

Town of Eldorado Plan Commission (EPC) Meeting Minutes

December 10, 2019

Plan Commission Member Attendees (5):

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

Public Attendees:

Wayne Kemnitz				
Eric Freiburg, ET Surveying				

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

Plan Commission membership and officer changes: Last meeting Wenker facilitated the meeting due to the vacancy for the Chairman position. The Town Board appointed Jeremy Brenner as EPC Chairman at the November 2019 Town Board meeting. Jeff White was also appointed to replace Norb Chesney’s vacancy for the remainder of Chesney’s term.

Review of Minutes: EPC reviewed the minutes from November 12, 2019. Motion made by Averbeck/Brenner to approve minutes. Motion carried 5-0.

Tracking # MLD-2019-11-18-Kemnitz

Minor Land Division – Wayne and Shannon Kemnitz (application signed 11/17/19):

Applicant:

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: 7.678+/- (Lot 1); 8.063+/- (Lot 2)

Area of dedication acres: 0.820+/- for County Rd I; 0.431+/- for Sales Rd

Proposal: Create 7.678+/- (Lot 1) by a minor land division to retain as open land; create 8.063+/- (Lot 2) to sell to adjacent land owners Jonathon and Jordyn Schalk to retain as ag land in Conservation Reserve Program (CRP).

Base Farm Tract (BFT) Acres: 33.9+/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 32.28+/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 1.62+/-

A variety of concept plans have been reviewed for this property:

- concept plan signed 7/28/19 reviewed 8/13/19 (Borski absent but provided comments in advance);
- 10/8/19 verbal proposal discussed 10/8/19; and
- 11/12/19 verbal proposal discussed 11/12/19.

Kemnitz stated the neighbor to the south of proposed Lot 2, Jonathan and Jordyn Schalk, are interested in purchasing Lot 2 to remain in CRP until 2023. Kemnitz intends to retain proposed Lot 1. Neither lot had a perc(olation) test performed.

Motion made by Borski/Wenker to recommend approval of a minor land division of T07-16-16-35-01-001-00 into 7.678+/- ac. for Lot 1 with 0.820+/- ac. dedicated to County Road I and 8.063+/- ac. for Lot 2 with 0.431+/- ac. dedicated to Sales Road without rezone. Motion carried 5-0. The minor land division (MLD) application will be further reviewed by the Town Board at the next meeting on December 23, 2019. If approved, the certified survey map (CSM) will be signed by the Town Board.

The Town Clerk needs to have the Town Board minutes to accompany the signed CSM so it can be recorded. Eric Freiberg, Surveyor, stopped in at this time and took the signature page of the original CSM from the Town Clerks desk and provided it to Kemnitz with permission from EPC. Kemnitz will sign page 3 with Shannon Kemnitz in presence of a notary public and bring it with him to the December 23, 2019 Town Board meeting for signature.

Borski discussed future potential for a non-farm residence (NFR) through a minor land division (MLD) and conditional use permit (CUP) at either Lot 1 or Lot 2 on existing parcel T07-16-16-35-01-001-00. Borski explained for Kemnitz and EPC that during review of the formal application for MLD, it was noted that Borski did not correctly calculate potential for a NFR in August 2019 with the concept plan application. With a base farm tract (BFT) of 33.9+/- acres as documented on the Town's Zoning Ordinance Map certified by DATCP on 11/20/2013 (BFT map), the minimum acres to be retained as farm is 32.28+/- and the maximum acres that can be allotted for NFR through a MLD & CUP is 1.62+/- to retain the 20:1 ratio. The current minimum NFR parcel is 1.5 acres. The NFR can be created through a MLD by splitting from either the new Lot 1 or Lot 2 but not from both. There is not enough BFT acres to allow for two NFRs. EPC briefly discussed Kemnitz can reserve the right to create the NFR on Lot 1 by including a restriction on Lot 2 prior to sale. Additional requirements of a NFR via MLD & CUP as identified in the Ch. 17 Zoning Ordinance apply (e.g., MLD, siting, frontage, setbacks). Potential for a NFR via a MLD & CUP will need to be revisited if any or all of the existing parcel T07-16-16-35-01-001-00 is identified as residential on a Future Land Use Map within the Comprehensive Plan. Kemnitz stated he understood.

Discussion of Plan Commission duties and process:

Borski met with Town Clerk Karen Fontaine on December 8th:

- The Town Clerks (Cathy Winters, Karen Fontaine) have not consistently maintained a formal paper file of EPC minutes and applications since Town Clerk Lori Linger left office (Sept. 2017). There is little guidance on this left by Linger. Borski was provided a key to the office and will spend time to update Town files on EPC work since Fontaine is planning to leave the Clerk position in June 2020. Borski will also need to locate documentation on all Conditional Use Permits (CUPs) including those issued when Borski took leave from EPC (2015-2016) so that three-year reviews can be scheduled.
- Borski/EPC Secretary will draft notices for the Clerk to post (e.g., public hearings). This includes drafting notices for public hearings for three-year reviews of CUPs. This will take Borski a bit of time to pull together this information and is the reason the three-year reviews of CUPs could not be scheduled for the December EPC meeting. February or March 2020 is a more realistic goal at this point.
- Fontaine showed Borski where all known EPC documents are stored in the Town office, including documents that appear to be from the initial Comprehensive Plan process and rewrite of the Zoning Ordinance. Borski will review at some point to determine if anything can be recycled.
- The EPC agenda will be provided to the Clerk a week in advance of the meeting to be posted. Brenner and Borski agreed Borski/EPC Secretary is to develop the agenda with input from Brenner/EPC Chairman and provide to the Clerk. The Clerk will also need to communicate what applications are received to Borski.
- Signed applications for concept plans, rezones, minor land divisions and CUPs will continue to be submitted to the Town Clerk with appropriate fee for distribution to EPC members and processing the fee.
- The Application Process Instructions and Concept Plan Application are available to the public on the Town website. Fontaine is not comfortable providing blank applications to people. All other applications will be provided to applicants by the EPC after a concept plan review.

Additional duties and process were discussed:

- Brenner/EPC Chairman will be the lead communication with ECWRPC, County Planner, Town Attorney and the Town's Association although all EPC members can utilize the Town's Association.
- Brenner attended an event for Board of Appeals education. There was discussion on needing to separate the decision-making body on zoning and land divisions from an educational body. EPC discussed and agreed that in the Town of Eldorado, the EPC will serve to both educate the public and decide on applications. Basic questions (e.g., lot size, setbacks) can be answered by any EPC member but any specific questions need to

come to the EPC meeting through a concept plan application, which is free. EPC will continue to provide education on the Zoning Ordinance and Land Division/Sub-division Ordinance.

- Borski developed a “cheat sheet” for EPC members and the Building Permit Officer regarding lot sizes, setbacks, etc. split out by zoning district and will provide the electronic version to all EPC members in advance of the next meeting.
- Borski will email the Town Clerk any major decisions immediately following the EPC meeting and copy Brenner (e.g., recommendation on MLD, meeting date changes) and will follow-up with the formal minutes. This will allow the Town Clerk time to develop the Town Board agenda.

Public Input: none

Future Meetings & Agenda Items:

Next meeting January 14, 2020 and will include Kathy Thunes from East Central Wisconsin Regional Planning Commission (ECWRPC). The February 2020 meeting is scheduled for February 4th due to a conflict on the 11th. Depending on the effort to draft public notices for three-year reviews of CUPs, CUPs will be reviewed in February (ideally) or March.

[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/Wenker to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:58 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission