

Town of Eldorado Plan Commission (EPC) Meeting Minutes

September 8, 2020

Plan Commission Member Attendees (5) and terms:

<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px;"></td> <td>Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)</td> </tr> <tr> <td style="text-align: center;">x</td> <td>Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)</td> </tr> </table>		Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px;"></td> <td>Jenna Borski, Secretary (5/1/2018 - 4/30/2021)</td> </tr> <tr> <td style="text-align: center;">x</td> <td>Jeff White, Member (11/16/2019 – 4/30/2021)</td> </tr> </table>		Jenna Borski, Secretary (5/1/2018 - 4/30/2021)	x	Jeff White, Member (11/16/2019 – 4/30/2021)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20px;"></td> <td>Bill Averbeck, Town Board Liaison (5/1/2019 - 4/30/2021)</td> </tr> <tr> <td style="text-align: center;">x</td> <td>STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt</td> </tr> </table>		Bill Averbeck, Town Board Liaison (5/1/2019 - 4/30/2021)	x	STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt
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Public Attendees:

John Ruedinger	Jerry Borski, Eldorado Fire Chief	Gary Rabe	
Darrell Woelfel	Trish Nau, ECWRPC	Kathi Rabe	

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Lee Wenker at 7:06 p.m. followed by pledge of allegiance.

Review of Minutes: EPC reviewed the minutes from July 14, 2020 (4 public hearings and EPC regular meeting minutes). Motion made by Averbeck/White to approve all minutes. Motion carried 4-0.
EPC tabled review of the August 11, 2020 minutes since Averbeck and White were not in attendance on August 11th and Brenner was absent (only two attendees from August 11th present).

Read public hearing notice and Statement of Purpose on the Town of Eldorado Comprehensive Plan Update 2040: Notice and statement of purpose read by Wenker.

Open hearing

- A. Presentation on Comprehensive Plan Overview Process – Trish Nau, ECWRPC**
- B. Open up to comments from public**
 - a. Name, address, comment for the record – in favor of or opposed**

Wenker opened the hearing at 7:15 p.m.

- A. Nau presented a summary of the process and proposed 2040 Comprehensive Plan.
- B. Comments from the public:
 - a. Jerry Borski, N9160 Town Hall Rd, Van Dyne
 - i. The way the Town creates lots in the Exclusive Agriculture (A-1) district eats up farmland (referring to allowed 20:1 ratio for farmland to non-farm residences allowed per base farm tract) and places residences in heavily farmed areas of the Town, precisely where they should be avoided.
 - ii. Corrected reference to Eldorado Fire Truck # in Comprehensive Plan 2040 – noted by Nau.
 - b. John Ruedinger, W7222 Cemetery Rd, Van Dyne
 - i. Questioned when comprehensive planning started. Nau explained comprehensive planning began with Governor Tommy Thompson and the Smart Growth Law in 2000.

Close hearing: Wenker closed the hearing at 7:36 p.m.

Discussion of public comments on Comprehensive Plan: none

Action on recommending approval of the 2040 Comprehensive Plan of the Town of Eldorado, Wisconsin to the Town Board and next steps – Town Board meeting on September 28, 2020 for final adoption.

Motion by Borski/Averbeck to recommend approval of the 2040 Comprehensive Plan of the Town of Eldorado, Wisconsin to the Town Board. Motion carried 4-0.

Tracking # CP-2020-08-20-Ruedinger

Ref: Tracking # CP-2020-08-11-Woelfel reviewed 8/11/2020

Concept Plan – Application for Minor Land Division of A-1 Land with Rezone - John and Karen Ruedinger:

Location/Description of Property: Vacant Land / T07-16-16-26-08-015-00

Parent parcel acres: 10.42 +/-

Current zoning: A-1

Proposed parcel acres: 1.827 +/- (merge with existing 1.0 Woelfel parcel for 1.827 acre parcel)

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

Proposal: Split A-1 land surrounding 1.0 acre parcel that is too small to farm, rezone to Residential and add to existing 1.0 acre Residential parcel owned by Woelfel.

Base Farm Tract (BFT) Acres: 165.2 +/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 157.333 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 7.866 +/-

John Ruedinger presented the concept plan application including a letter of intent from the Surveyor, a preliminary certified survey map, an aerial photo showing the proposed land for split, photos of the land and a list of property owners within 500 feet of the land. Darrell Woelfel was also in attendance. Ruedinger explained the 0.827-acre area proposed to be split, sold to Darrell Woelfel and merged with his existing 1.0 acre parcel is not farmed because there is not good access. Woelfel and Ruedinger further explained that the small amount of the 0.827 acres that runs along the rear yard and northern side yard of the existing 1.0 acres proposed to be sold would line up the property line with the actual boundary between the tillable land and the yard maintained by Woelfel. Ruedinger explained that the irregular parcel line running southwest/northeast is based on the existing ditch.

Borski presented comments from Town Attorney Matt Parmentier regarding section 17.33 (10) (d) of the Town of Eldorado Zoning Ordinance. Specifically, Parmentier agreed that this site-specific situation meets criteria for the Town to zone A-1 land out of the Farmland Preservation District. Furthermore, Parmentier clarified that Section 17.30 (11) (b) allows a total of 1,580 square feet of detached accessory structures for a 1.8 acre lot (1,100 sq. ft. + (600 sq. ft./1.0 acre x 0.8 ac.). EPC provided Ruedinger with the application process instructions, applications for a minor land division and rezone and stated the total fees equate to \$650. In order to hold the public hearing on October 13, 2020, eight copies of the application packets and all fees need to be received by September 21, 2020 to allow for required public notice.

Tracking # CP-2020-08-24-Gary Rabe

Concept Plan – Application for Minor Land Division & Possible Rezone – Gary and 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: TBD +/-

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

Proposal: Split 1.5 acres for residential (R), 5.5 acres as rural district (RD) or may use some of the land for crops.

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 +/-

Gary and Kathi Rabe presented the concept plan application. They explained their daughter would like to build a new home on their land and are unsure what the minimum and maximum lot size is for this. She would like to move into

the school district but would not be working on the Rabe farm. She would like a residential lot. They last heard you needed 60 acres to be able to sell a lot and want as small a lot as possible (e.g., 2 acres). Their daughter also would like an unattached garage at some point. They are currently proposing a triangular lot on the southwest corner of CR I and Dike Rd but would like feedback from the Plan Commission on what is possible with their land. There is no specific time frame for this.

EPC reviewed information available on the land. The BFT Map for the Town of Eldorado certified by DATCP 11/20/2013 lists this location as “Lorraine Rabe” with 66.6 +/- acres. The BFT is currently split in ownership between Gary Rabe (west of CR I) and Richard Rabe (east of CR I). There is no primary farm residence or other structures anywhere on the Lorraine Rabe BFT footprint. The Future Land Use Map lists this parcel as Agricultural. Future zoning could include:

- A-1 (no minimum lot size) for a primary farm residence with farm use (not the intended use based on proposal),
- A-1 with a conditional use permit for a non-farm residence (min 1.5 acres to max 3.171 acres) with no restriction for occupancy (best fit based on proposal), or
- A-2 (min 3.0 acres) for a farm residence / farm use. Zoning depends on intended immediate and long term use (also not the intended use based on proposal).

EPC explained the options but stated the limiting factor with the proposed location is being able to meet the setback requirements of a triangular parcel. EPC recommended Rabe’s meet with the Surveyor of their choice and Dave Jahns, Building Permit Officer, to review possible locations that would meet the min/max acres and the road frontage and side/rear yard setback requirements for dwelling, attached garage and accessory structures. EPC recommended the Rabe’s return with a preliminary CSM and another concept plan review after meeting with a Dave Jahns and a Surveyor. Rabe’s asked if they should get a driveway and culvert permit for access from CR I. EPC stated those permits generally expire within six months and they should first work out where the lot lines will need to be placed. They will need to pursue driveway access and culvert permits prior to building though.

Review of Town Board action on Plan Commission recommendations for rezone and/or minor land division in 2020: Robert Albrecht, Richard Langenfeld, Thomas Rusch & Richard Gebert, Isaac Farm Re, LLC and Mary Jaeger, et al.:

Averbeck, liaison with Town Board, reported that all applications have been approved by the Town Board except for two. The Mary Jaeger, et al. applications for minor land division and rezone and the Isaac Farm Re, LLC application for minor land division were not acted upon at the July 2020 Town Board meeting and were officially denied at the August 2020 Town Board meeting. However, the Plat of Survey was still recorded at the County without Town approval. Since the applications were not approved, the property lines do not change and the parcel owned by Corey & Shannon Nitz at W9543 Rose-Eld Rd remains out of compliance with the A-2 zoning district.

Borski reported that during EPC action to review and update the County’s Farmland Preservation map, it became clear that the Clerk files on Zoning and Land Division (Plan Commission) actions have not been maintained for the past five years (e.g., retain copy of public notice verification from paper, include Town Board minutes from actions on applications in files, retain recorded copy of CSMs provided by County, etc.). Borski will work with the current Town Clerk to try and reconstruct these files.

Public Input: none

Future Meetings & Agenda Items:

Town Board Meeting September 28, 2020 - Resolution for Comprehensive Plan

October 13, 2020 – Public hearing for Ruedinger Minor Land Division and Rezone followed by regular Plan Commission meeting.

[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/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 8:46 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission