

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

Tracking # ZON-2023-02-27-Sievert

Date: March 21, 2023

Plan Commission Member Attendees (5):

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

Public Hearing – Application for Rezone Residential to General Agricultural (A-2) – Sievert

Applicant: Michele (Simon) Sievert

Location/Description of Property: N7889 County Road C / T07-16-16-29-10-004-00

Parent parcel acres: 5.5 +/-

Current zoning: Residential

Proposal: Rezone to General Agricultural (A-2)

Attendance for the application: Michele (Simon) Sievert

Meeting called to order by Brenner at 7:13 p.m. Brenner read the legal notice published March 5 and March 12, 2023.

Presentation of application:

Sievert explained the intent of the application is to move the zoning back to Agricultural from Residential. It was understood when she purchased the property 10 years ago that it was zoned agricultural and they could have chickens and more buildings. They also want the option to have more animals (i.e., hobby farm). They have no intention of selling the property but want to retain the option they understood when purchased for outbuildings and animals. Brenner added that Tim Sievert also has a wood working hobby and this will give them the opportunity to grow that to a home-based business.

Brenner provided background that the County zoned the property to Residential a long time ago when the lot size reduced to less than 35 acres because the only option at the time, other than Agricultural, was Residential. EPC noted this application is following an update to the Future Land Use Map (FLUM) of the Comprehensive Plan Update 2040 to allow rezone of this parcel to Agricultural.

EPC clarified for the public that Michael Albrecht’s parcel (previous hearing on March 21, 2023) is recommended for rezone to the Farmland Preservation District (A-1) (Exclusive Agriculture) because of the existing farm business and the parcel is less than 3.0 acres. Sievert’s parcel is recommended for rezone to General Agricultural District (A-2) because it is greater than 3.0 acres and they have chickens/hobby farm.

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):

Dave Jahns, Gary Miller, Roger Stahmann, Rosalind Lyness and Mike Albrecht spoke in favor of the application.

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

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Public Hearing Minutes – Michele (Simon) Sievert – Rezone

Rebuttal testimony by applicant: None

Discussion by EPC:

The lot meets the minimum 3.0 acres for rezone to A-2. The parcel meets the minimum road frontage requirement for A-2 (200 feet) along with side yard and rear yard setbacks from existing buildings.

Motion:

Motion made by Brenner/White to recommend approval of the application to rezone 5.5 +/- acres at N7889 County Road C, parcel # T07-16-16-29-10-004-00, from Residential to General Agricultural (A-2).

Borski, Brenner, Rickert, White & Yoder 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 March 27, 2023.

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

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
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Public Hearing Minutes**

Tracking # ZON-2023-02-27-Albrecht

Date: March 21, 2023

Plan Commission Member Attendees (5):

x	Jeremy Brenner, Chairperson
x	Jeff White, Vice Chairperson

x	Jenna Borski, Secretary
x	Dennis Yoder, Member

x	Aaron Rickert, Town Board Liaison

Public Hearing – Application for Rezone Residential to Farmland Preservation District (A-1) (Exclusive Agriculture) – Albrecht

Applicant: Michael R. Albrecht

Location/Description of Property: N7876 / N7880 Town Hall Rd / T07-16-16-29-09-007-00

Parent parcel acres: 2.45 +/-

Current zoning: Residential

Proposal: Rezone to Farmland Preservation District (A-1) (Exclusive Agriculture)

Attendance for the application: Michael Albrecht

Meeting called to order by Brenner at 7:00 p.m. Brenner read the legal notice published March 5 and March 12, 2023.

Presentation of application:

Albrecht explained the intent of the application is to move the zoning back to Agricultural from Residential because it has always been used for agricultural purposes. Albrecht wants to make sure future agricultural buildings are allowed on the property. Brenner provided background that the County zoned the property to Residential a long time ago when the lot size reduced to less than 35 acres because the only option at the time, other than Agricultural, was Residential. The existing buildings are legal non-conforming in the Residential District. Per Borski, Town Attorney Matt Parmentier advised that the property can be rezoned to A-1 as the buildings will remain legal non-conforming (i.e., not creating a non-conformance).

Questions of applicant from members of the public: None

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

Albrecht informed EPC that the current land use is his residence with a mostly agricultural business that dates back many years.

Testimony in support of application (offered three times):

Dave Jahns, Gary Miller, Roger Stahmann, Rosalind Lyness and Wayne Kemnitz spoke in favor of the application.

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

Rebuttal testimony by applicant: None

Discussion by EPC:

There is no minimum lot size for A-1 and this lot does not meet the minimum 3.0 acres for rezone to A-2. The parcel meets the minimum road frontage requirement for A-1 (200 feet). This rezone coincides with the rezone performed in November 2022 for Cory & Brittney Zickert (N7828 / N7840 Town Hall Rd) returning the zoning from Residential to A-1

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Town of Eldorado Plan Commission
Public Hearing Minutes – Michael Albrecht – Rezone

for the same reasons. EPC noted this application is following an update to the Future Land Use Map (FLUM) of the Comprehensive Plan Update 2040 to allow rezone of this parcel to Agricultural.

Motion:

Motion made by White/Yoder to recommend approval of the application to rezone 2.45 +/- acres at N7876 / N7880 Town Hall Rd, parcel # T07-16-16-29-09-007-00, from Residential to Farmland Preservation District (A-1) (Exclusive Agricultural).

Borski, Brenner, Rickert, White & Yoder 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 March 27, 2023.

Brenner adjourned the hearing at 7:13 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
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Date: May 9, 2023

Plan Commission Member Attendees (5):

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

**Public Hearing – Review for Renewal of Conditional Use Permit for a Non-Farm Residence
Conditional Use Permit #ELD-14-001, January 15, 2014, issued March 24, 2014 (3 yrs), renewed March 13, 2017 (3 yrs)
and September 13, 2022 (3 yrs retroactively from March 2020)**

Applicant: Ben & Sarah Isaac

Location/Description of Property per the CUP:

Original CUP: W9509 Rose-Eld Rd / T07-16-16-31-08-004-00 (non-farm residence) & T07-16-16-31-08-005-00 (remnant parcel with potable well).

Revised in September 2022: W9505 Rose-Eld Rd / T07-16-16-31-08-006-00 & T07-16-16-31-08-007-00 (remnant parcel with potable well).

Parent parcel acres: 1.503 +/- for W9505 Rose-Eld Rd (same acreage in 2014, 2017 & 2022 but different footprint in 2022)

Current zoning: A-1

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: Ben Isaac (current property owner & grandson of Annastine Isaac)

Meeting called to order by Brenner at 7:15 p.m.

At the hearing immediately preceding this one, Brenner read the legal notice published April 23 and April 30, 2023 for W9509 Rose-Eld Rd, currently 1.503 acres listed as parcel number T07-16-16-31-08-006-00 (*note typographical error in legal notice as -08-003-00*).

Presentation of application:

A questionnaire was sent to the property owners in advance of the hearing regarding current use of the property. The current property owners, Ben and Sarah Isaac, submitted the questionnaire indicating continued non-compliance due to the deed restriction still being amended by the Town for continued use of the potable well on the adjacent parcel.

Borski reviewed the CUP history and CUP review packet for EPC.

Questions of applicant from members of the public: None

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

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

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

Rebuttal testimony by applicant: None

May 9, 2023

Town of Eldorado Plan Commission
Public Hearing Minutes –Ben Isaac – CUP # ELD-14-001

Discussion by EPC: Borski commented that the Town Attorney continues to work on the deed restriction correction.

Motion:

Motion made by Borski/Yoder to renew the NFR CUP for three years retroactively from March 2023, until March 2026.

Borski, Brenner, White & Yoder voted in favor of the motion. Motion carried 4-0.

Future actions:

The EPC will draft a CUP renewal document and provide to the applicant.

The EPC will continue to work with the Town Attorney to draft an amendment to the Deed Restriction for filing at the Register of Deeds with no legal charges to the property owner per the September 2022 public hearing.

Secretary note: In March 2026, the EPC may consider renewing the CUP in perpetuity if there is continued compliance, but must consider how to best monitor for compliance with the CUP requirement to relocate the potable well in the future.

Brenner adjourned the hearing at 7:26 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
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Public Hearing Minutes**

Tracking # ZON-2023-04-18-Kemnitz

Date: May 9, 2023

Plan Commission Member Attendees (5):

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

Public Hearing – Application for Rezone A-1 to A-2 – Applicant: Wayne & Shannon Kemnitz

Location/Description of Property: Vacant Land East of N7678 County Rd I / T07-16-16-35-01-007-00

Parent parcel acres: 7.678 +/-

Current zoning: A-1

Proposed parcel acres: 7.678 +/-

Area of dedication acres: none – dedicated with Certified Survey Map (CSM) created in 2019

Proposal: Rezone from A-1 to A-2 for the future

Base Farm Tract (BFT) Acres: 33.9 +/- (Wayne Kemnitz BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 32.29 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 1.61 +/-

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: Wayne Kemnitz

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

Brenner read the legal notice published April 23 and April 30, 2023.

Presentation of application:

Kemnitz stated the intent of the application is to prepare the property for future building because A-2 allows a residence with more flexibility than a non-farm residence under conditional use permit in A-1 district. The EPC previously reviewed conditions to rezone the property out of A-1 with Kemnitz at the concept plan meeting in March. This parcel contains wooded, non-tillable land with a very small strip in the Conservation Reserve Program (CRP).

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):

Roger Stahmann spoke in favor of the application.

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

Rebuttal testimony by applicant: None

May 9, 2023

Town of Eldorado Plan Commission
Public Hearing Minutes – Wayne & Shannon Kemnitz – Rezone

Discussion by EPC:

The minimum lot size for A-2 is 3.0 acres and minimum road frontage is 200 feet. This parcel meets these minimum lot dimensions and also meets the criteria for zoning out of A-1. Rezoning from A-1 to A-2 would allow for a future land division to create two buildable lots. This option to rezone wooded, vacant land from A-1 to A-2 was not understood by EPC in 2019 when the CSM was created by Kemnitz but has since been established working with the Town Attorney on other applications for rezone in the Town.

Motion:

Motion made by Yoder/White to recommend approval of the application to rezone 7.678 +/- acres for parcel # T07-16-16-35-01-008-00, from A-1 (Farmland Preservation) to A-2 (General Agricultural).

Borski, Brenner, White & Yoder voted in favor of the motion. Motion carried 4-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on May 22, 2023.

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 # CSM-2023-05-17-Stahmann
Tracking # ZON-2023-05-17-Stahmann

Date: June 13, 2023

Plan Commission Member Attendees (5):

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

Public Hearing – Application for Certified Survey Map and Rezone A-1 to A-2 – Applicant: Roger Stahmann (son) and Rachel Hutter (daughter) on behalf of Marian Stahmann (deceased)

Location/Description of Property: N9101 Hass Rd / T07-16-16-11-08-004-00 & Vacant land on Hass Rd / T07-16-16-11-07-002-00

Parent parcel acres: 10.0 & 20.0 +/-, respectively

Current zoning: A-1

Proposed parcel acres: Lot 1 of 21.345 +/- acres; Lot 2 of 4.280 +/- acres; Outlot 1 of 4.002 +/- acres

Area of dedication acres: 0.499 +/- acres dedicated to Hass Rd

Proposal: To split the driveway, house, yard & tower off from the tillable land for sale and retain the tillable land. Rezone the house, buildings & yard to A-2.

Base Farm Tract (BFT) Acres: 29.9 +/- (Marian Stahmann BFT)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): N/A – less than 31.5 acres

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A – less than 31.5 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: Roger Stahmann

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

White read the legal notice published May 28 and June 4, 2023.

Presentation of application:

Roger Stahmann stated the tillable acres have been leased to Todd Stahmann’s family by Marian Stahmann for years. The intent of the application is to split and sell approximately 4.280 acres including the driveway (former Town road) with the house, outbuildings, yard & tower off from the tillable land and retain the tillable land. They would also like to rezone the proposed Lot 2 with the driveway, house and buildings to A-2. The lines for Lot 2 are not straight due to the presence of farm tile lines and existing tree lines and an airport tower outer marker for the Oshkosh airport. Proposed Outlot 1 is 4.002 acres. The Town road was turned back to the property owner in 2020. There is a farm driveway to proposed Lot 1 of 21.345 acres. The width of proposed Lot 2 at the road includes the driveway and extends ditch to ditch for driveway access.

Questions of applicant from members of the public: Access to proposed Outlot 1 was questioned. Karen Stahmann (Todd Stahmann’s mother) owns the back two 10-acre lots and will be purchasing Outlot 1 for contiguous ownership. There is no intention to build on proposed Lot 1 so no percolation test was done there and that is noted on the CSM.

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

The Town does not yet have the official final CSM from the County for this application. Stahmann stated he asked his Surveyor to hold off on submitting it to the County until this hearing was held. EPC instructed Stahmann to submit the CSM to the County for review and approval and that it must be the same as the version reviewed during this hearing.

Testimony in support of application (offered three times):

Todd Stahmann and Dave Jahns spoke in favor of the application.

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

Rebuttal testimony by applicant: None

Discussion by EPC:

EPC explained these applications are similar to applications in 2021 by Frank Mazanka at W7518 Lincoln Rd where the Town worked closely with the Town Attorney to understand options under the current Land Division/Sub-division Ordinance and Zoning Ordinance. Similarities include a Town road recently turned over to the property owner, significantly reducing road frontage (creating a hardship) and creating the need for a flag lot; request to create a lot with rezone to A-2; an existing residence with outbuildings and desire to minimize loss of tillable acres that calls for irregular lot lines. EPC did not request legal review of these applications and applied information learned during the Mazanka application process. In addition, the EPC reviewed the conditions for rezone from A-1 to A-2 and agree the conditions are met for proposed Lot 2.

The minimum road frontage per the Fond du Lac County Ordinance is 30 feet. Lot 2 is proposed with 33 feet of road frontage and includes the former Town road, now turned over to the property owner. However, proposed Lot 2 does not meet the minimum road frontage of 200 feet or the minimum lot width at the build line of 200 feet in the Town Zoning Ordinance sections 17.34(7)(b) and (c). Therefore, approval will need to be conditional upon obtaining a variance to the lot dimensions by the Board of Appeals.

No variance to the maximum setback distance is needed for proposed Lot 2 since the residence is pre-existing.

No driveway easement is needed for access to proposed Lot 1 from the existing driveway since a farm driveway exists on proposed Lot 1.

Motion:

Motion made by Borski/Yoder to recommend approval of the application for CSM for N9101 Hass Rd, parcel numbers T07-16-16-11-08-004-00 and T07-16-16-11-07-002-00 for creation of proposed Lot 1 of 21.345 +/- acres, proposed Lot 2 of 4.280 +/- acres and proposed Outlot 1 of 4.002 +/- acres with 0.499 +/- acres dedicated to Hass Road contingent upon approval of rezone of proposed Lot 2 from A-1 to A-2, and contingent upon variance granted by the Board of Appeals for dimensional requirements of proposed Lot 2.

Borski, Rickert, White & Yoder voted in favor of the motion. Motion carried 4-0.

Motion made by Borski/Rickert to recommend approval of the application for rezone of proposed Lot 2 of 4.280 +/- acres at N9101 Hass Rd, parcel numbers T07-16-16-11-08-004-00 and T07-16-16-11-07-002-00, from A-1 to A-2 contingent upon approval of the proposed CSM and contingent upon variance granted by the Board of Appeals for dimensional requirements of proposed Lot 2.

Borski, Rickert, White & Yoder voted in favor of the motion. Motion carried 4-0.

June 13, 2023

Town of Eldorado Plan Commission

Public Hearing Minutes – Roger Stahmann and Rachel Hutter on behalf of Marian Stahmann – Minor Land Division & Rezone

Future actions:

The CSM needs to be submitted to the County for review and approval.

The Town Board will consider the applications at the next scheduled Town Board meeting on June 26, 2023.

If conditionally approved by the Town Board, the applicants will need to submit an application for a variance to the minimum lot dimensions for proposed Lot 2 to be rezoned A-2 with \$350 application fee. If the Board of Appeals grants the variance, the CSM will be signed by the Town Board.

White adjourned the hearing at 7:36 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission

**Town of Eldorado
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Tracking # ZON-2023-06-05-Wagner

Date: July 11, 2023

Plan Commission Member Attendees (5):

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

Public Hearing – Application for Rezone from Rural District (RD) to General Agricultural (A-2)

Applicants: Aaron & Melissa Wagner

Location/Description of Property: W7762 Dike Rd / T07-16-16-35-13-008-00

Parent parcel acres: 9.67 +/-

Current zoning: Rural District

Proposed parcel acres: same

Area of Dedication acres: N/A

Proposal: rezone to A-2 with no change in property use to eventually sell four acres to an adjacent neighbor

Attendance for the application: Melissa Wagner

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

White read the legal notice published June 25, 2023 and July 2, 2023.

Presentation of application:

Wagner stated the intent of the application is to come into compliance with the current ordinance regarding their outbuildings and property use and set up the property to split off four acres to sell to an adjacent neighbor zoned A-2. Wagner stated they bought the property with the existing house and buildings 11 years ago and believe it was zoned incorrectly.

Borski explained that the original 40-acre parcel was split into three lots prior to the current Zoning Ordinance adopted in 2013. At the time of the land division, the only option for an agricultural property less than 35 acres in the rural area was to rezone to Rural District which allowed outbuildings and animals for a hobby farm if there were at least 5 acres. Since then, the Town has created two separate agricultural districts (A-1 and A-2) and is no longer rezoning into Rural District. However, rezoning from RD to A-2 would allow more flexibility for property use and outbuildings and set up the property to transfer four acres to the adjacent property owner that is currently zoned A-2. Borski also commented that this application was previously reviewed as a concept plan on July 13, 2021.

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):

Dave Jahns and Chris Baker spoke in favor of the application.

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

Rebuttal testimony by applicant: None

July 11, 2023

Town of Eldorado Plan Commission
Public Hearing Minutes – Aaron & Melissa Wagner – Rezone

Discussion by EPC:

The parcel meets the minimum lot size of 3.0 acres and minimum road frontage of 200 feet for A-2 district. The existing accessory structures meet the rear and side yard setbacks of 40 feet and 50 feet, respectively, for the A-2 district. A-2 is an appropriate district for the current use.

Motion:

Motion made by Yoder/ Rickert to recommend approval of the application to rezone W7762 Dike Rd, parcel # T07-16-16-35-13-008-00, from Rural District (RD) to General Agricultural (A-2).

Borski, Rickert, White & Yoder voted in favor of the motion. Motion carried 4-0.

Future actions:

The Town Board will consider the application at the next scheduled Town Board meeting on July 24, 2023.

White adjourned the hearing at 7:19 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission

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

Tracking # *CSM-2023-09-15-Weed*

Tracking # *ZON-2023-09-15-Weed*

Date: October 10, 2023

Plan Commission Member Attendees (5):

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

Public Hearing – Application for Certified Survey Map / Rezone RD to A-2 – Jordan & Amand Weed:

Location/Description of Property: W9640 Olden Rd / T07-16-16-18-10-005-00 & Vacant land / T07-16-16-18-07-002-00

Parent parcel acres: 12.58 & 5.3 +/-

Current zoning: Rural District (RD)

Proposed parcel acres: 1.736 (W9640 Olden Rd) & 16.156 (proposed for new home & outbuildings) +/-

Area of dedication acres: none for Cty Rd I – previously dedicated

Proposal: split off existing house for sale and merge remnant open land with existing vacant parcel for construction of new home and outbuildings with rezone of vacant new parcel from RD to A-2

Base Farm Tract (BFT) Acres: N/A – parcels not zoned Ag at the time of DATCP certification in 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: Jordan Weed

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

Brenner read the legal notice published September 24, 2023 and October 1, 2023.

Presentation of application:

Jordan Weed explained the history of his purchase and stated the intent of the application is to split the existing house and outbuilding into a 1.736-acre lot for sale and merge the vacant land surrounding it for a 16.156-acre lot to now construct a new house and outbuildings. Weed explained the reasoning behind the irregular proposed lot lines surrounding the existing house (proposed Lot 2). Reasons included the location of an existing power transformer, existing septic, existing berm around the back of the lot with the house, need to meet rear yard and side yard setbacks from the existing structures and setbacks for future buildings and septic on the vacant lot that is proposed to be rezoned to A-2, and minimum lot dimensions (lot size, frontage & rear and side yard setbacks) for each respective zoning district. The existing potable well will be sold with the existing house. Weed will install a potable well and septic on the vacant lot prior to occupancy. A perc test was done to keep the future detached garage size flexible and consider setbacks. The existing driveway for the vacant land will be used for the new house and buildings. Weed is requesting to rezone the proposed 16.156-acre lot from Rural District (RD) to General Agricultural (A-2) due to the wetlands on the lot and interest in larger outbuildings than allowed in RD. Weed’s surveyor has the final CSM with Fond du Lac County and final review is scheduled for October 11th but they are not anticipating any changes. The preliminary CSM previously reviewed by EPC is the same as the final CSM submitted to the County.

Questions of applicant from members of the public: none

October 10, 2023

Town of Eldorado Plan Commission
Public Hearing Minutes – Jordan & Amanda Weed – Certified Survey Map / Rezone

Questions of applicant from Eldorado Plan Commission (EPC) members: none – issues addressed during concept plan discussions prior to submittal of applications.

Testimony in support of application (offered three times):

Dave Jahns spoke in favor of the applications.

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

Rebuttal testimony by applicant: None

Discussion by EPC: none

Motions:

Motion made by Brenner/Yoder to recommend approval of the application for a CSM for W9640 Olden Rd, parcel #s T07-16-16-18-10-005-00 and T07-16-16-18-07-002-00, for creation of proposed Lot 1 of 16.156 +/- acres and proposed Lot 2 of 1.736 +/- acres with no dedication to Olden Road contingent upon no substantive changes to the final CSM by Fond du Lac County and recording of the affidavit with October 9, 2023 Town Resolution to remove Deed Restriction Doc #951682 at the Register of Deeds.

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

Motion made by Brenner/White to recommend approval of the application to rezone proposed Lot 1 of 16.156 +/- acres from Rural District (RD) to General Agricultural (A-2) contingent upon no substantive changes to the final CSM by Fond du Lac County, approval of the proposed CSM and recording of the affidavit with October 9, 2023 Town Resolution to remove Deed Restriction Doc #951682 at the Register of Deeds.

Borski, Brenner, Rickert, White & Yoder 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 October 23, 2023.

If approved, the CSM will be signed by the Town Board after the conditions are met, including payment of legal fees and \$30 recording fee for the affidavit to remove the Deed Restriction Doc #951682.

Brenner adjourned the hearing at 7:22 p.m.

Respectfully submitted,

Jenna Borski

Secretary

Town of Eldorado Plan Commission

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

**Tracking # CUP-Ext-2023-09-18-WP&L
(Conditional Use Permit Extension Re: CUP #ELD-20-001)**

Date: November 14, 2023

Plan Commission Member Attendees (5):

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

Public Hearing – Application for Conditional Use Permit Extension – Jessica Bahr for Wisconsin Power & Light Company (WP&L):

Conditional Use Permit #ELD-20-001, signed March 22, 2021, expired March 22, 2023

Location/Description of Property: N7872 Townline Rd / T07-16-16-25-13-003-00

Parcel acres: 5.68 +/-

Current zoning: A-1

Proposal: extension to complete final landscaping by July 2024

Attendance for the application: None

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

White read the legal notice published October 29 and November 5, 2023.

Presentation of application:

White presented the September 18, 2023 letter from Jessica Bahr, Senior Real Estate Representative for Alliant Energy, submitted on behalf of WP&L, "...requesting an extension of the Conditional Use permit granted on March 22, 2021. WP&L is waiting to install the final landscaping at the substation site until after American Transmission Company [ATC] installs the transmission line into the substation. Therefore, WP&L would like to request an extension to allow for the final landscaping to be completed by July of 2024."

Borski also provided EPC members with the following:

- a copy of CUP # ELD-20-001,
- the October 4, 2022 EPC meeting notes where the final landscape plan was approved,
- the approved final landscape plan,
- a November 12, 2023 email with photos from Katie Hari, N7845 Townline Rd outlining many concerns with the project

Cheryl Pionke, Town Clerk, verbally summarized emails between her and Jessica Bahr regarding the progress of the substation.

Questions / comments from members of the public:

Jenny Reinhold, N7837 Townline Rd, provided an account of her concerns regarding this project. Alliant approached property owners to sign an easement that they did not sign. The landscaper showed up with a plan last year (2022) with no notice or appointment. On May 15, 2023, the landscaper showed up unannounced at Katie Hari's property at N7845 Townline Rd to perform landscaping but did not do Reinhold's property. The landscaper later returned to Reinhold's property but only installed landscaping on the south side of the front yard, not the north side closest to the substation. Landscaping has yet to be completed and no information was given as to why this was not done in 2023. Alliant added a

second driveway to the substation property and cut down trees along Anderson Creek for ATC to install pillars. The Reinhold and Hari families have received no notices, calls, emails or fliers from Alliant or ATC. The Public Service Commission (PSC) application requires outreach to the community. There are ledgers from ATC dated 2018 that clearly show the plan included overhead lines which is not what Greg Ardrey and Tom Erstad of Alliant communicated to EPC during the public hearing for the initial CUP application where they clearly stated the lines would be underground and trees up to 8 feet tall could be planted. Reinhold purchased her home in 2019, renovated and added on to her home. This would not have been done if they knew ATC intended to bring high voltage overhead power lines to the property across the street. There is also no infiltration basin or stormwater retention pond constructed which was part of the approved design of the substation. A temporary driveway made of timbers was constructed to install the pilings. Reinhold has concerns with changes being made to Anderson Creek, Alliant's disrespect and disregard for neighbors, lack of compliance with PSC requirements for outreach to the community and distance of the high voltage overhead lines from her residence. Reinhold also sent video to Jeremy Brenner via Facebook prior to the meeting. However, Brenner was unable to attend and the information was unable to be shared at the meeting.

Kari Hari joined the hearing after her job and supported information provided by Reinhold. Hari communicated that this project has created a lot of stress on both families. EPC reviewed Hari's November 12, 2023, email and photos that outline concerns from her perspective including the lack of communication from the landscaper and Alliant and inadequate/incomplete landscaping in 2023. Hari stated some nights all the lights are on at the substation as photographed and some nights just the single overhead light is on. Hari shared that Greg Ardrey is listed as the contact for the property, but Hari and Reinhold have been unable to reach him. Their properties are within 100 feet of the substation, and both are concerned with the voltage coming to the substation based on the size of the pillars going in for the ATC overhead lines.

Discussion by EPC:

EPC is unable to continue review of this application without a representative present to provide additional information and address concerns raised. EPC will need to work with the Town Attorney on the CUP and application for extension to complete the landscaping. EPC does not have sufficient information to approve or deny the application at this time.

Motion:

Motion made by Yoder/Rickert to table further review of the application pending receipt of additional information from WP&L to be requested by our Town Attorney, and until the applicant can be present.

Borski, Rickert, White & Yoder voted in favor of the motion. Motion carried 4-0.

Future actions:

The EPC will work with the Town Attorney to draft a letter requesting additional information and to schedule continuation of the hearing, with a proposed date of January 9, 2024.

White adjourned the hearing at 8:06 p.m.

Respectfully submitted,
Jenna Borski
Secretary
Town of Eldorado Plan Commission