

Town of Eldorado Plan Commission (EPC) Meeting Minutes

July 9, 2024

Plan Commission Member Attendees (5) and terms:

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Staff or Town Board Member Attendees:

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Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

<p>Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Yoder at 7:05 p.m. followed by pledge of allegiance.</p>
<p>Public Comments <i>(Please note this is the Plan Commission’s monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this “Public Comments” agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):</i> None</p>
<p>Review & Approve Minutes: EPC reviewed the EPC meeting minutes from June 11, 2024. Five copies circulated to the public per May 2021 decision. Motion made by White/Rickert to approve minutes. Motion carried 4-0.</p>
<p>Tracking # CP-2024-06-04-Stahmann Concept Plan – Application for Minor Land Division of A-1 Land – Applicant: Karen Stahmann (& Stanley Stahmann - deceased) Location/Description of Property: W7861 Cemetery Rd / T07-16-16-11-15-003-00 Parent parcel acres: 38.911 +/- Current zoning: A-1 Proposed parcel acres: 1.484 +/- Area of dedication acres: 0.073 +/- for Cemetery Rd Proposal: separate house from farm buildings and land Base Farm Tract (BFT) Acres: 165.1 +/- based on map certified by DATCP on 11/20/2013 Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 157.24+/- Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 7.86 +/-</p> <p>Karen Stahmann, with son Todd Stahmann, presented the application to split off the house from the farm buildings and land to sell the house to a family member. Stahmanns worked with Surveyor Eric Freiburg to draft a preliminary certified survey map (CSM). EPC talked through the following with Stahmanns:</p> <ul style="list-style-type: none"> • Minimum road frontage, side and rear yard setbacks for residences and accessory structures in the A-1 district and for non-farm residences

- Minimum required distance from property line to driveways
- Minimum lot size for a non-farm residence
- Creation of a non-farm residence requires a conditional use permit (CUP), typically contingent upon approval of the CSM
- A shared driveway requires an easement recorded at the Register of Deeds

EPC expressed concerns with the following:

- minimum required setbacks from existing buildings to proposed property lines cannot be met for the new parcel or remnant parcel
- proposed new west property line for the house does not meet required setback to existing driveway
- location of the driveway with respect to the farm buildings and residence creates a conflict for future owners of the two properties that are not related
- recent variances issued by the Board of Appeals (BOA) for minimum road frontage and driveway setback requirements was for situations where a former Town Road was turned back to the property owner, creating a frontage hardship by the Town (i.e., property owner did not create the hardship)

EPC suggested the Town cannot approve the proposed CSM as presented and the proposed split appears to be creating a future conflict for future property owners which the Town must consider in decision-making. Variances would need to be granted by the Board of Appeals (BOA) for the setback and other requirements that Stahmanns cannot meet (\$350 hearing fee). However, it is uncertain if the BOA could grant all necessary variances since Stahmanns are creating the hardship in each instance where a variance is needed. EPC suggested that IF Stahmanns still wish to proceed with pursuing the land division, that they first apply for the necessary variances from the BOA as a first step prior to paying for a final CSM, submitting applications for a CSM (\$300 fee) and CUP for a non-farm residence (\$350 hearing fee). EPC recommends, if they can successfully obtain all applicable variances from the BOA, that another concept plan discussion take place with EPC prior to finalizing the CSM and submitting applications for approval of the CSM and issuance of a CUP for a non-farm residence with fees. Stahmanns communicated they will consider these concerns and recommendations.

Tracking # CP-2024-07-03-Will

Concept Plan – Application for Minor Land Division of A-1 Land – Applicant: Ruth E Will (Deceased) & James Will (son)

Location/Description of Property: W8543 Lincoln Rd / T07-16-16-09-04-003-00

Parent parcel acres: 28.56 +/-

Current zoning: A-1

Proposed parcel acres: 1.5 +/-

Area of dedication acres: not applicable – already dedicated on Lincoln Rd & Jahn Rd

Proposal: split 1.5 acres off 28.56 +/- ac. parcel to add to existing 3.0 acres owned by James Will at N9139 Jahn Rd, parcel #T07-16-16-09-04-002-00, zoned Rural District (RD) – see application for additional details

Base Farm Tract (BFT) Acres: 28.6 +/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 27.23 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 1.37 +/- (minimum lot size is 1.5 ac.)

J. Will, son of R. Will, presented the application. J. Will and siblings are working to settle R. Will's estate. J. Will is inquiring if it's possible to split exactly 1.5 acres for his purchase to either have as a separate lot or combine with his existing 3.0-acre lot zoned RD to create a single 4.5-acre lot. J. Will has no plans to sell the 1.5 acres or build another residence but may want to build an accessory structure at some point. J. Will talked through options to carve out 1.5 acres immediately to the north, east or south of his existing 3.0-acre lot. J. Will's 3.0 acres is surrounded by farmland. J. Will has a surveyor.

EPC reviewed the following:

- To combine lots to a single 4.5-acre lot, both lots have to be zoned the same. The General Ag District, A-2, was created in 2013 to replace RD. J. Will could apply to have his RD lot rezoned to General Ag, A-2, since it meets the minimum lot size, minimum road frontage and setback requirements.
- R. Will's land is zoned Farmland Preservation District, A-1. EPC reviewed the criteria in the Zoning Ordinance to rezone land out of A-1. R. Will's land with trees and an existing vacant residence (away from J. Will's property) likely meets the criteria to rezone out of A-1 to A-2, assuming minimum lot dimensions & setback requirements are met. However, EPC does not believe the criteria are met to rezone the farmland immediately surrounding J. Will's property out of A-1.
- A separate 1.5-acre lot immediately adjacent to J. Will's property could be created without rezone without being merged to J. Will's existing 3.0-acre lot. However, this would be labeled as an "outlot" and construction of a new residence would not be allowed per requirements of the A-1 district.
- General process and timing:
 - development of a preliminary CSM,
 - monthly EPC meeting for concept plan discussion and review of preliminary CSM,
 - application for a CSM with \$300 fee,
 - Fond du Lac County Planning review of the CSM,
 - monthly EPC meeting for a review and recommendation on the CSM application
 - Town Board final review and decision on the CSM
 - Process for recording the CSM at the Register of Deeds.

Darlene Billington was present, daughter of R. Will, 215 Wisconsin St, Mayville, WI 53050. Billington has signature authority for R. Will's estate. EPC confirmed an application to the Town for approval of a CSM will need to be signed by Billington.

Mike Will was present, son of R. Will, 426 W Chaplin St, Fond du Lac, WI. M. Will informed EPC that R. Will left clear instructions regarding the property. EPC clarified that the Town does not have authority to enforce these instructions from R. Will and defer to the judge.

The next court date for R. Will's estate is set for August 5, 2024 and these options will be discussed with the judge.

Status Update on Department of Agriculture, Trade & Consumer Protection (DATCP) (10-year) Re-certification Process for Town Zoning Ordinance – Rickert reported the Town Board is forming a plan.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020) – No discussion this month.

Status Update of Applications/Permits in Progress of Completion:

- a. Application by Wisconsin Power & Light Company (Alliant) for Extension of Deadline for Completing Conditions of Conditional Use Permit #ELD-20-001 – Unilaterally issued by EPC June 10, 2024. Alliant paid the forfeiture that is a condition of the approval. Pionke is developing an invoice for professional fees. Alliant is working on the adjacent property landscaping. Alliant has until October to complete all landscaping.
- b. Existing Conditional Use Permits – Newcastle Property Investments, LLC CUP #ELD-22-002 – Eldorado Fire Chief Jerry Borski informed EPC and Town Board Chairman Dave Jahns that a number of items need to be addressed at this Commercial property prior to allowing any further storage containers or development. Jahns also reported observing the property being used for junk accumulation and as a hang-out for drinking beer and other nuisance concerns. The Town has a legitimate concern for environmental contamination. Further discussion is tabled until next month when Eric Borseth is expected to attend for presentation of concept plan CP-2024-06-16-Newcastle for potential additional development.

Review of Inquiries / Complaints Since June 11, 2024: none

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this "Public Comments" agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): None

Next Meeting Date & Tentative Agenda: August 13, 2024 – Standing agenda items and a concept plan by Newcastle Property Investments LLC that was delayed a month at the request of Eric Borseth.

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

Adjourn: Motion made by Rickert/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 9:12 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission