

Town of Eldorado Plan Commission (EPC) Meeting Minutes

March 12, 2019

Plan Commission Member Attendees (5):

x	Norbert Chesney, Chairperson	x	Jenna Borski, Secretary	x	Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeremy Brenner, Member		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Gary Miller, Town Chairman	Dennis Mueller, Town Supervisor	Kathy Thunes, ECWRPC	Eric Fowle, ECWRPC	Shong Xiong
Shong Xiong	Neng Ziong			

Call to Order and Agenda Review: Meeting called to order by Norbert Chesney at 7:00 p.m.

[EDITOR'S NOTE: There was no meeting in January 2019 due to lack of agenda items. The February 2019 meeting was cancelled due to weather. The February agenda items were added to the March 2019 agenda.]

Review of Minutes: EPC reviewed the minutes from October 10, 2018. Motion made by Averbeck/Wenker to approve minutes. Motion carried 5-0. EPC reviewed the minutes from December 11, 2018. Motion made by Brenner/Averbeck to approve minutes. Motion carried 5-0.

Buckarma Conditional Use Permit (CUP) Review – Aaron Buckarma, CUP issued 8/25/2015:

Location/Description of Property: W8986 Sharratt Rd / T07-16-16-08-01-005-00

Parcel acres: 1.87

Current zoning: Residential

Buckarma was not present. Buckarma contacted Chesney prior to the meeting stating he has a buyer for the property and no longer wishes to pursue renewal of the CUP (for operation of a home-based business). Motion made by Borski/Wenker to not renew the CUP. Motion carried 5-0.

Update on Department of Agriculture, Trade and Consumer Protection (DATCP) Farmland Preservation Rezone Report TY2018:

Chesney reported he provided a list of what land was taken out of A-1 in the past calendar year to DATCP. As far as he could recall, that included only the land previously owned by Our Savior Risen Church on CR N.

Public Input:

Neng Xiong is interested in splitting his property for his brother to build a home. Chesney and Borski provided Xiong with a current Concept Plan Application and Instructions and went over the materials with Xiong. Borski also looked at the Zoning Map and Future Land Use Map and provided information for Xiong to include in the Concept Plan Application. Xiong intends to submit an application for review next meeting.

Meeting with East Central Wisconsin Regional Planning Commission (ECWRPC):

Thunes and Fowler introduced the 10-year Comprehensive Plan Update process and provided hand-outs on the *Comprehensive Planning Requirements & Process* and *Responsibilities and Expectations of the Plan Commission*.

- The same nine elements will be included in the Plan Update. Three chapters will be reviewed every time ECWRPC meets with the EPC.
- Fowler explained ECWRPC would like to extend the contract by one month for delivery of the Plan Update.
- ECWRPC would like to limit the meetings with EPC to 1.5 hours. Depending upon routine EPC agenda items, ECWRPC may need to meet with EPC outside of the routine monthly meeting to accomplish this work.

- Public comments are to be directed to the Town Clerk.
- The 10-year Comprehensive Plan Update process and visioning meeting should be announced at all Town Board meetings, on Facebook, on the Town website, and posted on community boards (including the electronic board at the Town Hall). ECWRPC will also develop a flyer (11x17") that they will print and provide to the Town for distribution throughout the community announcing the Visioning Meeting (open house). A digital copy will also be emailed to the Town for posting electronically. Thunes provided a list of suggested workshop exercises for the public visioning open house. Thunes provided a draft *Public Participation Plan for Comprehensive Planning, Town of Eldorado, FDL Co, WI, Draft 1/31/19* to review with EPC. Motion made by Chesney/Averbeck to recommend the Town adopt the public participation plan. Motion carried 5-0.
- Thunes provided a spreadsheet of contacts to provide inter-governmental notifications of the 10-year Comp Plan Update. EPC clarified there are no registered non-metallic mines in the Town of Eldorado at present.
- The Town's Annual Meeting is scheduled for the third Tuesday in April (April 16th). [EDITOR'S NOTE: It was clarified after the EPC meeting that the Town's Annual Meeting is scheduled for Monday, April 15th.] The Public Visioning Open House is then scheduled for Tuesday, May 7th from 7-8:30 p.m. ECWRPC will consider holding an afternoon time as well to accommodate dairy farmers wishing to provide input.
- Thunes provided *Demographic Highlights, Town of Eldorado* for EPC members and reviewed the information.
- Thunes requested EPC provide her with any land use changes from the Town map since the initial Comprehensive Plan was written.
- At the May 14th EPC meeting, ECWRPC will provide the first three background chapters: 1. Issues & Opportunities; 2. Housing; and 3. Economic Development.
- ECWRPC recommended the Town consider appointing ad-hoc (non-voting) EPC members for meetings with ECWRPC as the Town moves through this update process. Ad-hoc members allow the Town to specifically seek input from specific community members with specific insight on one or more topics (e.g., business owners, farmers, Town Patrolman). Chesney and Averbeck will discuss this topic at the next Town Board meeting. This topic was further discussed by EPC after Thunes and Fowler left and a couple community members were discussed as options for the Town to consider asking to participate.

Future Meetings & Agenda Items: Next meeting scheduled for Tuesday, April 9, 2019. [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 Borski/Brenner to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

April 9, 2019

Plan Commission Member Attendees (5):

x	Norbert Chesney, Chairperson	x	Jenna Borski, Secretary	x	Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeremy Brenner, Member		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Neng Xiong	Shong Xiong			

Call to Order and Agenda Review: Meeting called to order by Norbert Chesney at 6:58 p.m.

Review of Minutes: EPC reviewed the minutes from March 12, 2019. Motion made by Averbeck/Brenner to approve minutes with the correction of the date for the October 2018 meeting. Motion carried 5-0.
The November 2018 minutes are yet to be approved.

Concept Plan – Neng Xiong, Shong Xiong, Houa Xiong:

Location/Description of Property: N7978 Town Hall Rd / T07-16-16-29-08-002-00

Parent parcel acres: 27.62+/-

Current zoning: A-1

Proposed parcel acres: 13.81+/-

Area of Dedication acres: ? for Town Hall Rd

Proposal: Owners would like to split the parcel in half for construction of a second house. A home currently exists on the parcel.

Base Farm Tract (BFT) Acres: 27.62+/-

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

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

The owners garden the majority of the parcel at present for personal use and intend to continue to garden after construction of the new home. The Future Land Use Map (FLUM) in the December 2009 Comprehensive Plan has the area, including this parcel, listed as Transitional Residential District (TRD). EPC reviewed the requirements of TRD, including the requirement to designate at least 40% of the property as open space in perpetuity. EPC reviewed the minimum lot requirements and build requirements for the TRD along with the process for a minor land division and rezone from A-1 to TRD. EPC provided Xiongs with a copy of the Application Process Instructions and applications for a Minor Land Division and Rezone.

Comprehensive Plan Review/Update – Chapters 1-3:

Chesney updated EPC that the Town Board appointed four ad hoc members: Mike Pionke (Town Patrol & Asst. Fire Chief), Jerry Borski (Fire Chief), Vickie Michiels (First Responders) & Noah Henke (First Responders). They will attend future EPC meetings with East Central Wisconsin Regional Planning Commission (ECWRPC) as able and provide input during the comprehensive planning process.

In addition, Karen Fontaine is the new Town Clerk, replacing Cathy Winters, and Dave Jahns is the new Town Supervisor #1, replacing Dennis Mueller. Both will be sworn in at the Annual Town Board meeting.

EPC members will review the draft chapters and documents provided by ECWRPC prior to the May 2019 EPC meeting.

Public Input: None

Future Meetings & Agenda Items:

Public Visioning Open House (Facilitated by ECWRPC): May 7, 2019

EPC Meeting: May 14, 2019 (with ECWRPC)

[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 Brenner/Wenker to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Jenna Borski

Member/Secretary

Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

June 11, 2019

Plan Commission Member Attendees (5):

x	Norbert Chesney, Chairperson	x	Jenna Borski, Secretary		Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeremy Brenner, Member		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Kathy Thunes, ECWRPC	Vickie Michiels, Ad- hoc for Comp Review			

Call to Order and Agenda Review: Meeting called to order by Norbert Chesney at 7:00 p.m.

Review of Minutes: EPC reviewed the minutes from May 14, 2019. Motion made by Wenker/Brenner to approve minutes. Motion carried 4-0.

New Concept Plan Application Reviews: Chesney distributed a minor land division and rezone applications submitted by Xiong for review at the next EPC meeting. Public notices have yet to be issued.

Public Input: None

Comprehensive Plan Review:

Kathy Thunes from East Central WI Regional Planning Commission (ECWRPC) attended to review the following:

- Review housing element
- Review economic development element
- Next steps

Thunes took notes for purposes of ECWRPC. Thunes will distribute the next chapters to EPC in advance of the July meeting and also provided a copy of the existing land use map for EPC to mark up with corrections for next time.

Thunes informed EPC of a Lunch & Learn being offered at the North Fond du Lac Village Hall on Asset Based Community Development (ABCD) put on by ECWRPC. It is designed for neighborhoods but is also applicable to the Town of Eldorado. There is no cost and lunch is provided. The Lunch & Learns are offered quarterly with various topics.

Future Meetings & Agenda Items: Next meeting July 9, 2019 at 7:00 p.m. Public hearings for the Xiong MLD and Rezone applications will be reviewed along with continued review of the comprehensive plan. [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/Brenner to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 9:11 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

July 9, 2019

Plan Commission Member Attendees (5):

x	Norbert Chesney, Chairperson	x	Jenna Borski, Secretary	x	Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeremy Brenner, Member		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Gary Miller, Town Chairman	Kathy Thunes, ECWRPC			

Call to Order and Agenda Review: Meeting called to order by Norbert Chesney at 7:00 p.m.

Review of Minutes: EPC reviewed the minutes from June 11, 2019. Motion made by Brenner/Wenker to approve minutes. Motion carried 5-0.

Public Hearing – Application for Rezoning Exclusive Ag (A-1) to Transitional Residential District (TRD) – Neng Xiong, Shong Xiong, Houa Xiong:

Location/Description of Property: N7978 Town Hall Rd / T07-16-16-29-08-002-00

Parent parcel acres: 27.62+/-

Current zoning: A-1

Proposed parcel acres: 13.31+/- and 13.31+/-

Area of Dedication acres: 0.95+/- for Town Hall Rd

Proposal: Owners would like to rezone the entire acreage to TRD and split the parcel in half for construction of a second house. A home currently exists on the parcel.

Base Farm Tract (BFT) Acres: 27.62+/-

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

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

Chesney called the public hearing to order at 7:03 p.m. and read the legal notice published June 23rd and 30th regarding the rezone of 27.5 acres from A-1 to TRD and minor land division for two 13.31 acre lots.

Neither the applicant nor the Surveyor were present. The owners use the majority of the parcel at present for agricultural/gardening use and intend to continue to garden after construction of the new home based on their statements at the Concept Plan Review in March 2019. It was noted in March 2019 that the Future Land Use Map (FLUM) in the December 2009 Comprehensive Plan has the area, including this parcel, listed as TRD.

EPC reviewed the requirements of TRD in the Land Division/Sub-division Ordinance and the Zoning Ordinance. Ch. 17.31(7)(e) and Ch. 18.46 require at least 40% of the property to be designated as open space in perpetuity and documented on the Certified Survey Map (CSM). There is no such designation on the proposed CSM. In addition, there is a question as to why one of the parcels is labeled "Outlot 1" and the other "Lot 1" instead of the typical "Lot 1" and "Lot 2". Based on past EPC experience, an outlot typically does not allow for construction of structures. The applicants and Surveyor were not present to discuss.

Motion made by Brenner/Averbeck to table further review of the rezone application until the CSM can be revised to comply with Ch. 17.31(7)(e) and Ch. 18.46 and questions on the CSM and land use addressed. Motion carried 5-0.

Following the motion, there was discussion regarding numerous small structures/shacks visible on the Xiong land on an aerial photo provided in advance of the meeting by the Town Clerk. EPC also need to discuss the purpose of these structures with Xiongs and whether or not these structures would be allowed to remain if rezoned to TRD. The large cluster of structures are also not present on the proposed CSM but the structures visible from the road are included on the CSM. It is unclear what distinguishes the two groups of structures.

Minor Land Division – Neng Xiong, Shong Xiong, Houa Xiong:

Same property as listed above for Rezone.

Motion made by Brenner/Averbeck to table further review of the minor land division application until the CSM can be revised to comply with Ch. 17.31(7)(e) and Ch. 18.46. Motion carried 5-0.

Chesney closed the public hearing at 7:26 p.m.

Public Input (not on agenda): Gary Miller stated that the numerous small structures/shacks on ag land were considered by the Town Attorney in the past and found that these structures were illegal. Based on this review, the Town requested the shacks on ag land on Dike Road be removed and they were taken down. The structures on Xiong land appear from the aerial photo to be similar and should be discussed with Xiongs.

Comprehensive Plan Review:

Kathy Thunes from East Central WI Regional Planning Commission (ECWRPC) attended to review the following:

- Public Visioning Workshop Results
- Review Transportation Element
- Review Utilities and Community Facilities Element
- Review Agricultural, Natural and Cultural Resources Element
- Next steps

Thunes took notes for purposes of ECWRPC. There was not enough time to review the Ag, Natural & Cultural Resources which will be done next time. Thunes is not available for the August meeting. Thunes will distribute the next chapters to EPC in advance of the September meeting.

Future Meetings & Agenda Items: Next meeting August 13, 2019 at 7:00 p.m. pending agenda items. Public hearings for the Xiong Rezone and MLD applications may be reviewed. The September 10, 2019 meeting will include review of the Ag, Natural & Cultural Resources Element, Land Use Element and Intergovernmental Elements. [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 9:30 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

August 13, 2019

Plan Commission Member Attendees (5):

x	Norbert Chesney, Chairperson		Jenna Borski, Secretary	x	Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeremy Brenner, Member		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Wayne Kemnitz	Shong Xiong			
Neng Xiong	Gary Miller, Town Chairman			

Call to Order and Agenda Review: Meeting called to order by Norbert Chesney at 7:00 p.m. Borski absent. Brenner took meeting notes.

Review of Minutes: EPC reviewed the minutes from July 9, 2019. Motion made by Brenner/Wenker to approve minutes. Motion carried 4-0.

Concept Plan – Application for Minor Land Division of A-1 Land without Rezone – Wayne and Shannon Kemnitz:

Location/Description of Property: East of N7678 County Rd I / T07-16-16-35-01-001-00

Parent parcel acres: 17.060+/-

Current zoning: A-1

Proposed parcel acres: 8.410+/- (with 8.65+/- remnant)

Area of dedication acres: TBD+/- for Sales Road and Cty Rd I

Proposal: “Split parcel for possible sale”

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

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

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

Kemnitz is looking to possibly sell the “lower farm” consisting of approximately eight acres and came to discuss his options. EPC reviewed Borski’s options summarized in an email prior to the meeting and provided them to Kemnitz. EPC encouraged Kemnitz to provide feedback in the next months during the Comprehensive Plan Ten Year Review process as well as regarding future land use.

Public Hearing – Application for Rezoning Exclusive Ag (A-1) to Transitional Residential District (TRD) – Neng Xiong, Shong Xiong, Houa Xiong:

Location/Description of Property: N7978 Town Hall Rd / T07-16-16-29-08-002-00

Parent parcel acres: 27.62+/-

Current zoning: A-1

Proposed parcel acres: 13.31+/- and 13.31+/-

Area of Dedication acres: 0.95+/- for Town Hall Rd

Proposal: Owners would like to rezone the entire acreage to TRD and split the parcel in half for construction of a second house. A home currently exists on the parcel.

Base Farm Tract (BFT) Acres: 27.62+/-

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

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

Chesney called the Xiong Rezone Hearing to order at 7:25 p.m. Chesney read the legal notice published August 4, 2019 and August 11, 2019. EPC discussed the need for all property owners to sign the application. EPC also discussed with the applicants that if the rezone to TRD is approved for the entire acreage, then the majority of the ag buildings will need to be removed as TRD only allows three outbuildings on the land. Xions will consider their options and possibly revise the application so Lot 1 will remain zoned A-1 and Outlot 1 will be rezoned to TRD. This correction will come at no cost as it is not a new application or process.

Motion made by Averbek/Wenker to table the rezone and minor land division application. Motion carried 4-0.

Chesney closed the public hearing at 8:16 p.m. The minor land division application was on the agenda following the public hearing for rezone but was addressed during the public hearing.

Schedule 2018/2019 Conditional Use Permit Three Year Reviews: Reviews of the CUPs expiring in 2018 and 2019 needs to take place. Motion made by Averbek/Wenker to do this at the October meeting. Town Clerk will send notices to the individuals up for review.

Public Input: Gary Miller requested permission from the Xions to take a look at the current buildings and structures. They agreed to meet Miller at noon on Friday, August 23, 2019.

Future Meetings & Agenda Items: Next meeting September 10, 2019.

[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 Brenner/Wenker to adjourn the meeting. Motion carried 4-0. Meeting adjourned at approximately 8:45 p.m.

Meeting notes taken by Brenner, typed by Borski.
Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

September 10, 2019

Plan Commission Member Attendees (5):

x	Norbert Chesney, Chairperson	x	Jenna Borski, Secretary	x	Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson		Jeremy Brenner, Member		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Rosalind Lyness				
Ronald Lyness				

Call to Order and Agenda Review: Meeting called to order by Norbert Chesney at 7:00 p.m. Borski arrived approximately 15 minutes late. Chesney took meeting notes initially.

Review of Minutes: Motion made by Averbeck/Wenker to table review of the August minutes as they were not available. Motion carried 3-0.

Public Hearing – Application for Rezoning Exclusive Ag (A-1) to Transitional Residential District (TRD) – Neng Xiong, Shong Xiong, Houa Xiong:

Location/Description of Property: N7978 Town Hall Rd / T07-16-16-29-08-002-00

Parent parcel acres: 27.62+/-

Current zoning: A-1

Proposed parcel acres: 13.31+/- (“Outlot 1”) and 13.31+/- (“Lot 1”)

Area of Dedication acres: 0.95+/- for Town Hall Rd

Proposal: Owners would like to split the parcel in half for construction of a second house and rezone Outlot 1 (13.31+/- acres) to TRD and maintain Lot 1 (13.31+/- acres) as A-1. A home currently exists on the parcel that will be located on the CSM labeled “Lot 1”.

Base Farm Tract (BFT) Acres: 27.62+/-

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

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

Chesney called the public hearing to order at 7:05 p.m. Averbeck requested on behalf of the Town that the applicant pay the cost for the additional public notice beyond the initial notice due to the number of application revisions since initial submittal (estimated at \$34). Xiong agreed.

Averbeck discussed the Town Board inspection of the Xiong property as follow-up to the concern about the number of buildings shown on an aerial photo and reported nothing out of the ordinary.

Rosalind and Ronald Lyness spoke in opposition of the application in order to speak but Ronald Lyness stated he is not against the application and is not concerned with the house going up. However, Ronald Lyness is concerned with the amount of water currently coming onto his land located across Town Hall Road from the subject property. Chesney discussed stormwater runoff plans and requirements. Ronald Lyness discussed two culverts cross the road onto his land and it costs money for him to fix it. Averbeck responded with the Town’s position on the water issues raised and recommended this issue be addressed at a regular Town Board meeting. Rosalind Lyness provided additional comments related to the Town’s issues with infrastructure relating to new developments.

No individual spoke in favor of the application.

Chesney stated Town Attorney Matt Parmentier is drafting a deed restriction for 40% of “Outlot 1” for preserved open space as the document of choice by EPC per Chapter 18.47 of the Land Division and Subdivision Regulations,

which reads, "Restoration and Management of Preserved Open Space within Conservation CSM. The preserved open space within the Conservation CSM shall be restored as agricultural use, woodland, wetland, or native grassland as approve by the Plan Commission and managed as such in perpetuity through the use of a conservation easement, deed restriction, or similar vehicle." This chapter was discussed at length with Rosalind Lyness.

Motion made by Wenker/Averbeck to recommend approval of the rezone of 13.31+/- acres labeled as "Outlot 1" from A-1 to TRD. Motion carried 4-0. The rezone application will be further considered by the Town Board at the next meeting on September 23, 2019.

Public hearing closed.

Minor Land Division

Motion made by Averbeck/Wenker to recommend approval of the minor land division application. Motion carried 4-0. The minor land division application will be further reviewed by the Town Board at the next meeting on September 23, 2019.

Motion made by Borski/Wenker that a deed restriction be drafted and recorded at the Register of Deeds to designate the required 40% open space on "Outlot 1" in accordance with Ch. 18.47. Motion carried 4-0.

Conditional Use Permits: CUPs for D&K Endeavors and Mitch & Jenna Vis (initial applicant was Rickert Brothers) are due for three-year review. Since EPC is meeting with Kathy Thunes with East Central Wisconsin Regional Planning Commission (ECWRPC) on both October 8th and November 12th, the CUPs will be reviewed at the December 10th EPC meeting. Chesney will work with the Town Clerk on this.

Public Input: Rosalind Lyness would like her property across the road from Xiong's included in a TRD overlay under the revised comprehensive plan process and the Future Land Use Map amended. EPC discussed the need to discuss this request with Kathy Thunes with ECWRPC.

Rosalind Lyness informed EPC another option to promote growth within the Town is to advertise/post land for sale in the business district on the Town's website. This is done in other municipalities.

Ronald Lyness asked EPC if there is any possibility the ditch along Rose Eld Road is going to get cleaned out. Averbeck stated Lyness should follow-up with Gary Miller, Town Chairman, on this issue or come to a Town Board meeting. Mike Pionke, Town Patrolman, will be present at Town Board meetings.

Future Meetings & Agenda Items: October 8, 2019

[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 4-0. Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

November 12, 2019

Plan Commission Member Attendees (5):

	Vacant, Chairperson	x	Jenna Borski, Secretary	x	Bill Averbeck, Town Board Liaison
x	Lee Wenker, Vice Chairperson	x	Jeremy Brenner, Member		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Matthew Albrecht	Wayne Kemnitz	Jeff White		
Richard Langenfeld	Dave Jahns, Town Board Supervisor	Rosalind Lyness		

Call to Order and Agenda Review: Meeting called to order by Lee Wenker at 7:00 p.m. Announcement made that Norbert Chesney, Chairman, is absent as he stepped down from his position on the Plan Commission. Wenker facilitated the meeting in Chesney's absence.

Review of Minutes: EPC reviewed the minutes from October 8, 2019. Motion made by Brenner/Averbeck to approve minutes. Motion carried 4-0.

Concept Plan – Application for Minor Land Division of A-1 Land without Rezone – Richard Langenfeld:

Location/Description of Property: N9548 County Rd C / T07-16-16-06-04-001-00

Parent parcel acres: 45.5 +/-

Current zoning: A-1

Proposed parcel acres: 5.0 +/-

Area of dedication acres: 0.108 +/- for County Rd C

Proposal:

Base Farm Tract (BFT) Acres: 505.8 +/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 481.714 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 24.086 +/-

Langenfeld explained the intent is to separate the house and buildings from the farmland and preserve as much of the farmland as possible. The house and buildings are intended to remain zoned A-1 to continue agricultural work.

EPC explained that the signed certified survey map (CSM) presented by Langenfeld is a flag lot (defined in Land Division and Subdivision Ordinance under ch. 18.100(54)) and is not allowed per ch. 18.74(1). Lot width is defined in ch. 18.100(57) and per the Zoning Ordinance, minimum frontage of 200 feet is needed in A-1 district where buildings are present. EPC discussed required side yard and rear yard setbacks from dwellings and accessory buildings, lot dimensions and briefly discussed the process the Town went through to establish these standards during drafting of the revised Zoning Ordinance in response to questions from Langenfeld.

Langenfeld inquired on the historical minimum requirement of 5.0 acres to have animals in the Town. EPC clarified that animal units are regulated by the Department of Agriculture, Trade and Consumer Protection (DATCP) and the minimum 5.0 acres to have animals no longer applies. EPC stated the Zoning Ordinance and Land Division and Subdivision Ordinance are available for Langenfeld's Surveyor on the Town's website. Cheryl Langenfeld signed the Concept Plan but future Concept Plans or Minor Land Division (MLD) applications will need to be signed by the property owner(s) on record. EPC recommended Langenfeld return with a revised preliminary CSM and Concept Plan prior to submitting a formal application for a MLD.

Concept Plan – Application for Minor Land Divisions (plural) of A-1 Land without Rezone – Robert Albrecht:

Parcel 1

Location/Description of Property: N9284 Hass Rd / T07-16-16-10-01-002-00

Parent parcel acres: 1.0 +/-

Current zoning: A-1

Proposed parcel acres: 1.25 +/-

Area of dedication acres: not yet calculated +/- for Hass Rd

Proposal: Expand parcel approximately 100 feet to Lincoln Rd to the north for the purpose of including the mound system and squaring the parcel off at the intersection.

Parcel 2

Location/Description of Property: W8178 Lincoln Rd / T07-16-16-10-01-001-00

Parent parcel acres: 38.84 +/-

Current zoning: A-1

Proposed parcel acres: 10 to 12 +/-

Area of dedication acres: not yet calculated +/- for Lincoln Rd and Hass Rd

Proposal: Split house, buildings and farmland north of the drainage ditch from the farmland south of the drainage ditch. Farmland south of the drainage ditch to be combined with parcel to the south, farmland off Hass Rd / T07-16-16-10-04-001-00.

Parcel 3

Location/Description of Property: farmland off Hass Rd / T07-16-16-10-04-001-00

Parent parcel acres: 30.0 +/-

Current zoning: A-1

Proposed parcel acres: 55 to 60 +/-

Area of dedication acres: not yet calculated +/- for Hass Rd

Proposal: combine full parcel with 25 to 30 +/- acres from adjacent farmland split south of drainage ditch from W8178 Lincoln Rd / T07-16-16-10-01-001-00.

Base Farm Tract (BFT) Acres: 70.6 +/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 67.238 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 3.362 +/-

Matthew Albrecht, son of Robert Albrecht, attended on behalf of R. Albrecht. EPC reviewed the letter dated October 25, 2019 to the Town from R. Albrecht explaining the purpose for the multiple Concept Plans for MLDs and request to allow M. Albrecht (or Jaclyn DeVries) to speak on his behalf. EPC confirmed with M. Albrecht all land is intended to stay zoned A-1. There is no specific time frame needed and there are no plans to build a residence. EPC briefly discussed that with the base farm tract acreage, a non-farm residence of approximately 3 acres could be created in the future with a conditional use permit (max four residences per base farm tract if acreage allows).

Each parcel was discussed individually.

Parcel 1: The current frontage along Hass Rd meets the minimum frontage of 200 feet as well as the required side yard and rear yard setbacks from the dwelling and attached garage of 25 feet and 40 feet, respectively. There are no detached garages. There does not appear to be any issue with adding approximately 100 feet (or 0.25 ac) to the parcel. EPC stated that Joann Albrecht is also listed as a co-property owner with the County and will need to sign the formal application for a MLD along with R. Albrecht. M. Albrecht stated J. Albrecht is deceased and will follow-up with the County to update the property records.

Parcel 2: The current frontage along Lincoln Rd meets the minimum frontage of 200 feet for a buildable lot in A-1. The Surveyor will need to make sure the proposed parcel boundaries meet the side yard and rear yard setbacks from detached buildings to stay clear of the outbuildings. The proposal for the south property line to follow the drainage ditch is acceptable as it does not create a flag lot or irregular shaped parcel. After giving approximately 0.25 acres to Parcel 1 and separating approximately 10 to 12 acres to remain at W8178 Lincoln Rd, there will be an approximately 26 to 28 acre remnant. The remnant parcel has no structures and has driveway access off Hass Rd and approximately 700 feet of frontage. There does not appear to be any issue with splitting this lot as proposed.

Parcel 3: This parcel is currently proposed to be combined with the 26 to 28 acre remnant from Parcel 2. M. Albrecht stated there is no specific reason for this other than the family thought this would be required to split Parcel 2. EPC stated there is no requirement by EPC to join Parcel 3 with any other parcel. It currently has access and frontage along Hass Rd.

EPC advised M. Albrecht to make sure the Surveyor reads the Town's Land Division and Subdivision Ordinance available on the Town's website. EPC provided M. Albrecht with the application process instructions and two applications for a MLD (one for Parcel 1 and one for Parcel 2). EPC reviewed that the application materials and fees for two MLD applications will need to be submitted by November 30, 2019 to be placed on the agenda for the December 10, 2019 EPC meeting. The EPC will make a recommendation to the Town Board to be acted upon at the Town Board meeting scheduled for December 16, 2019 (adjusted due to holiday).

Public Input:

Not on agenda. No materials provided to EPC:

Concept Plan – Application for Minor Land Division of A-1 Land without Rezone – Wayne Kemnitz:

Location/Description of Property: vacant land east of N7678 County Rd I / T07-16-16-35-01-001-00

Parent parcel acres: 17.06 +/-

Current zoning: A-1

Proposed parcel acres: split in half (Lot 1 - 7.678 +/-, Lot 2 - 8.063 +/-)

Area of dedication acres: not yet calculated for County Rd I

Proposal: split land in half for sale to neighbor. No structures to be built at present.

Base Farm Tract (BFT) Acres: not reviewed or discussed

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): not calculated

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): not calculated

Concept Plans for this parcel previously reviewed by EPC so EPC familiar with the location, zoning and land use. Kemnitz familiar with zoning and building requirements from previous Concept Plan reviews. Kemnitz stated he is no longer planning to split the property for sale or construction of a building for human occupancy. The adjacent land owner is interested in purchasing half the parcel to remain vacant. EPC reviewed there is no minimum lot size for vacant or agricultural land zoned A-1 with no structures so there is no issue with the proposal provided verbally. The lots will not be land locked. EPC provided Kemnitz with the application process instructions and application for a MLD. EPC reviewed that the application materials and fee will need to be submitted by November 30, 2019 to be placed on the agenda for the December 10, 2019 EPC meeting. The EPC will make a recommendation to the Town Board to be acted upon at the Town Board meeting scheduled for December 16, 2019 (adjusted due to holiday).

Kemnitz stated that he still requests this parcel be labeled as *residential* on the Future Land Use Map (FLUM) as part of the 10-year Comprehensive Plan update, as previously requested. Since Kemnitz again made the request to amend the FLUM and since Rosalind Lyness was also present (Lyness also previously requested one of her parcels be labeled differently on the FLUM), EPC shared the advice received by Kathy Thunes of East Central Wisconsin Regional Planning Commission (ECWRPC) at the October 2019 EPC meeting regarding amendments to the FLUM (Kemnitz and Lyness

were not present in October). Specifically, Thunes advised against EPC allowing any individual requests for amendments to the FLUM during the 10-year update process for the Comprehensive Plan. EPC stated no decisions have been made yet but shared the advice just heard from ECWRPC. Lyness stated this advice is exactly the opposite of advice previously received from Jeff Sanders, former Town Planning Advisor during and shortly after creation of the original Comprehensive Plan and expressed frustration with the conflicting information. Wenker reiterated that no decision has been made and the issue has yet to be discussed by EPC. Lyness continued to challenge EPC at length on process and several historical issues. Borski engaged in a lengthy exchange with Lyness. EPC members refocused the exchange reiterating that the process has been consistently followed, both currently and in the past, and the advice from ECWRPC to not change the future plan per individual requests is yet to be discussed by EPC. Wenker restated that no decisions have yet been made and specifically future land use is the next topic to be discussed with ECWRPC in January. Kemnitz stated he is also frustrated that ECWRPC advice conflicts with what EPC stated in previous meetings this year.

Review Town of Eldorado Plan Commission Ordinances and duties:

Karen Fontaine, Town Clerk, announced at the October Town Board meeting that she will be leaving her position in June 2019 and moving from the area. Averbeck stated he is working with Fontaine on roles and duties and will set up a time in the future to also meet with Borski.

Discussion on change of Plan Commission Membership:

As announced earlier, Norbert Chesney resigned from the EPC. Jeff White intends to submit an application to the Town to join the EPC. The Town Board Chairman appoints members to the EPC. Borski reminded Averbeck that the Plan Commission Ordinance states the Town Board Chairman must appoint the EPC Chairman which should be done at the next Town Board meeting since the EPC cannot *elect* a Chairman. Vice Chairman & Secretary roles are voted on by the EPC.

Future Meetings & Agenda Items:

Next meeting December 10, 2019 at 7:00 p.m. and will include review of the Conditional Use Permits for Mitch & Jenna Vis and D&K Endeavors (assuming letters and questionnaires can be sent in advance). MLDs may also be reviewed for Robert Albrecht (2) and Wayne Kemnitz (1) if applications are submitted on time. Review of the Land Use Element and Intergovernmental Cooperation Element, Implementation and next steps is planned for January 14, 2020 with East Central Wisconsin Regional Planning Commission.

Borski will assist Fontaine on the next EPC agenda.

[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 Averbeck/Brenner to adjourn the meeting. Motion carried 4-0. Meeting adjourned.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

December 10, 2019

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		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Wayne Kemnitz				
Eric Freiburg, ET Surveying				

Call to Order and Agenda Review: Meeting called to order by Jeremy Brenner at 7:00 p.m. followed by pledge of allegiance.

Plan Commission membership and officer changes: Last meeting Wenker facilitated the meeting due to the vacancy for the Chairman position. The Town Board appointed Jeremy Brenner as EPC Chairman at the November 2019 Town Board meeting. Jeff White was also appointed to replace Norb Chesney's vacancy for the remainder of Chesney's term.

Review of Minutes: EPC reviewed the minutes from November 12, 2019. Motion made by Averbeck/Brenner to approve minutes. Motion carried 5-0.

Tracking # *MLD-2019-11-18-Kemnitz*

Minor Land Division – Wayne and Shannon Kemnitz (application signed 11/17/19):

Applicant:

Location/Description of Property: vacant land east of N7678 County Rd I / T07-16-16-35-01-001-00

Parent parcel acres: 17.06+/-

Current zoning: A-1

Proposed parcel acres: 7.678+/- (Lot 1); 8.063+/- (Lot 2)

Area of dedication acres: 0.820+/- for County Rd I; 0.431+/- for Sales Rd

Proposal: Create 7.678+/- (Lot 1) by a minor land division to retain as open land; create 8.063+/- (Lot 2) to sell to adjacent land owners Jonathon and Jordyn Schalk to retain as ag land in Conservation Reserve Program (CRP).

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

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 32.28+/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 1.62+/-

A variety of concept plans have been reviewed for this property:

- concept plan signed 7/28/19 reviewed 8/13/19 (Borski absent but provided comments in advance);
- 10/8/19 verbal proposal discussed 10/8/19; and
- 11/12/19 verbal proposal discussed 11/12/19.

Kemnitz stated the neighbor to the south of proposed Lot 2, Jonathan and Jordyn Schalk, are interested in purchasing Lot 2 to remain in CRP until 2023. Kemnitz intends to retain proposed Lot 1. Neither lot had a perc(olation) test performed.

Motion made by Borski/Wenker to recommend approval of a minor land division of T07-16-16-35-01-001-00 into 7.678+/- ac. for Lot 1 with 0.820+/- ac. dedicated to County Road I and 8.063+/- ac. for Lot 2 with 0.431+/- ac. dedicated to Sales Road without rezone. Motion carried 5-0. The minor land division (MLD) application will be further reviewed by the Town Board at the next meeting on December 23, 2019. If approved, the certified survey map (CSM) will be signed by the Town Board.

The Town Clerk needs to have the Town Board minutes to accompany the signed CSM so it can be recorded. Eric Freiberg, Surveyor, stopped in at this time and took the signature page of the original CSM from the Town Clerks desk and provided it to Kemnitz with permission from EPC. Kemnitz will sign page 3 with Shannon Kemnitz in presence of a notary public and bring it with him to the December 23, 2019 Town Board meeting for signature.

Borski discussed future potential for a non-farm residence (NFR) through a minor land division (MLD) and conditional use permit (CUP) at either Lot 1 or Lot 2 on existing parcel T07-16-16-35-01-001-00. Borski explained for Kemnitz and EPC that during review of the formal application for MLD, it was noted that Borski did not correctly calculate potential for a NFR in August 2019 with the concept plan application. With a base farm tract (BFT) of 33.9+/- acres as documented on the Town's Zoning Ordinance Map certified by DATCP on 11/20/2013 (BFT map), the minimum acres to be retained as farm is 32.28+/- and the maximum acres that can be allotted for NFR through a MLD & CUP is 1.62+/- to retain the 20:1 ratio. The current minimum NFR parcel is 1.5 acres. The NFR can be created through a MLD by splitting from either the new Lot 1 or Lot 2 but not from both. There is not enough BFT acres to allow for two NFRs. EPC briefly discussed Kemnitz can reserve the right to create the NFR on Lot 1 by including a restriction on Lot 2 prior to sale. Additional requirements of a NFR via MLD & CUP as identified in the Ch. 17 Zoning Ordinance apply (e.g., MLD, siting, frontage, setbacks). Potential for a NFR via a MLD & CUP will need to be revisited if any or all of the existing parcel T07-16-16-35-01-001-00 is identified as residential on a Future Land Use Map within the Comprehensive Plan. Kemnitz stated he understood.

Discussion of Plan Commission duties and process:

Borski met with Town Clerk Karen Fontaine on December 8th:

- The Town Clerks (Cathy Winters, Karen Fontaine) have not consistently maintained a formal paper file of EPC minutes and applications since Town Clerk Lori Linger left office (Sept. 2017). There is little guidance on this left by Linger. Borski was provided a key to the office and will spend time to update Town files on EPC work since Fontaine is planning to leave the Clerk position in June 2020. Borski will also need to locate documentation on all Conditional Use Permits (CUPs) including those issued when Borski took leave from EPC (2015-2016) so that three-year reviews can be scheduled.
- Borski/EPC Secretary will draft notices for the Clerk to post (e.g., public hearings). This includes drafting notices for public hearings for three-year reviews of CUPs. This will take Borski a bit of time to pull together this information and is the reason the three-year reviews of CUPs could not be scheduled for the December EPC meeting. February or March 2020 is a more realistic goal at this point.
- Fontaine showed Borski where all known EPC documents are stored in the Town office, including documents that appear to be from the initial Comprehensive Plan process and rewrite of the Zoning Ordinance. Borski will review at some point to determine if anything can be recycled.
- The EPC agenda will be provided to the Clerk a week in advance of the meeting to be posted. Brenner and Borski agreed Borski/EPC Secretary is to develop the agenda with input from Brenner/EPC Chairman and provide to the Clerk. The Clerk will also need to communicate what applications are received to Borski.
- Signed applications for concept plans, rezones, minor land divisions and CUPs will continue to be submitted to the Town Clerk with appropriate fee for distribution to EPC members and processing the fee.
- The Application Process Instructions and Concept Plan Application are available to the public on the Town website. Fontaine is not comfortable providing blank applications to people. All other applications will be provided to applicants by the EPC after a concept plan review.

Additional duties and process were discussed:

- Brenner/EPC Chairman will be the lead communication with ECWRPC, County Planner, Town Attorney and the Town's Association although all EPC members can utilize the Town's Association.
- Brenner attended an event for Board of Appeals education. There was discussion on needing to separate the decision-making body on zoning and land divisions from an educational body. EPC discussed and agreed that in the Town of Eldorado, the EPC will serve to both educate the public and decide on applications. Basic questions (e.g., lot size, setbacks) can be answered by any EPC member but any specific questions need to

come to the EPC meeting through a concept plan application, which is free. EPC will continue to provide education on the Zoning Ordinance and Land Division/Sub-division Ordinance.

- Borski developed a “cheat sheet” for EPC members and the Building Permit Officer regarding lot sizes, setbacks, etc. split out by zoning district and will provide the electronic version to all EPC members in advance of the next meeting.
- Borski will email the Town Clerk any major decisions immediately following the EPC meeting and copy Brenner (e.g., recommendation on MLD, meeting date changes) and will follow-up with the formal minutes. This will allow the Town Clerk time to develop the Town Board agenda.

Public Input: none

Future Meetings & Agenda Items:

Next meeting January 14, 2020 and will include Kathy Thunes from East Central Wisconsin Regional Planning Commission (ECWRPC). The February 2020 meeting is scheduled for February 4th due to a conflict on the 11th. Depending on the effort to draft public notices for three-year reviews of CUPs, CUPs will be reviewed in February (ideally) or March.

[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 Averbeck/Wenker to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:58 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission