



PLAN COMMISSION MEETING AGENDA

Wednesday, June 24, 2015 at 5:30 P.M.

Sister Bay-Liberty Grove Fire Station
2258 Mill Road, Sister Bay, WI

For additional information check: [Http://www.sisterbaywi.gov](http://www.sisterbaywi.gov)

In order for everyone to hear the discussion please, turn off your cell phone. Thank you.

Call Meeting to Order / Roll Call **Deviations from the agenda order shown may occur.**
Comments, correspondence and concerns from the public

Approval of the agenda
Approval of minutes as published

Business Items

1. Consider a motion to proceed to public hearing to change the language of the B-1 General Business District to allow quarries as a conditional use.
2. Consider a motion to proceed to public hearing to approve a development agreement and conditional use permit for the Sister Bay Properties LLC. quarry located at 2582 South Bay Shore Drive.
3. Consider a motion to grant an accessory use permit to Paul VanderMaazen of 10397 HWY 57 for placement of a fence in a front yard.
4. Consider a motion to grant preliminary approval to Harbor View LLC, for development and CSM plans for the Old School Property at the intersection of HWY 57 and HWY 42.
5. Consider a motion to discuss the role of the Plan Commission in future economic development.
6. Consider a motion to convene into Closed Session pursuant to Wisconsin State Statutes 19.85(1)(g) Conferring with legal counsel who either orally or in writing will advise the governmental body on a strategy to be adopted with respect to current or likely litigation.
7. Consider a motion to reconvene into Open Session.
8. Consider a motion to take action, if required.
9. Report by the Zoning Administrator regarding development activities, various enforcement actions, and issuance of Sign and Zoning Permits.
10. Matters to be placed on a future agenda or referred to a Committee, Official or Employee

Adjournment

Public Notice

Questions regarding the nature of the agenda items or more detail on the agenda items listed above scheduled to be considered by the governmental body listed above can be directed to Zeke Jackson, Village Administrator at 920-854-4118 or at zeke.jackson@sisterbaywi.gov.

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. Upon reasonable notice, a good faith effort will be made to accommodate the needs of disabled individuals through sign language interpreters or other auxiliary aid at no cost to the individual to participate in public meetings. Due to the difficulty in finding interpreters, requests should be made as far in advance as possible preferably a minimum of 48 hours. For additional information or to request this service, contact the Sister Bay Village Administrator at 854-4118, (FAX) 854-9637, or by writing to the Village Administrator at the Village Administration Building, 2383 Maple Drive, PO Box 769, Sister Bay, WI 54234. Copies of reports and other supporting documentation are available for review at the Village Administration Building during operating hours. (8 a.m. – 4 p.m. weekdays).

I hereby certify that I have posted a copy of this agenda at the following locations:		
<input type="checkbox"/> Administration Building	<input type="checkbox"/> Library	<input type="checkbox"/> Post Office
_____/_____		
Name	Date	

1 PLAN COMMISSION MEETING MINUTES
2 TUESDAY, APRIL 28, 2015
3 Sister Bay-Liberty Grove Fire Station – 2258 Mill Road
4 UNAPPROVED VERSION
5

6 The April 28, 2015 meeting of the Plan Commission was called to order by Chairperson Dave
7 Lienau at 5:40 P.M.

8
9 **Present:** Chairperson Lienau, and members Scott Baker, Marge Grutzmacher, and Nate Bell.

10
11 **Excused:** Eric Lundquist, Shane Solomon and Don Howard

12
13 **Others:** Greg Casperson and Jim Westernan of Robert E. Lee & Associates.

14
15 **Staff Members:** Village Administrator Zeke Jackson and Assistant Administrator Janal Suppanz.

16
17 **Comments, correspondence and concerns from the public:**

18 Lienau asked if anyone wished to comment regarding a non-agenda item. No one responded.
19 He then noted that no new correspondence had been received.

20
21 **Approval of the agenda:**

22 *A motion was made by Grutzmacher, seconded by Baker that the Agenda for the April 28,*
23 *2015 meeting of the Plan Commission be approved as presented. Motion carried – All ayes.*

24
25 **Approval of minutes as published:**

26 **As to the minutes for the March 24, 2015 meeting of the Plan Commission:**

27 *Baker noted that the monetary figure shown on Line 9, Page 2 of the minutes for the March 24,*
28 *2015 meeting of the Plan Commission should be \$5,075,000.00, not \$5,075.00.*

29
30 *A motion was made by Baker seconded by Grutzmacher that the minutes for the March 24,*
31 *2015 meeting of the Plan Commission be approved as amended. Motion carried – All ayes.*

32
33 **Business Items:**

34 **Item No. 1. Consider a motion to approve a Certified Survey Map for Waterfront Park -**
35 **Restrictions imposed by the DNR for receipt of grant funds:**

36 DNR officials have informed Jackson that the Village will receive a Stewardship grant in the
37 amount of \$489,285.00 as well as a Federal Recreation Trails Act grant in the amount of
38 \$45,000.00 to help defray the costs associated with the Beach Expansion Project. One of the
39 conditions of the Stewardship grant award is that documents containing restrictive language be
40 recorded in the office of the Register of Deeds for Door County, and, to that end, a draft of a
41 Certified Survey Map for a portion of Waterfront Park was included in the meeting packets. The
42 Commission members jointly reviewed the CSM, and it was the consensus that it is acceptable.

43
44 *A motion was made by Bell, seconded by Grutzmacher that the Plan Commission recommends*
45 *that the Certified Survey Map for a portion of Waterfront Park which was reviewed at this*
46 *meeting be approved as presented. Motion carried – All ayes.*

47
48 **Item No. 2. Consider a motion to grant conditional approval of a Certified Survey Map for the**
49 **Braun property, which is located at the corner of Mill Road and Bay Shore Drive:**

50 A draft of a Certified Survey Map for the Braun property, which is located at the corner of Mill

1 Road and S. Bay Shore Drive, was provided to the Commission members prior to this meeting,
 2 and they jointly reviewed that document. Basically the CSM clarifies the description for the
 3 Braun property so that 6(f) conversion eligibility requirements can be met with respect to the
 4 Bay Shore Drive Reconstruction Project. Jackson is recommending that the CSM be approved
 5 on the condition that before that document is recorded in the office of the Register of Deeds for
 6 Door County the Village must actually have purchased the Braun property.

7
 8 *A motion was made by Grutzmacher, seconded by Baker that the Plan Commission*
 9 *recommends that the Certified Survey Map for the Braun property which was reviewed at this*
 10 *meeting be approved on the condition that before that document is recorded in the Office of*
 11 *the Register of Deeds for Door County, the Village must have actually have purchased the*
 12 *property. Motion carried – All ayes.*

13
 14 **Item No. 3. Report by the Zoning Administrator regarding development activities, various**
 15 **enforcement actions, and issuance of Sign and Zoning Permits:**

16 Jackson gave the following oral report:

- 17
 18 • Shrouds for some of the LED lights at SCAND have arrived and will be installed
 19 as a test measure soon. Jackson requested that the Commission members go to
 20 view the lights which have shrouds on them to see if they believe the issues
 21 which have been complained about to date will be eliminated. He has also
 22 requested input from surrounding property owners.
 23 • He will be meeting with the management of SCAND soon to discuss some
 24 landscaping issues which have arisen.
 25 • Noise limits are addressed in the Village's Zoning Code, but time limits on when
 26 outdoor music must cease and outdoor seating must be vacated at local
 27 businesses is specifically addressed when annual liquor licensing conditions are
 28 formulated by the Village Board. A citizen has asked Jackson if the Village will
 29 be adhering to the existing liquor license condition that outdoor music must
 30 cease and all outdoor seating be vacated by 10:30 P.M. when weddings and
 31 special events are conducted on Village owned properties. It is quite likely that
 32 the citizen may ask that same question at the June Village Board Meeting. The
 33 suggestion was made that one way to meet the needs of all stakeholders would
 34 be to allow outdoor acoustic music to be played in the Village until 11:00 P.M.
 35 • Work is expected to be completed on the Line Burial Project this week. A detour
 36 will be in effect for approximately two days while cuts are made across the
 37 highway. As soon as the hot mix plant opens the crew from the Highway
 38 Department will be making temporary road repairs, and site restoration work
 39 will be done ASAP.
 40 • Relaxed signage regulations will be in effect while work is being done on the
 41 Bay Shore Drive Reconstruction Project, and D.O.T. officials have indicated that
 42 temporary business identification signage will be allowed for businesses which
 43 will still be open after November 1, 2015.
 44 • Work is steadily progressing on the Beach Reconstruction Project.

45
 46 **Item No. 4. Discussion regarding matters to be placed on a future agenda or referred**
 47 **to a committee, Village official or employee:**

48 Premier Properties will be presenting plans for their development to the Plan
 49 Commission in the near future.

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Adjournment:

A motion was made by Grutzmacher, seconded by Baker to adjourn the meeting of the Plan Commission at 6:07 P.M. Motion carried – All ayes.

Respectfully submitted,



Janal Suppanz,
Assistant Administrator



Village of Sister Bay Plan Commission Report

For additional information check: <http://www.sisterbaywi.info>

June 24, 2015

Recommendation: Report Sister Bay Properties LLC proposed quarry

Item 1 Discussion on the Sister Bay Properties LLC proposed quarry expansion project.

The zoning history of this property goes back decades to the period that predated the approval of the Zoning Code in 1974 when the quarry was operating at a very low level of rock removal. The very first zoning code did not permit quarries so it became a pre-existing non-conforming use. It operated for decades removing a few tons of rock per month mostly for local construction projects. Around 2006 the quarry was sold subject to a determination that the rock removal operation had not ceased. Starting in March 2007 complaints were being received that the dust from the quarry operation was blowing over the entire neighborhood.

By April 2008 the issue of dust and noise had reached the Board of Trustees who authorized the Village Attorney to take action against the quarry. On May 8, 2008 the Door County Soil and Water Department issued a Cease and Desist order stopping various activities that were in violation of their county operating permit. The minutes of the May 2008 Board meeting are attached to provide more background on the issues facing the Village at that time.

Sometime after that meeting the operator of the quarry blasted without following the requirements outlined in the State Statutes. The Village Attorney took the operator to Circuit Court in an attempt to shut the quarry down for dust violations and blasting violation. The Court indicated that those issues were not sufficient to shut the operation down and directed the Village mediate the dispute with the operator. By October 2011 there were a series of mediation sessions that resulted in a draft Memorandum of Understanding between the parties. By April 2012 the Village Attorney and Village Administrator were attempting to resolve the disputed items in the draft memorandum that were objectionable. The Administrator was authorized to meet with Brandon Small to try to develop an agreement that would satisfy the needs of both parties.

By August 29, 2012 Brandon Small developed a specific proposal for the operation of the existing quarry and expansion of operations into the adjacent parcel which is attached. He made a presentation to the Village and mediator on September 10, 2012. By this time the Village had been dealing with the quarry operations for five years. The issue was referred to the Plan Commission on October 4, 2012 and the result was direction from the Plan Commission to develop a series of talking points that would address neighbor complaints and violations of the Code. That meeting resulted in an updated proposal from Brandon Small dated November 15, 2012 which is attached. The Plan Commission met with representatives of the Door County Soil and Water Department to explain their role in the permitting and inspection of the quarry.

By April 2013 the Village Administrator had prepared a series of "talking points" that the Plan Commission used as the basis for discussion with Brandon Small and the neighbors at a meeting on May 2013. The net result of the series of meetings held in late 2012 and early 2013 was a new operating proposal from Brandon Small. The Plan Commission again discussed the issue on September 18 2013 and directed the Small to rework his proposal consistent with the comments received and to contact the Village Administrator when he was ready to present a new proposal.

1 By June 2014 Small working with an attorney submitted a new set of conditions to the Village.
2 There were a variety of issues with the proposed language. Since that time there have been nu-
3 merous versions of the proposed conditions exchanged between the parties. In addition, the
4 Village required Small to contact a developer to provide evidence that a reclaimed quarry does
5 actually have redevelopment potential, which was obtained from Keith Garot in July 2014
6 along with an engineer's letter regarding dust control on the road. Another issue was the rede-
7 velopment of the site consistent with the Official Map street network that abuts the Small prop-
8 erties. The initial drawing submitted in December 2014 was not workable from a proposed
9 land use basis, the Official Map nor did it appear to match the existing property lines.

10
11 By May 2015 a revised future development plan was submitted and there were phone confer-
12 ence calls between Brandon Small, Small's attorney, Robert Kufrin and the Village Attorney in
13 an attempt to resolve the various disputed items in order to make a presentation to the Plan
14 Commission. That has resulted in the attached documents:

- 15
16 1. The working document outlining the terms and conditions for the issuance of a condi-
17 tional use permit as prepared by Small's attorney as edited by Robert Kufrin titled Quarry
18 Negotiations Expansion Termination.
- 19 2. A Conditional Use Permit and Development Agreement that incorporated the items from
20 item 1 into the Development Agreement format. There were numerous wording modifica-
21 tions in order to protect the Village's interests.
- 22 3. A draft resolution for the Board of Trustees that would express the reasons why the pro-
23 posed project meets the conditional use permit standard.
- 24 4. A proposed ordinance that amends the B-1 General Business zoning district requirements
25 to allow a quarry as a conditional use.

26
27 The proposal would be to operate an expanded quarry for 10 years at which time it ceases and
28 the land is reclaimed. The reclamation plan is approved by the Door County Soil and Water
29 Department.

30
31 The process for the Plan Commission is as follows:

- 32
33 1. The process outlined below includes a series of steps required by the Zoning Code that
34 require certain types of notices, public hearing requirements, and publication require-
35 ments that need to match with the Plan Commission and Village Board meeting sched-
36 ules. The Plan Commission should generally have both items proceed on the same
37 schedule, but that depends on each item being ready at the same time.
- 38 2. The Plan Commission would review the staff recommendations to change the zoning
39 code to allow the expansion of the quarry as a permitted use and make a determination
40 that they wish to proceed to a public hearing on the language changes.
- 41 3. The Plan Commission would review the staff recommendations and make a determina-
42 tion that they have enough information to proceed to public hearing on the rezoning re-
43 quest.
- 44 4. The Plan Commission would review the staff recommendations and make a determina-
45 tion that the draft conditional use permit is detailed enough to proceed to public hearing.
- 46 5. A public hearing would be held on the proposed text changes to the zoning code and no-
47 tification would be sent to the B-1 zoned properties in the Village.

- 1 6. At the same meeting, another public hearing would be held on the conditional use permit
2 and notification would be sent to all the properties within 1,000 feet of the expanded
3 quarry.
- 4 7. Step 6 would only occur if the zoning text ordinance passes. If the text ordinance is
5 changed, the Plan Commission would need to determine if another hearing needs to be
6 held based on the revised ordinance. If the text ordinance fails the process stops.
- 7 8. If the zoning text ordinance is approved it would make sense to discuss and consider the
8 conditional use permit at the same meeting if the Plan Commission is prepared to rec-
9 ommend approval of the project.
- 10 9. If the zoning text ordinance and the conditional use permit were all approved as recom-
11 mendations to the Village Board, then both items would be referred to the Board for their
12 consideration.
- 13 10. The Village Board would consider both items and approve or reject any of the items or
14 refer one or all back to the Plan Commission with issues to consider before making a final
15 decision.
- 16 11. If the Village Board approves both items then the Conditional Use Permit and Zoning
17 Permit could be issued.

18 I have attempted below to outline the pros and cons for approving the expansion of the quarry.

19

20 **Duration of operation**

21 It is clear from Bill Schuster's letter that converting the existing dimension stone quarry to a
22 gravel quarry is highly unlikely, if not impossible. So the promise by Brandon Small to stop all
23 operations on the existing parcel and the second parcel after 10 years is a good deal if he could
24 keep operating the existing quarry for more than 10 years. If he runs into stone that is uneco-
25 nomical to remove in five years it is a bad deal. It is also likely that if he does not expand the
26 operation into the second parcel that he will blast to reach lower and lower layers of rock in
27 the existing parcel. The dilemma on how long he will operate is unclear, but with this agree-
28 ment there is a date certain when it will stop. The other factor on the duration of the quarry's
29 operation is the demand for the type of stone it generates. During the recent economic and
30 housing recession the quarry's activities slowed considerably. Neighbors should be able to in-
31 dicate if it has reached levels of operation similar to 2010. If the demand slows for stone slows
32 down, but the quality of the stone remains acceptable the quarry will just operate longer in the
33 existing pit.

34

35 **Dust Control and Noise**

36 The complaints regard dust blowing off the property and noise from the operating machinery
37 started in 2007 when the Small's greatly expanded the removal of rock from the quarry. The
38 Village Attorney has dealt with this issue before Judge Diltz who has deferred the issue to the
39 mediator. It is unlikely that the judge will order the quarry shut down based on the dust but
40 may order some type of action. The back-up alarms are controlled by OSHA and the Bureau of
41 Mines. This agreement provides for a substantial amount of watering for dust control that would
42 most likely exceed a court order. The ambient sensing back-up alarms would most likely ex-
43 ceed a court order as well.

44

45 **Screening and Landscaping**

46 The agreement provides for maintenance of a screening berm consistent with the Zoning Code
47 and the proposed future development.

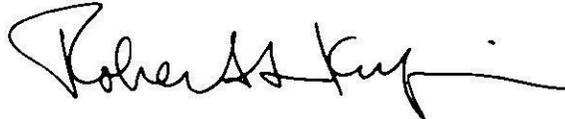
1
2 **Blasting and Crushing**

3 As noted above the Village took the quarry to court over the issue of blasting and the judge in-
4 dicated that it was a routine part of a quarry's operating and would not restrict it. This agree-
5 ment prohibits blasting on either parcel. One of the issues that the mediator raised was the
6 crushing of waste rock from the site. His comments opened the door for crushing on site which
7 had not previously occurred. This agreement limits crushing to only waste rock from the parcels
8 and limits that dates when it can be done.

9
10 None of the language or conditions in the proposed development agreement have been re-
11 viewed with the affected neighbors, however, many of the concepts had been endorsed at prior
12 meetings. Looking back over the complaints and problems that the quarry has created, lack of
13 support for Village lawsuits by the Judge, the operating changes that the conditional use permit
14 and development agreement create this proposal is slightly better than gambling that the exist-
15 ing quarry will cease operations in less than 10 years.

16
17 ***Recommendation: that the Plan Commission proceed to public hearing on the zoning text***
18 ***change and conditional use permit.***

19
20
21 Respectfully submitted,



22
23 Robert L. Kufrin
24 Consultant
25

QUARRY NEGOTIATIONS – EXPANSION / TERMINATION

PURPOSE OF THIS DOCUMENT:

This document is not a binding agreement, but rather an outline of the proposed material expectations made by Sister Bay Properties, LLC, the quarry operator, and Village consultant and former administrator, Robert Kufirin, made with the assistance and advice of legal counsel for both parties, Attorney Charles D. Koehler for Sister Bay Properties, LLC, and Attorney Randall Nesbitt for the Village of Sister Bay and Robert Kufirin, for purposes of taking the next step of submission of this outline to the Village Plan Commission and ultimately to the Village Board. .

If approved by the Village Plan Commission and Village Board, future quarry plans must be authorized pursuant to as a conditional use added to the B-1 Zoning District, subject to usual and customary input and approval from the Village Plan Commission and Village Board before the final conditional use permit is issued.

1. All conditions apply to the new and old quarry from the date of approval of the conditional use permit by the Village Board. The old quarry shall be defined as PIN_____ and the new quarry shall be defined as PIN_____. All references to the “quarry” include the old quarry and new quarry as a combined operating unit.
2. All quarry operations must cease 10 years from the date of the issuance of the Conditional Use Permit by the Village which, shall deemed to start not later than 1 year from issuance of the Conditional Use Permit by the Village in order to obtain the approval of the reclamation plan by the County.
3. Blasting will not be permitted in the quarry.
4. Dust control – active watering over working area and waste rock storage areas during all months of the year and times of day necessary to prevent dust from blowing beyond quarry property boundaries, except those months during which water pipes and/or hoses will freeze due to cold weather.
5. Access to the quarry is off from State Highway 42. The access road must have adequate dust control compound applied on a regular basis during quarry operations. The dust control compound shall be approved by, and applied at intervals recommended by, a licensed professional civil engineer so as to substantially eliminate the emanation of dust from the road resulting from used by quarry trucks and equipment.
6. Upon closure of the quarry, any future developer shall have future road locations approved by the Village through standard procedures. The rock excavation plan and the County reclamation plan should take into account the currently approved street plan, but the parties recognize that the ultimate developer of the property may apply to the Village for modified street location plans as are reasonable or necessary to contemplate the ultimate development plan subject to Village approval. Either the reclamation plan or the subsequent Development Agreement between the Village and developer shall require responsibility for the grading and gravel base for the roadway, not at Village expense. The parties recognize that the current Village official map is a guideline that can be amended with Village approval.
7. Quarry Hours of work - Monday through Friday (7:00 a.m. – 4:00 p.m.) year around.
8. At completed sections of the quarry, plant and maintain a preliminary 20-foot wide vegetative buffer (existing and new areas) adjacent to residential properties with various tree species, increased to a width of 50 feet at time of reclamation following closure. The term “completed sections” are those sections where quarrying has stopped, recognizing that reclamation operations may require temporary heavy equipment usage in the 30 foot expanded area (20 feet to 50 feet) of the buffer zone, that would cause damage to plantings if made prematurely. Additionally, standard commercially zoned screening requirements required by Village code shall be complied with in those areas adjacent to residentially zoned areas.

9. Create a reclamation plan consistent with Door County requirements. Provide a reliable written opinion from an experienced Door County realtor that the proposed limited depth quarry operations will not adversely affect future possible development plan scenarios for the reclaimed site. It is recognized that the future developer's selection of a plan based upon market conditions and surrounding development at that time will remain subject to Village approval. It is further recognized that neither the Village nor the quarry operator can realistically commit any developer to a current plan that would not be implemented for approximately 11 years into the future.
10. Crushing of waste rock from the quarry will be allowed during pre-determined time periods for reclamation not interfering with major Village social/tourist events. The pre-determined time periods shall fall between major civic and social events conducted in the Village and a schedule of those events shall be provided by the Village to the quarry operator sometime between January 1 and March 15 each year for the remainder of that calendar year.
11. All motorized equipment including highway vehicles and loading equipment shall use ambient-sensitive, self-adjusting back-up alarms, within audible limits as required by laws and regulations.
12. No rock excavation in the quarry below 10' from the existing surface of the bedrock, recognizing an estimated two feet of topsoil will be scrapped away and saved for reclamation, to reach the bedrock surface. The operator shall provide a scale drawing/plan prepared by a qualified firm that will establish the existing grade and the depth of rock at a minimum of five locations in the new quarry. The topsoil will be pushed into the quarry and used to make berms during the quarrying process, then replaced and spread over the surface as part of the reclamation plan.
13. The operator shall post a sign with a business name and a phone number to call for complaints at Highway 42 access point, or such other nearby location where permission or authorization for such sign giving adequate notice can be obtained.
14. No quarry operations for gravel is permitted, except that existing gravel residue may be removed during the final year of quarry operations in preparation implementing the remediation plan.
15. If the quarry fails to operate for 12 consecutive months, due to no action by the Village, and subject to advanced review of possible operation suspension limits under federal law all operations shall cease. The conditional use permit will lapse after 12 months in accordance with Village code if quarry operations have not commenced in the approved expansion area.
16. The conditional use permit shall apply to the existing owner and is transferable, subject to these conditions. This conditional use permit, shall also apply to all future owners of the quarry. The conditional use permit will be recorded as a deed restriction or covenant running with the land. Usual and customary requirements in the Village zoning code and land division code will apply to this site.
17. Violations:
 - a. The owner of the quarry must track all bona fide complaints alleging violations of the conditional use permits by recording date, description, and proposed corrective action. Any complaining party still has the right to complain directly to the Village in the event of disagreement on the validity and materiality of a complaint.
 - b. The owner of the quarry has 10 days to resolve complaints unless the Village agrees to an extension, however, if good faith efforts to resolve the complaints are commenced within 10 days and corrective action requires assistance or cooperation by third parties beyond control of owner, reasonable extensions will be granted to accommodate third party requirements.
 - c. If a pattern of unresolved complaints or consistent violations occurs, the Village will notify the owner of the quarry that corrective action must be taken within thirty days or the quarry must cease operation.

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1531 ZONING Permit Not Required

SEC. 66.1535 CONDITIONAL Use Permit

1 developed by the Village Engineer. A
2 zoning permit shall not be issued for
3 a project requiring a grading plan
4 until it is approved by the Village
5 Engineer.

6 Sec. 66.1531 Zoning Permit Not Required

7 No zoning permit shall be required for any of the
8 following activities; provided that any work that
9 does qualify for an exemption under this section
10 shall be required to comply with the applicable
11 setback, height, and other requirements set forth
12 in this chapter:

- 13 (a) Accessory structures shall require a regular
14 zoning permit except: minor structures
15 such as birdhouses, yard light poles, bird-
16 baths, doghouses (housing dogs which are
17 licensed as the personal pets of the resi-
18 dents of the property), tree houses, chil-
19 dren’s play apparatus, home heating oil
20 storage tanks, clothesline poles, lawn or-
21 naments, flag poles, mailboxes, garbage
22 containers and ice fishing shanties. Acces-
23 sory buildings greater than 120 square feet
24 in area shall also require the issuance of a
25 building permit. (Amended Ordinance
26 120-061306)
27 (b) For repairs that do not alter the size or po-
28 sition of an existing structure on a lot.
29 (Amended Ordinance 120-061306)

30 Sec. 66.1532 Certificates of Occupancy and
31 Compliance Required

- 32 (a) Certificate of occupancy.
33 No vacant land shall be occupied or used;
34 and no building or premises shall be erect-
35 ed, altered, or create a change in use; and
36 no non-conforming use shall be changed,
37 or extended until a certificate of occupan-
38 cy has been issued by the Zoning Adminis-
39 trator or designee. Such certificate shall
40 show that the building, premises or part
41 thereof complies with the provisions of this
42 chapter. Such certificate shall be applied
43 for prior to the time of occupancy of any
44 land and/or building.
45 (b) Certificate of compliance.
46 No building located in a business district
47 and used for business purposes shall have
48 the use changed without the issuance of a
49 new certificate of compliance by the Zon-
50 ing Administrator or designee. Such certi-
51 ficate shall show that the building or prem-
52 ises or part thereof is in compliance with
53 the provisions of the Zoning Code, Build-
54 ing Code, Electrical Code, Fire Prevention

55 Code and the Plumbing Code of the Vil-
56 lage and State of Wisconsin. Application
57 for a certificate of compliance shall be
58 made in the same manner as for a zoning
59 permit pursuant to section 66.1530 [See
60 page 155] of this chapter.

61 Sec. 66.1535 Conditional Use Permit

62 Note: This section was amended in its entirety by
63 Ordinance 173-081010)

64 The Village Board may authorize the Zoning Ad-
65 ministrator to issue a conditional use permit for a
66 conditional use after a review and recommenda-
67 tion by the Plan Commission. The request for a
68 permit for a conditional use shall be filed with the
69 Zoning Administrator on an official application
70 form and shall be accompanied by the required
71 fee and detailed written and graphic materials ful-
72 ly explaining the proposed development. The ap-
73 plicant shall explain in writing why a conditional
74 use permit should be issued addressing the criteria
75 in subsection (i) below. A public hearing shall be
76 conducted by the Plan Commission.

- 77 (a) Applicant.
78 Names and addresses of the applicant,
79 owner of the site, architect, professional
80 engineer, contractor and all opposite and
81 abutting property owners of record.
82 (b) Project Description.
83 Description of the subject site by lot,
84 block, and recorded subdivision or by
85 metes and bounds; address of the subject
86 site; type of structure; proposed operation
87 or use of the structure or site; number of
88 employees; and the zoning district within
89 which the subject site is located.
90 (c) Plat of Survey.
91 Plat of survey prepared by a registered land
92 surveyor showing all of the information re-
93 quired under section 66.1530(c) for a zon-
94 ing permit and, in addition, the ordinary
95 high water mark, and existing and pro-
96 posed landscaping.
97 (d) Additional Information Required.
98 Additional information as may be required
99 by the Plan Commission, Village Engineer,
100 Zoning Administrator, Utility Manager or
101 Fire Inspector.
102 (e) Conditional Uses Will be Reviewed as to
103 Intent.
104 A conditional use is development, which
105 would not generally be appropriate within
106 a district, but might be allowed in certain
107 locations within the district, if specific re-
108 quirements are met. The compatibility
109 must be judged on the basis of the particu-
110 lar use.

VILLAGE OF SISTER BAY ZONING CODE

1 lar circumstances and may require the im- 57
2 posing of conditions before the use, devel- 58
3 opment or occupancy is permitted. The in- 59
4 tent is to allow a reasonable degree of dis- 60
5 cretion to the Plan Commission in deter- 61
6 mining the suitability of a particular use or 62
7 development at a specific location. 63
8 (f) Plan Commission Action. 64
9 The Plan Commission is empowered to 65
10 recommend a development agreement for 66
11 a conditional use if the following require- 67
12 ments are met. Uses, which require such a 68
13 permit, are identified in the respective dis- 69
14 trict regulations. The Plan Commission 70
15 may make such recommendation as it 71
16 deems appropriate regarding approval of 72
17 the request. The Board of Trustees shall 73
18 approve or deny all conditional use per- 74
19 mits and related development agreements 75
20 as submitted. 76
21 (g) Conditions. 77
22 Conditions related to landscaping, archi- 78
23 tectural design, type of construction, con- 79
24 struction commencement and completion 80
25 dates, sureties, lighting, fencing, operation- 81
26 al control, hours of operation, traffic circu- 82
27 lation, deed restrictions, access restrictions, 83
28 setbacks and yards, sewerage disposal, wa- 84
29 ter supply, storm water management and 85
30 parking requirements may be required by 86
31 the Village Plan Commission upon its find- 87
32 ing that such conditions are necessary to 88
33 fulfill the purposes and intent of this chap- 89
34 ter. 90
35 (h) Issuance and Safeguards. 91
36 If a development agreement is required, 92
37 the permit for a conditional use shall be 93
38 part of the development agreement, and 94
39 shall be attached thereto. In recommend- 95
40 ing any conditional use, the Plan Commis- 96
41 sion may prescribe appropriate conditions 97
42 and safeguards in conformity with this 98
43 chapter. The Plan Commission may request 99
44 that the Village be provided with either a 100
45 surety bond, cash escrow, certificate of de- 101
46 posit, securities, or cash deposit prior to is- 102
47 suance of the conditional use permit. The 103
48 security shall be used to guarantee compli- 104
49 ance with the conditions of the permit and 105
50 shall be returned to the developer when an 106
51 occupancy permit is issued. 107
52 (i) Decision Criteria. 108
53 In making a determination on an applica- 109
54 tion for a conditional use, the Plan Com- 110
55 mission shall consider all relevant factors 111
56 specified in other sections of this chapter 112

including standards for specific require-
ments for certain land uses and activities.
The Plan Commission shall consider the
following criteria:

- (1) **Compatibility.**
The compatibility of the proposed use with existing development within 300 feet of the proposed use and within 500 feet along the same street and development anticipated in the foreseeable future within the neighborhood and conditions, which would make the use more compatible. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.
- (2) **Consistency with the Comprehensive Plan.**
The relationship of the proposed use to the objectives of the Village of Sister Bay comprehensive plan. The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
- (3) **Importance of Services to the Community.**
The importance of the services provided by the proposed use to the community, if any, and the requirements of the use for certain locations, if any, and without undue inconvenience to the developer and the availability of alternative locations equally suitable.
- (4) **Neighborhood Protections.**
The sufficiency of the terms and conditions proposed to protect and maintain the uses in the surrounding neighborhood. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted nor substantially diminish and impair property values within the surrounding area.
- (5) **Conformance with other Requirements of the Chapter.**
The conditional use shall in all other respects conform to the applicable regulations of the district in which it is located and the Plan

VILLAGE OF SISTER BAY ZONING CODE

1 Commission shall find that there is a
2 public necessity for the conditional
3 use.
4 (j) Other Factors.
5 Other factors pertinent to the proposed
6 use, site conditions or surrounding area
7 considerations, which the Plan Commis-
8 sion feels, are necessary for review in order
9 to make an informed and just decision.
10 (k) Public Hearing.
11 Whenever a conditional use permit is re-
12 quested and the required public hearing is
13 scheduled and noticed by the Village as a
14 Class 2 notice, the Village shall give no-
15 tice, by regular mail, of the proposed con-
16 ditional use to all property owners whose
17 property lies within 300 feet measured in a
18 straight line from the exterior boundary of
19 the property subject to the proposed condi-
20 tional use permit. The notice shall be
21 mailed at least ten days prior to the hear-
22 ing; however, failure of a neighboring
23 property owner to receive such mailed no-
24 tice shall not invalidate a public hearing. If
25 action is delayed more than 120 days from
26 the date of public hearing, a new public
27 hearing shall take place. In addition to the
28 notification requirements listed above, ap-
29 plicant shall post signage visible to every
30 facing street at least ten days prior to the
31 hearing. The signage shall identify the
32 property as being the subject of a public
33 hearing and identify the appropriate Vil-
34 lage office that may be contacted for in-
35 formation.
36 (l) Resubmissions.
37 A conditional use permit application that
38 has been heard and denied shall be eligi-
39 ble to be resubmitted only if the applicant
40 submits an affidavit to the Plan Commis-
41 sion identifying how the new application
42 materially differs from the previous appli-
43 cation or identifying substantial new evi-
44 dence that will be offered. The Plan Com-
45 mission shall review the affidavit and then
46 vote by simple majority of the members
47 present on the question of whether the
48 changes or new evidence would be of such
49 significance that the Plan Commission may
50 consider changing the previous decision. If
51 the resubmission is accepted, the Plan
52 Commission shall schedule a hearing on
53 the entire resubmitted application. If the
54 Plan Commission rejects the resubmitted
55 application, a new application shall not be
56 submitted during the following 12 months.

57 (m) Notice to DNR.
58 The Plan Commission shall transmit a copy
59 of each application for a wetland condi-
60 tional use in the W-1 district to the Wis-
61 consin Department of Natural Resources
62 (DNR) by certified mail at least ten days
63 prior to the public hearing. Final action on
64 the application by the Village Board shall
65 not be taken for 30 days from the date the
66 DNR receives notice of public hearing by
67 certified mail or until the DNR has made
68 its recommendation, whichever comes
69 first. A copy of all wetland conditional use
70 decisions shall be transmitted to the DNR
71 within ten days following the decision.
72 (n) Conditional Use for Use Expiration.
73 Conditional use permits to establish a use
74 shall expire 12 months from the date of is-
75 suance if no action has commenced to es-
76 tablish the use, unless a different time is es-
77 tablished as a condition of granting the
78 conditional use permit. Any change of land
79 use after the expiration of a conditional use
80 permit shall be considered a violation of
81 this chapter.
82 (o) Conditional Use for Construction Expira-
83 tion
84 Conditional use permits for construction of
85 a structure shall expire 12 months from the
86 date of issuance, unless a different time pe-
87 riod is established as a condition of grant-
88 ing the conditional use permit. Any exteri-
89 or construction after the expiration of a
90 conditional use permit shall be considered
91 a violation of this chapter and shall warrant
92 consideration for revocation of the Condi-
93 tional Use permit in accordance with sec-
94 tion 66.1535(l) of this chapter.
95 (p) Amendments.
96 Changes subsequent to the initial issuance
97 of a conditional use permit, which would
98 substantially affect the conditions listed in
99 section 66.1535(e) of this chapter, shall re-
100 quire an amendment to the conditional use
101 permit. The process for amending a permit
102 shall generally follow the same procedures
103 as those required for granting a conditional
104 use permit as set forth in this section.
105 (q) Revocation of Conditional Use Permit.
106 Should a permit applicant, his/her heirs or
107 assigns, fail to comply with the conditions
108 of the permit issued by the Zoning Admin-
109 istrator or should the use or characteristics
110 of the use be changed without prior ap-
111 proval by the Village Board, the Condi-
112 tional Use Permit may be revoked. The

VILLAGE OF SISTER BAY ZONING CODE

SEC. 66.1540 OTHER Permits

SEC. 66.1575 RENEWAL of Permits

1 process for revoking a permit shall general-
2 ly follow the same procedures as those re-
3 quired for granting a conditional use per-
4 mit as set forth in this section.

5 (r) Existing Conditional Uses.
6 All uses existing on the effective date of
7 this chapter, which would be classified as
8 conditional uses in the particular districts
9 concerned, if they were to be established
10 after the effective date of this chapter, are
11 hereby declared conforming conditional
12 uses. Any proposed change or expansion,
13 including signage and parking, of the exist-
14 ing operation shall be subject to the condi-
15 tional use procedures and regulations in
16 this section, as if such use was being newly
17 established.

18 **Sec. 66.1540 Other Permits**

19 It is the responsibility of the permit applicant to
20 secure all other necessary permits required by any
21 state, federal, or county agency. This includes, but
22 is not limited to, a water use permit pursuant to
23 Chapter 30 of the Wisconsin Statutes, a water
24 quality certification pursuant to Chapter NR 103
25 of the Wisconsin Administrative Code, or a wet-
26 land fill permit pursuant to section 404 of the
27 Federal Water Pollution Act.

28 **Sec. 66.1545 Permit Fees**

29 All persons, firms, or corporations performing
30 work, which by this chapter requires the issuance
31 of a permit, shall pay a fee for such permit to the
32 Village Clerk to help defray the cost of administra-
33 tion, investigation, advertising, and processing of
34 permits and variances. The permits for which a
35 fee is required are the Building Permit, Certificate
36 of Occupancy, Conditional Use Permit and Sign
37 Permit. A fee shall also be required for a zoning
38 text or map amendment, and zoning appeal or
39 variance. The fees shall be set forth in the Munic-
40 ipal Code of the Village, or by resolution as
41 amended from time to time.

42 **Sec. 66.1550 Violations**

43 It shall be unlawful to construct or use any struc-
44 ture, land or water in violation of any of the provi-
45 sions of this chapter. Failure to secure the neces-
46 sary permits prior to commencing construction
47 shall also constitute a violation. In case of any
48 violation, the Village Board, the Zoning Adminis-
49 trator, the Plan Commission or any property own-
50 er who would be specifically damaged by such
51 violation may institute appropriate action or pro-
52 ceedings to enjoin or abate a violation of this
53 chapter.

54 **Sec. 66.1560 Remedial Action**

55 Whenever an order of the Zoning Administrator
56 has not been complied with within 30 days after
57 written notice has been mailed to the owner, resi-
58 dent agent, or occupant of the premises, the Vil-
59 lage Board, the Plan Commission, the Zoning
60 Administrator, or the Village Attorney may insti-
61 tute appropriate legal action or proceedings to
62 prohibit such owner, agent, or occupant from us-
63 ing such structure, land, or water; and to cause to
64 remove such structure or use.

65 **Sec. 66.1570 Penalties**

66 Penalties for violation of the provisions of this
67 chapter shall be in accordance with the provisions
68 of the Municipal Code.

69 **Sec. 66.1575 Renewal of Permits**

70 If construction has commenced prior to the expi-
71 ration of a regular zoning permit, but is not com-
72 pleted prior to such expiration, a 12-month re-
73 newal regular zoning permit shall be issued by the
74 zoning administrator upon submittal of a renewal
75 application and fee. Additional renewals shall be
76 granted by the zoning administrator upon a find-
77 ing that substantial progress had been made dur-
78 ing the previous year toward completion of the
79 structure. If a 12-month period passes without evi-
80 dence of substantial progress towards comple-
81 tion, the zoning administrator shall advise the
82 Plan Commission of such fact and the Plan Com-
83 mission may call a public hearing on the matter
84 and may impose a completion schedule. A struc-
85 ture shall be deemed completed when the roof,
86 exterior walls, doors, windows and sub-floors are
87 in place and finished and utility connections have
88 been made and required landscaping and site im-
89 provements have been made.

90

RESOLUTION № XXX – XXXX15
APPROVING A DEVELOPMENT AGREEMENT AND CONDITIONAL USE
PERMIT FOR THE SISTER BAY PROPERTIES LLC PROPERTY LOCATED AT
2581 SOUTH BAY SHORE DRIVE

WHEREAS, the Plan Commission of the Village of Sister Bay has conducted a public hearing for the purposes of receiving testimony on the need for a conditional use permit to allow a dimension stone quarry to operate on Parcel 1810007312811A4 located at 2581 South Bay Shore Drive; and

WHEREAS, at the July XX, 2015 meeting, the Plan Commission did make the following determinations regarding the expansion of the dimension stone quarry operation Section 66.1535.

- (1) The B-1 General Business District does allow quarries as conditional uses that only extract dimension stone.
- (2) The existing quarry operating at 2581 South Bay Shore Drive on Parcel 1810007312811A3 could operate indefinitely utilizing blasting to reach deeper seams of valuable rock.
- (3) The owner of the quarry has agreed to cease all work on both parcels after 10 years in exchange for permission to quarry for dimension stone on Parcel 1810007312811A4.
- (4) The Plan Commission has established a variety of conditions in the Development Agreement that would require the:
 - a. application of water to control dust
 - b. limits on the hours of operation
 - c. prohibition on blasting
 - d. access limitations to the quarry
 - e. vegetative buffers for adjacent residential zoned property
 - f. monitoring of and responding to complaints
- (5) The owner has submitted drawings of a future site plan that when developed would create a mix of general business and multi-family parcels that would be compatible with the surrounding neighborhood.
- (6) The proposed expansion of the quarry operation is not inconsistent with the Comprehensive Plan.
- (7) Based on the duration of operations, site access controls, signage, site restoration, noise, dust, hours of operation and the tracking of complaints controls set forth in the development agreement that they provide sufficient protections to maintain the uses in the surrounding neighborhood.
- (8) The development agreement has a variety of conditions that apply immediately to Parcel 1810007312811A3 upon approval of the development agreement and to Parcel 1810007312811A4 upon approval of the Door County Soil and Water Reclamation Plan.
- (9) This conditional use permit shall expire one year from the date of the approval of this resolution unless the owner obtains approval of the Door County Soil and Water Reclamation Plan within that period of time.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Village of Sister Bay, Wisconsin that a conditional use permit is granted to Sister Bay Properties LLC. to allow the expansion of a dimension stone quarry into Parcel 1810007312811A4 as specified in the attached Development Agreement titled: to this Resolution.

Conditional Use Permit and Development Agreement for Sister Bay Properties, LLC., dba Door County Custom Stone

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Sister Bay Properties LLC.

INTRODUCED at a regular meeting of the Board of Trustees of the Village of Sister Bay held this XXth day of _____ 2015.

Passed and adopted this ___ day of _____, 2015.

David W. Lienau, President

ATTEST:

Christy Sully, Village Clerk

VOTE: Ayes ____ Noes ____

SISTER BAY PROPERTIES, LLC. DEVELOPMENT AGREEMENT

1
2 4. The Developer has at this time, and will have so long as this Development Agreement continues in
3 effect, project-financing commitments sufficient to provide available funds for the completion of
4 the Developer's obligations under this Development Agreement. The developer shall provide
5 evidence that those commitments exist upon the signing of this agreement.
6

7 5. The term development agreement shall also mean conditional use permit as defined by Section
8 66.1535 of the Municipal Code
9

SECTION 2. ZONING APPROVALS

10
11 1. The property is presently unoccupied and is located in the B-1 General Business District. Parcel #1
12 is currently in use as a dimension stone quarry and Parcel #2 is vacant land. The Developer will
13 expand the dimension stone quarry to Parcel #2 upon receipt of a permit from the Door County
14 Soil and Water Department. The Village agrees, subject to the approval by the Developer of this
15 agreement, that Parcel #1 and Parcel #2 will receive a Conditional Use Zoning Permit as per the
16 requirements of Section 66.1535 of the Municipal Code. The Developer agrees that the primary
17 standard to be met for the issuance of the Zoning permit is the operation of a dimension stone
18 quarry. The Developer agrees to cease operation consistent with Section 7 of this Agreement.
19

20 2. The Developer agrees to comply with all of the requirements of Municipal Code that relate to
21 zoning, utility, fire and the building codes.
22

23 3. The Developer agrees to build or operate the project represented on the various attachments listed
24 below. The project in all its phases shall be constructed as follows:
25

- 26 a. The site survey for Parcel #1 dated XX/XX/XX.
- 27 b. The site survey for Parcel #2 dated XX/XX/XX.
- 28 c. The site reclamation for Parcel #1 as approved by the Door County Soil and Water
29 Department dated XX/XX/XX.
- 30 d. The site reclamation for Parcel #2 to be approved by the Door County Soil and Water
31 Department will be added to and become part of this agreement upon it approval.
32

SECTION 3. PROJECT PHASING

33
34 1. The Developer acknowledges that the time period of validity for the Conditional Use Zoning
35 Permit is for a period of outlined in Section 7. However, all the other requirements and operating
36 procedures established by this Agreement become effective upon the date of approval of this
37 Development Agreement by the Village for Parcel #1.
38

39 2. All the operating and other requirements set forth in this Development Agreement shall become
40 effective for Parcel #2 upon the issuance or approval of a reclamation plan by the Door County
41 Soil and Water Department.
42

43 3. No work or soil/rock disturbance activities shall occur on Parcel #2 until the issuance or approval
44 of a reclamation plan by the Door County Soil and Water Department.
45

SECTION 4. OPERATING PERMITS

46
47 It is expressly understood and agreed that no operating permit shall be issued for the new quarry until
48 the Village has determined that:
49

50 1. The Developer has paid in full all permit fees, impact fees, connection fees and reimbursement of
51 administrative costs as required and in effect at the time of this agreement.
52

SISTER BAY PROPERTIES, LLC. DEVELOPMENT AGREEMENT

2. The Developer is not in default of any aspect of this agreement.

SECTION 5. RESERVATION OF RIGHTS AS TO ISSUANCE OF ZONING PERMITS

The Village reserves the right to withhold issuance of some or all zoning permits if Developer is in violation of this agreement. The Developer acknowledges that the issuance of a Door County Soil and Water Department Reclamation Plan is not under the control of the Village.

SECTION 6. PROJECT IMPROVEMENTS**A. SITE ACCESS**

The Developer hereby agrees that:

1. Access to the quarry is off from State Highway 42. The access road must have adequate dust control compound applied on a regular basis to control dust. The dust control compound shall be approved by, and applied at intervals recommended by, a licensed professional civil engineer so as to substantially eliminate the emanation of dust from the road resulting from used by quarry trucks and equipment. A copy of this certification as amended shall be provided to the Village.
2. The Developer agrees the current access road to the quarry is within an existing and proposed public right of way that the Village has designated for a roadway and that the developer has an easement to use that right of way. If at any time the Village determines that the roadway must be paved the cost of paving shall be shared by the developer consistent with the private easement agreement.
3. The Developer shall have ultimate responsibility for cleaning up all mud, dirt, stone or debris on public streets due to the operation of the quarry. The Developer owner shall use its best efforts to clean up the streets within twenty-four (24) hours after receiving a notice from the Village. If the mud, dirt, stone or debris is not cleaned up after notification, the Village will do so at the Developer's expense, at the option of the Village.
4. Upon closure of the quarry, any future developer shall have future road locations approved by the Village through standard procedures. The rock excavation plan and the County reclamation plan should take into account the currently approved street plan, but the parties recognize that the ultimate developer of the property may apply to the Village for modified street location plans as are reasonable or necessary to contemplate the ultimate development plan subject to Village approval. Either the reclamation plan or the subsequent Development Agreement between the Village and the Developer shall require responsibility for the grading and gravel base for the roadway, not at Village expense. The parties recognize that the current Village Official Map is can be amended with Village approval.

B. SIGNAGE

1. The Developer shall post a sign at the Highway 42 access point, or such other nearby location where permission or authorization for such sign can be obtained. The sign shall include the business name and related information. The sign shall include a phone number to contact the Developer.
2. The Developer acknowledges that business related signage is not part of this approval and must be applied for separately. Also that any representation of business signage on the plan sheets is representative only and not approved as part of this agreement.

C. SITE RESTORATION

The Developer hereby agrees that:

1. The improvements shall be constructed in accordance with the following specifications.

SISTER BAY PROPERTIES, LLC. DEVELOPMENT AGREEMENT

- 1 a. Door County Soil and Water, Mine Reclamation Requirements.
 2 b. United States Bureau of Mines
 3 c. Occupation, Safety and Health Administration
 4
- 5 2. The Developer shall create a reclamation plan consistent with Door County requirements. The
 6 Developer shall provide the Village with a reliable written opinion from an experienced Door
 7 County realtor that the proposed limited depth quarry operations will not adversely affect future
 8 possible development plan scenarios for the reclaimed site. It is recognized that a future
 9 developer's selection of a plan based upon market conditions and surrounding development at
 10 that time will remain subject to Village approval. It is further recognized that neither the Village
 11 nor the quarry operator can realistically commit any developer to a current plan that would not be
 12 implemented for approximately 11 years into the future.
 13
- 14 3. Nothing in this agreement shall eliminate the compliance with any Village, County or State
 15 development requirements once the project reaches the expiration of the 10-year period. The
 16 developer agrees to do all the public and private infrastructure construction according to the
 17 Village's various codes including but not limited to the Zoning Code, Utility Code, Land Division
 18 Code and the Design Standards. Upon completion of all construction the developer shall provide
 19 the Village with "as built" plans. The developer agrees that all underground piping regardless of
 20 type or location shall be marked with locating wire according to accepted standards. The
 21 developer agrees that all improvements within the public right-of-way or public easements shall be
 22 inspected by Village inspectors at the developer's expense.
 23
- 24 4. *Kufrin Language:*
 25 *The Developer plans to expand an existing dimensional stone quarry operation into an adjacent*
 26 *vacant parcel. Certain zoning setback requirements shall apply consistent with the proposed use*
 27 *and existing zoning on adjacent parcels. The following setbacks and landscape buffer conditions*
 28 *shall apply.*
- 29 a. *The Plan Commission determines that this project / operation shall fall under Section*
 30 *66.0307(d) as a Large Project and that the rear setback for both Parcel #1 and Parcel #2*
 31 *shall be 20 feet from the all property lines.*
- 32 b. *In addition to the setback in sub a above the portions of Parcel #1 and Parcel #2 that abut*
 33 *land zoned residential shall include an additional 20 foot wide landscape buffer as defined in*
 34 *Section 66.0303(h).*
- 35 c. *No land disturbance activities including rock quarrying, tree removal, rock storage or dirt*
 36 *storage shall occur in the two buffer areas described in sub a and b as described below:*
- 37 1. *Parcel #1 is an active quarry and no additional work as described in sub c shall extend*
 38 *further into the buffer zones described in sub a, sub b and sub d.*
- 39 2. *Parcel #2 is a new quarry and no work described in sub c shall occur in the buffer*
 40 *zones described in sub a and sub b at any time.*
- 41 d. *The western portion of Parcel #1 is covered by an officially mapped street right of way 25*
 42 *foot wide extending along the western most property line. The Large Project setback in sub a*
 43 *above shall also apply for a total setback of 45 feet from the western property line.*
- 44 e. *No land disturbance activities including rock quarrying, tree removal, rock storage or dirt*
 45 *storage shall occur in the eastern section of Parcel #2 extending out to Fieldcrest Road,*
 46 *which is approximately 225 feet in length and 70 feet in width. This connection to Fieldcrest*
 47 *Road shall not be used for any purpose by the Developer until reclamation of both parcels is*
 48 *complete.*
 49
- 50 4. **Developer Language:**
 51 At completed sections of the quarry, plant and maintain a preliminary 20-foot wide vegetative buffer
 52 (existing and new areas) adjacent to residential properties with various tree species, increased to a

width of 50 feet at time of reclamation following closure. The term "completed sections" are those sections where quarrying has stopped, recognizing that reclamation operations may require temporary heavy equipment usage in the 30 foot expanded area (20 feet to 50 feet) of the buffer zone, that would cause damage to plantings if made prematurely. Additionally, standard commercially zoned screening requirements required by Village code shall be complied with in those areas adjacent to residentially zoned areas.

D. NOISE, DUST AND HOURS OF OPERATIONS

1. No rock excavation in the quarry below ten feet from the existing surface of the bedrock, recognizing an estimated two feet of topsoil will be scrapped away and saved for reclamation, to reach the bedrock surface on Parcel #2. The Developer shall provide a scale drawing/plan prepared by a qualified firm that will establish the existing grade and the depth of rock at a minimum of five locations in the new quarry (Attachment 3b.). The topsoil will be pushed into the quarry and used to make berms during the quarrying process, then replaced and spread over the surface as part of the reclamation plan.
2. The Developer shall make every effort to minimize noise, dust and similar disturbances, recognizing that the project is located near existing residences and businesses. Dust control on Parcel #1 and Parcel #2, which shall be defined as active watering over working area and waste rock storage areas during all months of the year and times of day necessary to prevent dust from blowing beyond quarry property boundaries, except those months during which water pipes and/or hoses will freeze due to cold weather. The Developer shall install and maintain any site watering (dust control) system, including a well, subject to the necessary permits as required from the Village Utility Department or applicable State Building Code.
3. The project construction or demolition shall only occur between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday.
4. Blasting is not permitted at any time on either parcel.
5. Crushing of waste rock from the quarry will be allowed prior to June 1st and after the third week of October so as to not interfering with major Village social/tourist events.
6. No quarry operations for gravel are permitted, except that existing gravel residue may be removed during the final year of quarry operations in preparation implementing the remediation plan.
7. All motorized equipment including highway vehicles and loading equipment shall use ambient-sensitive, self-adjusting back-up alarms, within audible limits as required by laws and regulations.
8. All destroyed trees, brush, tree trunks, shrubs and other natural growth and all rubbish are removed from the development and disposed of lawfully.

SECTION 7. TIME OF COMPLETION OF IMPROVEMENTS

The operation of the quarry as set forth in this Agreement shall be completed by the Developer in total within the specific time limits from the date of this agreement being signed except as otherwise provided for in this agreement. All quarry operations must cease 10 years from the date of the issuance of the Conditional Use Permit by the Village which, shall deemed to start not later than 1 year from issuance of the Conditional Use Permit by the Village in order for the Developer to obtain the approval of the reclamation plan by the County.

SECTION 8. FAILURE TO MAINTAIN OPERATIONS

If the quarry fails to operate for 12 consecutive months, due to no action by the Village, and subject to advanced review of possible operation suspension limits under federal law all operations shall cease. The conditional use permit will lapse after 12 months in accordance with Village code if quarry operations have not commenced in the approved expansion area.

SECTION 9. OPERATIONS COMPLAINTS

Complaint Handling:

1. The Developer must track all complaints alleging violations of the conditional use permits by recording date, description, and proposed corrective action. Any complaining party still has the right to complain directly to the Village in the event of disagreement on the validity and materiality of a complaint.
2. The Developer has 10 days to resolve complaints unless the Village agrees to an extension, however, if good faith efforts to resolve the complaints are commenced within 10 days and corrective action requires assistance or cooperation by third parties beyond control of owner, reasonable extensions will be granted to accommodate third party requirements.
3. If a pattern of unresolved complaints or consistent violations occurs, the Village will notify the Developer that corrective action must be taken within thirty days or the quarry must cease operation.
4. The Village has the right to inspect the Developer's complaint log upon request.

SECTION 10. SALE OF QUARRY AND TRANSFER OF CONDITIONAL USE PERMIT

The conditional use permit shall apply to the existing owner and is transferable, subject to the conditions in Section 21. This conditional use permit, shall also apply to all future owners of the quarry. The conditional use permit will be recorded as a deed restriction or covenant running with the land. Usual and customary requirements in the Village zoning code and land division code will apply to this site.

SECTION 11. CONDITIONS OF ALL OBLIGATIONS OF THE PARTIES UNDER THIS DEVELOPMENT AGREEMENT

As a condition to each and all of the covenants, agreements and other obligations of the Village under this Development Agreement, all of the following shall occur, in addition to all other requirements and conditions set forth in this Development Agreement:

1. All representations and warranties of the Developer set forth in this Development Agreement and in all agreements expressly referred to herein shall at all times be true, complete and correct;
2. All covenants and obligations of the Developer under this Development Agreement are duly and substantially performed, observed, satisfied and paid, when and as required herein;
3. No event of default has occurred, or with the giving of notice or lapse of time would occur;
4. There is no material adverse change in the financial condition of the Developer, which might impair its ability to perform its obligations under this Development Agreement.

SECTION 12. DEFAULT/REMEDIES

1. An event of default ("Event of Default") is any of the following:
 - a. A failure by the Developer to cause substantial completion of the Development Project or any part thereof to occur pursuant to the terms, conditions and limitations of this Development Agreement; a failure of either party to perform or observe any and all covenants, conditions, obligations or agreements on its part to be observed or performed when and as required under this Development Agreement within thirty (30) days of notice of the failure to the Developer;
 - b. A failure by the Developer to pay any amount or when and as due to the Village within ten (10) days of notice of such failure to the Developer;

SISTER BAY PROPERTIES, LLC. DEVELOPMENT AGREEMENT

- 1 c. The Developer becomes insolvent or is the subject of bankruptcy, receivership or insolvency
 2 proceedings of any kind; or
 3 d. The dissolution or liquidation of the Developer, or the commencement of any proceedings
 4 therefore.
 5

- 6 2. Whenever an Event of Default occurs and is continuing, the non-breaching party may take any
 7 one or more of the following actions without waiving any rights or remedies available to it:
 8 a. Immediately suspend its performance under this Development Agreement from the time any
 9 notice of an event of default is given until it receives assurances from the breaching party
 10 deemed adequate by the non-breaching party, that the breaching party will cure its default
 11 and continue its due and punctual performance under this Development Agreement; or
 12 b. Commence legal or administrative action, in law or in equity, which may appear necessary
 13 or desirable to enforce performance and observance of any obligation, agreement or
 14 covenant of the breaching party under this Development Agreement.
 15 c. Perform or have performed all necessary work in the event the non-breaching party
 16 determines that any Event of Default may pose an imminent threat to the public health or
 17 safety, without any requirement of any notice whatsoever. In the event of a default by the
 18 Developer, the Village may seek to use and apply all or any portion of the bond provided by
 19 the Developer to the Door County Soil and Water Department for reclamation.
 20

- 21 3. No remedy or right conferred upon or reserved to a party in this Development Agreement is
 22 intended to be exclusive of any other remedy or remedies, but each and every such right and
 23 remedy shall be cumulative and shall be in addition to every other right and remedy given under
 24 this Development Agreement now or hereafter existing at law or in equity. No delay or omission to
 25 exercise any right or power accruing upon any default shall impair any such right or power or
 26 shall be construed to be a waiver thereof, but any such right and power may be exercised from
 27 time to time and as often as may be deemed expedient.
 28

- 29 4. In the event any warranty, covenant or agreement contained in this Development Agreement
 30 should be breached by a party and thereafter waived by the other, such waiver shall be limited to
 31 the particular breach so waived and shall not be deemed to waive any other concurrent, previous
 32 or subsequent breach hereunder.
 33

- 34 5. Whenever any Event of Default occurs and a party incurs attorney's fees, court costs and other
 35 such expenses for the collection of payments due or to become due or for the enforcement or
 36 performance or observance of any obligation or agreement on the part of the other herein
 37 contained, the prevailing party shall be reimbursed the actual attorney's fees, court costs and other
 38 such expenses incurred by such prevailing party.
 39

SECTION 13. ADDITIONAL PROVISIONS

- 40
 41 1. No member of any governing body or other official of the Village ("Village Official") shall have
 42 any financial interest, direct or indirect, in this Development Agreement, the Property or the
 43 Development Project, or any contract, agreement or other transaction contemplated to occur or be
 44 undertaken thereunder or with respect thereto, unless such interest is disclosed to the Village and
 45 the Village Official fully complies with all conflict of interest requirements of the Village. No
 46 Village Official shall participate in any decision relating to this Development Agreement, which
 47 affects his or her personal interest or the interests of any corporation, partnership, or association in
 48 which he or she is directly or indirectly interested. No member, official or employee of the Village
 49 shall be personally liable to the Village for any event of default or breach by the Developer of any
 50 obligations under the terms of this Development Agreement.
 51

SISTER BAY PROPERTIES, LLC. DEVELOPMENT AGREEMENT

- 1 2. All exhibits and other documents attached hereto or referred to herein are hereby incorporated in
 2 and shall become a part of this Development Agreement.
 3
- 4 3. Nothing herein shall be construed or interpreted in any way to waive any obligation or
 5 requirement of the Developer to obtain all necessary approvals, licenses and permits from the
 6 Village in accordance with its usual practices and procedures, nor limit or affect in any way the
 7 right and authority of the Village to approve or disapprove any and all plans and specifications, or
 8 any part thereof, or to impose any limitations, restrictions and requirements on the development,
 9 construction and/or use of the Development Project as a condition of any such approval, license
 10 or permit; including, without limitation, requiring any and all other development and similar
 11 agreements.
 12
- 13 4. Time is deemed to be of the essence with regard to all dates and time periods set forth herein or
 14 incorporated herein.
 15
- 16 5. Descriptive headings are for convenience only and shall not control or affect the meaning or
 17 construction of any provision of this Development Agreement.
 18
- 19 6. This Development Agreement shall not limit the ability to of the Village to object to the proposed
 20 reclamation plan for Parcel #2 if the work proposed for that plan is materially different from the
 21 proposal made to the Village under the terms of this Development Agreement.
 22
- 23 7. Any notice required hereunder shall be given in writing, signed by the party giving notice,
 24 personally delivered or mailed by certified or registered mail, return receipt requested, to the
 25 parties' respective addresses as follows:
 26

27 Village Administrator
 28 Village of Sister Bay
 29 2383 Maple Drive
 30 Sister Bay, WI 54234
 31

32 The notices or responses to Grantee shall be addressed as follows:
 33 Door County Stone
 34 2670 Stone Road
 35 Sturgeon Bay, WI 54235
 36

SECTION 14. PAYMENT OF COSTS, INSPECTION & ADMINISTRATIVE FEES

37
 38 The Developer shall pay and reimburse the Village promptly upon billing for all fees, expenses, costs
 39 and disbursements which shall be incurred by the Village in connection with this project or relative to
 40 the construction, installation, dedication and acceptance of the improvements covered by this
 41 agreement, including without limitation by reason of enumeration, design, engineering, review,
 42 supervision, inspection and legal, administrative and fiscal work. Any such charge not paid by
 43 Developer within forty-five (45) days of being invoiced may be charged against the financial guarantee
 44 held by the Village pursuant to this agreement, or assessed against the property as a special charge
 45 pursuant to §66.60(16), Wisconsin Statutes.
 46

SECTION 15. GENERAL INDEMNITY

47
 48 The Developer will indemnify and hold harmless the Village, its governing body members, officers,
 49 agents, including the independent contractors, consultants and legal counsel, servants and employees
 50 thereof (hereinafter, for purposes of this paragraph collectively referred to as the "Indemnified Parties")
 51 against any loss or damage to property or any injury to or death of any person occurring at or about or
 52 resulting from any breach of any warranty, covenant or agreement of the Developer under this

SISTER BAY PROPERTIES, LLC. DEVELOPMENT AGREEMENT

1 Development Agreement, and the development of the Property; provided that the foregoing
2 indemnification shall not be effective for any willful acts of the Indemnified Parties. Except for any willful
3 misrepresentation or any willful misconduct of the Indemnified Parties, the Developer will protect and
4 defend the Indemnified Parties from any claim, demand, suit, action or other proceeding whatsoever by
5 any person or entity whatsoever arising or purportedly arising from the action or inaction of the
6 Developer (or other persons acting on its behalf or under its direction or control) under this
7 Development Agreement, or the transactions contemplated hereby or the acquisition, construction,
8 installation, ownership and operation of the Development Project and the Property. All covenants,
9 stipulations, promises, agreements and obligations of the Village contained herein shall be deemed to be
10 covenants, stipulations, promises, agreements and obligations of the Village and not of any governing
11 body, member, officer, agent, servant or employee of the Village. All covenants, stipulations, promises,
12 agreements and obligations of the Developer contained herein shall be deemed to be covenants,
13 stipulations, promises, agreements and obligations of the Developer and not of any of its officers,
14 owners, agents, servants or employees.

SECTION 16. FEES AND CHARGES

15
16
17 The Developer shall be responsible for zoning and development fees such as are applicable as of the
18 date of the development agreement. The Developer shall be responsible for any impact fees as are
19 properly levied by the Village.
20

SECTION 17. EXCULPATION OF VILLAGE CORPORATE AUTHORITIES

21
22 The parties mutually agree that the Village President of the Village Board, and/or the Village Clerk,
23 entered into and are signatory to this agreement solely in their official capacity and not individually, and
24 shall have no personal liability or responsibility hereunder; and personal liability as may otherwise exist,
25 being expressly released and/or waived.
26

SECTION 18. GENERAL CONDITIONS AND REGULATIONS

27
28 All provisions of the Village Ordinances are incorporated herein by reference, and all such provisions
29 shall bind the parties hereto and be a part of this agreement as fully as if set forth at length herein. This
30 agreement and all work and improvements required hereunder shall be performed and carried out in
31 strict accordance with and subject to the provisions of said Ordinances.
32

SECTION 19. ZONING

33
34 The Village does not guarantee or warrant that the subject property of this agreement will not at some
35 later date be rezoned, nor does the Village herewith agree to rezone the lands into a different zoning
36 district. It is further understood that any rezoning that may take place shall not void this agreement.
37

SECTION 20. COMPLIANCE WITH CODES AND STATUTES

38
39 The Developer shall comply with all current and future applicable codes of the Village, County, State
40 and federal government and, further, Developer shall follow all current and future lawful orders of all
41 duly authorized employees and/or representatives of the Village, County, State or federal government.
42

SECTION 21. ASSIGNMENT

43
44 The Developer shall not transfer, sell or assign the property or assign this Development Agreement or its
45 obligations hereunder without the express prior written consent of the Village until the Developer has
46 fully complied with its obligations under this Development Agreement. Any such consent requested of
47 the Village prior thereto may be withheld, conditioned or delayed for any reasonable reason.
48

SECTION 22. BINDING

49
50 This Development Agreement shall be binding upon the parties hereto and their respective
51 representatives, successors and assigns, and any and all future owners of the Property or any portion
52 thereof, and their respective heirs, representatives, successors and assigns.

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SECTION 23. AMENDMENTS

The Village and the Developer, by mutual consent, may amend this Developer’s Agreement at any meeting of the Village Board. The Village shall not, however, consent to an amendment until after first having received a recommendation from the Village’s Plan Commission. The Plan Commission shall consider the amendment under the conditional use process.

SECTION 24. DURATION

The Developer acknowledges that the requirements regarding the operation and maintenance of the project as fully described above shall continue and not expire. The Developer acknowledges that the Village may from time to time establish new zoning, utility, storm water and other requirements or standards that apply to similarly situated properties which, if applicable shall apply to this project. The Developer may petition the Village Board to cancel or eliminate the requirements of the Agreement. Prior to considering the petition, the Board shall ask the Plan Commission to conduct a public hearing and make a recommendation regarding the petition. The Board may cancel the agreement if it determines that there is no further value or need for the Developer to comply with its requirements.

SECTION 25. EFFECTIVE DATE

This Development Agreement shall take effect and be in full force from and after its passage and approval by the Board of Trustees of the Village of Sister Bay. That date shall be established as the _____ day of _____, 2015.

SISTER BAY PROPERTIES, LLC. DEVELOPMENT AGREEMENT

IN WITNESS WHEREOF, the Developer and the Village have caused this agreement to be signed by their appropriate officers and their corporate seals to be hereunto affixed in three original counterparts the day and year first above written.

DEVELOPER

Sister Bay Properties, LLC

By: _____
President

STATE OF WISCONSIN
COUNTY OF DOOR

Personally came before me this ____ day of _____, 2015, _____ of _____, to me known to be the person who executed the foregoing instrument and to me acknowledged that he executed the foregoing instrument in such capacity.

Notary Public, State of WI
My commission expires: _____

VILLAGE OF SISTER BAY

Village President

Village Clerk

STATE OF WISCONSIN
COUNTY OF DOOR

Personally came before me this ____ day of _____, 2015, the above named _____, and _____, Village Clerk, of the above-named municipal corporation, to me known to be the persons who executed the foregoing instrument and to me known to be such individual and Village Clerk of the municipal corporation and acknowledged that they executed the foregoing instrument as such officers as the deed of the municipal corporation by its authority and pursuant to the authorization by the Village Board from their meeting on the ____ day of _____, 2015.

Notary Public, State of WI
My commission expires: _____

Approved As To Form:

Village Attorney

Name: \\kufinnas\files\active\sister bay\projects village\lawsuits\small quarry lawsuit\plan commission report\small quarry conditional use permit and development agreement v10 to pc.docx Created: 6/16/2015 3:24 PM Printed: 6/16/2015 3:26 PM6/16/2015 3:26:00 PM Author: Robert L. Kufrin Last Saved By: Robert Kufrin Revision: 4 Last Saved Date: 6/16/2015 3:26 PM

ORDINANCE № 235-XXXX15

**An Ordinance Amending the Zoning Code Sections
66.0320(c) B-1 Conditional Uses**

WHEREAS, the Village Board of Trustees of the Village of Sister Bay, Door County, Wisconsin, (hereafter referred to as “the Village Board”) has made the determination that the B-1 Business District has different goals and purposes that require a redetermination of which uses should be permitted and which uses should be conditional.

WHEREAS, the Village Board finds that allowing additional conditional uses will create greater opportunities for appropriate development in the B-1 district.

WHEREAS, the Village Board finds that it is in the best interests of the public to update the zoning code to expand the conditional uses in the B-1 district by allowing quarries as a conditional use in the B-1 District. The Board finds that the adoption of this Ordinance for such regulation will promote government and the good order of the Village for its commercial benefit and the health, safety, welfare and convenience of the public.

NOW, THEREFORE, the Village Board does hereby ordain as follows:

Section 1 – Availability for Public Inspection.

A copy of this Ordinance shall be permanently on file and open to public inspection in the Office of the Village Clerk after its enactment and for a period of not less than two (2) weeks before its enactment.

Section 2 – Chapter 66 Sections 66.0320(c)(12) General Business B-1 Conditional Uses is created as follows:

- 12. Dimension rock quarries (Subject to 66.0320(g)(3))

Section 3 – Chapter 66 Sections 66.0320(g)(3) General Business B-1 Special Standards is created as follows:

- 3. Quarries operating primarily to remove dimensional stone and not as gravel or sand quarries shall only be permitted subject to a conditional use permit.

Section 4 – Ordinances in Conflict.

All other Ordinances in conflict herewith are hereby repealed.

Section 5 – Effective Date.

This Ordinance shall take effect and be in full force from and after its passage and publication according to law.

Section 6 – Severability.

If a Court of competent jurisdiction adjudges any section, clause, provision or portion of this Ordinance unconstitutional or invalid, the remainder of the previously mentioned Chapter shall not be affected thereby.

VILLAGE OF SISTER BAY

By: _____
David W. Lienau, President

Date Introduced: _____

Date Adopted: _____

Publication Date: _____

ATTEST:

Christine M. Sully, Clerk WCPC MMC

Ordinance 235-XXXX15

Name: h:\active\sister bay\projects village\lawsuits\small quarry lawsuit\plan commission report\ord 235 - xxxx15 chapter 66 b-l district add quarry as conditional use v4.docx Created: 6/8/2015 11:28 AM Printed: 6/15/2015 10:14 AM6/15/2015 10:14:00 AM Author: Robert L. Kufrin Last Saved By: Robert Kufrin Revision: 5 Last Save Date:

1	Business Districts	55	(30)	Infrastructure essential services
2	Sec. 66.0320 B-1 General Business District	56	(31)	Information centers
3	The General Business district (B-1) is intended to	57	(32)	Insurance sales offices
4	provide areas for attractive and accessible groupings	58	(33)	Interior decorators and furniture stores
5	of business, commercial, office and other general re-	59	(34)	Jewelry stores
6	tail uses in convenient locations outside of the	60	(35)	Lawn and garden centers
7	Downtown Business district (B-3). This section pro-	61	(36)	Licensed massage therapy and body
8	vides standards for the orderly improvement and de-	62		work as certified by the State
9	velopment within the general business district based	63	(37)	Liquor stores
10	on the following principles:	64	(38)	Lumberyards
11	• Development that is consistent with the	65	(39)	Marinas
12	natural environment.	66	(40)	Medical and dental clinics
13	• Development that maintains the Village’s	67	(41)	Municipal buildings
14	traditional small town appearance, in	68	(42)	Municipal utility facilities
15	which its housing, shops, work places,	69	(43)	Music stores
16	parks and civic facilities co-exist in relative	70	(44)	Newspaper and magazine stores
17	harmony.	71	(45)	Office supplies and business machine
18	• Development that balances the needs of a	72		stores
19	resort town and a residential village.	73	(46)	Optical stores
20	• Designs that meet the architectural standards	74	(47)	Paint, glass and wallpaper stores
21	and enhance the Village’s historic architec-	75	(48)	Parks
22	ture.	76	(49)	Pet stores and pet grooming
23	(a) <u>Permitted Uses:</u>	77	(50)	Pharmacy or drug store
24	(1) Antique and collectors stores	78	(51)	Photography studios
25	(2) Art galleries or studios for photography,	79	(52)	Physical fitness centers
26	painting, music, sculpture, dance, pot-	80	(53)	Plumbing and heating supplies
27	tery and jewelry	81	(54)	Printing services
28	(3) Auto sales and service	82	(55)	Professional offices
29	(4) Art supply stores	83	(56)	Public parking lots
30	(5) Banks/financial institutions	84	(57)	Real estate offices
31	(6) Barber shops, beauty salons and spas	85	(58)	Radio and television studios
32	(7) Bed and breakfasts	86	(59)	Restaurant
33	(8) Boat sales and service	87	(60)	Retail electronic equipment sales
34	(9) Book or stationery stores	88	(61)	Self-service laundry and dry-cleaning
35	(10) Camera and photographic supply stores	89	(62)	Shoe and leather goods stores
36	(11) Catering services	90	(63)	Single family housing as of January 1,
37	(12) Churches	91		2007
38	(13) Cinema, theater or performance hall	92	(64)	Sporting goods stores
39	(14) Clothing stores	93	(65)	Taverns or cocktail lounges
40	(15) Commercial laundries	94	(66)	Tobacco stores
41	(16) Convenience store	95	(67)	Trade and contractor shops
42	(17) Craft stores	96	(68)	Travel agencies
43	(18) Dance studio	97	(69)	Variety stores
44	(19) Florists	98	(70)	Video productions
45	(20) Food stores	99	(71)	Video tape sales and rental
46	(21) Funeral homes	100	(b) <u>Permitted Accessory Uses:</u>	
47	(22) Gasoline service stations	101	(1)	Accessory uses and structures. See sec-
48	(23) Gift shops	102		tion 66.0501
49	(24) Group day care centers	103	(2)	Outdoor Displays. See section 66.0506
50	(25) Hardware stores	104	(3)	Solar collectors attached to the princi-
51	(26) Hobby and craft shops	105		pal structure.
52	(27) Hotel, condominium	106	(4)	Accessory Residential Use. One single-
53	(28) Hotel/motel	107		family dwelling and a non-transient res-
54	(29) Indoor institutional	108		idential unit, located on the same prop-
		109		erty as the business provided that there
		110		shall be a minimum floor area as pro-
		111		vided below. The on-site parking re-
		112		quired for the accessory residential

1 units must be available on site. 54
2 (Amended Ordinance 128-061207) 55

Bedrooms	Minimum area
Efficiency	700
1	750
2 or more	850

- 3 (c) Conditional Uses: 60
4 (1) Apartments (Subject to 66.0320(g)(2)) 61
5 (2) Commercial recreation facilities (indoor 62
6 and outdoor), such as arcades, bowling 63
7 alleys, clubs, dance halls, driving rang- 64
8 es, gymnasiums, health clubs, miniature 65
9 golf facilities, pool and billiard halls 66
10 and indoor skating rinks. 67
11 (3) Congregate housing (Subject to 68
12 66.0320(g)(2)) 69
13 (4) Flea markets 70
14 (5) Solar energy as accessory structure 71
15 (6) Motor home and recreational vehicle 72
16 sales and service 73
17 (7) Non-village utility facilities 74
18 (8) Light assembly, light manufacturing and 75
19 related activities 76
20 (9) Residential condominiums (Subject to 77
21 66.0320(g)(2)) 78
22 (10) Seasonal employee housing (Subject to 79
23 66.0320(g)(2)) 80
24 (11) Storage and related (Subject to 81
25 66.0320(g)(1)) 82
26 (12) Dimensional rock quarries (Subject to 83
27 66.0320(g)(3)) 84

- 28 (d) Lot Area and Width: 85
29 (1) Lots not served by public sewer shall be 86
30 a minimum of 25,000 square feet in ar- 87
31 ea and shall have a lot width of at least 88
32 100 feet. Corner lots shall have a lot 89
33 width of at least 110 feet. 90
34 (2) Lots shall provide sufficient area and 91
35 width for the principal structure(s) and 92
36 its accessory structures, off-street park- 93
37 ing and loading areas, and required 94
38 setbacks. 95
39 (3) Lots served by public sewer shall be a 96
40 minimum of 20,000 square feet in area 97
41 and shall have a lot width of at least 60 98
42 feet. Corner lots shall have a lot width 99
43 of at least 110 feet. 100

- 44 (e) Building Height and Area: 101
45 (1) No principal building shall exceed 35 102
46 feet in height. No accessory building 103
47 shall exceed 35 feet in height. 104
48 (2) The total of the floor area on all floors 105
49 of the principal building and all acces- 106
50 sory buildings including the required 107
51 parking, driveways and sidewalks shall 108
52 not exceed 80 percent of the lot area 109
53 and the balance shall be left as open 110

space. (Amended Ordinance 159-120809)

- (f) Setbacks:
(1) There shall be a minimum building front setback of a least 45 feet from the centerline of the right-of-way of all streets.
(2) There shall be a minimum front setback of at least 40 feet from the edge of the easement or edge of pavement for all buildings not on a public street.
(3) There shall be a side setback on each side of all principal buildings of not less than ten feet. However, this may be increased upon the recommendation of the Village Engineer in order to accommodate the required grading between properties.
(4) There shall be a rear setback of at least 20 feet.

(g) Special Standards.
This section supplements the standards contained in section 66.0320(d) through 66.0320(f). It provides standards for the following land uses in order to control the scale and compatibility of those uses within the B-1 district:

- (1) The Plan Commission shall apply at a minimum the following standards when considering a conditional use permit for storage buildings. The minimum space for a storage unit would be 1500 square feet and the buildings containing the units will be constructed of non-metal materials other than doors and windows. A storage building shall not contain more than four storage units. Real or false windows will be installed on the exterior facing walls to reduce the long blank wall appearance. The buildings shall be set back a minimum of 250 feet from the centerline of State Highways 42 or 57 and screened from the highway by other buildings. The storage spaces may be for actual storage or to allow the owner or occupant to work within the storage building for the purposes of maintaining their belongings such as autos, boats and other belongings. The buildings shall have fire sprinklers upon occupancy. No overnight storage or parking of material, vehicle, etc. outside is permitted and none of the overhead doors shall be visible from an adjacent residential property. (Amended Ordinance 130-071007)

1| (2) New apartment, congregate housing,
2| seasonal employee housing and resi-
3| dential condominium buildings shall
4| comply with the building height and
5| area standards as well as the unit densi-
6| ty requirements in the R-2 district Sec-
7| tion 66.0312 as well as the other re-
8| quirements as exist including the re-
9| quirement that the property is served by
10| public sewer and water. The conversion
11| of existing commercial buildings into
12| apartments, congregate housing, sea-
13| sonal employee or residential housing
14| shall comply with the residential park-
15| ing requirements. As part of the conver-
16| sion of an existing commercial building
17| to one of the listed uses above, if there
18| is any building addition at that time or
19| in the future, the building addition is
20| subject to the building height and area
21| standards as well as the unit density re-
22| quirements in the R-2 district Section
23| 66.0312 as well as the other require-
24| ments as exist. (Amended Ordinance
25| 165-120809)

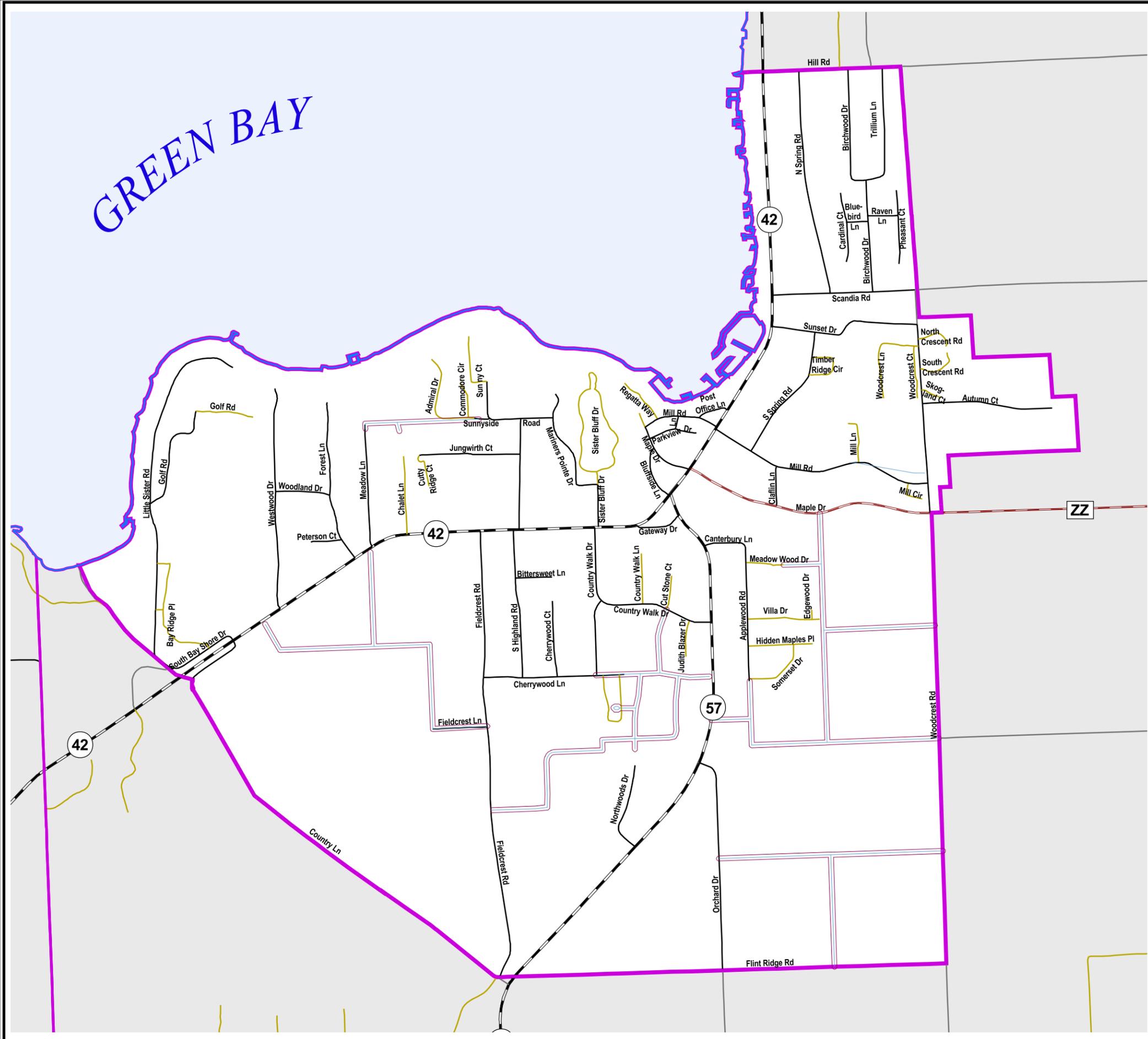
26| ~~(2)~~(3) Quarries operating primarily to remove
27| dimensional stone and not as gravel or
28| sand quarries shall only be permitted
29| subject to a conditional use permit.
30|
31|
32|
33|
34|
35|
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38 Name: h:\active\sister bay\projects village\lawsuits\small quarry
39 lawsuit\plan commission report\ord 235 - xxxx15 chapter 66 b-1 district
40 add quarry as conditional use v4.docx Created: 6/8/2015 11:28 AM
41 Printed: 6/15/2015 10:14 AM6/15/2015 10:14:00 AM Author: Robert L.
42 Kufrin Last Saved By: Robert Kufrin Revision: 5 Last Save Date:

GREEN BAY

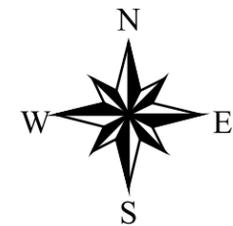
Official Map
of the
Village of Sister Bay
Door County, Wisconsin
Last Updated: October 8, 2013

DRAFT



- STATE HIGHWAY
- COUNTY ROAD
- TOWN ROAD
- VILLAGE STREET
- PRIVATE ROAD
- PROPOSED RIGHT-OF-WAY

- Village Boundary
- Parcel Boundaries



1000 0 1000 Feet

1" = 1200'

Map created for the Village of Sister Bay
by Door County Planning Department:

421 Nebraska Street
Sturgeon Bay WI 54235
920-746-2323

Area Development Plan

Village of Sister Bay, Door County, WI



NOTE:
A lift station may be necessary at some point to service this property.

SCALE
1"=100'

DRAWN BY
SMB

TAX PARCEL NO. Tax Parcel Number
Residential Development

Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-434-9670 Fax: 920-434-9672

Sister Bay Properties, LLC

PROJECT NO.
S-19914

SHEET NO.
1 of 1

DRAWING NO.
P-2237

File: S-19914ADP 022415.dwg



County of Door
SOIL & WATER CONSERVATION DEPT

County Government Center
 421 Nebraska Street
 Sturgeon Bay, WI 54235

Phone: (920) 746-2214
 Fax: (920) 746-2369
 swcd@co.door.wi.us

December 18, 2012

Mr. Tom P. Sadler
 10503 Fieldcrest Road
 Sister Bay WI 54234

Mr. Sadler;

The purpose of this letter is to respond to the letter you wrote to me on December 12, 2012, concerning the mining expansion proposal for the Small Quarry in Sister Bay.

First, I would like to clarify that the Door County Soil & Water conservation Department (SWCD) is responsible for the Nonmetallic mining reclamation activities at this site and at approximately fifty other sites across Door County. The SWCD however, is not responsible for operation activities regulated by a local zoning authority. The SWCD administers the reclamation program through Door County Code Chapter 36 Nonmetallic Mining Reclamation, which incorporates uniform statewide reclamation standards. While I understand your concerns, the hours of operation, crushing, blasting, screening, grading, etc., may be regulated by a zoning authority that has permitted this particular land use; the Village of Sister Bay in this case.

This site is currently a dimensional stone operation, which typically excavates solid planes or blocks of stone to a depth of ten to perhaps twenty feet depending on the nature of the deposit. The approved reclamation plan for the site is to restore the area into a natural area or meadow. All areas will be graded to not exceed slopes of 3 feet horizontal to 1 foot vertical and all areas will receive eight inches of subsoil and four inches of topsoil to support native plantings of grasses and forbs.

If the owner of this mining site were to propose to convert to an aggregate operation that would excavate materials to a significant increase in depth, the SWCD would require compliance with the existing reclamation permit or a permit modification to comply with the reclamation ordinance. This process includes a review and approval of proposed changes by the zoning authority. If the zoning authority approves the modified activities/plans, then the SWCD will review the modifications for completeness prior to publishing a notice for a public hearing. If a hearing is requested, the SWCD may require some additional reclamation related requirements, however the SWCD could not regulate any of the operational activities that you have concerns with through this hearing process. More specifically if the zoning authority does not approve the modification, the plans will not be complete and the modification will be denied.

I appreciate your comments, and please contact me or Greg Coulthurst of the SWCD, if you have any additional questions.

Sincerely

William E. Schuster
 County Conservationist

cc: Greg Coulthurst, Door County Conservationist III
 Bob Kufirin, Village of Sister Bay

Sister Bay Quarry Proposal November 15, 2012

Sister Bay is a beautiful community and we at Door County Custom Stone will do everything we can to work together with the Village. The company is under new management and I ask that you read this proposal in its entirety with an open mind.

During a meeting held on August 22nd 2012, Mr. Kufirin explained to me the issues the Village has with the current quarry operations. The issues are:

- ▲ **Blasting.** The blasting itself is a concern and the Village would like prior notification.
- ▲ **Crushing.** The dates when crushing occurs and its duration is a concern.
- ▲ **Dust.** The dust from the current access road and the quarry are a concern.
- ▲ **Commercialization.**

I have worked in the quarry personally, as well as talked to my coworkers about past, present and future quarry operations. The stone in the Sister Bay quarry comes out in layered sheets that are popped up with a skid steer or loader. The stone sheets become more tightly packed together the deeper you go into the ground. The first five to seven feet of stone can be quarried with almost no need for blasting and minimal crushing. This is because the stone layers are "loose" and can be removed with a loader or skid steer quite easily. There is not much breakage so the waste stone that would have to be crushed is minimal. The current site has been quarried to a depth of approximately five feet. I feel we have two options to get the issues resolved.

The first option is to continue our operations in the current quarry.

- ▲ **Blasting.** As we are already down to a depth of five feet, there will be a considerable and ever increasing need to blast. I would give prior notification for all blasting.
- ▲ **Crushing.** As we quarry deeper, there is a greater need for crushing. This is due to the fact that there is more breakage when quarrying in general, but also as a result of the blasting required with the tighter layers. I would try to limit crushing to late fall and early spring if possible, but would then have to run extended hours during those times.
- ▲ **Dust.** I feel the dust coming off the road is the major issue. The current berms around the quarry adequately contain the dust. I will agree to oil the access road to the quarry.
- ▲ **Commercialization.** The quarry will become more commercialized as we will be selling gravel in addition to decorative stone. We will need another loader so we will have one to quarry and one to feed the crusher. This will also lead to dump trucks in and out of the quarry on a regular basis.

The second option is to expand the quarry. I would obtain a new reclamation plan from the county and follow all regulations. I know there are no new quarries allowed in Sister Bay but this would not be a new quarry just an expansion of an existing one. Expanding the quarry will easily solve all the issues identified by the Village.

Robert Kufrin

From: Coulthurst, Greg <GCoulthurst@co.door.wi.us>
Sent: Thursday, December 06, 2012 10:57 AM
To: Robert Kufrin
Subject: RE: Sister Bay Quarry Question

Bob: You're pretty close. I copied the text from NR 135 dealing with permit modification -135.24, general standards-135.06 (5) that include other applicable federal state and local laws... and the Public notice and right of hearing sections – 135.20. I also inserted answers within your text below.

Dear Greg: Can you please confirm my understanding of your comments regarding the quarry. At the Plan Commission meeting last month you stated that if the quarry wanted to convert from its existing methods of removing rock from the quarry and wanted to convert it to a crushed rock quarry that would require a reopening of the permit process –(yes step 1 &2 below). During that permitting process (reclamation modification process)you would hold a public hearing on the proposal (only after zoning authority approves the operational activities/reclamation amendment step 3 and only if requested by a landowner step 4 & 5 within 1000 feet). You would also determine if the proposed use conformed to the existing zoning (I would make this determination based off of a written statement from the zoning authority – step 3 again). If the quarry was non-conforming it would not be allowed to become a different type of rock removal operation never gets to step 4 (if the zoning authority denies it for a nonconforming use, the reclamation modification would be considered incomplete and would require additional modifications prior to resubmission.) I can not put a notice in the paper for a public hearing until I have a completed application. Thus if it can not get local zoning approval, It never gets to the reclamation hearing step.

Certainly you folks can have whatever meetings and hearings prior to a “complete plan” being approved by me.

Clear as mud?

Reclamation Modification process:

Step 1 - The operation wants to modify the permit or I see a need to modify due to compliance issues (e.g. reclamation plan doesn't match operation activities, or operation is outside of boundaries etc).

Step 2 - Operator submits amended reclamation plan.

Step 3 – I or the operator provides a copy of the reclamation plan to the zoning authority. I usually request a written letter from the zoning authority in regards to permitted use/compliance with the local zoning.

Step 4- I put a notice in the paper for a public hearing if it appears I have a complete plan that meets all of the standards etc.

Step 5- If no one requests a hearing within the 1000 foot setback (LCC approved distance) within the 30 days – then no reclamation hearing will be held. Note if a zoning authority has a hearing, the reclamation hearing, if requested, can occur together.

Step 6– if there is no reclamation hearing requested and the reclamation plan meets all of the requirements I then have 30-60 days to make a permit decision. In some cases conditions can be imposed- most frequently this is the need for financial assurance or other reclamation related conditions.

Let me know if you need additional. Call or email.

Greg Coulthurst
Door County SWCD
920 746 2275

NR 135.24 Permit modification. (1) BY THE REGULATORY AUTHORITY. If a regulatory authority finds that, because of changing conditions, the nonmetallic mining site no longer is in compliance with this chapter or the applicable reclamation ordinance, it shall issue an order modifying the permit in accordance with s. NR 135.43. This modifying order may require the operator to amend or submit new application information, reclamation plan, proof of financial assurance or other information needed to ensure compliance with this chapter or the applicable reclamation ordinance.

(2) BY THE OPERATOR. If an operator desires to modify a nonmetallic mining reclamation permit or reclamation plan, the operator shall submit an application to modify the permit or plan to the regulatory authority. The application shall be subject to the requirements of this subchapter. The regulatory authority that issued the permit shall take action on the application to modify it in accordance with the standards and procedures contained in this subchapter.

(3) REVIEW. All actions by the regulatory authority pursuant to this section may be reviewed under s. NR 135.30.

History: Cr. Register, September, 2000, No. 537, eff. 12-1-00.

NR 135.06 General standards. (1) REFUSE AND OTHER SOLID WASTES. Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the department adopted pursuant to chs. 289 and 291, Stats.

(2) AREA DISTURBED AND CONTEMPORANEOUS RECLAMATION. Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(3) PUBLIC HEALTH, SAFETY AND WELFARE. All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

(4) HABITAT RESTORATION. When the land use required by the reclamation plan approved pursuant to an applicable reclamation ordinance requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

(5) COMPLIANCE WITH ENVIRONMENTAL REGULATIONS. Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

Note: Other applicable environmental, zoning or land use regulations may include chs. NR 103, 115, 116, 117, 205, 216, 269, 105, 106, 140, 150, 151, 340, 500-590, and 812, chs. 30 and 91, Stats., and Section 404 of the Clean Water Act (33 USC s. 1344), which may be applicable to all or part of either an existing or proposed nonmetallic mining project.

History: Cr. Register, September, 2000, No. 537, eff. 12-1-00.

NR 135.20 Public notice and right of hearing.

(1) PUBLIC NOTICE. (a) A regulatory authority that has received an application to issue a reclamation permit shall publish a public notice of the application no later than 30 days after receipt of a complete application or request.

(b) The notice shall briefly describe the mining and reclamation planned at the nonmetallic mining site. The notice shall be

published as a class 1 notice pursuant to s. 985.07 (1), Stats., in the official newspaper of the regulatory authority, or if the department is the regulatory authority in the official newspaper of the county in which the nonmetallic mining site is located. The notice shall mention the opportunity for public hearing pursuant to this section and shall give the locations at which the public may review the application request and all supporting materials including the reclamation plan.

(c) Unless the department is the regulatory authority, copies of the notice shall be forwarded by the regulatory authority to the county or applicable municipal zoning board, the county and applicable local planning organization, the county land conservation officer, and owners of land within 300 feet of the boundaries of the parcel or parcels of land on which the site is located. If the department is the regulatory authority, copies of the notice shall be forwarded to all counties and municipalities in which the site is located.

(2) LOCAL HEARING. A county or municipal regulatory authority shall provide for opportunity for a public informational hearing on an application or request to issue a nonmetallic mining reclamation permit as follows:

(a) If there is a zoning-related hearing on the nonmetallic mine site, the regulatory authority shall provide the opportunity at this hearing to present testimony on reclamation-related matters. This opportunity shall fulfill the requirement for public hearing for a nonmetallic mining reclamation permit required by this section. The regulatory authority shall consider the reclamation-related testimony in the zoning-related hearing in deciding on a permit application pursuant to this chapter.

(b) 1. If there is no opportunity for a zoning-related hearing on the nonmetallic mine site as described in par. (a), opportunity for public hearing required by this section shall be provided as follows. Any person residing within, owning property within, or whose principal place of business is within 300 feet of the boundary of the parcel or parcels of land in which the nonmetallic mining site is located or proposed may request a public informational hearing. The regulatory authority shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. (1). This public informational hearing shall be held no sooner than 30 days nor later than 60 days after being requested. The hearing shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility and effects of the proposed reclamation. Procedures for the public informational hearing shall be described in the applicable reclamation ordinance.

2. The subject matter and testimony at this informational hearing, if it is held separately from any zoning-related hearing where the opportunity exists for testimony on reclamation pursuant to par. (a), shall be limited to reclamation of the nonmetallic mine site.

(3) HEARING ON RECLAMATION PERMIT APPLICATIONS TO THE DEPARTMENT. (a) Where the department is the regulatory authority, it shall provide an opportunity for public informational hearing on an application to issue a nonmetallic mining reclamation permit.

(b) Any person who resides within, owns property within or whose principal place of business is within 300 feet of the nonmetallic mining site may request a public informational hearing. The department shall hold a public hearing if requested by any of these persons within 30 days of the actual date of public notice under sub. (1), which shall be held no sooner than 30 days and no later than 60 days after being requested and shall be conducted as an informational hearing for the purpose of explaining and receiving comment from affected persons on the nature, feasibility, effects and other relevant aspects of the proposed nonmetallic mining and reclamation. The informational hearing shall be conducted using the procedures for a noncontested case hearing pursuant to ch. NR 2.

(c) The subject matter and testimony at this informational hearing shall be limited to reclamation of the nonmetallic mine site.

Note: Informational hearings are limited to reclamation of the nonmetallic mining site. Regulatory authority staff conducting the hearings should make it clear that the hearings may not cover non-reclamation matters because they are beyond the scope of NR 135 reclamation. Non-reclamation matters are those related to zoning or subject to other local authority. These matters may include but are not limited to: traffic, setbacks, blasting, dewatering, hours of operation, noise or dust control or the question of whether to use the land for mining.

History: Cr. Register, September, 2000, No. 537, eff. 12-1-00; CR 06-024: am. (1), (2) (intro.) and (3) (a), r. (4) Register November 2006 No. 611, eff. 12-1-06.

From: Robert Kufrin [mailto:Robert.Kufrin@sisterbaywi.gov]
Sent: Thursday, December 06, 2012 9:31 AM
To: Coulthurst, Greg
Subject: Sister Bay Quarry Question

Dear Greg: Can you please confirm my understanding of your comments regarding the quarry. At the Plan Commission meeting last month you stated that if the quarry wanted to convert from its existing methods of removing rock from the quarry and wanted to convert it to a crushed rock quarry that would require a reopening of the permit process. During that permitting process you would hold a public hearing on the proposal. You would also determine if the proposed use conformed to the existing. If the quarry was non-conforming it would not be allowed to become a different type of rock removal.

Thanks for attending the meeting. I think your comments were very helpful

Robert Kufrin
robert.kufrin@sisterbaywi.gov

Visit Sister Bay this fall!!!

Village Administrator
 Village of Sister Bay
 2383 Maple Drive
 PO Box 769
 Sister Bay, WI 54234
 Phone 920-854-4118
 Cell 920-737-2523
 Fax 920-854-9637

For further information: www.sisterbaywi.gov
 For meeting and official documents: www.sisterbaywi.info
 Sister Bay tourism information: <http://www.CometoSisterBay.com>

This email was sent on 12/6/12 at 9:31 AM CST by robert.kufrin.

Robert Kufrin

From: Coulthurst, Greg <GCoulthurst@co.door.wi.us>
Sent: Thursday, December 06, 2012 12:28 PM
To: Robert Kufrin
Subject: RE: Sister Bay Quarry Question

It really boils down to a zoning issue. If zoning allows the change (operational) I process the (reclamation) changes.

From: Robert Kufrin [<mailto:Robert.Kufrin@sisterbaywi.gov>]
Sent: Thursday, December 06, 2012 12:07 PM
To: Coulthurst, Greg
Subject: RE: Sister Bay Quarry Question

Thanks — more like murky water now.

Robert Kufrin
robert.kufrin@sisterbaywi.gov

Visit Sister Bay this winter!

Village Administrator
Village of Sister Bay
2383 Maple Drive
PO Box 769
Sister Bay, WI 54234
Phone 920-854-4118
Cell 920-737-2523
Fax 920-854-9637

For further information: www.sisterbaywi.gov
For meeting and official documents: www.sisterbaywi.info
Sister Bay tourism information: <http://www.CometoSisterBay.com>

This email was sent on 12/6/12 at 12:07 PM CST by robert.kufrin.



September 24, 2014

Sister Bay Properties, LLC
Attention: Brandon Small
c/o Charles Koehler
Herring Clark Law Firm
800 North Lynndale Drive,
Appleton, WI 54914

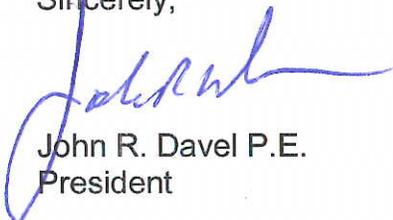
RE: Dust Control for Haul Road

Dear Mr. Small,

In regards to dust control for Haul Road; Dust Abatement would be necessary anytime conditions warrant, which may include dry or windy conditions. Dust Abatement would not be necessary all the time. In order for the dust not to be a nuisance, you would have to employ Dust Abatement measures proactively, when conditions warrant.

Dust Abatement can be done several ways in your situation. One way is to water the road until the surface is wet and repeat as needed. Water should be applied at a rate so that runoff does not occur. Repeat as necessary. For prolonged periods of dry weather, polymers or chlorides could be applied. I recommend Magnesium Chloride or Calcium Chloride; they can be applied in accordance with the State of Wisconsin Standard Specifications, Section 623 – Dust Control Surface Treatment. I have attached a copy for your reference.

Sincerely,



John R. Davel P.E.
President

Enclosure

SECTION 623 DUST CONTROL SURFACE TREATMENT

623.1 Description

- (1) This section describes applying dust control surface treatment to aggregate bases, shoulders, and other drivable surfaces.

623.2 Materials

623.2.1 General

- (1) Furnish either magnesium chloride or calcium chloride in either a liquid or a solid state. Furnish solutions that are stable and have less than 1% sediment falling out of solution below 0 F (-18 C).
- (2) Provide a certified report of test or analysis from the manufacturer or supplier certifying chemical composition. The department will accept material based on those certifications as specified in 106.3.3.

623.2.2 Magnesium Chloride

- (1) Furnish liquid solutions containing 30% or more magnesium chloride by weight, less than 1% calcium chloride by weight, and less than 1% sodium chloride by weight.
- (2) Furnish solid containing 47% or more magnesium chloride by weight, less than 1% calcium chloride by weight, and less than 1% sodium chloride by weight.

623.2.3 Calcium Chloride

- (1) Furnish liquid solutions containing 38% or more calcium chloride by weight, less than 1% magnesium chloride by weight, and less than 1% sodium chloride by weight.
- (2) Furnish solid containing 77% or more calcium chloride by weight, less than 1% magnesium chloride by weight, and less than 1% sodium chloride by weight.

623.3 Construction

- (1) The contractor is responsible for dust control on the project as specified in 107.18. Treat vulnerable areas of the project as necessary to control dust from construction equipment and public traffic. Consult with engineer before applying dust control chemical. Apply chemical treatment as the engineer directs.
- (2) Arrange to have available, within 24 hours of receiving notice from the engineer, a sufficient supply of dust control chemical to treat those areas of the project that are vulnerable at any time during construction. Also, provide, within the same 24 hours, sufficient spreading equipment to apply the chemical. Provide spreading equipment capable of applying the dust control chemical, uniformly and without runoff, over the treated surface at the specified application rate.
- (3) After shaping and compacting the surface to be treated, apply a sufficient amount of water to penetrate at least 2 inches (50 mm). After this pre-wetting and while the surface is still moist but not muddy, apply the required amount of chemical uniformly over that surface at the following rate:
1. For liquids, 0.33 gallons or more/square yard (1.5 L/m²). Do not exceed 0.50 gallons/square yard (2.3 L/m²).
 2. For solids, 1.5 pounds or more/square yard (7.3 kg/m²). Do not exceed 2 pounds/square yard (9.8 kg/m²).
- (4) Do not apply dust control chemical in the rain, when the official weather bureau forecasts rain within 24 hours, or under other conditions that might result in a significant loss of material.

623.4 Measurement

- (1) The department will measure Dust Control Surface Treatment by the square yard acceptably completed. The engineer may calculate the yardage using volume or weight and applying a conversion factor.

623.5 Payment

- (1) The department will pay for measured quantities at the contract unit price under the following bid item:

<u>ITEM NUMBER</u>	<u>DESCRIPTION</u>	<u>UNIT</u>
623.0200	Dust Control Surface Treatment	SY

- (2) Payment for Dust Control Surface Treatment is full compensation for providing the dust control treatment and pre-wetting water.



July 1, 2014

Village of Sister Bay Plan Commission

To Whom It May Concern:

At the request of Brandon Small on behalf of Sister Bay Properties, LLC (SBP), I have met with him and discussed the quarry expansion plans for the 12 acre site owned by SBP and the Village of Sister Bay and prospects for future development upon closure of the quarry.

For any of you who do not know me, I am the broker/owner of Landmark Real Estate and Development and have been involved in residential and commercial development of vacant land over the past 35 years including developments in Outagamie, Brown, and Door Counties, involving hundreds of dwelling units in over 120 separate neighborhood developments. You may check my website for further information.

I have reviewed the proposed scope of operations for the current quarry site with Brandon Small particularly the proposed limits on the depth of excavation and the typical reclamation requirements required by the State and County for the quarry site at time of closure.

In my opinion, as a professional real estate developer for many years, I am confident in saying that the expanded quarry site of SBP can be developed for residential or commercial purposes upon closure of the quarry and I foresee no serious impacts of any negative nature on the ability to develop this site if the quarry expansion is authorized by the Village of Sister Bay.

Sincerely,

Landmark Real Estate and Development

BY: _____
Keith Garot

A handwritten signature in black ink, appearing to be "Keith Garot", is written over a horizontal line. The signature is fluid and cursive.

1 **VILLAGE OF SISTER BAY BOARD OF TRUSTEES MEETING MINUTES**
2 **TUESDAY, MAY 13, 2008**
3 **SISTER BAY/LIBERTY GROVE FIRE STATION – 2258 MILL ROAD**
4

5 The May 13, 2008 meeting of the Village of Sister Bay Board of Trustees was called to
6 order by Village President Denise Bhirdo at 6:00 P.M.

7
8 **Present:** Village President Denise Bhirdo, and Trustees Sharon Doersching, Ken Church,
9 Andrew Nocker, Dave Lienau, and Peter Trenchard.

10
11 **Excused:** Gary Martin

12
13 **Staff Members:** Robert Kufrin, Village Administrator, Juliana Neuman, Finance Director,
14 and Janal Suppanz, Administrative Assistant.

15
16 **Others:** Mike Konecny of Schenck, S.C., Attorney Randy Nesbitt, Tom and Jeanette Sadler,
17 Clint Robison, and Roger Bergen.

18
19 **Approval of the minutes as published:**

20 **As to the minutes for the April 8, 2008 meeting of the Village Board:**

21 Doersching stated that she believes the sentence which starts on Line 36 – Page 5 of the
22 minutes for the April 8, 2008 meeting of the Village Board should read that she, not Bhirdo
23 noted that the Public Relations Committee met on March 12, 2008.

24
25 *A motion was made by Nocker, seconded by Doersching to approve the minutes for the*
26 *April 8, 2008 meeting of the Village of Sister Bay Board of Trustees as corrected. Motion*
27 *carried - All ayes.*

28
29 **Comments and Correspondence:**

30 Bhirdo asked if anyone wished to comment on a non-agenda item. No one responded.

31
32 **New Business Items**

33 **Item 1. Presentation by Mike Konecny of Schenck, S.C. on the 2007 Annual Audit:**

34 Bhirdo noted that Mike Konecny of Schenck, S.C. had not arrived yet so this Agenda item
35 as well as Agenda Item Nos. 2 and 7 would be addressed later on. She also noted that
36 Agenda Item Nos. 6, 4, 9 and 3 would be addressed next.

37
38 **Item 6. Consider a motion to approve the Mill Road project debt refinancing:**

39 Kufrin explained that the Finance Committee recently reviewed the Village's current debt
40 issues with Paul Thompson of Hutchinson, Shockey & Erley. Based upon the Capital
41 Spending Plan the Committee felt the most appropriate action was to extend the borrowing
42 for the 2005 Mill Road reconstruction project another 18 months.

43
44 *A motion was made by Bhirdo, seconded by Lienau that the Village Board accepts the*
45 *recommendation of the Finance Committee to refinance the sum of \$500,000 for 18*
46 *months at Bay Lake Bank with an interest rate of 3.25%. Motion carried – All ayes.*
47
48
49

1 *It was the consensus that the Village Board By-Laws and Duties of Standing Committees*
2 *shall be modified in such fashion that Board Liaisons on the SBAA/Festivals Committee, the*
3 *TKH Committee, and the Teen Center Board are allowed to vote at meetings. Trenchard,*
4 *who is the Liaison for the Historical Society, shall address this issue with the Historical*
5 *Society Board members and report his findings at the next Village Board meeting, at which*
6 *time formal action will be taken on this issue.*

7
8 **Item 3. Consider a motion to concur with President Bhirdo's recommendation of various**
9 **committee appointments:**

10 Bhirdo noted that she reviews Board, Commission and Committee appointments on an
11 annual basis, and a list of all the proposed Board, Commission and Committee
12 appointments she was suggesting had been included in the meeting packets. Bhirdo noted
13 that after the list had been provided to the Board members she realized that Nora Zacek
14 should be added as the second Door County Tourism Zone Commission member, and
15 asked if anyone noticed any other errors or omissions.

16
17 Doersching noted that two individuals – Ryan LaPolla and Steve Fischer, were on the TKH
18 Committee last year but were omitted from Bhirdo's list. Bhirdo requested that the Board
19 members amend their lists accordingly.

20
21 *A motion was made by Church, seconded by Nocker that the Village Board approves of all*
22 *the Board, Commission and Committee appointments which were recommended by*
23 *Bhirdo and mentioned at this meeting. (A copy of a list of the appointees is hereby*
24 *attached and incorporated by reference.) Motion carried – All ayes.*

25
26 **Item 5. Consider a motion to direct action regarding complaints on the David Small**
27 **quarry located off of Bay Shore Drive:**

28 *At 6:25 P.M. Lienau recused himself due to a conflict of interest and had a seat in the*
29 *audience.*

30
31 Kufrin indicated that for many years predating the adoption of the Zoning Code in 1974
32 the Krist family operated a quarry on property off of Bay Shore Drive. Several years ago the
33 quarry was sold to David Small of Appleton. Since that time the scale of the quarry
34 operation has changed dramatically, and an illegal berm was placed around the property.
35 A temporary building was also placed on the property without a Zoning Permit. There have
36 been numerous complaints regarding dust blowing off of the property in violation of
37 §66.0802 of the Zoning Code, and Kufrin has issued citations regarding those violations.
38 Kufrin stated that it is his contention that the Village's Code of Ordinances gives him the
39 authority to investigate Zoning Code violations. He also stated that he will be issuing
40 another citation to Small tomorrow for an additional nuisance violation.

41
42 Keith Krist has not complied with a number of conditions of the Development Agreement
43 he entered into with the Village regarding the Pamida project, and one of those conditions
44 was that the access road to the quarry must be paved.)

45
46 Bhirdo noted that on May 8, 2008 a letter had been sent to Small by Greg Coulthurst of the
47 Door County Soil & Water Conservation Department. In that letter Coulthurst stated that all
48 mining activities, which include any additional land disturbances or land altering activities,
49 shall cease and desist on Parcel Number 181-00-07312811A4 until a remediation plan has

1 been submitted to and approved by the Door County Soil and Water Conservation
2 Department.

3
4 Kufirin indicated that he is not certain whether there is any type of noise ordinance
5 violation occurring at the quarry, and pointed out that typically this type of problem is
6 dealt with in a Development Agreement. In this case no such agreement is known to exist.
7

8 Randy Nesbitt, the Village Attorney, pointed out that there are permitted non-conforming
9 use issues which come into play regarding the quarry operation, and one of the problems
10 is that up until recently Small has not been willing to negotiate with Village officials at all.
11 It does appear that Small's Manager now may be willing to do that, and he would suggest
12 that if at all possible this occur. Nesbitt noted that he believes Kufirin is doing his job by
13 issuing the previously mentioned citations, but he believes it is quite likely that Small will
14 plead not guilty to all the violations he has been cited for. Nesbitt stated that if the matter
15 goes to trial the cooperation of several of the neighbors will be required. He also noted that
16 it is his contention that if Small is found guilty the Village should not only seek a fine but
17 request that the Court require compliance with the Village's Ordinances. Nesbitt noted that
18 there are three levels of regulation which come into play on this issue – Door County,
19 MSHAW and the Village.
20

21 Dave Lienau indicated that he resides at 1611 Chalet Lane and his residence is within ½
22 mile of Small's quarry operation. He also owns Sister Bay Mobil, which is across the road
23 from his home. There are times when the dust generated in the quarry is so thick that he
24 cannot look across the road from his home and see his gas station. He also believes his
25 quality of life is adversely affected by the dust. Lienau stated that dust clouds are present
26 approximately 50% of the time in the area surrounding the quarry, but the weekends are
27 typically worse because no dust control measures are taken at all during those time
28 periods. The noise coming from that area is constant, and if you're not hearing loud
29 scraping noises you hear incessant beeps. Lienau stated that he has credit card readers on
30 his gas pumps, and has had to replace those readers because the dust and dirt makes them
31 fail. He also stated that all the condensers on his coolers and freezers at the gas station
32 have to be cleaned on a monthly basis, and he has lost customers because of the excessive
33 dust. Lienau encouraged the Board members to take whatever actions are possible to
34 alleviate the previously mentioned problems as soon as possible as he believes several
35 people in the community are being harmed. He also stated that based upon his dealings
36 with Mr. Small he does not believe Small has any regard for the residents of the community
37 or their concerns about the quarry operation. Lienau suggested that some solutions to the
38 problems caused by the quarry might be the installation of dust monitors or a sprinkler
39 system.
40

41 Tom Sadler indicated that he resides at 10503 Fieldcrest Road. Sadler reiterated all of
42 Lienau's comments and also stated that the dust from the quarry permeates through the
43 windows and walls of his home and is extremely irritating. Sadler indicated that prior to
44 the time that Small took over the quarry the previously mentioned noise issues were not as
45 bothersome.
46

47 Roger Bergen of Lamperts stated that his business, Lampert Yards, is in the area of the
48 quarry and he believes the back-up alarms on the trucks entering and exiting the quarry are
49 louder than those on the trucks which enter and exit the lumber yard on a regular basis. He

1 also stated that it appears that the berms around the quarry property have gotten taller
2 recently.

3
4 Clint Robison indicated that his residence is located at 10628 Forest Lane and is also near
5 the quarry. When he first moved into his residence there was no problem with the quarry
6 since it was rarely used. He reiterated the comments of his neighbors and stated that he
7 does intend to file a related complaint with the EPA. Robison stated that he hopes the
8 Village will take whatever enforcement action is necessary regarding this issue as there are
9 definite health issues which come into play for a number of individuals.

10
11 *It was the consensus that if possible Kufrin shall attempt to negotiate a settlement with*
12 *David Small or his representative regarding the issues associated with his quarry operation.*
13 *Specific issues the Village Board would like to see addressed and possible solutions to those*
14 *issues are:*

- 15 1. *Install and use strobe lights rather than back-up alarms on any and all*
16 *equipment operating in and around the quarry;*
- 17 2. *Use some type of watering device on the property in question so that the*
18 *dust the neighbors are referring to is eliminated, and also see that any*
19 *debris or mess created as a result of watering is cleaned up in a timely*
20 *fashion.*
- 21 3. *Finish and seed the berms around the quarry with grass, and also ensure*
22 *that adequate screening of the quarry operation is provided for.*
- 23 4. *Obtain a Zoning Permit for the temporary building on the quarry*
24 *property.*
- 25 5. *During the week the hours of operation of the quarry shall be 8:00 A.M.*
26 *to 4:00 P.M., and no quarry operations will be allowed on the*
27 *weekends.*

28
29 *Kufrin was asked to provide the Board with a report on the status of the Keith Krist road*
30 *issue at the June Board Meeting.*

31
32 *At 7:58 P.M. Lienau returned to the table.*

33
34 Bhirdo noted that Konecny had arrived, so Agenda Items No. 1, 2 and 7 would now be
35 addressed.

36
37 **Item 1. Presentation by Mike Konecny of Schenck, S.C. on the 2007 Annual Audit:**

38 Mike Konecny made a presentation to the Board regarding the 2007 Annual Audit and
39 jointly reviewed the Management Letter with the Board members. Konecny noted that from
40 a fund balance perspective he believes the Village is in good financial shape. He also
41 noted that he believes it would be wise for the Village to utilize the same type of software
42 for all the Village's accounting procedures, as there are some minor discrepancies between
43 the software the Utilities utilizes and the software which is utilized for general Village
44 accounting purposes.

45
46 Kufrin stated that he believes Juliana Neuman and Christy Sully have made a tremendous
47 amount of progress on the Village's accounting practices and procedures, and it is his
48 understanding that since the applicable records were well organized the audit process
49 went quite smoothly. Konecny agreed, and commended Neuman and Sully for all of their

Sister Bay Quarry Proposal August 29, 2012

Sister Bay is a beautiful community and we at Door County Custom Stone will do everything we can to work together with the Village. The company is under new management and I ask that you read this proposal in its entirety with an open mind.

During a meeting held on August 22nd 2012, Mr. Kufrin explained to me the issues the Village has with the current quarry operations. The issues are:

- ⤴ Blasting. The blasting itself is a concern and the Village would like prior notification.
- ⤴ Crushing. The dates when crushing occurs and its duration is a concern.
- ⤴ Dust. The dust from the current access road and the quarry are a concern.
- ⤴ Commercialization.

I have worked in the quarry personally, as well as talked to my coworkers about past, present and future quarry operations. The stone in the Sister Bay quarry comes out in layered sheets that are popped up with a skid steer or loader. The stone sheets become more tightly packed together the deeper you go into the ground. The first five to seven feet of stone can be quarried with almost no need for blasting and minimal crushing. This is because the stone layers are “loose” and can be removed with a loader or skid steer quite easily. There is not much breakage so the waste stone that would have to be crushed is minimal. The current site has been quarried to a depth of approximately five feet.

I feel we have two options to get the issues resolved.

The first option is to continue our operations in the current quarry.

- ⤴ Blasting. As we are already down to a depth of five feet, there will be a considerable and ever increasing need to blast. I would give prior notification for all blasting.
- ⤴ Crushing. As we quarry deeper, there is a greater need for crushing. This is due to the fact that there is more breakage when quarrying in general, but also as a result of the blasting required with the tighter layers. I would try to limit crushing to late fall and early spring if possible, but would then have to run extended hours during those times.
- ⤴ Dust. I feel the dust coming off the road is the major issue. The current berms around the quarry adequately contain the quarry dust. I will agree to oil the access road to the quarry.
- ⤴ Commercialization. The quarry will become more commercialized as we will be selling gravel in addition to decorative stone. We will need another loader so we will have one to quarry and one to feed the crusher. This will also lead to dump trucks in and out of the quarry on a regular basis.

The second option is to expand the quarry. I would obtain a new reclamation plan from the county and follow all regulations. I know there are no new quarries allowed in Sister Bay but this would not be a new quarry just an expansion of an existing one. Expanding the quarry will easily solve all the issues identified by the Village.

- ⤴ Blasting. I would agree to not quarry below a depth of ten feet as we will most likely stop at a depth of around seven feet. This would mean that there will be no need for blasting.
- ⤴ Crushing. There will be a minimal need to crush. I would agree to only crush in late fall for a specific number of hours per day. We may even be able to do crushing every other year.
- ⤴ Dust. The access point for the new quarry could be from Fieldcrest Road. By using Fieldcrest Road to access the quarry, the current access road from the gas station would no longer be used.

The berm would be built up where the current access road is to stop dust blowing towards the gas station and town. The berms would be built up using the top soil from the new land instead of selling it. I assume the new berms will cover with vegetation quickly. I would also hook up a hose to the city water access point behind the department store. This would then be connected to a sprinkler system to water the current work site.

- △ Commercialization. I would agree to not having more than five people working in the quarry. I would also agree to shutting down the quarry for a few days as deemed important by Sister Bay, for example Fall Fest. By using Fieldcrest Road to access the quarry the trucks will be avoiding town. This option would keep us a small quiet operation in Sister Bay as we are only quarrying the first few layers as opposed to a deep industrial pit.

This is my proposal to resolve the concerns the Village of Sister Bay has made me aware of. We have spent a lot of time and money developing a market for Sister Bay stone. We promote our stone products with a tag line that also promotes the natural beauty of Door County and specifically Sister Bay. If you have any questions, please feel free to contact me directly at (920) 213-7792 or sales@doorcountycustomstone.com. I look forward to hearing from you, meeting with you and reaching an agreement that we are all happy with. Thank You

Brandon Small

Sister Bay Quarry Proposal November 15, 2012

Sister Bay is a beautiful community and we at Door County Custom Stone will do everything we can to work together with the Village. The company is under new management and I ask that you read this proposal in its entirety with an open mind.

During a meeting held on August 22nd 2012, Mr. Kufrin explained to me the issues the Village has with the current quarry operations. The issues are:

- ⤴ Blasting. The blasting itself is a concern and the Village would like prior notification.
- ⤴ Crushing. The dates when crushing occurs and its duration is a concern.
- ⤴ Dust. The dust from the current access road and the quarry are a concern.
- ⤴ Commercialization.

I have worked in the quarry personally, as well as talked to my coworkers about past, present and future quarry operations. The stone in the Sister Bay quarry comes out in layered sheets that are popped up with a skid steer or loader. The stone sheets become more tightly packed together the deeper you go into the ground. The first five to seven feet of stone can be quarried with almost no need for blasting and minimal crushing. This is because the stone layers are “loose” and can be removed with a loader or skid steer quite easily. There is not much breakage so the waste stone that would have to be crushed is minimal. The current site has been quarried to a depth of approximately five feet. I feel we have two options to get the issues resolved.

The first option is to continue our operations in the current quarry.

- ⤴ Blasting. As we are already down to a depth of five feet, there will be a considerable and ever increasing need to blast. I would give prior notification for all blasting.
- ⤴ Crushing. As we quarry deeper, there is a greater need for crushing. This is due to the fact that there is more breakage when quarrying in general, but also as a result of the blasting required with the tighter layers. I would try to limit crushing to late fall and early spring if possible, but would then have to run extended hours during those times.
- ⤴ Dust. I feel the dust coming off the road is the major issue. The current berms around the quarry adequately contain the dust. I will agree to oil the access road to the quarry.
- ⤴ Commercialization. The quarry will become more commercialized as we will be selling gravel in addition to decorative stone. We will need another loader so we will have one to quarry and one to feed the crusher. This will also lead to dump trucks in and out of the quarry on a regular basis.

The second option is to expand the quarry. I would obtain a new reclamation plan from the county and follow all regulations. I know there are no new quarries allowed in Sister Bay but this would not be a new quarry just an expansion of an existing one. Expanding the quarry will easily solve all the issues identified by the Village.

- ⤴ Blasting. I would agree to not quarry below a depth of ten feet as we will most likely stop at a depth of around seven feet. This would mean that there will be no need for blasting.
- ⤴ Crushing. There will be a minimal need to crush. I would agree to only crush in late fall for a specific number of hours per day. We may even be able to do crushing every other year.
- ⤴ Dust. The berms would be built up using the top soil from the new land instead of selling it. I assume the new berms will cover with vegetation quickly. I would also hook up a hose to the Village water access point behind the Shopko department store. This would then be connected to a sprinkler system to water the current work site.
- ⤴ Commercialization. I would agree to not having more than five people working in the quarry. I would also agree to shutting down the quarry for a few days as deemed important by Sister Bay, for example Fall Fest. This option would keep us a small quiet operation in Sister Bay as we are only quarrying the first few layers as opposed to a deep industrial pit.

This is my proposal to resolve the concerns the Village of Sister Bay has made me aware of. We have spent a lot of time and money developing a market for Sister Bay stone. We promote our stone products with a tag line that also promotes the natural beauty of Door County and specifically Sister Bay. If you have any questions, please feel free to contact me directly at sales@doorcountycustomstone.com. I look forward to hearing from you, meeting with you and reaching an agreement that we are all happy with. Thank You

Brandon Small

QUARRY TALKING POINTS

Thursday, April 18, 2013

Must be done as a conditional use added to the B-1 Zoning District.

- 1) All quarry operations must cease seven years from the date of the issuance of the Conditional Use Permit.
- 2) All conditions apply to the new and old quarry.
- 3) Blasting will not be permitted.
- 4) Dust control – Active watering over working area and waste rock storage areas - (7 / 24).
- 5) Access to the quarry is off from State Highway 42. The access road must have a paved surface.
- 6) Upon closure of the quarry, the owner must build the officially mapped street abutting his parcels.
- 7) Hours of work - Monday thru Friday (7:00 A.M. – 4:00 P.M.)
- 8) Plant and maintain a 50' wide vegetative buffer (existing and new areas) adjacent to residential properties with various tree species.
- 9) Create a reclamation plan consistent with Door County requirements that include various building sites and building footprints for commercial use.
- 10) All crushing must be done outside the Village limits.
- 11) Use ambient-sensitive, self-adjusting back-up alarms for vehicles.
- 12) No rock excavation below 10' from the existing surface.
- 13) Post a sign with a business name and a phone number to call for complaints at Highway 42 access point.
- 14) No quarry operations for gravel.
- 15) If the quarry fails to operate for 12 consecutive months all operations shall cease.
- 16) The conditional use permit shall apply to the existing owner and is not transferrable.
- 17) Violations:
 - a) The owner of the quarry must track all complaints.
 - b) The owner of the quarry has seven days to resolve complaints unless the Village agrees to an extension.
 - c) If a pattern of unresolved complaints or consistent violations occurs, the Village will notify the owner of the quarry that corrective action must be taken within thirty days or the quarry must cease operation.

Sister Bay Quarry Talking Points

The following is in response to the points from the previous meeting requiring more discussion.

1. Quarry operations will cease 10 years from the date of approved reclamation plan and the quarry will operate a maximum of 40 hours per week. (Details in point 7)
5. Access will be off 42 and the gravel road will be sprayed with Envirohold to control dust. <http://www.enviroholdusa.com/> Here is what is stated on the website regarding dust: It's ideal for keeping dust under control. Spray EnviroHold on dirt, sand, and gravel pathways, driveways and roads. EnviroHold is your best solution wherever dust and erosion is a problem.
6. We will happily split the cost of the officially mapped streets directly abutting our land with the other abutting property owners. I feel this is very fair as we will be closing an active quarry and paying for the reclamation. I spoke with Lori Flick of Door Real Estate and asked how an active quarry affects the abutting owners' property values. Her response was she could not put an exact number on it but most buyers will not even consider purchasing property next to an active quarry. The planned closure of the quarry will drastically increase property values.
7. A more specific breakdown of the quarry operating hours:
 - March through September 6:00 am through 4:30 pm Monday through Thursday
 - October through November 7:00 am through 3:30 pm Monday through Friday
8. Having spoke with Door County Soil and Water as well as the Mining Safety and Health Administration a new quarry does not need any buffer but would require a berm height of three feet. There are no restrictions on what the berm is made of. I anticipate the berm height easily exceed the minimum state requirement. There are two feet of topsoil on the remaining land that would be used to support the berms and ultimately to reclaim the quarry. The waste stone will not be crushed and also go to support the berms. I would like to point out the current quarry has a minimal amount of waste stone (crushed) and topsoil (sold off years ago). The quarry can never go to the lot line as the berms must be there.
11. There was a question regarding the use of strobe lights instead of the backup alarms. Having researched this and spoke with the Mining Safety and Health Administration I was told the stobe lighting is only acceptable for nighttime operation. During the day the equipment must have an audible alarm.
12. Having tested the soil, we have found there is two feet of topsoil. This would mean no rock excavation 12 feet below the existing surface.
15. I would like to see this removed.

16. Should the quarry be sold all requirements of the conditional use permit will transfer to the new owner.

I feel these tweaks to the original talking points are fair compromises. I have spent a lot of time of this and am agreeing to undertake significant extra expense to see this project go through. Although we under no crushing restrictions currently in a good faith offering to the Village I have declined to have crushing done this year. This resulted in an unhappy customer and lost revenue but I am very committed to moving forward with this. I ask your approval to go before the Village Board and then begin the reclamation plan.

Brandon Small

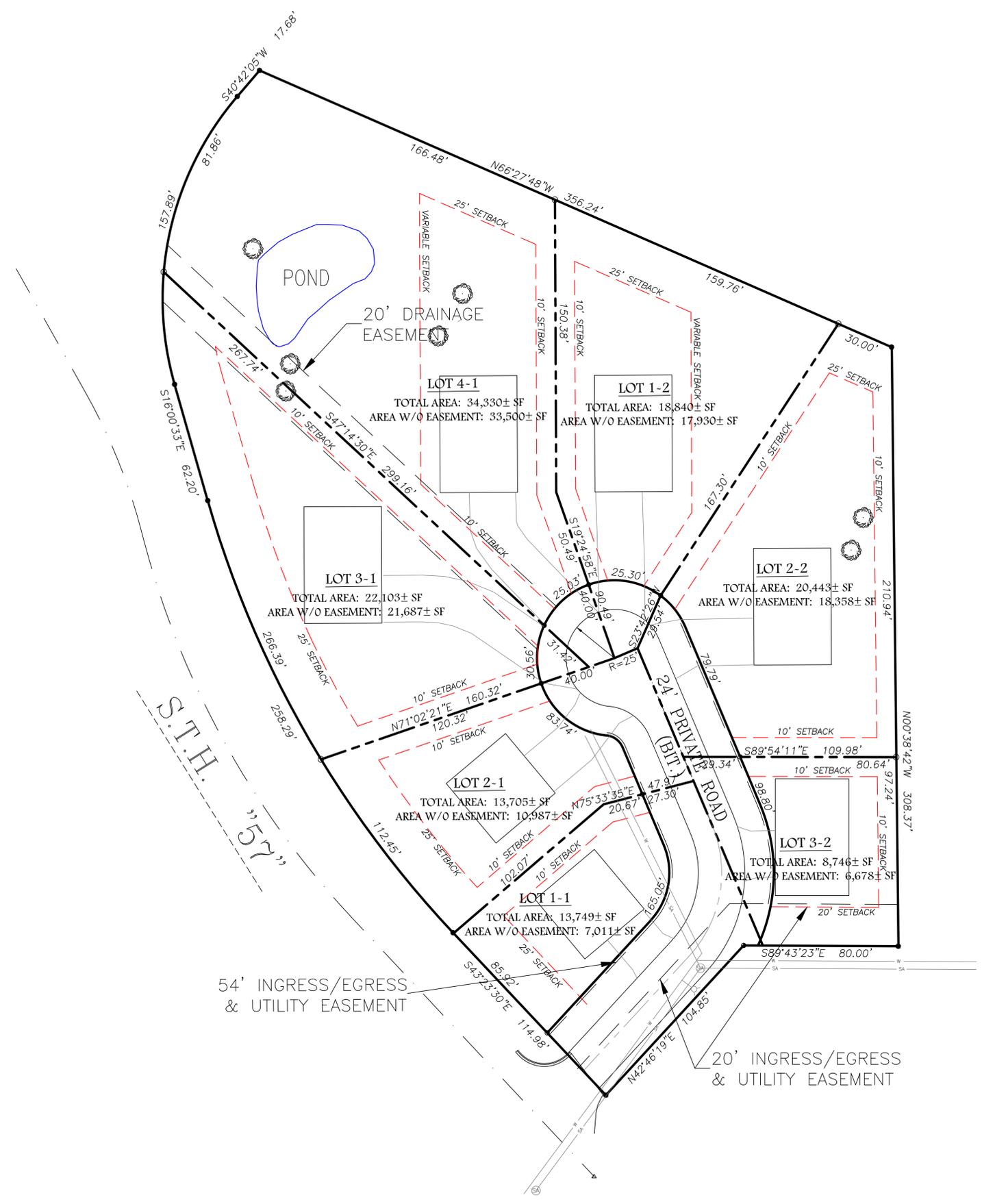
(920) 213-7792

NOTES:

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LEGEND

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- o GAS VALVE
- o PAD MOUNTED TRANSFORMER
- o EXISTING CULVERT



SCALE: 1"=30'

RELEASE	DATE:	BY:
Project Review		

NO.	DATE:	BY:	DESCRIPTION

MR. AL GOKFY
 316 HEIDELBERG COURT
 GREEN BAY, WI 54302

JMM CONSULTING, LLC
 CONSULTING ENGINEERS
 840 CHALLENGER DRIVE - SUITE 140
 Green Bay, WI 54311-8951
 Phone: 920/592-9606 Fax: 920/592-9613

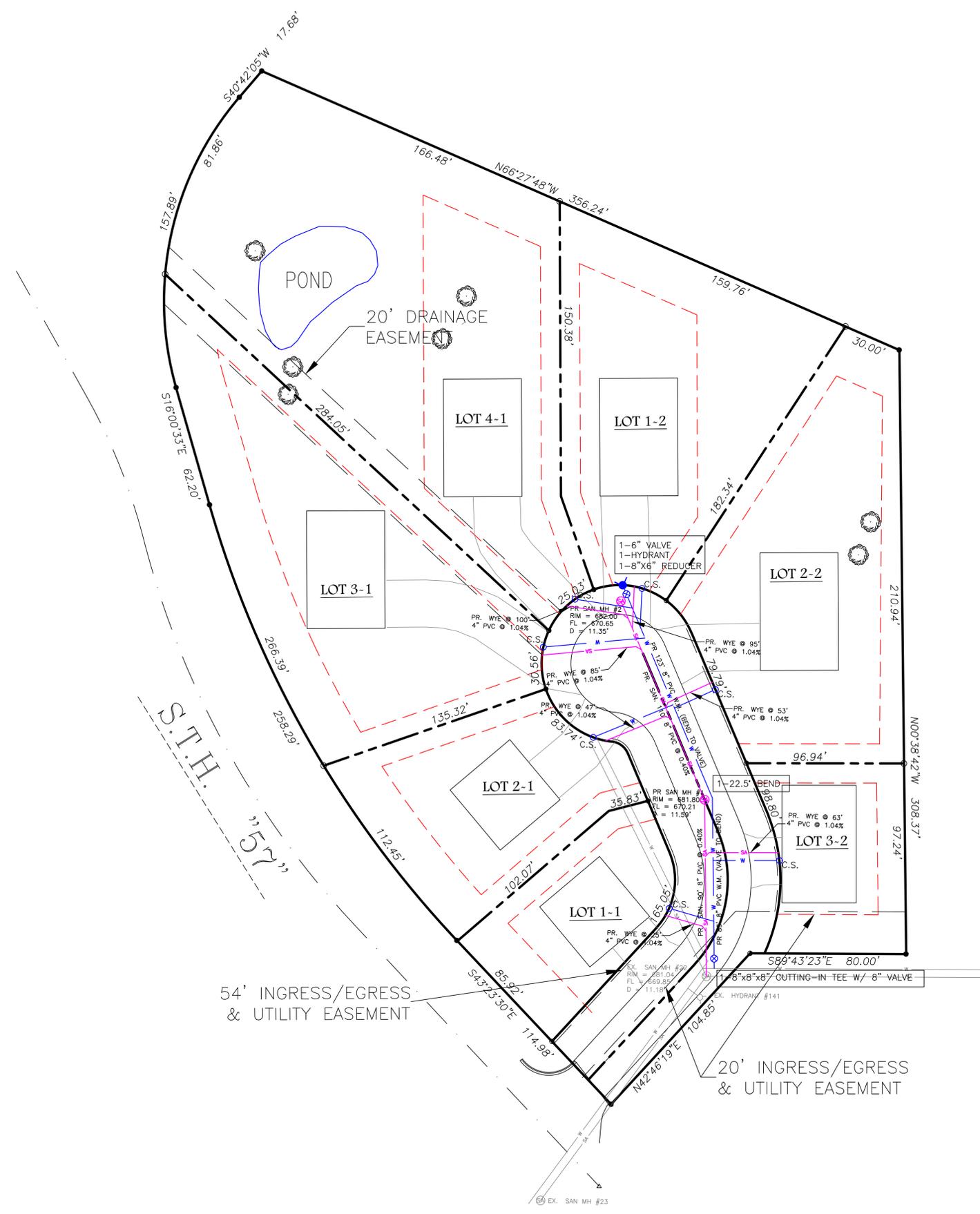
PROPOSED 7-LOT
RESIDENTIAL DEVELOPMENT
VILLAGE OF SISTER BAY, WI

DRAWN BY: MJE
 DATE: 6/18/2015
 SCALE: 1" = 30'

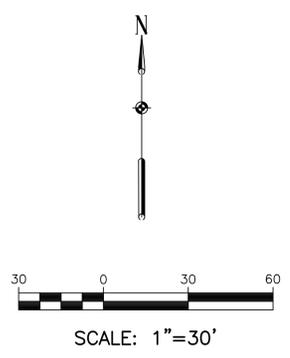
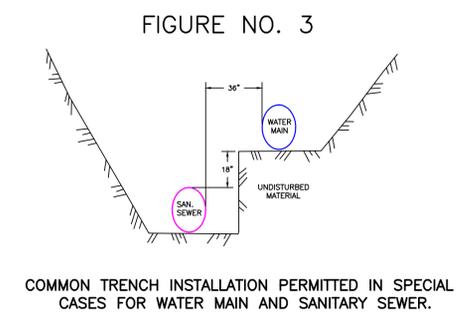
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FINAL - 6/18/2015

NOTE: CONTRACTOR TO CORE MH, INSTALL KOR-N-SEAL BOOT & REMOVE BENCH TO MATCH EXISTING FLOWLINE.



