

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

Date: March 10, 2020

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		

**Public Hearing – Review for Renewal of Conditional Use Permit (CUP) for a Non-Farm Residence
Conditional Use Permit #ELD-16-001, March 31, 2016, issued April 26, 2016**

Filed July 25, 2016 as Document #1071385 at the Fond du Lac County Register of Deeds office.

Applicant: Mitchell and Jenna Vis

Location/Description of Property: N9177 Town Hall Rd / T07-16-16-09-07-004-00

Parcel acres: 6.00 +/-

Current zoning: A-1

Base Farm Tract (BFT) Acres: 545.7 +/- (Rickert Bros. LLC)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 519.714 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 25.986 +/-

Attendance for the application: Mitchell Vis (property owner)

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

Brenner read the legal notice published February 26, 2020 and March 1, 2020.

Presentation of application:

A questionnaire was sent to the property owners in advance of the hearing regarding current use of the property. EPC reviewed answers indicating the residence has been built in compliance with the variance for length of driveway granted by the Board of Appeals, the potable well installed and property limited to residential use. No changes to the CUP are requested by the owner.

Vis clarified that only one culvert was necessary for the driveway referencing to condition 3g of the CUP, which states, "Location of new home and length and location of driveway may require the placement of two culverts, at the discretion of and to be approved by the Town of Eldorado's Permit Officer." The culvert was installed where water naturally crosses the driveway mid-way to the home and no culvert was found to be necessary at the road due to the topography. This was approved by the Town's Building Permit Officer. After discussion, it was determined that no modification to the CUP is necessary; however, the renewal will acknowledge only one culvert was deemed necessary.

Vis questioned whether the property could be rezoned to the Residential District now that the home and well are constructed to avoid future reviews and renewals of the CUP. EPC stated the land is not identified as residential on the Town's Future Land Use Map and therefore cannot be rezoned Residential. This CUP for a non-farm residence is the only option to retain residential use under the current Zoning Ordinance.

Testimony in support of application (offered three times):

None

Testimony in opposition of application (offered three times):

None

Rebuttal testimony by applicant:

None

Discussion by EPC:

EPC noted the tax parcel number changed after the Certified Survey Map was recorded creating Lot 1 of 6.0 acres. The tax parcel numbers included in the original CUP are “portions of #T07-16-16-09-06-001-00 and #T07-16-16-09-07-001-00”. The current tax parcel number for N9177 Town Hall Rd is #T07-16-16-09-07-004-00. This should be clarified in the renewal documentation.

EPC discussed a three-year renewal vs. five-year renewal vs. renewal without expiration. After discussion, EPC decided to stay with a three-year renewal at this time. Since this review took place beyond the three-year permit due to EPC and Town Clerk turn-over and the 10-year Comprehensive Plan review process, it was agreed that the renewal should be retro-active from April 2019 through April 2022.

Vis, EPC and Lyness discussed the conversion fee charged to Vis after construction of his home and recent conversations with the County Treasurer and Town Assessor. It is understood that the conversion fee is one-time fee charged when the property is sold off the farm and converted from a farm use to a residential use. The conversion fee likely should have been paid by the former property owner, Rickert Bros. LLC. It is unclear if the conversion fee was rescinded by the former Governor Walker administration. Vis and Lyness will research this further.

Motion:

Motion made by Averbeck/White to renew the conditional use permit without a change in language for three years, from April 26, 2019 to April 26, 2022. Averbeck, Borski, Brenner, Wenker & White voted in favor of the motion. Motion carried 5-0.

Future actions:

The EPC will draft a renewal document and provide to the applicant. EPC will consult with the Town Attorney to determine if the renewal document must be/should be recorded at the Register of Deeds office since the original CUP was recorded.

Motion made by Wenker/Borski to adjourn the hearing. Motion carried 5-0. Brenner adjourned the hearing at 7:37 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

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

Date: July 14, 2020

Plan Commission Member Attendees (5):

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

Tracking # MLD-2020-06-22-Isaac Farm Re LLC

Public Hearing – Application for Minor Land Division (MLD) – Isaac Farm Re LLC:

Applicant: Ben Isaac, Authorized signature of Isaac Farm Re LLC

Location/Description of Property: vacant / T07-16-16-31-08-005-00

Parent parcel acres: 8.126 +/-

Current zoning: A-1

Proposed parcel acres: 1.5 +/- for W9509 Rose-Eld Rd

Area of Dedication acres: N/A

Proposal: Quit claim 0.047 +/- acres from T07-16-16-31-08-005-00 to be added to W9509 Rose-Eld Rd, T07-16-16-31-08-004-00. With transfer of 0.046 +/- acres W9509 Rose-Eld Rd, T07-16-16-31-08-004-00, to property at W9543 Rose-Eld Rd, T07-16-16-31-05-005-00, maintain 1.5 +/- acres for W9509 Rose-Eld Rd.

Base Farm Tract (BFT) Acres: 196.3 +/- (Isaac Rev. Trust)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 186.952 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 9.348+/-

Attendance for the application:

Eric Freiburg of E.T. Surveying spoke on behalf of the applicant.

Meeting called to order by Brenner at 9:10 p.m.

Brenner previously read the legal notice published July 1, 2020 and July 5, 2020 at 7:05 p.m. during the start of the public hearings. No attendees arrived after the reading of the legal notice.

Presentation of application:

Freiburg summarized previous discussion that the intent of this MLD application is to maintain 1.5 +/- acres for W9509 Rose-Eld Rd to stay in compliance with the existing conditional use permit (CUP) for a non-farm residence. The application is to quit claim 0.047 +/- acres of farm land owned by Isaac Farm Re LLC at T07-16-16-31-08-005-00 to land owned by Mary Jaeger, Barbara Knapp, Patricia Krueger, Thomas Isaac and Kathleen Synowka at W9509 Rose-Eld Rd, T07-16-16-31-08-004-00. This is following the quit claim of 0.046 +/- acres from land owned by Mary Jaeger, Barbara Knapp, Patricia Krueger, Thomas Isaac and Kathleen Synowka at W9509 Rose-Eld Rd, T07-16-16-31-08-004-00 to land owned by Corey and Shannon Nitz at W9543 Rose-Eld Rd, T07-16-16-31-05-005-00 (Tracking # MLD-2020-06-22-Jaeger, et al. and # ZON-2020-06-22-Jaeger, et al.). By creation of the plat of survey, the intent is to permanently adjust the parcel boundaries for W9543 Rose-Eld Rd, W9509 Rose-Eld Rd and the farm land east of W9509 Rose-Eld Rd (Isaac Farm Re LLC) following the two quit claims.

Questions of applicant from members of the public:

None

Questions of applicant from Eldorado Plan Commission (EPC) members:

July 14, 2020

Town of Eldorado Plan Commission
Public Hearing Minutes – Isaac Farms Re LLC – Minor Land Division

EPC reviewed the plat of survey and agreed the proposal is in accordance with dimensions for a non-farm residence in A-1 as discussed at the June 2020 concept plan review. No questions.

Testimony in support of application (offered three times):

None

Testimony in opposition of application (offered three times):

None

Rebuttal testimony by applicant:

None

Discussion by EPC:

EPC agreed the application is as discussed during the June 2020 concept plan review.

Motion:

Motion made by Borski/Brenner to recommend approval to the Town Board of application for MLD of 0.047 +/- acres for quit claim from land owned by Isaac Farm Re LLC, T07-16-16-31-08-005-00, to land owned by Jaeger, et al. at W9509 Rose-Eld Rd, T07-16-16-31-08-004-00, contingent upon approval of the prior MLD of 0.046 +/- acres and quit claim of land owned by Jaeger, et al. at W9509 Rose-Eld Rd, T07-16-16-31-08-004-00, to Corey and Shannon Nitz at W9543 Rose-Eld Rd, T07-16-16-31-05-005-00, to maintain compliance with the existing CUP for a non-farm residence at W9509 Rose-Eld Rd. Motion carried 4-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on July 27, 2020.

Brenner adjourned the hearing at 9:14 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission

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

Date: July 14, 2020

Plan Commission Member Attendees (5):

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

Tracking # *MLD-2020-06-22-Jaeger et al.*

Tracking # *ZON-2020-06-22-Jaeger et al. and*

Public Hearing – Application for Minor Land Division (MLD) and Rezone A-1 to A-2 – Mary Jaeger, Barbara Knapp, Patricia Krueger, Thomas Isaac and Kathleen Synowka

Applicant: Patricia Krueger, Power of Attorney

Location/Description of Property: W9509 Rose-Eld Rd / T07-16-16-31-08-004-00 (Isaac non-farm residence)

Parent parcel acres: 1.503 +/-

Current zoning: A-1 with conditional use permit (CUP) for non-farm residence

Proposed parcel acres: 1.504 +/- for W9509 Rose-Eld Rd (after adjusting east property line with this MLD application and adjusting and west property lines with the MLD application by Isaac Farm Re LLC – Tracking # MLD-2020-06-22-Isaac Farm Re LLC)

Area of Dedication acres: N/A

Proposal: Quit claim 0.046 +/- acres to be added to W9543 Rose-Eld Rd / T07-16-16-31-05-005-00 (Nitz) and rezone 0.046 +/- acres to A-2. With addition of 0.047 +/- acres quit claimed from Isaac Farm Re LLC, T07-16-16-31-08-005-00, maintain 1.5 +/- acres for W9509 Rose-Eld Rd.

Base Farm Tract (BFT) Acres: 196.3 +/- (Isaac Revocable Trust)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 186.952+/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 9.348+/-

Attendance for the application:

Eric Freiburg of E.T. Surveying spoke on behalf of the applicant.

Meeting called to order by Brenner at 8:50 p.m.

Brenner previously read the legal notice published July 1, 2020 and July 5, 2020 at 7:05 p.m. during the start of the public hearings. No attendees arrived after the reading of the legal notice.

Presentation of application:

Freiburg explained a proposal to quit claim 0.046 +/- acres from land owned by Mary Jaeger, Barbara Knapp, Patricia Krueger, Thomas Isaac and Kathleen Synowka at W9509 Rose-Eld Rd, T07-16-16-31-08-004-00 and join to land owned by Corey and Shannon Nitz at W9543 Rose-Eld Rd, T07-16-16-31-05-005-00 with rezone of the 0.046 +/- acres from A-1 to A-2 to adjust the Nitz's eastern property line at W9543 Rose-Eld Rd for the purpose of meeting setback requirements in the A-2 district. By creation of the plat of survey, the intent is to permanently adjust the parcel boundaries for W9543 Rose-Eld Rd, W9509 Rose-Eld Rd and farm land east of W9509 Rose-Eld Rd (Isaac Farm Re LLC) following two quit claims. A subsequent application for a MLD will address the second quit claim proposal (Tracking # MLD-2020-06-22-Isaac Farm Re LLC).

Questions of applicant from members of the public:

None

Questions of applicant from Eldorado Plan Commission (EPC) members:

EPC questioned Freiburg if there is a signature block on the quit claim document for the Town Board to sign. Freiburg stated there is not.

Testimony in support of application (offered three times):

None

Testimony in opposition of application (offered three times):

None

Rebuttal testimony by applicant:

None

Discussion by EPC:

During discussion, Jerry Isaac (W9530 Rose-Eld Rd) inquired after the question on the potable well on land owned by Isaac Farm Re LLC serving W9509 Rose-Eld Rd and the existing CUP for the non-farm residence at W9509 Rose-Eld Rd discussed at the concept plan review in June 2020. Freiburg stated that Patti Krueger spoke with an attorney at Twohig Law and the matter is resolved. EPC reviewed the plat of survey and agreed the proposal is in accordance with the setback requirements for the A-1 and A-2 districts as discussed at the June 2020 concept plan review. No questions.

Motion:

Motion made by Borski/Brenner to recommend approval to the Town Board of application for MLD of 0.046 +/- acres for quit claim from land owned by Jaeger, et al. at W9509 Rose-Eld Rd, T07-16-16-31-08-004-00, to Corey and Shannon Nitz at W9543 Rose-Eld Rd, T07-16-16-31-05-005-00, contingent upon approval of the rezone of 0.046 +/- acres from A-1 to A-2 and contingent upon approval of the addition of 0.047 +/- acres from land owned by Isaac Farm Re LLC, T07-16-16-31-08-005-00, to Jaeger, et al., W9509 Rose-Eld Rd, T07-16-16-31-08-004-00, by subsequent quit claim to maintain compliance with the existing CUP for a non-farm residence at W9509 Rose-Eld Rd. Motion carried 4-0.

Motion made by Borski/Brenner to recommend approval of the application for rezone of 0.046 +/- acres from A-1 to A-2 of land owned by Jaeger, et al., contingent upon approval of the MLD for 0.46 +/- acres and contingent upon quit claim of 0.046 +/- acres from land owned by Jaeger, et al. at W9509 Rose-Eld Rd, T07-16-16-31-08-004-00, to Corey and Shannon Nitz at W9543 Rose-Eld Rd, T07-16-16-31-05-005-00. Motion carried 4-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on July 27, 2020.

Brenner adjourned the hearing at 9:10 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission

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

Date: July 14, 2020

Plan Commission Member Attendees (5):

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

Tracking # *CUP-2020-06-15-Rusch/Gebert*

Public Hearing – Application for Conditional Use Permit (CUP) – Thomas Rusch and Richard Gebert:

Applicant: Thomas Rusch and Power of Attorney for Richard Gebert

Location/Description of Property: vacant / T07-16-16-25-13-001-00 & T07-16-16-25-13-002-00

Parent parcel acres: 20.00 +/- and 20.00 +/-

Current zoning: A-1

Proposed parcel acres: 6.5 +/-

Area of dedication acres: 0.82 +/- for Townline Rd

Proposal: Obtain a CUP for use as an electric substation on property zoned A-1. Construct an electric substation on proposed 6.5 +/- acre lot. The electric substation is needed for existing and future electrical needs of the Town of Eldorado and surrounding municipalities.

Base Farm Tract (BFT) Acres: 103.5 +/- (Thomas Rusch)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 98.571 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 4.929 +/-

Attendance for the application:

Thomas Erstad and Greg Ardrey of Alliant Energy (prospective purchaser). Erstad and Ardrey will be referred to as “Alliant” in the minutes.

Meeting called to order by Brenner at 7:28 p.m.

Brenner previously read the legal notice published July 1, 2020 and July 5, 2020 at 7:05 p.m. during the start of the public hearings. No attendees arrived after the reading of the legal notice.

Presentation of application:

Erstad works to secure property. Ardrey is the substation project manager. Alliant presented the application packet on behalf of the property owners, Rusch and Gebert, including:

- Conditional Use Permit application;
- Preliminary Site Plan (6/18/20);
- Preliminary Grading Plan (6/18/20);
- Anderson Creek Substation Elevation Views, Sections A and B (11/27/2019);
- Anderson Creek Substation Plan View (11/27/2019). Alliant clarified the proposed fenced-in area is 155 ft. north-south by 115 ft. east-west;
- Fond du Lac County, Town of Eldorado Plat, T16N, R16E and Town of Friendship Plat, T16N, R17E with site location marked;
- Photo of Lake Delton Substation;
- List of property owners within 500 feet of proposed electric substation site;
- Written responses to Chapter 17.33(7) Town of Eldorado Zoning Ordinance, subsections (a) through (e), (Alliant read to the public); and

Town of Eldorado Plan Commission
Public Hearing Minutes – Thomas Rusch and Richard Gebert
Conditional Use Permit for construction and operation of an electric substation

- January 27, 2020 letter from Department of Agriculture, Trade and Consumer Protection (DATCP) to Alliant Energy (Alliant read to the public).

Questions of applicant from members of the public:

Three neighbors attended with questions and concerns regarding the CUP application for an electric substation:

- Lyle Hari, N7845 Townline Rd,
- Becky Kissinger, N7913 Townline Rd, and
- Lorna Heller, N7752 Van Dyne Rd.

In addition to the in-person attendees, one out-of-state property owner unable to attend (Uttam Vanamala, 30.58 acres of vacant land split by Melody Lane at T11-16-17-30-11-001-00) sent a representative, Bhuvanesh Singh, with a letter dated July 13, 2020 authorizing Mr. Singh to attend on their behalf (the “representative letter”) and a letter dated July 13, 2020 outlining five specific concerns regarding the proposed development and potential impact to their property (the “letter of concern”):

1. Environmental Impact,
2. Approval of Regulatory Agencies,
3. Safety,
4. Depreciation of Land Asset, and
5. Pollution and Hazard.

Mr. Singh presented the Eldorado Plan Commission (EPC) with a single copy of the representative letter and multiple copies of the letter of concern immediately prior to the beginning of the first public hearing of the evening.

EPC began the evening with a public hearing for a minor land division (MLD) application by Thomas Rusch and Richard Gebert (Tracking # MLD-2020-06-15-Rusch/Gebert). During that MLD public hearing, EPC deferred questions from the public attendees regarding the electric substation to be addressed during the appropriate CUP public hearing.

Specifically, the questions regarded:

- leaking from the substation into the waterway of Anderson Creek;
- Department of Natural Resources (DNR) involvement in the electric substation; and
- access to the electric substation.

EPC first asked Alliant to address the questions deferred from the previous MLD hearing. Alliant clarified the substation is only to be used by Alliant as opposed to other utilities. DNR engages with Alliant only preliminarily until the land is purchased. After purchase, the DNR works with Alliant to meet requirements for swales, retention and detention basins and rules applicable to Anderson Creek. Any land disturbance greater than one acre requires retention and detention ponds. The only potential leak or spill is mineral oil from the power transformers. The oil is caught by a compound that solidifies oil spills. At this substation, there will be a maximum of 35,000 gallons of mineral oil and the containment is designed to handle 50,000 gallons of mineral oil. Grading will include raising the site to avoid the water that pools on the property in the low areas. In regard to the concern for surface or groundwater, Alliant stated this is not the first substation to be located next to a creek and Alliant will need to follow all rules under the jurisdiction of DNR.

EPC reviewed the July 13, 2020 letter of concern from Uttam Vanamala.

1. Environmental Impact – Alliant explained the goal to avoid dairy farms and bodies of water, avoid the need to extend transmission lines while also meeting Town, County and DNR requirements. Geotechnical borings were already collected to study the soil and identify the groundwater level. The transformer is 300,000 pounds and the site will need to be able to support that. Concern was expressed from the public regarding additional power lines and a question asked why the industrial park near I-41 could not be utilized. Alliant explained the need to spread out the substations.
2. Approval of Regulatory Agencies – previously addressed with January 27, 2020 letter from DATCP and explanation of DNR’s involvement.

3. Safety – Question regarding the safety of farmers in the area. Alliant stated there is no change for farmers.
4. Depreciation of Land Asset – Additional questions asked about compensation of adjacent property owners. Alliant explained that depreciation is variable. There have been studies done on property values adjacent to substations in Wisconsin and USA and the depreciation is negligible. Alliant does not compensate for perceived loss of land value. Wisconsin certified appraisers have done studies that show no devaluation of property values resulting from substations.
5. Pollution and Hazard - previously addressed. A question was asked regarding what happens if DNR does not approve the project. Alliant stated then they do not proceed and continue to look for viable land for the necessary substation.

A question was asked on why Alliant was not looking to move closer to overhead lines when working on selecting a location. Alliant reviewed the selection criteria again, including the need for a willing seller. Alliant stated this is not an ideal site but does meet the criteria including a property owner willing to sell. There are other alternatives but they will be more costly. The construction is scheduled to take place in 2022/2023 and the target is to have the substation on line in 2022.

A question was asked regarding the increase in elevation. Alliant responded it will be approximately three feet.

A question was asked regarding beautification of the substation. Alliant responded that the largest tree that can be transplanted is 18 ft. Alliant typically works with neighbors on the landscape plan and there is minimal traffic after the construction phase. Alliant described the proposed driveway and culvert location.

Questions of applicant from Eldorado Plan Commission (EPC) members:

EPC asked what kind of noise the substation generates and whether there is potential for large generators to be brought to the site. Alliant responded that in a state of emergency, they could bring in generators. This happens once or twice per 30 years. There is a slight hum from the transformer within the fence. Otherwise, no significant change.

EPC asked if there will be transmission lines coming in with tall poles. Alliant responded the underground replacement is unknown at this time but underground is standard design today.

EPC asked about the transmission lines coming along I-41 and whether they will be coming underground to the substation. Alliant responded American Transmission Company (ATC) is the transmission line company and there are no transmission lines through the Town of Friendship. Overhead transmission lines are under ownership of ATC.

EPC reviewed the draft conditional use permit as drafted by the Town Attorney, Matt Parmentier.

- Alliant stated the CUP should be issued to “Wisconsin Power and Light Company, a Wisconsin Corporation” as it will be listed on the property deed.
- EPC clarified the CUP will be finalized after the MLD is approved, the certified survey map (CSM) is recorded, a tax parcel number assigned to the new lot and property transferred.
- Alliant agreed to the proposed time frame to complete the project of two years from the date of the permit (general condition).
- Alliant agreed to the special condition regarding naming the Town of Eldorado as an additional insured on the Commercial General Liability Insurance Policy.
- Alliant agreed to the special condition regarding Town roads – meeting with a representative of the Town to survey pre-construction conditions including photographing conditions and documenting existing damage as well as a follow-up survey with the same individuals and that Alliant will be responsible for any damage caused resulting from Alliant construction.

- EPC clarified the intent is to file the CUP at the register of deeds after execution.

EPC also informed Alliant of the requirement to reimburse the Town for Attorney costs regarding the CUP prior to issuance of the CUP. Alliant agreed that is acceptable.

EPC asked regarding the proximity to dairy farms and safety measures in place. Alliant responded that cows are supersensitive to anything ½ volt or more. They take this into consideration and review neighboring dairy farms. Horses are not at the same level of sensitivity but Alliant would set up monitors and recorders for base line measurements prior to and after construction at any property within a half mile, if requested by the property owner.

Testimony in support of application (offered three times):

None

Testimony in opposition of application (offered three times):

None

Rebuttal testimony by applicant:

None

Discussion by EPC:

EPC discussed that there was good feedback from Alliant and thorough conversations on the questions, involvement with other agencies, safeguarding and landscaping. EPC agreed all questions and concerns have been adequately addressed and no one spoke in opposition of the application after discussion. However, EPC would like more assurance that neighbor concerns regarding landscaping are considered. EPC suggested adding language in the CUP to protect adjacent homeowners on the landscape plan yet not allow any adjacent property owner unreasonable demands. After discussion, Alliant responded they have no issue with developing landscape plans with adjacent homeowners (e.g., N7837, N7845, N7913 Townline Rd) with those sidebars. EPC agreed no term limit on this CUP after issuance.

Motion:

Motion made by Borski/White to approve the application for a CUP for construction and operation of an electric substation on Lot 1 of the proposed CSM (6.5 +/- acres from T07-16-16-25-13-001-00 & T07-16-16-25-13-002-00) contingent upon approval of the MLD application by the Town Board and contingent upon transfer of proposed Lot 1 to Wisconsin Power and Light Company, a Wisconsin Corporation, without term limits. Motion carried 4-0.

Future actions:

The EPC will work with the Town Attorney to draft a revised CUP and provide to the applicant. The CUP cannot be finalized until the MLD is approved, the CSM is recorded, the lot is assigned a parcel number, the property is transferred and the Town is reimbursed for Attorney costs.

Brenner adjourned the hearing at 8:50 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

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

Date: July 14, 2020

Plan Commission Member Attendees (5):

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

Tracking # *MLD-2020-06-15-Rusch/Gebert*

Public Hearing – Application for Minor Land Division (MLD) – Thomas Rusch and Richard Gebert:

Applicant: Thomas Rusch and Power of Attorney for Richard Gebert

Location/Description of Property: vacant / T07-16-16-25-13-001-00 & T07-16-16-25-13-002-00

Parent parcel acres: 20.00 +/- and 20.00 +/-

Current zoning: A-1

Proposed parcel acres: 6.5 +/-

Area of dedication acres: 0.82 +/- for Townline Rd

Proposal: create a lot for construction and operation of an electric substation. The electric substation is needed for existing and future electrical needs of the Town of Eldorado and surrounding municipalities. A separate application for a conditional use permit (CUP) for use as an electric substation on property zoned A-1 will be reviewed separately.

Base Farm Tract (BFT) Acres: 103.5 +/- (Thomas Rusch)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 98.571 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 4.929 +/-

Attendance for the application:

Thomas Erstad and Greg Ardrey of Alliant Energy (prospective purchaser)

Meeting called to order by Brenner at 7:05 p.m.

Brenner read the legal notice published July 1, 2020 and July 5, 2020.

Presentation of application:

Erstad spoke on behalf of the property owners, Rusch & Gebert. Erstad presented the MLD application including a draft certified site map (CSM).

Questions of applicant from members of the public:

Several neighbors attended with questions regarding the CUP application for an electric substation. Eldorado Plan Commission (EPC) members clarified the application and hearing process for a MLD verses a CUP and that the current hearing is limited to the MLD application. Erstad responded to a question regarding the need for 6.5 acres and stated the boundaries were selected due to political (Townline Rd) and natural (Anderson Creek) boundaries. The portion of the 6.5 acres that will not be used for the intended purpose (electric substation) will be leased back to be farmed best it can. EPC deferred a question from the public regarding the electric substation leaking into the waterway until the CUP hearing. EPC deferred a question from the public regarding Department of Natural Resources involvement in the electric substation until the CUP hearing. EPC deferred a question from the public regarding access to the electric substation until the CUP hearing. An individual of the public asked EPC if approval of the MLD application meant that the CUP application is automatically granted. EPC clarified the MLD application is independent of the CUP application and the creation of the lot and property transfer may continue, if approved, regardless of the outcome of the CUP application for use as an electric substation.

Questions of applicant from Eldorado Plan Commission (EPC) members:

EPC reviewed the proposed CSM and agreed the proposed lot is in accordance with dimensions for a buildable lot in A-1 as discussed at the May 2020 concept plan review. No questions.

Testimony in support of application (offered three times):

None

Testimony in opposition of application (offered three times):

None

Rebuttal testimony by applicant:

None

Discussion by EPC:

EPC agreed the application is as discussed during the May 2020 concept plan review.

Motion:

Motion made by Borski/Averbeck to recommend approval to the Town Board of application for MLD of T07-16-16-25-13-001-00 & T07-16-16-25-13-002-00 for creation of 6.5 +/- acre Lot 1 with 0.28 +/- acres dedicated to Townline Road without rezone. Motion carried 4-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on July 27, 2020. If approved, the CSM will be signed by the Town Board.

Brenner adjourned the hearing at 7:27 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

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

Date: October 13, 2020

Plan Commission Member Attendees (5):

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

Tracking # ZON-2020-09-14-Ruedinger

Tracking # MLD-2020-09-14-Ruedinger

Public Hearing – Application for Rezoning A-1 to Residential / Minor Land Division – John & 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 +/- (split 0.827 +/- acres and merge with existing 1.0 Woelfel parcel for 1.827 acre parcel)

Area of dedication acres: zero for County Rd I

Proposal: Split Ruedinger's A-1 land that is too small to farm surrounding 1.0 acre parcel, 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 +/-

Attendance for the application:

John Ruedinger was ill and unable to attend due to COVID-19 restrictions. Darrell Woelfel attended on behalf of the applicants.

Meeting called to order by Brenner at 7:03 p.m.

Brenner read the legal notice published September 24th and 27th, 2020.

Presentation of application:

Woelfel stated the intent of the application is to split 0.827-acres from Ruedinger's 10.42 acre parcel, sell to Woelfel and be merged with Woelfel's existing 1.0 acre parcel. The 0.827-acre area is not farmed by Ruedinger because there is not good access with the existing farm equipment size. Woelfel 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. Also, the irregular parcel line running southwest/northeast is based on the existing ditch that Ruedinger needs to maintain access to for farming purposes.

Questions of applicant from members of the public:

No one present.

Questions of applicant from Eldorado Plan Commission (EPC) members:

Borski presented Darrell Woelfel with a minor land division application to sign documenting intent for acceptance of the land to be split from Ruedinger's and merged with Woelfel's existing lot for creation of Lot 1. This is supplemental documentation requested by the Town since the proposed Certified Survey Map (CSM) includes Woelfel's property at

October 13, 2020

Town of Eldorado Plan Commission
Public Hearing Minutes – John & Karen Ruedinger – Minor Land Division / Rezone

N7989 County Road I, T07-16-16-26-08-007-00, Lot 1 of CSM 2358. Woelfel signed the application (**Tracking # MLD-2020-10-13-Woelfel**).

Testimony in support of application:

No one present.

Testimony in opposition of application:

No one present.

Rebuttal testimony by applicant:

None.

Discussion by EPC:

None.

Motions:

Motion made by Borski/Averbeck to recommend approval of the minor land division application to split 0.827 +/- acres from T07-16-16-26-08-015-00 contingent upon the rezone of 0.827 +/- acres from A-1 to Residential and contingent upon merge of the 0.827 +/- acres with the adjacent 1.0 acre Residential parcel at N7989 County Road I, T07-16-16-26-08-007-00. Motion carried 5-0.

Motion made by Borski/Wenker to recommend approval of the application for rezone of 0.827 +/- acres from A-1 to Residential contingent upon approval of the minor land division to split 0.827 +/- acres from T07-16-16-26-08-015-00 and contingent upon merge of the 0.827 +/- acres with the adjacent 1.0 acre Residential parcel at N7989 County Road I, T07-16-16-26-08-007-00. Motion carried 5-0.

Future actions:

The Town Board will consider the applications at the next scheduled Town Board meeting on October 26, 2020. If approved, the CSM will be signed by the Town Board.

Brenner adjourned the hearing at 7:17 p.m.

Following the hearing, Woelfel asked EPC to repeat the maximum size accessory structure for the new Lot 1 in the residential district discussed at the previous concept plan reviews. EPC reminded Woelfel that the maximum size is 1,580 sq. ft. based on the lot size. EPC also repeated the side and rear yard setback requirements and instructed Woelfel to verify the setbacks with the Building Permit Officer, currently Dave Jahns, in advance of designing the structure and obtaining the building permit.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

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

Date: December 8, 2020

Plan Commission Member Attendees (5):

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

Tracking # *CUP-2020-11-12-Lasting Impressions, LLC*

Public Hearing – Application for Conditional Use Permit – Lasting Impressions, LLC:

Applicant: Lasting Impressions, LLC

Location/Description of Property: N7659 County Rd C / T07-16-16-32-06-014-00 & T07-16-16-32-06-015-00

Parent parcel acres: 0.181+/- and 0.323+/-

Current zoning: Commercial in Traditional Neighborhood Design Overlay (TNDO) District

Proposed parcel acres: no change

Area of Dedication acres: N/A

Proposal: Allow conditional use as a Residence on property zoned Commercial via a Conditional Use Permit. Note property is within the TNDO district and applicants believe the proposed use is allowed within the overlay.

Base Farm Tract (BFT) Acres: N/A

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): N/A

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A

Attendance for the application: Tom and Theresa Schultz for Lasting Impressions, LLC

Meeting called to order by Brenner at 7:02 p.m.

Brenner read the legal notice published November 18 and 22, 2020.

Presentation of application:

Tom Schultz stated he and Theresa have sold their current residence and intend to remodel the existing salon at the Commercial property to make it their last residence. They intend to continue use as a salon within a single room of the residence. No exterior modifications are planned. They are working with a licensed plumber and electrician on the remodel. They are also working with Dave Jahns, Building Permit Officer and Board Member.

[Secretary's Note: During the concept plan meeting on November 10, 2020, the applicants stated they will pursue the option recommended by the EPC for a conditional use permit for a residence on Commercial property under Zoning Regulations section 17.35(3)(a) that will likely have a term limit with renewals in order to proceed expeditiously. However, their intent is to follow-up with pursuit of the option to allow a residential use on Commercial property under the Transitional Neighborhood Design Overlay (TNDO) District. This will require input and direction from the Town Attorney's office.]

Questions of applicant from members of the public:

None

Questions of applicant from Eldorado Plan Commission (EPC) members:

Borski communicated to the applicants and EPC recent communications with the Town Attorney's office regarding the TNDO District. The attorney's, Matt Parmentier and Lee Turoine, reviewed chapter 17.38 of the Town of Eldorado's

Zoning Regulations on the TNDO District with respect to their CUP application to allow a residential use at a property zoned Commercial. While a CUP can be issued to allow a residential use at a Commercial property under s. 17.35(3)(a), the TNDO District does allow for both residential and commercial uses as permitted uses without permit. However, since neither parcel meets the dimensional requirements for the TNDO District under s. 17.38(7), a CUP for a variation from the dimensional standards needs to be issued under s. 17.38(5)(d) to achieve the same goal. The Town Attorney's further recommend the parcels be combined as a condition of the CUP to minimize the deviation from standards within the TNDO District.

The applicants stated they wish to pursue the CUP under s. 17.38(5)(d) of the TNDO District at this time in lieu of the interim step for a CUP under s. 17.35(3)(a) to achieve the goal of both residential and commercial uses on the same property. The applicants agreed to combine the parcels within nine months of issuance of the CUP.

EPC discussed and agreed to proceed, as verbally requested by the applicants, with processing the application for a CUP with the change in path for the same goal of "Conditional Use Permit for a residential use at N7659 County Rd C" at the two identified parcels as reflected in the legal notice. Note the legal notice does not specifically reference what CUP needs to be issued to achieve the goal and EPC therefore believes the legal notice does not need to be reissued.

Testimony in support of application (offered three times):

Charlie Becker spoke in favor of the application.

Testimony in opposition of application (offered three times):

None

Rebuttal testimony by applicant:

None

Discussion by EPC:

No further discussion.

Motion:

Motion made by Brenner/Wenker to issue a conditional use permit for parcel numbers T07-16-16-32-06-014-00 (0.181+/- acres) & T07-16-16-32-06-015-00 (0.323 +/- acres), together addressed as N7659 County Road C, for variation of the dimensions under the TNDO District to allow applicant to proceed with the residential use contingent upon combination of the two lots within nine months of date of issuance (December 8, 2020) without term limit. Averbeck, Borski, Brenner, Wenker & White voted in favor of the motion. Motion carried 5-0.

Future actions:

Remodeling for the residence may begin immediately. The EPC will draft a CUP document with the Town Attorney (estimate 1 week) and provide to the applicant for signature after payment to Town for professional services. The CUP is to be recorded at the Register of Deeds office by the Town after signature.

Brenner adjourned the hearing at 7:28 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission