

PLANNING COMMISSION AGENDA
Monday, August 31, 2020 at 6:00 p.m.
Caledonia Village Hall – 5043 Chester Lane

THIS WILL NOT BE AN IN-PERSON MEETING

AUDIO & VIDEO CONFERENCE VIA ZOOM

ACCESS VIA DIAL-IN NUMBER IS: 1-(312) 626-6799; ACCESS CODE IS: 843-0073-8778 OR

ACCESS VIA ONE-TOUCH TELEPHONE IS: +16465588656,,84300738778#OR

ACCESS VIA INTERNET IS: <https://us02web.zoom.us/j/84300738778>

- 1. Meeting called to order**
- 2. Roll Call/Introductions**
- 3. Approval of Minutes**
- 4. Citizens' Comments**
- 5. Non-Public Hearing Items**
 - A. PC CONSULT – Review a conditional use amendment proposal for the property located at 8700 Foley Road allowing the applicant to process timber into firewood and have outdoor storage of firewood and related materials and equipment. (Parcel ID No. 104-04-22-02-064-000)
 - B. ELECTION – Annual Election of Vice President
 - C. PC RESOLUTION 2020-03 – Resolution of the Plan Commission of the Village of Caledonia Recommending the Acquisition of the Interests of Land as Set Forth in Village Board Substitution Resolution No. 2019-60 in the Matter of an Amended Relocation Order and Amended Resolution of Necessity of the Village of Caledonia Affecting Property Needed to Extend 5 Mile Road and Establish a Neighborhood Park in the Village of Caledonia (affecting Parcel ID No: 104-04-23-16-021-000)
- 6. Adjournment**

Dated August 27, 2020

Karie Pope
Village Clerk

Only Commission members are expected to attend. However, attendance by all Board members (including non-members of the Plan Commission) is permitted. If additional (non-commission) Board members attend, three or more Board members may be in attendance. Section 19.82(2), Wisconsin Statutes, states as follows:

If one-half or more of the members of a governmental body are present, the meeting is rebuttably presumed to be for the purposes of exercising the responsibilities, authority, power or duties delegated to or vested in the body.

To the extent that three or more members of the Caledonia Village Board actually attend, this meeting may be rebuttably presumed to be a "meeting" within the meaning of Wisconsin's open meeting law. Nevertheless, only the commission's agenda will be discussed. Only commission members will vote. Board members who attend the commission meeting do so for the purpose of gathering information and possible discussion regarding the agenda. No votes or other action will be taken by the Village Board at this meeting.

1. Meeting called to order

President Dobbs called the meeting to order at 6:09 p.m. at the Village Hall, 5043 Chester Lane, Racine, Wisconsin via Zoom.

2. Roll Call/Introductions

Members present: Thomas Knitter, Trustee Wanggaard, President Dobbs, Jonathan Schattner, Joseph Minorik and Tim Just.

Absent: Bill Folk was absent.

Also Present: Development Director Peter Wagner, Public Works Director Tom Lazcano and Trustee Fran Martin.

3. Approval of Minutes

Motion by Joseph Minork to approve the minutes from the June 29, 2020 Plan Commission meeting. Seconded by Thomas Knitter. Motion carried unanimously.

4. Citizens' Comments

No comments were made.

5A. Public Hearing Items followed by Commission Recommendations

5A. CONDITIONAL USE/BSO REVIEW – Review a request for a conditional use to construct a 160-foot cell tower located at 7706 W. River Road submitted by Keith Nyman, Applicant, Ken McKellips, Owner. (Parcel ID No. 104-04-22-10-008-000)

Peter Wagner read from his report:

The applicant is requesting approval of a conditional use and building, site, and operation plans for a wireless communications tower facility located at 7706 W. River Road. The tower will be 160-foot tall and include a 5-foot lighting rod and located in the western (rear yard) portion of the property. At the base of the tower, there will be equipment cabinets and an exterior backup power generator on a concrete pad enclosed in a 50'x50' fenced area as shown on the submitted site plans.

This tower is being constructed to replace a nearby telecommunications array located on the nearby American Transmission Tower located 160 yard north of the proposed location. The applicant supplied a narrative and site plan explaining the project proposal.

The proposed tower complies with the Title 16, Chapter 9: Mobile Tower Siting regulations of the Village Municipal Code. Engineering had no concerns or issues with the proposed siting of the facility. If the Plan Commission is comfortable with the proposed communications tower, staff has drafted a suggested motion for consideration.

5A. Public Hearing opened: 6:23 p.m.

5A. Public Comments

President Dobbs asked three times if anyone wanted to speak in favor of this proposal.

None.

President Dobbs asked three times if anyone wanted to speak in favor of this proposal.

None.

5A. Public Hearing Closed: 6:25 p.m.

5A. Conditional Use/BSO Review:

Plan Commission asked the applicant Keith Nyman if other locations were considered and questioned if a light is required at the top of the cellular tower. Nyman said no other locations were available and placing the tower here won't disturb any agricultural ground and the tower would be under the 200-foot light requirement placed at 165 feet. The Commission had asked if the neighbors had been notified before the meeting. They also expressed concern as to what type of generator would be used and how often it would be tested. Wagner confirmed notices of the public hearing were sent out in a timely matter. Nyman explained the backup generator would be diesel ran and only used if after the 8-hour battery backup system ran out. The testing would be done once a month during the morning/mid-day hours.

Motion:

Jonathon Schattner motioned to approve the conditional use and building, site, and operational plan for the construction of a 160-foot cell tower for the property located at 7706 W. River Road be approved with conditions in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use review process.
2. The proposed use will not adversely affect the surrounding property values.

Joseph Minorik seconded motion.

ROLL CALL

Thomas Knitter	AYE
Trustee Wanggaard	AYE
Tim Just	AYE
Joseph Minorik	AYE
President Dobbs	AYE
Jonathon Schattner	AYE

Motion passed, 6/0. unanimously

5B. Public Hearing Items followed by Commission Recommendations

5B. CONDITIONAL USE/BSO REVIEW – Review a request for a conditional use and site plan to construct a multi-tenant commercial building located at 4959 Douglas Avenue, Lee Jaramillo, Agent, WisDOT & Johnson Financial Group, Owners. (Parcel ID Nos. 104-04-23-29-138-000 & 104-04-23-29-151-000)

Peter Wagner read from his report:

The applicant is proposing to construct a 5,328 square-foot multi-tenant commercial development on the parcels located at 4959 & 4917 Douglas Avenue. Per code, any development located within fifty feet of a County Trunk Highway requires a conditional use. Furthermore, prior to any permits being issued, the applicant will be required to join the two parcels.

**Plan Commission Meeting
Monday, July 27, 2020**

The proposed building will be designed to house three commercial tenants as permitted in the B-2, Community Business District. The exterior materials of the building will include a combination of brick, glass, wood plank cladding, and smooth faced Nichiha Panels. The largest tenant space located on the north end of the building will be designed to accommodate a drive thru oriented business. Since there will be a drive thru service, the drive thru lane will wrap around the back of the building. The east elevation of the building will have illuminated menu boards. In addition to the menu boards, the applicant has illustrated where signage could be located for future tenants. Approval of the plan does not include approval of any signage. Future tenants will be required to comply with Village sign regulations. The north tenant space will have an outdoor dining patio that will be fenced.

Parking for this site consists of 41 stalls, 3 which are handicapped as illustrated on the site plan. Per code, one stall per every 150 square feet of retail area is required. Therefore, a minimum of 36 stalls would be required for this development. Parking lots over 25 stalls require handicap parking, which this development incorporates. The applicant is asking for an allowance to construct 9'x18' stalls instead of 9'x20'. The smaller stall dimension is a common dimension used in other municipalities and allows for a wider aisle for traffic to flow safely. This accommodation is outlined in the conditions of approval in Exhibit A. There is dual access to the site. The southern access point is in line with the bank entrance across the street and the northern access is a shared access point with Johnson Bank. WisDot has agreed to allow access on the southern end of the site.

Due to the small size of the site, the applicant is proposing to locate the dumpster facility in the front yard. This location provides the best access and safety as it relates to both access to the dumpster and for the drive thru access. They propose to construct the dumpster enclosure with similar a planking material. Staff would recommend the planking be similar in nature to the cladding used on the building and look similar to the bottom-right illustration included in your packet. To minimize the view of the dumpster from the public view, the applicant is proposing to screen the dumpster on the west and south elevations with compact dogwood vegetation.

Landscaping on the site incorporates a combination of deciduous and evergreen vegetation along with some perennials and ornamental grasses. On the east elevation, the plan shows evergreen trees along the drive thru lane and incorporates ornamental grasses to buffer vehicle lights to the east. The southern parking lot has shrubs placed in areas to minimize headlight glare to the south. Since this area is designated for snow storage, there is less vegetation along the parking lot edge. The Plan Commission has discretion to revise the plan to require additional plantings in the south buffer yard.

Included with this report is a site grading plan review from Engineering explaining what steps that are required prior to building permits being issued. Due to the size of the site, the applicant is proposing underground stormwater storage facility to accommodate stormwater management. Location of the underground storage tank is illustrated on the C510 plan. The Fire Department indicated no concerns regarding the proposed site plan; however, they will work with the applicant to ensure compliance with sprinkling requirements for this building type.

5B. Public Hearing opened: 7:12 p.m.

5B. Public Comments

President Dobbs asked three times if anyone wanted to speak in favor of this proposal.

Fran Martin, 5630 5 Mile Rd – is for the growth of commercial business along Hwy 32 but would like to see the placement of the dumpster away from the entrance of the property.

President Dobbs asked three times if anyone wanted to speak against this proposal.

No one came forward.

5B. Public Hearing Closed: 7:21 p.m.

5B. Conditional Use/BSO Review:

Plan Commission had concerns for the placement of the screened in dumpster and suggested change in location. They asked if there was a plan for the screening of the rooftop mechanicals and questioned the sizing of all vegetative screening. Commission members expressed concern with the conjunction and combining of the entrance and exit access with Johnson Bank and the proposed building during busy traffic hours. Applicant Lee Jaramillo stated there were discussions with the developers, designers and tenants as to where the screened dumpster should be located and put all scenarios into their final decision. Falamak Nourzad (architect) - Continuum Architects & Planners 751 N. Jefferson St, Milwaukee, WI 53202 explained all the rooftop mechanicals would be placed out of sight from the public behind the 3-foot tall parapet wall.

Motion:

Thomas Knitter motioned to approve conditional use and the building, site, and operations plan for a 5,328 square-foot commercial building be approved with conditions in Exhibit A for the properties at 4959 & 4917 Douglas Avenue for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use review process.
2. This use will not adversely affect the surrounding property values.
3. All rooftop mechanical equipment must be screened by public view.

Tim Just seconded motion.

ROLL CALL

Thomas Knitter	AYE
Trustee Wanggaard	AYE
Tim Just	AYE
Joseph Minorik	NAY
President Dobbs	AYE
Jonathan Schattner	NAY

Motion passed, 4/2.

5C. Public Hearing Items followed by Commission Recommendations

C. CONDITIONAL USE & NONMETALLIC MINING PERMIT – Review a request for conditional use permit and nonmetallic mining permit to allow for the continued operation of an existing limestone quarry including earthmoving, blasting, crushing, sorting and sizing, stockpiling, transportation and reclamation, as well as those activities permitted in the Village’s ordinances entitled “Regulation of Nonmetallic Mining” (Title 7, Chapter 11) and “Explosives and Blasting” (Title 7, Chapter 10). Applicants are subject to Art. VI. Div. 30 M-4 Quarrying District (partially existing and partially proposed), Sec. 20-1228 Mineral extraction, Chap. 20, Zoning, and Chapter 12.5 Nonmetallic Mining Reclamation, Racine County Code of Ordinances, as applicable to the Village of Caledonia. Payne And Dolan Inc., Owner; Payne And Dolan Inc., Applicant. (Parcel ID Nos. 104-04-23-28-075-000, 104-04-23-28-074-000, 104-04-23-29-193-000, & 104-04-23-28-071-000)

Peter Wagner read from his report:

The applicant is requesting a conditional use permit and nonmetallic mining permit extension for the property located at 1501 3 Mile Road to allow the further development of an existing limestone quarry including earthmoving, blasting, crushing, sorting and sizing, stockpiling, transportation and reclamation, as well as those activities permitted in the Village’s ordinances entitled “Regulation of Nonmetallic Mining”.

In 2018, the Village approved the expansion of the existing quarry with conditions. Condition 6: Permit Duration states:

**Plan Commission Meeting
Monday, July 27, 2020**

Permit Duration. This permit is granted for a two-year period, after which a two-year extension may be granted by the Village of Caledonia Plan Commission and Village Board upon request of the applicant. However, no such extension or permit renewal will be granted unless this project is in reasonable compliance with the conditions of this approval. An onsite evaluation by this office will determine compliance. In two years, the applicant must reapply for an extension of the conditional use permit and site plan review permit or completely restore the quarry in compliance with the submitted restoration plans. The applicant must continue applying for a renewal of its nonmetallic mining permit on a biennial basis and explosives use permit on an annual basis.

The applicant has demonstrated compliance with all conditions outlined in Exhibit A. Staff has updated the conditions of approval to reflect the changeover from County to Village administration of planning and zoning.

5C. Public Hearing opened: 7:54 p.m.

5C. Public Comments

President Dobbs asked three times if anyone wanted to speak in favor of this proposal.

No one came forward.

President Dobbs asked three times if anyone wanted to speak against this proposal.

Fran Martin, 5630 5 Mile Rd – neither for or against this proposal, she just had concerns related to people being properly notified.

Peter Wagner responded to Trustee Martin there were approximately 206 public hearing notifications sent out within a 300-foot radius.

Jerry Hooyman, 3900 Wilshire Dr – spoke that he didn't receive notification of the public hearing and expressed his frustration. He stated he still is waiting on his public records request of the blast readings from the previous blasts.

Peter Wagner replied to Hooyman about receiving a notification and that his property is 478 feet away.

Jody Springer, 729 Imperial Dr - asked who would be fixing damaged homes; how do we determine if the damage was due to the blasts; are we to be notified or can we be notified of blasts and how far in advance would we find out; who do we sue the city or the company for damages.

5C. Public Hearing Closed: 8:04 p.m.

5C. Commission Deliberation

Clint Wiener – Land Resources Manager for Payne and Dolan – numerous notices had been sent out for the rerouting of Charles St, for the option to have pre-blast surveys sent to property owners to receive emails or texts, 2-hours prior to the blasts being performed that day. Wiener stated blast reports are sent regularly to the Village of Caledonia after performed blasts.

Plan Commission members stated that the public should take advantage of the pre-blast surveys to receive those notifications and if issues arise after those blasts to contact Payne and Dolan right away to try to fix the problem. The Commission members also said Wisconsin does go from -25 degrees to 105 degrees at any given time throughout the year which causes settling and could damage any property.

President Dobbs asked if anyone has a recommended motion:

5C Conditional Use & Non-Metallic Mining Permit Extension Motion:

Thomas Knitter motioned to approve and recommend to the Village Board that the conditional use and nonmetallic mining permit subject to the conditions attached hereto as Exhibit A for the property located at 1501 3 Mile Road be approved for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use review process.
2. The proposed use, with conditions, meets the standards set forth under Sec. 20-1182, adopted under Title 16 of the Village's Code of Ordinances;
3. The applicant agreed to meet all of the requirements and conditions to be imposed by the Village; and
4. For the same reasons set forth in Plan Commission Resolution No. 2018-75 and Resolution No. 2018-78.

Jonathan Schattner seconded motion.

ROLL CALL

Thomas Knitter	AYE
Trustee Wanggaard	AYE
Jonathon Schattner	AYE
Joseph Minorik	AYE
President Dobbs	AYE
Tim Just	AYE

Motion passed, 6/0. unanimously

6. Non-Public Hearing Items

A. BSO REVIEW – Review a proposal to construct a 51,756 square-foot addition to an existing building located at 12725 4 Mile Road submitted by, Curtis Schroeder, Central Storage & Warehouse, Owner. (Parcel ID No. 104-04-22-30-015-201)

Peter Wagner read from his report:

The applicant is requesting approval of a building, site, and operation plan for the construction of a 51,756 square-foot addition to the existing building located at 12725 4 Mile Road. In 2018, the Village approved of the construction of a 115,229 refrigerated warehouse building with loading docks with conditions.

The addition will be same height as the original building and use the same exterior materials which are 6” and 8” insulated metal panels. These materials will be the same color as the original building. There will be seven load docks on the west side of the building and one on the east side of the addition. The applicant stated that no additional waste materials are expected as a result of this addition, therefore no outdoor dumpsters are proposed with this addition. All waste collection bins are currently stored inside the building and will continue to be kept indoors once the addition is operational. No mechanicals area shown on the elevation drawings. As was required in the original conditions of approval, all mechanicals should be screened from public view. No additional lighting is being proposed at this time. If any lighting is added to the site, the applicant will be required to submit a lighting plan which will be required to meet all Village lighting regulations. The current parking lot consists of 23 spaces. Per code, the minimum number of parking stalls for warehouse use is one stall for every two employees on a twelve-hour shift. The proposed parking is adequate for the number of employees on a 12-hour shift. As illustrated on submitted plans, concrete and heavy-duty asphalt will be used for the paved areas on the site and will include curb and gutter as required as part of the conditional use permit approved in 2018.

As this addition is located behind the building, landscaping requirements are minimal. The applicant is proposing to add three trees to the site. Two on the southwest end and one at the driveway entrance on the east side of the property. Per the conditions of approval of the first phase of this development, trees must have a minimum height of seven feet. The applicant is proposing a 2.5” caliber trees or approximately eight feet tall which complies with conditions of approval.

Included with this report is a site grading plan review from Engineering explain what steps that are required prior to building permits being issued. The Fire Department indicated no concerns regarding the proposed site plan; however, they will work with the applicant to ensure compliance with sprinkling requirements for this building type.

6A. Commission Deliberation

Plan Commission expressed concern about the screening of the mechanicals.

Curtis Schroeder (architect) Consolidated Construction, 4300 Richmond St, Appleton, WI – explained the creation of walls around the mechanicals would be the same materials used on the building to screen them.

Thomas Knitter motioned to approve and recommend to the Village Board that the building, site, and operational plan for the construction of a 51,756 square-foot addition to the existing building located at 12725 4 Mile Road be approved with conditions in Exhibit A for the following reasons:

1. The proposed use is allowed by underlying zoning through the building, site & operation plan review process.
2. The proposed use will not adversely affect the surrounding property values.

Tim Just seconded motion. Motion carried unanimously.

ROLL CALL

Thomas Knitter	AYE
Trustee Wanggaard	AYE
Tim Just	AYE
Joseph Minorik	AYE
President Dobbs	AYE
Jonathon Schattner	AYE

Motion passed, 6/0. unanimously

6B. EXTENSION – Review a request for a 3-year extension of the preliminary plat approval for Hunter’s Reserve Subdivision submitted by Harold DeBack.

Peter Wagner read from his report:

The applicant has requested another 3-year extension for the approval of the preliminary plat for Hunter’s Preserve which is located on the east side of Highway V, approximately 1,100 feet north of Highway G. The subdivision is comprised of two vacant lots that are approximately 95.25 acres. The preliminary plat proposed 17 single-family lots. No changes to the plat are being proposed. A similar request was made in 2017. Included with this report is a copy of the 2017 extension request, which provides additional history regarding the plat. The extension expires September 2020 and the applicant does not intent to construct the subdivision at this time. Staff does not have opposition to the request but recommends that any extension of the plat require the developer to meet current Village development standards.

6B. Commission Deliberation

**Plan Commission Meeting
Monday, July 27, 2020**

Plan Commission spoke about the duration of time and multiple extensions the applicant has asked for.

Jonathon Schattner motioned to approve and recommend the Village board that a 3-year extension of the preliminary plat approval for Hunter’s Reserve with the condition that the development is constructed to Village standards at the time of construction and is in compliance with all applicable Village Ordinances and other applicable Wisconsin Statutes and regulations at the time of submission of the final plat for approval. In addition, this will be the last extension granted.

Thomas Knittner seconded motion. Motion carried unanimously.

ROLL CALL

Thomas Knitter	AYE
Trustee Wanggaard	AYE
Jonathon Schattner	AYE
Joseph Minorik	AYE
President Dobbs	AYE
Tim Just	AYE

Motion passed, 6/0. unanimously

6C. RESOLUTION PC2020-02 – Resolution Of The Plan Commission For The Village Of Caledonia Finding That The Proposed Sale Of A Village Owned Property Located At Parcel No. 104-04-22-04-258-000, 10201 Caddy Lane Is Not Inconsistent With Village Plans And To Recommend The Sale

6C. Commission Deliberation

Plan Commission stated to add the accessory structure onto parcel 1 and only be used for personal not business usage.

Thomas Knitter motioned to approve Resolution PC2020-02 - Resolution Of The Plan Commission For The Village Of Caledonia Finding That The Proposed Sale Of A Village Owned Property Located At Parcel No. 104-04-22-04-258-000, 10201 Caddy Lane Is Not Inconsistent With Village Plans And To Recommend The Sale with the following condition that the parcels are to be joined and the existing structure be used for personal use only.

Tim Just seconded motion. Motion carried unanimously.

ROLL CALL

Thomas Knitter	AYE
Trustee Wanggaard	AYE
Jonathon Schattner	AYE
Joseph Minorik	AYE
President Dobbs	AYE
Tim Just	AYE

Motion passed, 6/0. unanimously

6D. CONCEPT PLAN – Review a concept plan for a certified survey map (CSM) submitted by Jerome Bartly for the parcels located along 5725 Charles Street. (Parcel ID Nos. 104-04-23-21- 29-000, 104-04-23-21-030-000 & 104-04-23-21-031-000)

Tom Lazcano read from memorandum:

The Engineering Department has received a Concept Plan for a Certified Survey Map (CSM) from Jerome Bartley. The Concept Plan is for three properties located along Charles Street in the Village of Caledonia. The

**Plan Commission Meeting
Monday, July 27, 2020**

existing properties are approximately 8.369 acres in size. There is approximately 323 feet of frontage along Charles Street.

The existing parcels currently contain two homes with outbuildings, farm field, a small area of wetlands and a large wooded area on a landlocked parcel.

This Concept Plan is for the creation of two lots on the parcel. Lot 1 would be ~7.673 acres and would remain as a single-family home with outbuildings and the farm field and large wooded area. Lot 2 would be ~.696 acres in size and would contain a single-family home with outbuildings.

The property is located within the Sanitary Sewer & Water Service Area. Both lots are already buildout and are connected to utilities.

The properties currently have R-3 and R-4 Zoning Classifications. R-3 Zoning requires 100 feet of frontage and 20,000 square feet size. R-4 Zoning requires 75 feet of frontage and 10,000 square feet size. The Village's 2035 Land Use Plan shows that the recommend use for the land as Low Density Residential. Both Lots on the Concept Plan would stay in line with the Zoning and Comprehensive Land Use Plan.

With this submittal there is 1 Waiver/Modification requests that needs to be considered/reviewed on behalf of the CSM. This Wavier/Modifications is for:

1. Approving a flag lot.

In regards to Waiver/Modification request #1, the Concept Plan is proposing the creation of flag lot for Lot 1. The owner of the three properties wishes to combine the rear portion of one lot and a large landlocked parcel with the center lot. Doing so would create a flag lot but would also eliminate a landlocked parcel. The opportunity to eliminate a landlocked parcel is why the Engineering Department is in support of this concept plan.

6D. Commission Deliberation

Thomas Knittner motioned to Move to approve the Concept Plan subject to the following:

- The Final CSM is subject to the Land Division per Lot fee.
- The approval of Wavier/Modification Request #1.
- A Pre-Development Agreement for a CSM will need to be entered into for review and approval of the final CSM.
- An approved grading will be needed and the storm water management plan may need to be needed if disturbance or impervious surface area thresholds are met.
- A wetland delineation will need to be performed on the entire property.
- The Final CSM must conform to all Ordinances in Titles 9, 14, & 18 as necessary.

Trustee Wanggaard seconded motion.

ROLL CALL

Thomas Knitter	AYE
Trustee Wanggaard	AYE
Jonathan Schattner	NAY
Joseph Minorik	AYE
President Dobbs	AYE
Tim Just	AYE

Motion passed, 5/1. unanimously

6E. E. CONCEPT PLAN – Review a concept plan for a certified survey map (CSM) submitted by Kevin Novak for the parcel located at 4218 5 Mile Road. (Parcel ID No. 104-04-23-18-300-070)

Tom Lazcano read from memorandum:

The Engineering Department has received a Concept Plan for a Certified Survey Map (CSM) from Kevin Novak. The Concept Plan is for a property located at 4218 5 Mile Road in the Village of Caledonia. The existing property is approximately 8.59 acres in size. There is approximately 343 feet of frontage along 5 Mile Road.

The existing parcel currently contains a home with detached garage, farm field, a small area of wetlands and a wooded area which is listed as a Primary Environmental Corridor.

This Concept Plan is for the creation of two lots on the parcel. Lot 1 would be ~8.13 acres and would remain as a single-family home with detached garage. Lot 2 will be ~.459 acres in size and the owner would like this parcel to go to one of his children to build a single-family home.

The property is located within the Sanitary Sewer & Water Service Area. Lot 2 will need to connect to sanitary sewer and water services at the owner's expense.

The property currently has an R-3 Zoning Classification. R-3 Zoning requires 100 feet of frontage and 20,000 square feet size. The Village's 2035 Land Use Plan shows that the recommend use for the land as Low Density Residential. Both Lots on the Concept Plan would stay in line with the Zoning and Comprehensive Land Use Plan.

With this submittal there is 1 Waiver/Modification requests that needs to be considered/reviewed on behalf of the CSM. This Wavier/Modifications is for:

1. Approving a flag lot.

In regards to Waiver/Modification request #1, the Concept Plan is proposing the creation of flag lot for Lot 1. The existing property ~1,240' deep so this makes the subdividing the lot impossible without a waiver/modification request for either a flag lot or exceeding the 2.5 to 1 max length to width ratio. It should be noted that the rear ~550' of the Lot is a wooded Primary Environmental Corridor so development in the rear of the lot would be very difficult. There were also similar land division 2 lots to the west and 3 lots to the east of the property.

6E. Commission Deliberation

Plan Commission asked if it would require additional Right-Of-Way (ROW). Lazcano replied this is only a concept plan but agreed to look further into it. Commissioners also expressed concern about the size of the lot and adding an additional curb cut.

Move to approve the Concept Plan subject to the following:

- The Final CSM is subject to the Land Division per Lot fee.
- The approval of Wavier/Modification Request #1.
- A Pre-Development Agreement for a CSM will need to be entered into for review and approval of the final CSM.
- An approved grading will be needed and the storm water management plan may need to be needed if disturbance or impervious surface area thresholds are met.
- Connection to Village Sanitary Sewer and Water system will be required.
- A wetland delineation will need to be performed on the entire property.
- The Final CSM must conform to all Ordinances in Titles 9, 14, & 18 as necessary.

Tim Just seconded motion.

**Plan Commission Meeting
Monday, July 27, 2020**

ROLL CALL

Thomas Knitter	AYE
Trustee Wanggaard	AYE
Tim Just	AYE
Joseph Minorik	NAY
President Dobbs	AYE
Jonathan Schattner	NAY

Motion passed, 4/2.

7. - Adjournment

Motion by Trustee Wanggaard to adjourn. Seconded by Jonathan Schattner. Motion carried unanimously. Meeting adjourned at 9:10 p.m.

Respectfully submitted,
Erika Waege
Building/Engineering Admin



Meeting Date: August 31, 2020

Item No. 5a

PLAN COMMISSION REPORT

Proposal: CONSULTATION: Conditional Use Amendment & Building, Site & Operation (BSO) Plan

Description: Review a request for a conditional use amendment and approval of a site, and operations plan for a firewood production facility at 8700 Foley Road.

Applicant(s): Ryan Jossart

Address(es): 8700 Foley Road

Suggested Motion: This a consultation with the Plan Commission, and no motion is required. The applicant is seeking direction from the Plan Commission regarding the proposed use at 8700 Foley Road.

Owner(s): Sheryl Fors

Tax Key(s): 104-04-22-02-064-000

Lot Size(s): ±25.0 acres

Current Zoning District(s): A-2, General Farming District II

Overlay District(s): N/A

Wetlands: Yes No Floodplain: Yes No

Comprehensive Plan: Agricultural, Rural Residential, & Open Land

Background: The purpose of this consultation is to provide the applicant guidance prior to submitting a request to amend an existing conditional use to operate a firewood production facility on the property located at 8700 Foley Road. If the applicant submits an application, the applicant will also submit a site plan showing where the use will occur on the property. This request is being made as a result of a complaint regarding the importing of timber to the site and processing it into firewood. Before the applicant proceeds with a hiring a professional to draw a site plan, the applicant is looking for guidance.

The property is currently zone A-2, Agriculture and has been granted a conditional use permit allowing the storage and maintenance of equipment and vehicles associated with "Great Lakes Tree & Clearing." This zoning district permits the property owner to operate a farm and forestry uses on the site. Forestry is generally defined as the growing and/or harvesting of trees on a property for commercial or related purposes. It does not include the importing of timber for commercial production of forestry products, such as lumber or firewood. These uses would be conducted off site in a zoning district that was commercial or industrial. As stated earlier, this property has a conditional use. Condition of Approval No. 7 states the prohibition of commercial processing of firewood on site and that only trees harvested on the parcel are permitted to be processed onsite into firewood. Condition No. 8 states that the storage and processing of logs from job sites are not allowed.

The applicant is proposing to amend the conditions of approval for the conditional use permit. The applicant is requesting that Conditions No. 7 & 8 from the conditional use permit be deleted and replaced with a condition allowing logs from job sites to be brought on site and be stockpiled, stored, and processed into firewood. Included in this report packet is a report from the applicant's lawyer making the case that firewood processing is a permitted forestry use. Staff has reviewed the submitted letter and conferred with Village Counsel and have come to the conclusion that firewood processing is not a forestry use when importing timber to the site. Only on-site trees harvested and processed into firewood would meet the definition of incidentally forestry use.

Village Code Section 20-1011 provides the Village the authority to review unclassified or unspecified uses for a zoning district and make a determination that a use is similar in character to a principal use permitted in a zoning district. It is up to the Plan Commission and ultimately the Village Board to determine whether the importing of timber and processing it into firewood is similar in character to other permitted uses in the A-2 District and be conditionally allowed at 8700 Foley Road.

No action is required by the Plan Commission. The Plan Commission may provide the applicant with concerns, comments, or suggestions regarding the proposed conditional use permit modifications. The applicant may or may not choose to move forward with the amendment request based on the Plan Commission's discussion.

Respectfully submitted:

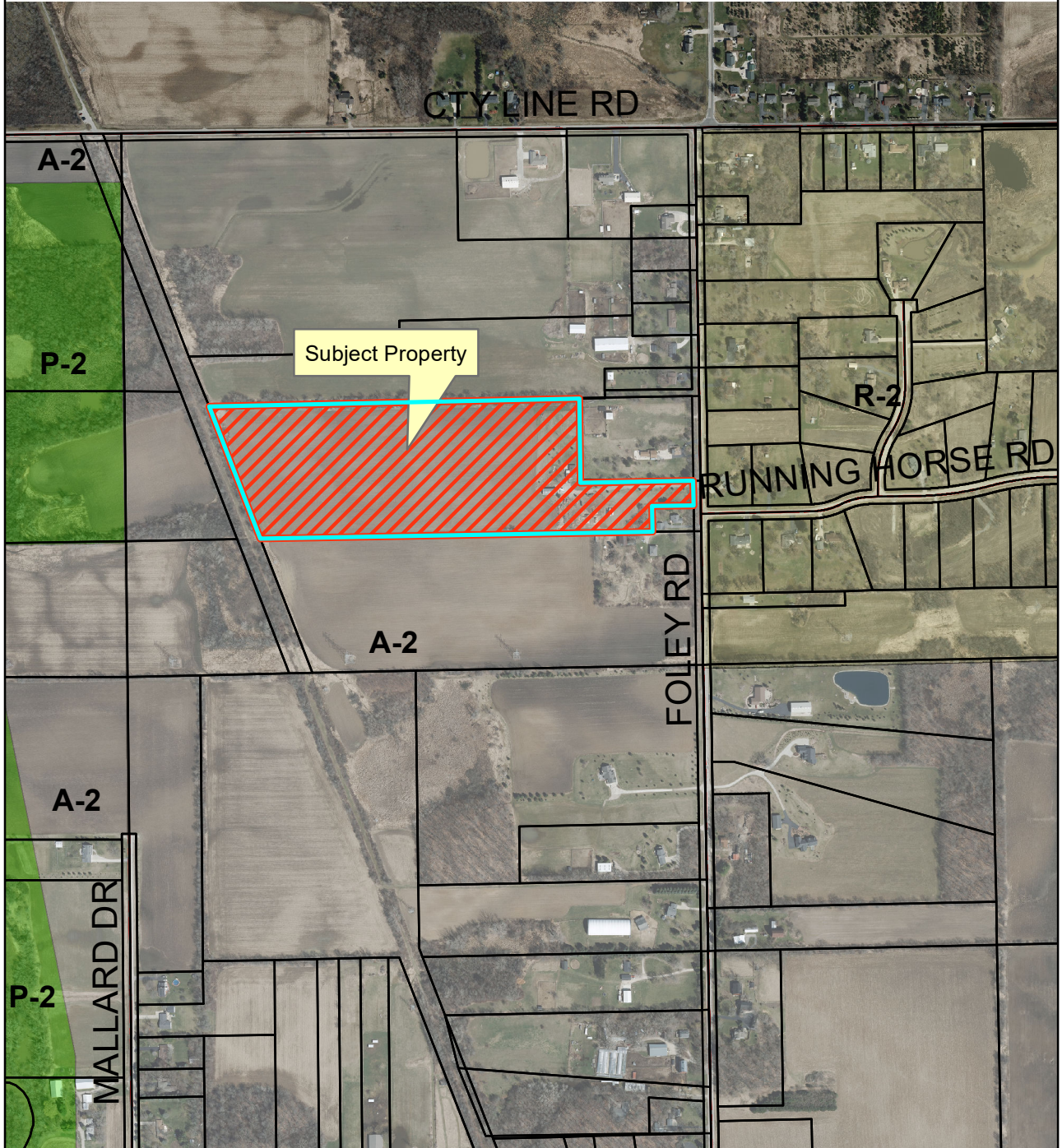


Peter Wagner, AICP
Development Director


Location Map

8700 Foley Road

City of Oak Creek



Legend

 8700_Foley_Rd



RACINE COUNTY

PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT

14200 Washington Avenue, Sturtevant, WI 53177-1253

Phone: (262) 886-8440 Fax: (262) 886-8480

Jonathan Delagrave
County Executive

Julie A. Anderson
Director of Public Works & Development Services

July 21, 2015

Sheryl Fors
8700 Foley Road
Racine, WI 53402

SUBJECT: Conditional Use for the storage and maintenance of the equipment and vehicles associated with "Great Lakes Tree and Clearing", 8700 Foley Road, Parcel Id. No. 104042202064000, Village of Caledonia

Dear Ms. Fors:

The Caledonia Village Board approved the subject conditional use at their July 20, 2015, meeting. The Board granted approval by Resolution No. 2015-56 for the following reasons:

1. The proposed use is allowed by underlying zoning through the conditional use process.
2. Based on other things going on in the area, the proposed use appears to fit with other structures and uses in the area.

Based on this approval, you will be allowed to proceed with the subject project, which will be located at 8700 Foley Road, Section 2, Town 4 North, Range 22 East, in the Village of Caledonia.

Attached to this letter is Exhibit A, which lists the conditions of approval established by the Village of Caledonia. You must comply with all of the conditions listed in Exhibit A. **PLEASE BE SURE TO READ EXHIBIT A.** Failure to comply with the terms and conditions of this approval as listed in Exhibit A or as established by the Village of Caledonia could result in the issuance of citation(s) and permit revocation. If you have any comments or questions, please contact this office at (262) 886-8440 or via e-mail: Jarmen.Czuta@GORacine.org.

Yours truly,

Jarmen Czuta
Caledonia Zoning Administrator

JC/ni

attachment

c: Elaine Sutton Ekes, Bob Bradley, Tom Christensen
Mike Hayek, Tony Bunkelman, Jim Keeker, Karie Torkilsen
Ryan Jossart (rjossart911@aol.com)
File

1. **Zoning Permit.** The applicant must obtain a zoning permit card from the office of the Village Zoning Administrator after paying the zoning permit fee of \$250.00 for the Occupancy Permit. This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.
2. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
3. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Applicant, and any other users of the Property Owner with respect to the uses on the Property.
4. **Plans.** The proposed use (storage and maintenance of the equipment and vehicles associated with "Great Lakes Tree and Clearing") must be located, conducted and utilized in compliance with the plans and documents received by the Racine County Development Services Office on May 28, 2015.
5. **Equipment and Vehicles.** This conditional use approval authorizes the storage and maintenance of a 2001 International 4700 (bucket truck), 2000 Ford F450 (pickup truck), 2004 Dodge Ram 3500 (pickup truck), 2011 Dodge Ram 3500 (pickup truck), 1999 Morbark 2400 (chipper), 2005 Woodsman 15X (chipper), 2003 Carleton 4400 (stumper), 2004 John Deere 320 (skid loader), and a 2014 CRD Metalworks Pro 20 (processor). Equipment and vehicles may be substituted with "in-kind" replacements but additional vehicles and equipment may not be stored or maintained at the site unless authorized by the Caledonia Plan Commission and the Village Board.
6. **Parking/Storage/Maintenance.** Except for the bucket truck that is parked outside adjacent to the existing pole barn, all other equipment must be stored inside of the existing pole barn. All equipment and vehicle maintenance must be conducted inside of the existing pole barn.
7. **Commercial Processing of Firewood Not Allowed.** This conditional use permit does not authorize the commercial processing of firewood at the site. The only firewood that is allowed to be processed at the site and sold from the site must be generated from dead or diseased trees that are harvested from the subject property.
8. **Storage and Processing of Logs from Job Sites Not Allowed.** This conditional use permit does not authorize logs from job sites to be brought to the site and be stockpiled, stored, or processed. No chipping of logs or brush is allowed at the site to process wood chips. No wood chips generated at job sites are allowed to be stored or stockpiled at the site.

9. **Hazardous Fluids Storage and Containment.** Any oil or hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations. Any oil or hazardous fluids must be disposed of in an environmentally sound manner. There must be no discharge of any oils or hazardous fluids to the private onsite wastewater treatment system that services the property.
10. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances (copy attached), as adopted by the Village of Caledonia.
11. **Expiration.** This approval will expire six (6) months from the date of the Village's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the Village of Caledonia grants a written extension. Written extension requests must be submitted to the Racine County Development Services Office thirty (30) days before permit/approval expiration.
12. **No Accumulation of Refuse and Debris.** Any fence, wall, hedge, yard, space or landscaped area must be kept free of any accumulation of refuse or debris. Plant materials must be kept in a healthy growing condition and structures must be maintained in a sound manner.
13. **Property Maintenance Required.** A complete and thorough maintenance program must be established to insure attractiveness. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining and pruning all landscape planting areas; cleaning up litter; sweeping, cleaning and repairing paved surfaces; and cleaning, painting, and repairing windows and building façade.
14. **Access.** The applicants must allow any Village or Racine County employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.
15. **Compliance with Law.** The applicants are responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state and federal regulations, including Titles 14 and 16 of the Village of Caledonia Code of Ordinances.

16. **Reimburse Village Costs.** Applicant shall reimburse the Village all costs incurred by the Village for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.
17. **Amendments to Conditional Use Approval.** No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Caledonia's prior approval. All addition, deletion, and/or change requests must be submitted to the Caledonia Zoning Administrator in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.
18. **Agreement.** Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Sheryl Fors, Ryan Jossart, and their heirs, successors, and assigns are responsible for full compliance with the above conditions.
19. **Subsequent Owner or Operator.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.

RECEIVED

MAY 28 2015

RACINE COUNTY

N 1/4

etch

1/4-22

3-4-22

Corner Of
West 1/4
N 2-4-22

Jr.
I
3402

VICE, INC.

ENGINEERS

sin 53129

) 529-9787

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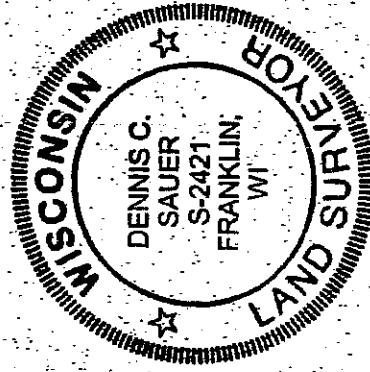
Iron Dad Farm

S 89°01'04" W 2145.37' To P.O.B. of Parcel 2
1813.80'

South Line Of The
Northwest 1/4 Of
Section 2-4-22

* Note: All storage and
Maintenance of the
equipment and vehicles
associated with Great
Lakes Tree and Clearing
is greater than 600 feet
from any residential
district and 100 feet
from any other residence

N 00°52'41" W 737.35'
N 00°52'41" W 617.35'



1" = 50'

North Line Of The
South 1/2 Of The
Northwest 1/4 Of
Section 2-4-22
(Per SEWRPC Control
Survey Sept. 20009)

Parcel 1
1,166,913 sq. ft.
26.79 acres

dirt and gravel pathway

existing tree line
S 89°34'35" E

Existing
30' x 60'
Pole Barn

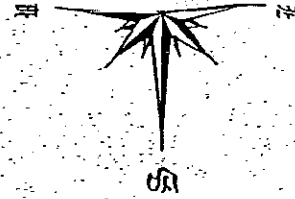
Dwelling

Bucket Truck
is parked in
front of
Existing Pole Barn
* All other
equipment
is stored in side
existing Pole Barn

N 00°53'01" W
115.01'

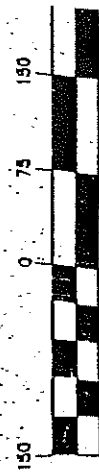
East Line
Northwest
Section 2

Foley Road
(66' R.O.W.)



ORIGINAL

GRAPH



(IN

FLOOD DATA This property is in Zone A5, B and C of
the Flood Insurance Rate Map, Community Panel No. 550347 0020 B
which has an effective date of April 1, 1982 and is in a Special
Flood Hazard Area. Field surveying was not performed to determine this zone.
An elevation certificate may be needed to verify this determination or apply

From: rjossart911@aol.com,
To: rjossart911@aol.com,
Subject: Caledonia CUP
Date: Sun, Aug 16, 2020 8:50 pm

To whom it may concern:

I Ryan Jossart am petitioning the Village of Caledonia to remove Sections 7 and 8 of Exhibit A in my CUP. Zoning code 20-676 states forestry is a permitted use of agricultural lands and therefore a CUP is not needed.

Logs and firewood, under Sec.94.67 are classified as an agricultural commodity and considered a raw forest product, therefore making it a permitted incidental use consistent of agricultural lands.

I am on 56 Acres of land, 29 Acres of cropland, 23 Acres mature forest, and 4 Acres of yard. There is no visibility of any logs, firewood, or equipment from the road.

My log truck is needed for some projects, approximately 5-15 loads per year. Trucking is all done on State Highways except 1.5 miles of Foley Rd with no bridges and is never done during spring thaw. The roads are currently used by comparatively similar vehicles and equipment for agricultural purposes.

All trucks and equipment are licensed by the state as forestry provision equipment and my large trucks can only perform forestry duties.

I am Certified by the WI Dept. Of Agriculture and the United States Dept. Of Agriculture for wood.

80% of my work is in Caledonia, and North Racine. Most of the remaining 20% is still in SE WI.

I work on State forestry projects, DNR projects, projects for the Village of Caledonia in particular the highway dept, engineering dept, and Utility District. I feel it is my duty as a resident to help the Village and always do Village jobs at reduced rates.

Undesirable species and materials not used are brought to places that have a use for them, therefore keeping these item's out of the Village dump.

According to the Statutes and Zoning Code, it is legal to make firewood on my property as firewood is an agricultural product consistent with Forestry.

Let's not let a person with a personal vendetta influence the Village. Let's take care of problem tree's and keep healthy forestry practices in Caledonia.

Sincerely,
Ryan D. Jossart

Sent from my U.S.Cellular© Smartphone



MATTHIESEN, WICKERT & LEHRER, S.C.
ATTORNEYS AT LAW

P.O. Box 270670
1111 E. Sumner Street
Hartford, WI 53027

(800) 637-9176
(262) 673-3766
www.mwl-law.com

June 16, 2020

Mr. Jarmen Czuta
Caledonia Zoning Administrator
Department of Planning and Zoning
Caledonia Village Hall
5034 Chester Lane
Racine, WI 53402

Mr. Peter Wagner
Development Director
Department of Planning and Zoning
Caledonia Village Hall
5034 Chester Lane
Racine, WI 53402

Re: Conditional Use Permit No. 2015-104-125, Issued 8/26/2015, 8700 Foley Road, Great Lakes Tree and Clearing, LLC - Ryan Jossart.

Dear Mr. Czuta and Mr. Wagner,

We are writing on behalf of Ryan Jossart to request your authorization of a minor change to the conditions of the above-referenced Conditional Use Permit ("CUP"). Mr. Jossart is requesting that the minor change be made "at a staff level, if authorized by the Zoning Administrator," pursuant to procedure provided under paragraph number 17 of the CUP's Approval Conditions, Exhibit A (copy enclosed). Specifically, pursuant to that procedure, Mr. Jossart is requesting that paragraph 7 of the CUP's Approval Conditions, Exhibit A be changed, to permit the processing of firewood from logs that are cleared from his customers' lands.

While the work of Mr. Jossart's business, Great Lakes Tree and Clearing, LLC, is clearing land for customers, a small part would involve the processing of firewood from log material that is cleared. Mr. Jossart's business has obtained certification by the Wisconsin DATCP as a "Firewood Dealer," Certificate #: 2019088 HT, for the dates of 11/26/2019 to 11/26/2020 (copy attached). His business is also certified by the USDA-APHIS-PPQ¹ under 7 CFR 301.45 and 7 CFR 301.53, regarding Gypsy Moth and Emerald Ash Borer, "Federal Cooperative Domestic Plant Quarantines," Establishment or C.A. #: EAB-WI-1130 (copy attached).

Specifically, this proposed minor change in use is supported under RCCO Sec. 20-1011 - Unclassified, unspecified uses:

RCCO Sec. 20-1011. - Unclassified, unspecified uses.

Unclassified or unspecified uses may be permitted after the planning and development committee has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district.
(Code 1975, § 7.026)

¹ <https://www.aphis.usda.gov/aphis/ourfocus/planthealth>

RCCO Sec. 20-1011 supports the proposed use of firewood production because it is similar in character to the uses already permitted in the district and on Mr. Jossart's property at 8700 Foley Road. Mr. Jossart's business, Great Lakes Tree and Clearing, LLC, and Mr. Jossart are certified for "wood" by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP). The property is zoned Agricultural A-2, General Farming and Residential District II. The property is 56 acres in size: 30 acres are tillable row crops and 23 acres are forest. RCCO Sec. 20-676² already permits farming on Mr. Jossart's land under A-2, as well as "all conditional uses permitted in the A-1 farmland preservation district."

The proposed, limited firewood production is similar in character to the already permitted uses of both Agriculture and Forestry on Mr. Jossart's property, for these reasons:

1. Specifically, pursuant to RCCO Sec. 20-1011³, the processing of firewood from logs cleared from land in the course of Mr. Jossart's existing business, is similar in character to the Principal Uses permitted under RCCO Sec. 20-658(1)⁴, particularly "forestry":

² RCCO Sec. 20-676. - Uses.

The following uses are permitted in the A-2 general farming and residential district II:

(1) *Principal uses.* All uses permitted in the A-1 farmland preservation district, plus one and two family dwellings, whether or not such dwellings are associated with farm operations. In the A-2 district, the principal structure shall be the residential structure intended to service the parcel on which such residence is located.

(2) *Conditional uses.* All conditional uses permitted in the A-1 farmland preservation district. See sections 20-1010, 20-1202, 20-1226, 20-1291, 20-1336, 20-1337 and 20-1338.

(Code 1975, § 7.037; Ord. No. 89-255, 2-27-90; Ord. No. 2011-61, 11-8-11; Ord. No. 2014-87, 12-9-14)

³ RCCO Sec. 20-1011. - Unclassified, unspecified uses.

Unclassified or unspecified uses may be permitted after the planning and development committee has made a review and recommendation provided that such uses are similar in character to the principal uses permitted in the district. (Code 1975, § 7.026)

⁴ Sec. 20-658. - Uses.

The following uses are permitted in the A-1 farmland preservation district:

(1) *Principal uses.* Apiculture, dairying; floriculture; forestry; grazing; greenhouses; hay; livestock raising except those listed in subsection 20-658(2); orchards; paddocks; pasturage; plant nurseries; poultry raising; raising of cash grain crops, mint, grass, seed crops, silage, tree fruits, nuts and berries, and vegetables; stables; truck farming; aqua farming; Christmas tree production; viticulture; a farm residence that is the only residential structure on the farm; nonfarm residences constructed in a cluster in accordance with W.S.A. § 91.46(1); undeveloped natural resource and open space areas; and enrolling land in a federal agricultural commodity payment program or federal or state agricultural land conservation payment program.

(2) *Conditional uses.* Animal hospitals; commercial egg production; commercial raising of animals, such as dogs, foxes, goats, mink, pigs and rabbits must meet W.S.A. § 91.01(1); condenseries; creameries; feed lots, grain elevators, commercial grain storage and seed operations, which operate exclusive of any farm operation; hatching or butchering of fowl, airports, airstrips and landing fields for farm or personal use only; worm farms; sod farming; one- and two-family non-farm residences and one- and two-family non-farm residential clusters and a second farm residence that is occupied either by an individual who earns more than fifty (50) percent of his or her income from the farm or a migrant labor camp that is certified under W.S.A., § 103.92. These residences are also subject to the restrictions found in subsection 20-1008(d); mobile service support structures. For additional restrictions see sections 20-1010, 20-1226, 20-1291, 20-1336, 20-1337, and 20-1338.

(3) Prior nonconforming uses subject to W.S.A., § 59.69(10).

a. A prior nonconforming use may not be expanded or modified.

b. The number and location of existing residences may limit conditional use permits for new residences.

(Ord. No. 2014-87, 12-9-14; Ord. No. 2015-90, 12-15-15)

https://library.municode.com/wi/racine_county/codes/code_of_ordinances?nodeId=RACOCOOR_CH20ZO_ARTV_IDIRE_DIV23FAPRDI_S20-658US

- a. Under NAIC 113,⁵ “Forestry and Logging” includes harvesting of timber.
 - b. Under NAIC 11310⁶ “Logging” comprises establishments engaged in cutting timber, and cutting and transporting timber.
2. Mr. Jossart’s business, “Firewood Farmer, LLC, 8700 Foley Rd., Racine, WI 53402,” is certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) as a “Firewood Dealer,” Certificate #: 2019088 HT, for the dates of 11/26/2019 to 11/26/2020. A copy of Mr. Jossart’s business’ Firewood Dealer Certificate is attached.
 3. Mr. Jossart is certified by the USDA-APHIS-PPQ⁷ under 7 CFR 301.45 and 7 CFR 301.53, regarding Gypsy Moth and Emerald Ash Borer, “Federal Cooperative Domestic Plant Quarantines, Establishment or C.A. #: EAB-WI-1130.” A copy of Mr. Jossart’s USDA Certification is attached.
 4. The property is zoned A-2, General Farming and Residential District II. The property is 56 acres in size: 30 acres are tillable row crops and 23 acres are forest.
 5. RCCO Sec. 20-676⁸ permits farming on A-2, as well as “all conditional uses permitted in the A-1 farmland preservation district.”

⁵ **113 Forestry and Logging**

Industries in the Forestry and Logging subsector grow and harvest timber on a long production cycle (i.e., of 10 years or more). Long production cycles use different production processes than short production cycles, which require more horticultural interventions prior to harvest, resulting in processes more similar to those found in the Crop Production subsector. Consequently, Christmas tree production and other production involving production cycles of less than 10 years, are classified in the Crop Production subsector.

Industries in this subsector specialize in different stages of the production cycle. Reforestation requires production of seedlings in specialized nurseries. Timber production requires natural forest or suitable areas of land that are available for a long duration. The maturation time for timber depends upon the species of tree, the climatic conditions of the region, and the intended purpose of the timber. The harvesting of timber (except when done on an extremely small scale) requires specialized machinery unique to the industry. Establishments gathering forest products, such as gums, barks, balsam needles, rhizomes, fibers, Spanish moss, and ginseng and truffles, are also included in this subsector.
<https://www.bls.gov/iag/tgs/iag113.htm>:

⁶ **113110 Timber Tract Operations**

This industry comprises establishments primarily engaged in the operation of timber tracts for the purpose of selling standing timber.

Cross-References. Establishments primarily engaged in--

- Acting as lessors of land with trees as real estate property--are classified in Industry 53119, Lessors of Other Real Estate Property;
- Growing short rotation woody trees (i.e., growing and harvesting cycle is 10 years or less)--are classified in U.S. Industry 111421, Nursery and Tree Production; and
- Cutting timber--are classified in Industry 113310, Logging.

https://www.census.gov/eos/www/naics/reference_files_tools/1997/sec11.htm:

⁷ <https://www.aphis.usda.gov/aphis/ourfocus/planthealth>

⁸ **RCCO Sec. 20-676. - Uses.**

The following uses are permitted in the A-2 general farming and residential district II:

(1) *Principal uses.* All uses permitted in the A-1 farmland preservation district, plus one and two family dwellings, whether or not such dwellings are associated with farm operations. In the A-2 district, the principal structure shall be the residential structure intended to service the parcel on which such residence is located.

6. In addition, under RCCO Sec. 20-658(2), certain Conditional Uses “which operate exclusive of any farm operation” are permitted. The proposed firewood production from cleared logs would be viewed similarly, to “operate exclusive of” the forestry harvesting of timber on Mr. Jossart’s own land and the currently permitted conditional use.

Please note that Mr. Jossart’s business would not engage in chipping to process wood chips. Paragraph 7 of the CUP’s Approval Conditions, Exhibit A currently provides:

7. Commercial Processing of Firewood Not Allowed. This conditional use permit does not authorize the commercial processing of firewood at the site. The only firewood that is allowed to be processed at the site and sold from the site must be generated from dead or diseased trees that are harvested from the subject property.

The current use of the property at 8700 Foley Road is for the storage and maintenance of equipment and vehicles associated with Mr. Jossart’s business, Great Lakes Tree and Clearing, LLC. While the work of Mr. Jossart’s business is clearing land for customers, a small part of the business would involve the processing of firewood from log material that is cleared.

There would be no harm to surrounding properties, and no additional traffic to or from the business at 8700 Foley Road from this work, as the vehicles Mr. Jossart would use are the same vehicles that he currently uses in his business. These vehicles are already permitted to be stored and maintained on the property, under the Conditional Use Permit, Exhibit A, paragraphs 5, 6.

In summary, pursuant to RCCO Sec. 20-1011, the processing of firewood from logs cleared from land in the course of Mr. Jossart’s existing business, is similar in character to the Principal Uses permitted under RCCO Sec. 20-658(1), particularly “forestry.” In addition, under RCCO Sec. 20-658(2), certain Conditional Uses “which operate exclusive of any farm operation” are permitted. Mr. Jossart’s business has obtained certification by the Wisconsin DATCP as a “Firewood Dealer,” Certificate #: 2019088 HT, for the dates of 11/26/2019 to 11/26/2020 (copy attached). His business is also certified by the USDA-APHIS-PPQ under 7 CFR 301.45 and 7 CFR 301.53, regarding Gypsy Moth and Emerald Ash Borer, “Federal Cooperative Domestic Plant Quarantines,” Establishment or C.A. #: EAB-WI-1130 (copy attached). The property is zoned A-2, General Farming and Residential District II. The property is 56 acres in size: 30 acres are tillable row crops and 23 acres are forest. RCCO Sec. 20-676 permits farming on A-2, as well as “all conditional uses permitted in the A-1 farmland preservation district.”

For all of these reasons, Mr. Jossart respectfully requests that paragraph 7 of his Conditional Use Permit, Approved Conditions, Exhibit A be changed, to permit the processing of firewood from logs that are cleared from his customers’ lands. He requests that this minor change to the conditions of the above-referenced Conditional Use Permit (“CUP”) be authorized at the staff level, pursuant to procedure provided under paragraph number 17 of the CUP’s Exhibit A, 8700 Foley Road, Approval Conditions.

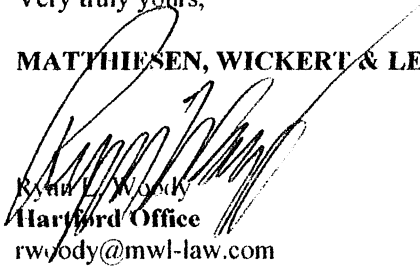
Thank you for your consideration, and we look forward to hearing from you.

(2) *Conditional uses.* All conditional uses permitted in the A-1 farmland preservation district. See sections 20-1010, 20-1202, 20-1226, 20-1291, 20-1336, 220-1337 and 20-1338. (Code 1975, § 7.037; Ord. No. 89-255, 2-27-90; Ord. No. 2011-61, 11-8-11; Ord. No. 2014-87, 12-9-14)

Page 5

Very truly yours,

MATTHIJSSEN, WICKERT & LEHRER, S.C.

A handwritten signature in black ink, appearing to read 'Ryan L. Woody', is written over the typed name and office information.

Ryan L. Woody
Harvard Office
rwoody@mwl-law.com

RLW/slk

Enclosures

cc: Ryan Jossart (*via email w/o enclosures*)

8700 Foley Rd

Parcel 1

1,166,913 sq. ft.
26.79 acres

South Line Of The
Northwest 1/4 Of
Section 2-4-22

*
Location
of
Proposal

dirt and gravel pathway

Existing
30' x 60'
Pole Barn

Dwelling



S 00°52'41" W
393.00'

S 00°52'41" E
120.00'

S 89°34'35" E
521.10'

N 00°53'01" W
115.01'

N 00°52'41" W
737.35'

N 00°52'41" W
817.35'

S 00°52'41" E
114.20'

S 89°01'04" W
33.00'

S 89°01'04" W
192.00'

S 89°34'35" E
33.01'

S 89°01'04" W 2145.37' To

1813.00'

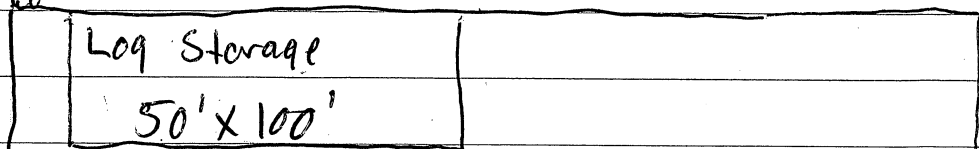
S 89°01'04" W

Total Space 43,400 sq ft.

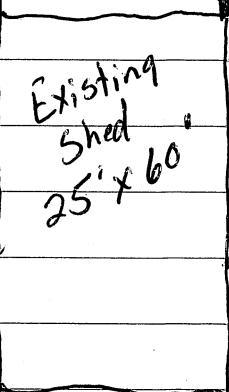
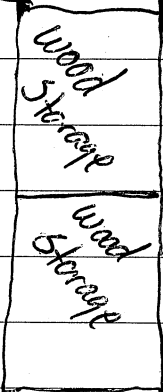
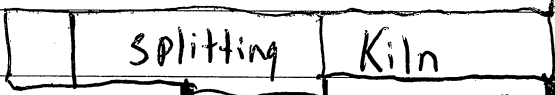
Aq Crops

Trees on Hedge Row

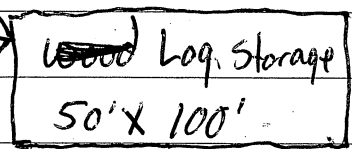
Aq Crops



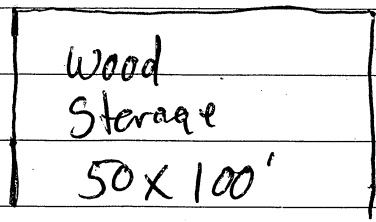
310'



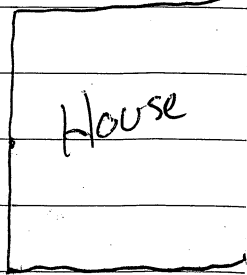
20' from Property Line



Property Line
Aq Road (mine)



Driveway



140'

- 8804 Foley Rd approx 1,000' from Dwelling
- 8742 Foley Rd approx 850' from Dwelling
- 8710 Foley Rd approx 600' from Dwelling
- 8689 Foley Rd approx 750' from Dwelling
- 8630 Foley Rd approx 600' from Dwelling
- 8616 Foley Rd approx 600' from Dwelling
- 7933 County Line Rd approx 4,000' from Dwelling

PC RESOLUTION NO. 2020-03

Resolution of the Plan Commission of the Village of Caledonia Recommending the acquisition of the interests of land as set forth in Village Board Substitution Resolution No. 2019-60 in the matter of an Amended Relocation Order and Amended Resolution of Necessity of the Village of Caledonia affecting property needed to extend 5 Mile Road and establish a neighborhood park in the Village of Caledonia (affecting Parcel ID No: 104-04-23-16-021-000)

The Plan Commission of the Village of Caledonia, Racine County, Wisconsin, do resolve as follows:

WHEREAS, on June 17, 2019, the Village Board approved Resolution No. 2019-60 in the matter of an Amended Relocation Order and Amended Resolution of Necessity of the Village of Caledonia affecting property interests needed to extend 5 Mile Road and establish a neighborhood park in the Village of Caledonia (affecting Parcel ID No: 104-04-23-16-021-000);

WHEREAS, the interests of land are located within Tax Incremental District No. 5 and such plan provides for the possible acquisition of land;

NOW, THEREFORE, BE IT RESOLVED, that the Plan Commission recommends that the Village Board acquire any and all interests in land in such parcel deemed necessary by the Village Board in furtherance of the goals and plans of the Tax Incremental District No. 5; and

BE IT FURTHER RESOLVED, that the acceptance of title and ownership of such interests in land by the Village is consistent with the Village plans for the Tax Incremental District No. 5 and is not inconsistent with other Village plans;

Adopted this ____ day of August, 2020, by the Plan Commission of the Village of Caledonia, Racine County, Wisconsin.

**PLAN COMMISSION
OF THE VILLAGE OF CALEDONIA**

BY: _____
James Dobbs
President

Attest: _____
Karie Pope
Clerk



PRUITT, EKES & GEARY, S.C.

Timothy J. Pruitt
Elaine Sutton Ekes
Christopher A. Geary
Tyler M. Helsel

Office Administrator:
Eileen M. Zaffiro

610 Main Street, Suite 100, Racine, WI 53403 Phone: 262-456-1216 Facsimile: 262-456-2086 www.peglawfirm.com

July 2, 2019

Via Hand Delivery

Ms. Wendy Christensen
Racine County Clerk
Racine County Courthouse
730 Wisconsin Avenue
Racine, WI 53403

19 JUL - 2 PM 2:06
WENDY M. CHRISTENSEN
RACINE COUNTY CLERK

RE: Resolution No. 2019-60 – Amended Relocation Order of the Village of Caledonia

Dear Ms. Christensen:

Pursuant to Section 32.05(1) of the Wisconsin Statutes, enclose please find the Certified Copy of Resolution 2019-60 – “In the Matter of a Amended Relocation Order and Amended Resolution of Necessity of the Village of Caledonia Affecting Property Needed to Extend 5 Mile Road, Widen Erie Street and Establish a Neighborhood Park in the Village of Caledonia, Racine County Wisconsin.”

Should you have any questions concerning the enclosed document, please let me know. Thank you.

Sincerely

PRUITT, EKES & GEARY, S.C.

Elaine Sutton Ekes
esekes@peglawfirm.com

ESE:emz
Enclosure

CERTIFICATION OF VILLAGE OF CALEDONIA
RESOLUTION 2019-60

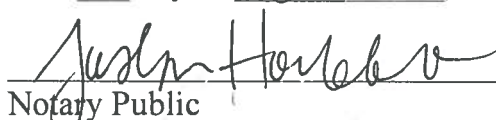
The undersigned, Karie Pope, being the duly elected Clerk for the Village of Caledonia, certify that attached hereto is a certified copy of Resolution 2019-60 - In The Matter Of An Amended Relocation Order And Amended Resolution Of Necessity Of The Village Of Caledonia Affecting Property Needed To Extend 5 Mile Road, Widen Erie Street And Establish A Neighborhood Park In The Village Of Caledonia, Racine County, Wisconsin approved by the Village Board of the Village of Caledonia, Racine County, Wisconsin on June 17, 2019.

Dated this 17th day of June, 2019.



Karie Pope, Clerk
Village of Caledonia

Subscribed and sworn to before me
This 24th day of June, 2019



Notary Public

Racine County, Wisconsin

My Commission expires: 11/21/21

RESOLUTION NO. 2019-60

IN THE MATTER OF AN AMENDED RELOCATION ORDER AND AMENDED RESOLUTION OF NECESSITY OF THE VILLAGE OF CALEDONIA AFFECTING PROPERTY NEEDED TO EXTEND 5 MILE ROAD, WIDEN ERIE STREET AND ESTABLISH A NEIGHBORHOOD PARK IN THE VILLAGE OF CALEDONIA, RACINE COUNTY, WISCONSIN

WHEREAS, the function of the Village of Caledonia (“Village”) is to promote the health, safety and general welfare of Village residents; and

WHEREAS, the Village Board of Village has approved the extension of 5 Mile Road and widening of Erie Street, which are in need of improvement for future usage, and the creation of a neighborhood park; and

WHEREAS, Village needs to acquire certain property for the foregoing purposes; and

WHEREAS, the Village Board, by Substitute Resolution No. 2019-55, adopted a Relocation Order and a Resolution of Necessity, which shows all the interests in land necessary for the extension of 5 Mile Road, widening of Erie Street and the creation of a neighborhood park; and

WHEREAS, the plat and legal descriptions on the exhibits incorporated into Resolution No. 2019-55 were subsequently modified and the Village Board needs to approve an amended relocation order and resolution of necessity with the amended exhibits.

WHEREAS, the Village Board, by this Resolution, is adopting an amended Relocation Order and Resolution of Necessity, which shows all the interests in land necessary for the extension of 5 Mile Road, widening of Erie Street and the creation of a neighborhood park; and

WHEREAS, the statutory eminent domain process has a number of protections for landowners, which will be put in place by adoption of this Resolution.

NOW THEREFORE, Village hereby makes the following findings and orders, pursuant to Wis. Stat. §32.05(1) and §32.06(1):

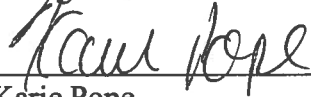
1. That it is a public purpose to accomplish the extension of 5 Mile Road and widening of Erie Street, which will improve traffic circulation, safety and functionality, and to create a neighborhood park.
2. That it is necessary and for a public purpose to acquire the property interests depicted on the Plat attached hereto as **Exhibit A**, in order to accomplish the extension of 5 Mile Road, widening of Erie Street and the creation of a neighborhood park.
3. That the required property interests shall be acquired in the name of the Village of Caledonia, and upon acquisition, shall be used for the extension of 5 Mile Road, widening of Erie Street and creation of a neighborhood park.
4. That this Resolution is a Relocation Order adopted in accordance with Wis. Stat. § 32.05(1) for the purpose of the within-described transportation facility.

5. That this Resolution is a determination of necessity in accordance with Wis. Stat. § 32.06(1) and § 32.07(2) for the purpose of creating a neighborhood park.
6. That pursuant to Wis. Stat. § 32.05(1) and § 32.06, a copy of this Order shall, within 20 days after its issue, be filed with the Racine County Clerk.

PASSED AND APPROVED, this 17th day of June, 2019, by the Village Board of Trustees, Village of Caledonia, Racine County, Wisconsin.

VILLAGE OF CALEDONIA

By: 
James R. Dobbs
Village President

Attest: 
Karie Pope
Village Clerk

33256614_2.DOCX



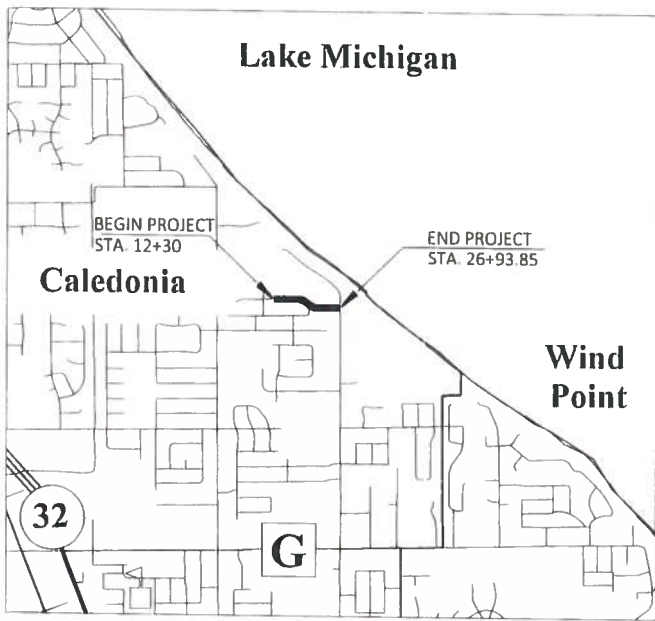
CONVENTIONAL SYMBOLS	
SECTION LINE	---
QUARTER LINE	---
SIXTEENTH LINE	---
NEW REFERENCE LINE	---
NEW R/W LINE	---
EXISTING R/W LINE	---
PROPERTY LINE	---
(LIST TIE AND OTHER MINOR LINES)	---
GRADE INTERFERE	---
CORPORATE LIMITS	---
UNDERGROUND FACILITY (COMMUNICATIONS, ELECTRIC, ETC.)	---
FEET ACQUISITION AREA (MATCHING VARIES BY OWNER)	---
TEMP. LIMITED EASEMENT AREA	---
EASEMENT AREA (HIGHWAY PERMANENT LIMITED OR RESTRICTED DEVELOPMENT)	---
TRANSMISSION STRUCTURES	---
BUILDING	---
BUILDING (TO BE REMOVED)	---
BRIDGE	---
PARALLEL OFFSETS	---

CONVENTIONAL UTILITY SYMBOLS	
WATER	---
GAS	---
TELEPHONE	---
OVERHEAD TRANSMISSION LINES	---
ELECTRIC	---
CABLE TELEVISION	---
SEWER	---
SEWER	---
ELECTRIC TOWER	---

CURVE DATA ABBREVIATIONS	
LONG CHORD	LCH
LONG CHORD BEARING	LCB
RADIUS	R
DEGREE OF CURVE	D
CENTRAL ANGLE	Δ/DELTA
LENGTH OF CURVE	L
TANGENT	T
DIRECTION AHEAD	DA
DIRECTION BACK	DB

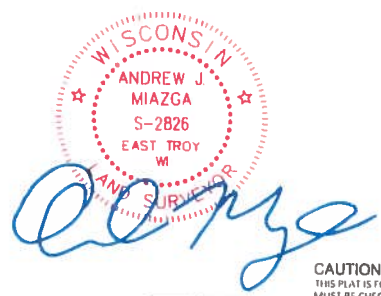
CONVENTIONAL ABBREVIATIONS	
ACCESS RIGHTS	AR
ACRES	AC
AHEAD	AH
ALUMINUM	ALUM
AND OTHERS	ET AL
BACK	BK
BLOCK	BK
CENTERLINE	CL
CERTIFIED SURVEY MAP	CSM
CONCRETE	CONC
COUNTY	CO
COUNTY TRUNK HIGHWAY	CTH
DISTANCE	DIST
CORNER	COR
DOCUMENT NUMBER	DOC
EASEMENT	EASE
EXISTING	EX
GAS VALVE	GV
GRID NORTH	GN
HIGHWAY EASEMENT	HE
IDENTIFICATION	ID
LAND CONTRACT	LC
LEFT	LT
MONUMENT	MON
NATIONAL GEODETIC SURVEY NUMBER	NGS
	NO
	OUTLOT
	PAGE
	POINT OF TANGENCY
	PROPERTY LINE
	RECORDED AS (100)
	REEL / IMAGE
	REFERENCE LINE
	PERMANENT LIMITED EASEMENT
	POINT OF BEGINNING
	POINT OF CURVATURE
	POINT OF COMPOUND CURVE
	POINT OF INTERSECTION
	REMAINING
	RESTRICTIVE DEVELOPMENT EASEMENT
	RIGHT
	RIGHT OF WAY
	SECTION
	SEPTIC VENT
	SQUARE FEET
	STATE TRUNK HIGHWAY
	STATION
	TELEPHONE PEDESTAL
	TEMPORARY LIMITED EASEMENT
	TRANSPORTATION PROJECT PLAT
	UNITED STATES HIGHWAY
	VOLUME

BASIS OF BEARINGS:
 BEARINGS ARE BASED ON THE SOUTH LINE OF THE SW 1/4 OF SEC 16, T4N, R23E



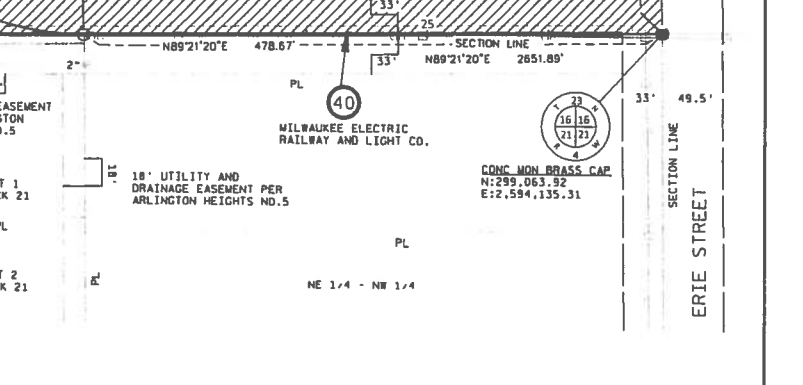
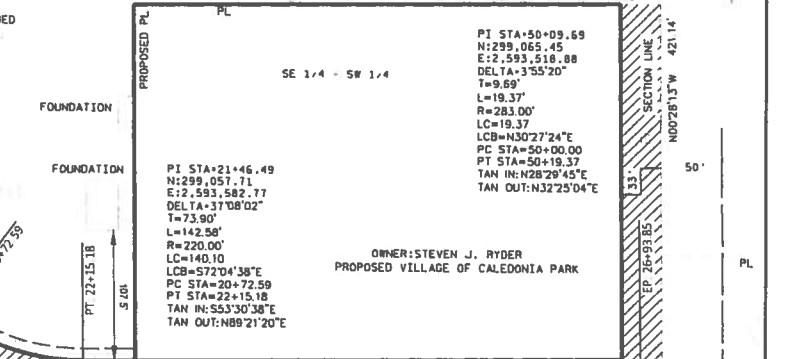
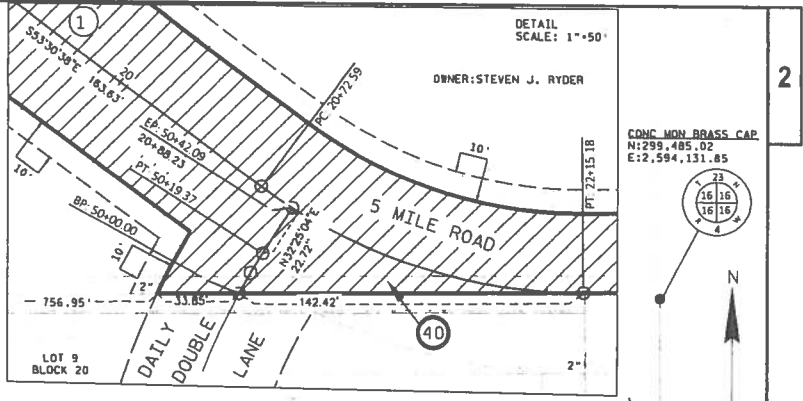
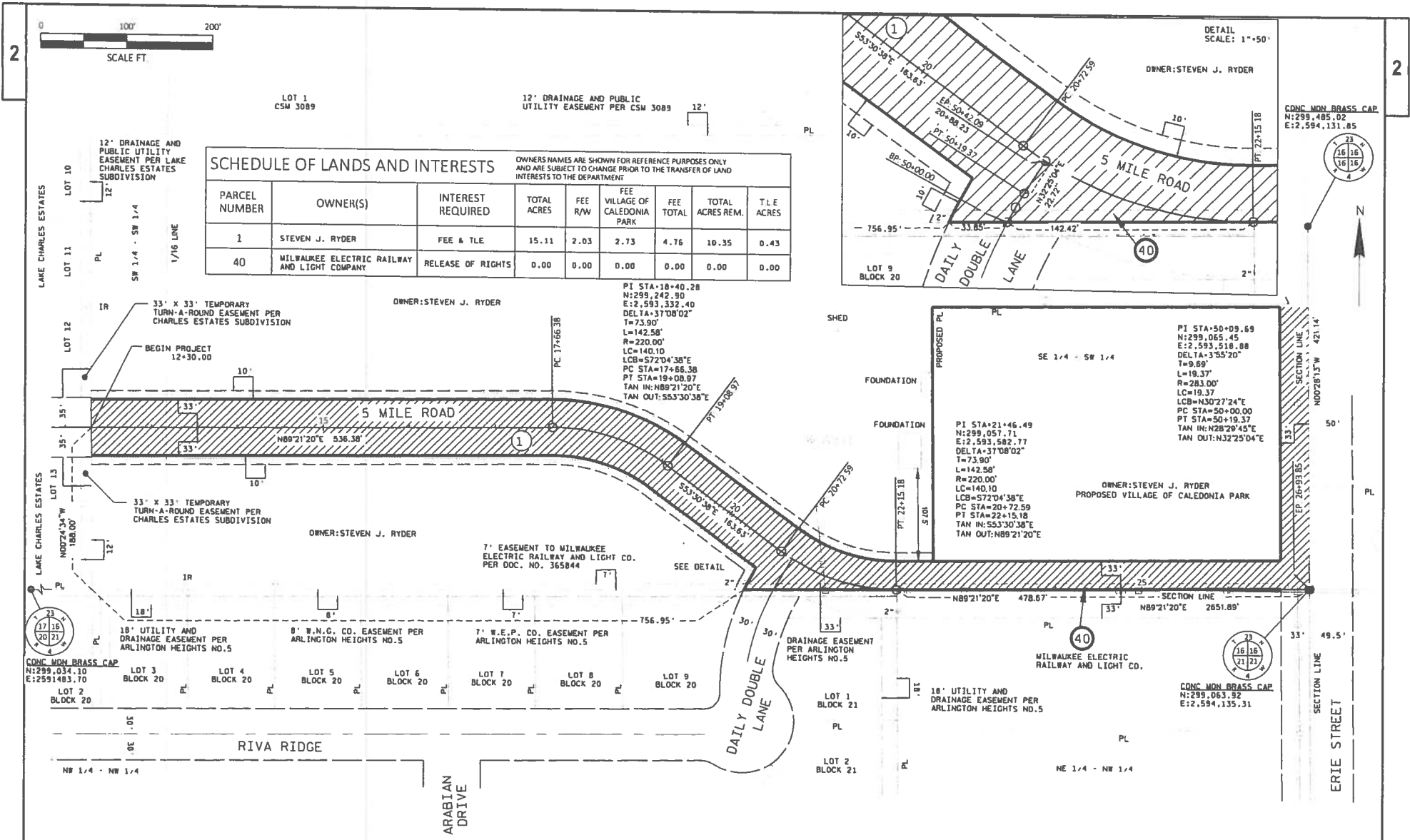
R/W PROJECT NUMBER 19C031.01	SHEET NUMBER 4 00	TOTAL SHEETS 2
PLAT OF RIGHT OF WAY REQUIRED FOR 5 MILE ROAD VILLAGE OF CALEDONIA		
5 MILE ROAD		RACINE COUNTY

NOTES:
 POSITIONS SHOWN ON THIS PLAT ARE WISCONSIN STATE PLANE COORDINATE SYSTEM GRID, SOUTH ZONE (NAD-27), IN US SURVEY FEET. VALUES SHOWN ARE GRID COORDINATES, GRID BEARINGS, AND GRID DISTANCES. GRID DISTANCES MAY BE USED AS GROUND DISTANCES.
 RIGHT OF WAY MONUMENTS ARE 3/4" REBAR, UNLESS OTHERWISE NOTED, AND WILL BE PLACED PRIOR TO COMPLETION OF THE PROJECT.
 RIGHT OF WAY BOUNDARIES ARE DEFINED WITH COURSES OF THE PERIMETER OF THE HIGHWAY LANDS REFERENCED TO THE U.S. PUBLIC LAND SURVEY OR OTHER SURVEYS OF PUBLIC RECORD.
 A TEMPORARY LIMITED EASEMENT (TLE) IS A RIGHT FOR CONSTRUCTION PURPOSES AS DEFINED HEREIN, INCLUDING THE RIGHT TO OPERATE NECESSARY EQUIPMENT THEREON, THE RIGHT OF INGRESS AND EGRESS, AS LONG AS REQUIRED FOR SUCH PUBLIC PURPOSE, INCLUDING THE RIGHT TO PRESERVE, PROTECT, REMOVE, OR PLANT HEREON ANY VEGETATION THAT THE HIGHWAY AUTHORITIES MAY DEEM DESIRABLE. ALL (TLE'S) ON THIS PLAT EXPIRE ON THE COMPLETION OF THE CONSTRUCTION PROJECT FOR WHICH THIS INSTRUMENT IS GIVEN.
 PROPERTY LINES SHOWN ON THIS PLAT ARE DRAWN FROM DATA DERIVED FROM MAPS AND DOCUMENTS OF PUBLIC RECORD AND/OR EXISTING OCCUPATIONAL LINES. THIS PLAT MAY NOT BE A TRUE REPRESENTATION OF EXISTING PROPERTY LINES, EXCLUDING RIGHT-OF-WAY, AND SHOULD NOT BE USED AS A SUBSTITUTE FOR AN ACCURATE FIELD SURVEY.
 TEMPORARY TURN-A-ROUND EASEMENTS PER LAKE CHARLES ESTATES SUBDIVISION TO BE ABANDONED UPON COMPLETION OF THE CONSTRUCTION PROJECT FOR WHICH THIS INSTRUMENT IS GIVEN.



CAUTION:
 THIS PLAT IS FOR ILLUSTRATIVE PURPOSES ONLY. DEEDS MUST BE CHECKED TO DETERMINE PROPERTY BOUNDARIES.

REVISION DATE	VILLAGE OF CALEDONIA
APPROVED FOR THE VILLAGE	
DATE	(Signature)



Proposed right of way (Five Mile Road/Erie Street)

Land being a part of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4 of Section 16, Township 4 North, Range 23 East, in the Village of Caledonia, County of Racine, State of Wisconsin.

Beginning at the Southeast corner of said Southwest 1/4; Thence South 89° 21' 20" West along the South line of said Southwest 1/4 a distance of 654.94 feet to a point on the West right-of-way line of "Daily Double Lane" and a curve to the right; Thence Northeasterly 29.12 feet along said West right-of-way line, its extension and the arc of a curve whose center lies to the Southeast, whose radius is 313.00 feet and whose chord bears North 28° 08' 31" East 29.11 feet; Thence North 53° 30' 38" West 151.68 feet to the beginning of a curve to the left; Thence Northwesterly 121.20 feet along the arc of a curve whose center lies to the Southwest, whose radius is 187.00 feet and whose chord bears North 72° 04' 39" West 119.09 feet; Thence South 89° 21' 20" West 536.51 feet to the East line of platted subdivision "Lake Charles Estates"; Thence North 00° 24' 34" West along said East line 66.00 feet; Thence North 89° 21' 20" East 536.24 feet to the beginning of a curve to the right, Thence Southeasterly 163.97 feet along the arc of curve whose center lies to the Southwest, whose radius is 253.00 feet and whose chord bears South 72° 04' 39" East 161.12 feet; Thence South 53° 30' 38" East 163.63 feet to the beginning of a curve to the left; Thence Southeasterly 121.20 feet along the arc of a curve whose center lies to the Northeast, whose radius is 187.00 feet and whose chord bears South 72° 04' 39" East 119.09 feet; Thence North 89° 21' 20" East 445.77 feet; Thence North 00°28'13" West 295.00 feet; Thence North 89°21'20" East 33.00 feet to a point on the East line of said Southwest 1/4; Thence South 00° 28' 13" East along said East line 328.00 feet to the Point of Beginning of lands being described.

Containing 88,404 Square feet (2.03 Ac.) of land more or less.

Date: 4/18/2019

Revised 6/7/2019

Andrew Miazga (S-2826)

Proposed Temporary Limited Easement (North side Five Mile Road)

Land being a part of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4 of Section 16, Township 4 North, Range 23 East, in the Village of Caledonia, County of Racine, State of Wisconsin.

Temporary limited easement lying 10.00 feet North of and parallel to the follow described line, said line being the proposed North right-of-way line of "Five Mile Road", lying Westerly of a proposed park.

Commencing at the Southeast corner of said Southwest 1/4; Thence North 00° 28' 13" West along the East line of said Southwest 1/4 a distance of 33.00 feet; Thence South 89° 21' 20" West 435.60 to the Westerly line of said proposed park lands and the Point of Beginning of said described line. Thence continuing South 89° 21' 20" West 43.18 feet to the beginning of a curve to the right, Thence Northwesterly 121.20 feet along the arc of a curve whose center lies to the Northeast, whose radius is 187.00 feet and whose chord bears North 72° 04' 39" West 119.09 feet; Thence North 53° 30' 38" West 163.63 feet to the beginning of a curve to the left; Thence Northwesterly 163.97 feet along the arc of a curve whose center lies to the Southwest, whose radius is 253.00 feet and whose chord bears North 72° 04' 39" West 161.12 feet; Thence South 89° 21' 20" West 536.24 feet to the East line of platted subdivision "Lake Charles Estates" and the Point of Termination of said described line.

Temporary Limited Easement containing 10,282 Square feet (0.24 Ac.) of land more or less.

Date: 4/18/2019

Revised: 6/6/2019

Andrew Miazga (S-2826)

Proposed Park (TID 5)

Land being a part of the Southeast 1/4 of the Southwest 1/4 of Section 16, Township 4 North, Range 23 East, in the Village of Caledonia, County of Racine, State of Wisconsin.

Commencing at the Southeast corner of said Southwest 1/4; Thence North 00° 28' 13" West along the East line of said Southwest 1/4 a distance of 33.00 feet; Thence South 89° 21' 20" West 33.00 to the proposed Northwest corner of 5 Mile Road and Erie Street, said point being the Point of Beginning of lands being described; Thence continuing South 89° 21' 20" West 402.60 feet; Thence North 00°28'13" West 295.00 feet; Thence North 89°21'20" East 402.60 feet to the Westerly line of proposed Erie Street; Thence South 00°28'13" East along said proposed Westerly line 295.00 feet to the point of beginning.

Lands containing 118,766 Square feet (2.73 Ac.) of land more or less.

Date: 6/6/2019

Andrew Miazga (S-2826)

Proposed Temporary Limited Easement (South side Five Mile Road)

Land being a part of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4 of Section 16, Township 4 North, Range 23 East, in the Village of Caledonia, County of Racine, State of Wisconsin.

Temporary limited easement lying 10.00 feet South and West and being parallel to the follow described line, said line being the proposed South right-of-way line of "Five Mile Road".

Commencing at the Southeast corner of said Southwest 1/4; Thence South 89° 21' 20" West along the South line of said Southwest 1/4 a distance of 654.94 feet to a point on the West right-of-way line of "Daily Double Lane" and a curve to the right, said point also being the Point of Beginning of said described line; Thence Northeasterly 29.12 feet along said West right-of-way line, its extension and the arc of a curve whose center lies to the Southeast, whose radius is 313.00 feet and whose chord bears North 28° 08' 31" East 29.11 feet; Thence North 53° 30' 38" West 151.68 feet to the beginning of a curve to the left; Thence Northwesterly 121.20 feet along the arc of a curve whose center lies to the Southwest, whose radius is 187.00 feet and whose chord bears North 72° 04' 39" West 119.09 feet; Thence South 89° 21' 20" West 536.51 feet to the East line of platted subdivision "Lake Charles Estates" and the Point of Termination of said described line.

Temporary Limited Easement containing 8,292 Square feet (0.19 Ac.) of land more or less.

Date: 4/18/2019

Andrew Miazga (S-2826)