

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

Date: March 9, 2021

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 Residence and Warehouse at Property Zoned Commercial

Conditional Use Permit #ELD-13-001, originally issued January 8, 2014 for a three-year term, renewed March 13, 2017 for a three-year term. (One-year delay in review due to turnover and 2040 Comprehensive Plan Update work.)

Property Owner: D&K Endeavors, LLC (Dave & Kathy Rabe)

Location/Description of Property: W8332 Cty Rd N / T07-16-16-22-05-002-00

Parcel acres: 4.9 +/-

Current zoning: Commercial

Attendance for the renewal: Dave Rabe

Meeting called to order by Brenner at 7:14 p.m.

Brenner read the legal notice published February 28, 2021 and March 7, 2021.

CUP & Questionnaire Review:

A questionnaire was sent to the property owners in advance of the hearing regarding current use of the property. Borski summarized the CUP and read the questionnaire signed and submitted by the owners in advance of the hearing indicating compliance with the conditions of the CUP. Dave Rabe suggested the term for approval be extended to 6 to 10 years instead of three years. Rabe stated there is one more building to be built in the future, to the west of the warehouses in about a year after he gets out of the excavating business and that the additional building is on the approved plan. There were no questions from the public.

Testimony in support of renewal (offered three times): Dave Jahns, Building Permit Officer and neighbor, stated there are no problems with noise and is in favor of the renewal.

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

Rebuttal testimony by property owner: Rabe stated the last time the EPC reviewed this CUP for renewal (first renewal in 2017), it cost him \$1,200 to have a survey done because someone in the Town expressed concern about the allowable impermeable surfaces being exceeded. The survey revealed Rabe to be in compliance. Rabe would like the approval term extended to limit this kind of cost to him again.

Discussion by EPC:

Initially, Brenner, Borski and Averbeck desired review after three years because of EPC and Town Board member turnover. After discussion, EPC agreed on a five-year term.

Motion:

Motion made by Wenker/Averbeck to renew the conditional use permit for a five-year term, expiring in March 2026. Motion carried 5-0.

March 9, 2021

Town of Eldorado Plan Commission
Public Hearing Minutes – D&K Endeavors, LLC

Future actions:

The EPC will draft a renewal document and provide to the property owners.

Brenner adjourned the hearing at 7:25 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission

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

Date: March 9, 2021

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-18-01, originally issued February 18, 2018 for a three-year term.

Property Owner: Gary A. and Teresa M. Hass, David D. and Paula S. Lass Living Trust

Location/Description of Property: Hass Rd / T07-16-16-02-06-004-00

Parcel acres: 2.014 +/-

Current zoning: A-1

Base Farm Tract (BFT) Acres: 156.7 +/- (Gary Hass)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 149.238 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 7.462 +/-

Attendance for the renewal: none

Meeting called to order by Brenner at 7:07 p.m.

Brenner read the legal notice published February 28, 2021 and March 7, 2021.

CUP & Questionnaire Review:

A questionnaire was sent to the property owners in advance of the hearing regarding current use of the property. Borski summarized the CUP and read the questionnaire signed and submitted by the owners in advance of the hearing indicating the house is not built yet. Borski also shared that Gary A. Hass verbally informed Borski in advance of the meeting they still intend to build but there is no timeframe, maybe 2-5 years. There were no questions from the public.

Testimony in support of renewal (offered three times): None

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

Rebuttal testimony by property owner: None

Discussion by EPC:

EPC noted the tax parcel number changed after the Certified Survey Map was recorded creating Lot 1 of 2.014 acres. The tax parcel numbers included in the original CUP are #T07-16-16-02-06-002-00 and #T07-16-16-02-07-001-00. The tax parcel number for this vacant lot on Hass Rd is # T07-16-16-02-06-004-00. This should be clarified in the renewal documentation. After brief discussion, EPC decided to stay with a three-year renewal at this time.

Motion:

Motion made by Borski/Averbeck to renew the conditional use permit for a three-year term expiring in March 2024. Motion carried 5-0.

Future actions:

The EPC will draft a renewal document and provide to the property owners.

March 9, 2021

Town of Eldorado Plan Commission
Public Hearing Minutes – Hass, et al.

Brenner adjourned the hearing at 7:14 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

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

Date: March 9, 2021

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-14-002, originally issued February 17, 2014 for a three-year term, renewed March 13, 2017 for a three-year term. (One-year delay in review due to turnover and 2040 Comprehensive Plan Update work.)

Property Owner: Larry & Virginia Hinz

Location/Description of Property: W8297 Lincoln Rd / T07-16-16-03-15-006-00

Parcel acres: 2.455 +/-

Current zoning: A-1

Base Farm Tract (BFT) Acres: 51.9 +/- (Larry Hinz)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 49.429 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 2.471 +/-

Attendance for the renewal: none

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

Brenner read the legal notice published February 28, 2021 and March 7, 2021.

CUP & Questionnaire Review:

A questionnaire was sent to the property owners in advance of the hearing regarding current use of the property. Borski summarized the CUP and read the questionnaire signed and submitted by Larry & Virginia Hinz in advance of the hearing indicating they remain in compliance with all terms of the CUP. Averbeck confirmed there have been no complaints received by the Town. There were no questions from the public.

Testimony in support of renewal (offered three times): None

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

Rebuttal testimony by property owner: None

Discussion by EPC:

EPC discussed a renewal without expiration vs. another three-year renewal. After discussion, EPC agreed to renew the CUP without expiration and perform an internal administrative review every three years. This will eliminate the need for public hearings every three years at this non-farm residence that was constructed in 2017 without compliance concerns.

Motion:

Motion made by Averbeck/Wenker to renew the conditional use permit without a term limit. Motion carried 5-0.

Future actions:

The EPC will draft a renewal document and provide to the property owners.

March 9, 2021

Town of Eldorado Plan Commission
Public Hearing Minutes – Larry & Virginia Hinz

Brenner adjourned the hearing at 7:07 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

April 13, 2021

Plan Commission Member Attendees (5) and terms:

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

Public Attendees:

Charlie Becker	Aaron Rickert, Town Board Supervisor beginning 4/26/21	David Jahns, Town Board Supervisor & Building Permit Officer	Gary Miller, Town Board Chairman
Jerry Borski	Matthew Zimmerman	Richard Schultz	Theresa Schultz
Ted Frank	Cheryl Pionke, Town Clerk	Mike & Lisa Pionke	Gary & Cindy Borgers
Jim Rozek	Brad Witt	Glenn Henning	Kellan Henning
Jordan Weed	Frank Mazanka	Jim Pionke	Ben Smith
Eric Freiburg, ET Surveying			

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 9:10 p.m. following two public hearings. Pledge done previously.

Review of Minutes: EPC reviewed the minutes from March 9, 2021. Motion made by Averbeck/Brenner to approve minutes. Motion carried 5-0.

Tracking # CP-2021-04-02-Frank Mazanka

Concept Plan – Minor land division and rezone for construction of new home – Frank Mazanka:

Location/Description of Property: W7518 Lincoln Rd / T07-16-16-12-05-002-00

Parent parcel acres: 5.32 +/-

Current zoning: A-1 (but no ag use)

Proposed parcel acres: 2.186 +/- for Lot 1 and 2.968 +/- for Lot 2 (remnant)

Area of dedication acres: 0.166 +/- for Lincoln Rd

Proposal: Spilt land and rezone for their daughter to purchase and build a new home.

Base Farm Tract (BFT) Acres: not assigned (less than 10 acres) per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013

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

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

This concept plan discussion is a follow-up to the initial **Tracking # CP-2021-01-12-Frank Mazanka on January 12, 2021 and February 9, 2021** and further general discussion **on March 9, 2021**. Mazanka submitted CP-2021-04-02-Frank Mazanka along with a preliminary CSM for EPC review. Eric Freiburg, ET Surveying explained how he surveyed the property to accommodate the suggestions from EPC and the Town Attorney (Matt Parmentier) including a minimum 30 feet frontage for the remnant lot (Lot 2) and using the existing line of trees for the East-West split between proposed Lots 1 & 2. Mazanka owns to the center of the driveway, not the entire width of the driveway as previously thought by Mazanka but this does not affect the proposal. Freiburg will finalize the CSM including labeling Lincoln Rd and labeling the owner of property to the East. The southern property line for the remnant (Lot 2) does not meet the required setback from an existing accessory building but is the existing property line. The perc test is done and will be submitted with the application.

To be reviewed at the May 11, 2021 EPC meeting, the application for a rezone with \$350 fee and MLD with \$300 fee is due no later than April 19th to allow for the public notice process. The final CSM should be submitted no later than May 3rd. Applications for a MLD and Rezone were provided to Mazanka.

Status Update – Conditional Use Permit (CUP) #ELD-20-001 (Alliant/WP&L): The invoice for reimbursement of legal review and filing at the Register of Deeds was paid by Alliant. The CUP is now signed and recorded at the Register of Deeds. Borski provided a copy of the signed CUP to EPC and Town Board members (Gary Miller, Dave Jahns and new TB member Aaron Rickert-eff. 4/26/21) as well as Mike Pionke, Town Patrolman. Borski will send an electronic copy to the Town of Friendship.

Status Update & Compliance Question for Condition #3c – CUP #ELD-20-002 (Lasting Impressions LLC): Condition #3c of the CUP states, *The Applicant shall complete and receive all necessary approvals for a Certified Survey Map that combines the two parcels into a single parcel no later than September 8, 2021.* There has been email discussion the past month between Tom Schultz (Lasting Impressions, LLC), Fond du Lac County and Borski and also between Borski and Town Attorney Matt Parmentier regarding a CSM vs. a Plat of Survey. The discussions were whether a Plat of Survey would meet the criteria in condition #3c of the CUP. Theresa Schultz stated that they have decided to just go ahead with the CSM. The EPC still discussed and, for future reference, are not in favor of a Plat of Survey option because the document is not recorded with the Register of Deeds. Rather, the document is held by the Surveyor.

Review of General Inquiries since March 9, 2021:

- Brenner received a question on a property in the hamlet that is zoned Commercial and possible interest for conversion to a Residence. Since this is within the Traditional Neighborhood Design Overlay (TNDO) Brenner informed them it was a possibility. The inquiring party will consider further.
- White received multiple questions on solar projects.

Public Input: Question from Glenn Henning on why there is a big white arrow painted in the road at the intersection of Blewett Rd & Town Hall Rd/CR C. No one is certain. The public noted Leeward Solar Renewable Energy, LLC was out surveying land today.

Future Meetings & Agenda Items: May 11, 2021 – Public hearing for MLD & Rezone application by Frank Mazanka. Follow-up to Town Board action on Zoning Ordinance amendments (Solar Energy Systems & Changes and Amendments).
[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 Wenker/Averbeck to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:45 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

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

Date: April 13, 2021

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 – Amendment to Zoning Ordinance Regarding Changes and Amendments

Attendance:

<p>Gary Miller (Town Board Chairman) Dave Jahns (Town Board Supervisor & Building Permit Officer) Aaron Rickert (Town Board Supervisor – effective 4/26/21) Cheryl Pionke (Town Clerk) Charlie Becker Jerry Borski Matthew Zimmerman Richard Schultz Ted Frank Mike & Lisa Pionke</p>	<p>Cindy Kumbier-Borgers Gary Borgers Jim Rozek Brad Witt Kellan Henning Glenn Henning Jordan Weed Frank Mazanka Jim Pionke Ben Smith Eric Freiburg, ET Surveying</p>
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Meeting called to order by Brenner at 9:03 p.m.
 Brenner read the legal notice published March 28, 2021 and April 4, 2021.

Presentation of amendment to zoning ordinance:
 Borski provided the background for the modification and proposed language as drafted by Town Attorney Matt Parmentier. The purpose of the amendment is to clarify in Section 17.58(1) of the Zoning Regulations that the Plan Commission holds the public hearings on changes or amendments to the ordinance including rezones with the Town Board making the final decision as opposed to the Town Board holding the public hearings.

Questions/Comments from members of the public and Eldorado Plan Commission (EPC) members: none

Testimony in support of amendment to zoning ordinance (offered three times):
 Gary Borgers
 Cindy Kumbier-Borgers
 Jerry Borski
 Charlie Becker

Testimony in opposition of amendment to zoning ordinance (offered three times): none

Discussion by EPC: none

Motion:
 Motion made by Averbeck/Wenker to recommend adoption of the proposed amendment to Section 17.58(1) of the Zoning Regulations after the next public hearing by the Town Board. Averbeck, Borski, Brenner, Wenker & White voted in favor of the motion. Motion carried 5-0.

April 13, 2021

Town of Eldorado Plan Commission
Public Hearing Minutes –Amendment to Zoning Ordinance Regarding Changes and Amendments

Future actions:

The Town Board will hold a second public hearing on this proposed amendment on May 3, 2021 because of the way Section 17.58(1) of the Zoning Regulations is currently written. Immediately following the second public hearing, the Town Board will hold a Special Town Board Meeting to take action on the proposed amendment.

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: April 13, 2021

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 – Amendment to Zoning Ordinance Regarding Solar Energy Systems

Attendance:

<p>Gary Miller (Town Board Chairman) Dave Jahns (Town Board Supervisor & Building Permit Officer) Aaron Rickert (Town Board Supervisor – effective 4/26/21) Cheryl Pionke (Town Clerk) Charlie Becker Jerry Borski Matthew Zimmerman Richard Schultz Ted Frank Mike & Lisa Pionke</p>	<p>Cindy Kumbier-Borgers Gary Borgers Jim Rozek Brad Witt Kellan Henning Glenn Henning Jordan Weed Frank Mazanka Jim Pionke Ben Smith Eric Freiburg, ET Surveying</p>
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Meeting called to order by Brenner at 7:00 p.m.
 Brenner read the legal notice published March 28, 2021 and April 4, 2021.

Presentation of amendment to zoning ordinance:

The purpose of the proposed amendment is to create Section 17.22 of the Zoning Regulations for defining and permitting solar energy systems. Borski provided information regarding solar energy systems in general, existing state law on wind and solar energy, case law on the same and reviewed the proposed language as drafted by Town Attorney Matt Parmentier.

Questions/Comments from members of the public and Eldorado Plan Commission (EPC) members:

- 17.22(2)(a) - Consider excluding from permitting any solar energy system that is accessory to the primary use of the property.
- 17.22(2)(a) - Exclude already permitted accessory uses within individual districts as defined (e.g., 17.30(3)(c))
- 17.22(4)(d) – Consider including properties up to 1,000 feet in the application site plan. Is this tied to the compensation plan? Is this the required distance for written notification?
- 17.22(4) – Add a landscape plan
- Can we include any setbacks yet?
- 17.22(4)(f) – Keep as written.
- 17.22(4) Deposit – Recommend application fee of \$50,000 with a minimum balance of \$20,000 to replenish to \$50,000.
- 17.22(4) Deposit – There is no information about what happens to incurred costs if the project is denied or the applicant pulls out of the project. Can we add language to clarify incurred expenses are non-refundable?
- 17.22(7) Revocation – What happens if we revoke a permit? No refunds on costs incurred – correct? The decommission bond is then utilized to remove the materials and restore the property – correct?

- Is a building permit necessary for each of the small buildings that are constructed as part of the solar energy system or are these buildings included in the solar energy system permit?
- 17.22(6) Restrictions – Can we add any of the following negotiation points?
 - Setbacks
 - Ground clearance
 - Height
 - Shared revenue plan
 - Property value protection plan
 - Individual property owner compensations
 - Decommission bond
 - Maintenance bond for vegetation
 - Lost tax base

Testimony in support of amendment to zoning ordinance (offered three times):

Charlie Becker	Gary Borgers	Aaron Rickert
Jerry Borski	Cindy Kumbier-Borgers	Jordan Weed
Gary Miller	Glenn Henning	Theresa Schultz
Dave Jahns	Brad Witt	

Testimony in opposition of amendment to zoning ordinance (offered three times): none

Discussion by EPC: none

Motion:

Motion made by Wenker/Brenner to recommend adoption of the proposed amendment by addition of Section 17.22 for Solar Energy Systems to the Zoning Regulations with changes discussed and subsequent recommended modifications by the Town Attorney based on the next public hearing to be held by the Town Board. Averbek, Borski, Brenner, Wenker & White voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will hold a second public hearing on this proposed amendment on May 3, 2021 because of the way Section 17.58(1) of the Zoning Regulations is currently written. Immediately following the second public hearing, the Town Board will hold a Special Town Board Meeting to take action on the proposed amendment.

Brenner adjourned the hearing at 9:03 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

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

Date: May 11, 2021

Plan Commission Member Attendees (5):

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

Tracking # ZON-2021-04-19-Mazanka

Tracking # MLD-2021-04-19-Mazanka

Public Hearing – Application for Rezoning A-1 to A-2 / Minor Land Division – Frank & Jeni Mazanka:

Applicant: Frank & Jeni Mazanka

Location/Description of Property: W7518 Lincoln Rd / T07-16-16-12-05-002-00

Parent parcel acres: 5.32 +/-

Current zoning: A-1 (but no ag use)

Proposed parcel acres: 2.212 +/- for Lot 1 and 2.943 +/- for Lot 2 (remnant)

Area of dedication acres: 0.166 +/- for Lincoln Rd

Proposal: Spilt land and rezone for their daughter to purchase and build a new home.

