s first Comprehensive Plan in 2009).

Borski explained that when the Town was going through rewriting the Zoning Ordinance, the County was also working on their Zoning Map. At the time, Sam Tobias, County Planner, (now retired) contacted the Town and went through an exercise to identify clusters of three or more residences outside the hamlet of Eldorado (in the ag district) and rezone them to Residential. Borski stated that EPC was not in full support of this effort but was unable to prevent it from happening. The County directed the Town through this "Town-initiated" rezone process. Ihrig's property was one of three properties on Totz Road that were selected for this rezone to Residential. Borski was not involved in the specific notifications given but the Town Clerk at the time would have had to meet the required public noticing in advance of the rezones.

The differences in standards, permitted and conditional uses between A-1, Exclusive Ag, and A-2, General Ag, were discussed in detail for Ihrig to decide if he prefers to apply for rezone to A-1 or A-2. Ihrig prefers A-1. Side and rear yard setbacks for future buildings were discussed with Ihrig for his proposed building. EPC provided Ihrig with the Process Instructions and application for Rezone. The application is due by Monday, 7/19/21 in order to be public noticed in time for a public hearing on 8/10/21. EPC requested Borski contact current County Planner, Terry Dietzel, to discuss the intention to rezone this property from Residential back to A-1 and verify the County has no concern.

Tracking # CP-2021-07-06-Baker

Concept Plan – Application for Rezone and Possibly Combination of Lots – Christopher V. Baker & Keetra C. Baker:

Location/Description of Property: vacant land on Dike Rd / T07-16-16-35-13-003-00

Parent parcel acres: 9.62 +/-

Current zoning: Rural District, RD

Proposed parcel acres: same

Area of dedication acres: N/A

Proposal: Rezone from RD to General Ag, A-2, and possibly combine 4.0 +/- acres from an adjacent parcel (Wagner)

Base Farm Tract (BFT) Acres: N/A - not assigned per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013 (zoned RD)

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

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A – zoned RD

Tracking # CP-2021-07-06-Wagner

Concept Plan – Application for Minor Land Division (MLD) of Rural District Land with Rezone – Aaron & Melissa Wagner:

Location/Description of Property: W7762 Dike Rd / T07-16-16-35-13-008-00

Parent parcel acres: 9.67 +/-

Current zoning: Rural District, RD

Proposed parcel acres: 4.02 +/- acres for sale & retain 5.67 +/- acres

Area of dedication acres: N/A

Proposal: Split 4.02 +/- acres from parcel to rezone, sell and merge with Baker's lot

Base Farm Tract (BFT) Acres: N/A - not assigned per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013 (zoned RD)

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

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A – zoned RD

Chris Baker explained he and Keetra recently purchased their vacant lot and want to rezone it from RD to A-2, General Ag to initially put large accessory structure(s) with a bathroom/plumbing on it for personal equipment & storage, plant trees and eventually build a home. Timing for construction is uncertain. They do plan to install a culvert & driveway soon. Baker also explained that they are considering purchasing the back 4.02 +/- acres of Wagner's lot to

merge with their lot, squaring off Wagner's remnant. They want to talk through the options for this and placement of their accessory structures & house with and without the merge. Aaron Wagner and Dave Jahns, Permit Officer, were included in the discussion.

- EPC informed Baker that if he purchases the 4.02 +/- acres from Wagner but the parcels are not merged, his structures will need to meet the side-yard setbacks from the property boundary between the two parcels, even though they are contiguous and under common ownership.
- EPC reviewed the definition of a flag lot in the Land Division / Sub-division Regulations and agreed that, if the Baker lot were to be merged with 4.02 +/- of the Wagner lot, it would not be creating a flag lot and would be allowed. Creation of flag lots are prohibited in the ordinance.
- EPC stated the 4.02 +/- acres from Wagner will need to be rezoned from RD to A-2 to merge with Baker's lot and suggested Wagner consider whether he would like his entire 9.67-acre parcel rezoned A-2 at the same time (no additional cost). Wagner will review permitted and conditional uses allowed in each district to decide.
- If requesting the split, Wagners remnant parcel will need to meet the minimum lot size, dimensions & setbacks for the applicable district (as would the 4.02 +/- lot if not being merged with Baker's lot).
- Baker informed EPC he will work with Eric Freiburg of E T Surveying and pay for the survey. EPC informed Baker that the entirety of both parcels will need to be surveyed to include in the proposed Certified Survey Map (CSM) since Wagner's remnant will be less than 35 acres (with no contiguous parcels) per County rules.
- EPC agreed no further concept plan review is needed for either parcel if they move forward with the rezones and land division as proposed.
- The applications for rezone for both Baker and/or Wagner can be submitted in advance of the application for MLD/combination if it will take longer to work out the land transfer and Baker needs to move forward with the rezone.
- A percolation (perc) test will be needed for the MLD/combination application for the Town to approve the CSM (ideally perc test submitted with the application but at least prior to final approval of the CSM). Perc tests are generally good for five years so Baker may need to repeat the test prior to constructing their home.
- EPC & Jahns clarified that the 350-foot maximum setback for dwellings, attached garages and non-ag structures (commonly referred to as the "driveway setback") in the A-2 district does not apply for ag buildings. EPC suggested Baker consider applying for a variance to the 350-foot setback prior to installing the driveway.

EPC provided both Baker & Wagner individually with applications for rezone from RD to A-2 and MLD (also used for combination of lots) and application process instructions. Fees will include:

- \$350 for rezone of Baker's lot,
- \$350 for rezone of Wagner's lot (or rezone of only split land) and
- \$300 for approval of a single CSM (with applications by Baker & Wagner) to split Wagner's lot and merge a portion with Baker's lot (creation of Lots 1 & 2).

All property owners listed on the deed need to sign the applicable applications. Rezone applications need to be submitted at least three weeks prior to the EPC meeting to post the legal notice for public hearing.

Status Update – Chapter 17 Zoning Ordinance Amendments effective May 13, 2021: The approved ordinance amendments (creation of section 17.22 on Solar Energy Systems and revised section 17.58(1) are posted on the Town of Eldorado website under the "Town Ordinances" tab. Borski provided EPC members with hard copies of each amendment for their books.

Status Update – Frank and Jeni Mazanka MLD, Rezone & Variances: Borski reported the Board of Appeals held their public hearing for the variances on June 16, 2021 and approved the variances for lot size for Lot 1 (less than 3.0 acres for A-2 District) and lot dimensions for Lots 1 & 2 (road frontage & lot width) of the proposed CSM by acceptance of the proposed CSM, contingent upon recording the driveway easement at the Register of Deeds per the EPC/Town Board. Gary Miller, Town Board Chairman, will be able to sign the CSM when the recorded easement is provided to

the Town. The Board of Appeals also approved a variance to the maximum setback for the dwelling, attached garage and non-ag structures of 350 feet (commonly referred to as the “driveway setback”) with no additional conditions. Reference the Board of Appeals minutes for additional details.

Status Update – Gary Rabe MLD & Conditional Use Permit (CUP): The Town Board approved the CSM at the June Town Board meeting without conditions. The CUP for a non-farm residence (NFR) is drafted. However, Matt Parmentier, Town Attorney, recommended EPC consider recording the CUP for a NFR at the Register of Deeds. This needs further discussion by the EPC prior to finalizing the Rabe’s CUP (next agenda item).

Conditional Use Permits (CUPs) for Non-Farm Residences (NFRs) – Should they be recorded at the Register of Deeds (past & future)? During legal review of the Rabe CUP for NFR, Parmentier recommended EPC consider recording CUPs for NFRs at the Register of Deeds. Borski provided EPC with a copy of the email chain that details the considerations. Borski also provided EPC with a list of CUPs for NFRs issued by the Town and a list of options moving forward. The Town recorded only one of the seven CUPS for NFRs at the Register of Deeds so far (Vis on the Rickert Bros LLC base farm tract (BFT) possibly due to the requirement to obtain a variance for exceeding max setback). During discussion, EPC agreed recording the CUPs on all parcels within the applicable BFT is not desirable due to workload in recording the initial CUP and subsequent renewals. EPC also prefers, at this time, to not record CUPs for NFRs on the applicable parcel for the same reasons. EPC asked Borski to discuss with Parmentier the potential to include a disclaimer or condition that it is the property owner’s responsibility to disclose the permit and notify future owners.

Review of General Inquiries Since June 8, 2021:

- Brenner wanted to discuss process to get EPC recommendations to the Town Board for action after a public inquiry at the June Town Board meeting following some miscommunication on the Rabe MLD. After discussion with Cheryl Pionke, Town Clerk:
 - Borski will resume sending a brief summary email to the Town Board members & Pionke (& Brenner as EPC Chairman) following EPC hearings/decisions.
 - Borski will continue to provide an email of the EPC hearing & meeting minutes to the Town Board when completed.
 - Pionke will provide hard copies of the applicable applications (available in the file) to Dave Jahns & Gary Miller in advance of the Town Board meeting.
 - Aaron Rickert, Town Board Liaison, is also responsible to provide additional information during Town Board meetings based on first-hand knowledge on EPC.
 - The Plan Commission Report at Town Board meetings will continue to be given by Brenner but may be given by other EPC reps in Brenner’s absence (usually Borski or the TB liaison).
- Borski received an inquiry on constructing additional buildings at N8030 Sales Rd (zoned Commercial). Submittal of a Site Plan to EPC is needed as opposed to specific setbacks and square footage requirements in the Commercial District. Public comment that any development needs to consider County, State & Federal regulations as well (e.g., stormwater, grading, wetlands, adj. to I-41).
- Borski also received an inquiry from Theresa Schultz of Lasting Impressions, LLC regarding timing for submittal of their application to merge the two lots at as a required condition of their CUP, which is due in September 2021. The survey will not be able to be completed in time to process in August. EPC agreed that they need to continue to move forward with their Surveyor with best faith efforts toward progress and keep the EPC apprised of the schedule.
- White informed EPC Doug Rehm is waiting to submit his applications for MLD & Rezone for the perc test. EPC asked White to communicate that the applications can be submitted in advance of receiving perc test results. The perc test is only necessary before the Town can sign the CSM as previously confirmed with the Town Attorney.

Public Input: None

Next Meeting Date & Tentative Agenda: August 10, 2021 – Ihrig Rezone Public Hearing; possibly Baker/Wagner Rezones & MLD/Merge Public Hearing; Status Updates; follow-up to CUPs for NFRs.

[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Wenker/Borski to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

August 10, 2021

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	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	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (5/1/2021 – 4/30/2024)		

Staff or Town Board Member Attendees:

	Cheryl Pionke, Town Clerk		Gary Miller, Town Chairman (5/1/2021 - 4/30/2023)		Attorney Matt Parmentier
	Mike Pionke, Highway Patrolman		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 input or as deemed necessary by EPC.

Call to Order and Agenda Review: Meeting called to order by Jeremy Brenner at 7:09 p.m. Agenda revised to allow public comment ahead of the status updates (Chuck Boyd Concept Plan discussion).

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from July 13, 2021. Five copies circulated to public per May 2021 decision. Motion made by White/Rickert to approve minutes. Motion carried 5-0.

Discussion of properties shown as split-zoned on Fond du Lac Co GIS & zoning vs. assessment:

Borski shared that a property appears to be split-zoned A-1 & Residential on the Fond du Lac County GIS website (T07-16-16-15-11-008-00), found during review of the Ihrig application. However, upon inquiry with Terry Dietzel, the County Planner, the two parcels were combined onto one tax bill but remain two separate parcels with different zoning. This was a service the County historically did at the request of property owners to reduce the number of tax bills received but acknowledge that it does create confusion when reviewing the County GIS map. The County is considering no longer combining parcels for tax purposes and requiring property owners to go through the local Plan Commission to formally combine lots. Any properties that appear to be split-zoned will need to be reviewed by the County Planning Dept. to determine actual parcel numbers and zoning. There are a couple throughout the Town identified during a recent effort with the County to identify all A-1 land. Borski provided Dietzel with one more property in question for review that appears split zoned A-2 & Commercial (T07-16-16-15-12-006-00). Dietzel will research and get back to Borski.

Borski also shared with EPC that a property owner recently inquired to confirm zoning based on the information on the County assessment page (T07-16-16-26-08-016-00). It appears that 1.3 acres was assessed Residential and 0.527 acres were assessed Agricultural. Borski confirmed with the County that the entire 1.827 acres is zoned Residential. However, the property is assessed based on land use. Since the 0.527 acres were still tilled land as of the assessment, the portion was assessed as Agricultural even though it is zoned Residential. Borski showed EPC how to verify this on the County GIS website for future reference.

Public Input:

Tracking # CP-2021-08-09-Boyd

Concept Plan – Application for Rezone from A-1 to Commercial – Charles, Patty & Carol Boyd:

Location/Description of Property: N8069 Sales Rd / T07-16-16-25-06-003-00

Parent parcel acres: 3.48 +/-

Current zoning: A-1

Proposed parcel acres: same
Area of dedication acres: N/A
Proposal: Rezone to Commercial for purpose of building storage warehouse for rental

Base Farm Tract (BFT) Acres: N/A – less than 10 acres
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

Chuck Boyd provided the EPC with a Concept Plan application and map not provided in advance of the meeting. The property has a residence along with accessory buildings and was zoned agricultural (A-1) and rented out prior to the current ordinance (legal non-conforming). Boyd owns the property with Patty and Carol Boyd. They propose to rezone the property to Commercial to construct a storage warehouse for rental.

EPC identified the Future Land Use Map (FLUM) shows this area as Ag, which would allow rezone from A-1 to A-2 unless there is an amendment to the FLUM. Since the Comprehensive Plan was just updated, Boyd would need to initiate and cover Town expenses for an amendment to the FLUM. EPC reviewed permitted and conditional uses in the A-1 & A-2 districts and recommended Boyd review these in further detail to better understand options under the current ordinance. Boyd will also investigate potential costs to amend the FLUM to extend the area marked as “Commercial” from the south side of Hwy 41 on Sales Rd to the north side to include this and potentially adjacent parcels.

Status Update – Lasting Impressions, LLC (Tom and Theresa Schultz) Combine Lots by Certified Survey Map: Per Eric Freiburg, Surveyor, a CSM will be submitted for review at the October EPC meeting.

Status Update – Frank & Jeni Mazanka Minor Land Division (MLD), Rezone & Variances: Frank Mazanka is working with an attorney to draft a driveway easement per a condition of approval by the Town.

Status Update – Gary Rabe MLD & Conditional Use Permit (CUP) for Non-farm Residence: The CUP was signed but will not be filed at the Register of Deeds per EPC decision.

Review of General Inquiries Since July 13, 2021:

- Brenner – none beyond what has already been discussed
- Borski – inquiries were made regarding the southwest corner of Lone Elm & Townline Rd & N8030 Sales Rd regarding current zoning and permitted uses and regarding the Rehm properties.

Public Input: none

Next Meeting Date & Tentative Agenda: September 14, 2021 – Public Hearing for Douglas & Judith Rehm applications.

[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Wenker/White to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:00 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

September 14, 2021

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	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	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (5/1/2021 – 4/30/2024)		

Staff or Town Board Member Attendees:

x	Cheryl Pionke, Town Clerk		Gary Miller, Town Chairman (5/1/2021 - 4/30/2023)		Attorney Matt Parmentier
	Mike Pionke, Highway Patrolman		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 input or as deemed necessary by EPC.

Call to Order and Agenda Review: Meeting called to order by Brenner at 7:15 p.m.

Review & Approve Minutes: EPC reviewed the public hearing & EPC meeting minutes from August 10, 2021. Five copies circulated to public per May 2021 decision. Motion made by Wenker/White to approve the EPC minutes. Motion carried 5-0. Motion made by Brenner/Wenker to approve the public hearing minutes. Motion carried 5-0.

Status Update – Frank & Jeni Mazanka Minor Land Division (MLD), Rezone & Variances: Frank Mazanka worked with an attorney to draft the shared driveway easement for proposed Lots 1 and 2 (condition of approval) sans the certified survey map (CSM) number and document number. Mazanka provided the signed easement to the Town along with a \$30 filing fee to be recorded by the Town upon receipt of the outstanding information per an agreement by Borski, Town Attorney, Matt Parmentier, Mazanka and his attorney. The Town moved forward with signing the CSM for Mazanka to record. Pionke will insert the CSM and document numbers into the driveway easement when received from the County and record the driveway easement which will finalize processing of these applications. Brenner commented that this was a good learning experience for the Town and appreciated the hard work on these applications.

Review of General Inquiries Since October 10, 2021:

- Rickert – Adam Roseau plans to submit a concept plan this fall for potential creation of a lot.
- Borski -
 - Continued conversation with Terry Dietzel, Fond du Lac County Planner, about properties that appear split zoned on the County GIS map (August 2021 agenda item). Dietzel researched and found that in 2011, the County approved combining lots on CR N on either side of Tutz Rd for tax purposes but the combined parcels remain separate legal descriptions and zoned differently. It is unclear who requested this but Borski does not believe it was Town-initiated (no benefit to the Town to merge these parcels for tax purposes) and not part of one of the two formal Town-initiated rezone efforts. EPC will need to decide how to proceed with these parcels (e.g., contact owners to merge by CSM and rezone, allow continued discrepancy, other options). Borski will review historical notes and create a list of other locations with this situation and bring this back to the EPC for further discussion.
 - Borski also received some information from East Central Wisconsin Regional Planning Commission (ECWRPC) about process for the Town when an individual requests an amendment to the Future Land Use Map (FLUM) (Comprehensive Plan); however, ECWRPC has yet to respond with an estimated cost. Once this is received, Borski will inquire on costs with the Town Attorney to provide the information to Chuck Boyd who requested the process and cost estimate information in August 2021.

Public Input: Wayne Kemnitz, N7678 CR I, inquired about the rules for the one non-farm residence (NFR) regarding his vacant property on the east side of CR I. Kemnitz previously came to the EPC for a MLD in December 2019 to split the lot where he retained about 7.5 acres and sold approximately 8 acres of land in the Conservation Reserve Program (CRP). A percolation (“perc”) test was done for that application. At that time, EPC informed Kemnitz that only one NFR could be constructed on one of the two new lots due to the size of the base farm tract. During this September 2021 meeting, EPC informed Kemnitz that EPC since learned through other applications (e.g., Rehm) about options to rezone land from A-1 to A-2 and believe Kemnitz has additional opportunities on this parcel beyond the single NFR discussed in 2019. Essentially, there is no longer urgency to construct the single NFR. EPC encouraged Kemnitz to consider options and submit a concept plan for discussion at a future EPC meeting.

Next Meeting Date & Tentative Agenda: October 12, 2021 – possible application by Tom & Theresa Schultz to merge properties by CSM, updated info on apparent split zoned properties (merged for tax purposes) and amendment to the FLUM.

[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Wenker/White to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 7:58 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

October 12, 2021

Plan Commission Member Attendees (5) and terms:

x Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	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)
Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	Jeff White, Member (5/1/2021 – 4/30/2024)	

Staff or Town Board Member Attendees:

x Cheryl Pionke, Town Clerk	Gary Miller, Town Chairman (5/1/2021 - 4/30/2023)	Attorney Matt Parmentier
Mike Pionke, Highway Patrolman	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 input or as deemed necessary by EPC.

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Brenner at 7:08 p.m. followed by pledge of allegiance.

Review & Approve Minutes: EPC reviewed the public hearing & EPC meeting minutes from September 14, 2021. Five copies circulated to public per May 2021 decision. Motion made by Rickert/Brenner to approve minutes. Motion carried 3-0.

Tracking # MLD-2021-09-29-Schultz

Minor Land Division (Combine Lots by Certified Survey Map) – Tom & Theresa Schultz:

Applicant: Tom & Theresa Schultz

Location/Description of Property: N7659 Cty Rd C / T07-16-16-32-06-014-00 & T07-16-16-32-06-015-00

Parent parcel acres: 0.181 +/- & 0.323 +/-, respectively

Current zoning: Commercial in Traditional Neighborhood Design Overlay (TNDO) District

Proposed parcel acres: 0.492 +/- per Survey (in lieu of 0.504 +/-)

Area of dedication acres: N/A

Proposal: Create 0.492 +/- (Lot 1) by certified survey map to combine parcels with building and associated parking/storage.

Base Farm Tract (BFT) Acres: N/A – zoned Commercial

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

Theresa Schultz attended for the applicant. The proposed CSM to combine the two lots satisfies condition #3c of Conditional Use Permit #ELD-20-002, dated December 8, 2020.

Motion made by Brenner/Rickert to recommend approval to the Town Board of application for combination of lots by CSM at N 7659 Cty Rd C for creation of 0.492 +/- acre Lot 1 without rezone. Motion carried 3-0. The application and CSM will be further reviewed by the Town Board at the next meeting on October 25, 2021. If approved, the CSM will be signed by the Town Board.

Status Update – Douglas & Judith Rehm Minor Land Division & Rezone:

The Town Board approved the applications from Douglas & Judith Rehm for creation of four lots by CSM along Olden Rd and rezone of Lots 1-3 from A-1 to A-2 on September 27, 2021.

Status Update – Process for amendment to Comprehensive Plan:

During the past month, Borski continued conversations with East Central Wisconsin Regional Planning Commission (ECWRPC) regarding the process & potential costs for a citizen-initiated amendment to the Future Land Use Map (FLUM). Trish Nau with ECWRPC confirmed that an update to the FLUM would require a 30-day Class 1 public notice and public hearing but the effort by ECWRPC to update a single parcel on the FLUM is negligible and there would be no charge for this update or to provide an electric copy of the revised FLUM to the Town. A revision to a single parcel on the FLUM would not require an update to the text within the 2040 Comprehensive Plan Update. The Town would have to post the revised FLUM on the Town’s website with the 2040 Comp Plan. There would be costs associated with any hard copies printed for distribution. Borski also researched the legal process & potential costs for legal fees associated with an application to amend the FLUM. Town Attorney Matt Parmentier estimated that for the process to update a parcel on the FLUM, legal costs would likely be a few hundred dollars. Borski will pull all the information together and communicate with the individual interested in the process for an amendment.

Review of General Inquiries Since September 14, 2021:

- Brenner – General conversations regarding properties for sale.
- Rickert – Rickert inquired on the base farm tract(s) acres for Rickert Bros LLC & Rickland Farms Inc, non-farm residences and potential placement of a non-farm residence near the northern intersection of Lincoln Rd & Town Hall Rd. EPC reviewed the 2013 Base Farm Tract Map.

Public Input: none

Next Meeting Date & Tentative Agenda: November 9, 2021 – regular agenda items

[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month, pending agenda items.]

Adjourn: Motion made by Brenner/Rickert to adjourn the meeting. Motion carried 3-0. Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

November 9, 2021

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	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	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (5/1/2021 – 4/30/2024)		

Staff or Town Board Member Attendees:

x	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 input or as deemed necessary by EPC.

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Brenner at 7:16 p.m. following public hearings.

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from October 12, 2021. Five copies circulated to public per May 2021 decision. Motion made by Rickert/Brenner to approve minutes. Motion carried 3-0 (Wenker & White abstained since not present October 12th).

Status Update – Tom and Theresa Schultz Combine Lots by Certified Survey Map & Conditional Use Permit (CUP) #ELD-20-002: The Town Board approved the CSM at the October 25, 2021 Town Board meeting but was not signed at the time. Borski spoke with Cheryl Pionke today and the CSM will be signed and taken to the Fond du Lac County Planner’s office. This completes outstanding condition for CUP #ELD-20-002.

Status Update – Wisconsin Power & Light Company (Alliant Energy) Conditional Use Permit (CUP) #ELD-20-001: Borski placed this item on the agenda thinking there was going to be a Preliminary Landscape Plan submitted on November 3, 2021 for EPC review but that was not received. Borski provided an update that the culvert and driveway are in place and Alliant applied for a fire number needed for their documentation purposes moving forward. Dave Jahns and Cheryl Pionke discussed and believe the County assigned the fire number.

Jahns shared the building to be constructed on the property is prefabricated, approximately 16 ft x 40 ft and will be heated. EPC raised questions about how this substation ties into the rumored solar energy projects, next steps for Alliant and what revenue this substation may generate for the Town since as a utility there are no property taxes. Jahns shared a neighboring Town has a substation and the Town gets approximately \$2,000 per year. It is unknown if this was negotiated or if there is law addressing Town revenue.

EPC reviewed the conditions for CUP #ELD-20-001 for construction & operation of the substation, specifically the need to submit a preliminary landscape plan to the EPC and specific property owners adjacent to the property at least eight months in advance of construction. The Town and property owners then have 60 days to provide comments on the preliminary plan for Alliant to consider in development of a final landscape plan for Town approval.

Review of General Inquiries Since October 12, 2021:

- Brenner received one inquiry from a property owner within the Transitional Residential District (TRD) on the Future Land Use Map (FLUM) in the Comprehensive Plan Update 2040 regarding potential property use. EPC

reviewed the FLUM, TRD minimum lot dimension requirements for both conventional certified survey maps (CSMs) and conservation CSMs and requirement in TRD to maintain 40% open space/green space. No other rezone option exists (e.g., Residential, Commercial, etc.) without an amendment to the FLUM. This is different from the FLUM that shows future Residential district south of the hamlet of Eldorado and south of the current residential development on Town Line Circle. Also, if property is currently zoned A-1, property needs to meet the requirements in ch. 17 Zoning Regulations, section 17.33(10)(a)-(d). Brenner also provided background on the development of the current FLUM for Rickert who was not on the EPC at the time of the Comprehensive Plan Update 2040. The next 10-year update for the 20-year Comp Plan will begin around 2029 for the Comp Plan Update 2050.

- Borski received two inquiries:
 - New property owner for N8030 Sales Rd (zoned Commercial) contacted Borski for a discussion on potential property enhancements (e.g., fencing, security, lighting, additional building(s)). The property owner intends to submit a concept plan for discussion at the next EPC meeting on December 14, 2021.
 - The property owner for W8232 Lone Elm Rd (just rezoned from A-1 to A-2 at public hearing) contacted Borski for discussion on potential property uses with the existing outbuildings, residence & farm animals (e.g., home-based business vs. a commercial business), if rezone to Commercial is an option, etc. They do not yet have a plan but are considering options.

Public Input: There was a public comment on observation of EPC's efforts to consider the importance of properties as a source of revenue in decisions likely based on recent pressure from the public and Town Board to increase the tax base. A discussion on roles and responsibilities followed. Specifically, the EPC is working to treat all property owners equally and apply the regulations. EPC is also working with the Town Attorney and Town Board to make the best of revenue opportunities, but it is beyond the scope of the EPC's authority to drive revenue. It is the Town Board's responsibility to address revenue opportunities. The EPC/Town Board liaison serves to align these efforts. Discussion followed on the solar energy project(s) potentially coming to the Town and the recent Alliant substation approval as examples where the Town Board needs to provide leadership in addressing these applications as a revenue source for the Town.

Next Meeting Date & Tentative Agenda: December 14, 2021 – 3-yr non-farm residence conditional use permit review for W880 Lincoln Rd & concept plan for N8030 Sales Rd.
[Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.]

Adjourn: Motion made by Wenker/White to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

December 14, 2021

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	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	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (5/1/2021 – 4/30/2024)		

Staff or Town Board Member Attendees:

Cheryl Pionke, Town Clerk (Appointed position)	Gary Miller, Town Chairman (5/1/2021 - 4/30/2023)	Attorney Matt Parmentier
Mike Pionke, Highway Patrolman	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 input or as deemed necessary by EPC.

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.

Review & Approve Minutes: EPC reviewed the public hearings & EPC meeting minutes from November 9, 2021. Five copies circulated to public per May 2021 decision. Motion made by White/Brenner to approve minutes. Motion carried 5-0.

Tracking # CP-2021-11-25-Newcastle Property Investments LLC

Concept Plan – Discussion of upgrades to Commercial property for continuation of Fond du Lac Storage – Eric Borseth, Newcastle Property Investments, LLC:

Location/Description of Property: N8030 Sales Rd / T07-16-16-26-01-003-00

Parent parcel acres: 5.217 +/-

Current zoning: Commercial

Proposed parcel acres: N/A

Area of dedication acres: N/A

Proposal: install security gate & fence, cameras, solar powered lighting, temporary storage containers & eventually construct new building and add business sign

Borseth purchased the property on 9/8/21 along with the Fond du Lac Storage business which he plans to continue. The property was last sold in July 2008 (prior to adoption of current Zoning Regulations in 2013). Borseth gave a presentation on plans to upgrade the property by installing security cameras, lighting & gate now and a fence in a year. He also plans to bring storage containers (8' x 40' x 8.5' tall and 8' x 20' x 8.5' tall) to the property (five at a time) beginning in spring 2022 to increase revenue. Containers will be placed one foot apart and not stacked. He may paint a mural on the shipping containers on the highway side. Blue Frog will be the property manager and Borseth plans to visit the property once per week. Borseth plans to eventually put up a new business sign in a couple years and build a large structure to replace the storage containers when he has sufficient funding. He also provided a couple photos of a nearby property with storage containers on their property (not in TN Eldorado).

EPC directed Borseth to Dave Jahns, Permit Officer, for permitting on the fence and gate and to the Town Clerk/Town Board for the sign (Ch. 20 Sign Regulations). EPC will get back to Borseth on whether he can continue the existing business at this Commercial property without obtaining a Conditional Use Permit for a self-storage facility in the Commercial District (current legal non-conforming use prior to adoption of current Zoning Regulations) and whether

the storage containers need permitting. Painting a mural on the storage containers may be considered a sign and subject to federal regulations as the property is adjacent to I-41. EPC informed Borseth he needs to submit a Site Plan in advance of getting a building permit for the large permanent building and will need to consider other county, state and federal permits for site grading, wetlands, retention pond, etc. Borski will follow-up with Borseth with any additional information.

Status Update – TJRVJM Real Estate LLC Rezone and Conditional Use Permit (CUP) Review:

The Town Board approved rezone of the property at W8232 Lone Elm Rd from A-1 to A-2 on November 22, 2021. EPC did not renew the CUP for a non-farm residence (# ELD-18-002) at the public hearing on November 9, 2021, as requested by the property owner.

Review of General Inquiries Since November 9, 2021:

- Brenner – None but Brenner confirmed with Borski that the Town Clerk had the Certified Survey Map for Tom & Theresa Schultz at N7659 Cty Rd C signed by the Town Chairman and submitted to the County since the last meeting.

Public Input: Brief discussion on potential solar energy project.

Next Meeting Date & Tentative Agenda: January 11, 2022 potential public hearing for rezone of W8880 Lincoln Rd and 3-yr review of CUP # ELD-18-003 (Westphal / MTRV Enterprises).

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

Adjourn: Motion made by Wenker/White to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission