

Town of Eldorado Plan Commission (EPC) Meeting Minutes

January 14, 2020

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)	x	Bill Averbeck, Town Board Liaison (5/1/2019 - 4/30/2021)
x	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (11/16/2019 – 4/30/2021)		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Kathy Thunes, ECWRPC	Rosalind Lyness		
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Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:00 p.m. followed by pledge of allegiance.

Review of Minutes: EPC reviewed the minutes from December 10, 2019. Motion made by Averbeck/White to approve minutes. Motion carried 5-0.

Plan Commission member term limits: Averbeck summarized that EPC members were re-appointed for their existing terms during the December 23, 2020 Town Board meeting to clarify the start and end dates of each term in the Town's meeting minutes. Terms are as follows:

- Lee Wenker – term 5/1/2019 – 4/30/2022
- Jeremy Brenner – term 5/1/2019 – 4/30/2022
- Jenna Borski – term 5/1/2018 – 4/30/2021
- Jeff White – term 11/16/2019 – 4/30/2021
- Bill Averbeck, Town Board Liaison – term 5/1/2019 – 4/30/2021

While EPC members have been re-appointed when terms expired or a replacement appointed to finish out a term when a member leaves to maintain the staggered three-year terms, with the Town Board liaison term being two-year term, the documentation has not been clear. Borski provided a spreadsheet of updated contact information and term dates based on the December Town Board actions for each EPC member and the Town Clerk that Borski will maintain. Borski will also add terms to the monthly EPC minutes. This documentation will assist the Town Clerk with adding re-appointments to Town Board agendas in the future.

Comprehensive Plan Review:

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

- Agricultural, Natural and Cultural Resources Elements
- Land Use Elements
- Intergovernmental Cooperation Elements
- Implementation
- Next steps

Thunes took notes for purposes of ECWRPC. The March 2020 meeting will include review of the Future Land Use Map detail and an outline of the framing concepts based on previous meetings. Next will be the intergovernmental meeting followed by one more meeting with EPC prior to public review of the draft Comprehensive Plan.

Conditional Use Permits (CUPs) – Listing of CUPs to be reviewed and schedule:

Borski met with Karen Fontaine, Town Clerk, to review the Town's files on past CUPs, minor land divisions and rezones and is in the process of creating a spreadsheet to track CUPs – initial issued dates and details as well as schedule for renewals. Borski will also draft the questionnaires for property owners and letters for adjacent landowners for Town Clerk to mail and Class 2 public notices for the Town Clerk to publish. With the February meeting being moved to the first Tuesday, there will not be enough time to draft and publish the Class 2 public notices for February and the CUPs will need to be reviewed in March.

Averbeck clarified that Karen Fontaine's last day as Town Clerk is April 30, 2020. Interviews for a Town Clerk to finish out Karen's term are scheduled and Averbeck anticipates Fontaine's replacement will be in place for training within a couple weeks. Borski is to work with the Town Clerks on the questionnaires, letters and public notices.

Public Input: Lyness recommended the Town consider researching virtual work options to assist the new Town Clerk such as "Upwork" (an online platform for freelance work) or something similar (i.e., a type of electronic contractor for specific tasks). Averbeck acknowledged this may be an option depending on the skills of the next Town Clerk.

Future Meetings & Agenda Items:

- February 4, 2020 if agenda items submitted by January 24, 2020. Note irregular meeting date for February.
- March 10, 2020 for continued work on the Comprehensive Plan and review of Conditional Use Permits if mailings and public notices can be issued in time.

[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/White to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

February 4, 2020

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)		Bill Averbeck, Town Board Liaison (5/1/2019 - 4/30/2021)
x	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (11/16/2019 – 4/30/2021)		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Matthew Albrecht			
David Jacob, Jacob Land Surveying			

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

Review of Minutes: EPC reviewed the minutes from January 14, 2020. Motion made by White/Wenker to approve minutes. Motion carried 4-0.

Tracking # MLD-2020-01-27-Albrecht

Minor Land Division – Robert H. Albrecht:

Parcel 1 (Lot 1 of proposed Certified Survey Map (CSM))

Location/Description of Property: W8178 Lincoln Rd / T07-16-16-10-01-001-00 (Ed Albrecht residence)

Parent parcel acres: 38.84 +/-

Current zoning: A-1

Proposed parcel acres: 13.215 +/-

Area of dedication acres: 1.076 +/- for Lincoln Rd and Hass Rd (wraps around corner) and 0.180 +/- for Hass Rd (south of N9284 Hass Rd)

Proposal: Split house, buildings and farmland north of the drainage ditch from the farmland south of the drainage ditch, creating Lot 1. Also give 80.88 feet x 174.99 feet in the NE corner of the parcel and combine with N9284 Hass Rd for existing mound system and to extend the parcel to Lincoln Rd as Lot 2.