Base Farm Tract (BFT) Acres: not assigned (less than 10 acres) per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Map Certified by DATCP on 11/20/2013

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

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

Attendance for the application:

Frank Mazanka

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

Brenner read the legal notice published April 25, 2021 and May 2, 2021.

Presentation of application:

Mazanka stated the intent of the application is to split his existing land and sell a portion to his daughter to purchase and build a home. The property has been surveyed and a percolation (perc) test performed for a mound system. Borski summarized the history of discussions with the County Planning Department regarding minimum road frontage (at least 30 feet) and the Town Attorney, Matt Parmentier, regarding the driveway being turned over from the Town to Mazanka in 2020 significantly reducing his road frontage. Brenner summarized the rationale for the proposed size for Lot 1 being less than the minimum required 3.0 acres for the A-2 district due to the road/driveway item and existing natural features of the property, also discussed with the Town Attorney. Borski clarified that proposed Lot 2 is the remnant of the existing parcel after splitting out Lot 1 and Lot 2 is to remain zoned A-1. Also, the current parcel is already a flag lot so the proposed Lot 2 is not creating a new flag lot situation.

Questions of applicant from members of the public:

It was asked whether approval of this application would be precedence-setting for the adjacent properties. EPC explained this unique situation is not setting precedence for neighboring properties.

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

None.

May 11, 2021

Town of Eldorado Plan Commission
Public Hearing Minutes – Mazanka – Rezone / Minor Land Division

Testimony in support of application (offered three times):

Charlie Becker spoke in favor of the application and commented that the Town is setting precedence with the decision that a hardship was created by the Town turning the road over to Mazanka (i.e., reduced road frontage).

Testimony in opposition of application (offered three times):

None

Rebuttal testimony by applicant:

None

Discussion by EPC:

EPC discussed the need to require relevant variances to minimum lot size for Lot 1 and minimum frontage for both Lots 1 and 2. Also need to require the driveway easement be recorded at the Register of Deeds per the Town Attorney since they intend to utilize the existing driveway on proposed Lot 2 for both lots. Mazanka stated he supported these decisions and is appreciative for the Town's efforts to find a solution.

Motion:

Motion made by Borski/Wenker to recommend approval of the application to split W7518 Lincoln Road, parcel T07-16-16-12-05-002-00, for creation of Lot 1 of 2.212 +/- acres and remnant Lot 2 of 2.943 +/- acres with 0.166 +/- acres dedicated to Lincoln Road contingent upon approval of rezone of Lot 1 from A-1 to A-2, variances granted by the Board of Appeals for dimensional requirements and recording of a driveway easement at the Register of Deeds. Borski, Brenner, Rickert, Wenker & White voted in favor of the motion. Motion carried 5-0.

Motion made by Borski/White to recommend approval of the application for W7518 Lincoln Road, parcel T07-16-16-12-05-002-00, to rezone 2.212 +/- acres for proposed Lot 1 from A-1 to A-2 contingent upon approval of the proposed minor land division. Borski, Brenner, Rickert, Wenker & White voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the applications at the next scheduled Town Board meeting on May 24, 2021 but approval will be contingent upon obtaining the necessary variances. The CSM cannot be signed by the Town Board until variances are granted by the Board of Appeals. Mazanka will need to schedule a separate hearing with the Town Clerk and Mike Wagner, Board of Appeals Chairman, submit an application and \$350 fee.

Brenner adjourned the hearing at 7:40 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**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.

June 8, 2021

Town of Eldorado Plan Commission
Public Hearing Minutes – Gary Rabe – Minor Land Division / Conditional Use Permit for Non-Farm Residence

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

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

Tracking # ZON-2021-07-19-Ihrig

Date: August 10, 2021

Plan Commission Member Attendees (5):

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

Public Hearing – Application for Rezoning Residential to A-1 – James & Jodi Ihrig:

Applicant: James & Jodi Ihrig

Location/Description of Property: N8537 Totz Rd / T07-16-16-15-11-005-00

Parent parcel acres: 4.193 +/-

Current zoning: Residential

Proposed parcel acres: N/A

Area of Dedication acres: N/A

Proposal: Rezone back to A-1 to allow continued use as hobby farm with livestock and construct additional ag buildings

Base Farm Tract (BFT) Acres: N/A (Residential) per Base Farm Tract map with parcel data as of 12/31/2013 and Zoning Ordinance Certified by DATCP on 11/20/2013

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: James & Jodi Ihrig

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

Brenner read the legal notice published July 25, 2021 and August 1, 2021.

Presentation of application:

James Ihrig stated the intent of the application is to allow construction of another farm building for their existing hobby farm with animals (steers, goat). The reason for the rezone is because they are currently zoned Residential. They were zoned ag when they bought the property 20 years ago and have had the same land use since. Brenner explained the Town rezoned clusters of three or more homes from Ag to residential in a County-wide initiative prior to adoption of the current Zoning Ordinance in 2013.

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): None

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

Rebuttal testimony by applicant: None

Discussion by EPC:

Borski informed EPC that Terry Dietzel, County Planner, supports rezoning this property back to A-1.

August 10, 2021

Town of Eldorado Plan Commission
Public Hearing Minutes – James & Jodi Ihrig – Rezone

Motion:

Motion made by Wenker/White to recommend approval of the rezone from Residential to A-1. Borski, Brenner, Rickert, Wenker & White voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on August 23, 2021. The Town will communicate the decision to the County.

Brenner adjourned the hearing at 7:09 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

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

Tracking # MLD-2021-08-09-Rehm

Tracking # ZON-2021-08-09-Rehm

Date: September 14, 2021

Plan Commission Member Attendees (5):

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

Public Hearing – Application for Minor Land Division / Rezoning A-1 to A-2 – Douglas & Judith Rehm:

Location/Description of Property: W9652 Olden Rd / T07-16-16-18-07-001-00 & T07-16-16-18-08-001-00

Parent parcel acres: 32.59 +/- & 40.0 +/-

Current zoning: A-1

Proposed parcel acres: 4.925 +/- ac. Lot 1 w/ existing house, 3.138 +/- ac. Lot 2, 3.131 +/- ac. Lot 3 & 59.856 +/- ac. Lot 4

Area of dedication acres: 1.751 +/- ac. for Olden Rd

Proposal: Spilt 32.59 +/- acres into three lots on west side of Olden Rd, rezone all three lots A-2 and combine remnant on east side of Olden Rd with 40 +/- acres to remain A-1.

Base Farm Tract (BFT) Acres: 72.8 acres

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 69.33 +/- acres

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 3.47 +/- acres

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town’s Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: Doug & Judy Rehm

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

Brenner read the legal notice published August 29, 2021 and September 5, 2021.

Presentation of application:

Doug Rehm discussed their plan, based on the June 2021 concept plan discussion, to split the existing 32.59-acre A-1 parcel that includes both sides of Olden Rd into three lots on the west side of Olden Rd:

- a 4.925-acre proposed Lot 1 with their existing home on the west side to be rezoned A-2,
- a 3.138-acre proposed Lot 2 to the north of their existing home on the west side to be rezoned A-2, and
- a 3.131-acre proposed Lot 3 to the north on the west side to be rezoned A-2.

Furthermore, the remnant on the east side of Olden Rd will be combined with the 40-acres to create a 59.856-acre proposed Lot 4 that will remain zoned A-1. The intention is to sell proposed Lots 2 and 3 for construction of new homes at some point and sell the farmland on the east side as proposed Lot 4 now.

Questions of applicant from members of the public: None

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

EPC noted the Soil Evaluation Reports are specific to “Proposed Lot 1” and “Proposed Lot 2”, are dated 7/12/2021 and do not include a Lot 3. Furthermore, the proposed lot lines do not match up with the proposed certified survey map (CSM). Rehm stated that the soil test was performed based off a previous preliminary CSM, prior to Rehm including his current residence in the CSM and when they were unclear where to draw the southern property boundary with the

existing tree line. It is believed that at the time the perc test was requested, "Proposed Lot 1" matched up with current proposed Lot 3 (furthest north on the west side of Olden Rd) and "Proposed Lot 2" generally matched up with the current proposed Lot 2 but with different southern lot line (center lot on west side of Olden Rd). Eric Freiburg, E T Surveying, shared that Dan Hanks, the Fond du Lac County Sanitarian, reviews soil evaluation reports and has final approval before the County approves the CSM. Freiburg summarized that Hanks makes sure the proper soil evaluations are done for creation of the new lots. Rehm offered to send Borski the draft map sent to request soil testing for documentation purposes. EPC discussed and suggested that approval of the rezone could also be made contingent upon approval of the CSM by both the Town and the County.

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: None

Motion:

Motion made by Borski/Wenker to recommend approval of the application regarding W9652 Olden Rd, parcel numbers T07-16-16-18-07-001-00 and T07-16-16-18-08-001-00, for creation of Lot 1 of 4.925 +/- acres, Lot 2 of 3.138 +/- acres, Lot 3 of 3.131 +/- acres and Lot 4 of 59.856 +/- acres with 1.751 acres +/- acres dedicated to Olden Road by certified survey map contingent upon approval of rezone of proposed Lots 1, 2 & 3 from A-1 to A-2.

Borski, Brenner, Rickert, Wenker & White voted in favor of the motion. Motion carried 5-0.

Motion made by Borski/Wenker to recommend approval of the application regarding W9652 Olden Rd, parcel numbers T07-16-16-18-07-001-00 and T07-16-16-18-08-001-00, to rezone proposed Lots 1, 2 & 3, from A-1 to A-2 contingent upon approval of the proposed certified survey map by the Town and the County.

Borski, Brenner, Rickert, Wenker & White voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the applications at the next scheduled Town Board meeting on September 27, 2021. If approved, the CSM will be signed by the Town Board.

Brenner adjourned the hearing at 7:15 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

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

Tracking # ZON-2021-10-25-TJRVJM Real Estate LLC

Date: November 9, 2021

Plan Commission Member Attendees (5):

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

Public Hearing – Application for Rezoning from A-1 to A-2 – TJRVJM Real Estate LLC:

Applicant: TJRVJM Real Estate LLC

Location/Description of Property: W8232 Lone Elm Rd / T07-16-16-03-02-004-00

Parent parcel acres: 5.092 +/-

Current zoning: A-1

Proposed parcel acres: same

Area of Dedication acres: none

Proposal: Rezone property from A-1 to A-2 to allow continued use as hobby farm (with animals) in lieu of a non-farm residence with conditional use permit in A-1 district.

Base Farm Tract (BFT) Acres: 231.3 +/- (Lynn Hinz BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 220.286 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 11.014 +/-

Note: conversion of land from A-1 to another district and/or dedication of land to the public for a road does not affect the maximum nonfarm residential acre calculation that is based on the Town's Base Farm Tract map with parcel data as of 12/31/2013.

Attendance for the application: None

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

Brenner read the legal notice published October 24 and 31, 2021.

Presentation of application:

Brenner/Borski summarized the application as submitted to the Town for rezone from A-1 to A-2 to allow use as a hobby farm with farm animals in lieu of renewing a conditional use permit (CUP) for a non-farm residence (NFR) issued for the property on October 10, 2018.

Questions of applicant from members of the public:

Dave Jahns, Town Board Supervisor & Permit Officer, questioned why the owners are not able to have animals at present since the property is zoned A-1. EPC explained CUPs for a NFR include the condition the property is only allowed residential use. The NFR CUP was requested in 2018 to split the land off from the Lynn Hinz BFT and sell to a different owner and ag use was not anticipated. The current owners are requesting not to renew the NFR CUP and instead to rezone the property from A-1 to A-2 to allow use as a hobby farm, which is another solution to the separation of the property from the BFT.

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

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

November 9, 2021

Town of Eldorado Plan Commission
Public Hearing Minutes – TJRVJM Real Estate LLC –Rezone

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

Rebuttal testimony by applicant: None

Discussion by EPC:

EPC reviewed the conditions for rezone out of A-1 under ch 17 Zoning Regulations, section 17.33(10)(a)-(d). The property is not used for row crops but is an existing farmstead with outbuildings, the Future Land Use Map shows the area as ag, and rezone from A-1 to A-2 will not hinder any surrounding farm use.

Motion:

Motion made by Brenner/Wenker to recommend approval of the application to rezone W8232 Lone Elm Rd, parcel # T07-16-16-03-02-004-00, from A-1 to A-2.

Borski, Brenner, Rickert, Wenker & White voted in favor of the motion. Motion carried 5-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on November 22, 2021.

Brenner adjourned the hearing at 7:10 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission