



AGENDA
PLAN COMMISSION MEETING
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS, WISCONSIN
April 2, 2015
7:30 P.M.

Pursuant to the requirements of Section 19.84, Wis. Stats., notice is hereby given of a meeting of the Village of Richfield Plan Commission, at which a quorum of the Village Board may attend in order to gather information about a subject which they have decision making responsibility. The meeting will be held at the above noted date, time and location. Notice of Village Board Quorum, (Chairperson to announce the following if a quorum of the Village Board is in attendance at the meeting: "Please let the minutes reflect that a quorum of the Village Board is present and that the Village Board members may be making comments under the Public Comments section of the agenda, during any Public Hearing(s) or if the rules are suspended to allow them to do so.")

1. Call to Order/Determination of quorum
2. Verification of Open Meetings Law compliance
3. Pledge of Allegiance
4. DISCUSSION/ACTION
 - a. Discussion and possible recommendation to the Village Board regarding the potential audit of a previously granted Conditional Use Permit for the property located at 609 Scenic Road, Tax Key: V10_1161
 - b. Discussion and possible recommendation to the Village Board regarding the creation of a one-lot Certified Survey Map, Tax Key: V10_0486 and V10_048700A
 - c. Discussion/Action regarding a Site, Building, and Plan of Operation amendment for Logger's Park, located at 3208 STH 167, Tax Key: V10_027600E
 - d. Discussion/Action regarding a Site, Building and Plan of Operation for Piggly Wiggly, located at 1234 STH 175, Tax Key: V10_088100F
5. ADJOURNMENT

Additional explanation of items on the agenda (Communication Forms) can be found on the village's website at www.richfieldwi.gov. Notification of this meeting has been posted in accordance with the Open Meeting Laws of the State of Wisconsin. It is possible that members of and possibly a quorum of members of other governmental bodies of the municipality may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above stated meeting other than the governmental body specifically referred to above in this notice. Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the Village Clerk's office at 628-2260 with as much advance notice as possible.

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VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: April 2, 2015

SUBJECT: Conditional Use Audit, 609 Scenic Road (V10_1161)
DATE SUBMITTED: March 27, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO SCHEDULE A PUBLIC HEARING FOR THE PURPOSES OF CONDUCTING AN AUDIT OF AN EXISTING CONDITIONAL USE PERMIT?

ISSUE SUMMARY:

At the Village’s Plan Commission meeting on March 5, 2015, as a part of the scheduled Public Hearing for the rezoning of several properties along Scenic Road from M-5, Mineral Extraction District to Rs-1, County Estates District and Rs-1R, Country Estates/Remnant Parcel District, the Village received several comments from residents both in-person and submitted in the written form. One of the written comments read aloud during the Public Hearing was from Mr. Richard and Ms. Yvonne Holz, siblings residing at 609 Scenic Road. I have attached their written comment in its entirety for your review but the part germane to our discussion tonight is as follows:

“My father, Lester Holz, leased the property to Wissota Sand and Gravel from 1963 to 1973 via a conditional use permit with, what at the time, was the Town of Richfield. The lease was terminated in 1977, however, to our discovery, the restoration plan set forth in the conditional use permit appears to have not been enforced nor completed. Over the past thirty-eight years we have maintained the site and homestead. Maintaining this property has been challenging since it was not properly restored.”

Additionally, the Village received emailed communication that day from the legal counsel representing Scenic Pit, LLC., “a limited liability company which is controlled by (Mrs.) Danah Zoulek”, stating that his client has entered into a lease agreement with the subject property owner for the intended purpose of seeking to locate a “solid or hazardous waste facility” site at the aforementioned location. The counsel representing Mrs. Zoulek has stated their intention is to only allow “clean fill”, which among other things consists of brick, building stone, concrete, and asphalt. I have attached the letter from the legal counsel in its entirety for your review but the part germane to our discussion tonight is as follows:

“The proposed site was operated as a nonmetallic mine from approximately 1963 through the mid-1970s. The operator of the mine was subject to an agreement to reclaim the mine so the resulting slopes were no greater than 3 feet to 1 foot and properly landscaped. The operator of the mine breached this agreement and no unit of local government took action to enforce the agreement.”

While as a Village Staff we certainly cannot control the events that transpired in the early 1970s, we do have the ability now to review the terms and conditions of the original conditional use permit to conduct an “audit” of the property to determine what level of non-compliance, if any, exists on the property as they both have alleged. The Village Plan Commission’s authority to authorize such an action comes under Section 70.241, Conditional Use Administration subsection (D)(2):

“When the Plan Commission believes either by observation or by citizen complaint, that a permitted conditional use has been or is being violated, the Plan Commission may convene a Public Hearing as set forth in Section 70.45 giving at least 30 days’ notice to the holder of the conditional use permit and advising the permit holder, as well as property owners within 300’ of the conditionally permitted use, of the purpose of the hearing which may be to recommend to the Village Board that the conditional use permit then in effect be altered, rescinded or reaffirmed. The Village Board, after receiving the recommendation of the Village Plan Commission, may take action to alter, rescind or reaffirm the



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conditional use permit then in effect. The Village Clerk shall take the steps necessary to alter or rescind any covenants or other pertinent documents concerning the conditional use which may be on file in the office of the County Register of Deeds."

If the Plan Commission is of a mind to, they may direct Staff to conduct a Public Hearing at our next regularly scheduled meeting on May 7, 2015 which is more than enough time for Staff to ensure we are compliant with the 30 day notice requirement set forth in the ordinance. Between now and then, Village Staff intends to seek the property owner's permission to conduct the audit based on their testimony and the testimony of the attorney representing Scenic Pit, LLC. (controlled by Mrs. Danah Zoulek). Village Staff will enlist the services of Village Engineer Ron Dalton and Consultant Planner Schwecke to assist with the audit. Our findings will be presented at May for your consideration.

FUTURE IMPACT AND ANALYSIS:

REVIEWED BY: [Signature] Village Deputy Treasurer

Forward to Village Board: No
Additional Approvals Needed: No
Signatures Required: No

ATTACHMENTS:

- 1. Written testimony from Mr. Richard and Ms. Yvonne Holz, dated March 5, 2015
2. Written testimony from Attorney Bruce McInay representing Scenic Pit, LLC. dated March 5, 2015
3. Conditional Use Permit issued to Mr. and Mrs. Lester Holz, dated July 29, 1963

STAFF RECOMMENDATION:

Motion to direct Staff to prepare the necessary notice requirements as outlined in Section 70.241(D)(2) in order to conduct a Public Hearing on May 7, 2015 at 7:30PM for the purposes of conducting an audit of a previously approved conditional use permit at 609 Scenic Road.

APPROVED FOR SUBMITTAL BY:

[Signatures]
Village Staff Member
Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

I ask that this letter be read at the Meeting 3/5/2015 in our absence.

Richard Holz

Yvonne Holz

609 Scenic Rd.

Colgate, WI 53017

We are the owners of the two lots combining for 40 acres at 609 Scenic Rd. We would like to stand on record to oppose the changing of the comprehensive plan on February 19, 2015 that we were not notified of. We also oppose any rezoning of our land without a formal plan to rezone being submitted by a private party. This property has been in our family for over 100 years. We are the fourth generation to call this site our home. My father, Lester Holz, leased the property to Wissota sand and gravel from 1963 to 1973 via a conditional use permit with, what at that time, was the Town of Richfield. The lease was terminated in 1977, however, to our discovery, the restoration plan set forth in the conditional use permit appears to have not been enforced nor completed. Over the past thirty eight years we have maintained the site and homestead. Maintaining this property has been challenging since it was not properly restored. We are at retirement age and we foresee a time when we would prefer our own separate homes with less work to maintain.

We have had many interested parties inquire about our property but none have been able to get an endorsement from the Village. We thought it would be a nice 30 acre estate parcel for someone to build on the undisturbed south west portion of the site and then our existing home and barn could accommodate a modest hobby farm type buyer. Due to poor Town planning in the past, that build-able site is land locked. When subdivisions were developed to the west the town neglected to offer a road access to the land locked western building sites. The Village offered few alternative options as well as recommend they would oppose any type of estate sized lots that didn't conform to village restrictions. We asked if some exceptions could be made and the Village said they could not endorse or recommend, private driveways, easements or 6 sided lots even though there are a half a dozen such lots within a mile of us. It seems to be a contradiction to rezone our land residential and then reject requests for private driveways, easements or 6 sided lots that would be necessary for someone to build a residence.

We are dismayed by the Village's recent actions and motions to change our land use without a formal plan being submitted. The Village has not personally visited with us although they have visited some of our neighbors. Village members have visited the site without us present. In a letter from Mr. Healy, the Village mentioned that the site might not comply with the Restoration plan per the conditional use permit. We asked our agent to contact Wissota sand and Gravel about the agreements they had 30 some years ago. Wissota contacted the Village and the Village said they had no

problem with Wissota Sand and Gravel and the restoration plan from 1977. If the Village is now concerned with the future land use of our property they are 38 years late, our father has passed and we are retired. We now stand with an offer, based on a concept, that would allow our site to be restored and used once again, a reality that was promised to our father in 1963. Yet, the Village opposes the plan even though the current zoning allows for restoration.

The Village has been given the opportunity to right the past wrong's and we hope that tonight the Planning Commission can understand that although we understand the temporary inconvenience the redevelopment may cause we are confident that the Zoulek's will do a wonderful job with honesty and integrity. It makes me wonder if the Village is seeking to restrict change or modify the status of any other land owners property without a plan being submitted for approval. We oppose changes in zoning without someone petitioning the Village.

We would simply ask that you residents present here tonight put yourselves in our position and ask yourself if you would be ok with the Village rezoning your property, not allowing you to improve your property, and causing it to be deemed invaluable as a large section of our property is.

Thank you for listening.

Richard Holz

Yvonne Holz



March 5, 2015

VIA CERTIFIED MAIL—RETURN RECEIPT REQUESTED

Clerk of the Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033

Clerk of Washington County
432 East Washington Street
West Bend, WI 53095

Re: *Request for Specification of all Applicable Local Approvals pursuant to §289.22(1m) of the Wisconsin Statutes*

Dear Clerks:

This letter shall serve as a request on behalf of Scenic Pit LLC, pursuant to Wis. Stat. §289.22(1m), for specification of all local approvals necessary to the operation of a solid waste facility at the real property described below, and commonly identified as the Scenic Road Pit.

Legal Description:

Parcel 1:

The Northeast 1/4 of the Southeast 1/4 of Section 27, Township 9 North of Range 19 East, in the Village of Richfield, Washington County, Wisconsin, EXCEPTING THEREFROM the following parcel: That part of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 9 North of Range 19 East, Beginning at the Northeast corner of said Northeast 1/4 of the Southeast 1/4 of Section 27; thence running South on the East line of said Northeast 1/4 of the Southeast 1/4, 291.30 feet; thence West at right angles 259.50 feet; thence North at right angles 291.30 feet; thence East at right angles 259.50 feet to the place of beginning. Also described as the North 291.3 feet of the East 259.5 feet of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 9 North of Range 19 East, in the Village of Richfield, Washington County, Wisconsin.

Parcel 2:

That part of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 9 North of Range 19 East, Beginning at the Northeast corner of said Northeast 1/4 of the Southeast 1/4 of Section 27; thence running South on the East line of said

Clerk of the Village of Richfield
Clerk of Washington County
March 5, 2015
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Northeast 1/4 of the Southeast 1/4, 291.30 feet; thence West at right angles 259.50 feet; thence North at right angles 291.30 feet; thence East at right angles 259.50 feet to the place of beginning. Also described as the North 291.3 feet of the East 259.5 feet of the Northeast 1/4 of the Southeast 1/4 of Section 27, Township 9 North of Range 19 East, in the Village of Richfield, Washington County, Wisconsin.

Statutory Authority:

Wis. Stat. §289.22(1m) provides:

(1m) APPLICATION FOR LOCAL APPROVALS REQUIRED. Prior to constructing a solid waste disposal facility or hazardous waste facility, the applicant shall submit a written request for the specification of all applicable local approvals to each affected municipality. Within 15 days after the receipt of a written request from the applicant, a municipality shall specify all local approvals for which applications are required or issue a statement that there are no applicable local approvals. Prior to constructing a solid waste disposal facility or a hazardous waste facility, the applicant shall apply for each local approval required to construct the waste handling portion of the facility.

Wis. Stat. §289.22(2) provides:

(2) STANDARD NOTICE. The waste facility siting board shall develop and print a standard notice designed to inform an affected municipality of the time limits and requirements for participation in the negotiation and arbitration process under s. 289.33. An applicant shall submit a copy of this standard notice, if it has been printed, with any written request submitted under sub. (1m).

A copy of the Standard Notice as prepared by the Waste Facility Siting Board is enclosed with this letter. The Standard Notice must be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. §289.22(1m)(2) and §289.32, Wis. Stats. An “affected municipality” is defined as any town, village, city, or county: (a) where any or all of the proposed waste site will be located, or (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste. By copy of this letter, a copy of the Standard Notice is being sent today to the following public libraries serving Washington County:

Germantown Community Library N112W16957 Mequon Road Germantown, WI 53022	Kewaskum Public Library 206 First St Kewaskum, WI 53040	Slinger Community Library 220 Slinger Road Slinger, WI 53086	West Bend Community Memorial Library 630 Poplar Street West Bend, WI 53095	Hartford Public Library 115 North Main Street Hartford 53027
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Background:

The proposed site was operated as a nonmetallic mine from approximately 1963 through the mid-1970's. The operator of the mine was subject to an agreement to reclaim the mine so the resulting slopes were no greater than 3 feet to 1 foot and properly landscaped. The operator of the mine breached this agreement and no unit of local government took action to enforce the agreement. As a result, in an appraisal report dated January 30, 2015, the appraiser observed:

Comments: All adjusted sale prices fall short of purchase price as this indicates that the buyers are paying too much for this property. After this result I have considered all of the factors associated with the subject property, and agree with results. In my opinion many factors could be considered.

- 1) Subject has been on and off the market since 2007. Asking price started at the \$999,900 range.
- 2.) Duplex properties have become harder to finance due to the higher banking standards. This means that less number of buyers exist for these type properties. Not a normal income property for the area.
- 3.) Subject property has improvements that are older construction.
- 4.) *The rock quarry is currently not functioning. Since property has been marketed no real interest from any mining company exist. This might indicate that this mine is not worth what owners are asking.*
- 5.) *In my opinion the mining site is not that appealing. A low rocky bowl type area with trees.*
- 6.) *The lost use of 28 acres at this time do not function as a working mine, agricultural use, and or woods. This year the assessor has classified this area as undeveloped. A normal buyer would not pay top dollar for this acreage. Typically undeveloped areas are used as recreational. Land that is classified as agricultural/woods/residential brings more value as indicated in land sales provided and past experiences.*

Clearly, to achieve the highest and best use of this property, the "low rocky bowl area" needs to be reclaimed.

Scenic Pit LLC:

Scenic Pit LLC is a Wisconsin limited liability company which is controlled by Danah Zoulek. Ms. Zoulek is a resident of Richfield and a disabled combat veteran of the recent conflict in Iraq. Ms. Zoulek is also the owner and operator of a successful photographic studio located within the Village.

Recently Scenic Pit entered into a ten-year lease of the proposed site with Richard and Yvonne Holz to operate the site as a "clean fill solid waste disposal site." The ultimate goal of Scenic Pit is to reclaim the site for redevelopment. Initially, the Zouleks intended to purchase the site and ask the Village for R-1 Single Family zoning when the grades were suitable for such development.

Clerk of the Village of Richfield
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March 5, 2015
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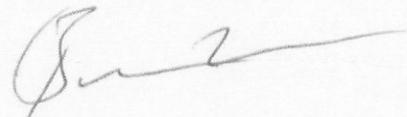
The proposed operations will be subject to oversight by the Wisconsin DNR and Washington County. Scenic Pit is working with Key Engineering to develop and submit the necessary submissions to the Wisconsin DNR, including erosion control measures. Scenic Pit is also in negotiations with the owners of a site in similar need of reclamation.

Conclusion:

I look forward to the Village's and County's timely response to this request. I am prepared to meet with staff prior to the due date of the response to discuss concerns or issues that you may have regarding the proposed site and its operation. Scenic Pit desires to come to a mutually beneficial understanding without the expenditure of time and money associated with mediation/arbitration.

Thank you for your anticipated cooperation.

Very truly yours,



Bruce A. McIlroy

Enclosure

cc: Arenz, Molter, Macy and Riffle, and Larson
720 N. East Ave.
Waukesha, WI 53186



**State of Wisconsin
Waste Facility Siting Board**

5005 University Avenue, Suite 201, Madison, WI 53705-5400

Phone: (608) 266-7709

Fax: (608) 264-9885

e-mail: dha.mail@wisconsin.gov

James W. Schuerman
Chairman

David H. Schwarz
Executive Director

STANDARD NOTICE

**TIME LIMITS AND REQUIREMENTS FOR MUNICIPALITIES
TO PARTICIPATE IN THE NEGOTIATION AND ARBITRATION PROCESS
FOR THE SITING OF A SOLID OR HAZARDOUS WASTE FACILITY
UNDER SEC. 289.33, WISCONSIN STATUTES.**

PLEASE READ ALL PAGES CAREFULLY.

This notice informs a municipality of the actions and deadlines required to qualify for participation in negotiations and arbitration concerning the proposed siting of all new or expanded solid or hazardous waste facilities in the state of Wisconsin.

This standard notice shall be submitted with any written requests for local approvals by the applicant to the clerk of each affected municipality and to the main public library in each affected municipality. s. 289.22(1m)(2) and s. 289.32, Wis. Stats.

Who is the Waste Facility Siting Board?

The Waste Facility Siting Board is an impartial body composed of six members. These members include the secretaries, or their formally appointed designees, of the Departments of Agriculture, Trade and Consumer Protection; Commerce; and Transportation; and two town elected officials and one county elected official appointed by the governor for three year terms.

What does the Waste Facility Siting Board do?

The Waste Facility Siting Board administers the negotiation and arbitration process for the siting of every solid and hazardous waste facility in the state of Wisconsin.

The board's authority is created by law in Chapter 289, Subchapter III, Wis. Stats. The intent of the law is to create and maintain a comprehensive and effective policy of negotiation and arbitration between an applicant for a waste facility license and a local committee representing the affected municipalities.

Who is an Applicant?

An “applicant” is any person applying for a license or the owner or operator of a facility.

What is an Affected Municipality?

An affected municipality is any town, village, city, or county:

- (a) where any or all of the proposed waste site will be located, or
- (b) whose boundary is within 1500 feet of the facility designated in the feasibility report for the disposal of solid waste or the treatment, storage or disposal of hazardous waste.

An applicant that is a municipality or is under contract with a municipality for development of the site, is not considered an affected municipality for purposes of negotiation.

What is an Additional Municipality?

An additional municipality is any town, city, village, or county which does not qualify as an affected municipality but is included in the negotiation and arbitration process by written agreement of the applicant and the participating affected municipalities.

How does the negotiation-arbitration process begin?

The process is initiated by the applicant. Before submitting a feasibility report to the Department of Natural Resources (DNR), the applicant must submit by certified mail to the clerk of each affected municipality a written request for specification of all applicable local approvals. The municipality has 15 days to respond.

What is a “local approval”?

The term “local approval” is defined in s. 289.33(3)(d), Stats. It essentially means any requirement, restriction, condition, or prohibition imposed by a municipality on a waste facility site by ordinance, resolution, or regulation.

The law gives special weight to “pre-existing local approvals.” Pre-existing local approvals are those that have been in effect at least 15 months before the applicant submits to DNR an initial site report or a feasibility report, whichever happens first. A new or expanded waste facility is subject to pre-existing local approvals unless specified as inapplicable in a negotiated agreement or an arbitration award. A new or expanded waste facility is not subject to other local approvals unless specified as applicable in a negotiated agreement.

If an Affected Municipality wants to negotiate with the applicant concerning the site what is required?

There are three requirements.

First, an affected municipality must pass a siting resolution within 60 days of receipt of the applicant’s initial written request for local approvals. If this deadline is missed, a municipality

may not participate in negotiations. A copy of the siting resolution must be sent to the board within 7 days of passage.

Each affected municipality that wishes to negotiate with the applicant about the proposed facility must pass a siting resolution which shall state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary, arbitrate with the applicant concerning the proposed facility.

Second, an affected municipality must appoint members to the local committee within 60 days of receipt of the applicant's request for local approvals. Names and addresses of local committee members must be sent to the Waste Facility Siting Board within 7 days of appointment.

Each affected municipality that wishes to negotiate with the applicant must appoint members to the local negotiating committee. Each town, village, or city where all or part of the proposed waste facility is to be located may appoint 4 members, or 2 more than the total number of all other members, whichever number is greater; no more than 2, however, may be elected officials or municipal employees. Each county where all or any part of the proposed waste facility will be located may appoint 2 members. Every other town, village, city, or county within 1500 feet of the proposed waste facility may appoint 1 member. Appointment of members may be included in the siting resolution or in a separate resolution.

Third, each member appointed to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

What is required if an Additional Municipality wants to negotiate with the applicant concerning the site?

There are four requirements.

First, an additional municipality must receive written agreement of all parties to be added to the process.

Second, an additional municipality must pass a siting resolution within 30 days of the agreement between the parties to allow participation by the additional municipality. A copy of the siting resolution must be sent to the board within 7 days of passage.

The siting resolution must state the following:

- (1) the name and location of the municipality,
- (2) the name and location of the applicant,
- (3) the specific location of the proposed facility, and
- (4) the municipality's intent to negotiate and, if necessary,

arbitrate with the applicant concerning the proposed facility.

Third, an additional municipality must appoint one member to the local committee within 60 days. The name and address of the local committee member must be sent to the Waste Facility Siting Board within 7 days of appointment.

Fourth, the appointed member to the local committee must file with the Waste Facility Siting Board a Statement of Economic Interests within 15 days of appointment. A member who fails to file a Statement of Economic Interests may not serve on the local committee.

These forms are available at no cost from the Waste Facility Siting Board.

When may negotiations begin?

Negotiations may begin at any time after notification by the Waste Facility Siting Board. The board will send a notification of participation to the applicant and the clerk of each participating municipality within 5 days after the board receives copies of the resolutions and names and addresses of members appointed to the local committee, or within 72 days after all affected municipalities have received written request for local approvals. This notice will identify the participating municipalities, identify the names of the members of the local committee, and inform the parties that negotiations may begin.

If, for error or change in plans, the applicant must add any other affected municipality following the board's notification of participation, that affected municipality shall have the same rights and obligations as outlined above. The board may issue an order delaying negotiations until that affected municipality has time to act. This procedure is outlined in s. 289.33(6)(c), Stats.

Either the applicant or the local committee may initiate negotiations. The time and place of negotiating sessions are determined by agreement between the applicant and the local committee. Negotiating sessions must be open to the public.

What issues can be negotiated?

Any subject may be negotiated except the need for the facility and any proposal that would make the applicant's responsibilities less stringent than required by the Department of Natural Resources. Either party may petition the board in writing for a determination as to whether a proposal is negotiable. The board will conduct a hearing and issue a binding decision in 14 days.

If a negotiated settlement is reached, what is required?

There are two requirements.

First, the agreement must be approved by all appropriate bodies.

An appropriate body is the governing body of each town, city, or village where all or a portion of the waste facility is to be located. If the agreement is approved by all of the appropriate bodies, the agreement is binding on all participating municipalities.

Second, if the agreement is approved, the applicant shall send a copy or notice of any negotiated agreement to the Waste Facility Siting Board and to the Department of Natural Resources within 10 days after the agreement is approved by all appropriate bodies. If the agreement is not approved by all of the appropriate bodies, the agreement is void. The parties may resume negotiations, begin mediation, or initiate arbitration.

Who initiates mediation?

Either party may request a mediator at any time during the negotiation.

Who is the mediator?

The board maintains a list of competent, impartial, disinterested persons consisting of lawyers, retired judges, and professional mediators who serve as mediators.

Who chooses the mediator?

Upon receipt of a request for a mediator, the board will immediately send the parties a list of 5 mediators. The parties shall alternately strike names until one name is left who will be appointed by the board.

What is the role of the mediator?

The role of the mediator is to encourage a voluntary settlement. The mediator may not impose a settlement on either party.

Who pays for the mediator?

Unless specified in the negotiated agreement or the arbitration award, the costs of the mediator will be shared equally by the applicant and the local committee.

What happens if the mediator fails to bring settlement?

The parties may resume negotiations or initiate arbitration.

Who initiates arbitration?

The applicant or the local committee may petition the board jointly or separately to initiate arbitration.

Arbitration may not be initiated until at least 120 days after the appointment of the local committee.

A statement in response to a unilateral arbitration petition must be filed within 14 days.

What issues can be arbitrated?

Only eight issues can be arbitrated. These issues are:

1. Compensation to any person for substantial economic impacts which are a direct result of the facility including insurance and damages not covered by the waste management fund.
 - 1m. Reimbursement of reasonable costs, but not to exceed \$20,0000, incurred by the local committee relating to negotiations, mediation and arbitration activities under this section.
2. Screening and fencing related to the appearance of the facility. This item may not affect the design capacity of the facility.
3. Operational concerns including, but not limited to, noise, dust, debris, odors and hours of operation but excluding design capacity.
4. Traffic flows and patterns resulting from the facility.
5. Uses of the site where the facility is located after closing the facility.
6. Economically feasible methods to recycle or reduce the quantities of waste to the facility. At facilities for which the applicant will not provide or contract for collection and transportation services, this item is limited to methods provided at the facility.
7. The applicability or non-applicability of any pre-existing local approvals.

If requested by either party, the board will rule on the arbitrability of a specific issue.

Once initiated, how does the arbitration process work?

Within 15 days of receipt of a petition to initiate arbitration, the board will issue a decision either to have the parties continue negotiation for at least 30 days, delay arbitration until a feasibility report is submitted, or order the parties to submit their final offers within 90 days. If, when ordered by the board, the applicant fails to submit a final offer within 90 days, the applicant may not construct or operate the facility. If the local committee fails to submit a final offer in 90 days the local committee loses all rights to further negotiation and the facility is not subject to any local approval.

Within 30 days after the last day for submitting final offers, the board shall conduct a public meeting for the parties to explain their final offers.

Within 90 days after the last day for submitting final offers, the board will issue an arbitration award. If the board fails to issue an award because it lacks the necessary five votes, the governor will issue an arbitration award within 120 days after the last day for submitting final offers.

The board's arbitration award is binding on the applicant and the participating municipalities.

The information presented here serves as a guide to help affected and additional municipalities comply with the negotiation-arbitration laws concerning siting of solid and hazardous waste facilities under s. 289.33, Stats. For specific legal advice, or changes in the statute or administrative rules, an applicant or affected municipality should consult its attorney or contact the Waste Facility Siting Board, 5005 University Avenue, Suite 201, Madison, Wisconsin 53705-5400, (608) 266-7709, FAX: (608) 264-9885.

STANDARD NOTICE

Revised: 01/31/11

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RESOLUTION FOR GRANTING PERMIT FOR CONDITIONAL USE

WHEREAS, LESTER HOLZ and FRANCES HOLZ, his wife, of Rural Route 1, Colgate, Wisconsin, have made application for the rezoning of certain real estate from an agricultural to industrial classification and for a permit to operate a gravel pit within said rezoned area; and,

WHEREAS, said Petition was presented in behalf of the Wissota Sand & Gravel Company and said company having been active in the presentation of said Petition; and,

WHEREAS, the granting of the application for such rezoning and for a permit to operate a gravel pit within said area having heretofore been set for public hearing before the Town Planning Commission; and,

WHEREAS, the Town Planning Commission having heard at public hearing the said Petition and having recommended to the Town Board the granting of the application and permit to operate it;

And the Town Board having given due consideration to the recommendations of the Town Planning Commission and realizing its responsibility to promote the public health, safety, comfort and welfare and its duty to conserve the taxable value of lands and buildings throughout the entire township; and

WHEREAS, the said Wissota Sand & Gravel Company is presently authorized and has been operating a gravel pit adjacent to the property described in said Petition in part of the Southwest Quarter of Section 26 in the Town of Richfield hereinafter referred to as "Wissota Pit".

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Richfield, Washington County, Wisconsin, that the

15 of 22

Wissota Sand & Gravel Company be granted a permit under the Municipal Code of the Town of Richfield, for the conditional use of gravel exploitation on and in the following described real estate:

The Northeast Quarter of the Southeast Quarter (NE-1/4 SE-1/4) of Section Twenty-seven (27), Township Nine North (9N) of Range Nineteen East (19E), Washington County, Wisconsin, excepting that parcel of real estate described as follows:

Beginning at the Northeast corner of said Northeast Quarter of the Southeast Quarter of said Section Twenty-seven, thence South on the East line of said quarter section 291.30 feet, thence West at right angles 259.50 feet, thence North at right angles 291.30 feet, thence East at right angles 259.50 feet to the place of beginning and also excepting a parcel of land described as follows:

Commencing at the Southeast corner of said Northeast Quarter of the Southeast Quarter of said Section Twenty-seven, thence North on the East line of said quarter section 315 feet, thence in a Westerly direction parallel with the South line of said quarter section 450 feet to a point, thence in a Southerly direction parallel with the East line of said quarter section 315 feet, to the South line of said quarter section, thence Easterly along said South line 450 feet more or less to the point of beginning,

subject to the following:

1. After exploitation in said Holz property and Wissota Pit are complete, and commencing immediately in present Wissota Pit, the slopes of the pit are to be regraded at a 3 to 1 slope; such restoration, however, in all areas with respect to regrading and resurfacing with top soil are to be done annually so that there will be a continual restoration of the area in question, excepting in the Holz property where restoration shall not be required to start until 3 years after exploitation has been commenced. Regraded areas shall be restored with top soil to a depth of at least 4 inches and reseeded and replanted with trees and shrubs.

2. All top soil shall be stock piled and redistributed on regraded slopes.

3. Outside limits of the pit or excavation area are to be at least 100 feet from adjacent property owners' lines, excepting that area of the Holz real estate which was excepted from the rezoning proceedings and such abutting real estate as may be acquired by the petitioners or the Wissota Sand & Gravel Company.

4. Cover plantings shall be started no later than the year 1964 to provide a planting screen provided for in Section 17.12 (B) (b) of the Town Ordinances.

5. Access to the area shall be restricted to the present entrance of the Wissota Pit on the Willow Creek Road; said area to be regraded and improved.

6. Access to the entrance shall be restricted so that all trucking done to and from the area shall be by private road South of the present entrance to the Wissota Sand & Gravel pit generally along the Wisconsin Central Railroad right of way through Sections 26 and 35 to the Northeast Quarter of the Southeast Quarter of said Section 35 and thence East to the Colgate Road, thence South to County Trunk "Q".

7. Exploitation operations shall be limited to a 6 day per week operation and not later than 5:30 p.m. central standard or daylight saving time, whichever may be in effect, except in emergencies, when the Town Board shall be notified of the reasons for emergency operations and permission secured for additional hours or days.

8. A cash bond of \$2,500 shall be deposited with the Town Treasurer of the Town of Richfield to guarantee the performance of the conditions of the permit granted; said bond to be recognized as the bond for the granting of this permit and for the granting of a permit for graveling purposes on real estate owned by Joseph F. Strutz and Lucille Strutz in the Southwest

17 of 22

Quarter of Section 26 in this township, it being understood, however, that said bond shall never be less than \$2,500; such cash bond to be deposited by the Town Treasurer in the Richfield State Bank in either a savings account or certificate of deposit properly identified, and the accumulated interest to be retained by the Town of Richfield for deposit in its General Fund.

9. The private road mentioned in No. 6 above to be constructed and maintained by the Wissota Sand & Gravel Company at no cost to the Township. Said construction to commence as soon as reasonably possible and to be completed with dispatch. When said private road has been completed and ready for use, the same to be immediately used for the purpose of hauling all produce from said pit.

10. Produce removed from the Holz property to be moved to the Wissota Pit by conveyor system installed by Wissota Sand & Gravel Company beneath Scenic Road at a cost to be borne by Wissota Sand & Gravel Company.

11. Exploitation of the area herein described shall be limited to a period of 10 years and the bond to run for a period of 11 years by which time restoration shall be completed so that the principal of the bond may be returned, provided the conditions of the permit have been met or be forfeited in whole or part as the circumstances may warrant.

This permit shall be renewed for additional periods of 10 years provided the operation during the preceding period has been in accordance with the terms of this permit. The bond shall in case of renewal remain on file. Renewal of the permit shall be by resolution of the Town Board.

18 of 22

12. That at least once a year and not later than December 15th of each year, the areas herein described are to be reviewed by the representatives of the Wissota Sand & Gravel Company and representatives of the Town Board and Town Planning Commission for the purpose of determining whether there has been compliance with the permit and for the planning of exploitation and restoration for the coming year.

Dated this 29 day of July, 1963.

TOWN BOARD OF TOWN OF RICHFIELD
WASHINGTON COUNTY, WISCONSIN

Adolph Lofy
Chairman - Adolph Lofy

Milton Aulenbacher
Supervisor - Milton Aulenbacher

Ben J. Dickel
Supervisor - Ben J. Dickel

Passed this 27 day of July, 1963.

R. W. Laubenheimer
Town Clerk - R. W. Laubenheimer

4b



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: April 2, 2015

SUBJECT: Creation of a one-lot CSM, Tax Keys: V10_0486 and V10_048700A
DATE SUBMITTED: March 27, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO RECOMMEND TO THE VILLAGE BOARD THE APPROVAL OF THE PROPOSED ONE-LOT CSM?

ISSUE SUMMARY:

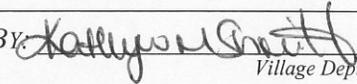
Badger Home Builders, Inc. has submitted a proposed certified survey map (CSM) that would combine two legally established parcels to create a one lot parcel consisting of 13534sf (0.31ac) zoned F-1, Floodplain District. Lots 1 and 2 in this subdivision block are currently vacant. The new property owner desires to combine these recently purchased lots with the intention of constructing a single family home. Of particular note with this proposed CSM is the fact that Riverview Drive as platted versus as constructed is markedly different. The roadway of Riverview Drive actually encroaches fairly significantly onto the property owner's land. The 25' wide gap between the south side of these two parcels and the boat lots is a public easement to reach the same.

Given the fact that both Lots are currently vacant, the combination of these lots does not bring about any undesired zoning conflicts. In fact, as a general rule, Staff finds it easier to approve lot combinations due to our zoning regulations than lot divisions. However, it is important to note that due to the property being zoned as "Floodplain" before any land disturbing activity is to take place, which must be approved to ensure compliance with the DNR standards adopted into our zoning code last November.

The Village Engineer completed his review of the proposed CSM on March 26, 2015 and has conditionally approved it based on his suggested changes being addressed by the surveyor. They are shown in REDLINE for your convenience.

The CSM was originally submitted to the Village on March 6, 2015. As required by state statute (s. 236.34(f)) the Village Board must take action within 90 days of that date, unless the time is extended by agreement with the subdivider.

FUTURE IMPACT AND ANALYSIS:

REVIEWED BY: 
Village Deputy Treasurer

Forward to Village Board: Yes
Additional Approvals Needed: Yes
Signatures Required: Yes

ATTACHMENTS:

- 1. CSM Prepared by Pete Baily, RLS drafted on March 3, 2015
- 2. Village Engineer CSM with REDLINE markup dated March 26, 2015
- 3. Washington County GIS – Aerial overview of subject properties



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: April 2, 2015

SUBJECT: Creation of a one-lot CSM, Tax Keys: V10_0486 and V10_048700A
DATE SUBMITTED: March 27, 2015
SUBMITTED BY: Jim Healy, Village Administrator

STAFF RECOMMENDATION:

Motion to recommend to the Village Board the approval of the certified survey map for Badger Home Builders Inc., subject to the Specific and General Conditions of Approval listed below:

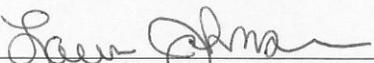
Specific Conditions of Approval:

1. That the comments from Village's Engineer dated March 26, 2015 be addressed to his satisfaction.
2. That the Plan Commission signature block be removed
3. That on the Village Board signature block "Laura Johnson, Deputy Clerk" be replaced with "Jim Healy, Village Administrator/Clerk"
4. That prior to signing the CSM, Village Attorney John Macy review it for content and form

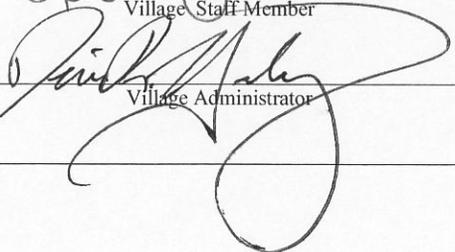
General Conditions of Approval:

1. The subdivider shall satisfy all comments, conditions, and concerns of the Village Engineer, the Village Planner, and all reviewing, objecting and approving bodies, including, but not limited to, the Wisconsin Department of Commerce per Ch. 236, Wisconsin Statutes and Ch. Comm. 85, Wisconsin Administrative Code; Wisconsin Department of Administration per Ch. 236, Wisconsin Statutes; and Washington County.
2. The subdivider shall, on demand, reimburse the Village all costs and expenses of any type that the Village incurs in connection with this development, including the cost of professional services incurred by the Village (including engineering, legal, planning and other consulting fees) for the review and preparation of required documents or attendance at meetings or other related professional services for this application, as well as to enforce the conditions in this conditional approval due to a violation of these conditions.
3. Any unpaid bills owed to the Village by the subject property owner or his or her tenants, operators or occupants, for reimbursement of professional fees (as described above); or for personal property taxes; or for real property taxes; or for licenses, permit fees, or any other fees owed to the Village; shall be placed upon the tax roll for the subject property if not paid within thirty (30) days of the billing by the Village, pursuant to Section 66.0627, Wisconsin Statutes. Such unpaid bills also constitute a breach of the requirements of this conditional approval that is subject to all remedies available to the Village, including possible cause for termination of this approval.

APPROVED FOR SUBMITTAL BY:



 Village Staff Member



 Village Administrator

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Resolution No. _____
 Ordinance No. _____
 Approved _____
 Other _____

Continued To: _____
 Referred To: _____
 Denied _____
 File No. _____

BEING A REDIVISION OF LOTS 1 AND 2 OF "FRIESS LAKE SUBDIVISION", A SUBDIVISION OF THE FRACTIONAL NORTHWEST ¼ OF SECTION 17, TOWN 9 NORTH, RANGE 19 EAST, IN THE VILLAGE OF RICHFIELD, COUNTY OF WASHINGTON, STATE OF WISCONSIN.

PREPARED BY:
AMERICAN SURVEYING COMPANY, INC.
12207 C.T.H. "K", NORTH CAPE
FRANKSVILLE, WI. 53126-9691
(262) 835-4774

OWNER'S ADDRESS:
BADGER HOME BUILDERS, INC.
1323 POPLAR DRIVE
WAUKESHA, WI. 53188

LEGEND:
o-Denotes No. 6 Rebar, 3/4" Dia., 24" Long, 1.50 lbs/
in.ft., w/cap
●-Denotes Iron Pipe/Rod Found
ALL BEARINGS ARE REFERENCED TO GRID NORTH
OF THE WISCONSIN STATE PLANE COORDINATE
SYSTEM, SOUTHERN ZONE. NORTH LINE OF NW 1/4
N88°51'16"E

SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN)
COUNTY OF RACINE)"

I, PETE L. BAILEY, Registered Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a tract of land being a redivision of Lot 1 and 2, Block 3 of "Friess Lake Grove" a subdivision in the Fractional Northwest ¼ of Section 17, Town 9 North, Range 19 East, in the Village of Richfield, County of Washington, State of Wisconsin, bounded and described as follows: Commence at the Northwest corner of said Section; thence North 88°51'16" East for a 160.04 feet, along the North line of said ¼ Section, to a point; thence South 00°47'05" East for a distance of 716.84 feet, parallel to the West line of said ¼ Section, to the point of beginning; thence South 00°26'20" West for a distance of 121.30 feet, to a point; thence South 74°26'40" East for a distance of 79.50 feet, to a point; thence South 38°12'36" East for a distance of 19.18 feet, to a point; thence North 12°32'20" East for a distance of 143.77 feet, to a point; thence North 81°42'40" West for a distance of 120.00 feet, to the point of beginning. Contains 13,534 sf.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

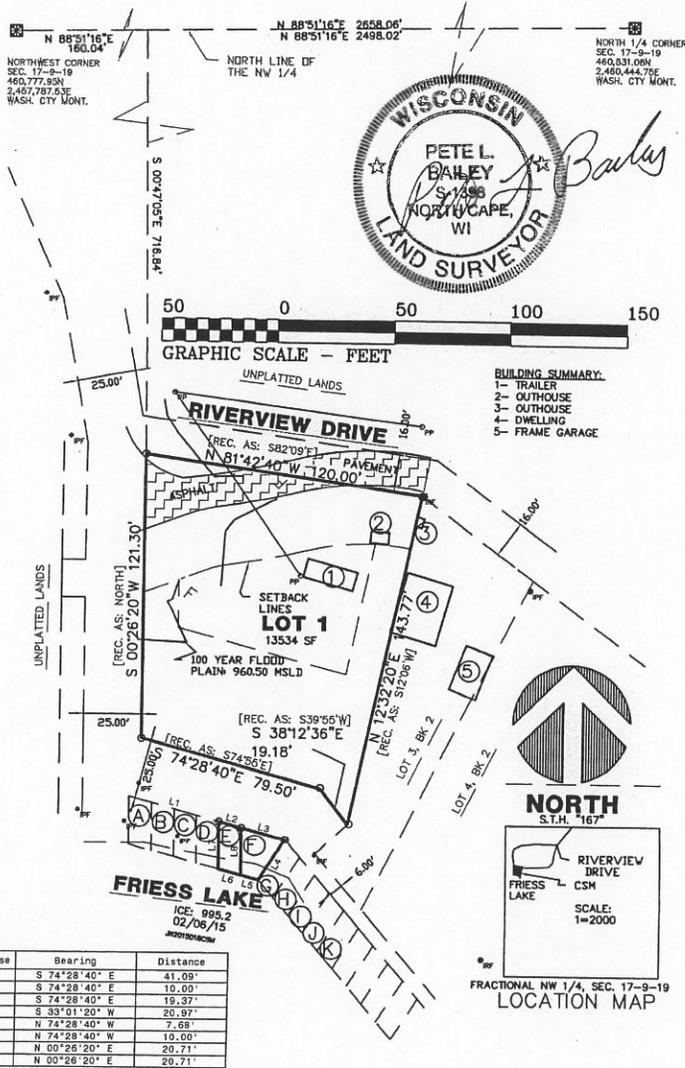
THAT I have made such survey, land division and map at the direction of the owner's of said lands.

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the requirements of the Village of Richfield in surveying, dividing and mapping the same.


AMERICAN SURVEYING COMPANY, INC.
PETE L. BAILEY, RLS NO. 1398
DATED THIS 3RD DAY OF MARCH, 2015.



CERTIFIED SURVEY MAP NO. _____ SHEET 2 OF 3
 BEING A REDIVISION OF LOT 1 AND 2, BLOCK 3 OF "FRIESS LAKE GROVE", A
 SUBDIVISION IN THE FRACTIONAL NORTHWEST 1/4 OF SECTION 17, TOWN 9 NORTH,
 RANGE 19 EAST, IN THE VILLAGE OF RICHFIELD, COUNTY OF WASHINGTON, STATE OF
 WISCONSIN.



BEING A REDIVISION OF LOTS 1 AND 2, BLOCK 3 OF "FRIESS LAKE GROVE, A SUBDIVISION IN THE FRACTIONAL NORTHWEST ¼ OF SECTION 17, TOWN 9 NORTH, RANGE 19 EAST, IN THE VILLAGE OF RICHFIELD, COUNTY OF WASHINGTON, STATE OF WISCONSIN.

CORPORATE OWNER'S CERTIFICATE:

BADGER HOME BUILDERS, INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map.

BADGER HOME BUILDERS, INC., does further certify that this map is required by s. 236.34 to be submitted to the following for approval or objection: VILLAGE OF RICHFIELD

IN WITNESS WHEREOF, the said BADGER HOME BUILDERS, INC., has caused these presents to be signed by, DANIEL TINTI, its PRESIDENT, at Waukesha, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 2015.

IN THE PRESENCE OF: BADGER HOME BUILDERS, INC.

DANIEL J. TINTI, PRESIDENT

STATE OF WISCONSIN)
COUNTY OF WAUKESHA)SS

Personally came before me this _____ day of _____, 2015, the above named Daniel J. Tinti, the President of BADGER HOME BUILDERS, INC, to me known to be the person who executed the foregoing instrument and acknowledge the same as the act of the owner, by its authority.

NOTARY PUBLIC
COUNTY OF _____, STATE OF WISCONSIN
My commission expires _____.

VILLAGE PLANNING COMMISSION APPROVAL:

APPROVED by the Village Board of the Village of Richfield this _____ day of _____, 2015.

JOHN JEFFORDS, VILLAGE PRESIDENT

LAURA JOHNSON, DEPUTY CLERK

VILLAGE BOARD APPROVAL:

APPROVED by the Village Board of the Village of Richfield this _____ day of _____, 2015.

JOHN JEFFORDS, VILLAGE PRESIDENT

LAURA JOHNSON, DEPUTY CLERK

This instrument was drafted by Pete L. Bailey.

G:\MyFiles\WPCERTS\BADGERCSM



Jim Healy

From: Michael Rubendall <m.rubendall@gaiconsultants.com>
Sent: Thursday, March 26, 2015 9:18 AM
To: Jim Healy
Cc: Ronald Dalton
Subject: Badger Home Builders CSM | Review Comments
Attachments: CSM with Review Comments_032515.pdf

Jim,

We have completed our review of the proposed Certified Survey Map (CSM). Our comments can be found on the attachment.

We can recommend approval contingent on our comments being addressed.

Please contact me with any questions.

Regards,
Mike,
GAI Consultants, Inc.

BEING A REDIVISION OF LOTS 1 AND 2 OF "FRIESS LAKE SUBDIVISION", A SUBDIVISION OF THE FRACTIONAL NORTHWEST ¼ OF SECTION 17, TOWN 9 NORTH, RANGE 19 EAST, IN THE VILLAGE OF RICHFIELD, COUNTY OF WASHINGTON, STATE OF WISCONSIN.

PREPARED BY:
AMERICAN SURVEYING COMPANY, INC.
12207 C.T.H. "K", NORTH CAPE
FRANKSVILLE, WI. 53126-9691
(262) 835-4774

OWNER'S ADDRESS:
BADGER HOME BUILDERS, INC.
1323 POPLAR DRIVE
WAUKESHA, WI. 53188

LEGEND:

o-Denotes No. 6 Rebar, 3/4" Dia., 24" Long, 1.50 lbs/
ln.ft., w/cap

•-Denotes Iron Pipe/Rod Found

ALL BEARINGS ARE REFERENCED TO GRID NORTH
OF THE WISCONSIN STATE PLANE COORDINATE
SYSTEM, SOUTHERN ZONE. NORTH LINE OF NW 1/4
N88°51'16"E

Note outside diameter.

SURVEYOR'S CERTIFICATE:

STATE OF WISCONSIN)
COUNTY OF RACINE)"

I, PETE L. BAILEY, Registered Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a tract of land being a redivision of Lot 1 and 2, Block 3 of "Friess Lake Grove" a subdivision in the Fractional Northwest ¼ of Section 17, Town 9 North, Range 19 East, in the Village of Richfield, County of Washington, State of Wisconsin, bounded and described as follows: Commence at the Northwest corner of said Section; thence North 88°51'16" East for a distance of 160.04 feet, along the North line of said ¼ Section, to a point; thence South 00°47'05" East for a distance of 716.84 feet, parallel to the West line of said ¼ Section, to the point of beginning; thence South 00°26'20" West for a distance of 121.30 feet, to a point; thence South 74°26'40" East for a distance of 79.50 feet, to a point; thence South 38°12'36" East for a distance of 19.18 feet, to a point; thence North 12°32'20" East for a distance of 143.77 feet, to a point; thence North 81°42'40" West for a distance of 120.00 feet, to the point of beginning. Contains 13,534 sf.

THAT such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made

Sheet 2 shows "S74° 28'40"E"

THAT I have made such survey, land division and map at the direction of the owner's of said lands.

THAT I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the requirements of the Village of Richfield in surveying, dividing and mapping the same.

Pete L. Bailey
AMERICAN SURVEYING COMPANY, INC.
PETE L. BAILEY, RLS NO. 1398
DATED THIS 3RD DAY OF MARCH, 2015.



BEING A REDIVISION OF LOTS 1 AND 2, BLOCK 3 OF "FRIESS LAKE GROVE, A SUBDIVISION IN THE FRACTIONAL NORTHWEST ¼ OF SECTION 17, TOWN 9 NORTH, RANGE 19 EAST, IN THE VILLAGE OF RICHFIELD, COUNTY OF WASHINGTON, STATE OF WISCONSIN.

CORPORATE OWNER'S CERTIFICATE:

BADGER HOME BUILDERS, INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation caused the land described on this map to be surveyed, divided, mapped ~~and dedicated~~ as represented on this map.

No dedications are proposed by this CSM.

BADGER HOME BUILDERS, INC., does further certify that this map is required by s. 236.34 to be submitted to the following for approval or objection: VILLAGE OF RICHFIELD

IN WITNESS WHEREOF, the said BADGER HOME BUILDERS, INC., has caused these presents to be signed by, DANIEL TINTI, its PRESIDENT, at Waukesha, Wisconsin, and its corporate seal to be hereunto affixed this _____ day of _____, 2015.

IN THE PRESENCE OF:

BADGER HOME BUILDERS, INC.

DANIEL J. TINTI, PRESIDENT

**STATE OF WISCONSIN)
COUNTY OF WAUKESHA)SS**

Personally came before me this _____ day of _____, 2015, the above named Daniel J. Tinti, the President of BADGER HOME BUILDERS, INC. to me known to be the person who executed the foregoing instrument and acknowledge the same as the act of the owner, by its authority.

NOTARY PUBLIC
COUNTY OF _____, STATE OF WISCONSIN
My commission expires _____.

VILLAGE PLANNING COMMISSION APPROVAL:

APPROVED by the Village Board of the Village of Richfield this _____ day of _____, 2015.

JOHN JEFFORDS, VILLAGE PRESIDENT

LAURA JOHNSON, DEPUTY CLERK

VILLAGE BOARD APPROVAL:

APPROVED by the Village Board of the Village of Richfield this _____ day of _____, 2015.

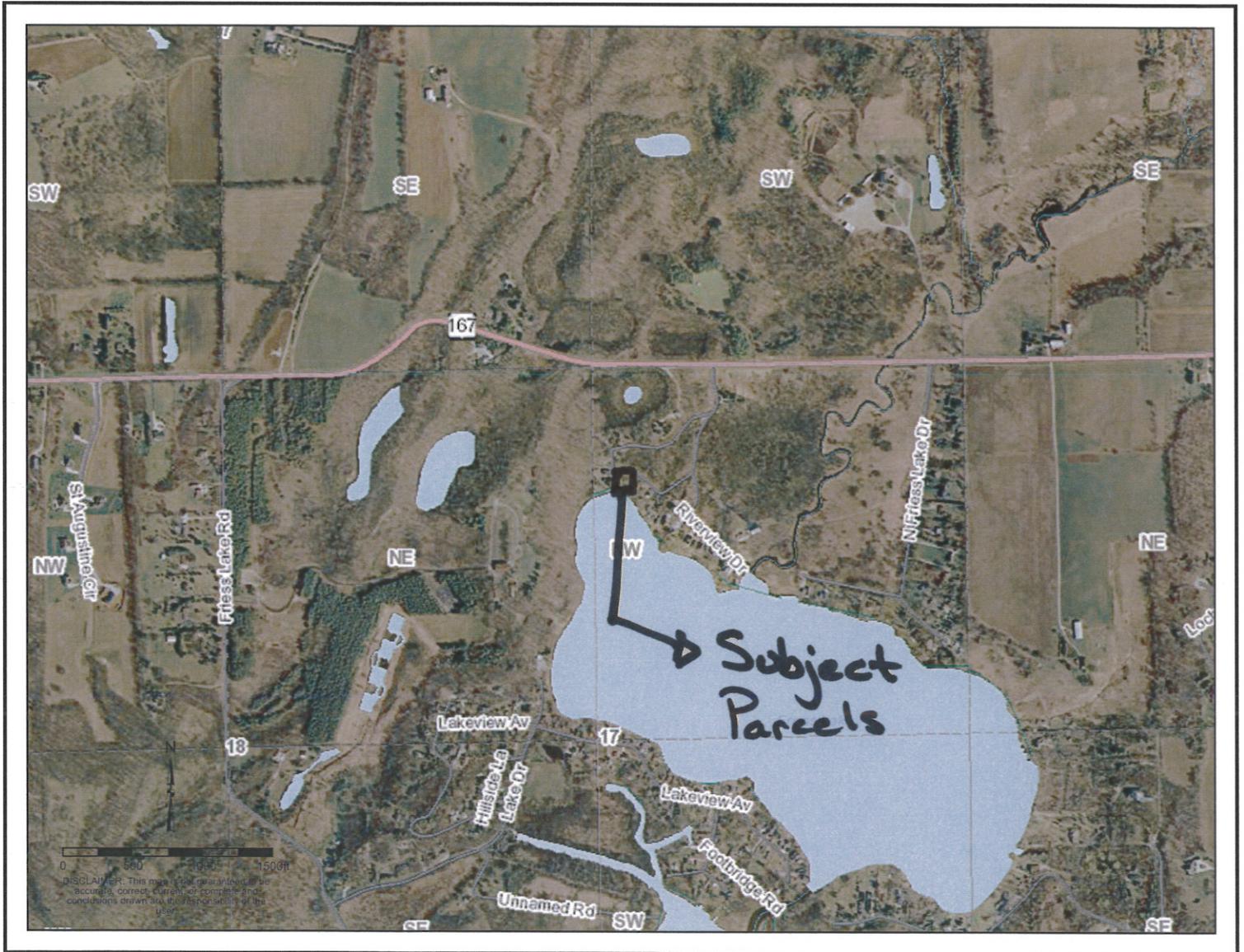
JOHN JEFFORDS, VILLAGE PRESIDENT

LAURA JOHNSON, DEPUTY CLERK

This instrument was drafted by Pete L. Bailey.

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4c

4c



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: April 2, 2015

SUBJECT: SBOP Amendment for Logger's Park, 3208 STH 167 (Tax Key: V10_027600E)
DATE SUBMITTED: March 27, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO ACCEPT THE PROPOSED SITE PLAN CHANGES FOR LOGGER'S PARK?

ISSUE SUMMARY:

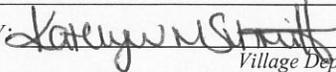
In March of 2004, the Town Board approved a Site Building and Plan of Operation approval and accompanying Conditional Use Permit for Logger's Park located at 3208 STH 167 (Tax Key: V10_027600E). The property, a ~15.50ac site is presently zoned P-1, Parks and Recreation District. Mr. Bogues' business operates his business as a four season sports complex with a bar/restaurant, sand volleyball, softball/baseball, recreational sports like kickball, and ice skating. Also on the west end of the property is a leased building where a health club currently operates, Momentum Health Club.

During the winter of 2014, Staff worked in cooperation with the property owner and the Village Board to pull a Letter of Credit (LoC) guarantee in the amount of \$50,000 that was put in place by the property owner for the paving of the asphalted area surrounding the 10,000sft Phase III building. The pulling of this LoC was done because it had been mutually agreed upon that the property owner would subsequently file for an amendment to the approved site plan for Logger's Park. Information regarding the Phase III building as written in the Staff Communication Form from March 11, 2004 is as follows:

"Phase III (project to be built in 2008) is to include a new specialty event/banquet hall to be used for special indoor recreation and other events and activities. Although the site grading, landscaping, storm water facilities, lighting and parking improvements to be included in Phase II will be constructed in anticipation for Phase III development, Bogues is NOT seeking approval for the uses and facilities proposed for Phase III at this time. Further details about the building and associated features for Phase III are not available at this time."

Tonight the property owner has made the aforementioned petition and provided us with a drawing with the 10,000sft building removed.

FUTURE IMPACT AND ANALYSIS:

REVIEWED BY: 
Village Deputy Treasurer

Forward to Village Board: No
Additional Approvals Needed: No
Signatures Required: No

ATTACHMENTS:

- 1. Existing Site Plan for Logger's Park
- 2. Proposed Site Plan for Logger's Park
- 3. Washington County GIS – ariel overview of property

4c



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: April 2, 2015

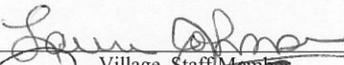
SUBJECT: SBOP Amendment for Logger's Park, 3208 STH 167 (Tax Key: V10_027600E)
DATE SUBMITTED: March 27, 2015
SUBMITTED BY: Jim Healy, Village Administrator

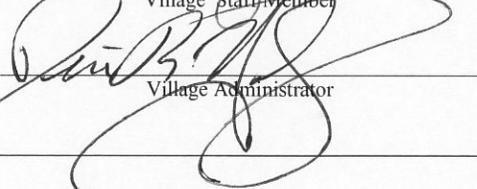
STAFF RECOMMENDATION:

Motion to approve the proposed site plan amendment for Logger's Park to eliminate the proposed "Phase III" 10,000 square foot banquet hall and related parking for the same, located at 3208 STH 167 (Tax Key: V10_027600E) and to further direct Staff to prepare a formal letter to be signed by both the Village Administrator and property owner consenting to the changes.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN



Village Staff Member


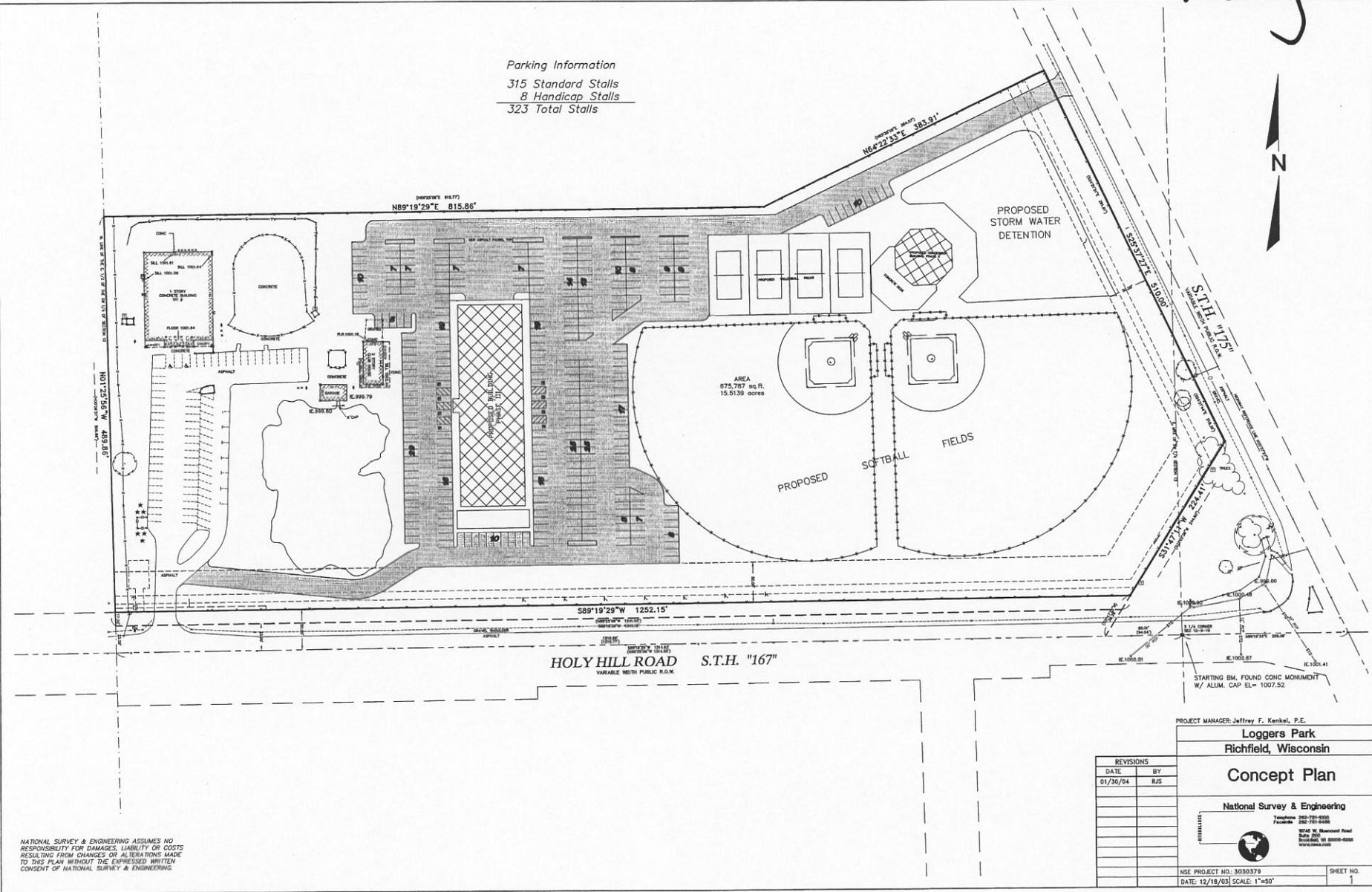
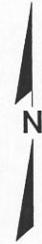
Village Administrator

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

Continued To: _____
Referred To: _____
Denied _____
File No. _____

Existing

Parking Information
 315 Standard Stalls
 8 Handicap Stalls
 323 Total Stalls



HOLY HILL ROAD S.T.H. "167"
 VARIABLE WIDTH PUBLIC ROAD

PROJECT MANAGER: Jeffrey F. Kenkel, P.E.

Loggers Park
 Richfield, Wisconsin

Concept Plan

National Survey & Engineering
 Telephone 262-781-9200
 Fax 262-781-9202
 8740 W. Blommond Road
 Suite 200, Wauwatosa, WI 53225-2000
 www.nsewi.com

REVISIONS

DATE	BY
01/30/04	RJS

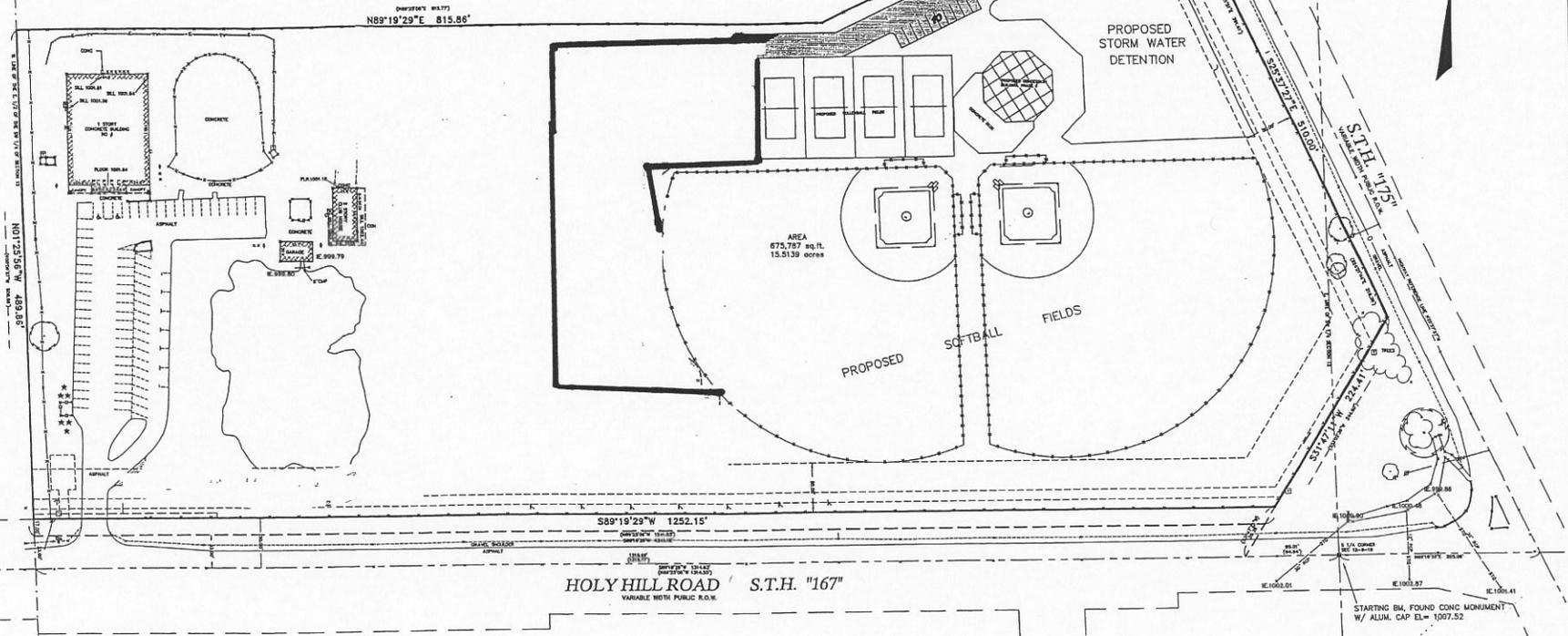
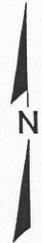
HSE PROJECT NO: 3030379 SHEET NO. 1
 DATE: 12/18/03 SCALE: 1"=50'

NATIONAL SURVEY & ENGINEERING ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF NATIONAL SURVEY & ENGINEERING.

P:\3030379\3030379.dwg - 12/18/03 10:52:04 AM - 04

Proposed

Parking Information
315 Standard Stalls
8 Handicap Stalls
323 Total Stalls



HOLY HILL ROAD S.T.H. "167"
VARIABLE NORTH PUBLIC R.O.W.

STARTING BM. FOUND CONC MONUMENT
W/ ALIM. CAP. EL. = 1007.52

PROJECT MANAGER: Jeffrey F. Kenkel, P.E.
Loggers Park
Richfield, Wisconsin

Concept Plan

National Survey & Engineering



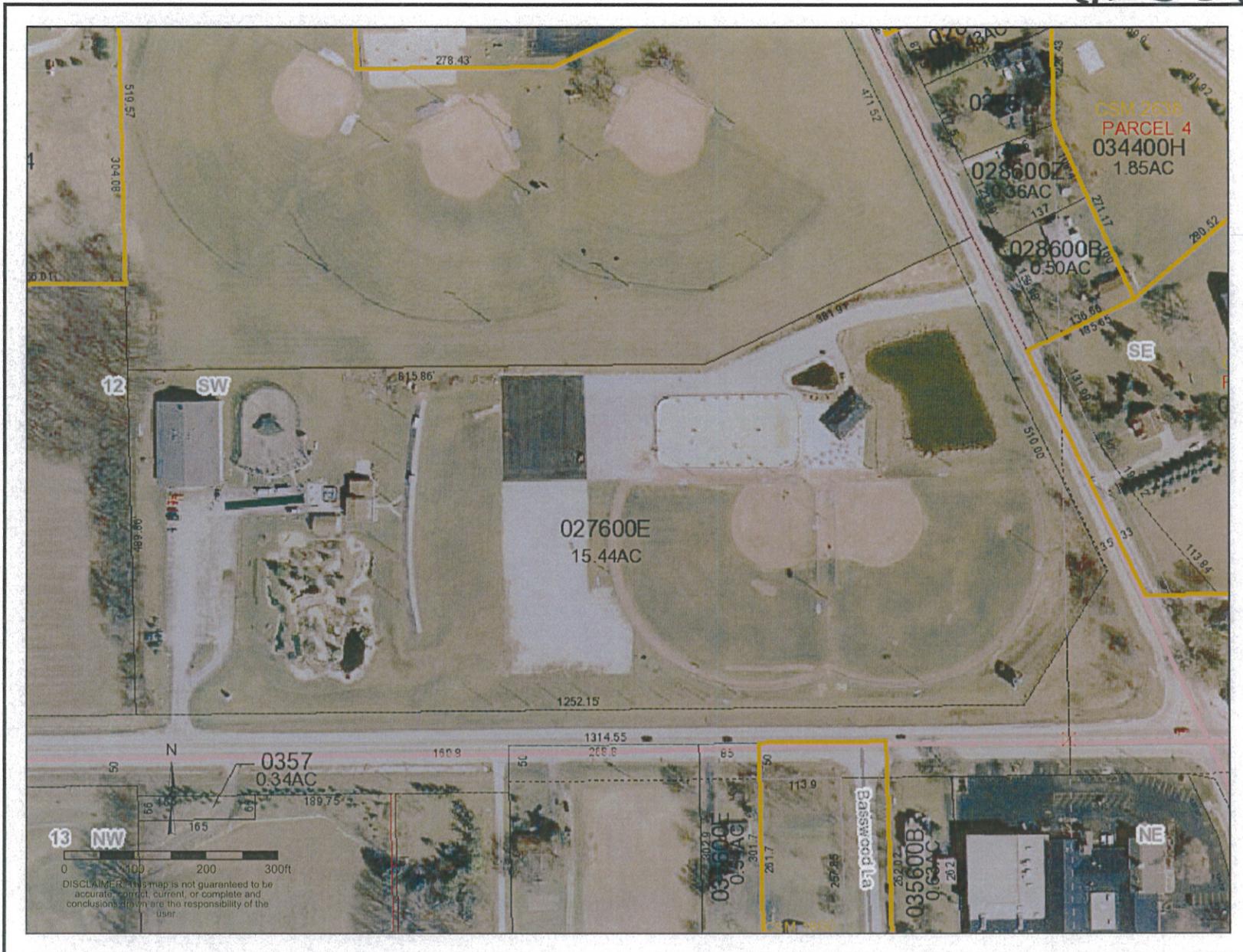
Telephone: 262-789-6000
Facsimile: 262-789-6400
15145 W. Hammond Road
Richfield, WI 53443-9998
www.nse.com

NSE PROJECT NO: 3030379 SHEET NO. 1
DATE: 12/18/03 SCALE: 1"=50'

REVISIONS	
DATE	BY
01/20/04	RJS

NATIONAL SURVEY & ENGINEERING ASSUMES NO
RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS
RESULTING FROM CHANGES OR ALTERATIONS MADE
TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN
CONSENT OF NATIONAL SURVEY & ENGINEERING.

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VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: April 2, 2015

SUBJECT: Site, Building and Plan of Operation – Piggly Wiggly located at 1234 STH 175
DATE SUBMITTED: March 27, 2015
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO APPROVE THE PROPOSED SITE PLAN FOR THE PIGGLY WIGGLY GROCERY STORE, LOCATED AT 1234 STH 175?

ISSUE SUMMARY:

In October of 2014, the Plan Commission approved several aspects of the Site, Building and Plan of Operation for the Piggly Wiggly Grocery Store located at 1234 STH 175 (Tax Key: V10_088100F). The proposed improvements were due to the 6,000sft expansion of the building to the south which is currently under construction. At the time, the developer indicated to Staff that they were working on making traffic flow improvements to their site for the ease and convenience of their patrons and that a subsequent site plan would be submitted along with a landscaping plan reflective of the additional parking required by the Village’s Zoning Code. Pursuant to Section 70.185(A)(4), the 6,000sft addition requires an additional 35 parking spaces (6,000sft/175sft=34.3). Given the additional parking spaces which are required by ordinance, the following reconfiguration of parking stalls was created. The proposed site plan shows 38 new stalls, which is a surplus of three (3) per our code.

To improve traffic flow Project Manager Tom Sugars and Pat Fox of Fox Bros. Piggly Wiggly are proposing the elimination of five (5) islands in the central part of the parking lot. The removal of those islands will allow for the creation of 16 additional parking spots, a little less than half of what is required. Other additions to the site plan include numerous safety improvements. Most notably, a curbed island will be formed around the storm water inlet which is located near the northwest corner of the building. In the wintertime, this unmarked area has become a common hazard for those entering the parking lot from the north entrance.

Additionally, handicapped stalls at the north and south of the building will have a striped crosswalk to increase pedestrian safety. It would be the recommendation of Staff that the crosswalk on the south side of the building be moved to the south end of the island so as to avoid an influx of disabled patrons walking through the main transportation corridor of the site.

Landscaping has been reviewed by Consultant Planner Schwecke and is based on the criteria in Section 70.133(D)(4), which requires 1 shade tree for each 3 parking spaces, 10 decorative trees per 10 parking spaces, and 1 shrub per parking space. Overall 23 trees are being proposed and 44 five (5) gallon shrubs. The number of landscape plants complies as does the number of species. The planting sizes included in the plant schedule should be revised to conform to the requirements in Table A in Section 70.133(D)(4) as follows: canopy tree 2.5 inch caliper and decorative tree 1.5 inch caliper. In terms of planting species, Staff intends to defer to the expertise of Commissioner Bartel to ensure that the types of plants being proposed are both “hearty” and Wisconsin natives that are capable of withstanding harsh winters and adverse conditions.

FUTURE IMPACT AND ANALYSIS: Forward to Village Board: No
Additional Approvals Needed: No
Signatures Required: No

REVIEWED BY:  Village Deputy Treasurer

4d



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: April 2, 2015

SUBJECT: Site, Building and Plan of Operation – Piggly Wiggly located at 1234 STH 175
DATE SUBMITTED: March 27, 2015
SUBMITTED BY: Jim Healy, Village Administrator

ATTACHMENTS:

- 1. Fox Brother’s Piggly Wiggly Site Plan/Landscaping Plan prepared by Thomas Design, Inc. with a revision date of March 13, 2015.

STAFF RECOMMENDATION:

Motion to approve both the parking lot site plan modification and landscaping plan for Fox Bro’s Piggly Wiggly, located at 1234 STH 175 (Tax Key: V10_088100F) subject to the following specific conditions of approval:

- 1) That the striped handicapped walking lane on the south end of the site plan be shifted to the south end of the island.
- 2) That any additional permits which may be required by the Village’s Building Inspection Department also be sought out, if necessary.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Village Staff Member

Village Administrator

Resolution No. _____
Ordinance No. _____
Approved _____
Other _____

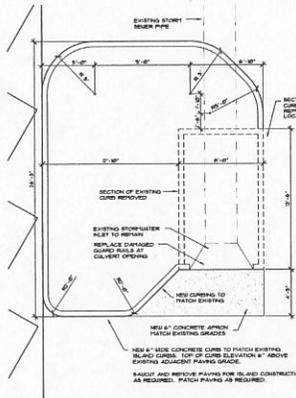
Continued To: _____
Referred To: _____
Denied _____
File No. _____

**SITE PLAN
GENERAL NOTES**

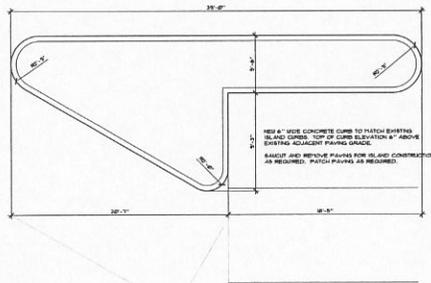
1. CONTRACTOR TO VERIFY LOCATION OF ALL ABOVE AND BELOW GROUND UTILITIES PRIOR TO CONSTRUCTION.
2. ALL EXISTING LOT LINES TO REMAIN.
3. TOP 100 SOLES OF PAVING TO BE REMOVED AND NEW ASBESTOS TRACTOR ALL EXISTING TOP OF PAVING GRADES.

**SITE PLAN
CONSTRUCTION NOTES:**

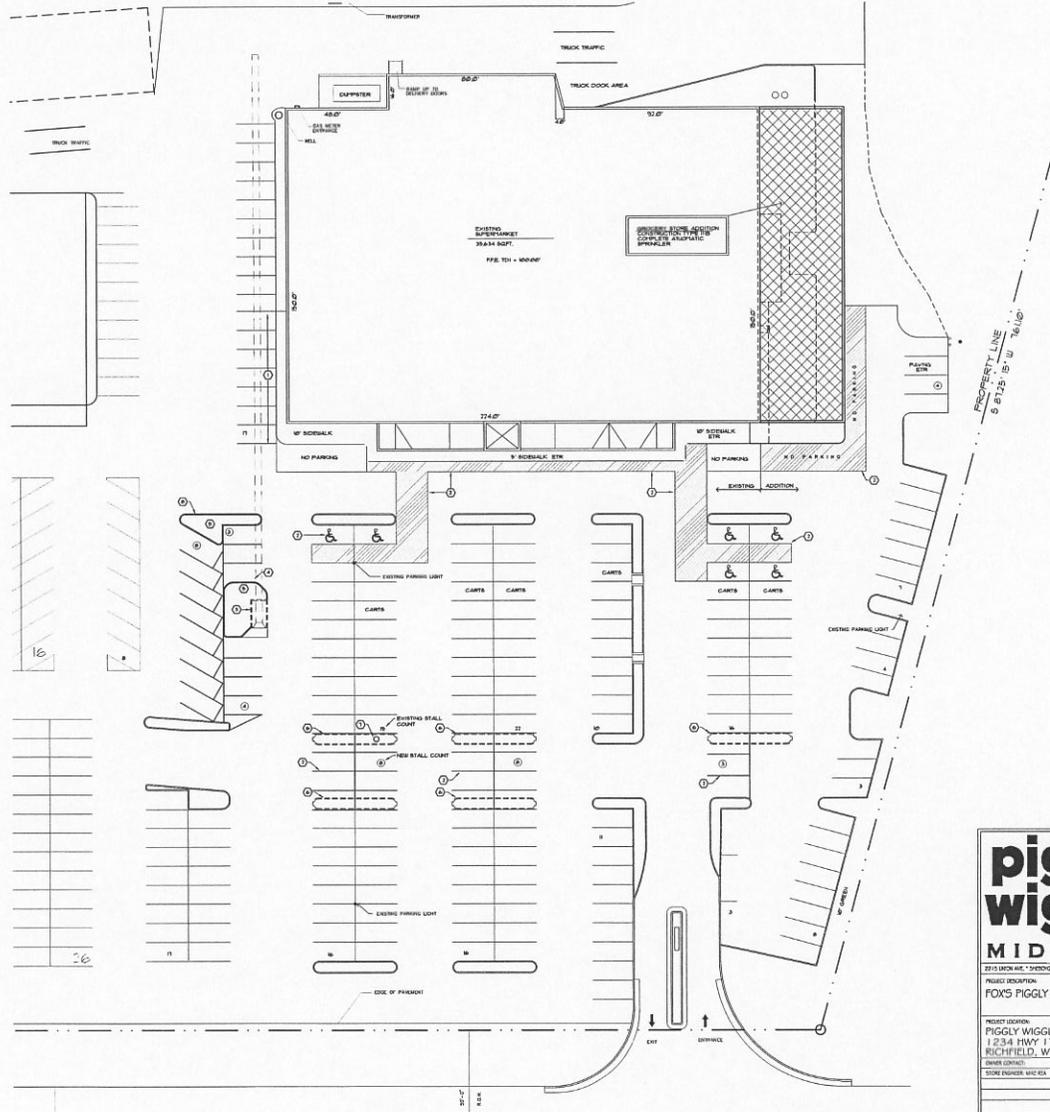
1. REMOVE EXISTING AND EXISTING LANDSCAP PARKING STALLS. RECREATE AS SHOWN.
2. NEW STRENGTH AS SHOWN.
3. REMOVE CURB.
4. PROVIDE NEW CURB ISLAND PER DETAIL 1013.
5. RASPECT AND REMOVE ASPHALT AS REQUIRED FOR NEW CONSTRUCTION. PATCH ASPHALT AS REQUIRED.
6. REMOVE ISLANDS. PROVIDE NEW 6" COMPACTED DRAINAGE IN ISLAND BASE AND PAVES TO MATCH ADJACENT PAVING GRADES.
7. REMOVE FLAGPOLE AND BASE.
8. PROVIDE NEW CURB ISLAND PER DETAIL 1013.



1 NEW ISLAND DETAIL
SCALE: 1/4" = 1'-0"



2 NEW ISLAND DETAIL
SCALE: 1/4" = 1'-0"



OPTION 1
PARKING LOT ALTERATIONS
SCALE: 1/4" = 1'-0"

THOMAS DESIGN INC
ARCHITECT
FOND DU LAC, WISCONSIN 54601-9710

piggly wiggly
MIDWEST
2215 UNION AVE., DUNDIGAL, WI 53001 (262) 454-4443
PROJECT LOCATION:
FOX'S PIGGLY WIGGLY HUBERTUS
PROJECT LOCATION:
PIGGLY WIGGLY
1234 HWY 175
RICHFIELD, WI 53033
OWNER CONTACT:
SIOME ENGINEER, INC. ETC
DATE: 09-18-2013
REVISED: 09-19-2013
PAGE NUMBER:
C1.2

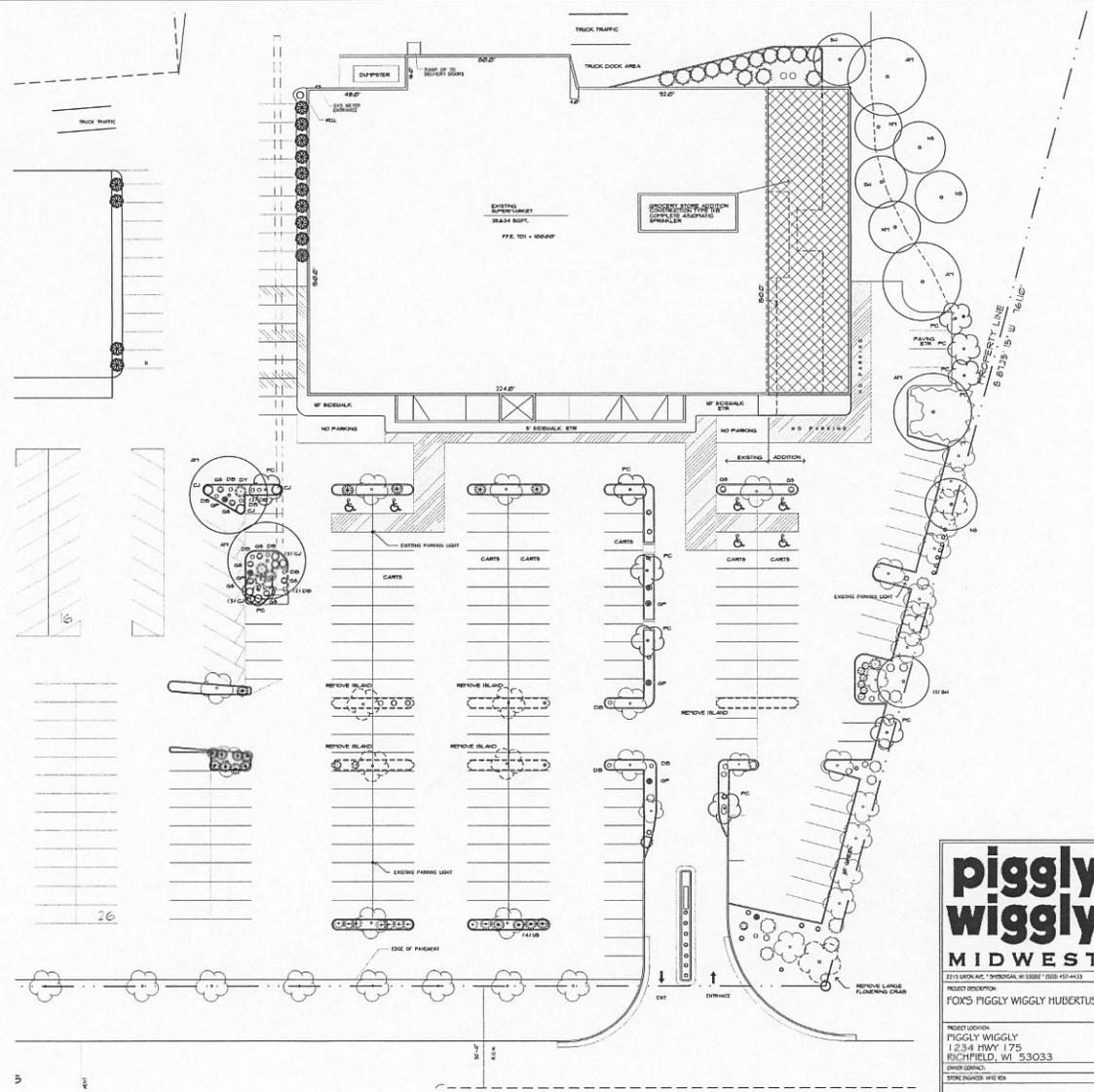
LANDSCAPING MATERIALS					
PK	COMMON NAME	BOTANICAL NAME	PLANTING SIZE	FEATURE HEIGHT/SPREAD	QUAN
TREES					
01	ADIRONDIACK MAPLE	ACER X FRIEDMAN 'GREENVIEW'	1 1/2" CALIPER	26' / 40'	2
02	PINK SPYRUS CHERRY	PUNILUS SYRUS 'PINK'	2" TALL	18' / 10'	20
03	WYTHEME HONEYLOCUST	GLUCONIA TRICACANTHOS 'WYTHEME'	1 1/2" CALIPER	18' / 20'	3
04	NORWAY SPRUCE	PICEA ABIES	2" TALL	26' / 20'	2
05	GOLDFARBEN KORNEL MAPLE	ACER FLORIBUNDUS 'GOLDFARBEN'	1 1/2" CALIPER	18' / 18'	2
SHRUBS					
06	COFFEEBUSH PRUNER ASPEN	SPHIERA GIBBERNA PRUNERANA COMPACTA	1" TALL	7' / 4'	5
07	DEWAR RED BAMBUSY	BAMBUSA THALICTRI CRISPUS PRISTIT	1" TALL	7' / 7'	10
08	CLARK GREEN YEW	TAXUS MEDIA CLARK GREEN	1" TALL	3' / 4'	4
09	GOLDENROD POTENTILLA	POTENTILLA PRODIGIOSA GOLDENROD	1" TALL	3' / 4'	5
10	GOLDFARBEN SPHERA	SPHIERA GIBBERNA	1" TALL	7' / 3'	5
11	UNIDENTIFIED SHRUB	MATCH EXISTING SHRUB IN ISLAND	1" TALL	3' / 7' W	4

NOTE: 1. UNLESS NOTED OTHERWISE, ALL LANDSCAPING AREA TO BE LAWN
 2. PLANTING MEDIUM AND ARE TO BE ADDED AND EXISTING TO REMAIN
 3. THE LANDSCAPE INSTALLER MUST RECEIVE APPROVAL FROM THE CITY ENGINEER FOR ALL PLANTING AND MATERIALS TO BE USED
 4. IT IS THE RESPONSIBILITY OF THE LANDSCAPE INSTALLER TO HAVE ALL NECESSARY UTILITIES LOCATED BY ENGINEER NOTIFIED PRIOR TO INSTALLATION
 5. NEW PLANTING BEING INDICATED TO BE PROTECTED BY WARMED STONE AND BIRD BARRIERS OVER THE 4" TYPICAL
 6. BIRD BARRIERS SHALL BE PLACED WITHIN ONE WEEK AFTER INSTALLATION IS PLACED
 7. ALL PLANTING TO BE MAINTAINED BY OWNER

LANDSCAPE CALCULATION

38 NEW PARKING SPALLS ADDED

LANDSCAPE ITEM	REQUIRED BY	REMOVED BY	NET TOTAL	PERMIT REQUIRED
EXISTING PARKING SPALLS	28 / 11 / 0	0	28	NO
NEW PARKING SPALLS	38 / 11 / 4	0	38	NO
NET TOTAL			66	NO



LANDSCAPE PLAN NORTH

THOMAS DESIGN INC
 ARCHITECT
 FOND DU LAC, WISCONSIN 54601-9213

piggly wiggly
MIDWEST

2313 WISCONSIN "NATIONAL" HWY 175 #101-4113
 PROJECT LOCATION
 FOX'S FIGGLY WIGGLY HUBERTUS

PROJECT LOCATION
 FIGGLY WIGGLY
 1234 HWY 175
 RICHFIELD, WI 53033

OWNER CONTACT
 STONE ENGINEER, INC 824

DATE: 02-18-2013
 REVISION: 03-18-2013

FILE NUMBER: L-1