Parcel 2 (Lot 2 of proposed CSM)

Location/Description of Property: N9284 Hass Rd / T07-16-16-10-01-002-00 (Robert Albrecht residence)

Parent parcel acres: 1.0 +/-

Current zoning: A-1

Proposed parcel acres: 1.162 +/-

Area of dedication acres: area in front of original parcel already dedicated to Hass Rd; area adjacent to acres added to parcel dedicated to Lincoln Rd & Hass Rd under Parcel 1 above.

Proposal: Expand existing parcel 80.88 feet north to Lincoln Rd for the purpose of including the existing mound system and squaring the parcel off at the intersection.

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 +/-

[Secretary's Note: Through discussion with David Jacob of Jacob Land Surveying, LLC in 2020, Borski confirmed that only a single application for a minor land division is required for a single CSM with two lots. Robert Albrecht is no longer pursuing combining the farmland being split from W8178 Lincoln Rd / T07-16-16-10-01-001-00 with the farmland off Hass Rd / T07-16-16-10-04-001-00 as initially discussed during the concept plan review on November 12, 2019.]

Matthew Albrecht, son of Robert Albrecht, attended and spoke on behalf of R. Albrecht per previous written documentation. M. Albrecht provided documentation in advance of the meeting verifying Joann Albrecht (deceased) has been removed from the property records. M. Albrecht and David Jacob reviewed the CSM. EPC questioned why there is no potable well shown on Lot 1. Jacob stated he did not find a potable well when he surveyed the property in winter. M. Albrecht stated the potable well is located within the small rectangle building immediately NE of the building labeled as the barn. M. Albrecht stated both residences have their own potable well.

Motion made by Borski/Wenker to recommend to the Town Board approval of a minor land division of T07-16-16-10-01-001-00 into 13.215 +/- acres for Lot 1 with 1.076 +/- acres dedicated to Lincoln Rd and Hass Rd and 0.180 +/- acres dedicated to Hass Rd and T07-16-16-10-01-002-00 into 1.162 +/- acres for Lot 2 without rezone. Motion carried 4-0. The minor land division application will be further reviewed by the Town Board at the next meeting on February 24, 2020. If approved, the certified survey map will be signed by the Town Board.

Public Input: None

Jeremy Brenner announced East Central Wisconsin Regional Planning Commission (ECWRPC) is hosting a seminar on Affordable Housing on February 20, 2020 in Menasha from 9-10:30 a.m. and in Fond du Lac from 1:30-3 p.m. and forwarded the email invite to EPC members. Brenner plans to attend.

Future Meetings & Agenda Items:

- Public Hearing March 10, 2020 for review of the Conditional Use Permit (ELD-16-001 Mitch & Jenna Vis).
- March 10, 2020 for continued work on the Comprehensive Plan.
- Public Hearing April 14, 2020 for review of Conditional Use Permits.
- April 14, 2020 if agenda items.

[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/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 7:35 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

March 10, 2020

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)	x	Bill Averbek, Town Board Liaison (5/1/2019 - 4/30/2021)
x	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (11/16/2019 – 4/30/2021)		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Mitch Vis	Kathy Thunes, ECWRPC	Rosalind Lyness	
Jeremy Magolski	Anna Hogen, ECWRPC		

Call to Order, Pledge of Allegiance and Agenda Review: Following the public hearing for renewal of a Conditional Use Permit for a Non-Farm Residence for Mitch & Jenna Vis, meeting called to order by Jeremy Brenner at 7:38 p.m. followed by pledge of allegiance.

Jeremy Brenner announced that Cheryl Pionke, Deputy Town Clerk, will be taking over as Town Clerk for Karen Fontaine on May 1, 2020.

Review of Minutes: EPC reviewed the minutes from February 4, 2020. Motion made by Wenker/White to approve minutes. Motion carried 5-0.

Comprehensive Plan Review:

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

- Framing Concepts
- Minimal review of the Future Land Use Map due to time constraints
- Next steps

Thunes/Hogan took notes for purposes of ECWRPC. Thunes stated she started with the existing Comprehensive Plan for framing concepts and had lengthy conversation with Norb Chesney, EPC Chairman at the time, to develop the draft framing concepts for review and discussion. The updated Comprehensive Plan should be reviewed and discussed by EPC annually. The April 2020 meeting will include detailed review of the Future Land Use Map and continued review of the framing concepts. Next will be the intergovernmental meeting followed by one more meetings with EPC prior to public review of the draft Comprehensive Plan.

Public Input: none

Future Meetings & Agenda Items:

- April 14, 2020 for continued work on the Comprehensive Plan, specifically the Future Land Use Map
- May 12, 2020 for review/renewal of three Conditional Use Permits

[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/Borski to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 10:03 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

**Town of Eldorado
Plan Commission Meeting
May 12, 2020
7:00 PM**

Eldorado Community Center, N7664 County Road C, Eldorado, WI

NOTICE: By order of the State, social distancing (6-foot separation) continues to be practiced by the Town of Eldorado due to the COVID-19 pandemic. Hand sanitizer will be available. Masks will not be provided. For additional information, please visit dhs.wisconsin.gov.

Agenda

1. Call to order and pledge of allegiance
2. Agenda review
3. Approve minutes from March 10, 2020 Plan Commission meeting
4. Concept Plan application – Richard Langenfeld
5. Concept Plan application – Wisconsin Power and Light Co on behalf of Thomas Ruschand and Richard Gebert
6. Comprehensive Plan Review updates and discussion –Trish Nau, ECWRPC:
 - a. Framing Concepts
 - b. Future Land Use Map
 - c. Next Steps
7. Public Input
8. Schedule future meeting(s) and develop agenda
9. Adjourn

Agenda developed by Plan Commission Secretary.
Agenda posted by Town Clerk.

Town of Eldorado Plan Commission (EPC) Meeting Minutes

June 9, 2020

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)	x	Bill Averbek, Town Board Liaison (5/1/2019 - 4/30/2021)
	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (11/16/2019 – 4/30/2021)		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Dave Jahns, Town Board Member & Building Permit Officer	Eric Freiburg, ET Surveying	Corey Nitz	Trish Nau, East Central Wisconsin Regional Planning Commission
Jerry Isaac	Ben Isaac		

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:00 p.m. followed by pledge of allegiance. Agenda order revised to allow discussion of Nitz/Isaac Concept Plan after review of minutes.

Review of Minutes: EPC reviewed the minutes from March 10, 2020 (Vis public hearing & EPC meeting) and May 12, 2020. Motion made by Averbek/White to approve all minutes. Motion carried 4-0.

Tracking # CP-2020-06-09-Nitz/Isaac

Concept Plan – Application for Minor Land Division of A-1 Land – by Corey Nitz:

Location/Description of Property: W9543 Rose-Eld Rd / T07-16-16-31-05-005-00 (Nitz)

Parent parcel acres: 3.005 +/-

Current zoning: A-2

Proposed parcel acres: addition of 0.046 +/- acres from T07-16-16-31-08-004-00 (Isaac non-farm residence)

Area of dedication acres: previously dedicated

Proposal: quit claim 0.046 +/- acres from T07-16-16-31-08-004-00 to increase the side-yard setback from existing illegal accessory structure at W9543 Rose-Eld Rd to meet setback requirements.

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

Parent parcel acres: 1.503 +/-

Current zoning: A-1 with conditional use permit for 1.5 acre non-farm residence

Proposed parcel acres: addition of 0.047 +/- acres from T07-16-16-31-08-005-00 (Isaac farm buildings & ag land)

Area of dedication acres: previously dedicated

Proposal: quit claim 0.047 +/- acres from T07-16-16-31-08-005-00 (Isaac farm buildings & ag land) to maintain the 1.5 acres for a non-farm residence at W9509 Rose-Eld Rd.

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

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

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

Eric Freiburg, Surveyor for Corey Nitz, explained a proposal to quit claim 0.046 +/- acres from Isaac (W9509 Rose-Eld Rd) to Nitz (W9543 Rose-Eld Rd) to create a distance of 50.5 ft from the revised eastern parcel line of the Nitz lot to the currently illegal non-conforming accessory structure on Nitz property. This will then meet the required side-yard setback of 50 ft. in A-2 district. The revised western property boundary for the Isaac non-farm residence will be 26 ft from the overhang of the Isaac home, which still meets the required side-yard setback of 15 ft. for dwellings and attached garages. The dimensions of the proposed land transfer from Isaac to Nitz does not follow the current N-S lot

line due to the existing mound behind the Isaac house. Freiburg also explained a proposal to quit claim 0.047 +/- acres from Isaac (barn & farm land parcel) to Isaac (W9509 Rose-Eld Rd) to maintain the 1.5 +/- acre non-farm residence lot. The 0.047 +/- acres will adjust the entire eastern lot line of the Isaac non-farm residence to the east an additional 7 feet. Freiburg stated that the small acreage does not necessitate a CSM and two quit claims will be adequate. EPC stated all land divisions need to be approved by the Town.

Significant discussion followed with Jerry Isaac, Ben Isaac, Corey Nitz and EPC regarding the proposal; alternative options to resolve the illegal building; required setbacks for a non-farm residence parcel vs. a farm residence parcel (A-1) vs. A-2 parcel; the existing conditional use permit for a non-farm residence and need to maintain 1.5 acres or apply for a revised conditional use permit; and potentially converting the non-farm residence back to a farm residence. Options for future expansion of the attached garage at the non-farm residence with the revised lot line were also discussed. During discussion Isaacs/Nitz asked EPC numerous questions about the Town's order to remove the illegal structure, daily fines and whether this land transfer would resolve the issue with the Town. EPC repeatedly directed them to attend the Town Board meeting on June 22, 2020 to discuss this matter as it is not the jurisdiction of EPC. Dave Jahns did provide some clarification on the order to remove the building to facilitate discussion, primarily clarifying that the accessory structure was constructed illegally by Nitz without obtaining a building permit or discussing required setbacks with the Town. The Town has ordered the building be removed. Discussion also took place about fences at the request of Ben Isaac. EPC read from ordinance that fences need to be two feet off the lot lines at non-residential lots and at least one foot off the lot line at residential lots. Further discussion followed regarding options and Isaac/Nitz were encouraged to apply for a permit with Dave Jahns so details could be discussed.

During discussion, EPC learned that Ben Isaac is in the process of purchasing the Isaac non-farm residence parcel at W9509 Rose-Eld Rd. EPC informed Isaacs that there is a restriction filed to the deed requiring a potable well be installed on the property prior to transfer. The potable well at the Isaac farm parcel immediately to the east of the non-farm residence is currently utilized. This was a condition of the conditional use permit. Jerry Isaac disputed that was an agreed condition and that it was supposed to read if the parcel was ever sold out of the Isaac family. Borski read from the deed restriction and conditional use permit and stated that minutes from the public hearing will need to be reviewed. The Town will likely need to consult with the Town Attorney as well but they should be aware of this restriction as they move forward with property transfer.

EPC provided Freiburg with an application for a minor land division (\$300) and a rezone (\$350) for the proposal presented; however, Isaacs & Nitz need to decide if they wish to proceed. Since the only application the Town has created for minor land division is by certified survey map, this application will need to be used for the quit claim applications. EPC explained that Isaac's (not Nitz) will need to submit an application for a minor land division since they own both parcels where the land will be taken from and be signed by Isaac's registered agent, trustee, or owners, as applicable. Also, the land to be sold from Isaac's to Nitz will need to be rezoned from A-1 to A-2 to be combined with Nitz's parcel. If Isaac's wish to proceed with the applications, they need to be submitted to the Town with fees by June 23, 2020 to be considered for the July 14, 2020 EPC meeting due to the need to public notice for the rezone. Jerry Isaac asked what needs to be done if the sale to Ben Isaac takes place ahead of this proposed quit claim process. Borski stated the current owners on record need to sign the applications prior to submittal. If the non-farm residence parcel is sold during the processing of the applications, the new property owners will need to submit a written statement to the Town that they concur with the applications and would like the Town to proceed.

See page 3 for next agenda item.

Tracking # MLD-2020-06-01-Langenfeld
Minor Land Division – Richard Langenfeld:

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

Parent parcel acres: 45.5 +/-

Current zoning: A-1

Proposed parcel acres: 5.952 +/-

Area of dedication acres: 0.220 +/- for County Road C

Proposal: Create 5.952 +/- (Lot 1) by a minor land division for separation of farm house and farm buildings from farm land. Farm house and farm buildings to be sold for continued farm use. Farm land to be retained for continued farming.

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

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 +/-

Neither Richard Langenfeld nor his Surveyor were present. EPC members reviewed the proposed CSM and application. Concept plans previously reviewed by EPC included #CP-2019-10-30-Langenfeld and #CP-2020-03-16-Langenfeld. Changes to the frontage and side yard setbacks previously discussed at the concept plan reviews have been incorporated in the proposed CSM.

Motion made by Borski/Averbeck to recommend approval to the Town Board of creation of 5.952 +/- acre Lot 1 with 0.220 +/- acres dedicated to County Road C without rezone. Motion carried 4-0. The minor land division application and CSM will be further reviewed by the Town Board at the next meeting on June 22, 2020. If approved, the CSM will be signed by the Town Board. Borski noted the CSMs submitted to the Town are all copies. An original CSM will need to be provided to the Town for signature on June 22, 2020. Borski will notify Richard Langenfeld and his Surveyor.

Comprehensive Plan Review:

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

- Framing Concepts
- Future Land Use Map
- Next steps

Nau took notes for purposes of ECWRPC. Proposed schedule:

- July 14, 2020 - Special Session intergovernmental meeting from 5:30 – 6:30 p.m. Nau will send Borski the information needed to notify the governmental entities and provide public notice.
- Public notice and 30-day review of the draft Comprehensive Plan
- September 8, 2020 – EPC recommends approval of the Comp Plan to the Town Board
- September 28, 2020 – Public hearing and adoption by the Town Board

Public Input: none

Future Meetings & Agenda Items:

- July 14, 2020 - Special Session intergovernmental meeting from 5:30 – 6:30 p.m.
- Public Hearing July 14, 2020 for Alliant Conditional Use Permit application and Rusch/Gebert MLD
- Public Hearing July 14, 2020 for Isaac (Nitz) MLD application and Rezone application
- No other agenda items, concept plans or applications being discussed. Review and renewal of conditional use permits will need to resume in August.

[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/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 9:40 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

July 14, 2020

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)	x	Bill Averbeck, Town Board Liaison (5/1/2019 - 4/30/2021)
	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (11/16/2019 – 4/30/2021)		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

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Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 9:16 p.m. following public hearings for:

- Rusch/Gebert minor land division;
- Rusch/Gebert conditional use permit for electric substation by Wisconsin Power and Light d/b/a Alliant Energy.
- Jeager, Knapp, Krueger, Isaac and Synoka minor land division and rezone; and
- Isaac Farms Re LLC minor land division.

Review of Minutes: EPC reviewed the minutes from June 9, 2020. Motion made by Averbeck/Brenner to approve minutes. Motion carried 4-0.

Discussion of Intergovernmental meeting:

Intergovernmental meeting took place July 14, 2020 from 5:30 – 6:30 in advance of the public hearings. Trish Nau with East Central Wisconsin Regional Planning Commission (ECWRPC) facilitated the meeting. Representatives from Rosendale, Town of Friendship and Village of North Fond du Lac attended along with Gary Miller, Chairman for Town of Eldorado. Next step is the 30-day public notice and public hearing in September. Nau will draft the public notice and provide to Borski/Town Clerk for publication.

Public Input: none

Future Meetings & Agenda Items: There are currently no agenda items for the August 2020 EPC meeting.

The EPC will likely recommend approval of the Comprehensive Plan at the September 8, 2020 EPC meeting. Brenner may be absent. Adoption by the Town Board will likely take place at the September 28, 2020 Town Board meeting.

The Cluster Meeting scheduled with multiple municipalities by Fond du Lac County on the County's comprehensive plan has been changed from an in-person meeting on July 16th in Ripon to a Zoom meeting on July 23rd. Borski plans to participate via phone (no visual access). Others are encouraged to participate. This meeting may need to be discussed at a future EPC meeting. [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/Borski to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:25 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

August 11, 2020

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)		Bill Averbeck, Town Board Liaison (5/1/2019 - 4/30/2021)
x	Lee Wenker, Vice Chairperson (5/1/2019 - 4/30/2022)		Jeff White, Member (11/16/2019 - 4/30/2021)		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

Darrell Woelfel			
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Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:05 p.m. followed by pledge of allegiance. Agenda revised to include public comment after minutes.

Public Input: Darrell Woelfel attended the meeting, filled out an application for a Concept Plan and provided a preliminary certified survey map for discussion.

Tracking # CP-2020-08-11-Woelfel

Concept Plan – Application for Minor Land Division of A-1 Land with Rezone - Darrell Woelfel & Shelly Batterman-Woelfel:

Location/Description of Property: N7989 County Rd I / T07-16-16-26-08-007-00

Parent parcel acres: 1.0 +/-

Current zoning: Residential (Determined during meeting)

Proposed parcel acres: 1.827 +/-

Area of dedication acres: TBD +/- for County Rd I

Proposal: Acquire land surrounding 1.0 acre parcel from John Ruedinger that is too small to farm and add to existing 1.0 acre residential parcel.

Base Farm Tract (BFT) Acres: 165.2 +/- (Determined during meeting)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 157.333 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 7.866 +/-

Woelfel owns a 1.0 acre parcel he believed to be zoned Ag that is surrounded by farmland owned by John Ruedinger. Ruedinger was not present during the discussion. Woelfel explained Ruedinger owns a small tract of land that is between Woelfel's side yard and a natural waterway that is too small for Ruedinger to farm with his existing equipment (too large for small area). Woelfel would like to purchase the area between his existing parcel and the ditch to combine with his existing 1.0 acres into a 1.827 acre parcel. Woelfel would also like to build an accessory structure of an undetermined size at some point and would like to know if that is possible. A preliminary CSM was provided with no aerial or parcel map to verify land use, structures or lot lines. EPC initially reviewed the requirements in A-1 district: no max sq. ft. for accessory structure, 50 ft. side yard setback and 40 ft. rear yard setback.

EPC attempted to access the County GIS to look up the zoning for Woelfel's parcel and verify his lot size and zoning and verify the parcel size and zoning of Ruedinger's land. Not all information could be accessed from a Smartphone. EPC also looked up the BFT acreage for Ruedinger's land on the Town of Eldorado Base Farm Tract Map certified by DATCP 11/20/2013 to consider options. EPC determined Woelfel's lot is 1.0 acres, zoned Residential. Ruedinger's has a BFT of 165.2 acres and is zoned A-1. EPC reviewed the Future Land Use Map and verified all of Ruedinger's land is marked as Ag.

EPC talked through the complications of splitting land off an A-1 parcel for rezone to Residential within our current Zoning Ordinance and 2010 Future Land Use Map. Rezoning the 1.0 acre Res. parcel to A-1 is not an option based on land use. The proposed parcel also cannot be split zoned. Splitting the A-1 land and NOT merging it with Woelfel's

Res. parcel would not allow for a building to be constructed in the future and is a flag lot that could not be approved as a stand-alone parcel.

Two questions for the Town Attorney:

1. Sec. 17.30 (11) (b) – Accessory structure size in Residential zone – Does a lot have to be 2.0 acres with 1,700 sq. ft. max or can it be a partial ratio 600 sq. ft./ac. after the initial 1.0 acre?
2. Rezone options for A-1 in 17.33 (10) – Does this scenario meet the rezone condition under option (d)?

Critical information for the existing land cannot be confirmed and there are two questions that need to be clarified by the Town Attorney before EPC can proceed with laying out options for Woelfel. In addition, the application to split and rezone Ruedinger's land has to come from Ruedinger. At a minimum, approval would be contingent upon sale and merge to Woelfel parcel. EPC recommended Woelfel return with a revised Concept Plan for review at the September 8th EPC meeting. EPC will get answers to the two listed questions for discussion. Brenner will not be present on September 8th but can submit comments in advance of the meeting.

Woelfel asked if he could plant grass seed on the land he proposes to purchase from Ruedinger. EPC stated we cannot guarantee that the land will be able to be split and sold to Woelfel and planting of grass seed is between him and Ruedinger.

Review of Minutes: EPC tabled review of all the minutes from July 14, 2020 since Wenker was not in attendance on July 14th and Averbeck and White are absent at this meeting (only two attendees from July 14th present).

Discussion of Fond du Lac County's cluster meeting via Zoom held July 23, 2020 and Farmland Preservation map assignment for the Town of Eldorado:

Borski and White participated in a cluster meeting held by Fond du Lac County to discuss the County's Comprehensive Plan & Farmland Preservation Plan Update. Borski reviewed the highlights of the meeting and notes with Brenner and Wenker. Essentially, the Town needs to mark up the map provided by the County to mark all land zoned out of A-1 the past 10 years and all land zoned into A-1 (if any). The updated map needs to be submitted to County Planning by August 28th at the latest. EPC reviewed files available in the Town Clerk's Office dating back to 2008 and update the map with the exception of the two Town-initiated rezones (30+ smaller parcels listed by parcel number only). Brenner and Borski will meet at a later date with a computer to locate the numerous small parcels using the County GIS and lands website.

Brief review of public hearing process in advance of public hearing for draft comprehensive plan scheduled for September 8, 2020:

Brenner will be absent on September 8th. Wenker will run the meetings. Process for public hearing/listening session reviewed. Borski will inquire with Trish Nau of East Central Wisconsin Regional Planning Commission (ECWRPC) if she plans to attend and if a full hard copy of the draft will be available for reference. Borski will also ask Nau to clarify if EPC discussion of the written and oral comments are discussed and action taken during the public hearing or at the subsequent regular EPC meeting.

Future Meetings & Agenda Items:

September 8, 2020 Public Hearing for Comments on Comprehensive Plan followed by regular EPC meeting. The Woelfel/Ruedinger Concept Plan will also be reviewed further.

[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/Wenker to adjourn. Motion carried 3-0. Meeting adjourned at 9:22 p.m.

Respectfully submitted,

Jenna Borski

Member/Secretary

Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

September 8, 2020

Plan Commission Member Attendees (5) and terms:

	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)	x	Bill Averbeck, Town Board Liaison (5/1/2019 - 4/30/2021)
x	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (11/16/2019 – 4/30/2021)		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

John Ruedinger	Jerry Borski, Eldorado Fire Chief	Gary Rabe	
Darrell Woelfel	Trish Nau, ECWRPC	Kathi Rabe	

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Lee Wenker at 7:06 p.m. followed by pledge of allegiance.

Review of Minutes: EPC reviewed the minutes from July 14, 2020 (4 public hearings and EPC regular meeting minutes). Motion made by Averbeck/White to approve all minutes. Motion carried 4-0.
EPC tabled review of the August 11, 2020 minutes since Averbeck and White were not in attendance on August 11th and Brenner was absent (only two attendees from August 11th present).

Read public hearing notice and Statement of Purpose on the Town of Eldorado Comprehensive Plan Update 2040:
Notice and statement of purpose read by Wenker.

Open hearing

A. Presentation on Comprehensive Plan Overview Process – Trish Nau, ECWRPC

B. Open up to comments from public

a. Name, address, comment for the record – in favor of or opposed

Wenker opened the hearing at 7:15 p.m.

A. Nau presented a summary of the process and proposed 2040 Comprehensive Plan.

B. Comments from the public:

a. Jerry Borski, N9160 Town Hall Rd, Van Dyne

i. The way the Town creates lots in the Exclusive Agriculture (A-1) district eats up farmland (referring to allowed 20:1 ratio for farmland to non-farm residences allowed per base farm tract) and places residences in heavily farmed areas of the Town, precisely where they should be avoided.

ii. Corrected reference to Eldorado Fire Truck # in Comprehensive Plan 2040 – noted by Nau.

b. John Ruedinger, W7222 Cemetery Rd, Van Dyne

i. Questioned when comprehensive planning started. Nau explained comprehensive planning began with Governor Tommy Thompson and the Smart Growth Law in 2000.

Close hearing: Wenker closed the hearing at 7:36 p.m.

Discussion of public comments on Comprehensive Plan: none

Action on recommending approval of the 2040 Comprehensive Plan of the Town of Eldorado, Wisconsin to the Town Board and next steps – Town Board meeting on September 28, 2020 for final adoption.

Motion by Borski/Averbeck to recommend approval of the 2040 Comprehensive Plan of the Town of Eldorado, Wisconsin to the Town Board. Motion carried 4-0.

Tracking # CP-2020-08-20-Ruedinger

Ref: Tracking # CP-2020-08-11-Woelfel reviewed 8/11/2020

Concept Plan – Application for Minor Land Division of A-1 Land with Rezone - John and Karen Ruedinger:

Location/Description of Property: Vacant Land / T07-16-16-26-08-015-00

Parent parcel acres: 10.42 +/-

Current zoning: A-1

Proposed parcel acres: 1.827 +/- (merge with existing 1.0 Woelfel parcel for 1.827 acre parcel)

Area of dedication acres: TBD +/- for County Rd I

Proposal: Split A-1 land surrounding 1.0 acre parcel that is too small to farm, rezone to Residential and add to existing 1.0 acre Residential parcel owned by Woelfel.

Base Farm Tract (BFT) Acres: 165.2 +/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 157.333 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 7.866 +/-

John Ruedinger presented the concept plan application including a letter of intent from the Surveyor, a preliminary certified survey map, an aerial photo showing the proposed land for split, photos of the land and a list of property owners within 500 feet of the land. Darrell Woelfel was also in attendance. Ruedinger explained the 0.827-acre area proposed to be split, sold to Darrell Woelfel and merged with his existing 1.0 acre parcel is not farmed because there is not good access. Woelfel and Ruedinger further explained that the small amount of the 0.827 acres that runs along the rear yard and northern side yard of the existing 1.0 acres proposed to be sold would line up the property line with the actual boundary between the tillable land and the yard maintained by Woelfel. Ruedinger explained that the irregular parcel line running southwest/northeast is based on the existing ditch.

Borski presented comments from Town Attorney Matt Parmentier regarding section 17.33 (10) (d) of the Town of Eldorado Zoning Ordinance. Specifically, Parmentier agreed that this site-specific situation meets criteria for the Town to zone A-1 land out of the Farmland Preservation District. Furthermore, Parmentier clarified that Section 17.30 (11) (b) allows a total of 1,580 square feet of detached accessory structures for a 1.8 acre lot (1,100 sq. ft. + (600 sq. ft./1.0 acre x 0.8 ac.). EPC provided Ruedinger with the application process instructions, applications for a minor land division and rezone and stated the total fees equate to \$650. In order to hold the public hearing on October 13, 2020, eight copies of the application packets and all fees need to be received by September 21, 2020 to allow for required public notice.

Tracking # CP-2020-08-24-Gary Rabe

Concept Plan – Application for Minor Land Division & Possible Rezone – Gary and Kathi Rabe:

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: TBD +/-

Area of dedication acres: TBD +/- for County Rd I

Proposal: Split 1.5 acres for residential (R), 5.5 acres as rural district (RD) or may use some of the land for crops.

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 +/-

Gary and Kathi Rabe presented the concept plan application. They explained their daughter would like to build a new home on their land and are unsure what the minimum and maximum lot size is for this. She would like to move into

the school district but would not be working on the Rabe farm. She would like a residential lot. They last heard you needed 60 acres to be able to sell a lot and want as small a lot as possible (e.g., 2 acres). Their daughter also would like an unattached garage at some point. They are currently proposing a triangular lot on the southwest corner of CR I and Dike Rd but would like feedback from the Plan Commission on what is possible with their land. There is no specific time frame for this.

EPC reviewed information available on the land. The BFT Map for the Town of Eldorado certified by DATCP 11/20/2013 lists this location as “Lorraine Rabe” with 66.6 +/- acres. The BFT is currently split in ownership between Gary Rabe (west of CR I) and Richard Rabe (east of CR I). There is no primary farm residence or other structures anywhere on the Lorraine Rabe BFT footprint. The Future Land Use Map lists this parcel as Agricultural. Future zoning could include:

- A-1 (no minimum lot size) for a primary farm residence with farm use (not the intended use based on proposal),
- A-1 with a conditional use permit for a non-farm residence (min 1.5 acres to max 3.171 acres) with no restriction for occupancy (best fit based on proposal), or
- A-2 (min 3.0 acres) for a farm residence / farm use. Zoning depends on intended immediate and long term use (also not the intended use based on proposal).

EPC explained the options but stated the limiting factor with the proposed location is being able to meet the setback requirements of a triangular parcel. EPC recommended Rabe’s meet with the Surveyor of their choice and Dave Jahns, Building Permit Officer, to review possible locations that would meet the min/max acres and the road frontage and side/rear yard setback requirements for dwelling, attached garage and accessory structures. EPC recommended the Rabe’s return with a preliminary CSM and another concept plan review after meeting with a Dave Jahns and a Surveyor. Rabe’s asked if they should get a driveway and culvert permit for access from CR I. EPC stated those permits generally expire within six months and they should first work out where the lot lines will need to be placed. They will need to pursue driveway access and culvert permits prior to building though.

Review of Town Board action on Plan Commission recommendations for rezone and/or minor land division in 2020: Robert Albrecht, Richard Langenfeld, Thomas Rusch & Richard Gebert, Isaac Farm Re, LLC and Mary Jaeger, et al.:

Averbeck, liaison with Town Board, reported that all applications have been approved by the Town Board except for two. The Mary Jaeger, et al. applications for minor land division and rezone and the Isaac Farm Re, LLC application for minor land division were not acted upon at the July 2020 Town Board meeting and were officially denied at the August 2020 Town Board meeting. However, the Plat of Survey was still recorded at the County without Town approval. Since the applications were not approved, the property lines do not change and the parcel owned by Corey & Shannon Nitz at W9543 Rose-Eld Rd remains out of compliance with the A-2 zoning district.

Borski reported that during EPC action to review and update the County’s Farmland Preservation map, it became clear that the Clerk files on Zoning and Land Division (Plan Commission) actions have not been maintained for the past five years (e.g., retain copy of public notice verification from paper, include Town Board minutes from actions on applications in files, retain recorded copy of CSMs provided by County, etc.). Borski will work with the current Town Clerk to try and reconstruct these files.

Public Input: none

Future Meetings & Agenda Items:

Town Board Meeting September 28, 2020 - Resolution for Comprehensive Plan

October 13, 2020 – Public hearing for Ruedinger Minor Land Division and Rezone followed by regular Plan Commission meeting.

[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/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 8:46 p.m.

Respectfully submitted,

Jenna Borski

Member/Secretary

Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

October 13, 2020

Plan Commission Member Attendees (5) and terms:

x	Jeremy Brenner, Chairperson (5/1/2019 - 4/30/2022)	x	Jenna Borski, Secretary (5/1/2018 - 4/30/2021)	x	Bill Averbek, Town Board Liaison (5/1/2019 - 4/30/2021)
x	Lee Wenker, Vice Chairperson (5/1/2019 – 4/30/2022)	x	Jeff White, Member (11/16/2019 – 4/30/2021)		STAFF: Attorney Matt Parmentier, Edgerton, St. Peter, Petak & Rosenfeldt

Public Attendees:

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Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Jeremy Brenner at 7:23 p.m. followed by pledge of allegiance.

Review of Minutes: EPC reviewed the minutes from August 11, 2020 and September 9, 2020. Motion made by Averbek/Wenker to approve minutes. Motion carried 5-0.

Review Town Board Action on Comprehensive Plan Update: Town Board approved the Comprehensive Plan Update and signed the resolution at the September Town Board meeting. East Central Wisconsin Regional Planning Commission (ECWRPC) has the resolution, Department of Administration (DOA) was notified on October 8, 2020 and Borski will work with the Town Clerk to send adjacent Towns & public library a copy of the Update per statute when received from ECWRPC. Borski will work over the winter on creating a chart or spreadsheet to summarize action items for the Town from the Update and estimated times for initiation/completion.

Public Input: None

Future Meetings & Agenda Items: November 10th and December 8th if agenda items. Now that the Comprehensive Plan Update is completed, the Town can return to reviewing conditional use permits for renewal.

[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 Averbek/Wenker to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 7:44 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission