

Town of Eldorado Plan Commission (EPC) Meeting Minutes

January 16, 2023

Plan Commission Member Attendees (5) and terms:

| | | | | | |
|---|---|---|--|---|---|
| x | Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025) | x | Jenna Borski, Secretary (5/1/2021 - 4/30/2024) | x | Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025) |
| x | Dennis Yoder, Member (5/1/2022 – 4/30/2025) | x | Jeff White, Vice Chairperson (5/1/2021 – 4/30/2024) | | |

Staff or Town Board Member Attendees:

| | | | | | |
|---|---|---|---|--|--------------------------|
| x | Cheryl Pionke, Town Clerk (Appointed position) Temporary Permit Officer | x | Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025) | | Attorney Matt Parmentier |
| | Mike Pionke, Highway Patrolman | | Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) | | |

Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

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

Public Comments *(Please note this is the Plan Commission’s monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this “Public Comments” agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* Public comments made by Norb Chesney

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from December 12, 2023. Five copies circulated to public per May 2021 decision. Motion made by Yoder/White to approve minutes. Motion carried 3-0-1 (Rickert abstained due to absence for December meeting).

Status Update on Fond du Lac County Subdivision Ordinance Steering Committee: The committee met earlier in the day. Borski shared informational items of relevance to the Town:

- A single lot can end up having two parcel identification numbers because the lot spans two different school districts, sewer districts, Towns, etc. This is allowed under the County Subdivision Ordinance but does create future issues.
- Sanitation permits are issued after a Certified Survey Map (CSM) is recorded. The percolation (“perc”) test submitted with the application to the Town is just an initial step. The sanitation permit is based solely on the plumbing code and not other items such as wetland delineation.
- A lot created without a perc test or intent to build or unbuildable, even if it meets minimum lot dimensions for a buildable lot, is either labeled as an “Outlot” (vs. a “Lot”) or will include a note on the CSM to obtain a sanitation permit prior to building. Once a sanitation permit is obtained, the County does not require the CSM to be updated. Since the note is not a restrictive covenant, it does not have to be updated. This was recently experienced during the Stahmann application where the County had the Surveyor rename one of the proposed lots as an Outlot since there was no perc test performed on the farmland despite the parcel meeting minimum dimensions for a buildable lot.
- The revised County Subdivision Ordinance is proposed to require remnants of only 10 acres or less to be included in the proposed CSM (currently 35 acres or less).

- The maximum of four lots created within a 5-year timeframe is proposed to remain a requirement.

Information on December 2023 Legislative Updates to Farmland Preservation Program: the Department of Agriculture, Trade & Consumer Protection (DATCP) shared a fact sheet titled, *Legislative Updates to the Farmland Preservation Program*, dated 12/2023. The fact sheet provides updates to terms and tax credits for participants in the Farmland Preservation Program. There were no changes to the Farmland Preservation Zoning.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020): Brief discussion on the Town Facebook page and future Town newsletter. No other updates.

Status Update of Applications/Permits in Progress of Completion:

- a. Application by Wisconsin Power & Light Company (Alliant) for Extension of Deadline for Completing Conditions of Conditional Use Permit #ELD-20-001 –
 - Following the public hearing on November 14, 2023, the Town Attorney sent a letter to Alliant dated January 5, 2024 outlining Town concerns regarding the substation under construction. Greg Ardrey, Construction Manager from Alliant for the Anderson Creek Substation, attended January 16, 2024 to provide a verbal update and answer questions.
 - Jeff Meisenburg, Town Chairman for TN of Friendship, and Jenny Reinhold, neighbor to the substation on Townline Rd, also were in attendance and verbally expressed concerns. Katie Hari, neighbor to the substation on Townline Rd, provided written comments to EPC prior to the meeting.
 - Ardrey informed EPC there have been material delays for the American Transmission Company (ATC) portion of the project that resulted in a delay in completing the approved landscaping within the timeframe outlined in the CUP. Materials are currently anticipated by the end of January 2024 but have been delayed numerous times. ATC has their main line along I-41. ATC is installing steel poles to run lines to the substation. The ATC plan was not submitted to Alliant at the time of the CUP application and was therefore unknown. All Alliant wires are underground to ATC and the old overhead lines are remaining or being replaced with underground lines. All ATC lines are overhead. ATC requires 80 feet clearance on either side of their lines.
 - Ardrey agreed to provide meters to the concerned neighbors prior to energizing the lines. Per Ardrey, the meters are looking for stray voltage. When the system is balanced, the current stays on the hot leg. A cow's level of resistance is approx. 500 ohms and is much lower than a human's resistance which is approx. 1,000-1,500 ohms. A pig's resistance is around 700-800 ohms. Electro magnetic force (EMF) impacts come from the substation and lines. An agricultural rep will come put meters for both stray voltage and EMF at the residences. The readings will be taken and then removed (not left in place) prior to energizing the station and then a second set of readings taken after the substation is energized. High powered overhead lines have 138,000 kilovolts (138,000,000 volts) but it is safe at the base of the pole. The buzz from overhead lines is worst under humid conditions. (Secretary's note: The voltage V in volts (V) is equal to the current I in amps (A), multiplied by the resistance R in ohms (Ω).)
 - Maintenance lights are permanently installed at the substation and should not be on unless workers are physically performing maintenance. Ardrey will make sure these are not left on at night. The only light that should be on is a single overhead light at the door to the building.
 - A revised landscape plan will be submitted to the Town prior to the next public hearing that includes any changes previously made with the residents so the Town has the most up-to-date plan.
 - At the recommendation of Norb Chesney, Ardrey agreed to submit a schedule of what is left to accomplish in layman's terms for the Town and residents which will be provided in advance of the next meeting to address the lack of communication.
 - Additional information will also be provided on the drainage concerns; however, the property has been inspected by the DNR twice during the project. The retention infiltration basin still needs to be installed. So far, only erosion control has been done around the Creek which DNR inspected.

- Meisenburg and Reinhold discussed their concerns and how the nearby residents have been severely affected by this project, including light pollution, noise, damage to their homes from vibrations, unfulfilled landscaping agreement, lack of proactive communications, unacceptable responses by Alliant and stress. Pictures and videos will be shared with Ardrey. Ardrey will contact ATC with concerns regarding their work.
- Review of Alliant's application for an extension to complete landscaping will continue with another public hearing on February 13, 2024. EPC asked Ardrey to submit the items discussed by February 5th for distribution to EPC members & review in preparation of the hearing.
- Ardrey stated the transmission poles will not be erected until these issues are resolved.
- EPC called for open communication by Alliant with the neighbors.

- b. Existing Conditional Use Permits – Hass CUP #ELD-18-001 is scheduled for the second 3-year review in March 2024. This non-farm residence has not yet been constructed.

Review of General Inquiries Since December 12, 2023: Borski received two inquiries regarding property northwest of CR I & Dike Rd. A concept plan application may be submitted for the February EPC meeting.

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this "Public Comments" agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): None

Next Meeting Date & Tentative Agenda: February 13, 2024 – Public hearing for Alliant; Concept Plan by Norb Chesney for CSM and future CSM/rezone from A-1 to residential; possibly a Concept Plan for property northwest of CR I & Dike Rd; and standing agenda items.

Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.

Adjourn: Motion made by Yoder/Rickert to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 8:52 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

February 13, 2024

Plan Commission Member Attendees (5) and terms:

| | | | | | |
|---|---|---|--|---|---|
| x | Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025) | x | Jenna Borski, Secretary (5/1/2021 - 4/30/2024) | x | Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025) |
| x | Dennis Yoder, Member (5/1/2022 – 4/30/2025) | x | Jeff White, Vice Chairperson (5/1/2021 – 4/30/2024) | | |

Staff or Town Board Member Attendees:

| | | | | | |
|---|---|---|---|--|--------------------------|
| x | Cheryl Pionke, Town Clerk (Appointed position) Temporary Permit Officer | x | Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025) | | Attorney Matt Parmentier |
| | Mike Pionke, Highway Patrolman | x | Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) | | |

Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

Call to Order, and Agenda Review: Meeting called to order by Brenner at 9:09 p.m. following public hearing.

Public Comments *(Please note this is the Plan Commission’s monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this “Public Comments” agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* None

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from January 16, 2024. Five copies circulated to public per May 2021 decision. Motion made by Yoder/Rickert to approve minutes. Motion carried 4-0-1 (Brenner abstained due to absence).

Tracking # CP-2024-01-23-Chesney

Concept Plan – Application for Certified Survey Map or Plat Map and Rezone – Applicant: Norbert Chesney

Location/Description of Property: W7775 Coyne Rd / T07-16-16-35-16-004-00 (Parcel A with existing house, outbuilding & farmland), T07-16-16-35-16-006-00 (Parcel B with outbuildings & farmland) & T07-16-16-35-16-002-00 (Parcel C vacant with “Little Lake Chesney” pond and farmland)

Parent parcel acres: 3.35 +/- (Parcel A), 3.88 +/- (Parcel B) & 11.37 +/- (Parcel C shown on hand-drawn map as 11.77 acres)

Current zoning: Residential (Parcels A & B) & A-1 Farmland Preservation (Parcel C)

Proposed parcel acres:

- Option 1: 4.75 +/- (new Parcel A with existing house and outbuildings), 2.5 +/- (new Parcel B vacant with farmland) & 12.77 +/- (new Parcel C vacant with pond and farmland) OR
- Option 2: 4.75 (new Parcel A with existing house and outbuildings), 2.5 (new Parcel B vacant with farmland) & up to six 2-3 +/- acre parcels (split up new Parcel C vacant with pond and farmland for future residential)

Area of dedication acres: unknown for Coyne Rd

Proposal: Owner has three parcels, of which the A-1 parcel is land-locked. Re-align residential lots to put all existing buildings on one lot and create vacant residential lot without rezone. Expand farmland to allow A-1 access frontage to Coyne Rd and either:

- Option 1: rezone remnant portions from residential to A-1 for continued farming OR

- Option 2: rezone all farmland to Residential and create multiple residential lots with “Lake Chesney Drive” to create road frontage for future new residential lots.

Owner is uncertain if he will choose to proceed with option 1 at this time and option 2 at a later date.

Base Farm Tract (BFT) Acres: 11.37 +/- (only Parcel C zoned A-1)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): N/A – not enough acreage in BFT

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): N/A – not enough acreage in BFT

Chesney presented his application as described above. EPC noted that the hand-drawn sketch of the proposed residential lots (new Parcels A & B) include 200 ft frontage which is more than the required 150 ft minimum for residential, and that the minimum frontage for the A-1 lot (new Parcel C) only lists 108 ft frontage. This is less than the minimum frontage of 200 ft for it to be a buildable A-1 lot. EPC noted that a single parcel cannot be split-zoned and that rezone will be required to create new Parcel C. Chesney acknowledged that creation of the new A-1 lot (new Parcel C) would require rezone of the portion currently zoned Residential to A-1.

EPC informed Chesney that Option 2 (creation of multiple residential lots) will require a Plat (vs. a Certified Survey Map) and the Future Land Use Map (FLUM) of the Town’s Comprehensive Plan Update 2040 to be amended for existing Parcel C to be shown as “Residential” vs. “Agricultural” in order for the Town to consider rezone of Parcel C from A-1 to Residential. EPC explained the process for Chesney to initiate application for an amendment to the FLUM. EPC further explained that creation of a Plat with “Lake Chesney Drive” would require Chesney to construct the road to Town specifications and that it would be a private drive (not a Town Road) until at least there were multiple landowners along the drive. Chesney acknowledged he understood the construction of the road and cost would be his responsibility. Chesney will consider options and decide how to proceed.

Status Update on Fond du Lac County Subdivision Ordinance Steering Committee: next meeting is scheduled for February 15, 2024

Continued Discussion on Department of Agriculture, Trade & Consumer Protection (DATCP) (10-year) Re-certification Process for Town Zoning Ordinance – no update

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020): Pionke is looking into an email domain such as “.org” that is more professional and secure than Gmail per the recommendation of Yoder. At many businesses, Gmail is automatically screened as Junk Mail. The Town Board will consider a hosted domain on a cloud server that is separate from the website.

Status Update of Applications/Permits in Progress of Completion:

- a. Application by Wisconsin Power & Light Company (Alliant) for Extension of Deadline for Completing Conditions of Conditional Use Permit #ELD-20-001 – public hearing held immediately prior to EPC meeting. Decision on application tabled again for additional information. The hearing is scheduled to continue on March 12, 2024, following posting of the required legal notice. EPC will schedule a closed session meeting with the Town Attorney to discuss enforcement.
- b. Existing Conditional Use Permits
 1. Hass CUP #ELD-18-001 3-year review, due in March 2024, will be scheduled for a future date.
 2. TJRVJM Real Estate LLC (Highland Farms) CUP #ELD-22-001 submitted their annual report of events - reviewed by EPC.

Review of Inquiries / Complaints Since January 16, 2024: Borski followed up to the complaint received regarding a pond constructed in the A-2 General Agricultural district on Dike Rd without a conditional use permit. The property owner did inquire with the EPC prior to constructing the pond and was advised no permit was needed. However, it has been brought to the attention of the EPC that section 17.34(5)(p) states “artificial lakes and ponds” are a listed

conditional use in the A-2 district. Borski spoke with Town Attorney Matt Parmentier regarding after-the-fact permitting and the property owner has submitted an application for a conditional use permit. The hearing will be scheduled for March 12, 2024 following posting of the required legal notice.

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this "Public Comments" agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): Public comments made by Dave Jahns.

Next Meeting Date & Tentative Agenda: March 12, 2024

Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.

Adjourn: Motion made by Yoder/Brenner to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:47 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

March 12, 2024

Plan Commission Member Attendees (5) and terms:

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|---|---|---|--|---|---|
| x | Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025) | x | Jenna Borski, Secretary (5/1/2021 - 4/30/2024) | x | Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025) |
| x | Dennis Yoder, Member (5/1/2022 – 4/30/2025) | x | Jeff White, Vice Chairperson (5/1/2021 – 4/30/2024) | | |

Staff or Town Board Member Attendees:

| | | | | | |
|---|---|---|---|---|--------------------------|
| x | Cheryl Pionke, Town Clerk (Appointed position) Temporary Permit Officer | x | Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025) | x | Attorney Matt Parmentier |
| | Mike Pionke, Highway Patrolman | | Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) | | |

Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

Call to Order, and Agenda Review: Meeting called to order by Brenner at 8:56 p.m. following public hearings (Alliant & Baker).

Public Comments *(Please note this is the Plan Commission’s monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this “Public Comments” agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* None

Review & Approve Minutes: EPC reviewed the public hearing (Alliant) & EPC meeting minutes from February 13, 2024. Five copies circulated to public per May 2021 decision. Motion made by Rickert/Yoder to approve hearing and EPC meeting minutes. Motion carried 5-0.

Status Update on Fond du Lac County Subdivision Ordinance Steering Committee: Since the last EPC meeting, Borski met with the committee on February 15 and March 7, 2024. The committee finished Articles I & II and are meeting later in the month to review Article III. Borski continues to share the Town’s perspective as the Subdivision Ordinance is revised and gain valuable insight into the Fond du Lac County responsibilities and processes.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020): Pionke is unsure of the cost for an email domain. The TN of Fond du Lac just went to a “.gov” domain. Parmentier will share the info with Pionke. Computer Trouble Shooters is also a resource.

Status Update of Applications/Permits in Progress of Completion:

- a. Application by Wisconsin Power & Light Company (Alliant) for Extension of Deadline for Completing Conditions of Conditional Use Permit #ELD-20-001 – public hearing held immediately prior to EPC meeting. Application approved with conditions. The Town Attorney will draft final version based on hearing for signatures. EPC to hold a posted closed session meeting immediately following this EPC meeting with the Town Attorney regarding enforcement.
- b. Existing Conditional Use Permits – no discussion

Review of Inquiries / Complaints Since February 13, 2024: none

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this "Public Comments" agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): None

Next Meeting Date & Tentative Agenda: April 2, 2024

Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.

Motion by Borski/Rickert to move into closed session. Roll Call Vote: A. Rickert, D. Yoder, J. White, J. Brenner, J. Borski. Herein occurred the closed session.

Adjourn: Motion made by Brenner/Rickert to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 9:27 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

May 7, 2024

Town of Eldorado Plan Commission (EPC) Meeting Minutes

People in attendance:

Dave Jahns, Joe Kopf, Aaron Rickert, Jeremy Brenner, Jeff White, Dennis Yoder, Cheryl Pionke, Jeff Wehle, Rosalind Lyness

Called meeting to order at 7pm.

Pledge of allegiance was recited.

Brenner went over agenda review.

Public comment:

Lyness made public comments regarding closed session meetings without a broad disclosure of the topic(s) discussed.

Brenner made a motion to approve minutes as read and wanted it noted that last month's closed session meeting was regarding Alliant (WP&L). White seconded, carried 4-0.

Brenner made a motion to approve both public hearing minutes, seconded by White, carried 4-0.

Appointments of Jeff White and Dennis Yoder. Dennis will be moving up to Vice Chair and Jeff White will be moving to a member.

Brenner made a motion to appoint Dennis Yoder as Vice Chairmen, and Jeff White to a member, seconded by Rickert, carried 4-0.

Status Update on Fond du Lac County Subdivision Ordinance Steering Committee

Brenner gave a little update on what is all entailed with this. No current update.

*Continued Discussion on Department of Agriculture, Trade & Consumer Protection (DATCP) (10-year) Recertification Process for Town Zoning Ordinance- Rickert asked if we were still in the extension period. Brenner believed we are still in year 1 of the extension.

*Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020) Brenner provided a little background on this process. In the next few years, we may need to start the 2050 plan. Yoder brought up a way to get the plan commission out there, we could put a tent down at the Eldorado Community Picnic to spotlight the Plan Commission and educate the public on its function and land uses.

Put on the June agenda informational tent at the Eldorado Picnic for The Eldorado community picnic.

Status Update of Applications/Permits in Progress of Completion:

a. Application by Wisconsin Power & Light Company (Alliant) for Extension of Deadline for Completing Conditions of Conditional Use Permit #ELD-20-001, Brenner gave an update that Matt stated that we have not heard anything back from Alliant yet and Matt recommends signing the unilateral agreement.

b. Application by Chris & Keetra Baker for Conditional Use Permit for Construction of a Pond, W7786 Dike Rd. Pionke reported took paperwork to the county and it has been recorded.

c. Existing Conditional Use Permits- nothing

Review of Inquiries / Complaints since March 13, 2024

Nothing

Public Comments – Individuals wishing to speak on any agenda item discussed above should present their comments now under this “Public Comments” agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.

Wehle brought up that he wants to have a storage container added to his property. Brenner stated that this is not a plan commission issue since it is personal storage in nature so it will need to be asked to the Town Board. Rickert got his number and will do some investigation as to what is allowed and what is not.

Next meeting date and tentative agenda- Next meeting June 11th at 7pm.

Adjourn at 7:52.

Motion made by Yoder/Rickert, carried 4-0.

Minutes by Cheryl Pionke, Town Clerk (in absence of Jenna Borski, EPC Secretary)

Town of Eldorado Plan Commission (EPC) Meeting Minutes

June 11, 2024

Plan Commission Member Attendees (5) and terms:

| | | | | | |
|---|--|---|---|---|---|
| x | Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025) | x | Jenna Borski, Secretary (5/1/2024 - 4/30/2027) | x | Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025) |
| x | Dennis Yoder, Vice Chairperson (5/1/2022 – 4/30/2025) | x | Jeff White, Member (5/1/2024 – 4/30/2027) | | |

Staff or Town Board Member Attendees:

| | | | | | |
|---|---|--|---|--|--------------------------|
| x | Cheryl Pionke, Town Clerk (Appointed position) Temporary Permit Officer | | Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025) | | Attorney Matt Parmentier |
| | Mike Pionke, Highway Patrolman | | Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) | | |

Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Yoder at 7:05 p.m. followed by pledge of allegiance.

Public Comments *(Please note this is the Plan Commission’s monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this “Public Comments” agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* None

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from May 7, 2024 (by Cheryl Pionke due to Borski absence). Five copies circulated to public per May 2021 decision. Motion made by Rickert/White to approve minutes. Motion carried 4-0.

Status Update on Fond du Lac County Subdivision Ordinance Steering Committee: Dan Teaters left Fond du Lac County Planning Dept. which will affect the projected schedule to complete the revisions to the County Subdivision Ordinance. Terry Dietzel will continue to move the draft revisions through the review process until Teaters’ vacancy is filled. Next step is to go to the County Corporation Counsel. This topic will be removed as a standing agenda item and Borski will update EPC when the revisions are adopted.

Continued Discussion on Department of Agriculture, Trade & Consumer Protection (DATCP) (10-year) Re-certification Process for Town Zoning Ordinance: This will remain a standing agenda item but listed as a “Status Update”. The Town Board needs to direct EPC on whether to re-certify the Town Zoning Ordinance. The current Ordinance is certified through December 2025. Rickert will work with the Town Board to schedule listening sessions on Farmland Preservation in the Town.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020): This will remain a standing agenda item.

- EPC Informational Tent at the Eldorado Community Picnic brought up as an idea at the last EPC meeting - Idea tabled until next year.

Pionke reported she sends out the newsletter to 100 emails plus posting on Facebook. There are 921 Facebook followers for the Town of Eldorado. Pionke will discuss an email domain with Parmentier.

Yoder suggested Pionke consider brief weekly video posts on Facebook to mix it up and announce things such as,

- Mark Isaac announce the softball tournament,
- Dave Jahns for the Town Board meeting agenda,
- Jeremy Brenner for the EPC agenda,
- introduce Cheryl Pionke as Building Permit Officer & occasional reminders,
- Mike Pionke announce spring cleanup / bulky waste drop-off weekend,
- Jim Pionke for Fire meetings,
- Lisa Leichtfuss for EMR meetings, etc.

Then when there is something that the Town needs public input on, such as the Farmland Preservation listening sessions, citizens are used to receiving these video updates. Pionke will consider.

Status Update of Applications/Permits in Progress of Completion:

- a. Application by Wisconsin Power & Light Company (Alliant) for Extension of Deadline for Completing Conditions of Conditional Use Permit #ELD-20-001 – Unilaterally issued by EPC June 10, 2024. Parmentier is working with Alliant on the conditions of the extension.
- b. Existing Conditional Use Permits – no discussion

Review of Inquiries / Complaints Since May 7, 2024:

Borski received a couple inquiries:

- Discussions with Pionke on an open records request for the properties where Bug Tussel internet provider has their towers. Per Parmentier, there is a pending sale of the towers.
- Eric Borseth inquired regarding property at the end of Sales Rd adjacent to the cul-de-sac for potential development. Borseth will be submitting a concept plan.
- The Town received an inquiry regarding the cell tower at Korth Rd & Jahns Rd.

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this "Public Comments" agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): None

Next Meeting Date & Tentative Agenda: July 9, 2024 – Standing agenda items and a concept plan by Karen Stahmann that was delayed a month at the request of Stahmann.

Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.

Adjourn: Motion made by Rickerty/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 7:48 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

July 9, 2024

Plan Commission Member Attendees (5) and terms:

| | | | | | |
|---|--|---|---|---|---|
| x | Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025) | x | Jenna Borski, Secretary (5/1/2024 - 4/30/2027) | x | Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025) |
| x | Dennis Yoder, Vice Chairperson (5/1/2022 – 4/30/2025) | x | Jeff White, Member (5/1/2024 – 4/30/2027) | | |

Staff or Town Board Member Attendees:

| | | | | | |
|---|---|---|---|--|--------------------------|
| x | Cheryl Pionke, Town Clerk (Appointed position) Temporary Permit Officer | x | Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025) | | Attorney Matt Parmentier |
| | Mike Pionke, Highway Patrolman | | Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) | | |

Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Yoder at 7:05 p.m. followed by pledge of allegiance.

Public Comments *(Please note this is the Plan Commission's monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this "Public Comments" agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* None

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from June 11, 2024. Five copies circulated to the public per May 2021 decision. Motion made by White/Rickert to approve minutes. Motion carried 4-0.

Tracking # **CP-2024-06-04-Stahmann**

Concept Plan – Application for Minor Land Division of A-1 Land – Applicant: Karen Stahmann (& Stanley Stahmann - deceased)

Location/Description of Property: W7861 Cemetery Rd / T07-16-16-11-15-003-00

Parent parcel acres: 38.911 +/-

Current zoning: A-1

Proposed parcel acres: 1.484 +/-

Area of dedication acres: 0.073 +/- for Cemetery Rd

Proposal: separate house from farm buildings and land

Base Farm Tract (BFT) Acres: 165.1 +/- based on map certified by DATCP on 11/20/2013

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 157.24+/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 7.86 +/-

Karen Stahmann, with son Todd Stahmann, presented the application to split off the house from the farm buildings and land to sell the house to a family member. Stahmanns worked with Surveyor Eric Freiburg to draft a preliminary certified survey map (CSM). EPC talked through the following with Stahmanns:

- Minimum road frontage, side and rear yard setbacks for residences and accessory structures in the A-1 district and for non-farm residences

- Minimum required distance from property line to driveways
- Minimum lot size for a non-farm residence
- Creation of a non-farm residence requires a conditional use permit (CUP), typically contingent upon approval of the CSM
- A shared driveway requires an easement recorded at the Register of Deeds

EPC expressed concerns with the following:

- minimum required setbacks from existing buildings to proposed property lines cannot be met for the new parcel or remnant parcel
- proposed new west property line for the house does not meet required setback to existing driveway
- location of the driveway with respect to the farm buildings and residence creates a conflict for future owners of the two properties that are not related
- recent variances issued by the Board of Appeals (BOA) for minimum road frontage and driveway setback requirements was for situations where a former Town Road was turned back to the property owner, creating a frontage hardship by the Town (i.e., property owner did not create the hardship)

EPC suggested the Town cannot approve the proposed CSM as presented and the proposed split appears to be creating a future conflict for future property owners which the Town must consider in decision-making. Variances would need to be granted by the Board of Appeals (BOA) for the setback and other requirements that Stahmanns cannot meet (\$350 hearing fee). However, it is uncertain if the BOA could grant all necessary variances since Stahmanns are creating the hardship in each instance where a variance is needed. EPC suggested that IF Stahmanns still wish to proceed with pursuing the land division, that they first apply for the necessary variances from the BOA as a first step prior to paying for a final CSM, submitting applications for a CSM (\$300 fee) and CUP for a non-farm residence (\$350 hearing fee). EPC recommends, if they can successfully obtain all applicable variances from the BOA, that another concept plan discussion take place with EPC prior to finalizing the CSM and submitting applications for approval of the CSM and issuance of a CUP for a non-farm residence with fees. Stahmanns communicated they will consider these concerns and recommendations.

Tracking # CP-2024-07-03-Will

Concept Plan – Application for Minor Land Division of A-1 Land – Applicant: Ruth E Will (Deceased) & James Will (son)

Location/Description of Property: W8543 Lincoln Rd / T07-16-16-09-04-003-00

Parent parcel acres: 28.56 +/-

Current zoning: A-1

Proposed parcel acres: 1.5 +/-

Area of dedication acres: not applicable – already dedicated on Lincoln Rd & Jahn Rd

Proposal: split 1.5 acres off 28.56 +/- ac. parcel to add to existing 3.0 acres owned by James Will at N9139 Jahn Rd, parcel #T07-16-16-09-04-002-00, zoned Rural District (RD) – see application for additional details

Base Farm Tract (BFT) Acres: 28.6 +/-

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 27.23 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 1.37 +/- (minimum lot size is 1.5 ac.)

J. Will, son of R. Will, presented the application. J. Will and siblings are working to settle R. Will's estate. J. Will is inquiring if it's possible to split exactly 1.5 acres for his purchase to either have as a separate lot or combine with his existing 3.0-acre lot zoned RD to create a single 4.5-acre lot. J. Will has no plans to sell the 1.5 acres or build another residence but may want to build an accessory structure at some point. J. Will talked through options to carve out 1.5 acres immediately to the north, east or south of his existing 3.0-acre lot. J. Will's 3.0 acres is surrounded by farmland. J. Will has a surveyor.

EPC reviewed the following:

- To combine lots to a single 4.5-acre lot, both lots have to be zoned the same. The General Ag District, A-2, was created in 2013 to replace RD. J. Will could apply to have his RD lot rezoned to General Ag, A-2, since it meets the minimum lot size, minimum road frontage and setback requirements.
- R. Will's land is zoned Farmland Preservation District, A-1. EPC reviewed the criteria in the Zoning Ordinance to rezone land out of A-1. R. Will's land with trees and an existing vacant residence (away from J. Will's property) likely meets the criteria to rezone out of A-1 to A-2, assuming minimum lot dimensions & setback requirements are met. However, EPC does not believe the criteria are met to rezone the farmland immediately surrounding J. Will's property out of A-1.
- A separate 1.5-acre lot immediately adjacent to J. Will's property could be created without rezone without being merged to J. Will's existing 3.0-acre lot. However, this would be labeled as an "outlot" and construction of a new residence would not be allowed per requirements of the A-1 district.
- General process and timing:
 - development of a preliminary CSM,
 - monthly EPC meeting for concept plan discussion and review of preliminary CSM,
 - application for a CSM with \$300 fee,
 - Fond du Lac County Planning review of the CSM,
 - monthly EPC meeting for a review and recommendation on the CSM application
 - Town Board final review and decision on the CSM
 - Process for recording the CSM at the Register of Deeds.

Darlene Billington was present, daughter of R. Will, 215 Wisconsin St, Mayville, WI 53050. Billington has signature authority for R. Will's estate. EPC confirmed an application to the Town for approval of a CSM will need to be signed by Billington.

Mike Will was present, son of R. Will, 426 W Chaplin St, Fond du Lac, WI. M. Will informed EPC that R. Will left clear instructions regarding the property. EPC clarified that the Town does not have authority to enforce these instructions from R. Will and defer to the judge.

The next court date for R. Will's estate is set for August 5, 2024 and these options will be discussed with the judge.

Status Update on Department of Agriculture, Trade & Consumer Protection (DATCP) (10-year) Re-certification Process for Town Zoning Ordinance – Rickert reported the Town Board is forming a plan.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020) – No discussion this month.

Status Update of Applications/Permits in Progress of Completion:

- a. Application by Wisconsin Power & Light Company (Alliant) for Extension of Deadline for Completing Conditions of Conditional Use Permit #ELD-20-001 – Unilaterally issued by EPC June 10, 2024. Alliant paid the forfeiture that is a condition of the approval. Pionke is developing an invoice for professional fees. Alliant is working on the adjacent property landscaping. Alliant has until October to complete all landscaping.
- b. Existing Conditional Use Permits – Newcastle Property Investments, LLC CUP #ELD-22-002 – Eldorado Fire Chief Jerry Borski informed EPC and Town Board Chairman Dave Jahns that a number of items need to be addressed at this Commercial property prior to allowing any further storage containers or development. Jahns also reported observing the property being used for junk accumulation and as a hang-out for drinking beer and other nuisance concerns. The Town has a legitimate concern for environmental contamination. Further discussion is tabled until next month when Eric Borseth is expected to attend for presentation of concept plan CP-2024-06-16-Newcastle for potential additional development.

Review of Inquiries / Complaints Since June 11, 2024: none

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this "Public Comments" agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): None

Next Meeting Date & Tentative Agenda: August 13, 2024 – Standing agenda items and a concept plan by Newcastle Property Investments LLC that was delayed a month at the request of Eric Borseth.

Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.

Adjourn: Motion made by Rickert/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 9:12 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

August 13, 2024

Plan Commission Member Attendees (5) and terms:

| | | | | | |
|---|--|---|---|--|---|
| x | Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025) | x | Jenna Borski, Secretary (5/1/2024 - 4/30/2027) | | Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025) |
| x | Dennis Yoder, Vice Chairperson (5/1/2022 – 4/30/2025) | x | Jeff White, Member (5/1/2024 – 4/30/2027) | | |

Staff or Town Board Member Attendees:

| | | | | | |
|--|---|---|---|--|--------------------------|
| | Cheryl Pionke, Town Clerk (Appointed position) Temporary Permit Officer | x | Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025) | | Attorney Matt Parmentier |
| | Mike Pionke, Highway Patrolman | | Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) | | |

Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

Call to Order, Pledge of Allegiance and Agenda Review: Meeting called to order by Yoder at 7:00 p.m. followed by pledge of allegiance. (Note Brenner requested Yoder run the meeting due to concerns with his voice.)

Public Comments *(Please note this is the Plan Commission’s monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this “Public Comments” agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* None

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from July 9, 2024. Five copies circulated to the public per May 2021 decision. Motion made by White/Yoder to approve minutes. Motion carried 3-0 (Brenner abstained due to absence on 7/9/24).

Tracking # CP-2024-06-16-Newcastle

Concept Plan – Site Plan – Applicant: Newcastle Property Investments, LLC (Eric Borseth)

Location/Description of Property: N8030 Sales Rd / T07-16-16-26-01-003-00

Parent parcel acres: 5.217 +/-

Current zoning: Commercial

Proposed parcel acres: 5.489 +/-

Area of dedication acres: unknown for Sales Rd

Proposal: Request to acquire the “unowned land” to make the proposed buildings viable on the property. Also request to reduce the current 66 ft easement down to 20 ft for the same reason.

Borseth presented his proposal including:

1. A site plan by Parish Surveying & Engineering (PSE) identifying 0.27 +/- acres of land immediately northeast of Borseth’s property reported to him by his surveyor, McKenzie Swartwout of PSE, as being “unowned land”, and his current 5.217 +/- acres.
2. An unrecorded certified survey map (CSM) from Jacob Land Surveying showing Borseth’s current 5.217 +/- ac. Lot 1 showing a 66-foot-wide access easement running the length of the north side of the property (parallel to I-41).

3. A site plan by PSE of Borseth's 5.217 +/- acres including the 0.217 +/- acres with six proposed buildings to construct and use for the storage business in lieu of the storage containers allowed under a Conditional Use Permit (CUP #ELD-22-02).

Borseth has no "easement" document but does have an unrecorded copy of the CSM showing the easement leading back to property owned by Duane Johnson (a.k.a. "Bugs"). After speaking with Johnson, Borseth reached out to the attorney that drafted the easement. EPC informed Borseth that the easement is a third-party legal agreement between the two property owners and does not involve the Town.

EPC informed Borseth the 0.27 +/- ac. parcel is owned by Wisconsin Department of Transportation (WisDOT) that was created when the intersection of Sales Rd. and I-41 (historically Hwy 41) was changed by WisDOT to eliminate cross intersections and converted Sales Rd. to a cul-de-sac on either side of Hwy 41. This land is not owned by the Town. Borseth stated that if WisDOT will not sell him the 0.27 +/- acres, he will lose between 1/3 and 2/3 of the proposed buildings.

The existing buildings built in circa 1994 cannot be replaced due to setbacks from the creek. Wetlands are currently mapped in the corners of the property. Borseth consulted the Department of Natural Resources (DNR) and enough wetlands exist on his property that he is able to construct new buildings on the existing gravel that is considered impermeable.

Jahns explained Town concerns with nuisance, weeds, and junk storage with the current tenants and that the property is getting to be an eyesore. EPC also shared that Jerry Borski, Fire Chief, reported at the last EPC meeting that there are fire safety concerns with the property. Borseth stated this is the first time he's heard of these concerns. Borseth reported receiving a single letter from the Town regarding litter that he believes has been addressed. There were no other contacts from the Town – no call from the Fire Dept, no call from the Town Board and no additional letters. Borseth stated when there are concerns, the Town should be contacting him to address them. His number is right on the side of a building at the property. Borseth stated he had one tenant change in early spring 2024. The tenants are not running a business but do have a demo car hobby. Jahns further stated there is concern with this activity as they are not being utilized as "storage units" but to perform hobby work including welding and generating waste. Borseth reported having security cameras at the property and having the Sheriff department drive-by. There was a mattress placed outdoors by a tenant who was fined by Borseth and had the mattress removed. Borseth will reach out to Fire Chief Jerry Borski to discuss the concerns and EPC provided Borseth with a phone number.

Borseth plans to raise the site up approximately 18" prior to constructing the new buildings. EPC noted a site plan needs to consider water runoff and management. Borseth will continue to rent up to 25 storage containers as he works on building plans. His current projection is to submit a site plan proposal this winter with construction anticipated in spring 2025. Borseth reported approximately 2/3 of the outdoor parking for campers and boats will be eliminated with the new buildings.

Tracking # CP-2024-08-08-Wehle

Concept Plan – Outdoor Storage Solutions – Applicant: Robert Wehle (owner) with Jeff Wehle (tenant)

Location/Description of Property: N7798 Cty Rd C / T07-16-16-29-11-005-00

Parent parcel acres: 0.546 +/-

Current zoning: Residential

Proposal: Seeking outdoor storage solutions

J. Wehle attended to present the application. J. Wehle rents the property from his brother, R. Wehle, with intent to purchase. The current residence is a former church with a kitchen and bathrooms renovated by J. Wehle. J. Wehle had a garage fund that was reportedly used on additional expenses for unanticipated items required by the Town during the remodel. R. Wehle is not interested in paying for improvements to the property. As a renter, J. Wehle is not able

to take out a home equity loan. J. Wehle currently has an 8x10' garden shed but is looking to cover his motorized vehicles with intent to eventually construct a garage in several years. J. Wehle is wondering if a metal shipping container is allowed in lieu of a garage.

EPC reviewed setback requirements for structures and location of the septic. EPC reviewed the Zoning Ordinance for permitted accessory structures in the Residential district. Specifically, detached garages, garden sheds and gazebos are clearly permitted as well as "structures deemed by the Plan Commission to be similar in nature to the structures identified above". After lengthy discussion, EPC does not recommend allowing metal storage containers in the Residential District due to concerns with aesthetics and long-term use. Jahns supported the EPC decision from a Town Board perspective. J. Wehle intends to bring a semi-trailer to the property. Jahns advised J. Wehle that the trailer needs to be licensed with the Department of Transportation (DOT) and wheels to remain on.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020):

- No update on the email domain.
- Jahns updated EPC that C. Pionke is starting a new job on 8/19/24 and the Town is actively looking to appoint a new Town Clerk. In the interim, C. Pionke will be performing minimal critical Town duties (posting meeting notices/minutes, legal notices, updating the Town website, Facebook, etc.). There is currently no transition plan in place.
- Marty Johnson, Building Inspector, will be retiring at the end of the year.

Status Update of Applications/Permits in Progress of Completion:

- a. Existing Conditional Use Permits – Alliant paid the invoice for professional fees on the CUP extension for CUP #ELD-20-001. Based on drive-by observation, it appears the landscaping on the neighboring properties is complete. The drag mats are gone from the Alliant property but the stormwater retention basin and landscaping have yet to be completed. There is time yet in their permit to complete this work.

Review of Inquiries / Complaints Since July 9, 2024:

- Brenner stated the Vis family is looking to build the accessory building planned for their non-farm residence in the application for the NFR CUP and may be reaching out with questions. Jahns informed EPC that C. Pionke will remain the Permit Officer for the Town for the foreseeable future.
- Jahns stated that Mark Nemitz will be reaching out regarding his property off Lone Elm Rd in the Town of Eldorado along a driveway shared with Carla Nemitz. Jahns stated the driveway used to be a Town road (Wohler Rd) but both houses have a Lone Elm Rd address.

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this "Public Comments" agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): None

Next Meeting Date & Tentative Agenda: September 10, 2024

Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.

Adjourn: Motion made by Borski/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 9:07 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

September 10, 2024

Plan Commission Member Attendees (5) and terms:

| | | | | | |
|---|--|---|---|---|---|
| x | Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025) | x | Jenna Borski, Secretary (5/1/2024 - 4/30/2027) | x | Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025) |
| x | Dennis Yoder, Vice Chairperson (5/1/2022 – 4/30/2025) | x | Jeff White, Member (5/1/2024 – 4/30/2027) | | |

Staff or Town Board Member Attendees:

| | | | | | |
|--|--|---|---|--|-------------------------------|
| | Cheryl Pionke, Town Clerk (Appointed position thru 4/20/2027) | x | Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025) | | Attorney Matt Parmentier |
| | Mike Pionke, Highway Patrolman | | Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) | | Cheryl Pionke, Permit Officer |

Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

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

Public Comments *(Please note this is the Plan Commission’s monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this “Public Comments” agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* None

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from August 13, 2024. Five copies circulated to public per May 2021 decision. Motion made by White/Yoder to approve minutes. Motion carried 4-0 (Rickert abstained due to absence 8/13/24).

Town Staff Update: Cheryl Pionke will remain Town Clerk through 2024 and continue to post agendas and legal notices. Deputy Clerk Kristy Weinke will start September 11, 2024 and assume the Town Clerk position January 1, 2025 through the end of Cheryl Pionke’s term ending April 20, 2027. All emails should continue to be sent to the Town Clerk email address.

Tracking # CP-2024-08-29-Nemitz

Concept Plan – Application for Minor Land Division of A-1 Land without Rezone – Applicant: Carla Nemitz

Location/Description of Property: W8662 Lone Elm Rd / T07-16-16-04-02-002-00

Parent parcel acres: 5.61 +/-

Current zoning: A-1

Proposed parcel acres: 4.0 +/-

Area of dedication acres: unknown for Lone Elm Rd

Proposal: split 5.6 +/- acres to create 4.0 +/- lot for sale to Mark Nemitz (adjacent land owner) and leave 1.6 +/- acres with the existing house at W8662 Lone Elm Rd

Mark Nemitz, son of C. Nemitz, attended on behalf of the applicant. Regarding the shared driveway that comes to the south off Lone Elm Rd, M. Nemitz stated in 1981, John Wohler (former owner) turned the driveway over to the Town to assist with miles for federal allocation of road repair. In 1987, the driveway, formerly referred to as Wohler drive,

was supposed to be turned back over to Wohler but never was. Currently there are two property owners on the “driveway” that is not named but considered W. Lone Elm Rd (W8662 for C. Nemitz of 5.61 acres and W8664 for M. Nemitz of 5.0 acres). Borski shared maps from the County GIS that shows land dedicated to the Public along W. Lone Elm Rd along the full north and east sides of C. Nemitz’s parcel and along a portion of the east side of M. Nemitz’s parcel.

M. Nemitz shared there is a 5-ft wide power easement on the west side of the parcel running approximately 60 ft. C. Nemitz has a conventional septic at W8662 Lone Elm Rd and M. Nemitz has a mound system on his parcel at W8664 Lone Elm Rd. The two parcels share a well located in the southeast corner of M. Nemitz’s parcel. C. Nemitz would like to split off the house and yard from the ag land, sell the ag land to M. Nemitz and sell her house.

After discussion of options allowed under the Zoning Ordinance, specifically for A-1 Farmland Preservation and A-2 General Agricultural, EPC reviewed two options for C. Nemitz:

1. Create a lot by Certified Survey Map (CSM) including the house, yard and septic and *minimum necessary* ag land to reach the 3-acre minimum and lot dimensions for rezone to A-2, General Ag, with the remnant ag land labeled as an Outlot (unbuildable until certain conditions met). The Outlot is not to be combined with M. Nemitz existing parcel but to remain a separate parcel. The Outlot could then be sold to M. Nemitz without modifying his 5-acre A-1 lot with his existing residence.
2. Petition the Town for a change to the Future Land Use Map (FLUM) in the Comprehensive Plan (v. July 2022) for C. Nemitz’s parcel to be listed as future Residential. If that is approved by the Town Board following public hearing and recommendation by the EPC, C. Nemitz could then apply for creation of a 1.5-acre lot through a CSM and apply to rezone the house to Residential (min 0.75 ac. for Residential District). C. Nemitz would be responsible for all costs associated with the application for amending the FLUM (hearing fee, attorney & admin costs, etc) in addition to the CSM and Rezone applications.

M. Nemitz is not in favor of modifying the FLUM to show C. Nemitz land as future Residential that may allow construction of additional homes on this land. M. Nemitz will discuss options with C. Nemitz. EPC recommended C. Nemitz submit another Concept Plan application with an updated land division proposal prior to submitting a formal application for CSM and/or Rezone. EPC provided M. Nemitz with a copy of the Process Instructions for applications for CSM and Rezone to understand timing, process & fees for applications for consideration.

Tracking # CP-2024-09-05-Rickland Farms Inc

Concept Plan – Application for Minor Land Division of A-1 Land with Rezone – Applicant: Rickland Farms Inc

Location/Description of Property: N9507 & N9509 Town Hall Rd / T07-16-16-04-07-002-00 & T07-16-16-04-10-003-00, respectively

Parent parcel acres: 32.5 & 0.898 +/-, respectively

Current zoning: A-1

Proposed parcel acres: 5.0 +/-

Area of dedication acres: unknown for Town Hall Rd

Proposal: Split existing house, farm buildings & yard from 32.5-acre ag land at N9507 Town Hall Rd and combine with:

- all of parcel with silos, farm building and yard at N9509 Town Hall Rd (0.898 ac),
- existing yard and portion of building on portion of ag parcel T07-16-16-04-08-002-00 (32.5 ac),
- existing yard on portion of ag parcel T07-16-16-04-09-001-00 (40 ac)

for creation of a single 5.0 +/- acre lot comprised of all of the existing house, farm buildings, silos and yard for sale to a prospective purchaser.

Greg Rickert attended on behalf of Rickland Farms Inc. as Secretary/Treasurer and explained the application as summarized above. EPC reviewed minimum lot dimensions, lot size, side and rear yard setbacks for A-2 General Agricultural District. Since the land proposed to be split and rezoned is not tillable land, currently has an agricultural

use and would not interfere with continued farming of adjacent parcels, it appears the proposed 5.0 +/- acres would meet the criteria for rezone from A-1 to A-2.

EPC discussed a couple items to consider for this application and discuss with a surveyor:

1. Some land from the 32.5-acre lot at N9507 Town Hall Rd will need to be dedicated to the public along Town Hall Rd, at least the length of the frontage of the proposed lot.
2. Borski provided a map from a previous CSM by another landowner where the original large parcel spanned both sides of a road. In that instance, the west side of the road was split into three parcels at the request of the landowner and the east side of the road was split into a separate parcel with the full length of the road between the two sides being dedicated to the public as part of the CSM. It is unclear if dedication to the public of the full length of the road in parcel # T07-16-16-04-07-002-00 will also be required for this proposed land division.
3. Generally, Fond du Lac County Subdivision Ordinance requires any remnant that is less than 35 acres be surveyed and included in the CSM as a separate lot. This *may* apply to all three parcels where a portion of the parcel will be split and merged (32.5-acre parcel for N9507 Town Hall Rd, 32.5-acre parcel of ag land & 40-acre parcel of ag land).

EPC provided G. Rickert with a copy of the Process Instructions and applications for CSM (\$300 application fee) and Rezone (\$350 application fee). EPC informed G. Rickert a CSM, completed applications with proper signature(s) and \$650 fees need to be submitted by September 23rd to be considered for public hearing on October 8th. Alternatively, G. Rickert could submit another Concept Plan with preliminary CSM for continued discussion, if preferred.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020): Keep as a standing agenda item. No update on email domain name. Town is transitioning to a new Clerk. Reference October 2023 EPC minutes for additional details about this agenda item.

Status Update of Applications/Permits in Progress of Completion:

- a. Existing Conditional Use Permits - Alliant CUP #ELD-20-001. Based on drive-by observation, it appears the substation property is graded and seeded. It is unclear if the retention basin is constructed. The drag mats and dumpsters are gone. Alliant has through October 2024 to complete the landscape work.

Review of Inquiries / Complaints Since August 13, 2024:

- Brenner – Received a general inquiry regarding the Ruth E. Will farm on Lincoln Rd & Jahn Rd and possibility for construction of a residence. Brenner gave general information and encouraged submittal of a concept plan for discussion.
- Rickert – Received an inquiry from David Frederick on Lincoln Rd. Rickert gave general information and encouraged submittal of a concept plan for discussion
- Borski – Received inquiry from Kieran Weed on Town Hall Rd regarding required setbacks for accessory structures at a non-farm residence. Since this was the first non-farm residence property owner to inquire about constructing an accessory structure, and setbacks are dependent upon the size of the building, Borski created an informational sheet with the sliding setback requirements for reference by EPC, Building Permit Officer, non-farm residence property owners, etc.

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this “Public Comments” agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*):

Public comments made by Jeff Wehle

Next Meeting Date & Tentative Agenda: October 8, 2024 – possible updated Concept Plans or applications for CSM and Rezone by: Rickland Farms Inc. and/or Carol Nemitz

Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.

Adjourn: Motion made by Rickert/Yoder to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:32 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Town of Eldorado Plan Commission (EPC) Meeting Minutes

October 8, 2024

Plan Commission Member Attendees (5 members) and terms:

| | | | | | |
|---|--|---|---|---|---|
| x | Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025) | x | Jenna Borski, Secretary (5/1/2024 - 4/30/2027) | x | Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025) |
| x | Dennis Yoder, Vice Chairperson (5/1/2022 – 4/30/2025) | x | Jeff White, Member (5/1/2024 – 4/30/2027) | | |

Staff or Town Board Member Attendees:

| | | | | | |
|---|---|---|---|--|--|
| x | Kristy Weinke, Deputy Town Clerk (until 1/1/2025) (Appointed 9/11/2024 thru 4/20/2027) | x | Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025) | | Attorney Matt Parmentier |
| | Mike Pionke, Highway Patrolman | | Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) | | Cheryl Pionke, Town Clerk (until 12/31/2024) Permit Officer |

Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

Call to Order and Agenda Review: Meeting called to order by Yoder at 7:16 p.m. following public hearing.

Public Comments *(Please note this is the Plan Commission's monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this "Public Comments" agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* None

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from September 10, 2024. Five copies circulated to public per May 2021 decision. Motion made by White/Rickert to approve minutes. Motion carried 4-0.

Tracking # CP-2024-09-03-Freiberg

Concept Plan – Application for Combination of Parcels – Applicant: Howard and Sharon Freiberg

Location/Description of Property: N8280 Town Hall Rd / T07-16-16-20-09-003-00 & vacant land / T07-16-16-20-09-004-00

Parent parcel acres: 0.96 & 1.45 +/-, respectively

Current zoning: General Agricultural, A-2 & Residential, respectively

Proposed parcel acres: 2.41 +/-

Area of dedication acres: unknown +/- for Town Hall Rd

Proposal: combine lots with house (N8280 Town Hall Rd) & septic system (vacant lot) so both are on the same lot

Freiberg's were unable to attend the September 2024 EPC meeting and so the application was held until the October 2024 EPC meeting. EPC was informed Freiberg's were also unable to attend the October 2024 EPC meeting after the agenda was posted. Discussion tabled until Freiberg's are able to attend.

Status Update on Department of Agriculture, Trade & Consumer Protection (DATCP) (10-year) Re-certification Process for Town Zoning Ordinance – no update from Town Board

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020) – no update

Status Update of Applications/Permits in Progress of Completion:

- a. Rickland Farms, Inc., Certified Survey Map (CSM) and Rezone, N9507 & N9509 Town Hall Rd / T07-16-16-04-07-002-00 & T07-16-16-04-10-003-00 (including part of T07-16-16-04-08-002-00 & T07-16-16-04-09-001-00) – public hearing held 10/8/24 with recommendation for approval with conditions. Town Board will review 10/28/24.
- b. Existing Conditional Use Permits – no discussion

Review of Inquiries / Complaints Since September 10, 2024:

- Rickert / Borski received the same inquiry regarding vacant property on Olden Road and Fond du Lac County's time limit for more than four splits.
- Jahns received a general inquiry on the Ruth E. Will farm on Lincoln Rd & Jahn Rd and potential future uses.

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this "Public Comments" agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): None

Next Meeting Date & Tentative Agenda: November 12, 2024

Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.

Adjourn: Motion made by Rickert/White to adjourn the meeting. Motion carried 4-0. Meeting adjourned at 7:45 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission

Tuesday November 12th 2024

Called meeting to order at 7pm.

Pledge of allegiance was recited.

Jeremy Brenner went over agenda review.

*Public comment:

No Public comment

*Review and Approve minutes from October 8th 2024 Plan Commission meeting and Public Hearing.
Motion made by Jeff White/Dennis Yoder, carried 3-0. 1 abstain

*Concept Plan.

Sherry Freiberg spoke at history of property, not looking to sell property, just wanting to combine to have one lot. Jeremy Brenner advised that first we would need to rezone the one property that is zoned A-1 to residential, and then we would need a certified survey map. Spoke on the fees of what the application costs and what is all covered with the costs. We will reach out to Sherry Freiberg with the blank application for her to proceed.

*Status Update on Department of Agriculture, Trade & Consumer Protection
(DATCP) (10-year) Re-certification Process for Town Zoning Ordinance

No Status update at this time, Dave Jahns stated that now that the election is over and the next few months will be light, we need to start digging into this.

*Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020) Brenner provided a little background on this process. In the next few years, we may need to start the 2050 plan.

No status update at this time, but Jeremy Brenner stated that they are still looking to get more information about what people are able to do with there land and what are there current uses.

*Status update on Applications/Permits in Progress of Completion:

- A) Rickland Farms Inc, CSM and Rezone, N9507 & N9509 Town Hall Rd/T07-16-16-04-07-002-00 & T07-16-16-04-10-003-00(including part of T07-16-16-04-08-002-00 & T07-16-16-04-09-001-00)

This has been taken care.

B) Existing Conditional Use Permits

Review of Inquires/Complaints since October 8th 2024

One out of town question, no other comments

*Public Comments- No comments

*Next Meeting date and tentative agenda

December 10th- next meeting date

*Adjourned at 7:55pm, Aaron Rickert/Dennis Yoder, carried 4-0.

Respectfully submitted,

Cheryl Pionke, Town Clerk

Town of Eldorado Plan Commission (EPC) Meeting Minutes

December 10, 2024

Plan Commission Member Attendees (5 members) and terms:

| | | | | | |
|---|--|---|---|---|---|
| x | Jeremy Brenner, Chairperson (5/1/2022 - 4/30/2025) | x | Jenna Borski, Secretary (5/1/2024 - 4/30/2027) | x | Aaron Rickert, Town Supervisor #2 (Town Board Liaison) (4/18/2023 - 4/18/2025) |
| x | Dennis Yoder, Vice Chairperson (5/1/2022 – 4/30/2025) | x | Jeff White, Member (5/1/2024 – 4/30/2027) | | |

Staff or Town Board Member Attendees:

| | | | | | |
|---|---|--|---|--|--|
| x | Kristy Weinke, Deputy Town Clerk (until 1/1/2025) (Appointed 9/11/2024 thru 4/20/2027) | | Dave Jahns, Town Chairman (4/18/2023 - 4/18/2025) | | Attorney Matt Parmentier |
| | Mike Pionke, Highway Patrolman | | Joe Kopf, Town Supervisor #1 (4/18/2023 - 4/18/2025) | | Cheryl Pionke, Town Clerk (until 12/31/2024) Permit Officer |

Note: As of June 2021, minutes no longer include public attendance. Names will be included for agenda items or contributions under public comments or as deemed necessary by EPC. As of May 2022, public comments are limited to the designated times during the meeting.

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

Public Comments *(Please note this is the Plan Commission’s monthly business meeting, not a public hearing. Individuals wishing to speak on any item should present their comments now under this “Public Comments” agenda item. In addition, although the Plan Commission can receive comments on matters not included on this agenda, it cannot discuss or take action on these matters. Each commenter will be limited to a total of three consecutive minutes under this agenda item.):* None

Review & Approve Minutes: EPC reviewed the EPC meeting minutes from November 12, 2024. Five copies circulated to public per May 2021 decision. Motion made by Rickert/Yoder to approve minutes. Motion carried 4-0-1 (Borski abstained due to absence November 10th).

Tracking # CP-2024-09-03-Freiberg

Concept Plan – Application for Combination of Parcels – Applicant: Howard and Sharon Freiberg

Location/Description of Property: N8280 Town Hall Rd / T07-16-16-20-09-003-00 & vacant land / T07-16-16-20-09-004-00

Parent parcel acres: 0.96 & 1.45 +/-, respectively

Current zoning: General Agricultural (A-2) & Residential, respectively

Proposed parcel acres: 2.41 +/-

Area of dedication acres: unknown +/- for Town Hall Rd

Proposal: combine lots with house (N8280 Town Hall Rd) & septic system (vacant lot) so both are on the same lot

Sherry Freiberg attended on behalf of the applicants. Borski contact S. Freiberg ahead of the meeting and requested she return to the EPC for continued discussion of the concept plan as, per the minutes, discussion on November 12th did not include review of the Future Land Use Map (FLUM) of the 2040 Comprehensive Plan. S. Freiberg summarized that their house was built in 1977 and that they would like to combine the two parcels so the septic is on the same lot as the residence. EPC reviewed options for splitting and rezoning, future sale options, etc. The reason the parcel with the house (0.96 ac.) is currently zoned as General Ag (A-2) was not researched. However, Borski recalls the Town-initiated rezone of many parcels following adoption of the revised Zoning Ordinance in 2013 included the option for

many clusters of small parcels with residences and zoned A-1 identified by the Fond du Lac County Planning Dept to choose between a residential rezone and a General Ag (A-2) rezone based on direction from the FDL Co Planning Dept. S. Freiberg stated there is no agricultural use of the property at present and the General Ag (A-2) zoning is not needed. Since the combination of the two lots is not 3 acres, the Town could not rezone the vacant parcel General Ag (A-2) to merge with the parcel already zoned General Ag (A-2). The only option to consider combining the two lots appears to rezone the parcel with the residence from General Ag (A-2) to Residential District.

Per the FLUM, the property zoned General Ag (A-2) cannot be rezoned Residential without an amendment to the FLUM. If an amendment after a Class I (30-day) public notice and public hearing is approved, the rest of the process discussed on November 12th to rezone the single parcel from General Ag (A-2) to Residential and combine the two lots by certified survey map (CSM) can take place after the FLUM is officially amended. Borski verbally summarized the process & timeline for an amendment to the FLUM for a single parcel at the request of the property owner and associated fees, including professional fees, for Freiberg's to consider. Borski will send S. Freiberg an email with the information to include in their letter of request for an amendment to the FLUM to decide if they wish to proceed. Freiberg's have no timeline for combination of the parcels and do not plan to sell.

Tracking # CP-2024-12-06-Nemitz

Concept Plan – Application for Minor Land Division of A-1 Land – Applicants: Mark Nemitz for Carla Nemitz (passed away November 19, 2024)

Location/Description of Property: W8662 Lone Elm Rd / T07-16-16-04-02-002-00

Parent parcel acres: 5.61 +/-

Current zoning: A-1

Proposed parcel acres: Preliminary CSM for combination of two existing lots and creation of three lots (Lot 1 of 2.257 ac., Lot 2 of 3.045 ac & Lot 3 of 5.285 ac. – Mark Nemitz property at W8664 Lone Elm Rd)

Area of dedication acres: N/A

Proposal: split 5.6 +/- acres at W8662 Lone Elm Rd to create 2.257 +/- ac. Lot 1 for sale to Mark Nemitz to farm, leave 3.045 +/- ac. Lot 2 with the existing house at W8662 Lone Elm Rd for rezone to A-2 and sale, and sell approximately 12 ft from W8662 Lone Elm Rd to combine with all of W8664 Lone Elm Rd to create 5.285 +/- ac. Lot 3.

M. Nemitz, son of C. Nemitz, attended on behalf of the applicant. This concept plan is a revised version of the concept plan, *CP-2024-08-29-Nemitz*, discussed in September 2024. M. Nemitz since worked with surveyor, Eric Freiberg, (also present) and reviewed options to split his mother's house from the farm for rezone as General Ag (A-2) and sale but to keep the ag land with the farm. M. Nemitz presented a preliminary CSM. There is a conventional septic at W8662 Lone Elm Rd and M. Nemitz has a mound system on his parcel at W8664 Lone Elm Rd. Discussions included a proposal to add approximately 12 ft to M. Nemitz's current parcel at W8664 Lone Elm Rd to be certain all of M. Nemitz's mound system is on the parcel with his house. The remainder of C. Nemitz's property is proposed to be split to create the minimum 3-acre lot with the house for rezone to A-2 for sale, and allow the ag land to remain A-1 and be sold to M. Nemitz.

For the benefit of E. Freiberg, M. Nemitz re-iterated the history regarding the shared driveway that comes to the south off Lone Elm Rd that is labeled as "Woehler Rd" on the preliminary CSM. M. Nemitz stated in 1981, John Wohler (former owner) turned the driveway over to the Town to assist with miles for federal allocation of road repair. In 1987, the driveway, formerly referred to as Wohler drive, was supposed to be turned back over to Wohler but never was. Currently there are two property owners on the "driveway" that is not named but considered W Lone Elm Rd (W8662 for C. Nemitz of 5.61 acres and W8664 for M. Nemitz of 5.0 acres). E. Freiberg stated that he will remove the label of WoehlerRd off the CSM prior to finalizing.

M. Nemitz also mentioned to E. Freiberg about the 5-ft wide power easement on the west side of the parcel running approximately 60 ft. EPC informed E. Freiberg the two parcels share a well located in the southeast corner of M.

Nemitz's parcel for inclusion on the CSM and recommended M. Nemitz draft up a shared well agreement prior to sale of the new lot for W8662 Lone Elm Rd.

M. Nemitz reiterated he is not in favor of allowing construction of additional homes on the ag land labeled as "Lot 1" on the preliminary CSM and no percolation test has been performed. EPC and E. Freiberg discussed relabeling the proposed Lots 1, 2 and 3 as Outlot 1, Lot 1 and Lot 2, respectively. EPC will follow up with M. Nemitz and provide the following:

- A CSM application for M. Nemitz for W8664 Lone Elm Rd
- A CSM application for W8662 Lone Elm Rd for the representative for C. Nemitz to sign
- A Zoning application for W8662 Lone Elm Rd for the representative for C. Nemitz to sign
- The Process Instructions for applications for CSM and Rezone to understand timing, process & fees for applications for consideration.

EPC clarified the fees will include a single \$300 CSM fee, \$25 additional Lot fee, and \$350 Rezone fee for a total of \$675. To hold the public hearing on January 14, 2025, the applications, final CSM and fees need to be submitted to the Town by Monday, December 23rd. The next opportunity for a public hearing is February 11, 2025 if applications, final CSM and fees are received by January 20, 2025.

Tracking # CP-2024-12-08-Deta-J Farms LLP (unsigned)

Concept Plan – Application for Minor Land Division of A-1 Land – Applicant: Deta – J Farms LLP (David Schultz)

Location/Description of Property: vacant land in northeast corner of northern intersection of Ridge Rd & Lincoln Rd / T07-16-16-03-11-003-00 & vacant land to East / T07-16-16-03-12-001-00

Parent parcel acres: 9.439 & 40 +/-

Current zoning: A-1

Proposed parcel acres: 5.84 +/- or similar

Area of dedication acres: unknown for Lincoln Rd (Ridge Rd dedicated to the public under 12/2/2018 CSM Doc #1077647)

Proposal: create a lot of existing pond and accessory structures (ag buildings) and marsh land with limited tillable land for sale to granddaughter for construction of a residence and mound system

Base Farm Tract (BFT) Acres: 131.5 +/- (Albrecht)

Minimum Acres Required to be Maintained as Farm (20:1 ratio) (BFT acres/1.05): 125.24 +/-

Maximum Nonfarm Residential Acres Allowed (BFT – BFT/1.05): 6.3 +/-

E. Freiberg attended on behalf of the applicant who had a last-minute conflict and could not attend. E. Freiberg explained Schultz would like to sell a lot to his granddaughter for construction of a residence. The proposed area spans two parcels and includes a pond and four ag-related accessory structures and marsh area bordered by two roads but will need to include a minor amount of tillable ag land for the house and mound system. A percolation ("perc") test was performed earlier in the day and results were not yet shared with E. Freiberg. Parcel lines will be finalized depending on the perc results with the intent to minimize the amount of tillable ag land included in the new lot and square up the proposed lot as best as possible with the existing drainage ditch.

EPC discussed options for the land division and creation of a non-farm residence under A-1 District, farm residence under A-1 District or rezone to A-2 District. The proposed use does not meet the definition of a "Farm Residence" as a granddaughter of the owner, nor is a conditional use permit for a non-farm residence appropriate with the ag buildings and potential for a hobby farm. With the proposed lot size being greater than 3 acres, majority of land including the existing pond and marsh land and ag-related buildings, EPC recommends requesting the proposed lot be rezoned to General Ag (A-2). This is in agreement with the FLUM of the 2040 Comprehensive Plan.

EPC does not need to see a revised concept plan and provided E. Freiberg with applications for CSM and Zoning along with Process Instructions to provide to Schultz. Associated fees include \$300 CSM and \$350 Rezone for a total of \$650. EPC informed E. Freiberg that the registered agent/representative for Deta-J Farms, LLP needs to sign the applications and be present for the hearing. To hold the public hearing on January 14, 2025, the applications, final CSM and fees need to be submitted to the Town by Monday, December 23rd. The next opportunity for a public hearing is February 11, 2025 if applications, final CSM and fees are received by January 20, 2025.

Status Update on Department of Agriculture, Trade & Consumer Protection (DATCP) (10-year) Re-certification Process for Town Zoning Ordinance – Rickert spoke with Chairman of the Town Board of TN Nekimi, Glen Barthels. No additional action.

Continued Discussion of Comprehensive Plan Update 2040 Ch. 2 (Action Items for Goals included in the Comprehensive Plan Update 2040 adopted 9/28/2020) – Brenner updated Borski that last month they spoke about putting tidbits of information in the monthly newsletter (e.g., no minimum 5 acres needed for animals in ag district).

Status Update of Applications/Permits in Progress of Completion:

- a. Existing Conditional Use Permits – Alliant CUP #ELD-20-001. White drove past the Alliant property and observed the trees are planted, there is a berm in front of the property along the road and there is a small retention pond visible. Borski will send an email to Greg Ardrey of Alliant to verify whether the approved landscaping work is complete. EPC questioned when the Town will begin to receive revenue from the substation and asked Rickert to find out as a Town Board member.

Review of Inquiries / Complaints Since November 12, 2024: White received a general inquiry about minimum lot size.

Public Comments (*Individuals wishing to speak on any agenda item discussed above should present their comments now under this “Public Comments” agenda item. Each commenter will be limited to a total of three consecutive minutes under this agenda item.*): None

Next Meeting Date & Tentative Agenda: January 14, 2024 – possible public hearings & standing agenda items

Note: Regular EPC meetings are tentatively scheduled for 7:00 p.m. the second Tuesday of each month.

Adjourn: Motion made by White/Yoder to adjourn the meeting. Motion carried 5-0. Meeting adjourned at 8:22 p.m.

Respectfully submitted,

Jenna Borski
Member/Secretary
Town of Eldorado Plan Commission