

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

November 12, 2019

Plan Commission Member Attendees (5):

x	Vacant, Chairperson	x	Jenna Borski, Secretary	x	Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeremy Brenner, Member		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Matthew Albrecht	Wayne Kemnitz	Jeff White	
Richard Langenfeld	Dave Jahns, Town Board Supervisor	Rosalind Lyness	

**Call to Order and Agenda Review:** Meeting called to order by Lee Wenker at 7:00 p.m. Announcement made that Norbert Chesney, Chairman, is absent as he stepped down from his position on the Plan Commission. Wenker facilitated the meeting in Chesney's absence.

**Review of Minutes:** EPC reviewed the minutes from October 8, 2019. Motion made by Brenner/Averbeck to approve minutes. Motion carried 4-0.

**Concept Plan – Application for Minor Land Division of A-1 Land without Rezone – Richard Langenfeld:**

**Location/Description of Property:** N9548 County Rd C / T07-16-16-06-04-001-00

**Parent parcel acres:** 45.5 +/-

**Current zoning:** A-1

**Proposed parcel acres:** 5.0 +/-

**Area of dedication acres:** 0.108 +/- for County Rd C

**Proposal:**

**Base Farm Tract (BFT) Acres:** 505.8 +/-

**Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05):** 481.714 +/-

**Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05):** 24.086 +/-

Langenfeld explained the intent is to separate the house and buildings from the farmland and preserve as much of the farmland as possible. The house and buildings are intended to remain zoned A-1 to continue agricultural work.

EPC explained that the signed certified survey map (CSM) presented by Langenfeld is a flag lot (defined in Land Division and Subdivision Ordinance under ch. 18.100(54)) and is not allowed per ch. 18.74(1). Lot width is defined in ch. 18.100(57) and per the Zoning Ordinance, minimum frontage of 200 feet is needed in A-1 district where buildings are present. EPC discussed required side yard and rear yard setbacks from dwellings and accessory buildings, lot dimensions and briefly discussed the process the Town went through to establish these standards during drafting of the revised Zoning Ordinance in response to questions from Langenfeld.

Langenfeld inquired on the historical minimum requirement of 5.0 acres to have animals in the Town. EPC clarified that animal units are regulated by the Department of Agriculture, Trade and Consumer Protection (DATCP) and the minimum 5.0 acres to have animals no longer applies. EPC stated the Zoning Ordinance and Land Division and Subdivision Ordinance are available for Langenfeld's Surveyor on the Town's website. Cheryl Langenfeld signed the Concept Plan but future Concept Plans or Minor Land Division (MLD) applications will need to be signed by the property owner(s) on record. EPC recommended Langenfeld return with a revised preliminary CSM and Concept Plan prior to submitting a formal application for a MLD.

**Concept Plan – Application for Minor Land Divisions (plural) of A-1 Land without Rezone – Robert Albrecht:**

**Parcel 1**

**Location/Description of Property:** N9284 Hass Rd / T07-16-16-10-01-002-00

**Parent parcel acres:** 1.0 +/-

**Current zoning:** A-1

**Proposed parcel acres:** 1.25 +/-

**Area of dedication acres:** not yet calculated +/- for Hass Rd

**Proposal:** Expand parcel approximately 100 feet to Lincoln Rd to the north for the purpose of including the mound system and squaring the parcel off at the intersection.

**Parcel 2**

**Location/Description of Property:** W8178 Lincoln Rd / T07-16-16-10-01-001-00

**Parent parcel acres:** 38.84 +/-

**Current zoning:** A-1

**Proposed parcel acres:** 10 to 12 +/-

**Area of dedication acres:** not yet calculated +/- for Lincoln Rd and Hass Rd

**Proposal:** Split house, buildings and farmland north of the drainage ditch from the farmland south of the drainage ditch. Farmland south of the drainage ditch to be combined with parcel to the south, farmland off Hass Rd / T07-16-16-10-04-001-00.

**Parcel 3**

**Location/Description of Property:** farmland off Hass Rd / T07-16-16-10-04-001-00

**Parent parcel acres:** 30.0 +/-

**Current zoning:** A-1

**Proposed parcel acres:** 55 to 60 +/-

**Area of dedication acres:** not yet calculated +/- for Hass Rd

**Proposal:** combine full parcel with 25 to 30 +/- acres from adjacent farmland split south of drainage ditch from W8178 Lincoln Rd / T07-16-16-10-01-001-00.

**Base Farm Tract (BFT) Acres:** 70.6 +/-

**Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05):** 67.238 +/-

**Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05):** 3.362 +/-

Matthew Albrecht, son of Robert Albrecht, attended on behalf of R. Albrecht. EPC reviewed the letter dated October 25, 2019 to the Town from R. Albrecht explaining the purpose for the multiple Concept Plans for MLDs and request to allow M. Albrecht (or Jaclyn DeVries) to speak on his behalf. EPC confirmed with M. Albrecht all land is intended to stay zoned A-1. There is no specific time frame needed and there are no plans to build a residence. EPC briefly discussed that with the base farm tract acreage, a non-farm residence of approximately 3 acres could be created in the future with a conditional use permit (max four residences per base farm tract if acreage allows).

Each parcel was discussed individually.

Parcel 1: The current frontage along Hass Rd meets the minimum frontage of 200 feet as well as the required side yard and rear yard setbacks from the dwelling and attached garage of 25 feet and 40 feet, respectively. There are no detached garages. There does not appear to be any issue with adding approximately 100 feet (or 0.25 ac) to the parcel. EPC stated that Joann Albrecht is also listed as a co-property owner with the County and will need to sign the formal application for a MLD along with R. Albrecht. M. Albrecht stated J. Albrecht is deceased and will follow-up with the County to update the property records.

Parcel 2: The current frontage along Lincoln Rd meets the minimum frontage of 200 feet for a buildable lot in A-1. The Surveyor will need to make sure the proposed parcel boundaries meet the side yard and rear yard setbacks from detached buildings to stay clear of the outbuildings. The proposal for the south property line to follow the drainage ditch is acceptable as it does not create a flag lot or irregular shaped parcel. After giving approximately 0.25 acres to Parcel 1 and separating approximately 10 to 12 acres to remain at W8178 Lincoln Rd, there will be an approximately 26 to 28 acre remnant. The remnant parcel has no structures and has driveway access off Hass Rd and approximately 700 feet of frontage. There does not appear to be any issue with splitting this lot as proposed.

Parcel 3: This parcel is currently proposed to be combined with the 26 to 28 acre remnant from Parcel 2. M. Albrecht stated there is no specific reason for this other than the family thought this would be required to split Parcel 2. EPC stated there is no requirement by EPC to join Parcel 3 with any other parcel. It currently has access and frontage along Hass Rd.

EPC advised M. Albrecht to make sure the Surveyor reads the Town's Land Division and Subdivision Ordinance available on the Town's website. EPC provided M. Albrecht with the application process instructions and two applications for a MLD (one for Parcel 1 and one for Parcel 2). EPC reviewed that the application materials and fees for two MLD applications will need to be submitted by November 30, 2019 to be placed on the agenda for the December 10, 2019 EPC meeting. The EPC will make a recommendation to the Town Board to be acted upon at the Town Board meeting scheduled for December 16, 2019 (adjusted due to holiday).

**Public Input:**

Not on agenda. No materials provided to EPC:

**Concept Plan – Application for Minor Land Division of A-1 Land without Rezone – Wayne Kemnitz:**

**Location/Description of Property:** vacant land east of N7678 County Rd I / T07-16-16-35-01-001-00

**Parent parcel acres:** 17.06 +/-

**Current zoning:** A-1

**Proposed parcel acres:** split in half (Lot 1 - 7.678 +/-, Lot 2 - 8.063 +/-)

**Area of dedication acres:** not yet calculated for County Rd I

**Proposal:** split land in half for sale to neighbor. No structures to be built at present.

**Base Farm Tract (BFT) Acres:** not reviewed or discussed

**Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05):** not calculated

**Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05):** not calculated

Concept Plans for this parcel previously reviewed by EPC so EPC familiar with the location, zoning and land use. Kemnitz familiar with zoning and building requirements from previous Concept Plan reviews. Kemnitz stated he is no longer planning to split the property for sale or construction of a building for human occupancy. The adjacent land owner is interested in purchasing half the parcel to remain vacant. EPC reviewed there is no minimum lot size for vacant or agricultural land zoned A-1 with no structures so there is no issue with the proposal provided verbally. The lots will not be land locked. EPC provided Kemnitz with the application process instructions and application for a MLD. EPC reviewed that the application materials and fee will need to be submitted by November 30, 2019 to be placed on the agenda for the December 10, 2019 EPC meeting. The EPC will make a recommendation to the Town Board to be acted upon at the Town Board meeting scheduled for December 16, 2019 (adjusted due to holiday).

Kemnitz stated that he still requests this parcel be labeled as *residential* on the Future Land Use Map (FLUM) as part of the 10-year Comprehensive Plan update, as previously requested. Since Kemnitz again made the request to amend the FLUM and since Rosalind Lyness was also present (Lyness also previously requested one of her parcels be labeled differently on the FLUM), EPC shared the advice received by Kathy Thunes of East Central Wisconsin Regional Planning Commission (ECWRPC) at the October 2019 EPC meeting regarding amendments to the FLUM (Kemnitz and Lyness

were not present in October). Specifically, Thunes advised against EPC allowing any individual requests for amendments to the FLUM during the 10-year update process for the Comprehensive Plan. EPC stated no decisions have been made yet but shared the advice just heard from ECWRPC. Lyness stated this advice is exactly the opposite of advice previously received from Jeff Sanders, former Town Planning Advisor during and shortly after creation of the original Comprehensive Plan and expressed frustration with the conflicting information. Wenker reiterated that no decision has been made and the issue has yet to be discussed by EPC. Lyness continued to challenge EPC at length on process and several historical issues. Borski engaged in a lengthy exchange with Lyness. EPC members refocused the exchange reiterating that the process has been consistently followed, both currently and in the past, and the advice from ECWRPC to not change the future plan per individual requests is yet to be discussed by EPC. Wenker restated that no decisions have yet been made and specifically future land use is the next topic to be discussed with ECWRPC in January. Kemnitz stated he is also frustrated that ECWRPC advice conflicts with what EPC stated in previous meetings this year.

**Review Town of Eldorado Plan Commission Ordinances and duties:**

Karen Fontaine, Town Clerk, announced at the October Town Board meeting that she will be leaving her position in June 2019 and moving from the area. Averbeck stated he is working with Fontaine on roles and duties and will set up a time in the future to also meet with Borski.

**Discussion on change of Plan Commission Membership:**

As announced earlier, Norbert Chesney resigned from the EPC. Jeff White intends to submit an application to the Town to join the EPC. The Town Board Chairman appoints members to the EPC. Borski reminded Averbeck that the Plan Commission Ordinance states the Town Board Chairman must appoint the EPC Chairman which should be done at the next Town Board meeting since the EPC cannot *elect* a Chairman. Vice Chairman & Secretary roles are voted on by the EPC.

**Future Meetings & Agenda Items:**

Next meeting December 10, 2019 at 7:00 p.m. and will include review of the Conditional Use Permits for Mitch & Jenna Vis and D&K Endeavors (assuming letters and questionnaires can be sent in advance). MLDs may also be reviewed for Robert Albrecht (2) and Wayne Kemnitz (1) if applications are submitted on time. Review of the Land Use Element and Intergovernmental Cooperation Element, Implementation and next steps is planned for January 14, 2020 with East Central Wisconsin Regional Planning Commission.

Borski will assist Fontaine on the next EPC agenda.

[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 Averbeck/Brenner to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

Respectfully submitted,

Jenna Borski  
Member/Secretary  
Town of Eldorado Plan Commission