

**Town of Eldorado  
Plan Commission  
Public Hearing Minutes**

Tracking # *MLD-2021-04-26-Rabe*

Tracking # *CUP-2021-04-26-Rabe*

**Date:** June 8, 2021

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson	x	Jenna Borski, Secretary	x	Aaron Rickert, Town Board Liaison
	Lee Wenker, Vice Chairperson	x	Jeff White, Member		

**Public Hearing – Application for Minor Land Division / Conditional Use Permit for Non-Farm Residence – Gary Rabe:**

**Applicant:** Gary Rabe (& Kathi Rabe, spouse not listed on property deed)

**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:** 3.168 +/-

**Area of dedication acres:** no acres for County Rd I – roadway dedicated during rebuilding of CR I recently

**Proposal:** Spilt 3.168 +/- 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 +/-

**Attendance for the application:** Kathi Rabe

Meeting called to order by Brenner at 7:00 p.m.

Brenner read the legal notice published May 23, 2021 and May 30, 2021.

Presentation of application:

Kathi Rabe stated the intent of the application is to split the land to create a lot for Gary & Kathi Rabe’s daughter to purchase and build a home on their farmland. EPC received the percolation (perc) test following receipt of the application.

Brenner summarized an application for a conditional use permit (CUP) for a non-farm residence (NFR) was also submitted with the application for a minor land division (MLD) which is needed to build the residence on land zoned A-1. This is the first and only NFR allowed on this base farm tract. EPC held concept plan discussions with the Rabes regarding the lot size and boundaries for this application (**CP-2020-08-24-Gary Rabe** on September 8, 2020, **CP-2020-11-30-Gary Rabe** on January 12, 2021 and **CP-2021-02-22-Gary Rabe** on March 9, 2021. The last concept plan discussion included Eric Freiburg of E T Surveying).

Questions of applicant from members of the public: None

Questions of applicant from Eldorado Plan Commission (EPC) members: None

Testimony in support of application (offered three times):

Charlie Becker spoke in favor of the application stating the approval allows the Town’s tax base to increase and allow construction of a family home. Becker stated he attended all the meetings and the EPC worked well with the Rabes.

Testimony in opposition of application (offered three times): None

Rebuttal testimony by applicant: None

Discussion by EPC:

EPC began discussion of the standard term for CUPs for NFRs of three years. Question from the public on CUPs for NFRs issued for three years and how this affects property values and value of the CUP. EPC responded we are not in a position to assess the value of either. Question from the public on how the Town Assessor views this. EPC responded we are not aware of their view. EPC has the option to renew a CUP indefinitely and has just done so with the second renewal of a CUP for NFR initially issued in 2014 where there have been no compliance issues for two three-year terms.

Discussion followed on the Town's process to approve CUPs for NFRs for three years at a time with the permit running with the property. EPC clarified for Rabe that they are able to split and sell the property and the CUP for NFR is still valid since it runs with the property.

Motion:

Motion made by Brenner/White to recommend approval to the Town Board of application for MLD of parcel number T07-16-16-36-11-007-00 for creation of the proposed 3.168 +/- acre for Lot 1 without rezone. Borski, Brenner, Rickert & White voted in favor of the motion. Motion carried 4-0.

Motion made by Brenner/White to approve the application for a CUP for a NFR for a term of three years, until June 8, 2024, on Lot 1 of the proposed certified survey map (CSM) (3.168 +/- acres from T07-16-16-36-11-007-00) contingent upon approval of the MLD application by the Town Board. Borski, Brenner, Rickert & White voted in favor of the motion. Motion carried 4-0.

Future actions:

The Town Board will consider the application for a MLD at the next scheduled Town Board meeting on June 28, 2021. If approved, the CSM will be signed by the Town Board.

The EPC will work with the Town Attorney to draft a CUP for a NFR. After professional service (e.g., attorney) fees are paid, the CUP can be signed by the Town and applicant.

Brenner adjourned the hearing at 7:20 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission