



AMENDED AGENDA

**PLAN COMMISSION MEETING
RICHFIELD VILLAGE HALL
4128 HUBERTUS ROAD, HUBERTUS, WISCONSIN
FEBRUARY 4, 2016
7:00 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. Approval of Minutes:
 - a. January 7, 2016 – Regular Meeting
5. PUBLIC HEARING
 - a. Discussion regarding a petitioned Conditional Use Permit to allow horses at 3810 Cora Lane (Tax Key: V10_0213005)
 - b. Discussion regarding a petition to rezone a portion of property (12.204 acres) located at 3200 Pleasant Hill Road (Tax Key: V10_025500Y) from A-1, Exclusive Agricultural District to A-2, General Agricultural District
6. DISCUSSION/ACTION
 - a. Discussion and possible recommendation to the Village Board regarding a petitioned Conditional Use Permit to allow horses at 3810 Cora Lane (Tax Key: V10_0213005)
 - b. Discussion and possible recommendation to the Village Board regarding a petition to rezone a portion of property (12.204 acres) located at 3200 Pleasant Hill Road (Tax Key: V10_025500Y) from A-1, Exclusive Agricultural District to A-2, General Agricultural District
 - c. Discussion and possible recommendation to the Village Board regarding a proposed One-Lot Certified Survey Map (CSM) for a portion of vacant property (12.204ac) located at 3200 Pleasant Hill Road (Tax Key: V10_025500Y)
 - d. Discussion/Action regarding a Site, Building, and Plan of Operation for Bender Automotive, located at 2903 STH 167 (Tax Key: V10_035000C)
 - e. Discussion and possible recommendation to the Village Board for Resolution **R2016-02-01**, a Resolution to commence the process for amending the Village's Comprehensive Plan
 - f. Discussion regarding potential text amendments to the A-1, Exclusive Agricultural District
 - g. Discussion regarding a proposed ordinance amendment relating to boundary line relocations for legal conforming and legal, non-conforming properties

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.

1. Call to order/determination of quorum

Chairman Jim Otto called the meeting to order at 7:01 p.m.

In attendance were Chairman Jim Otto, Commissioners Ray Cote, Dick Melzer, Kurt Bartel, Trustee Collins Administrator Jim Healy and Administrative Services Coordinator KateLynn Schmitt.

Commissioner Bob Lalk and Vice-Chairman Don Berghammer had excused absences.

2. Verification of Open Meetings Law compliance

Administrative Services Coordinator KateLynn Schmitt stated that the agendas were posted at the Richfield, Hubertus, and Colgate U.S. Post Offices as well as Village Hall. Digital copies of the agenda were sent to the West Bend Daily News, Germantown Express News, Hartford Times Press, and the Milwaukee Journal Sentinel.

3. Pledge of Allegiance

4. Approval of Minutes

a. December 3, 2015 – Regular Meeting

Motion by Commissioner Melzer to approve the minutes of the regular December 3, 2015 Plan Commission meeting; Seconded by Commissioner Bartel; Motion passed without objection.

5. DISCUSSION/ACTION

a. Discussion and possible recommendation to the Village Board regarding an extraterritorial plat review in the Town of Lisbon for a Two-Lot Certified Survey Map (CSM), generally located at W230N9421 Colgate Road, Tax Key: LSBT0149995001, John W. Lietzau 1996 Convertible Trust

Commissioner Lalk entered the meeting at 7:02.

Motion by Trustee Collins to approve the proposed Two-Lot CSM for Mr. John Lietzau for his property in the Town of Lisbon, indicated by Tax Key: LSBT 0149-995-001, subject to the Specific and General Conditions of Approval listed below:

Specific Conditions of Approval:

1. The signature block for the Village of Menomonee Falls be removed and replaced with one for the Village President, John Jeffords and Village Administrator/Clerk, Jim Healy.

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.

Seconded by Commissioner Melzer; Commissioner Lalk abstained Motion carried without objection.

b. Discussion and possible recommendation to the Village Board regarding a One Lot CSM for vacant property on Bark Lake Road, identified by Tax Keys: V10_1017 and V10_1015

Motion by Trustee Collins to recommend to the Village Board the approval of the certified survey map for Ms. Jane Matter for her property indicated by Tax Key: V10_1017 and V10_1015, subject to the Specific and General Conditions of Approval listed below:

Specific Conditions of Approval:

1. The Zoning on the property be indicated as F-1, Floodplain Districts and the related setbacks be listed.
2. The signature block for the Plan Commission be removed

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.

Seconded by Commissioner Melzer; Motion carried without objection.

6. ADJOURNMENT

Motion by Commissioner Lalk to adjourn; Seconded by Commissioner Melzer; Motion passed without objection at 7:06 p.m.

Vice-Chairman Berghammer entered the meeting.

Respectfully Submitted,



Jim Healy
Village Administrator

DRAFT



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: February 4, 2016

SUBJECT: Conditional Use Application – Livestock, Horses 3810 Cora Lane

DATE SUBMITTED: **UPDATED: FEBRUARY 1, 2016**

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO RECOMMEND TO THE VILLAGE BOARD THE APPROVAL OF A PROPOSED CONDITIONAL USE TO ALLOW THREE (3) HORSES AT 3810 CORA LANE?

ISSUE SUMMARY:

The application is being brought forward by Ms. Christine Corrus on behalf of the property owners, Mr. and Mrs. Terry Heinemeier for their property at 3810 Cora Lane. The proposed conditional use is to have three (3) horses on the subject property (V10-0213005). The property is currently zoned Rs-2, Single Family Residential District and LC, Lowland Conservancy. It has a land mass of approximately 5.5 acres and it is divided as follows, 2.7 acres in Rs-2, Single Family Residential District and 2.8 acres in the Low Land Conservancy District. The raising of horses is a Conditional Use allowed in all residential zoning districts pursuant to Section 70.301(E)(6) provided the following minimum requirements are met:

Raising horses and other livestock. Notwithstanding other restrictions that may apply to a particular lot or parcel, either by deed, title or restrictive covenant, the keeping and raising of livestock, including horses, on lots and parcels located in any residential zoning district may be allowed by the Village Board with a conditional use permit provided the following minimum standards and criteria can be met:

- a. Parcel area. The minimum lot or parcel area required shall be four acres.
- b. Accessory use. The keeping and raising of livestock shall be an accessory use of the lot or parcel exclusively for the personal enjoyment and/or consumption of the owner(s) of the property and not related to nor part of a commercial business or operation.
- c. Type and number. The type and number of animals that may be allowed as set forth in the permit shall not exceed one livestock unit per whole acre where one livestock unit shall be the equivalent of the following:
 - i. One cow, steer or buffalo;
 - ii. One horse, llama or emu;
 - iii. Two pigs or hogs;
 - iv. Two sheep or goats;



VILLAGE OF RICHFIELD
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v.
Ten poultry.

Specific requirements and limitations addressing the type and number of animals, structures, fencing, manure management, noise, odor, and other nuisances and impacts may be required as conditions of approval.

This provision is intended to allow the raising of such animals on lots or parcels that are not included in or made part of a recorded subdivision platted prior to the effective date of the ordinance adopting this provision, unless:

d.
The raising of such animals is specifically allowed on the subject lot or parcel as set forth in the subdivision deed restrictions or covenants; or

e.
The subject lot or parcel is specifically exempt from the operation or affect of the subdivision deed restrictions or covenants.

After a Staff review, it's is our determination that on the petition's face, it does not meet the bulleted requirements laid forth in 70.301(E)(6). In taking a literal reading of the italicized preceding section with the emphasis on the underlined portions, the parcel as a whole is not entirely residential and therefore does not have the requisite 4 acres as "residentially" zoned land which is required. The portion of land for the subject property that is zoned residentially is approximately 2.7 acres with the balance being in Lowland Conservancy. The provision highlighted in Yellow above, while not formatted correctly, it does explicitly state that the raising of such farm animals is allowed provided that they are not in recorded subdivision plats. While the petitioner is able to arguably meet the rest of the criteria on the Village's Zoning Code, this provision they cannot meet given the subdivision was platted in 1977.

While Deed Restrictions and the enforcement thereof is generally not a Village-wide concern, Staff thought it was important to note that the Kettle Cliffe Addition No. 2 Subdivision, when it was originally platted in 1977, had a restriction on the properties that states as follows: "No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot..." However, these Deed Restrictions had an expiration after 25 years, meaning they are not enforceable by the subdivision HOA, if one even exists, since 2002.

Originally, the Village Staff relied upon the language in the Deed Restrictions which said horses and other livestock were prohibited when we learned this petitioner was interested in submitting an application. After the initial petition submittal, the real estate agent for the intended purchaser brought to our attention that they expired in 2002. Presumably, it was based on this knowledge alone that they decided to submit the application. Regrettably, the petitioner did not read this section of the ordinances in its entirety prior to submitting the application. By law, Village Staff is required to process these types of applications when submitted to them. It was only after the application was submitted that an analysis of the section was done by Village Staff.

As a part of the scheduled Public Hearing, notice was sent to every property owner within 300' of the subject parcel and notice was also published twice in the *West Bend Daily News*.



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
 MEETING DATE: February 4, 2016

FUTURE IMPACT & ANALYSIS:

REVIEWED BY: _____
Village Deputy Clerk

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

ATTACHMENTS:

1. DRAFT Conditional Use Permit for 3810 Cora Lane
2. Public Hearing Notice published in the West Bend Daily News
3. Kettle Cliffe Addition No. 2 Subdivision Deed Restrictions filed December 6, 1977
4. Photocopy of recorded plat
5. Correspondence from neighboring property owners
6. 70.241 Conditional Use Administration
7. Ordinance No. 02-05-01

STAFF RECOMMENDATION:

Motion to recommend denial to the Village Board for the proposed conditional use permit for horses 3810 Cora Lane.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
 BOARD ACTION TAKEN

 Village Staff Member

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

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

 Village Administrator

- floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground at two-foot intervals; fill or storage elevations; first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types and other pertinent information.
3. Plat of survey prepared by a registered land surveyor showing all of the information required under section 70.131 for a zoning/building permit as well as the following: mean and historic high-water lines and floodlands on or within 40 feet of the subject premises; and existing and proposed landscaping.
 4. Additional information as may be required by the Plan Commission, Village Engineer, Planning and Zoning Administrator, or Building Inspector.
- C. Review and approval. The Village Plan Commission shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewage disposal and water systems, and the proposed operation and, prior to Village Board action, shall hold a public hearing as set forth in section 70.45.
1. Conditions such as landscaping, architectural design, type of construction, drainage, floodproofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the Plan Commission upon its finding that these are necessary to fulfill the purpose and intent of this chapter.
 2. Notice to state department of nature resources (DNR). The Plan Commission shall transmit a copy of each application for a conditional floodland use to the county park and planning commission and the state department of natural resources (DNR) for review and comment. Action on the application shall not be taken for 30 days or until the county and department of natural resources (DNR) have made their recommendation, whichever comes first. A copy of all floodland conditional use permits shall be transmitted

to the county and department of natural resources (DNR) within 10 days of the effective date of such permit.

D. Village Board action.

1. Following a public hearing by the Plan Commission and after careful consideration of the Village Plan Commission's recommendations, the Village Board may grant the conditional use permit as applied for, grant the conditional use permit with conditions deemed appropriate by the board, or deny the permit. Compliance with all other provisions of this chapter, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses, unless otherwise stipulated in the individual districts regulations. Variances shall only be granted as provided in sections 70.104 and 70.163.
2. When the Village 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 feet 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 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.

E. Conditional uses allowed in all zoning districts.

1. Any principal use other than the initial principal use on a parcel or property.
2. Solar and wind energy collection and electric production devices. Any active or passive solar and wind energy collection, reflection, conversion, generation, transmission, or storage system and device external to the principal use structure or placed as an accessory or principal use on property within the Village shall be required to secure a permit for the erection of such system or device from the Building Inspector prior to such erection or placing. Application for placement or erection of such system or device shall include detailed construction drawings of the

entire system including any modification to existing structures, dimensions of the system and the structure to which it is affixed or connected, distances to the boundaries of the individual property on which the system or device is proposed to be placed, names of the owners of the property as well as names and addresses of individual persons or firms involved in the sale, fabrication, erection, placing, connection and insuring of such system or device. In addition, the applicant for such permit shall provide the Building Inspector with a site plan showing: the location of the system or device on the site and the approximate distance to any structures on adjacent properties; landscaping screens; fences; overhead electric, telephone and TV cables; and, permanent ponds or pools of water. The applicant shall, in addition, provide evidence that all applicable county, state and federal regulations have been met and that all applicable regulations of the affected electric utility company have been met.

3. Radio and television reception and transmission devices not governed by section 70.271. Any radio or television reception or transmission system or device external to the principal use structure or placed as an accessory use on property within the Village shall be required to secure a permit for the erection of such system or device. The application therefor shall include detailed construction drawings of the entire system including any modifications to existing structures, dimensions of the system and the structure to which it is affixed or connected, distances to the boundaries of the individual property on which the system or device is proposed to be placed, names of the owners of the property as well as names and addresses of individual persons or firms involved in the sale, fabrication, erection, placing, connection and insuring of such system or device. In addition, the applicant for such permit shall provide the Building Inspector with a site plan showing: the location of the system or device on the site and the approximate distance to any structures on adjacent properties, landscaping screens, fences, overhead electric, telephone and TV cables, and permanent ponds or pools of water. The applicant shall also provide evidence that all applicable county, state and federal regulations have been met and that all applicable regulations of the affected utility company have been met. Such uses may not be placed in the front yard area of any principal use within the Village.
4. Short-term mining or mineral extraction activities.
 - a.

A special conditional use permit issued under this subsection (E)(4) shall be limited to a term of not more than five years; shall be limited to parcels of less than 20 acres in size; and shall be limited to the following mining and mineral extraction activities:

- i. The mining or extraction of rock, gravel, sand or topsoil;
 - ii. The separation, crushing and washing of rock and gravel;
 - iii. The processing and washing of sand;
 - iv. The processing of topsoil; and
 - v. The temporary storage of processed materials. In addition, a permit issued under this shall require the completion of a restoration plan within the terms of the permit.
- b. In determining whether to issue a permit under this subsection (E)(4), the following factors may be considered:
- i. The relationship of the proposed final grades to the surrounding terrain;
 - ii. The proposed post-extraction use of the land;
 - iii. The impact of the extraction activities upon surrounding properties and inhabitants in terms of sound, dust and sight;
 - iv. The effect of such activities upon roadways and traffic;
 - v. Any other factors affecting the health and general welfare of the immediate neighborhood and the Village in general.
- c. Permits issued under this subsection (E)(4) shall specify:
- i. The physical limits of the extraction activity including setbacks, slopes and other grading features, all of which shall be set forth in an approved engineering plan;
 - ii. The hours of operation;
 - iii. The machinery and equipment to be used;
 - iv. The location and height of temporary storage piles of extracted materials;

- v. Any required sound, dust or sight buffers, barriers or control devices;
 - vi. Special safety measures;
 - vii. The required restoration plan including a landscaping plan;
 - viii. The nature and amount of financial guarantees; the date of completion of the activities, in stages, if applicable, and in total;
 - ix. Any other condition deemed necessary to protect the public health, safety and general welfare.
- d. Failure to operate within the conditions established shall result in immediate suspension of the permit and shall be deemed a violation of the zoning code subject to the penalties set forth in section 70.43.
5. Reserved.
6. Raising horses and other livestock. Notwithstanding other restrictions that may apply to a particular lot or parcel, either by deed, title or restrictive covenant, the keeping and raising of livestock, including horses, on lots and parcels located in any residential zoning district may be allowed by the Village Board with a conditional use permit provided the following minimum standards and criteria can be met:
- a. Parcel area. The minimum lot or parcel area required shall be four acres.
 - b. Accessory use. The keeping and raising of livestock shall be an accessory use of the lot or parcel exclusively for the personal enjoyment and/or consumption of the owner(s) of the property and not related to nor part of a commercial business or operation.
 - c. Type and number. The type and number of animals that may be allowed as set forth in the permit shall not exceed one livestock unit per whole acre where one livestock unit shall be the equivalent of the following:
 - i. One cow, steer or buffalo;
 - ii. One horse, llama or emu;
 - iii. Two pigs or hogs;
 - iv. Two sheep or goats;
 - v. Ten poultry.

Specific requirements and limitations addressing the type and number of animals, structures, fencing, manure management, noise, odor, and other nuisances and impacts may be required as conditions of approval.

This provision is intended to allow the raising of such animals on lots or parcels that are not included in or made part of a recorded subdivision platted prior to the effective date of the ordinance adopting this provision, unless:

- d. The raising of such animals is specifically allowed on the subject lot or parcel as set forth in the subdivision deed restrictions or covenants; or
- e. The subject lot or parcel is specifically exempt from the operation or affect of the subdivision deed restrictions or covenants.

ORDINANCE NO. 02- 05- 01

AN ORDINANCE TO AMEND CHAPTER 17 (THE ZONING ORDINANCE) OF THE CODE OF ORDINANCES OF THE TOWN OF RICHFIELD, WASHINGTON COUNTY, WISCONSIN

WHEREAS, the Town Plan Commission and Town Board have determined that, based in part on recommendations from the Planning and Zoning Administrator, the amendment set forth herein is necessary to better and more equitably regulate the use of and allowance for the raising of horses and other livestock on large residentially-zoned properties in the Town and to further the purpose and intent of the Town's Zoning Ordinance; and

WHEREAS, the Town Planning & Zoning Administrator has drafted a proposed amendment to Section 17.0505 of the Town's Zoning Ordinance which provides for special conditional uses not set forth in individual district regulations and has attached that amendment hereto as Exhibit "A"; and

WHEREAS, a public hearing of the proposed amendments was duly held on May 2, 2002; and

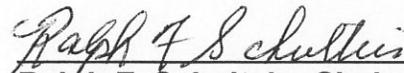
WHEREAS, the Town Planning Commission made a recommendation on May 2, 2002, to adopt the proposed amendment; and

NOW THEREFORE; the Town Board of the Town of Richfield does hereby ordain as follows:

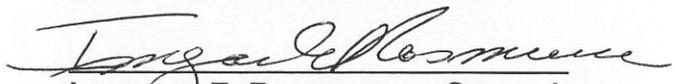
Section 1. Section 17.0505.f. of Town of Richfield Code of Ordinances, i.e. the "Zoning Ordinance", is created to read as set forth in Exhibit "A".

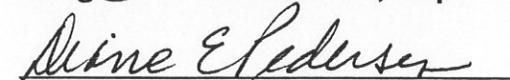
Section 2. This Ordinance shall take effect the day after proof of posting the same, in accordance with Section 60.80(1), Wis. Statutes, has been filed with the Town Clerk.

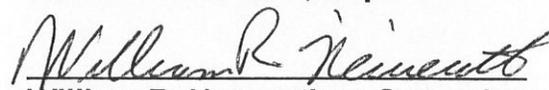
Adopted this 16th day of May, 2002.


Ralph F. Schulteis, Chairman

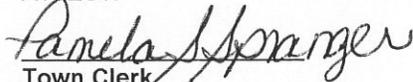

John G. Jeffords, Supervisor


Imogene E. Rasmussen, Supervisor


Diane E. Pedersen, Supervisor


William R. Neureuther, Supervisor

ATTEST:


Town Clerk

POSTED:

05-17-02
Proof of Posting Filed
and Recorded

EXHIBIT "A"
Creation of Section 17.0505.f.

f. Raising Horses and Other Livestock.

Notwithstanding other restrictions that may apply to a particular lot or parcel, either by deed, title or restrictive covenant, the keeping and raising of livestock, including horses, on lots and parcels located in any residential zoning district may be allowed by the Town Board with a conditional use permit provided the following minimum standards and criteria can be met:

1. Parcel Area. The minimum lot or parcel area required shall be four (4) acres.
2. Accessory Use. The keeping and raising of livestock shall be an accessory use of the lot or parcel exclusively for the personal enjoyment and/or consumption of the owner(s) of the property and not related to nor part of a commercial business or operation.
3. Type and Number. The type and number of animals that may be allowed as set forth in the permit shall not exceed one (1) livestock unit per whole acre where one (1) livestock unit shall be the equivalent of the following:
 - (a) one cow, steer or buffalo
 - (b) one horse, llama or emu
 - (c) two pigs or hogs
 - (d) two sheep or goats
 - (e) ten poultry

Specific requirements and limitations addressing the type and number of animals, structures, fencing, manure management, noise, odor, and other nuisances and impacts may be required as conditions of approval.

This provision is intended to allow the raising of such animals on lots or parcels that are not included in or made part of a recorded subdivision platted prior to the effective date of the ordinance adopting this provision, unless: (1) the raising of such animals is specifically allowed on the subject lot or parcel as set forth in the subdivision deed restrictions or covenants; or (2) the subject lot or parcel is specifically exempt from the operation or affect of the subdivision deed restrictions or covenants.

Jim Healy

From: Tim Schwecke <tim.schwecke@civitekconsulting.com>
Sent: Sunday, January 31, 2016 9:31 PM
To: Jim Healy
Subject: RE: PC Agenda (Cora Road CU for livestock)

Jim,

As requested, I've reviewed the staff report for the conditional use for horses. I believe, the section you referenced in your staff report is s. 70.241 in eCode. <http://www.ecode360.com/15479961> Is that correct?

In that regard, the formatting of the content in eCode is different than what is in my paper copy (below), which is also misnumbered/misformatted at the end of the subsection.

The items that are numbered (a), (b), and (c) are a list of minimum requirements. After that, the subsection contains two additional paragraphs. The last paragraph starts with "This provision is intended" and includes a numbered list which should be (a) and (b), not (c) and (e).

In any event, a plain reading of the last paragraph indicates that a person can only have livestock in a subdivision IF, the deed restrictions for the subdivision specifically allow them OR a lot is specifically excluded from the deed restrictions for the subdivision.

In your staff report, you mention that there were deed restrictions at one point, which have since expired. As an aside, it is instructive to note that they specifically prohibited livestock.

In short, if there are no deed restrictions for the subdivision, you can't even get to first base. Therefore, I don't think the village is authorized to consider this application for lack of authority.

If you would like an additional set of eyes, don't hesitate to confer with Attorney Macy.

Tim

6. Raising horses and other livestock.
- Notwithstanding other restrictions that may apply to a particular lot or parcel, either by deed, title or restrictive covenant, the keeping and raising of livestock, including horses, on lots and parcels located in any residential zoning district may be allowed by the Village Board with a conditional use permit provided the following minimum standards and criteria can be met:
- a. *Parcel area.* The minimum lot or parcel area required shall be four acres.
 - b. *Accessory use.* The keeping and raising of livestock shall be an accessory use of the lot or parcel exclusively for the personal enjoyment and/or consumption of the owner(s) of the property and not related to nor part of a commercial business or operation.
 - c. *Type and number.* The type and number of animals that may be allowed as set forth in the permit shall not exceed one livestock unit per whole acre where one livestock unit shall be the equivalent of the following:
 - i. One cow, steer or buffalo;
 - ii. One horse, llama or emu;
 - iii. Two pigs or hogs;
 - iv. Two sheep or goats;
 - v. Ten poultry.
- Specific requirements and limitations addressing the type and number of animals, structures, fencing, manure management, noise, odor, and other nuisances and impacts may be required as conditions of approval.
- This provision is intended to allow the raising of such animals on lots or parcels that are not included in or made part of a recorded subdivision platted prior to the effective date of the ordinance adopting this provision, unless:
- c. The raising of such animals is specifically allowed on the subject lot or parcel as set forth in the subdivision deed restrictions or covenants; or
 - e. The subject lot or parcel is specifically exempt from the operation or affect of the subdivision deed restrictions or covenants.
- (Ord. No. 01-04-02, § 2, 4-19-2001; Ord. No. 02-05-01, Exh. A, 5-16-2002; Ord. No. 05-01-03, § 1, 1-20-2005)

From: Jim Healy [mailto:administrator@richfieldwi.gov]
Sent: Friday, January 29, 2016 7:28 PM
To: tim.schwecke@civitekconsulting.com
Subject: PC Agenda

Attached.

Sincerely,

Jim Healy

Village Administrator

Planning and Zoning Administrator

(262)-628-2260

Village of Richfield

4128 Hubertus Road

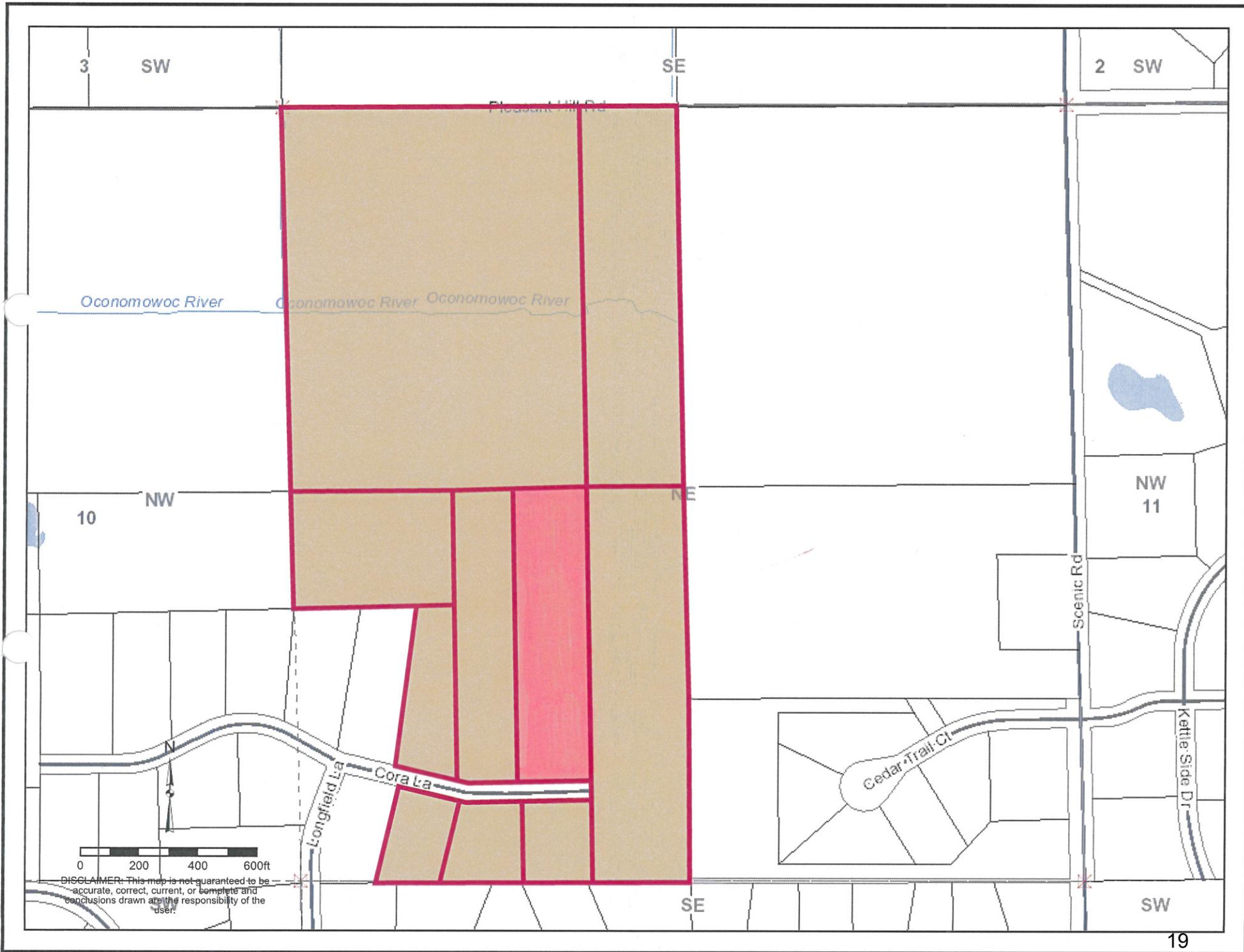
Hubertus, WI 53033

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Follow us on Twitter, @RichfieldWis

This message originates from the Village of Richfield. It contains information that may be confidential or privileged and is intended only for the individual named above. It is prohibited for anyone to disclose, copy, distribute, or use the contents of this message without permission, except as allowed by the Wisconsin Public Records Law. If this message is sent to a quorum of a governmental body, my intent is the same as though it were sent by regular mail and further e-mail distribution is prohibited. All personal messages express views solely of the sender, which are not attributed to the municipality I represent and may not be copied or distributed without this disclaimer. If you have received this message in error, please notify me immediately.

“Far and away the best prize that life has to offer is the chance to work hard at work worth doing.” – President Theodore Roosevelt



CONDITIONAL USE PERMIT

**Mr. and Mrs. Terry Heinemeier – Current Property Owner
Ms. Christine Corrus – Potential Property Owner (Agent)
Agricultural Livestock- Horses
3810 Cora Lane
(Tax Key V10-0213005)**

The Village Board of the Village of Richfield, Washington County, Wisconsin DO ORDAIN AS FOLLOWS:

Whereas, Mr. and Mrs. Terry Heinemeier (“property owner/petitioner”) own property located at 3810 Cora Lane (Tax Key: V10-0213005) (“subject property”) and have submitted a conditional use application to allow agricultural livestock on the subject property in the form of three (3) horses; and

Whereas, Ms. Christine Corrus has been appointed as the “Agent” for the property owner and has extended an offer to purchase the land from the petitioner subject to receiving approval from the Village; and

Whereas, Section 70.241(E)(6) of the Zoning Code for the Village of Richfield allows for the “Raising of Horses and other Livestock” in all zoning districts as a conditional use; and

Whereas, the subject property is zoned by LC, Lowland Conservancy and Rs-2, Single Family Residential District; and

Whereas, upon receipt of the application, the Village Clerk properly referred such petition to the Plan Commission for the Village of Richfield for determination; and

Whereas, the Plan Commission for the Village of Richfield scheduled a public hearing thereon as soon as practical; and

Whereas, upon publication of the required “Notice of Public Hearing” and mailing of said “Notice of Public Hearing” to all property owners within 300 feet of the subject property, the Plan Commission for the Village of Richfield held a public hearing on February 4, 2016, as required by section 70.241 of the zoning code for the Village of Richfield; and

Whereas, members of the public at the public hearing were given ample opportunity to provide comment; and

Whereas, the Plan Commission for the Village of Richfield, following the public hearing and necessary study and investigation, have given the matter due consideration, and having based its determination on the effect of granting such Conditional Use Permit on the health, general welfare, safety and economic prosperity of the Village and specifically of the immediate neighborhoods surrounding said location, and having given due consideration to the municipal problems involved, as well as impact on the surrounding properties hereby determine that the keeping and raising of horses will not violate the spirit or intent of the Zoning Ordinance for the Village of Richfield, will not be contrary to the public health, safety or general welfare of the Village of Richfield, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of smoke, dust, odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as

the Conditional Use is operated pursuant to the following conditions and in strict compliance with the same.

Whereas, on February 4, 2016, the Village Plan Commission recommended approval to the Village Board for the proposed allowance of “Agricultural Livestock- Horses”; now

THEREFORE IT IS ORDERED AS FOLLOWS:

Commencing upon the date of signature of this approval by Village officials and the property owner, whichever occurs last, a conditional use permit is hereby granted as more particularly described herein. This conditional use permit is subject to initial and continued compliance with each and every one of the following conditions, restrictions, and limitations.

A. This conditional use approval is granted subject to the following conditions:

1. Subject Property. This conditional use permit is limited to the subject property located at 3810 Cora Lane (Tax Key: V10_0213005). The current owner of the property, Mr. and Mrs. Terry Heinemeier, by the nature of this approval, have since conveyed ownership and property rights to Ms. Christine Corrus.
2. Presentation Compliance. The construction and operation of raising agricultural livestock shall be in substantial conformity with written communication by the property owner’s agent, Ms. Christine Corrus, in her letter dated December 14, 2015 herein attached as Exhibit A.
3. Authorized use. The keeping and boarding of three (3) horses generally located in the location depicted in Exhibit B, which is attached hereto and incorporated herein by reference, is authorized as an “accessory use” subject to the following specific conditions:
 - a. The proposed 24x36’ building addition shall only be built if it meets the Village’s required setbacks, percent of lot coverage requirements, and all other building requirements in the Village’s Municipal Code of Ordinances.
 - b. The “three or four” high tensile elect fencing to enclose “roughly two (2) to (3) acres adjacent to the existing detached structure” must also meet the requirements of the Village’s Municipal Code of Ordinances.
 - c. Before issuing the building permit, the petitioner shall submit a formal site plan and related documentation acceptable to the Building Inspector indicating that their proposal meets all applicable regulations for the subject property.
 - d. Upon receipt of the documentation from the petitioner, the Building Inspector shall place in writing to the Village’s Planning and Zoning Administrator that he agrees the proposal meets all requirements of the Village’s Municipal Code of Ordinances.
 - e. The raising of horses on the property are not a part of any commercial use, but rather, personal enjoyment.
 - f. The keeping of any other type of agricultural livestock (chickens, goats, emus, pigs, etc.) is strictly prohibited without prior amendment to this Conditional Use Permit.
 - g. All other uses of the subject property shall be in conformance to the Village’s zoning code.

4. Licenses/Permits. The petitioner shall be required to obtain any and all required licenses and permits from the village, county, state, and federal government. If any license or permit is issued, any and all conditions of the same are incorporated herein and made a part of this conditional use permit.
 5. Laws. The petitioner shall comply with all federal, state, county, and local rules, codes, ordinances, and regulations in the construction, operation, and maintenance of the subject property as amended from time to time.
 6. Junk. No junk as defined in Section 263-8(A) of the Village code of ordinances; or disassembled, inoperable, junked or wrecked boats, motor vehicles, truck bodies, tractors, trailers also defined in Section 263-8(A); shall be accumulated or stored on the subject property. No burying or burning of junk is permitted on the subject property.
 7. Fees and Expenses. Upon issuance of this conditional use permit, the petitioner shall reimburse the Village for all expenses incurred by the Village including all professional and technical assistance expenses, realized by the Village in reviewing, approving, and granting this conditional use permit. The Village Clerk shall provide the petitioner with copies of all itemized invoices.
 8. Cost of Enforcement. Any attorney fees incurred by the Village of Richfield to enforce any of the conditions or requirements of this conditional use permit must be paid by the petitioner.
 9. Revocation or Modification of Approval. Whenever the Village Board has reasonable cause to believe that any of the conditions herein imposed are being or have been violated, or any use of the subject property related to the operation becomes hazardous, harmful, noxious, offensive, or a nuisance to surrounding properties, the Village Board shall have the right to revoke or modify this conditional use permit, including, but not limited to, imposing stricter conditions upon the use and/or operation through a revised permit by the following the process as set forth in Section 70-241(D)(2) of the Village code of ordinances.
 10. Acceptance. Within four months of when the Village Board approves this conditional use permit, the petitioner is required to accept the terms and conditions of this approval, in writing.
 11. Effect of Approval on Heirs, Successors, and Assigns. The terms of this conditional use approval shall be binding on the owners of the subject property and their heirs, successors, and assigns.
 12. Right of entry for inspection. The petitioner hereby gives village officials, employees, and authorized agents the right to enter the subject property with reasonable notice for purposes of inspecting the premise to ensure compliance with the terms of this permit.
- B. Any use not specifically listed as permitted shall be considered to be prohibited except as may be otherwise specifically provided herein. In case of a question as to the classification of use the question shall be submitted to the Plan Commission for determination.

- C. No use is hereby authorized unless the use is conducted in a lawful, orderly, and peaceful manner. Nothing in this order shall be deemed to authorize any public or private nuisance or to constitute a waiver, exemption or exception to any law, ordinance, order or rule of either the municipal governing body, the county of Washington, the state of Wisconsin, the federal government, or other duly constituted authority, except only to the extent that it authorizes the use of the subject property above described in any specific respects described herein. This order shall not be deemed to constitute a building permit, nor shall this order constitute any other license or permit required by Village ordinance or other law.
- D. This conditional use hereby authorized shall be confined to the subject property described, without extension or expansion other than as noted herein, and shall not vary from the purposes herein mentioned unless expressly authorized in writing by the Plan Commission as being in compliance with all pertinent ordinances.
- E. Should the permitted conditional use be abandoned in any manner, or discontinued in use for twelve (12) months, or continued other than in strict conformity with the conditions of the original approval, or should the petitioner be delinquent in payment of any monies due and owing to municipality, or should a change in the character of the surrounding area or the use itself cause it to be no longer compatible with the surrounding area or for similar cause based upon consideration of public health, safety or welfare, the conditional use may be terminated by action of the Plan Commission, pursuant to the enforcement provisions of this conditional use order.
- F. Any change, addition, modification, alteration and/or amendment of any aspect of this conditional use, including but not limited to an addition, modification, alteration and/or amendment to the use, premises (including, but not limited to, any change to the boundary limits of the subject property), structures, lands other than as specifically authorized herein, shall require a new conditional use permit (amendment) and all procedures in place at the time must be followed.
- G. Unless this conditional use permit expressly states otherwise, plans that are specifically required by this conditional use order may be amended upon the prior approval of the Plan Commission if the Plan Commission finds the plan amendment to be minor and consistent with the conditional use permit. Any change in any plan that the Plan Commission feels, in its sole discretion, to be substantial shall require a new permit, and all procedures in place at the time must be followed.
- H. Should any paragraph or phrase of this conditional use permit be determined by a court to be unlawful, illegal or unconstitutional, said determination as to the particular phrase or paragraph shall not void the rest of the conditional use and the remainder shall continue in full force and effect.
- I. If any aspect of this conditional use permit or any aspect of any plan contemplated and approved under this conditional use is in conflict with any other aspect of the conditional use or any aspect of any plan of the conditional use, the more restrictive provision shall be controlling as determined by the Plan Commission.

Exhibit A
(LEFT INTENTIONALLY BLANK)

Exhibit B
(LEFT INTENTIONALLY BLANK)

111 Maple Ave. S. #4
Slinger, WI 53086

Village of Richfield
4128 Hubertus Rd.
Hubertus, WI 53033

Exhibit A

12/14/2015
RE: Conditional use permit for 3810 Cora Lane

Dear Administrator,

I am in the process of purchasing 3810 Cora Lane and thus am applying for a conditional use permit to have horses on the property. This property includes 5.5 acres and pursuant to village code, 5 horses could be allowed; I would like to keep 3 horses on the property. I have an animal science degree from UW River Falls in 1990 and have trained, showed, and boarded horses professionally for 24 years. I no longer train or board, but seek to have my own horses at my home for my own pleasure.

I would like to modify the existing roughly 600 square foot detached garage to store hay and tack. I would like to add a 12 foot extension to the eve on the garage to provide lean-to type shelter while horses are outside. I would also propose to put up an additional 24X36 building to have stalls for the horses. I would like to attach this additional building onto the north side of the existing detached garage where a foundation has already been started.

Additionally, I would like to put up three or four rail high tensile electric fencing to enclose roughly 2 to 3 acres adjacent to the existing detached structure.

Exhibit B



(Class II Public Notice)
NOTICE OF PUBLIC HEARING
VILLAGE OF RICHFIELD
Thursday, February 4, 2016

PLEASE TAKE NOTICE:

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Plan Commission will conduct two (2) public hearings on Thursday, February 4, 2016 at 7:00 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033 to consider the petitions by:

- 1) Mr. and Mrs. Edward Stuesser to rezone a portion of their property (12.204 acres) located at 3200 Pleasant Hill Road (Tax Key: V10-0255-00Y) from A1, Exclusive Agricultural District to A2, General Agricultural District.
- 2) **Mr. and Mrs. Terry Heinemeier to allow for three (3) horses at 3810 Cora Lane (Tax Key: V10_0213005), pursuant to Sect. 70.241 of the Village's Zoning Code.**

For information regarding this public hearing, please contact Jim Healy, Village Administrator at (262)-628-2260. A map showing the location of the subject property is available from the Village Clerk during normal business hours. All interested parties will be heard. 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 (262)-628-2260 with as much advance notice as possible.

Dated this January 17, 2016

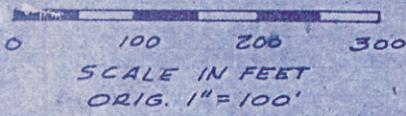
Publication Dates:

January 21, 2016

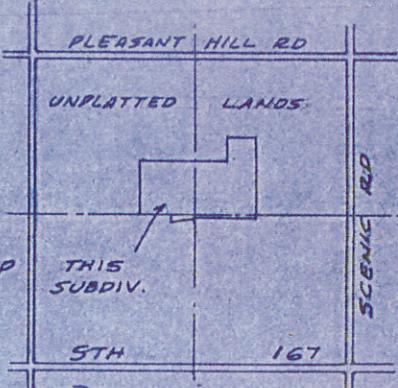
January 28, 2016

Jim Healy
Village Administrator
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033
(262)-628-2260

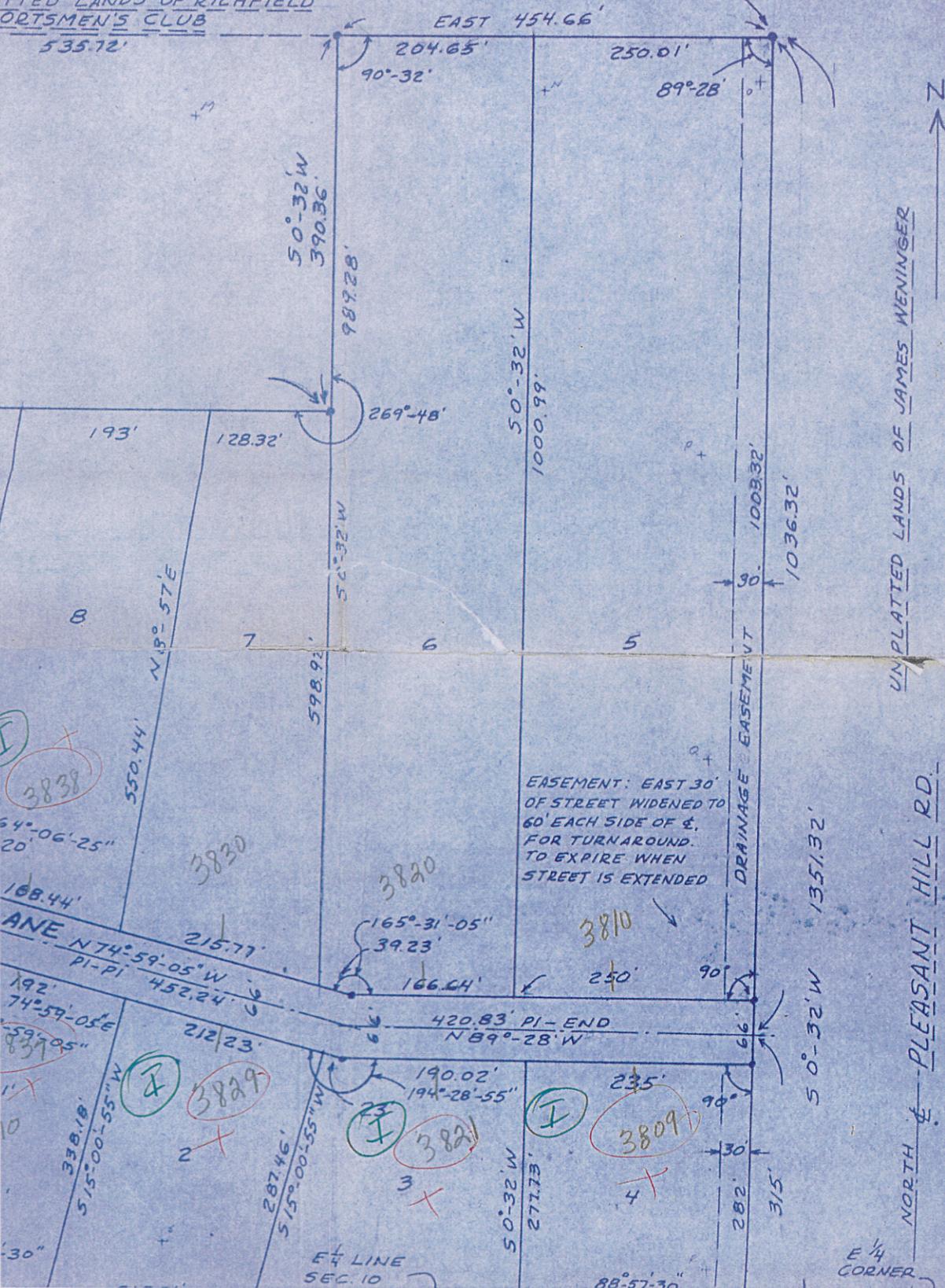
LINE MEASUREMENTS TO THE NEAREST 0.01'
 ANGULAR MEASUREMENTS TO THE NEAREST 5 SEC.



VICINITY MAP
 SEC. 10-9-19
 1"=2000'



990.38'
 UNPLATTED LANDS OF RICHFIELD
 SPORTSMEN'S CLUB



1-27-2016

To: Village of Richfield –Planning Commission and Village Board

This letter is to address the petition to allow horses at 3810 Cora Ln. property. We wish and hope the board will vote NOT to allow this variance in current policy (not to allow farm animals to be kept in this subdivision). There are a multitude of reasons to not allow these animals to be kept on this property not the least of which is the discharge of firearms in close proximity to the proposed site. Environmental issues with the river in close proximity also concern us. We would like to see this site minimally affected by future use.

Respectfully,



Dave & Terri Lakich

3804 Cora Ln.

Richfield, WI 53076

Good Morning Neighbor

CONCERNING: HORSES IN OUR SUBDIVISION

I received the attached NOTICE OF PUBLIC HEARING from the Village of Richfield. I fear that this notice was sent only to houses surrounding the affected lot – 3810 Cora Lane. I would like to spread the word and ask for your support at the upcoming February 4th public hearing. I am against allowing horses on this lot, which is in our subdivision.

When my husband and I built our home in this subdivision, our subdivision bylaws stated that no farm animals, livestock or poultry of any kind would be allowed – only dogs and cats. Horses were not allowed in the subdivision.

The owner at 3810 Cora Lane, the log house at the east end of Cora Lane, wants to change zoning to allow 3 horses on his land. The property is vacant and for sale so I believe he wants to sell it as an estate that allows horses.

According to an old plat of survey that I have, there is a drainage easement and a roadway easement on the east side of his lot. The owner may have more than 5 acres of land but the easements make some of that land unbuildable.

My lot and his lot are long and narrow. There are wetlands at the back of our lots and springs on our lots. Will keeping horses on this property adversely affect our water table? Our wells are very shallow because of the high water table. If our water is affected, it could affect all of the subdivision.

The wetlands at the back of the land and the easements on the east side of the land make it questionable in my mind as to where the horses can be kept.

So, my concerns are:

1. We are a non-commercial residential subdivision. Do we want to allow or set the precedent for horses in the subdivision? Do we want the additional traffic of horse trailers and vehicles?
2. Concern for small children because of additional horse trailer traffic. People who don't live in the subdivision are not aware of houses with children and perhaps not as careful driving through our subdivision.
3. **Manure** removal – 3 horses can produce allot of manure, which needs to be mounded and composted or removed in another manner.
4. We have no "horse paths" unless the rider rides the horses down the street or on our lots.
5. Fencing – I hate to see fences go up – many horse fences are not pretty. They are electrified wire fences.
6. Shelter for the horses – there are at least 2 out-buildings on the lot now. Will there be more housing built for the horses?
7. Boarding of Horses – If the property owners intend to board horses, there will be additional horse trailer traffic. This also makes it a commercial endeavor.

Please help me in this matter. Come to the meeting and voice your opinion on this addition to our subdivision.

Barbara Engel
3820 Cora Lane
Richfield, WI
Phone: 262-628-0110



If you cannot be at the meeting, please send a letter to Jim Healy, Village Administrator so that he receives it BEFORE the meeting.



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: February 4, 2016

SUBJECT: Rezoning – Tax Key: V10_025500Y, Mr. Ed Stuesser from A-1 to A-2

DATE SUBMITTED: January 28, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO RECOMMEND TO THE VILLAGE BOARD THE PARTIAL REZONING OF THE SOUTH SIDE OF THE 3200 BLOCK OF PLEASANT HILL ROAD, FROM A-1, EXCLUSIVE AGRICULTURAL DISTRICT TO A-2, GENERAL AGRICULTURAL DISTRICT?

ISSUE SUMMARY:

The petition before us tonight is being submitted by Mr. and Mrs. Ed Stuesser, for their property generally located on the eastern most portion of Pleasant Hill Road on the south side of the 3200 block (Tax Key: V10_025500Y). Please refer to the Washington County GIS Map in the Attachments for locational purposes. The petitioner has been working with Staff and the Plan Commission over the course of the last few months regarding the future development of his 47.98 ac parcel. Currently, the entire property is being farmed. It has access off of both STH 175 and Pleasant Hill Road.

The property owner is requesting of the Village a change in zoning designation for a portion of the property from A-1, Exclusive Agricultural District to A-2, General Agricultural District. The intent of the A-2, General Agricultural District is as follows:

“The A-2, General Agricultural District is intended to provide for, maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1, Exclusive Agricultural District and which are generally best-suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agriculture related farming activity.”

The minimum lot size for this District is ten (10) acres. The setbacks for the property are 65’ from the street, 50’ from the sides, and 50’ from the rear. Later tonight, the Plan Commission will also be considering a related petition from the same property owner to subdivide the land. The two (2) lots that will be created from this CSM are 12.204 and 35.776, respectively. If you were of a mind to approve the proposed rezoning, Staff would recommend that the motion be made to conditionally approve the same, subject to the Village Board approving the proposed Certified Survey Map (CSM).

A Public Hearing has been scheduled tonight and pursuant to our municipal code a Class II Notice has run for two consecutive weeks in the West Bend Daily News. Every property owner within 300’ of the subject property was contacted. Mailings were distributed to adjacent property owners on January 20th, which is 16 days prior to tonight’s hearing pursuant to your request. At the time of this writing, Staff has received no written comments from residents.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY:

Village Deputy Clerk

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



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
 MEETING DATE: February 4, 2016

ATTACHMENTS:

1. Class II Public Hearing Notice
2. Ordinance 2016-02-01, an Ordinance to rezone a portion of Tax Key: V10_025500Y from A-1 to A-2
3. Washington County GIS overview of subject property

STAFF RECOMMENDATION:

Motion to recommend to the Village Board the adoption of Ordinance O2016-02-01, an Ordinance to rezone a portion of Tax Key: V10_025500Y, as indicated in the ordinance exhibit, from A-1, Exclusive Agricultural District to A-2, General Agricultural District subject to the following Specific Condition of Approval:

- 1) The Village Board approve the proposed One-Lot Certified Survey Map.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
 BOARD ACTION TAKEN

 Village Staff Member

 Village Administrator

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

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

(Class II Pubic Notice)
NOTICE OF PUBLIC HEARING
VILLAGE OF RICHFIELD
Thursday, February 4, 2016

PLEASE TAKE NOTICE:

Notice is hereby given pursuant to Section 19.84, Wis. Stats., and provisions of the Village of Richfield Code of Ordinances, that the Village of Richfield Plan Commission will conduct two (2) public hearings on Thursday, February 4, 2016 at 7:00 p.m. at the Village Hall, located at 4128 Hubertus Road, Hubertus, WI 53033 to consider the petitions by:

- 1) Mr. and Mrs. Edward Stuesser to rezone a portion of their property (12.204 acres) located at 3200 Pleasant Hill Road (Tax Key: V10-0255-00Y) from A1, Exclusive Agricultural District to A2, General Agricultural District.
- 2) Mr. and Mrs. Terry Heinemeier to allow for three (3) horses at 3810 Cora Lane (Tax Key: V10_0213005), pursuant to Sect. 70.241 of the Village's Zoning Code.

For information regarding this public hearing, please contact Jim Healy, Village Administrator at (262)-628-2260. A map showing the location of the subject property is available from the Village Clerk during normal business hours. All interested parties will be heard. 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 (262)-628-2260 with as much advance notice as possible.

Dated this January 17, 2016

Publication Dates:

January 21, 2016

January 28, 2016

Jim Healy
Village Administrator
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033
(262)-628-2260

ORDINANCE O2016-02-01

AN ORDINANCE TO REZONE A PORTION OF A SUBJECT PARCEL OF LAND IN THE VILLAGE OF RICHFIELD AND TO AMEND THE ZONING MAP OF THE VILLAGE OF RICHFIELD PURSUANT TO SECTION 70.163 OF THE MUNICIPAL CODE

WHEREAS, the property owner, Mr. and Mrs. Robert Stuesser, are acting as the petitioners to rezone the property generally located along the 3200 block of Pleasant Hill Road shown in Attachment 1, otherwise described by Tax Key: V10_025500Y from A-1, Exclusive Agricultural District to A-2, General Agricultural District; and

WHEREAS, the subject property contains 12.204 acres; and

WHEREAS, the rezoning petition has been submitted to the Village of Richfield Plan Commission for report and recommendation; and

WHEREAS, the required public notice of the public hearing has been provided consistent with Section 62.23 of the Wisconsin Statutes and the Village's zoning regulations; and

WHEREAS, the Plan Commission conducted a public hearing on February 4, 2016; and

WHEREAS, the Plan Commission has recommended to the Village Board that the rezoning change be made; and of the recommendation of the Plan Commission, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, having determined that the rezoning is substantially conforming to the Village's Comprehensive Plan, and having based its determination on the effect of granting of said rezoning on the health, safety, and welfare for the community, and the immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved, as well as the impact on the surrounding properties as to the noise, dust, smoke, odor and others, has hereby determined that the rezoning will not violate the spirit or intent the zoning ordinance for the Village of Richfield, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long as the development is conducted pursuant to the following conditions and is in strict compliance with the same.

NOW, THEREFORE, the Village of Richfield Village Board, Washington County, Wisconsin ordains as follows:

Section 1. Zoning Map Change

The subject property is hereby rezoned as described above and depicted in Attachment 1, attached hereto, and the zoning map of the Village of Richfield is hereby amended to incorporate the zoning of the subject properties.

Section 2. Effective Date

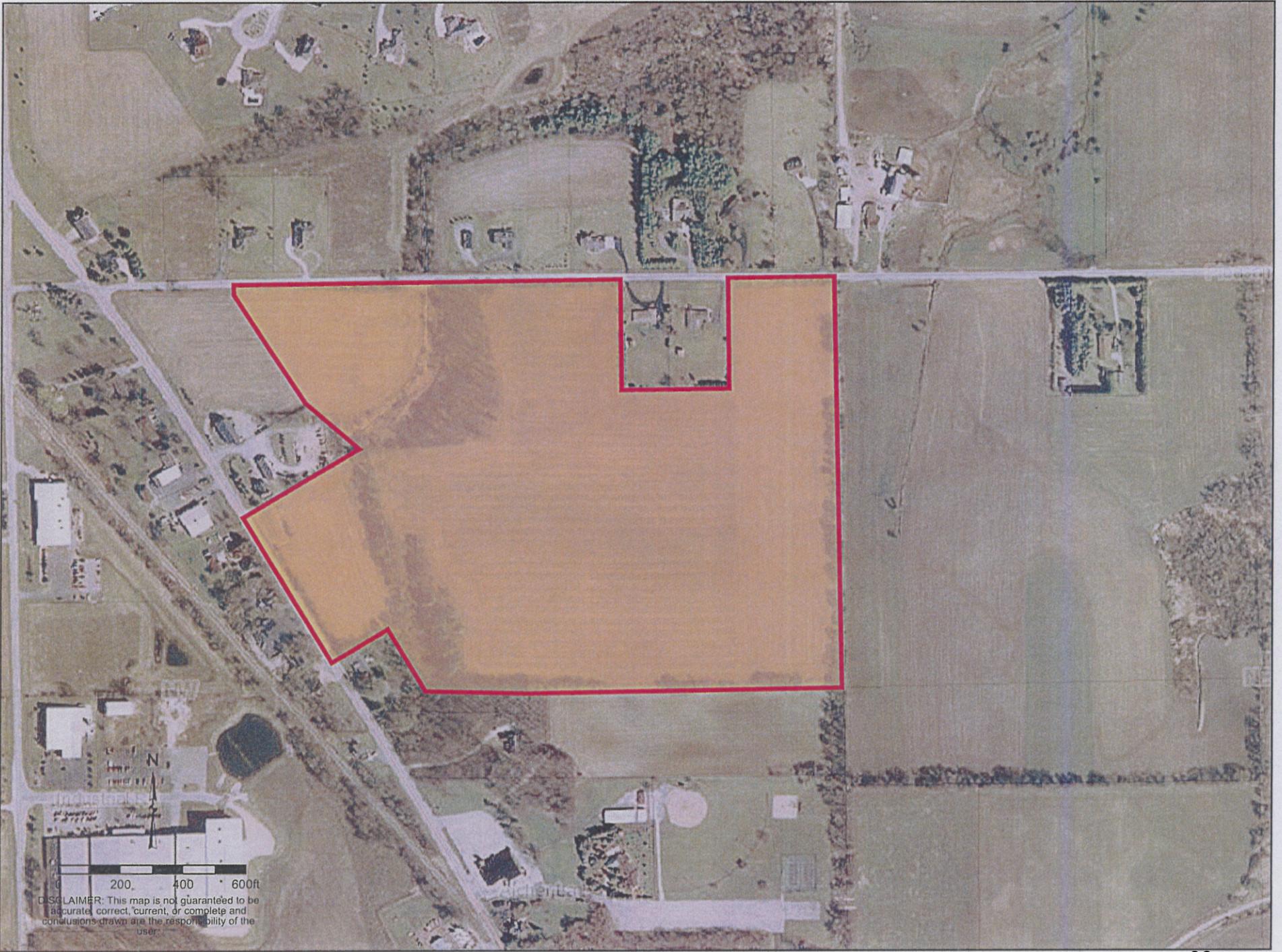
This ordinance shall be in full force and effect from and after its passage and posting or publication as provided by law.

Adopted this 18th day of February, 2016

Attest:

John Jeffords, Village President

Attest: Jim Healy, Village Administrator/Clerk



DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: February 4, 2016

SUBJECT: Certified Survey Map (CSM) – Tax Key: V10_025500Y, Mr. Ed Stuesser

DATE SUBMITTED: January 28, 2016

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?

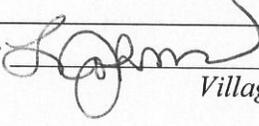
ISSUE SUMMARY:

The petition before us tonight is being submitted by Mr. and Mrs. Ed Stuesser, for their property generally located on the eastern most portion of Pleasant Hill Road on the south side of the 3200 block (Tax Key: V10_025500Y). This agenda item is the “companion piece” to the proposed rezoning that is also being considered tonight. The petitioner has been working with Staff and the Plan Commission over the course of the last several months regarding the future development of his 47.98 ac parcel. Currently, the entire property is being farmed and is zoned A-1, Exclusive Agricultural District. It has access off of both STH 175 and Pleasant Hill Road.

The property owner is requesting the Village for a one-lot CSM to subdivide off 12.204 acres [(531,620 sqft) which would be rezoned to A-2, General Agricultural District]. Approximately 1.2 acres (~50,000sqft) of land is being dedicated to the Village for right-of-way purposes pursuant to Wisconsin State Statutes. This land, while relatively flat, does also have some unique property characteristics with the ‘navigable waterway’ on the property. The balance of the land is vacant farmland. If you should choose to recommend approval to the Village Board regarding this land division, the newly created property would no longer be divisible pursuant to our Village’s Zoning Code. The remaining acreage (35.776) is greater than the minimum requirement in the A-1 District of 35 acres and would have the potential to be divided one day should the property owner choose to do so.

On November 6th the Village Staff forwarded to the Village Engineer the proposed survey which was completed by Mr. Don Thoma, RLS. It was returned by the Village Engineer with no requests for changes. It was recommended for approval to the Plan Commission, as drafted.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY: 
Village Deputy Clerk

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

ATTACHMENTS:

- 1. Certified Survey Map prepared by Don Thoma, with a revision date of August 13, 2015
- 2. Washington County GIS aerial overview of subject property

STAFF RECOMMENDATION:

Motion to recommend to the Village Board the approval of the certified survey map for Mr. and Mrs. Ed Stuesser for their property indicated by Tax Key: V10_025500Y, subject to the General Conditions of Approval listed below:



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
 MEETING DATE: February 4, 2016

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 CLERKS USE ONLY
 BOARD ACTION TAKEN

Kathleen Smith
 Village Staff Member

[Red Signature]
 Village Administrator

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

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

Washington County Certified Survey Map

Part of the NE 1/4 and the NW 1/4 of the NW 1/4 of Section 12, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.

Surveyor's Certificate:

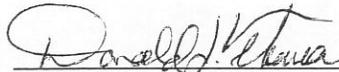
I, Donald J. Thoma, Professional Land Surveyor, hereby certify that by the direction of Robert Stuesser, I have surveyed, divided, and mapped the land shown and described hereon, being part of the NE 1/4 and the NW 1/4 of the NW 1/4 of Section 12, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin, which is bounded and described as follows:

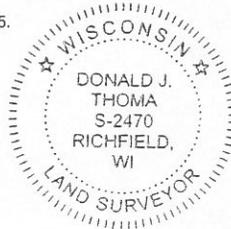
Commencing at the Northwest corner of said Section 12; thence N 89°14'08" E, along the north line of said NW 1/4, 731.56 feet, to the point of beginning of lands herein described; thence continuing N 89°14'08" E, along said north line of the NW 1/4, 1237.45 feet, to the intersection of the east line of lands described in Document No. 1183458 recorded in the Washington County Registry; thence S 00°46'54" E, along said west line, and its southerly extension, 540.00 feet; thence S 89°14'32" W, 841.89 feet, to the most easterly corner of Certified Survey Map No. 2736 as recorded in the Washington County Registry in Volume 15 of Certified Survey Maps on pages 135-136 as Document No. 475843; thence N 49°10'47" W, along the northeasterly line of said Certified Survey Map No. 2736, 226.17 feet; thence N 33°10'45" W, along the northeasterly line of Lot 1 of Certified Survey Map No. 4196 as recorded in the Washington County Registry in Volume 27 of Certified Survey Maps on pages 201-203 as Document No. 648587, 422.64 feet, to a point in the southerly right-of-way line of Pleasant Hill Road; thence N 00°45'52" W, 33.00 feet, to the point of beginning.

Containing 13.340 acres (581,109 square feet) more or less.

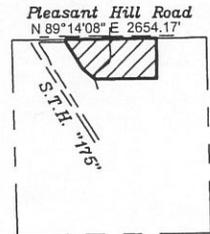
I further certify that I have fully complied with the provisions of sec. 236.34 of Wisconsin Statutes and the Village of Richfield Land Division Ordinance per Chapter 330 of the Village Code (subdivision regulations) in surveying, dividing, and mapping said land, and that this map is a correct representation of the exterior boundaries of the land surveyed and the division of said lands

Dated this 13th day of August, 2015.
Revised this 29 day of September, 2015.


Donald J. Thoma, S-2470



Location Sketch
NW 1/4 - Sec. 12-9-19
Scale: 1" = 2000'



Washington County Certified Survey Map

Part of the NE 1/4 and the NW 1/4 of the NW 1/4 of Section 12, Township 9 North, Range 19 East, Village of Richfield, Washington County, Wisconsin.

Owner's Certificate:

As owners, we hereby certify that we caused the land shown and described herein to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required to be submitted to the following for approval:

Village of Richfield Plan Commission
Village of Richfield Village Board

Edward R. & Burdella M. Stuesser Trust

Edward R. Stuesser - Trustee

Burdella M. Stuesser - Trustee

STATE OF WISCONSIN)
WASHINGTON COUNTY)s.s

Personally came before me this ____ day of _____, 201__, the above named trustee is to me known to be the same person who executed the foregoing instrument and acknowledge the same.

(Notary Seal) _____, Notary Public, _____, Wisconsin.

My commission expires _____

Village of Richfield Village Plan Commission Approval:

This land division is hereby approved by the Village of Richfield Plan Commission this ____ day of _____, 201__.

John Jeffords - Chairperson

Jim Healy - Village Administrator/Clerk

Village of Richfield Village Board Approval:

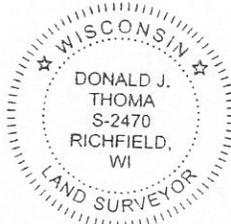
This land division is hereby approved and road dedication hereby accepted by the Village of Richfield Village Board this ____ day of _____, 201__.

John Jeffords - Village President

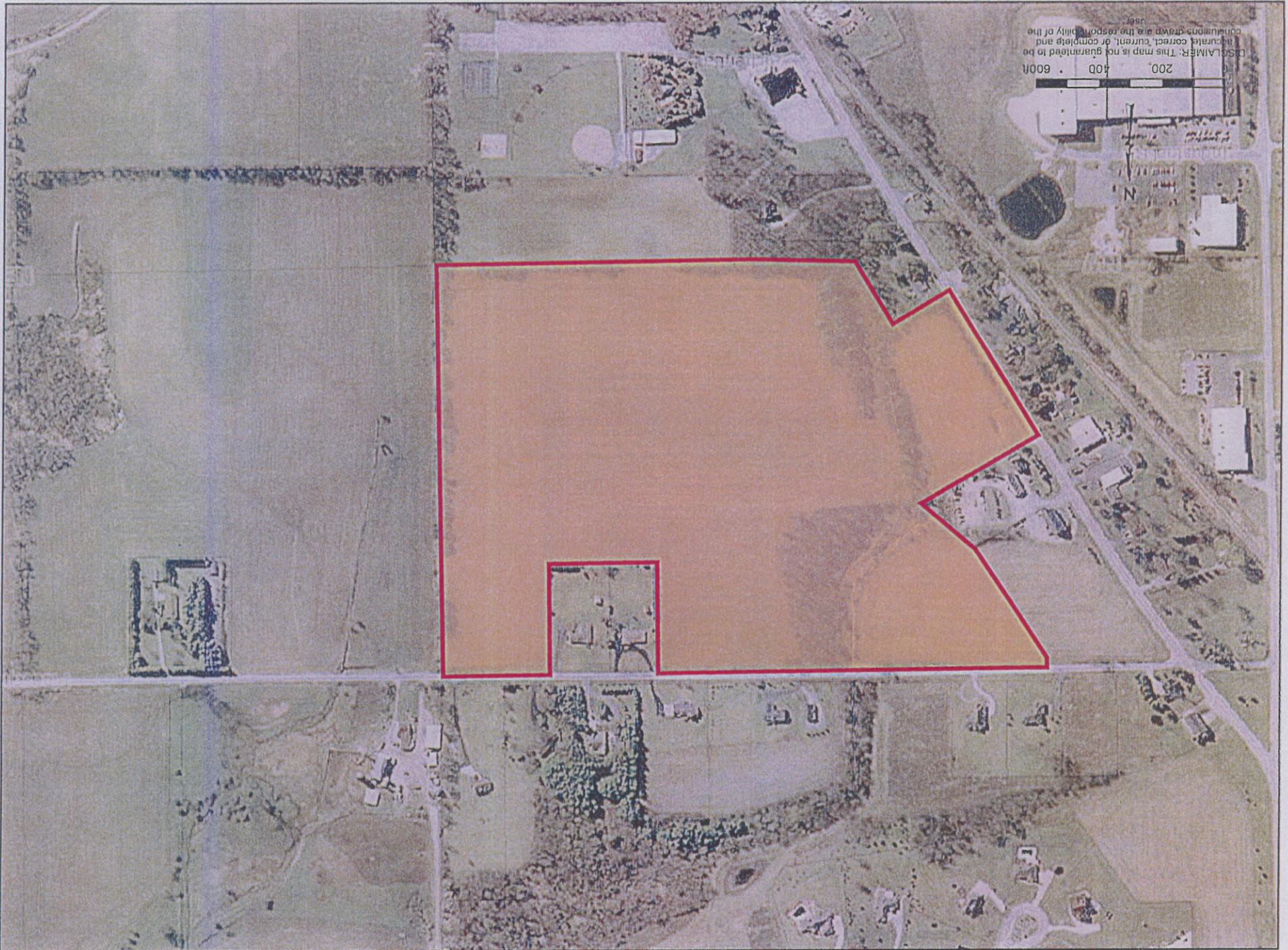
Jim Healy - Village Administrator/Clerk


Donald J. Thoma, S-2470

Dated this 13th day of August, 2015.
Revised this 29 day of September, 2015.



This instrument was drafted by Donald J. Thoma, S-2470



6d



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: February 4, 2016

SUBJECT: SBOP – Bender Automotive, 2903 STH 167, Tax Key: V10_035000C
DATE SUBMITTED: January 20, 2016
SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO APPROVE THE PROPOSED SITE, BUILDING, AND PLAN OF OPERATION FOR BENDER AUTOMOTIVE, LOCATED AT 2903 STH 167?

ISSUE SUMMARY:

The business proposal before us tonight is for Bender Automotive, located at 2903 STH 167. This property is directly south of the truck stop on the north side of STH 167. It is currently being operated by a “Thrifty Car Rental” business and has for many years. Bender Automotive will be operating its business out of the same retail space. The ~7ac subject property is presently zoned B-4, Highway Business District where “auto sales and services” are listed as a “Permitted Principal Use”.

Plan of Operation:

Bender Automotive will be open Monday-Friday from 9AM-7PM and Saturday from 9AM-5PM. It will employ two (2) full-time workers and two (2) part-time workers. They will carry in their inventory approximately 30-45 used cars and trucks that will be for sale to the general public. They will specialize in vehicles that have a retail value of anywhere from \$5,000 to \$18,000. They will provide financing and do some general maintenance auto repairs and car detailing on-site.

“Our goal is to create a used car store that has a large inventory and diverse selection that appeals to nearly everybody in the Washington County/Metro Milwaukee used car market. I want Bender Automotive to be a trusted used car dealer that people in a 75 mile radius will consider traveling to when shopping for a used car. We will offer a one stop shop for used vehicles, financing and repair”.

Site Plan:

Please refer to the submitted survey listed in the Plan of Operation, page 3, entitled Exhibit B-1, Leased Premises Site Plan for a survey description of a 6.93ac site. The petitioner is not proposing any changes to the existing site plan (See Attachment), but the cars for Bender Automotive will be located along the street frontage on STH 167 and on the west parking area.

Lighting Plan:

The business owner is proposing four (4) pole mounted lights on the northern most boundary line (closest to STH 167) between the asphalt and grass right-of-way. The Lithonia lighting fixtures are full cut-off fixtures. After reviewing the proposed specification sheets, additional information will need to be gathered as to whether or not the applicant meets the lighting requirements laid out in the Village Code. Consultant Planner Schwecke has spoken with the applicant and he will be providing him with the additional information needed prior to our March meeting.

Grading and Erosion Control Plans:



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: February 4, 2016

SUBJECT: SBOP – Bender Automotive, 2903 STH 167, Tax Key: V10_035000C
DATE SUBMITTED: January 20, 2016
SUBMITTED BY: Jim Healy, Village Administrator

No grading and erosion control plan has been submitted or is necessary. He is not proposing any changes to the parking area of the site contours.

Landscaping Plan:

No landscaping plan has been submitted or is necessary. If the business owner decides to increase the amount of parking on the subject parcel, landscaping will be required by code.

Signage:

No signage proposal has been submitted at this time. From talking with the business owner, he has been working with the Village’s Building Inspector on a plan to install non-illuminated block lettering onto the face of the building which will say “Bender Automotive”.

FUTURE IMPACT AND ANALYSIS:

REVIEWED BY: Village Deputy Treasurer

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

ATTACHMENTS:

- 1. SBOP Application and business plan
2. Washington County GIS Aerial Overview of subject property

STAFF RECOMMENDATION:

Plan of Operation:

Motion to approve the proposed Plan of Operation for Bender Automotive, located at 2903 STH 167 (Tax Key: V10_035000C).

Site Plan:

Motion to approve the proposed Site Plan for Bender Automotive, located at 2903 STH 167 (Tax Key: V10_035000C).

Lighting Plan:

Motion to table the proposed lighting plan to the Plan Commission’s March 3, 2016 meeting at 7PM.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERK USE ONLY
BOARD ACTION TAKEN

Handwritten signature of Village Administrator

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

4128 Hubertus Rd Hubertus, WI 53033 Village Hall - 262.628.2260 Fax - 262.628.2984		BUSINESS PLAN OF OPERATION APPLICATION VILLAGE OF RICHFIELD		Permit No.
				Parcel/Tax Key No. V10_035000C
NAME OF PROPOSED BUSINESS: Bender Automotive LLC			SUITE #:	
Owner's/Operator's Name: (Please print)	Mailing Address	City	State	Zip
	Email Address			Phone #:
Tenant's Name: (Please Print) Chad Bender <i>(owner of Bender Automotive)</i>	Mailing Address	City	State	Zip
	Email Address			Phone #:
DESCRIPTION OF BUSINESS OPERATION: <u>Used car and truck sales</u> <u>and service. Specifically vehicles with a retail value</u> <u>of \$5000.00 - \$18,000. We will offer financing and some repairs.</u>				
TYPE OF BUSINESS: Please check the appropriate box for type:			Description: <u>We will carry</u>	
<input checked="" type="checkbox"/> Retail <input type="checkbox"/> Office <input type="checkbox"/> Warehouse/Storage <input type="checkbox"/> Industrial			<input type="checkbox"/> Wholesale <input type="checkbox"/> Institutional <input type="checkbox"/> Other:	
NEW USE: <u>Already approved as car sales</u>			EXPANSION OF EXISTING USE:	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
HOURS OF OPERATION:		DAYS OF OPERATION:		
Mon-Fri: <u>9am-7pm</u>		Sat, Sun: <u>9:00am-5pm Sat.</u>		
<input type="checkbox"/> Mon <input type="checkbox"/> Tue <input type="checkbox"/> Wed <input type="checkbox"/> Thu <input type="checkbox"/> Fri <input type="checkbox"/> Sat <input type="checkbox"/> Sun		<input checked="" type="checkbox"/> Mon <input checked="" type="checkbox"/> Tue <input checked="" type="checkbox"/> Wed <input checked="" type="checkbox"/> Thu <input checked="" type="checkbox"/> Fri <input checked="" type="checkbox"/> Sat <input type="checkbox"/> Sun		
MAXIMUM # OF EMPLOYEES:		# of Full Time:		CURRENT ZONING:
<u>4</u>		<u>2</u>		<u>B-4, Highway Business District</u>
# of Part Time:		EXPECTED CUSTOMERS PER DAY:		NUMBER OF TRUCKS PER DAY:
<u>2</u>		<u>10</u>		<u>5</u>
NUMBER OF AUTOS PER DAY:		PARKING		STORAGE
<u>5</u>		# of Available Parking/Parking Lot Spaces: <u>45</u> # of Loading Spaces: <u>N/A</u> Overnight Parking Yes No		Storage Yes <input checked="" type="checkbox"/> No Types of Storage:
SPECIAL EQUIPMENT/FACILITIES/REQUIREMENTS Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If so, What?				
Applicant's Signature: <i>Chad Bender</i>		Applicant's Name (Printed): Chad Bender		Date Signed: 11-6-2015
Property Owner's Signature:		Property Owner's Name (Printed):		Date Signed:
APPROVAL CONDITIONS				
Applicant is responsible to obtain any licenses, permits, certificates or other documents from other agencies of Village Departments. For example: Cigarette and Alcoholic Beverage Licenses must be obtained from the Village Clerk and Building Permits from the Building Inspector. Also, Occupancy of the premises requires approval of this application.				
FOR VILLAGE STAFF ONLY				
Date Submitted for Review: _____				
Approved by Village Staff: _____				
SPECIAL REQUIREMENTS/COMMENTS: _____ Date: _____				

Call with any questions.

Project Description: No new construction, lighting plan included,
building sign on white channel letters, (lite).

Type of Building Materials: (Bring Samples to Meeting) Existing

Building Colors: Existing

Property Owner Affidavit

I (we) attest that I am (we are) the owner(s) of the property which is the subject of this application in the Village of Richfield, Washington County, Wisconsin, and that all the information attached to or provided in support of said application, including sketches, data, and any other documents and materials, are honest and true to the best of my (our) knowledge.

Further, I (we) as owner(s) acknowledge and accept the responsibility for any and all fees charged or costs incurred by the Village of Richfield to carry out the processing and review of this application; I (we) further acknowledge and understand that I (we) will be required to start an escrow account to which all processing and review costs will be charged; I (we) further acknowledge that in the event that the initial fee is not sufficient to cover all the costs associated with processing and reviewing the application I (we) will be required to provide the Village of Richfield an additional deposit; I (we) further acknowledge that the balance of any remaining fees shall be refunded within a reasonable amount of time after this application has been processed or withdrawn;

Further I (we) as owner(s) of the subject property authorize and direct the authorized agent(s) identified above to act as my (our) representative(s) in any matter regarding this application, which may include the payment of filing fees on my (our) behalf;

Further I (we) as owner(s) of the property subject of this application and authorized agent(s) understand that this application and all required forms and information must be accurately completed, as determined by the Planning and Zoning Administrator for the Village of Richfield, before a meeting and/or public hearing (if required) can be scheduled.

Thoma Trust

Print Name of Owner(s)

Karen S. Burns

Signature of Owner(s) Agent

Karen S. Burns

Name of Agents(s)

The foregoing instrument was sworn to and acknowledged before me

this 11th day of January, 2016

Notary Signature

Brianna Bernhardt

Print Notary Signature

10/21/2017

Commission Expires

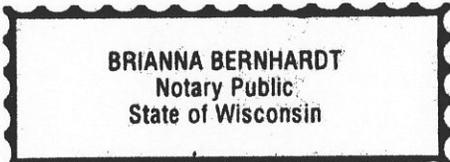
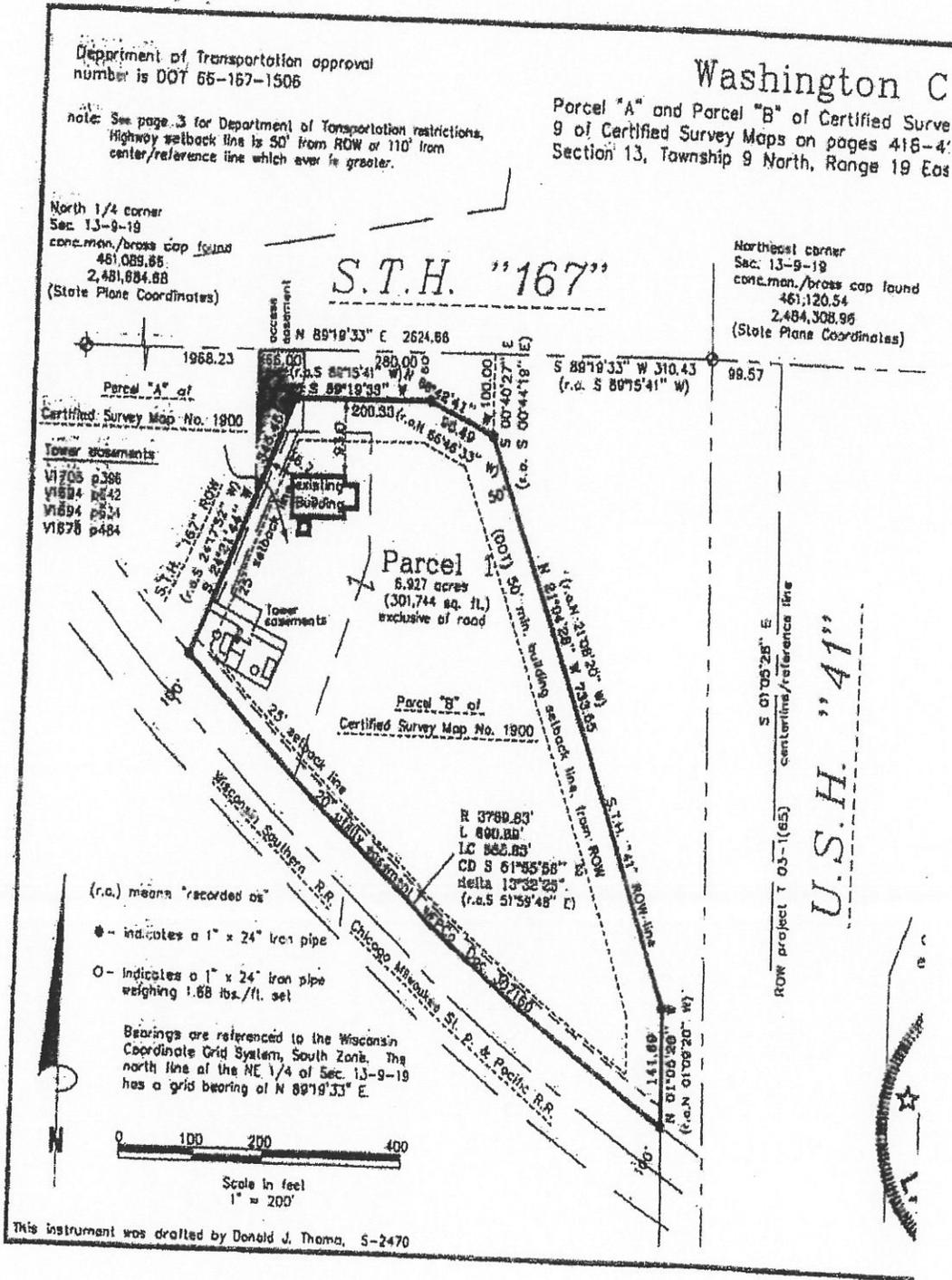


EXHIBIT B - 1

LEASED PREMISES SITE PLAN

Survey Map



BUSINESS PLAN

Bender Automotive LLC

Chad Bender, Owner

January 1, 2016

1. EXECUTIVE SUMMARY

1.1 Product

Bender Automotive's primary product will be used cars and trucks. We will also provide products, such as, aftermarket warranties, guaranteed asset protection, and other vehicle related protection products to be sold with vehicles. In addition, we will also provide automotive repairs and detailing.

1.2 Customers

Target customers will be middle income families 20-45 years of age. Customers that work at a full-time job and have enough credit to obtain basic vehicle financing are ideal.

1.3 What Drives Us

Our goal is to create a used car store that has a large inventory and diverse selection that appeals to nearly everybody in the Washington County/Metro Milwaukee used car market. I want Bender Automotive to be a trusted used car dealer that people in a 75 mile radius will consider traveling to when shopping for a used car. We will offer a one stop shop for used vehicles, financing, and repair.

2. COMPANY DESCRIPTION

2.1 Mission Statement

At Bender Automotive we strive to be a independently owned used car dealer with an excellent reputation for being honest, and providing the best used vehicles possible. We will work hard to build and maintain positive relationships with customers so that we can earn the great reputation that we seek. Our goal is to offer "larger dealer selection" but with a "small dealer" personable feel. We will be there for our customers all the way, from vehicle selection, financing, and affordable repairs down the line, Bender Automotive is your used vehicle one stop shop.

2.2 Principal Members

I, Chad Bender, will be the General Manager/Owner of Bender Automotive. My primary roles will be to purchase vehicle inventory, participate in the sale of used vehicles, and oversee proper set-up and marketing of all cars and trucks. I will manage employees, vendors, and carry out day to day operations.

2.3 Legal Structure

Limited Liability Company

3. MARKET RESEARCH

3.1 Industry

The used vehicle industry accounts for nearly half of the U.S. auto retail market and is the largest retail segment of the economy. More than double the amount used cars are sold each year versus new. This industry is fast-paced and always evolving, with new challenges to conquer yearly. Financing options, strong internet marketing, and quality product is a must to succeed. People will always need transportation and with stagnant wage increases, and the high cost of new vehicles, the used car industry is on pace for continued growth.

3.2 Customers

Most of Bender Automotive's customers will be average, middle income families within a 75 mile radius. People who shop with us, will be families looking to save money buying used, instead of new. Bender Automotive will also attract people who have had credit challenges in the past, looking to re-establish credit and get reliable transportation. We will offer inventory that will appeal to the teenagers looking for a first car, the father looking to save money on gas with a more efficient work commuter, and the family looking for a truck to pull their boat and cargo on family trips. Our customers are people that can't afford to get taken advantage of and want a dealer they can trust.

3.3 Competitors

In the new age, used vehicle industry, the internet has made all dealers who utilize online vehicle showcasing, a serious competitor. That means that you simply can't be the best on the block anymore, you have to be one of the best in a large radius. For us, we will strive to compete within a 75 mile radius. Bender Automotive has a couple local competitors, for instance: Meeker Hill Auto Sales, and Richfield Car Company. Meeker Hill deals in mostly speciality vehicles, (Imports). Richfield Car Company, deals in low end budget cars and trucks, doesn't offer inventory online, and doesn't offer financing options. We feel that neither dealer, at this time, poses a major competition because we are in different segments of the industry.

3.4 Competitive Advantage

The advantages that Bender Automotive will have over the competition are as follows:

- An experienced, ambitious, hands-on owner that has extensive knowledge of how to make a used

vehicle dealer successful.

- A great, easy access business location with express way exposure to thousands of potential customers each day.
- Special relationships with vehicle lenders that will allow us to offer a wide array of financing, including sub-prime auto loans.
- Knowledge of how to successfully drive new customers to dealership using the latest internet marketing products
- Low overhead, which will allow more competitive pricing on inventory for sale.
- A network of very successful, experienced, "buyers", which will navigate auto auctions to provide the inventory that is current and in-demand.

3.5 Regulation

The state of Wisconsin regulates all used vehicle businesses. State regulations that apply to Bender Automotive include:

- Clear hours of operation posted on building
- Adequate place to show and repair vehicles
- Signage with dealers legal name on the building
- Dealer license certificate
- Maintain a \$50,000 dealer bond and insurance
- Have licensed sales person to interact with potential customers
- Each vehicle must be inspected and disclosed properly on Wisconsin state buyers guide form

4. PRODUCT/SERVICE LINE

4.1 Product or Service

Bender Automotive carries used cars and trucks for sale. We offer financing options for customers with good or bad credit. Warranties and other aftermarket vehicle related protection products are available for purchase as well. Bender Automotive will provide mechanical repair and vehicle cleaning services at affordable rates.

4.2 Pricing Structure

Vehicles will be priced competitively with dealers within a 75 mile radius. I will utilize a program tool that allows me to compare my specific vehicle against all similiar vehicles listed online within a specified radius. I will then price my inventory at or below, if possible, my local competitors. Typically speaking, I will purchase inventory that will allow me to price inventory competitively, yet still yield a profit of [REDACTED] per unit sold.

4.3 Product/Service Life Cycle

Bender Automotive is currently not operational. All steps have been taken to submit license application to the state of Wisconsin. The property owner of the proposed location has agreed to Bender Automotive's lease terms.

4.4 Intellectual Property Rights

At this time, I have no intellectual property rights. I will immediately obtain a trademark upon dealer approval from state of Wisconsin.

4.5 Research & Development

We will actively research new vehicle lending programs, aftermarket vehicle products, marketing and advertising tactics.

5. MARKETING & SALES

5.1 Growth Strategy

We plan to use several tactics in order to grow Bender Automotive such as:

- Utilizing today's latest internet advertising and marketing companies to expose our product to hundreds of thousands of potential buyers.
- Providing an efficient and positive memorable vehicle buying experience to all customers so that we can grow by referral.
- Staying ahead of the curve, by purchasing inventory that is trending upward.

5.2 Communication

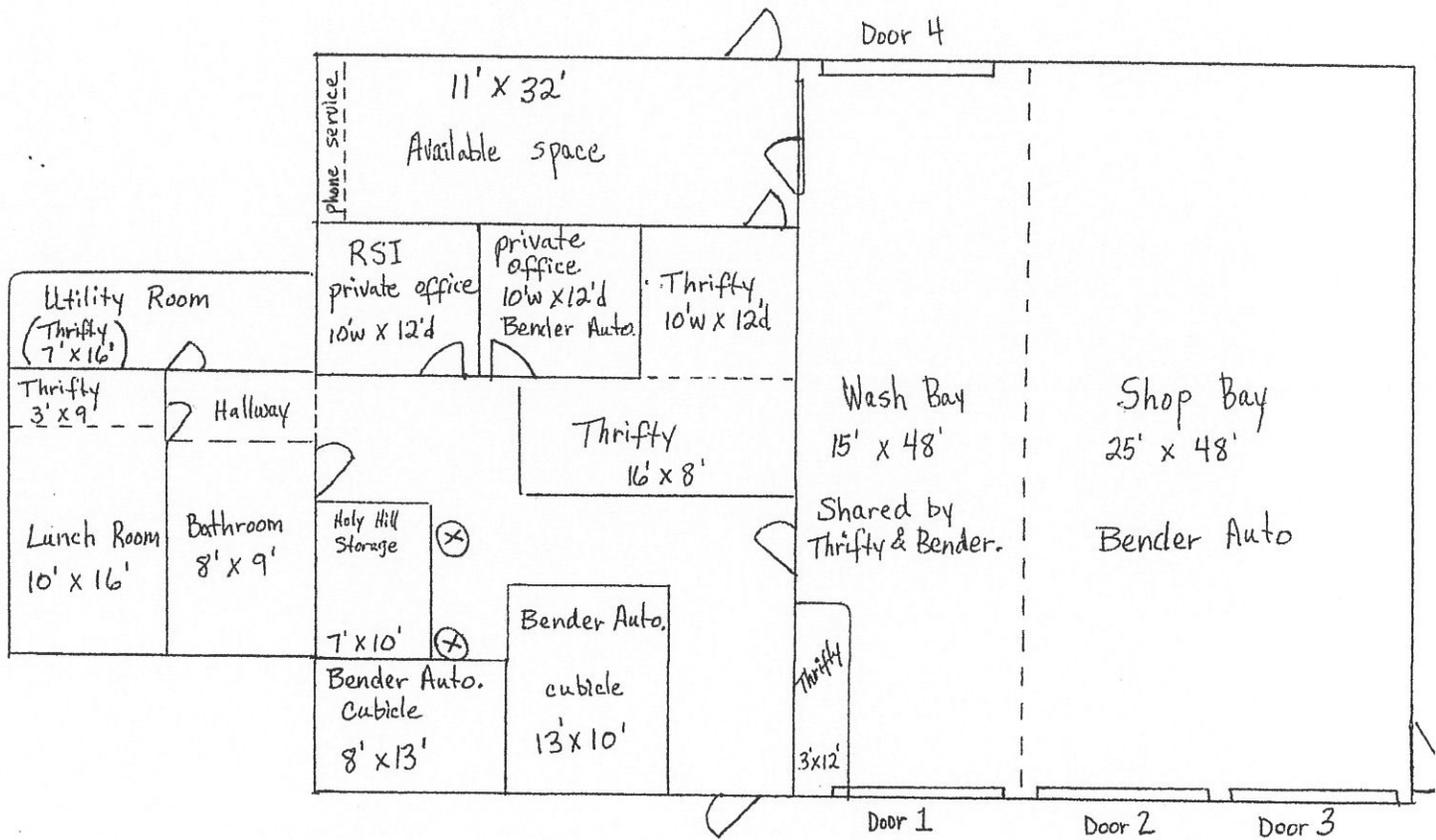
Bender Automotive will communicate respectively with customers in a few ways:

- Phone
- Email
- Fax
- In person, at dealership with licensed sales person
- Occasionally on television or radio for advertisement purposes

5.3 Prospects

Bender Automotive will sell used cars and trucks with the help of highly skilled, professional sales people. Customers who are interested in our product will be asked to meet in one of our office spaces, where we will negotiate the terms of sale, arrange financing if needed, and offer aftermarket product. We will specifically use, what's called a, "menu presentation", to offer customers a wide array of options with their vehicle purchase. The "menu presentation" is a proven sales technique, used in most major dealerships, which helps the customer visually see value in aftermarket products.

**EXHIBIT B-2
LEASED PREMISES SITE PLAN**



Pictures of property operating
as used car dealer recently.

(1)



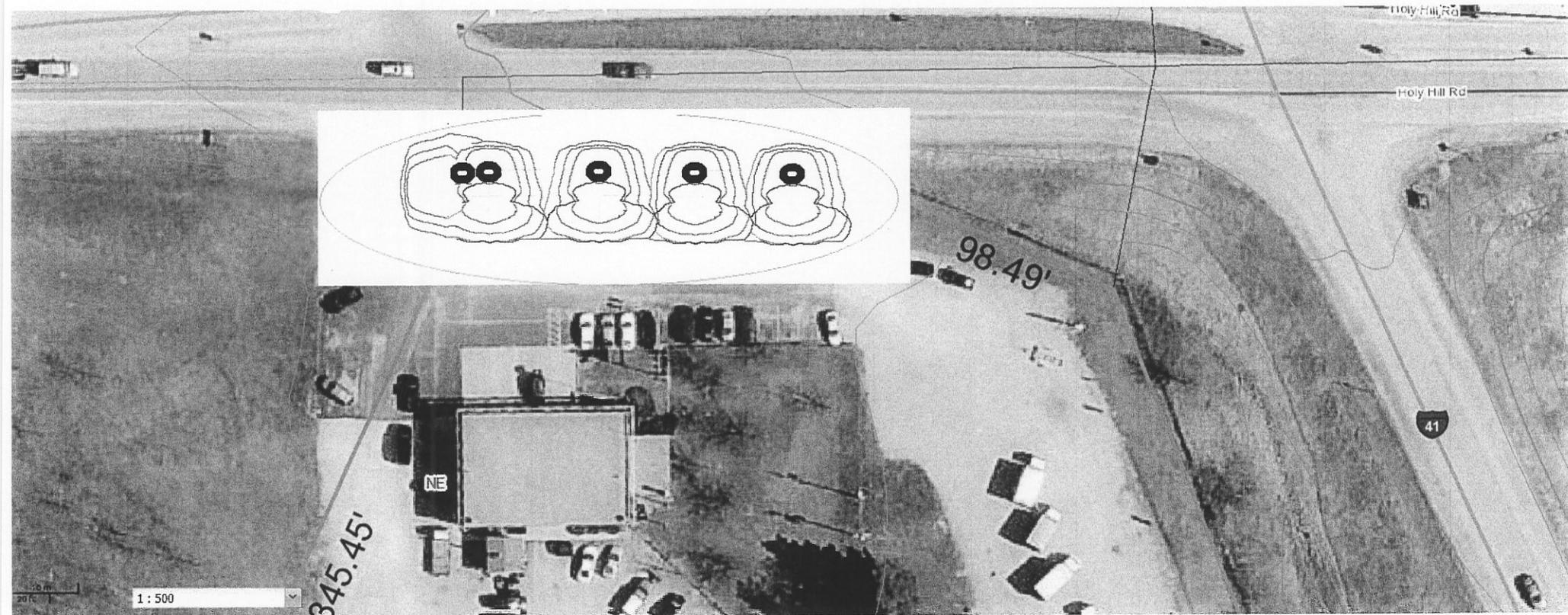
(2)



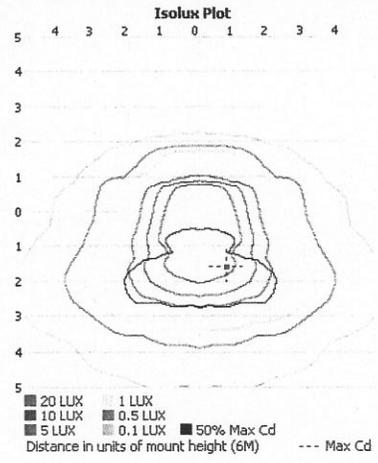
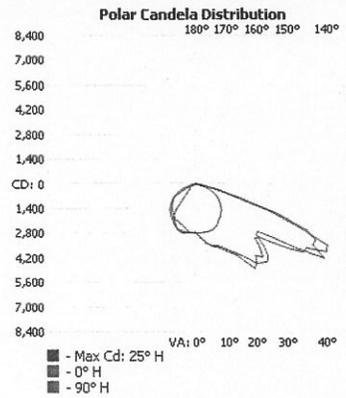
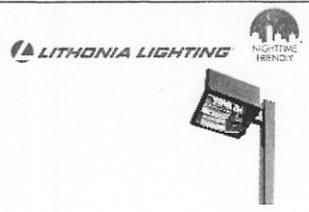
© 2014 Google

The Four black circles (●) on the North grass area next to the asphalt parking lot, represent the location of the concrete footings to be installed, that will support new lighting.





ST #: 1191102805
 ST LAB: ACUITY BRANDS LIGHTING CONYERS LAB
 ST DATE: 1/31/2008
 TALOG: KAD 250M R4 (PROBE)
 DESCRIPTION: AREA LUMINAIRE, 250W MH, R4 REFLECTOR, FULL CUTOFF MEETS THE 'NIGHTTIME FRIENDLY' CRITERIA
 ies: KAD
 MP CATALOG: M250/U
 MP: ONE 250-WATT CLEAR BT-28 METAL HALIDE, HORIZONTAL POSITION.
 MP OUTPUT: 1 LAMP, RATED LUMENS/LAMP: 19500
 MUT WATTAGE: 297
 MINOUS OPENING: RECTANGLE (L: 15", W: 15")
 r Value: 41 (BF = 1)
 r Category: AREA & SITE LIGHT - TYPE IV
 x Cd: 8,371.0 AT HORIZONTAL: 25°, VERTICAL: 60°
 off Class: FULL CUTOFF
 adway Class: VERY SHORT, TYPE IV
 ciency: 63.8%



FEATURES & SPECIFICATIONS

INTENDED USE – Ideal for parking areas, street lighting, walkways and car lots.

CONSTRUCTION – Rugged, die-cast, soft corner aluminum housing with 0.12" nominal wall thickness. Die-cast door frame has impact-resistant, tempered, glass lens that is fully gasketed with one-piece tubular silicone.

Finish: Standard finish is dark bronze (DDB) polyester powder finish, with other architectural colors available.

OPTICS – Anodized, aluminum reflectors: IES full cutoff distributions R2 (asymmetric), R3 (asymmetric), R4 (forward throw) and R55 (square) are interchangeable. High-performance anodized, segmented aluminum reflectors IES full cutoff distributions SR2 (asymmetric), SR3 (asymmetric) and SR4SC (forward throw, sharp cutoff). High-performance reflectors attach with tool-less fasteners and are rotatable and interchangeable.

ELECTRICAL – Ballast: High pressure sodium: 70-150W is high reactance, high power factor. Constant wattage autotransformer for 200-400W. Metal halide: 70-150W is high reactance, high power factor and is standard with pulse-start ignitor technology. "SCWA" not required. Constant wattage autotransformer for 175-400W. Super CWA (pulse start ballast), 88% efficient and EISA legislation compliant, is required for metal halide 151-400W (SCWA option) for US shipments only. CSA, NOM or INTL required for probe start shipments outside of the US. Pulse-start ballast (SCWA) required for 200W, 320W, or 350W. Ballast is 100% factory-tested.

Socket: Porcelain, horizontally oriented medium base socket for 70-150M. Mogul base socket for 175M and above, and 70-400S, with copper alloy, nickel-plated screw shell and center contact. UL listed 1500W, 600V.

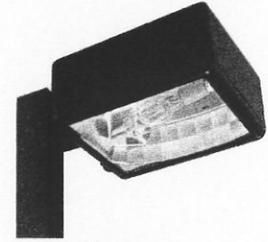
LISTINGS – UL Listed (standard). CSA Certified (see Options). UL listed for 25°C ambient and wet locations. IP65 rated in accordance with standard IEC 529.

WARRANTY – 1-year limited warranty. Complete warranty terms located at www.acuitybrands.com/CustomerResources/Terms_and_conditions.aspx

Note: Specifications subject to change without notice.



Catalog Number
Notes
Type



Specifications

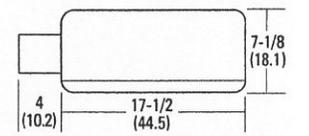
- EPA: 1.2 ft.²
- *Weight: 35.9 lbs (16.28 kg)
- Length: 17-1/2" (44.5)
- Width: 17-1/2" (44.5)
- Depth: 7-1/8" (18.1)
- All dimensions are inches (centimeters) unless otherwise specified.
- *Weight as configured in example below.

CONTOUR SERIES

Soft Square Lighting

KAD

METAL HALIDE: 70-400W
HIGH PRESSURE SODIUM: 70-400W
20' TO 35' MOUNTING



ORDERING INFORMATION

For shortest lead times, configure product using **bolded options**.

Example: KAD 400M R3 TB SCWA SPD04 LPI

KAD	Wattage		Distribution		Voltage	Ballast	Mounting ¹²		
KAD	Metal halide 70M ^{1,2} 250M³ 100M ¹ 320M ⁴ 150M 350M ⁴ 175M ³ 400M^{5,6} 200M ⁴	High pressure sodium ¹ 70S 100S 150S 250S 400S	Ceramic metal halide 70MHC ^{1,2} 100MHC ¹ 150MHC	Standard reflectors R2 IES type II asymmetric ⁷ R3 IES type III asymmetric⁷ R4 IES type IV forward throw⁷ R55 IES type V square	High performance reflectors ⁸ SR2 IES type II asymmetric ⁷ SR3 IES type III asymmetric ⁷ SR4SC IES type IV forward throw	120 208 ⁹ 240 ⁹ 277 347 480 ⁹ TB¹⁰ 23050HZ ¹¹	(blank) Magnetic ballast CWI Contant wattage isolated ¹¹ Pulse Start SCWA Super CWA pulse-start ballast NOTE: For shipments to U.S. territories, SCWA must be specified to comply with EISA.	Ships in fixture carton SPD Square pole RPD Round pole WBD Wall bracket WWD Wood or pole wall Ships separately ^{13,14} DAD12P Degree arm (pole) DAD12WB Degree arm (wall) WBA Decorative wall bracket ¹⁵ KMA Mast arm external fitter KTMB Twin mounting bar	Arm length 04 4" arm 06 6" arm 09 9" arm 12 12" arm

Options				Finish ²⁰	Lamp ²¹
Shipped installed in fixture	CSA CSA Certified	PE3 NEMA twist-lock PE (347V)	(blank) Dark bronze	DNAXD Natural aluminum	LPI Lamp included
SF Single fuse (120, 277, 347V) ¹⁶	INTL Available MH for probe start shipping outside the U.S.	PE4 NEMA twist-lock PE (480V)	DWH White	DWHXD White	L/LP Less lamp
DF Double fuse (208, 240, 480V) ¹⁶	REGC1 California Title 20, effective 1/1/2010	PE7 NEMA twist-lock PE (277V)	DBL Black	DDBTXD Textured dark bronze	
PD Power tray ¹⁷	Shipped separately ¹³	SC Shorting cap for PER option	DMB Medium bronze	DBLBXD Textured black	
PER NEMA twist-lock receptacle only (no photocontrol)	HS House side shield	VG Vandal guard ¹⁹	DNA Natural aluminum	DNATXD Textured natural aluminum	
QRS Quartz restrrike system ¹⁸	PE1 NEMA twist-lock PE (120, 208, 240V)	WG Wire guard ¹⁹	Super Durable Finishes	DWHGXD Textured white	
QRSTD QRS time delay ¹⁸			DDBXD Dark bronze		
WTB Terminal wiring block ¹⁷			DBLXD Black		

Accessories: Tenon Mounting Slipfitter (RPxx required.)
Order as separate catalog number. Must be used with pole mounting.

Tenon O.D.	Number of fixtures					
	One	Two@180°	Two@90°	Three@120°	Three@90°	Four@90°
2-3/8"	T20-190	T20-280	T20-290 ²²	T20-320 ²²	T20-390 ²²	T20-490 ²²
2-7/8"	T25-190	T25-280	T25-290 ²²	T25-320	T25-390 ²²	T25-490 ²²
4"	T35-190	T35-280	T35-290 ²²	T35-320	T35-390 ²²	T35-490 ²²

- Notes**
- Not available with SCWA.
 - Not available with 480V.
 - These wattages do not comply with California Title 20 regulations.
 - Must be ordered with SCWA.
 - These wattages require the REGC1 option to be chosen for shipments into California for Title 20 compliance. 250M REGC1 is not available in 347 or 480V.
 - Reduced jacket ED28 required for SR2, SR3 and SR4SC optics.
 - House-side shield available.
 - High performance reflectors not available with QRSTD.
 - Must specify CWI for use in Canada.
 - Optional multi-tap ballast (120, 208, 240, 277V; in Canada: 120, 277, 347V).
 - Consult factory for available wattages.
 - 9" arm is required when two or more luminaires are oriented on a 90° drilling pattern.
 - May be ordered as an accessory.
 - Must specify finish when ordered as an accessory.
 - Available with SPD04 and SPD09.
 - Must specify voltage. N/A with TB.
 - Only available with SR2, SR3 and SR4SC optics.
 - Max allowable wattage lamp included.
 - Prefix with KAD when ordered as an accessory.
 - See www.lithonia.com/archcolors for additional color options.
 - Must be specified. L/LP not available with MHC.
 - Must use RPD09.



Catalog Number	
Notes	Type

FEATURES & SPECIFICATIONS

CONSTRUCTION — Weldable-grade (ASTM A-595 Grade A), hot-rolled, commercial-quality carbon steel tubing with a minimum yield of 55,000 psi. Uniform wall thickness of 11-gauge (0.1196") or 7-gauge (0.1793"). Shaft is one-piece construction with a full-length longitudinal high-frequency electric resistance weld and is square in cross-section having a uniform taper of approximately .11" per foot.

Anchor base is fabricated from hot-rolled carbon steel plate that conforms with ASTM A36. Base cover is finished to match pole.

A rectangular, reinforced handhole rim having nominal dimensions of 3 x 5" for shafts less than 6.375" square and oval shaped 4 x 6.5" for all other shafts. Included is a steel cover with attachment screws. Handhole is located 18" above the base.

Top cap provided with all drill-mount poles.

Fasteners are high-strength galvanized, zinc-plated or stainless steel.

FINISH — Must specify finish.

GROUNDING — Provision located inside handhole rim. Grounding hardware is not included (provided by others).

ANCHOR BOLTS — Top portion of anchor bolt is galvanized per ASTM A-153. Made of steel rod having a minimum yield strength of 55,000 psi.



Anchor Base Poles

STS

SQUARE TAPERED STEEL

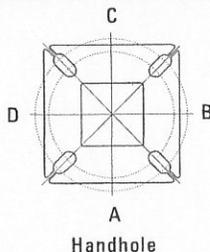
ORDERING INFORMATION

Lead times will vary depending on options selected. Consult with your sales representative.

Example: STS 30 6-4B DM19 DDB

Series	Nominal fixture mounting height	Nominal shaft base size/wall thickness	Mounting ¹	Options	Finish ⁷
STS	20 – 50 feet (see back page.)	(See back page.)	Tenon mounting PT Open top T20 2-3/8" O.D. (2" NPS) T25 2-7/8" O.D. (2-1/2" NPS) T30 3-1/2" O.D. (3" NPS) T35 4" O.D. (3-1/2" NPS)	Shipped installed L/AB Less anchor bolts FBC Full base cover VD Vibration damper TP Tamper proof H1-18Sxx Horizontal arm bracket (1 fixture) ^{3,4} FDLxx Festoon outlet less electrical ³ CPL12xx 1/2" coupling ³ CPL34xx 3/4" coupling ³ CPL1xx 1" coupling ³ NPL12xx 1/2" threaded nipple ³ NPL34xx 3/4" threaded nipple ³ NPL1xx 1" threaded nipple ³ EHHxx Extra handhole ^{3,5}	Standard colors DDB Dark bronze DWH White DBL Black DMB Medium bronze DNA Natural aluminum GALV Galvanized finish Classic colors DSS Sandstone DGC Charcoal gray DTG Tennis green DBR Bright red DSB Steel blue Architectural colors (powder finish) ⁷

HANDHOLE ORIENTATION



NOTES:

- When ordering tenon mounting and drill mounting for the same pole, follow this example: DM28/T20. The combination includes a required extra handhole.
- The drilling template to be used for a particular luminaire depends on the luminaire that is used. Refer to the Technical Data Section of the Outdoor Binder for Drilling Templates.
- Specify location and orientation when ordering option.
For 1st "x": Specify the height in feet above base of pole.
Example: 5ft = 5 and 20ft = 20
For 2nd "x": Specify orientation from handhole (A,B,C,D)
Refer to the Handhole Orientation diagram above.
- Horizontal arm is 18" x 2-3/8" O.D. tenon standard.
- Combination of tenon-top and drill mount includes extra handhole.
- Insert "1" or "2" to designate fixture size; e.g. DM19AST2.
- Finish must be specified. Additional colors available; see www.lithonia.com/archcolors or Architectural Colors brochure (Form No. 794.3). Powder finish standard.

IMPORTANT INSTALLATION NOTES:

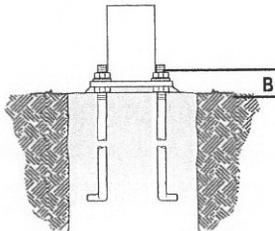
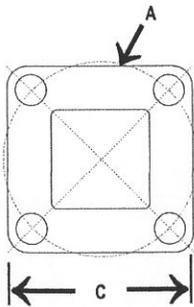
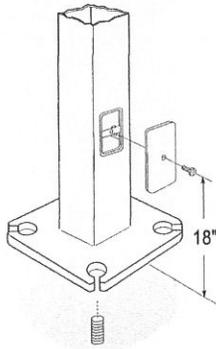
- Do not erect poles without having fixtures installed.
- Factory-supplied templates must be used when setting anchor bolts. Lithonia will not accept claim for incorrect anchorage placement due to failure to use Lithonia Lighting factory templates.
- If poles are stored outside, all protective wrapping must be removed immediately upon delivery to prevent finish damage.

STS Square Tapered Steel Poles

TECHNICAL INFORMATION

Catalog Number	Nominal shaft length (feet)	Pole Shaft Size (Base in. x Top in. x ft.)	Wall Thickness (inches)	Gauge	EPA (ft ²) with 1.3 gust						Bolt Circle (inches)	Bolt Size (in. x in. x in.)	Approximate ship weight (pounds)
					80 mph	Max. weight	90 mph	Max. weight	100 mph	Max. weight			
STS 20 5-2B	20	5.25 x 3.05 x 20	0.125	11	18.0	452	13.8	345	10.7	268	10-3/4	1 x 36 x 4	155
STS 20 5-5F	20	5.50 x 3.30 x 20	0.188	7	30.5	764	24.0	602	19.0	477	11	1 x 36 x 4	235
STS 25 6-0B	25	6.00 x 3.25 x 25	0.125	11	16.8	422	12.6	315	9.5	238	12	1 x 36 x 4	205
STS 25 6-4F	25	6.41 x 3.66 x 25	0.188	7	28.5	713	22.5	563	18.2	455	12-1/2	1 x 36 x 4	310
STS 30 6-4B	30	6.41 x 3.11 x 30	0.125	11	13.6	340	9.8	245	7.0	175	12-1/2	1 x 36 x 4	260
STS 30 6-4F	30	6.41 x 3.11 x 30	0.188	7	23.6	590	17.9	448	13.7	343	12-1/2	1 x 36 x 4	375
STS 35 6-8B	35	6.81 x 2.96 x 35	0.125	11	10.7	269	7.3	184	4.8	120	13	1 x 36 x 4	305
STS 35 7-1F	35	7.13 x 3.28 x 35	0.188	7	23.4	585	17.4	435	13.0	325	13-1/2	1 x 36 x 4	475
STS 39 7-1B	39	7.18 x 2.92 x 39	0.125	11	8.6	215	5.4	135	3.0	75	13-1/2	1 x 36 x 4	345
STS 39 7-1F	39	7.13 x 2.87 x 39	0.188	7	19.3	483	14.2	355	10.4	260	13-1/2	1 x 36 x 4	500
STS 45 7-8F	45	7.88 x 2.93 x 45	0.188	7	16.0	400	11.1	278	7.4	187	14-1/2	1 x 36 x 4	620
STS 45 8-7F	45	8.75 x 3.80 x 45	0.188	7	23.5	588	16.6	415	11.4	287	15-3/4	1-1/4 x 42 x 6	730
STS 50 8-8F	50	8.81 x 3.31 x 50	0.188	7	19.4	485	13.2	332	8.7	218	16	1-1/4 x 42 x 6	780

BASE DETAIL



POLE DATA					
Shaft base size	Bolt circle A	Bolt projection B	Base square C	Template description	Anchor bolt description
5.2" B	10.75"	3.50" - 4.25"	10.75"	ABTEMPLATE PJ50095	AB36-0
5.5" F	11"	3.75" - 4.50"	11"	ABTEMPLATE PJ50096	AB36-0
6.0" B	12"	3.50" - 4.25"	11.5"	ABTEMPLATE PJ50097	AB36-0
6.4" F	12.5"	4.00" - 4.75"	11.875"	ABTEMPLATE PJ50098	AB36-0
6.4" B	12.5"	3.50" - 4.25"	11.875"	ABTEMPLATE PJ50099	AB36-0
6.8" B	13"	3.50" - 4.25"	12.25"	ABTEMPLATE PJ50101	AB36-0
7.1" F	13.5"	4.25" - 5.00"	12.625"	ABTEMPLATE PJ50102	AB36-0
7.1" B	13.5"	3.50" - 4.25"	12.625"	ABTEMPLATE PJ50103	AB36-0
7.8" F	14.5"	4.00" - 4.75"	13.375"	ABTEMPLATE PJ50105	AB36-0
8.7" F	15.75"	4.75" - 5.50"	14.25"	ABTEMPLATE PJ50106	AB42-0
8.8" F	16"	4.50" - 5.25"	15.5"	ABTEMPLATE PJ50107	AB42-0

IMPORTANT:

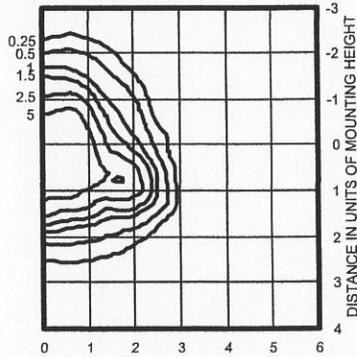
• These specifications are intended for general purposes only. Lithonia reserves the right to change material or design, without prior notice, in a continuing effort to upgrade its products.



KAD Metal Halide, Arm-mounted Soft Square Cutoff

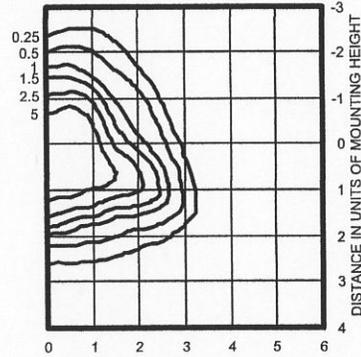
Coefficient of Utilization 
Initial Footcandles 

KAD 400M R2 Test no. 1193083101P
ISOILLUMINANCE PLOT (Footcandle)



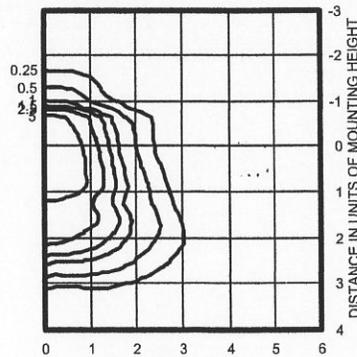
400W pulse start metal halide lamp, rated 38000 lumens. Footcandle values based on 20' mounting height.
Classification: Type II, Short, Full Cutoff

KAD 400M R3 Test no. 1192040902P
ISOILLUMINANCE PLOT (Footcandle)



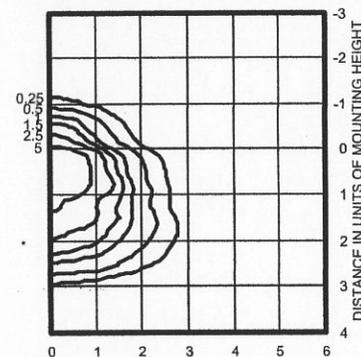
400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Type II, Short, Full Cutoff

KAD 400M R4 Test no. 1191110101P
ISOILLUMINANCE PLOT (Footcandle)



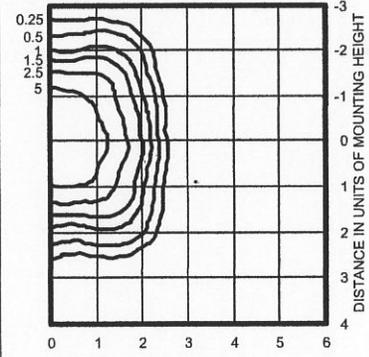
400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Unclassified (Type III, Very Short), Full Cutoff

KAD 400M R4HS Test no. 1192061101P
ISOILLUMINANCE PLOT (Footcandle)



400W pulse start metal halide lamp, rated 38,000 lumens. Footcandle values based on 20' mounting height.
Classification: Unclassified (Type III, Very Short), Full

KAD 400M R5S Test no. 1194040801P
ISOILLUMINANCE PLOT (Footcandle)



400W pulse start metal halide lamp, rated 38000 lumens. Footcandle values based on 20' mounting height.
Classification: Unclassified (Type NC, Very Short), Full Cutoff

Notes

- 1 Photometric data for other distributions can be accessed at www.lithonia.com.
- 2 Tested to current IES and NEMA standards under stabilized laboratory conditions. Various operating factors can cause differences between laboratory data and actual field measurements. Dimensions and specifications on this sheet are based on the most current available data and are subject to change without notice.
- 3 For electrical characteristics, consult outdoor technical data specification sheets on www.lithonia.com.

Mounting Height Correction Factor

(Multiply the fc level by the correction factor)

25 ft. = 0.64

35 ft. = 0.32

40 ft. = 0.25

$$\left(\frac{\text{Existing Mounting Height}}{\text{New Mounting Height}} \right)^2 = \text{Correction Factor}$$



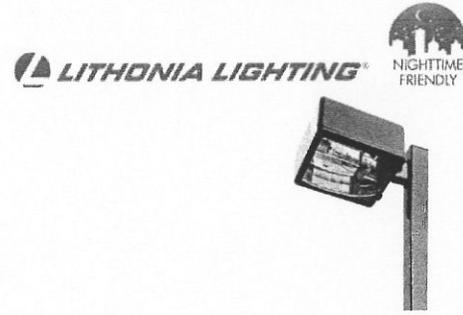
KAD-M-S

OUTDOOR PHOTOMETRIC REPORT
CATALOG: KAD 250M R4 (PULSE START)

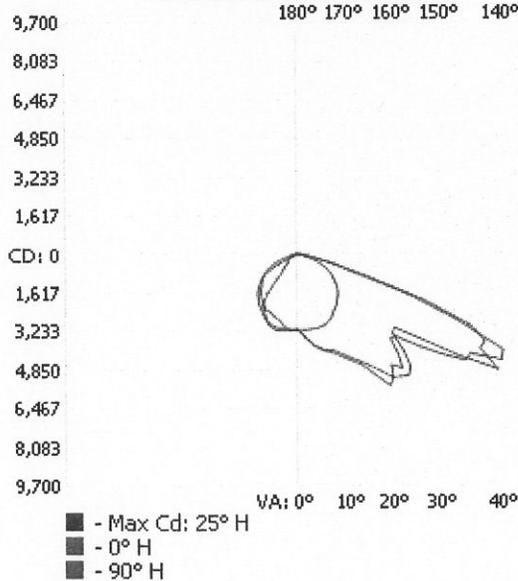


TEST #: 1191102805P
 TEST LAB: SCALED PHOTOMETRY
 TEST DATE: 1/31/2008
 CATALOG: KAD 250M R4 (PULSE START)
 DESCRIPTION: AREA LUMINAIRE, 250W MH, R4 REFLECTOR, FULL CUTOFF MEETS THE 'NIGHTTIME FRIENDLY' CRITERIA

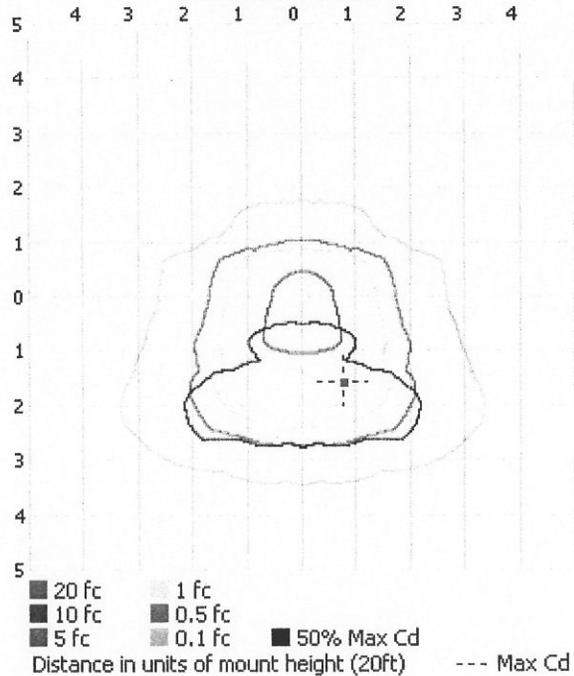
Series: KAD
 LAMP CATALOG: M250/U/BT28/PS
 LAMP: ONE (1) 250 WATT CLEAR BT28 PULSE START METAL HALIDE LAMP IN HORIZONTAL POSITION
 LAMP OUTPUT: 1 LAMP, RATED LUMENS/LAMP: 22500
 INPUT WATTAGE: 288
 LUMINOUS OPENING: RECTANGLE (L: 15", W: 15")
 TER Value: 49 (BF = 1)
 TER Category: AREA & SITE LIGHT - TYPE IV
 Max Cd: 9,660.1 AT HORIZONTAL: 25°, VERTICAL: 60°
 Cutoff Class: FULL CUTOFF
 Roadway Class: VERY SHORT, TYPE IV
 Efficiency: 63.8%



Polar Candela Distribution



Isofootcandle Plot



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1191102805P
 VISUAL PHOTOMETRIC TOOL

PUBLISH
 PAGE 1 OF 4

ZONAL LUMEN SUMMARY

Zone	Lumens	% Lamp	% Luminaire
0-30	2,939.3	13.1%	20.5%
0-40	5,226.9	23.2%	36.4%
0-60	10,355.9	46%	72.1%
60-90	4,010.4	17.8%	27.9%
70-100	1,194.5	5.3%	8.3%
90-120	0	0%	0%
0-90	14,366.3	63.9%	100%
90-180	0	0%	0%
0-180	14,366.3	63.9%	100%

LUMENS PER ZONE

Zone	Lumens	% Total	Zone	Lumens	% Total
0-10	317.8	2.2%	90-100	0	0%
10-20	985.7	6.9%	100-110	0	0%
20-30	1,635.8	11.4%	110-120	0	0%
30-40	2,287.5	15.9%	120-130	0	0%
40-50	2,536.3	17.7%	130-140	0	0%
50-60	2,592.7	18.0%	140-150	0	0%
60-70	2,815.8	19.6%	150-160	0	0%
70-80	1,121.8	7.8%	160-170	0	0%
80-90	72.7	0.5%	170-180	0	0%

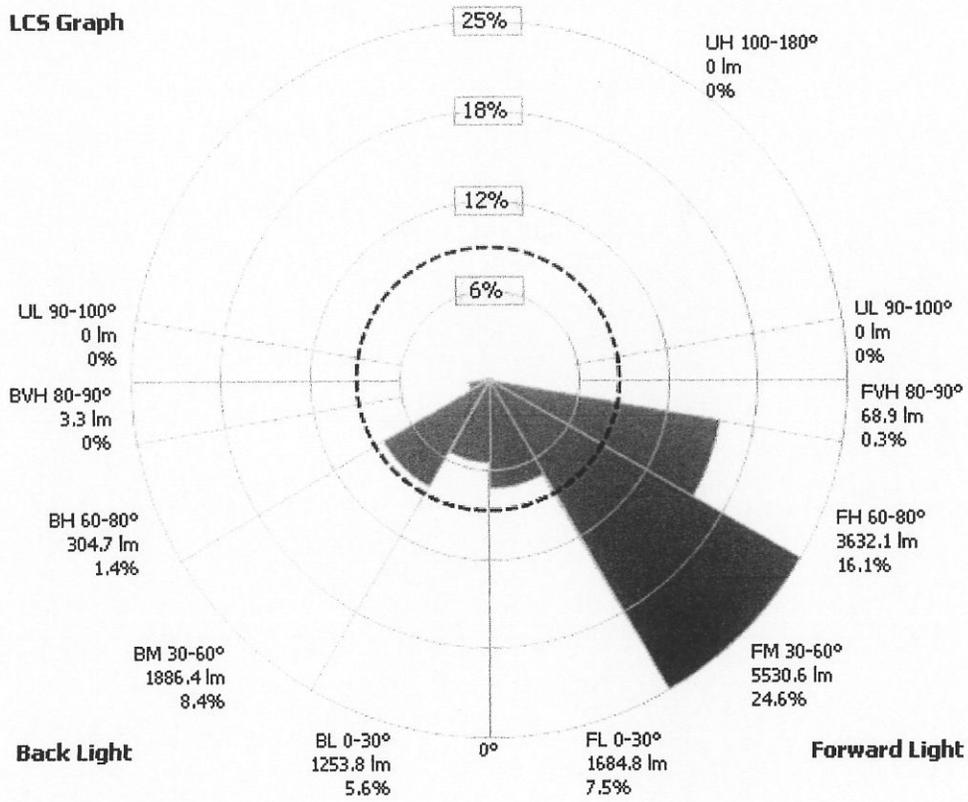
ROADWAY SUMMARY

Cutoff Classification:	FULL CUTOFF	
Distribution:	TYPE IV, VERY SHORT	
Max Cd, 90 Deg Vert:	0	
Max Cd, 80 to <90 Deg:	992.4	
	Lumens	% Lamp
Downward Street Side:	10,916.4	48.5%
Downward House Side:	3,448.1	15.3%
Downward Total:	14,364.5	63.8%
Upward Street Side:	0	0%
Upward House Side:	0	0%
Upward Total:	0	0%
Total Lumens:	14,364.5	63.8%

LCS TABLE

BUG RATING	B3 - U0 - G2	
FORWARD LIGHT	LUMENS	LUMENS %
Low(0-30):	1,684.8	7.5%
Medium(30-60):	5,530.6	24.6%
High(60-80):	3,632.1	16.1%
Very High(80-90):	68.9	0.3%
BACK LIGHT		
Low(0-30):	1,253.8	5.6%
Medium(30-60):	1,886.4	8.4%
High(60-80):	304.7	1.4%
Very High(80-90):	3.3	0%
UPLIGHT		
Low(90-100):	0	0%
High(100-180):	0	0%
TRAPPED LIGHT:	8,135.5	36.2%

LCS Graph



Back Light

Forward Light

Scale = Max LCS %

☉ Trapped Light: 8135.5lm, 36.2%

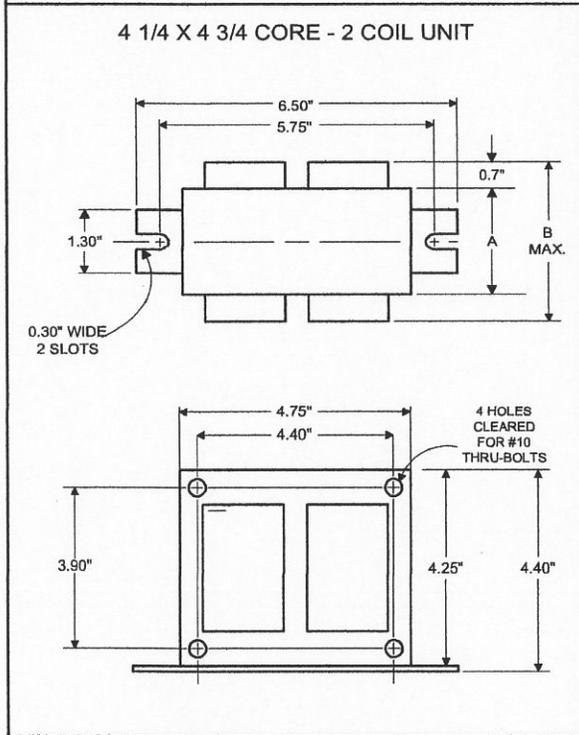
CANDELA TABLE - TYPE C

	0	15	25	35	45	55	65	75	85	90	105	115	125	135	145	155	165	175	180	
0	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164	3164
5	3490	3508	3465	3499	3439	3404	3290	3261	3219	3179	3182	3148	3171	3179	3179	3247	3200	3209	3214	
10	3904	3909	3875	3897	3794	3733	3546	3465	3306	3214	3195	3186	3205	3227	3265	3214	3195	3162	3112	
15	4190	4186	4150	4159	4084	3974	3816	3645	3416	3236	3195	3175	3274	3306	3240	3070	3060	2963	2930	
20	4418	4394	4287	4292	4257	4224	4015	3828	3513	3222	3171	3179	3309	3252	3134	2901	2845	2833	2822	
25	4834	4818	4771	4681	4408	4309	4157	3897	3499	3143	3074	3083	3171	3038	2835	2802	2790	2759	2755	
30	5360	5398	5282	5192	4863	4519	4161	3850	3439	3011	2905	2905	2948	2721	2707	2696	2669	2633	2662	
35	6720	6675	6395	5962	5425	4854	4221	3724	3279	2835	2721	2684	2646	2491	2545	2556	2624	2620	2633	
40	6078	6083	6187	6717	6087	5237	4264	3666	3182	2707	2534	2525	2444	2356	2381	2489	2545	1996	1564	
45	5934	5740	6334	6663	7000	5775	4375	3584	3036	2561	2369	2361	2185	2183	2226	2163	1395	824	741	
50	5380	5482	4980	5169	6083	5955	4484	3486	2779	2300	2125	2097	1978	1969	2044	992	664	571	495	
55	7309	7511	6611	6047	4681	4453	4484	3317	2444	1996	1836	1827	1733	1771	1156	502	473	524	509	
60	8338	8252	8932	9660	6817	4197	3799	3070	2111	1647	1559	1549	1464	1339	479	372	471	554	462	
65	9472	8904	9053	8639	7945	6256	3153	2845	1836	1301	1193	1182	1177	542	317	338	322	180	130	
70	4929	4404	5374	5576	7177	5353	4233	2318	1469	914	846	833	808	275	248	113	45	31	27	
75	1483	1369	1549	1497	2520	3430	3468	1782	833	443	426	405	204	142	50	18	5	5	9	
80	432	353	490	455	580	369	867	992	578	248	196	187	31	5	0	0	0	0	0	
85	0	0	0	0	31	66	59	78	47	23	9	0	0	0	0	0	0	0	0	
90	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

Ballast info

PHILIPS ADVANCE	Metal Halide Lamp Ballast	Catalog Number 71A5792EE For 250W M138/M153 (P.S.) 60 Hz SUPER-CWA Status: Active
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DIMENSIONS AND DATA



	120	208	240	277
INPUT VOLTS				
CIRCUIT TYPE	SUPER-CWA			
POWER FACTOR (min)	93%			
REGULATION				
Line Volts	±10%			
Lamp Watts	±10%			
LINE CURRENT (Amps)				
Operating.....	2.52	1.44	1.26	1.10
Open Circuit.....	1.10	0.64	0.55	0.48
Starting.....	2.27	1.34	1.13	0.98
UL TEMPERATURE RATINGS				
Insulation Class	H(180°C)			
Coil Temperature Code	1029	A	A	A
MIN. AMBIENT STARTING TEMP.	-20°F or -30°C			
NOM. OPEN CIRCUIT VOLTAGE	280			
INPUT VOLTAGE AT LAMP DROPOUT.....	60	104	120	138
INPUT WATTS	284			
RECOMMENDED FUSE (Amps).....	8	5	5	3
CORE and COIL				
Dimension (A)	1.61			
Dimension (B)	3.55			
Weight (lbs.)	9.7			
Lead Lengths	12"			
CAPACITOR REQUIREMENT				
Microfarads	17.0			
Volts (min.)	340			
Fault Current Withstand (amps)				
60 Hz TEST PROCEDURES (Refer to Advance Test Procedure for HID Ballasts - Form 1270)				
High Potential Test (Volts)				
1 minute	2000			
2 seconds	2500			
Open Circuit Voltage Test (Volts)	254-308			
Short-Circuit Current Test (Amps)				
Secondary Current	2.42-2.96			
Input Current.....	1.79-2.68	1.03-1.59	0.89-1.34	0.77-1.16

Capacitor: 7C170P40



Capacitance: 17
Dia/Oval Dim: 1.75
Height: 3.75
Temp Rating: 105°C



Wiring Diagram:

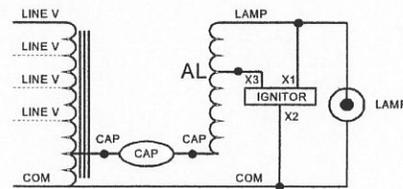


Fig. M7

Ordering Information

Order Suffix	Description
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Ignitor: LI533-H4



Ballast to Lamp Distance (BTL) = 2 feet
Temp Rating: 105°C

Data is based upon tests performed by Philips Lighting Electronic N.A. in a controlled environment and representative of relative performance. Actual performance can vary depending on operating conditions. Specifications are subject to change without notice.

Philips Lighting Electronic N.A.
10275 West Higgins Road · Rosemont, IL 60018 · Tel:800-322-2086 Fax:888-432-1882
Customer Support/ Technical Service:800-372-3331 · OEM Support: 866-915-5886

02/19/13

6e.



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: February 4, 2016

SUBJECT: Removal of "Walkable Hamlet District" from Future Land Use Map and Related Amendments

DATE SUBMITTED: January 28, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO ADOPT BY RESOLUTION SEVERAL AMENDMENTS TO THE VILLAGE'S COMPREHENSIVE PLAN TO REMOVE LAND SHOWN AS "WALKABLE HAMLET DISTRICT" ON THE VILLAGE'S FUTURE LAND USE MAP AND OTHER RELATED TEXT AMENDMENTS REGARDING THE SAME?

ISSUE SUMMARY:

Over the last year, Village Staff and the Village Board has been working with a court-appointed receiver who was authorized by the Waukesha County Circuit Court to manage the assets of Mr. Bob Parchem and Ms. Caryl Parchem, the developers of Reflections Village. A "Receivership" is a type of corporate bankruptcy in which a "receiver" is appointed to run a company, in this case the limited liability company set up for Reflections Village (Reflections Richfield Investments, LLC). In most cases, the receiver is given ultimate decision-making powers and has full discretion in deciding how the received assets will be managed. The primary responsibility of the receiver is to recoup as much of the unpaid loans as possible. Oftentimes, receivers find that the best way to pay back loans is to liquidate the company's assets, which effectively puts the company out of business, as its assets are sold in order to recoup some of the monies owned. Such is the case now, with many of the remaining lots selling for below market value and the parceling off of portions of the proposed future development of the subdivision (Phase II and Phase III).

The Receiver has agreed to the sale of all the existing lots in Reflections Village as well as the portion of the development commonly known as Phase II. The Receiver has petitioned the Village to rezone Phase II of the development to Rs-1b, Single Family Cluster/Open Space Residential District. As such, because the Comprehensive Plan shows this area depicted as "Walkable Hamlet District", it will need to be shown as "Single Family".

Over the course of the next few months, several items related to Reflections Village will be coming forth. Please see the attached timeline for further details.

FUTURE IMPACT & ANALYSIS:

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

REVIEWED BY:

Village Deputy Clerk



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: February 4, 2016

ATTACHMENTS:

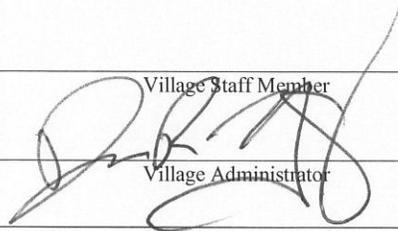
1. Resolution R2016-02-01, a Resolution to amend multiple sections of the Comprehensive Plan
2. Reflections Village – Timeline
3. Letter dated January 29th from Dennis Bush, Insight Advisors, LLC

STAFF RECOMMENDATION:

Motion to approve Resolution R2016-02-01, a Resolution to amend multiple sections of the Comprehensive Plan and to direct Staff to fulfill requirements of Wisconsin State Statutes for giving notice of the proposed Public Hearing on March 17, 2016 at 7:00PM.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
BOARD ACTION TAKEN

Village Staff Member


Village Administrator

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

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

Village of Richfield Plan Commission

Resolution No. R2016-02-01

A Resolution Acting and Recommending to the Village Board the Amendment of the Village's Comprehensive Plan

WHEREAS, the Village Board is authorized by state law to adopt a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2), Wis. Stats., and to amend it from time to time; and

WHEREAS, the Village Board adopted a comprehensive plan in 2014, following extensive public participation, and has amended such plan on multiple occasions since then; and

WHEREAS, the Village Board adopted a public participation plan which established procedures and requirements to amend the adopted comprehensive plan; and

WHEREAS, Reflections Richfield Investments LLC (Court-appointed receiver, Ronald Carlson) owns land in Section, 13, T9N, R19E of the Village, and has submitted an application to amend the future land use map (Map 12) included in the comprehensive plan by changing the land use classification of the area depicted in Exhibit A from "Walkable Hamlet Mixed Use" to "Single Family" and making corresponding changes in the text of the plan; and

WHEREAS, the Plan Commission reviewed the petitioner's request on February 4, 2016; and

WHEREAS, the Plan Commission finds that the comprehensive plan with the proposed amendments contains all of the required elements specified in Section 66.1001(2), Wis. Stats.; and

WHEREAS, the Village Board will hold at least one public hearing regarding the proposed amendment in compliance with the requirements of Section 66.1001(4)(d), Wis. Stats.

NOW THEREFORE, by a majority vote of the entire commission recorded in its official minutes, the Plan Commission recommends the following amendments to the Village Board:

1. Change the land use classification of the area depicted in Exhibit A from "Walkable Hamlet Mixed Use" to "Single Family."
2. Amend the text in Exhibit 11-4 relating to Walkable Hamlet Mixed Use to read as follows:

"One walkable hamlet mixed use district is shown in the northeast corner of the Village off of STH 175, which includes single-family residence and commercial uses."

(The remainder of Exhibit 11-4 remains unchanged.)

3. Amend the figures in Table 11-8 for Walkable Hamlet Mixed Use and Single-Family Residential as follows:

	Acres	Percent of Total
Single-Family Residential	13,709.4	58.76
Walkable Hamlet Mixed Use	40.6	0.17

(The remainder of Table 11-8 remains unchanged.)

NOW THEREFORE, the Village Clerk is directed to send a copy of this resolution to each of the following:

- a. the clerk for Washington County;
- b. the clerk of every local government unit that is adjacent to the Village;
- c. the Wisconsin Land Council;
- d. the Wisconsin Department of Administration;
- e. Southeastern Wisconsin Regional Planning Commission; and
- f. those public libraries that serve the Village.

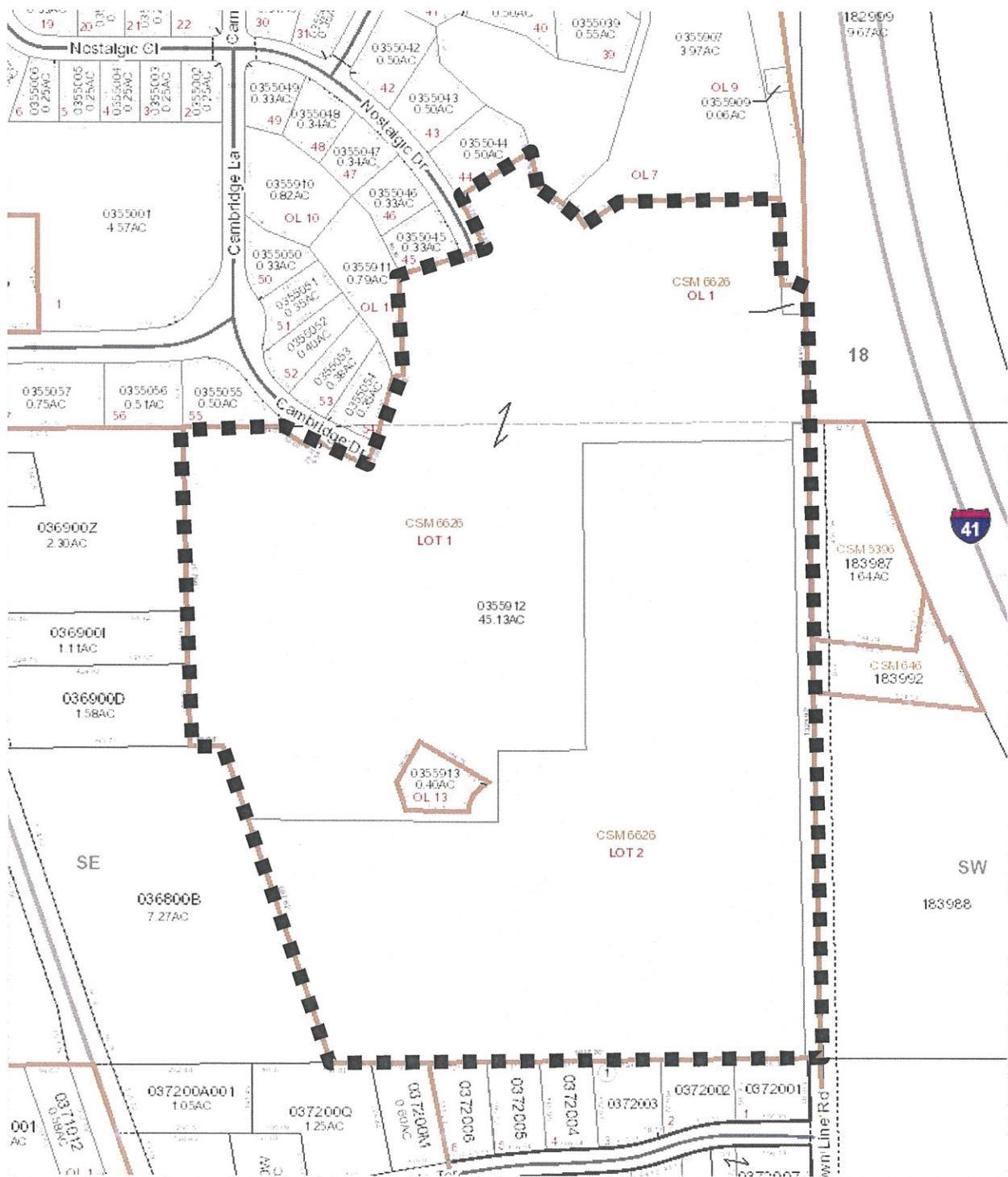
Passed and adopted this 4th day of February, 2016

James Otto, Plan Commission Chair

ATTEST:

James Healy, Village Administrator

Exhibit A.



Village of Richfield
Reflection Village Action Items and Timetable

Declaration of Restrictions	Release of the Letters of Credit and Receipt of Money for Road	SBOP Commercial and Residential	Rezoning/Text Amendment	Rezoning/Map Amendment	Comp Plan Amendment
					PC Resolution February 4 th
VB Acknowledgement February 18 th	VB Action February 18 th				
		PC Acknowledgement March 3 rd	PC Recommendation March 3 rd	PC Recommendation March 3 rd	
			VB Ordinance March 17 th	VB Ordinance March 17 th	VB Ordinance March 17 th

Mr. Jim Healy
Village Administrator
Planning and Zoning Administrator
(262)-628-2260
Village of Richfield
4128 Hubertus Road
Hubertus, WI 53033

January 29, 2016

Re: Reflections Village and related parcels

Dear Mr. Healy,

Reflections Richfield Investments, LLC under the control of court appointed Receiver Ron Carlson and with the receiver's consultant Dennis Bush of Insight Advisors has requested a number of amendments of the Village. The amendments include the Comp Plan, CSM, Rezoning, Text Amendment(s) of the Zoning Code, SBOPs, Declarations and other matters and are reflected in the attached Action Items and Timetable as provided by the Village. Certain other review and approvals may be needed and should be considered as part of this letter.

The receiver and consultant understand the Village has fees for the submissions and in some submissions applications are required. Today you outlined the following application fees:

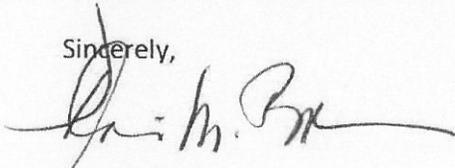
- | | |
|-------------------------------------|-------|
| • Comp Plan | \$350 |
| • CSM | \$450 |
| • Rezoning | \$400 |
| • Text Amendment of the Zoning Code | \$500 |

Total due at this time \$1,700

Please find this letter as the application for all submissions as needed by the Village. The consultant for the receiver will fill out any and all applications in addition to this letter as requested by the Village. Attached please find the Rezoning Permit application as requested. The \$1,700 in applications fees due at this time will be paid directly. Other application fees will be paid by the receiver as required. I have attached a listing of the documents sent to Mr. Tim Schwecke.

Thank you, City Attorney Macy and Consultant Tim Schwecke for your valuable help in these important matters.

Sincerely,



Dennis Bush
Insight Advisors, LLC
414 975 6400



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: February 4, 2016

SUBJECT: Potential Text Amendment to A-1, Exclusive Agricultural District

DATE SUBMITTED: January 28, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION WISH TO INSTRUCT STAFF TO RESEARCH POTENTIAL ORDINANCE AMENDMENTS TO THE A-1, EXCLUSIVE AGRICULTURAL DISTRICT RELATIVE TO THE CONCEPTS OF 1) AGRIBUSINESS/AGRITAINMENT AND 2) ALLOWING ORIGINAL FARM HOMESTEADS TO BE SUBDIVIDED OFF FROM THE PRINCIPAL LAND.

ISSUE SUMMARY:

Over the last several months the Village Staff has been working in close concert with several of our local farmers regarding differing concepts of land development. Two concepts routinely come up when discussing these issues, expanding the types of allowable business uses in agricultural districts and farmers wanting to stay on their property's farmstead home but not wanting to own the surrounding agricultural land.

In the Village of Richfield, we have a handful of business-like operations which exist on agricultural property. The ones that come to mind are Basse's Taste of Country, Terra Tec Landscaping, and the Holy Hill Art Farm. All three (3) of these companies operate as 'conditional uses' and have been doing so for a number of years. The Holy Hill Art Farm at their last event in 2015 brought approximately 8,000 patrons to their property along STH 167. During the fall months, tens of thousands of individuals attend the events at Basse's too. Terra Tec Landscaping has grown from only handling landscaping to now having grown to hardscaping, horticulture, and forestry for their clients. I would encourage you to all visit their websites for additional information on these fantastic community businesses:

www.terratechlandscapes.com

www.bassesfarms.com

www.HolyHillArtFarm.com

With the growing popularity of 'Barn Weddings', 'Farm to Table Dinners', Agriculturally-themed venue hosting, corn mazes, hayrides, children's petting zoos, etc. Farmers are now starting to look at alternative revenue sources to help provide diverse revenue streams much like an individual's private investment portfolio might look like. These types of "Agritainment" events provide a great opportunity to teach others about the farming lifestyle. Tours of fields, equipment displays and lectures about how the farm operates teach non-farmers about the source of their food and why farming is important. Once the public is on the farm, the property owner has a unique opportunity to sell fresh produce or related items directly to the consumer. Whether it's a "pick your own" type operation or a small produce stand set up on the property, it would appear that the consumer demand for these types of operations is growing. Ms. Kris Jacklin, owner and operator of the Holy Hill Art Farm has provided Staff with a concept for a "Dinner On The Farm" type event. These types of events are happening in communities all over the State of Wisconsin. Given our considerable discussions we've been having about the future of agricultural uses in the Village as of late, we believed it behooved us to enter into the discussion the possibility about expanding the types of allowable conditional uses in the A-1, Exclusive Agricultural District to include forms of "Agribusiness" or "Agritainment".

The other item for your consideration tonight is the keeping and preserving of original farmsteads in the Village of Richfield. Richfield has a number of homes that are generations old still with surviving members of the original family farm living in them. If the farmer/property owner wishes or desires to sell off the property for single-family development, the farmer is left



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
 MEETING DATE: February 4, 2016

with few options in terms of separating off land. Currently the Village has in its Village Code the Rs-1R, Country Estate/Remnant Parcel District. The intent of which is as follows:

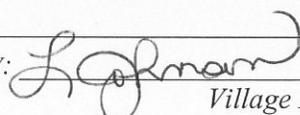
“Intended to provide for single-family residential development on “remnant parcels” of land, as defined below. The Rs-1R District serves as a transitional district between farmland areas and more intensely developed suburban areas of the Village. The intent of this district is to permit a one-time only minor land division for development of single-family dwellings on remnant parcels. Clustered –oriented subdivision development is prohibited in this district.” – 70.191A

The policy question Staff is proposing to the Plan Commission to consider is, is a 5ac minimum for this type of district still appropriate? Would there be any merit to considering the allowance of a parcel that is a same or similar size to what is allowable in our Rs-1b, Single Family Cluster/Open Space Residential District (1.25-1.50ac)?

One of the Comprehensive Plan’s “Goals” for 2016 was to: “Encourage a variety of housing densities, consistent with the Village Code, to meet the needs of residents of varying incomes, ages, and lifestyle preferences and to support economic development”. One of the “Specific Policies” for this goal we have listed is to “Support existing County, private and church efforts and consider new programs that provide needed assistance for elderly and disabled residents who wish to stay in their own homes”.

Staff is bringing this forward as one potential way we might be able to accomplish a listed goal in the Comprehensive Plan, further maintain our rural heritage, provide housing options for our elderly, and continue to help maintain our “Country Way of Life”.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY: 
 Village Deputy Clerk

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

ATTACHMENTS:

1. Comprehensive Plan – Housing “Vision Statement” and overarching policies
2. “Farm to Table” conceptual idea from Ms. Kris Jacklin, Holy Hill Art Farm

STAFF RECOMMENDATION:

None.

APPROVED FOR SUBMITTAL BY:	VILLAGE CLERKS USE ONLY BOARD ACTION TAKEN								
<div style="border-bottom: 1px solid black; margin-bottom: 10px; text-align: center;">Village Staff Member</div> <div style="border-bottom: 1px solid black; text-align: center;">Village Administrator</div>	<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">Resolution No. _____</td> <td style="width: 50%;">Continued To: _____</td> </tr> <tr> <td>Ordinance No. _____</td> <td>Referred To: _____</td> </tr> <tr> <td>Approved _____</td> <td>Denied _____</td> </tr> <tr> <td>Other _____</td> <td>File No. _____</td> </tr> </table>	Resolution No. _____	Continued To: _____	Ordinance No. _____	Referred To: _____	Approved _____	Denied _____	Other _____	File No. _____
Resolution No. _____	Continued To: _____								
Ordinance No. _____	Referred To: _____								
Approved _____	Denied _____								
Other _____	File No. _____								

Overall Vision and Mission

Forward. Preserving...A Country Way of Life!

We effectively plan and manage Village growth to successfully blend our rural heritage with our modern way of life. We protect our diverse natural and environment. We treasure our small-town feel while investing in thoughtful business development that enhances the vitality of our community. We actively preserve our open spaces, our dark evening skies, and beautiful parklands. We responsibly manage our previous water resources and thoughtfully consider development to protect them.

We value an accessible and efficient government that provides outstanding services to the community financed by the right balance of residential, commercial, and agricultural property. We value civic engagement and community involvement in Village planning and decision making. We proactively anticipate the needs of the community and work hard to ensure that we have safe and well-maintained roads; clean and usable parks; and inviting community buildings. We have a thoughtful and responsible approach to taxation that minimizes the financial burden of living here while supporting the essential government services and programs that sustain the health, safety, and beauty of the Village.

We welcome new residents and honor out long-time residents' way of life and traditions. We have active civic organizations that build community and share local traditions and events that celebrate our history and our promising future. Our parks and trails provide extensive recreational opportunities for those who live here and those who are just visiting.



A Country Way of life....worth preserving!

Housing

Housing Vision Statement

In 2033, Richfield offers rural residential living choices in harmony with the Village's rolling hills, wetlands, woodlands, farm fields, and lakes. Single-family homes are the primary housing choice, but some additional well-built and maintained alternative housing styles have been built to provide some other choices to young families and seniors . Village codes and ordinances promote attractive residential development with abundant green spaces, scenic views, and trails.



Overarching Policies

1. Utilize the patterns presented on the future land use maps as a guide for development.
2. Require new developments to provide links and access to planned trails where feasible.
3. Encourage the integration of varied housing stock and densities within developments or areas designated for higher density residential on the future land use maps.
4. Encourage a range of housing styles and types to support lifestyle needs and preference, which are consistent with our zoning code.
5. Require new housing developments to be consistent with the preservation of scenic beauty and the protection of the environment.
6. Ensure village codes and ordinances are up-to-date in regard to housing concerns.

Goal 1: Enhance the environmental assets and residential atmosphere of the Village so that it continues to be an attractive place to live.

Specific Policies

1. Continue to enforce floodplain regulations.
2. Encourage “low impact” development within the Village that can help reduce stormwater runoff and flooding.
3. Protect open vistas including views of Holy Hill and designated view corridors.
4. Consider pedestrian access and amenities (e.g., trails and sidewalks) as part of any housing development. This includes considering location choices for developments catering to seniors and families (children) that provide opportunities to walk to important destinations like schools, parks, and shopping.
5. Make green space an integral part of residential neighborhoods.

Goal 2: Maintain the market value of housing over time.

Specific Policies

1. Continue to enforce residential codes and ordinances to ensure that properties are well maintained.
2. Educate residents about the importance of property maintenance.

Goal 3: Encourage a variety of housing densities, consistent with the Village Code, to meet the needs of residents of varying incomes, ages, and lifestyle preferences and to support economic development.

Specific Policies:

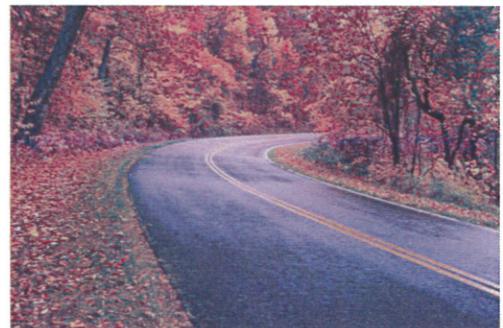
1. Support existing county, private, and church efforts and consider new programs that provide needed assistance for elderly and disabled residents who wish to stay in their own homes.

Implementation Activity	Potential Funding	Champion/Partner	Milestone Date
Evaluate (through survey and Census Data) and monitor the need and appropriate location for alternative housing choices and support services for residents, including seniors.	Village budget	Planning & Zoning Administrator	2015
Review and possibly update existing development controls to encourage housing that is easily adaptable for seniors and residents with disabilities.	Village budget	Building Inspector Planning & Zoning Administrator	2016
Create a new Planned Unit Development Zoning District to accommodate a blend of commercial, multiple and single-family development on a single property. This district would include performance standards, as opposed to strict setback requirements, to provide flexibility for developers interested in smaller properties with mixed housing types.	Village budget	Plan Commission	2017

Transportation

Transportation Vision

In 2033, more residents than ever before take advantage of organized transit choices (including carpooling) to cost-effectively connect Richfield with nearby employment centers and entertainment choices. Trails and walkways are an integral part of the recreation and transportation network - providing connections between neighborhoods, neighboring communities, schools, parks, and the greater region. Personal vehicles remain the primary choice for transportation in the Village. Accordingly, a well-maintained system of neighborhood streets, Village and County roads and State highways provide for the safe and efficient transport of people and goods.



Overarching Policies

1. Provide a greater range of transportation choices (e.g., linkages), including quality roads, highways, sidewalks and trails to meet the diverse needs of the growing residential population.

Holy Hill Art Farm is excited to announce our very first *Dinner on the Farm* Series! Tucked away on 70 private acres nestled among the cornfields and kettles of South Central Wisconsin, this 160 year old family farm homestead will host on-farm dinners from June through August. Just 30 short minutes from Milwaukee along a scenic drive toward Holy Hill, you will be in awe of this pristine and private setting. The grounds flow into the sleepy hills and slopes, with views for as far as the eye can see.

Join us in our century old historic barn and its thirty foot, ax-hewn oak beams with sunset filtering through the weathered boards. The barn is a magical place to celebrate the bounty of Wisconsin's growing season much like our ancestors did. Memories are made of this!

Seated in our barn at vintage farm tables and chairs, you'll dine on themed dinners often featuring the farmer or baker who grow, raise or make the food. Our guests will experience peak season freshness and conversations with the farmer/food artisan who contributed to the table. Your choice of wine, beer, lemonade and water to wet your whistle.

Along with great food and drink, we will also be featuring live local musicians for your enjoyment. Eat, Drink, Relax. The open field skies typically show off the end of the day with a brilliant sunset as the event comes to a close.

Please Remember - While we strive to create a rustic, peaceful and delicious evening for our guests, this is a farm and meals are served in a barn. Our events can be subject to inclement weather, insects and the usual "assaults" from nature. Dress is very flexible--some folks go "farm fancy," while others dress casually. We do encourage guests to wear or bring appropriate clothing and hats for the weather of the day. Insect repellents are also a good idea, especially if they find you more attractive than the food.

Tickets will be sold in advance for the dinner. Seating is Limited at 80 guests per Event.

The price per ticket is \$_____ (includes sales tax and gratuity). No Refunds – Tickets are transferable.

Farm Dinner Event #1

Thursday June 23 6-9pm

"Meat & Potatoes Night"

Just like our Great Grandma Loosen would have prepared! Served buffet style and presented to you by Prime Minister Restaurant. Beef Tenderloin smothered in sauce, Chicken breast seasoned in lemon, olive oil and oregano, tossed salad, butter mashed potatoes and warm mixed vegetables, crisp fruits, dinner rolls with an array of special desserts prepared by Sweet P's Panty. Includes Wine, Beer, Lemonade or Water.

Farm Dinner Event #2

Thursday July 23 6-9pm

"Stone Fired Pizza Night"

Combine the words pizza and road trip, and Bingo! Served prepared on a wood-fired authentic Italian brick pizza oven from Italy and presented to you by Papa Franks enjoy a handcrafted, pizza, custom-made individually for each guest with a choice of scrumptious toppings. Fresh fruits accompany your

pizza with an array of special desserts prepared by Sweet P's Panty. Includes Wine, Beer, Lemonade or Water.

Farm Dinner Event #3
Thursday August 6-9pm
"Pig Roast Night"

Can you say party with a pig?! Enjoy the smoked aroma as our neighbors at Maple Creek Farms prepare your dinner on a roasting spit. Served buffet style enjoy your roasted pig along with sauerkraut, secret sauce, oven baked beans, buns and potato salad with an array of special desserts prepared by Sweet P's Panty. Includes Wine, Beer, Lemonade or Water.

Village of Richfield, WI
Friday, January 29, 2016

Chapter 70. Zoning

ARTICLE III. Districts

70.191A. Rs-1R Country Estate/Remnant Parcel District.

- A. Intent. The Rs-1R country estate/remnant parcel district is intended to provide for single-family residential development on "remnant parcels" of land, as defined below. The Rs-1R district serves as a transitional district between farmland areas and more intensely developed suburban areas of the Village. The intent of this district is to permit a one-time only minor land division for development of single-family dwellings on remnant parcels. Clustered-oriented subdivision residential development is prohibited in this district.
1. Definition. A remnant parcel is a contiguous parcel of land by the date of enactment of this ordinance, meeting the following criteria:
 - a. Is less than 20 acres in area.
 - b. Is recorded with the Register of Deeds of Washington County as a separate parcel with a separate tax key number.
 - c. Is located in one or more of the following zoning districts: A-1, A-1A, A-2, or UC.
- B. Permitted principal uses. Permitted principal uses in the Rs-1R district are as follows:
1. Single-family dwellings with attached or detached garage.
- C. Permitted accessory uses. Permitted accessory uses in the Rs-1R district are as follows:
1. Home occupations as provided for in subsections 70.303(A) and (B).
 2. The keeping of one horse, emu or llama per a minimum of two acres. These animals must be kept for enjoyment purposes only, not for sale as part of a business operation, and kept in appropriate barn or stable facilities.
 3. No more than two additional detached structures.
- D. Prohibited uses:
1. Shared driveways and easements to permit access to all public rights-of-way.
- E. Lot area and width. Lot area and width in the Rs-1R district are as follows:
1. Each lot shall have a minimum area of five whole net acres.
 2. Each lot shall have road frontage of at least 250 feet.
 - 3.

Contiguous lands zoned UC, LC and/or F-1 may be incorporated onto any lot to satisfy the five whole net acre minimum area requirement, provided the following conditions are met:

- a. The contiguous lands were zoned UC, LC, and/or F-1 on the date of enactment of this section.
 - b. The contiguous lands were held on the date of enactment of this section by the same owner as the Rs-1R parcel in which the lot is being created.
 - c. At least two and 1/2 contiguous acres of the lot is within the Rs-1R district and all structures are constructed in that portion of the lot.
 - d. The lot meets all building and setback requirements for this district.
- F. Building height and size. Building height and size in the Rs-1R district are as follows:
1. No principal building, or parts of a principal building, shall exceed a maximum height of 35 feet.
 2. The minimum floor area of a principal building shall be 1,300 square feet; not less than 1,050 square feet of which shall be on the main entry floor level of a two or more story building.
 3. The sum total of the building footprint of the principal building and all accessory buildings shall not exceed 4% of the lot area. Driveways and other impervious surfaces shall not exceed 1% of the lot area.
- G. Setback and yards. Setbacks and yards in the Rs-1R district are as follows:
1. There shall be a minimum building front yard setback of 50 feet from the right-of-way of all public streets, roads, or highways.
 2. There shall be a minimum side yard setback from all structures of 30 feet.
 3. There shall be a minimum rear yard setback from all structures of 50 feet.
- H. Parking space. Parking space in the Rs-1R district are as follows:
1. There shall be a minimum of three automobile off-street parking spaces.
- I. Minimum utility service. The minimum utility service shall be electricity, county-approved wastewater treatment and disposal, and water supply systems.
[Ord. No. 05-01-07, § 1, 1-20-2005]



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM
MEETING DATE: February 4, 2016

SUBJECT: Amendments to Section 330 of the Village Code, Subdivisions of Land Regulations

DATE SUBMITTED: January 29, 2016

SUBMITTED BY: Jim Healy, Village Administrator

POLICY QUESTION: DOES THE PLAN COMMISSION HAVE ADDITION INPUT IT CAN OFFER THE VILLAGE BOARD REGARDING THE RESEARCHING OF VARIATIONS FOR BOUNDARY LINE RELOCATIONS?

ISSUE SUMMARY:

In 2014 the Wisconsin Attorney General opined that municipalities could adopt an ordinance to require prior review of sales or exchanges of parcels between adjoining landowners. This is a significant issue throughout the State and one that as a Planning and Zoning Administrator I have come across numerous times.

To give background, land division ordinances in the Village typically require plats and CSMs to be reviewed and approved by the Village's Plan Commission and Village Board before they can be recorded and the land can be divided. The authority for these municipal ordinances comes from Chapter 236 of the Wisconsin Statutes. This State Statute, however, imposes a limitation on local municipal authorities to adopt land division ordinances, which reads as follows:

"Such ordinance, insofar as it may apply to divisions of less than 5 parcels, shall not apply to: the sale or exchange of parcels of land between owner of adjoining property if additional lots are not thereby created and the lots results are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances."

At a Staff level, we've encountered numerous problems over the years within this statutory framework. Whether intentionally or unintentionally, property owners have abused this statutory power from time-to-time. We have seen situations where property owners have conveyed abutting land and thereby rendered an existing building nonconforming, because it is now too close to the new lot line; or have rendered the lot noncompliant because the new lot dimensions do not meet the dimensional requirements of the ordinance; or even worse, created a parcel that has no public road access. Tonight I am going to provide you with examples of each for your consideration. When we find conditions that were illegally created, years after the fact, these can be very difficult if not impossible issues to resolve. That is the situation Village Staff currently finds itself in with these two different properties in particular. These examples are not meant to be illustrative of the only instances in the Village where is problem exists. However, these are two (2) examples which have presented themselves over the course of the last few months.

At the Plan Commission meeting in June of 2014 there was concern expressed by several Plan Commissioners about 'costly fees' and 'red tape' for what is (generally speaking) typically a simple review. Staff's original proposal was to treat each boundary line relocation proposal as if it was a CSM with both Plan Commission and Village Board approval before it could occur. However, in light of those comments from the Plan Commission, Staff modified the ordinance (adopted in August of 2014) to make the procedure handled administratively by Village Staff, with the potential for objections and appeals to be taken to the Plan Commission level. By handling these reviews administratively we were able to keep costs low and allow residents a quicker response time than the 30-45 days required for a CSM. To date the Village Staff has reviewed four (4) boundary line relocation proposals and approved three (3).



VILLAGE OF RICHFIELD
PLAN COMMISSION COMMUNICATION FORM

MEETING DATE: February 4, 2016

The issue before the Plan Commission tonight is on January 28th the Village Board instructed Staff to invest time and effort into researching how other communities handle situations where "Parcel A" is a legal conforming lot and "Parcel B" is a legal non-conforming lot or when both "Parcel A" and "Parcel B" are legal, non-conforming as it relates to boundary line relocations.

Village Attorney John Macy and Consultant Planner Schwecke each represent communities which have these types of ordinances. In preparing additional information for the Village Board for their February 18th meeting, Staff wanted to know if the Plan Commission had any concerns that we could express on your behalf to the Board for their consideration.

FUTURE IMPACT & ANALYSIS:

REVIEWED BY: [Signature] Village Deputy Clerk

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

ATTACHMENTS:

- 1. Ordinance 2014-08-02, an Ordinance regarding boundary line relocation agreements between residents
2. Ordinance No. 267, Village of Oconomowoc Lake
3. Town of Summit Chapter 109 §109-4 (C)(1)
4. Property Boundary Issue No. 1
5. Property Boundary Issue No. 2

STAFF RECOMMENDATION:

None, discussion only.

APPROVED FOR SUBMITTAL BY:

VILLAGE CLERKS USE ONLY
BOARD ACTION TAKEN

[Signature] Village Staff Member
[Signature] Village Administrator

Resolution No.
Ordinance No.
Approved
Other

Continued To:
Referred To:
Denied
File No.

ORDINANCE 2014-
- Draft of June 16, 2014 -

**AN ORDINANCE TO CREATE SECTION 330-21A AND TO AMEND
SECTION 330-7 OF CHAPTER 330 OF THE VILLAGE OF RICHFIELD
MUNICIPAL CODE REGARDING PRIOR REVIEW OF SALES OR
EXCHANGES OF PARCELS BETWEEN ADJOINING LANDOWNERS**

WHEREAS, the Village Board for the Village of Richfield adopted land division regulations for the Village of Richfield and has amended such regulations from time to time; and

WHEREAS, the land division regulations, as amended, are codified as Chapter 330 of the Village of Richfield code of ordinances, which is titled "Subdivision of Land;" and

WHEREAS, Wisconsin Statutes Section 236.45(2) allows the sale or exchange of parcels of land between owners of adjoining property under certain circumstances if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter 236 Wisconsin Statutes or other applicable laws or ordinances; and

WHEREAS, many times when land is transferred pursuant to this statute, the Village of Richfield only learns of the matter long after the transaction occurred, and only then can determine whether the transfer was in compliance with applicable laws; and

WHEREAS, when violations are found after the fact, the time and expense to pursue enforcement is substantial; and

WHEREAS, the property owner can suffer substantially if land is transferred improperly pursuant to the statute, because it could render the property illegal, and prevent land being used for any number of purposes, including possible cause to deny the issuance of building permits for such land; and

WHEREAS, on or about January 24, 2014, the State of Wisconsin Attorney General issued an opinion which concluded that municipalities (a county in that case, but equally applicable to the Village of Richfield) have the authority to require prior review of sales or exchanges of parcels between adjoining landowners in order to determine whether the division would comply with applicable laws; and

WHEREAS, the Wisconsin Attorney General further concluded that the municipalities would have the power to impose a fee to offset all or part of the cost of such limited review; and

WHEREAS, upon the recommendation of the Village of Richfield zoning administrator this matter was submitted to the Village of Richfield Plan Commission for its consideration at the July __, 2014, commission meeting, pursuant to Wisconsin Statutes Section 236.45(4); and

WHEREAS, following publication of a Class 2 notice as required by Wisconsin Statute Section 236.45(4), a public hearing was held on _____, 2014 before the Village of Richfield Village Board; and

NOW, THEREFORE, the Village Board of the Village of Richfield, Washington County, Wisconsin does hereby ordain as follows:

Section 1. ~~Subsection 330-7(C)~~ of Chapter 330 of the Village of Richfield municipal code entitled "Subdivision of land," Section 330-7 entitled "Jurisdiction," ~~Subsection (C)~~ is hereby repealed and recreated as follows:

- C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimize sizes and meet all specifications required by this chapter, the Village Zoning Ordinance, or other applicable laws and ordinances, subject to the procedures and requirements set forth in Section 330-21A of this chapter.

Section 2. ~~Section 330-21A~~ of Chapter 330 of the Village of Richfield municipal code entitled "Subdivision of land," Section 330-21A is hereby created ~~to read~~ as follows:

Section 330-21A. Prior review of sales or exchanges of parcels between adjoining landowners.

- A. **Generally.** In every situation, regardless of circumstances, that a property owner seeks to convey land in a manner that would adjust a lot line or create or eliminate a lot line, and that conveyance does not require a certified survey map or subdivision plat pursuant to this chapter, and where an adjacent property owner intends to acquire such interest in land, the proposed conveyance shall be submitted to the zoning administrator for review before the conveyance documents are signed and before the conveyance is recorded in the office of the Washington County register of deeds.
- B. **Review procedure.** The general steps outlined below shall be used to review an application for a sale or exchange between adjoining landowners.
 - (1) **Pre-submittal meeting.** Before submitting an application, the applicant or the applicant's agent may meet with the zoning administrator to review applicable regulations and procedures and the proposed transfer.
 - (2) **Submittal of application materials.** The applicant shall submit a completed application and other required materials to the zoning administrator along with the application fee set forth in the fee schedule adopted from time to time by the Village Board.
 - (3) **Staff review.** Within 10 days of submittal, the zoning administrator shall either determine that the application is incomplete and notify the applicant, in writing, of

any deficiencies or make a decision based on the decision criteria contained in this section to (i) approve the application, (ii) approve the application with conditions, or (iii) deny the application. The zoning administrator shall take no further steps to process the application until the deficiencies are remedied. The incomplete application shall be retained as a public record.

- (4) Applicant notification. Within a reasonable time following his or her decision to approve or deny the application, the zoning administrator shall mail the decision notice to the applicant by regular mail.
- (5) Public record copy. A duplicate copy of the decision notice shall be retained as a public record.

C. **Review criteria.** The review by the zoning administrator and by the Plan Commission on appeal, shall be limited to considering whether the conveyance is in compliance with Wisconsin Statutes Section 236.45(2)(am)(3) and the applicable laws cited therein, including these regulations, the Village's zoning regulations, and other applicable laws and ordinances. Such conveyance can only be approved if the same number of lots exist prior to the conveyance as would exist after the conveyance. Such conveyance can only be approved if the resulting lots would all be both legal and conforming, even if any such lots are legal nonconforming prior to the conveyance, because the conveyance creates new lots which do not predate the ordinance and therefore have no legal nonconforming rights. Such conveyance must not be approved if the conveyance includes land that has a legal nonconforming use, because the legal nonconforming rights are limited to use of the preexisting lot. Such conveyance shall not be approved if any of the resulting lots and the existing improvements on the lots would be in violation of applicable open space requirements. Such conveyance shall not be approved if the conveyance would make an existing conforming structure illegal or nonconforming, or would increase the extent of any preexisting legal nonconformity of an existing structure.

D. **Expiration of an approval.** An approval granted under this section shall automatically expire 12 months after the date of issuance if the transaction has not been recorded in the Washington County register of deeds office.

E. **Appeal.** An aggrieved person may appeal the zoning administrator's final decision by filing an appeal with the Plan Commission within 30 days of such decision. Following the final decision of the Plan Commission, an aggrieved person may appeal such decision by filing an appeal with a court of competent jurisdiction within 30 days of the final decision.

Section 3. This ordinance shall become effective upon passage and posting or publication as provided by law.

Section 4. The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or

unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Adopted this [] day of [] 2014

John Jeffords, President

Rock Brandner, Trustee

Bill Collins, Trustee

Daniel Neu, Trustee

Sandy Voss, Trustee

ATTEST:

James Healy, Interim Village Administrator

ORDINANCE NO. 267

**AN ORDINANCE TO REPEAL AND RE-CREATE
SECTION 18.05 ENTITLED CERTIFIED SURVEY MAP AND
SECTION 18.14 ENTITLED ALL LAND DIVISIONS REGULATED
WITHIN THE VILLAGE OF OCONOMOWOC LAKE
SUBDIVISION AND PLATTING CODE**

WHEREAS, the Village Board originally requested that the Village Plan Commission investigate whether or not Chapter 18 of the Village of Oconomowoc Lake Subdivision and Platting Code should be amended to allow for the transfer of lands to or from a legal non-conforming lot of record in limited situations; and

WHEREAS, the Village Plan Commission initiated a petition and the Village Board adopted an ordinance, after holding a public hearing, amending section 18.14 on August 20, 2012; and

WHEREAS, the Village Plan Commission has come to realize that additional amendments need be made to section 18.14 as well as section 18.05 in order to fully accomplish the goals originally contemplated and therefore the Village Plan Commission initiated this new amendment to the Village of Oconomowoc Lake Village Subdivision and Platting Code and recommended the same to the Village Board; and

WHEREAS, upon receipt of the Village Plan Commission's recommendation, the Village Board of Trustees held a public hearing on December 17, 2012 after providing all required notice, as set forth in Section 236.45(4), Wis. Stats.; and

WHEREAS, the Village Board for the Village of Oconomowoc Lake finds that the public necessity, convenience, general welfare and good platting practice requires the Village Board to amend, change or supplement the regulations established by the Village of Oconomowoc Lake Subdivision and Platting Code as described herein.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 18 entitled Subdivision and Platting, subsection 18.05 entitled Certified Survey Map, subsection (5) is hereby repealed and recreated to read as follows:

18.05 CERTIFIED SURVEY MAP

....

- (5) The Plan Commission and the Village Board of Trustees may not approve any certified survey map creating a lot unless the land in question complies with:
 - (a) All applicable zoning ordinance requirements contained in Chapter 17, or

the land in question is determined to be a legal nonconforming lot of record under the provisions of Chapter 17, or

the land in question has been modified pursuant to the procedure set forth in section 18,14(2), or

the land in question is subject to a legal non-conforming conditional use for the land, or

a variance has been approved by the Zoning Board of Appeals pursuant to Subsection 17.61 of the Zoning Ordinance, and

(b) All Subdivision and Platting Ordinance requirements contained in Chapter 18, or a variance has been approved by the Plan Commission and Village Board of Trustees pursuant to Subsection 18.08 of the Subdivision and Platting Ordinance.

SECTION 2: Chapter 18 entitled Subdivision and Platting, subsection 18.14 entitled All Land Divisions and Land Transfers Regulated is hereby repealed and recreated to read as follows:

18.14 ALL LAND DIVISIONS AND LAND TRANSFERS REGULATED.

(1) ALL LAND DIVISIONS REGULATED.

No person, firm or corporation shall divide any land located within the corporate limits of the Village of Oconomowoc Lake or within the Extraterritorial Plat Approval Jurisdiction thereof which shall result in a Subdivision or Certified Survey Map as defined herein without complying with the provisions of this Chapter 18 of the Village of Oconomowoc Lake Code.

(2) ATTACHMENT OF LANDS TO AND/OR DETACHMENT OF LANDS FROM A LEGAL NON-CONFORMING LOT OF RECORD.

(A) **Conveyance. In the case of a lot of record**

which does not conform to the zoning regulations of the Village of Oconomowoc Lake (legal non-conforming lot) and

which adjoins:

a legal lot of record which does conform to the zoning regulations of the Village of Oconomowoc Lake (legal conforming lot) or

another legal non-conforming lot,

no lands may be attached to a legal non-conforming lot
(unless all of the resulting lots are in compliance with the Village of Oconomowoc Lake Zoning Code either as:

- a legal lot, or
- a lot modified by this procedure, or
- a lot under a legal non-conforming conditional use, or
- a variance has been approved by the Zoning Board of Appeals pursuant to Subsection 17.61 of the Zoning Ordinance

and

a certified survey map of all of the lots is approved by the Village of Oconomowoc Lake)

and/or

no lands may be detached from a legal non-conforming lot

(unless all of the resulting lots are in compliance with the Village of Oconomowoc Lake Zoning Code either as:

- a legal lot, or
- a lot modified by this procedure, or
- a lot under a legal non-conforming conditional use, or
- a variance has been approved by the Zoning Board of Appeals pursuant to Subsection 17.61 of the Zoning Ordinance

except in conformity with the following:

- 1) Petition for Determination. The owner of any legal lot of record or legal non-conforming lot, as set forth above may, at any time prior to the proposed conveyance of all or portion of said lot, file an application.
- 2) Refer to Village Administrator. Such petition shall be submitted to the Village Administrator who shall prepare a report for the Village Plan Commission for use in making a recommendation to the Village Board. The Village Administrator shall determine whether the proposed conveyance is in compliance with this section and shall comment on the following objective and subjective criteria.
- 3) Refer to Village Plan Commission. Such petition shall be submitted to the Village Plan Commission and the Village Plan Commission shall make a

recommendation to the Village Board upon consideration of the following objective and subjective criteria as to whether approval of the proposed conveyance should be granted.

- 4) Village Board Action. The Village Board shall make a final determination after careful consideration of the Village Plan Commissions' recommendation as well as the following objective and subjective criteria as to whether approval of the proposed conveyance should be granted.
 - a. Compatibility. The size, quality, and character of the existing lots and building development in the immediate area with a view toward maintaining compatibility and protecting existing property values as determined in the sole discretion of the Village Board.
 - b. Practicality. The economic and engineering practicality of any possible re-division or combination of the lots as determined in the sole discretion of the Village Board.
 - c. Building Location. All newly created parcels shall have a building site location, which complies with locational requirements of Village of Oconomowoc Zoning Code.
 - d. Public Improvements. All newly created lots must meet the minimum standards for right-of-way access. In making its decision, the Village Board shall look to whether or not the transfer of lands:
 1. enhances ingress and egress to a public or private road or drive; or
 2. eliminates easements,

as determined in the sole discretion of the Village Board.

- e. Compliance with Zoning District Regulations. All newly created lots must comply with the zoning district regulations for the district in which the lots are located pursuant to the Village of Oconomowoc Zoning Code to the extent determined necessary by the Village Board.
- f. Value to Village. The proposed conveyance will create a value to the Village as determined in sole discretion of the Village Board.
- g. Conformity. The proposed conveyance will bring the legal non-conforming lot more into compliance with the Village of Oconomowoc codes as determined in the sole discretion of the Village Board.
- h. Impact. The impact on the lot from which the lands are proposed to be detached will be de minimis as determined in the sole discretion of the Village Board.
- i. Additional Lots. No additional lots may be created under this procedure.
- j. Adjoining Properties. There can be no material negative impact on the subject lots or adjoining properties as determined in the sole discretion of the Village Board. Additional, in making its decision, the Village Board shall look to whether or not the transfer of lands will eliminate or minimize potential conflicts between neighbors as determined in the sole discretion of the Village Board.
- k. Principal Structures. There can be no material negative impact on the principal structures on the subject lots or the adjoining properties as determined in the sole discretion of the Village Board. No such transfer shall create a non-conforming principal structure.

- l. Accessory Structures. There can be no material negative impact on the accessory structures on the subject lots or on any adjoining properties as determined in the sole discretion of the Village Board. No such transfer shall create a non-conforming accessory structure.
 - m. Use of the Property. The transfer of lands will not result in the increase use of the subject lots as determined in the sole discretion of the Village Board. The Village Board may require the elimination of any or all legal non-conforming use on either of the subject lots as a condition of approval.
 - n. Additional Structures on the Subject Lots. The transfer of the lands will not result an increase in the number and/or size of structures, which will result in a negative effect on the subject lots or the adjoining properties as determined in the sole discretion of the Village Board.
 - o. Intent of Zoning Code. The transfer of lands will meet the spirit of the Village of Oconomowoc Zoning Code and in particular the purpose and intent of the same as set forth in sections 17.02 and 17.03 as determined in the sole discretion of the Village Board.
- 5) The Village Plan Commission shall make its recommendation to the Village Board within a reasonable time after receiving all necessary information and the Village Board shall act within a reasonable time to receipt of the Village Plan Commission's recommendation. The Village Board may impose reasonable conditions upon any approval.
- (B) Certified Survey Map Required. Any approval by the Village Board under this section must be accomplished by a Certified Survey Map for the subject lots, which is subject to the approval of the Village Board.
- (C) At no time can an existing legal conforming lot be made non-conforming by the transfer of lands between adjoining property owners.

- (D) For purposes of this ordinance, for properties to be considered adjoining, the properties must connect at more than a point and may not be separated in any way by right-of-way or navigable water.

SECTION 3: SEVERABILITY.

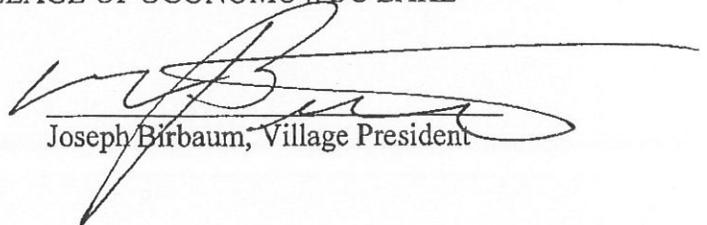
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

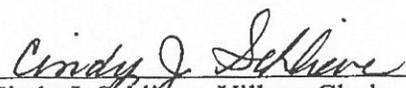
This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 17th day of December, 2012.

VILLAGE OF OCONOMOWOC LAKE


Joseph Birbaum, Village President

ATTEST:


Cindy J. Schlieve, Village Clerk

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

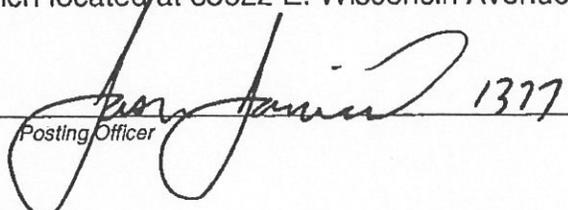
AFFIDAVIT OF POSTING

Ordinance No. 267 Regarding
Revisions to Section 18.05 and 18.14
of the Subdivision and Platting Code
Approved by the Village Board of
Trustees on 12/17/2012

The undersigned, being first duly sworn, on oath deposes and states that on January 14, 2013, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

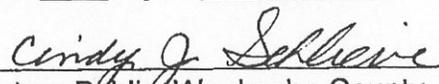
to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.


Posting Officer 1377

Subscribed and sworn to before me

This 14th day of January, 2013


Notary Public, Waukesha County, Wisconsin
My Commission expires: June 7, 2015



Chapter 213109

SUBDIVISION OF LAND

[HISTORY: Adopted by the Town Board of the Town of Summit 4-6-1959. Amendments noted where applicable.]

GENERAL REFERENCES

Plan Commission — See Ch. 7, Art. I.
Numbering of buildings — See Ch. 89.
Comprehensive Master Plan — See Ch. 104.
Fees — See Ch. 125.
Sewers — See Ch. 192.
Street excavations and driveways — See Ch. 209.
Zoning — See Ch. 235.
Street construction specifications — See Ch. A240.

ARTICLE I
Legislative Intent

§ 213109-1. Purpose.

The purpose of this chapter is to promote the public health, safety and general welfare of the TownVillage of Summit, and these regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, school, parks playgrounds, and other public requirements; to facilitate the further resubdivision of larger tracts into smaller parcel. These regulations are made with a reasonable consideration, among other things, of the character of the TownVillage with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the TownVillage.

ARTICLE II
General Requirements

§ 213109-2. Platting of subdivision required.

Any division of land within the TownVillage which results in a subdivision as defined herein shall be, and any other division may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of this chapter and Ch. 236, Wis. Stats.

§ 213109-3. Platting of other divisions required.

Any division of land other than a subdivision within the TownVillage, of which a plat has not been approved and recorded, pursuant to § 213109-2 above, shall be surveyed and a certified survey map of such division approved and recorded as required by § 213109-7 of this chapter.

§ 213109-4. Exceptions.

The provisions of this chapter shall not apply to:

- A. Transfers of interest in land by will or pursuant to court order;
- B. Leases for a term not to exceed 10 years, mortgages, or easements;
- C. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.
 - (1) Provided, however, that in order to insure compliance with the stated conditions and to prevent possible confusion or conflict with regard to assessment records or zoning, and building codes, no such sale or exchange shall be made without first submitting a description thereof to the Plan Commission for its approval. The Plan Commission shall approve such sale or exchange unless it finds valid objection on the basis of conflict with existing codes or development standards.

ARTICLE III
Terminology

§ 213109-5. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PLAT — The map prepared, as required by either § 213109-2 or 213109-3 of this chapter, for the purpose of recording "subdivisions" or "other subdivisions" of land as provided herein.

STREET — A way for vehicular traffic other than an alley.

- A. MAJOR STREETS AND HIGHWAYS — Those which serve as the principal arteries of through traffic movement.
- B. COLLECTOR STREETS — Those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
- C. MINOR STREETS — Those which are used primarily for access to the abutting properties.
- D. MARGINAL ACCESS STREETS or FRONTAGE STREETS — Minor streets which are parallel to and adjacent to major streets and highways, and which provide access to abutting properties and protection from through traffic.

SUBDIVIDER — The owner or owners of land, which is being divided pursuant to § 213109-2A or B of this chapter.

SUBDIVISION — The division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or of building development, where:

- A. The act of division created five or more parcels or building sites of 1 1/2 acres each or less in area; or
- B. Five or more parcels or building sites of 1 1/2 acres each or less in area are created by

successive divisions within a period of five years.

ARTICLE IV
Procedures

§ ~~213~~109-6. Subdivisions.

A. Prefiling conference.¹

(1) Prior to submitting a plat for official filing or being placed on a Plan Commission agenda for approval of a land division or development, the owner shall consult with the ~~Town~~Village Engineer in order to obtain his advice and assistance. This consultation is not formal, but is intended to inform the owner of the purpose and objectives of these regulations, the Comprehensive Master Plan or plan components, neighborhood plans, and duly adopted plan implementation devices of the Municipality and to otherwise assist the owner in planning the development. The owner is required to provide the ~~Town~~Village Engineer with the information requested on the preliminary land division checklist. Prior to being placed on the agenda for preliminary consultation with the Plan Commission for the municipality, the owner must obtain a finding from the ~~Town~~Village Engineer that he has reviewed the proposed land division or development and finds that all items have been properly submitted and the matter is ready to be placed on an upcoming Municipal Plan Commission agenda.

(2) Prior to submitting a plat for official filing or filing for approval of a land division or development, the owner shall consult with the Plan Commission in order to obtain its advice and assistance. This consultation is not formal, but is intended to inform the owner of the purpose and objectives of these regulations, the Comprehensive Master Plan or plan components, neighborhood plans, and duly adopted plan implementation devices of the municipality and to otherwise assist the owner in planning the development. In so doing, both the owner and the planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The owner will gain a better understanding of the subsequent required procedures.

B. Preliminary plat filing. Before submitting a final plat for approval, the owner shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared and filed in accordance with this chapter and Ch. 236, Wis. Stats.

C. Preliminary plat review.

(1) The Plan Commission shall review the preliminary plat for conformance with:

- (a) The provisions of Ch. 236, Wis. Stats.
- (b) This chapter.²
- (c) Any official map adopted under state statutes.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

2. Editor's Note: Original Subsection 3, which listed "Any local Master Plan adopted under State Statutes" and which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Subsection C(1)(e) below.

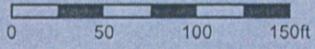


N. Shore Dr.

CSM 3851
 PARCEL 2
 096000M
 2.03AC

Property
 No. 7

Bark
 Lake



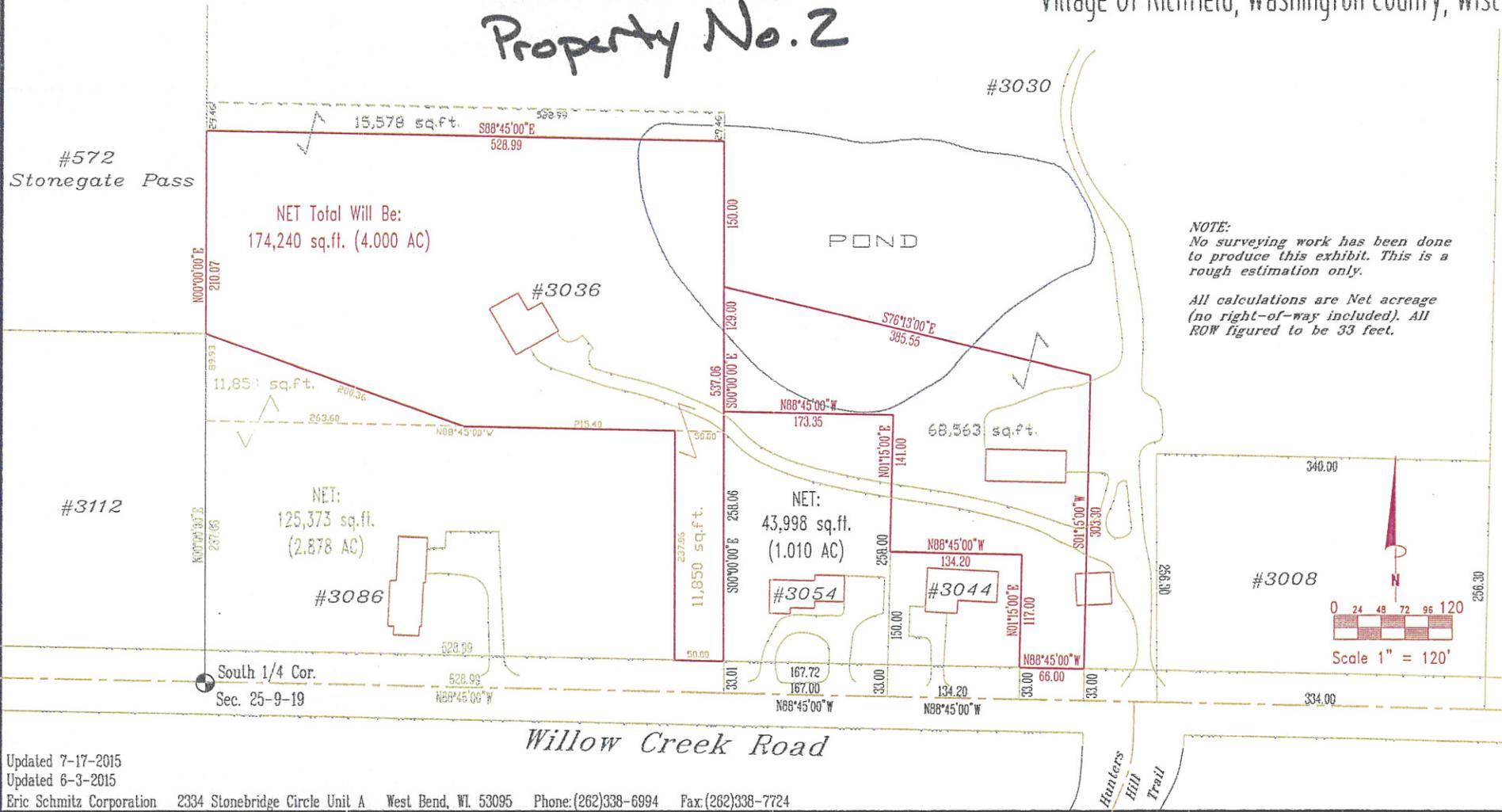
DISCLAIMER: This map is not guaranteed to be accurate, correct, current, or complete and conclusions drawn are the responsibility of the user.

Land Division Planning Map

For: Darryl Voss

Part of the SW 1/4, of the SE 1/4, of Section 25, T9N, R19E,
Village Of Richfield, Washington County, Wisconsin.

~~XXXXXXXXXXXX~~
Property No. 2



NOTE:
No surveying work has been done to produce this exhibit. This is a rough estimation only.

All calculations are Net acreage (no right-of-way included). All ROW figured to be 33 feet.

Updated 7-17-2015
 Updated 6-3-2015
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