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<p>MR. AL GOKFY 316 HEIDELBERG COURT GREEN BAY, WI 54302</p>		
<p>JMM CONSULTING, LLC 840 CHALLENGER DRIVE - SUITE 140 Green Bay, WI 54311-8951 Phone: 920/592-9606 Fax: 920/592-9613</p>		
<p>CONSULTING ENGINEERS</p>		
<p>CONCEPTUAL UTILITY PLAN</p>		
<p>PROPOSED 7-LOT RESIDENTIAL DEVELOPMENT VILLAGE OF SISTER BAY, WI</p>		
DRAWN BY: MJE		
DATE: 5/6/2015		
SCALE: 1" = 30'		
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FINAL - 5/6/2015

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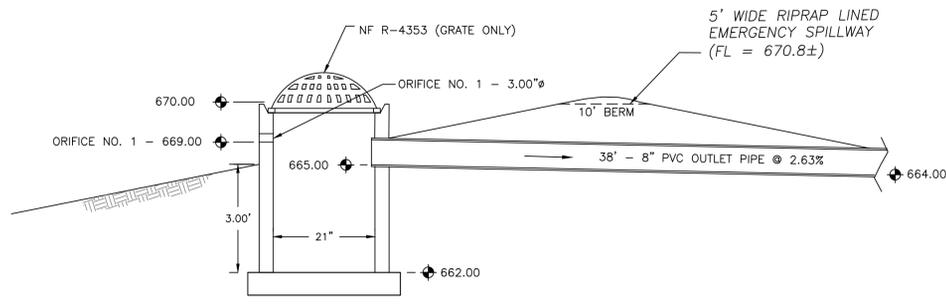
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 SCALE: 1" = 30'
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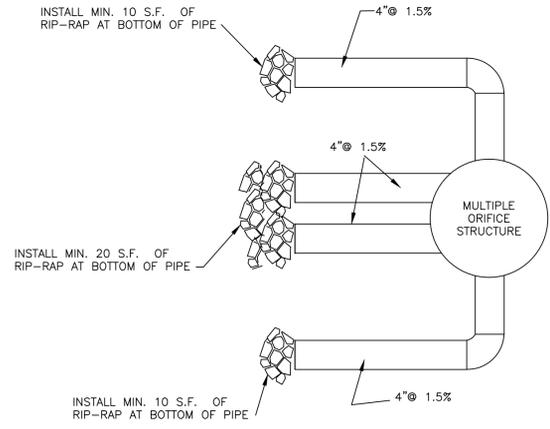


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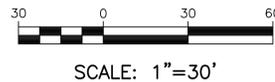
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LEGEND

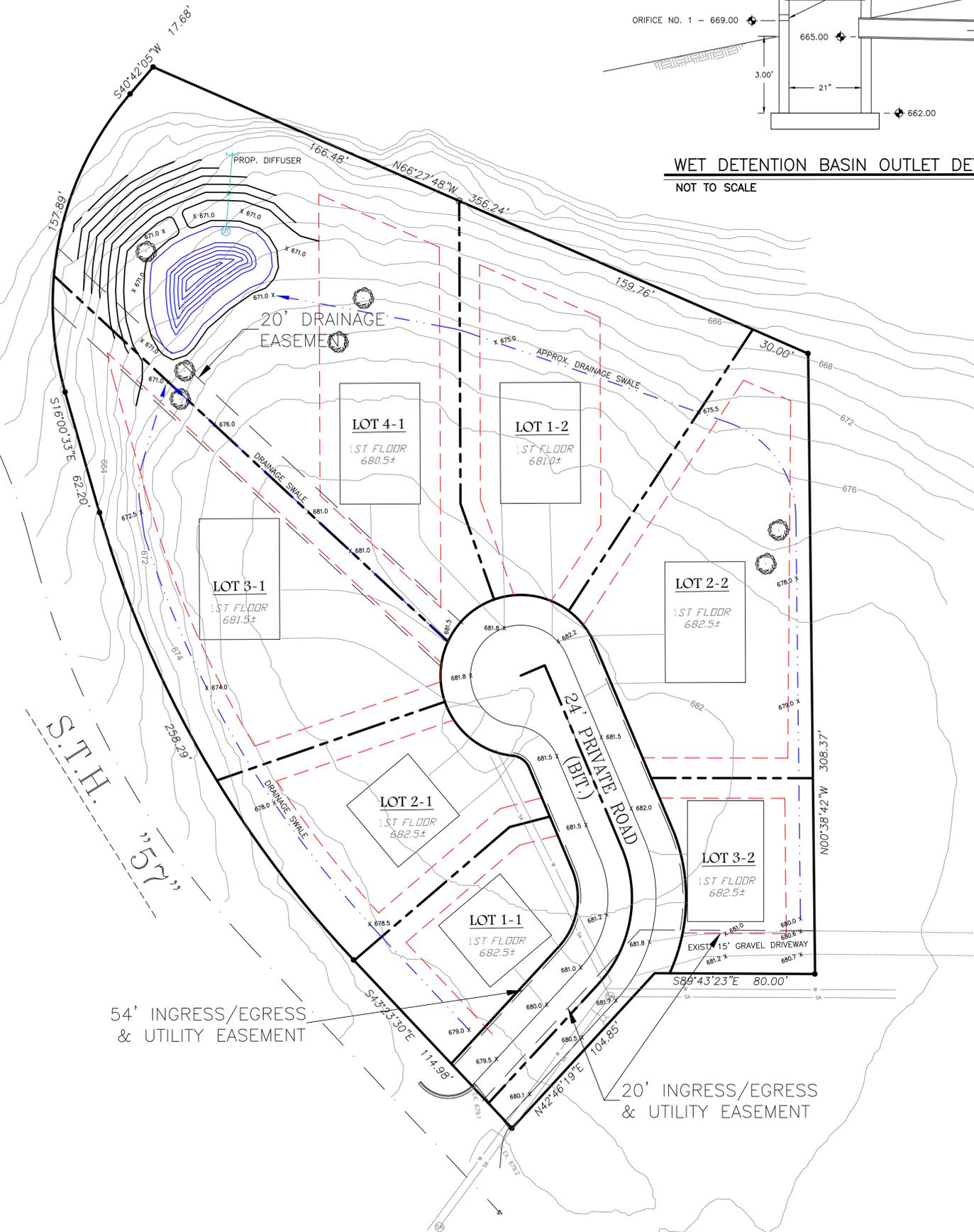
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DIFFUSER DETAIL
 NOT TO SCALE



FINAL - 5/6/2015



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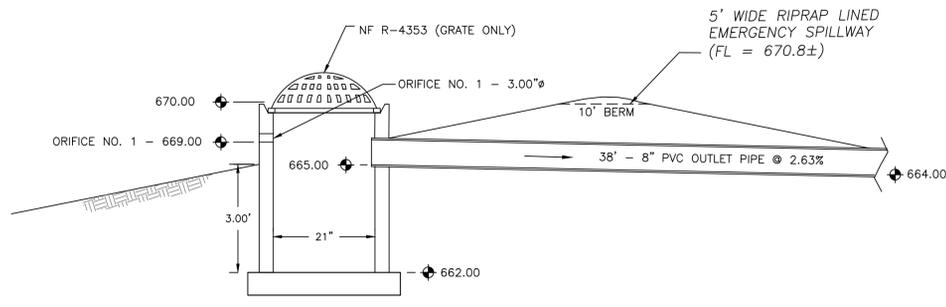
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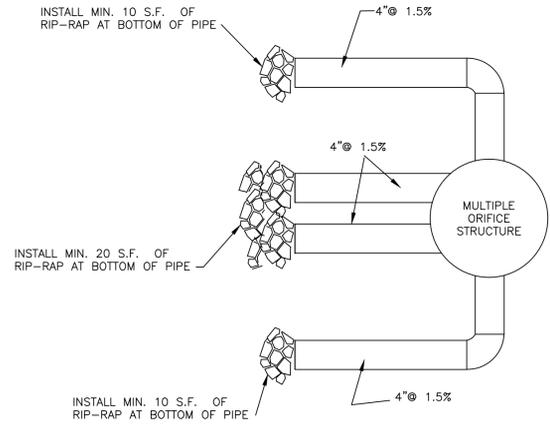
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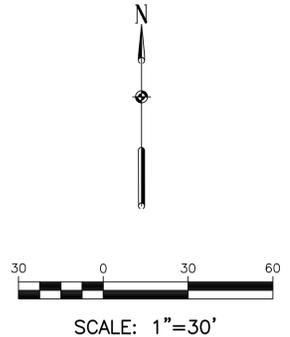
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 - EXISTING WATERMAIN
 - EXISTING UNDERGROUND GAS LINE
 - EXISTING UNDERGROUND ELECTRIC LINE
 - EXISTING UNDERGROUND PHONE LINE
 - EXISTING CATCH BASIN MANHOLE
 - EXISTING CATCH BASIN INLET
 - EXISTING STORM OR SANITARY MANHOLE
 - EXISTING SANITARY MANHOLE
 - EXISTING STORM MANHOLE
 - EXISTING HYDRANT
 - EXISTING WATER VALVE
 - EXISTING PEDESTAL
 - POWER POLE
 - EXISTING LIGHT POLE
 - GAS VALVE
 - PAD MOUNTED TRANSFORMER
 - EXISTING CULVERT



DIFFUSER DETAIL
 NOT TO SCALE



FINAL - 5/6/2015



Village of Sister Bay
 2383 MAPLE DRIVE • SISTER BAY, WI 54234
 PHONE: (920) 864-4118 • FAX: (920) 854-9637
 E-MAIL: INFO@SISTERBAYWI.GOV
 WEB SITE: WWW.SISTERBAYWI.GOV

REZONING PETITION

▼ THIS AREA FOR OFFICE USE ONLY ▼	
Account No.	Application Date:
Fee Amount Paid:	Receipt #:

NAMES & MAILING ADDRESSES	PROPERTY DESCRIPTION
Petitioner (Agent) Allen Gokey, North Door Properties, LLC	Parcel Identification Number (PIN) 181- 4230001 & 181-4240001
Street Address 5776 Ledgecrest Road	Subdivision or CSM (Volume/Page/Lot) Proposed Harbor View Estates (Seven (7) Lot Sub.)
City • State • Zip Code De Pere, WI 54115	Address Of Property (DO NOT include City/State/Zip Code) Unassigned Unnamed Private Road
Property Owner (if different from petitioner) Same as above	Is this property connected to public water? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will be served by public water.
Street Address	Is this property connected to public sewer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Will be served by public sewer.
City • State • Zip Code	

CONTACT PERSON

Name and daytime phone number (include area code) of a person we can contact if we have any questions about your petition.

Name Allen Gokey Daytime Phone (920) 371-4815 Email allengokey@hotmail.com

PROPOSED REZONING

Current Zoning District R-2 Multi-Family Residence District	Proposed Zoning District R-2 with PUD Overlay District
---	--

Reason For Rezoning

To allow for proposed development with smaller than 20,000 square feet and 75' wide lots, with a smaller front yard setback than 40' from the edge of the pavement, with a smaller rear yard setback than 30' and to allow for dwellings to be served by a private road.

Please complete the site map on the attached sheet.

CERTIFICATE

I, the undersigned, hereby petition to rezone the aforementioned property and certify that all the information both above and attached is true and correct to the best of my knowledge.

Signature *AG* Date 5/13/15

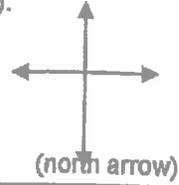
Daytime Contact Number (920) 371 - 4815

◆ AREA BELOW THIS LINE FOR OFFICE USE ONLY ◆

SITE PLAN

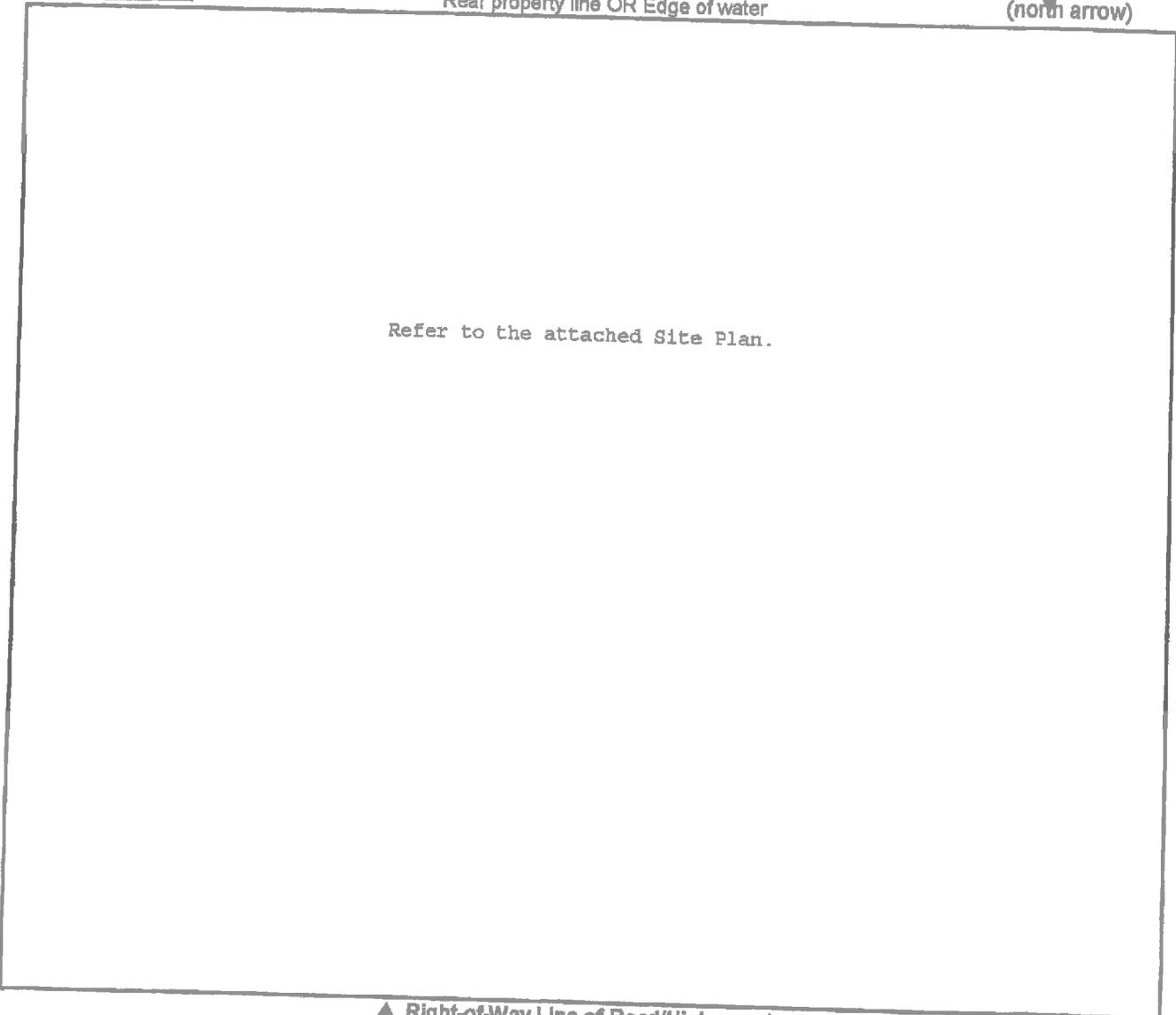
INSTRUCTIONS

- ➔ INDICATE north on the arrow.
- ➔ SKETCH the location of the proposed parent parcel and all proposed parcels (include dimensions).
- ➔ LABEL all abutting roads, highways, lakes, streams or wetlands.



Width _____

Rear property line OR Edge of water



▲ Right-of-Way Line of Road/Highway ▲

Width _____

▼ Center(line) of Road/Highway ▼

Name Of Road/Highway S.T.H "57" and Proposed Private Road

APPROVALS

▼ AREA BELOW THIS LINE FOR OFFICE USE ONLY ▼

PLAN COMMISSION ACTION

Date Of Decision _____ Decision _____

Zoning District _____

ZONING ADMINISTRATOR

APPROVED DENIED

Overlay District _____

Date _____

▼ AREA BELOW THIS LINE FOR OFFICE USE ONLY ▼

Road/Highway Designation

- Village US/State
- County Private

Existing Right-Of-Way

Required Road/Highway Setback

From Right-of-Way _____
From Centerline _____

Maximum Lot Coverage Allowed _____

Existing _____ Proposed _____
Aggregate _____

JMM CONSULTING, LLC
 CONSULTING ENGINEERS

840 CHALLENGER DRIVE – SUITE 140
 GREEN BAY, WI 54311
 PHONE: (920) 592-9606
 FAX: (920) 592-9613

May 6, 2015

Mr. Zeke Jackson, Village/Zoning Administrator
 Village of Sister Bay, Wisconsin
 2383 Maple Drive P.O. Box 769
 Sister Bay, WI 54234

Re: Request for Rezone of Parcel Nos. 181 42 30001 & 181 42 40001
 Subject Project: Proposed Harbor View Estates
 Seven (7) Lot Residential Subdivision
 Off S.T.H. "57" on Unnamed Private Road
 Village of Sister Bay, Wisconsin

Dear Mr. Jackson:

On behalf of Mr. Allen Gokey, of North Door Properties, LLC ("North Door"), we are hereby requesting that the above parcels of land be rezoned from R-2 Multi-Family Residential District to a R-2 with a PUD Planned Unit Development Overlay District ("PUD").

Enclosed are the following items for your review and processing.

- Completed and Signed Rezoning Petition and a check for \$XXX.XX
- Site Plan/Lot Layout
- Conceptual On-Site Utility Plan
- Conceptual Grading and Drainage Plan
- 1st DRAFT of the Stormwater Management Plan ("SWMP")
- 1st DRAFT of Development Agreement

There is no street lighting planned and there will be ample existing trees in the vicinity of the wet detention pond and, as such, there is no lighting or landscaping plan submitted as part of this request for the rezone.

General Description of the Proposed Project:

North Door is requesting the rezoning to clear the way to create a seven (7) lot residential development via two (2) CSMs. Based on our meeting, the proposed project will be created by two (2) CSMs to minimize the excessive setback required by the WDOT along S.T.H. "57" by Trans 233 if it were a subdivision plat. The seven (7) lots will be served by a 24' wide private road and public sewer and watermain installed within a proposed 54' Ingress/Egress & Utility Easement. Please refer to the attached Site Plan showing the proposed development. Upon your review of the attached Site Plan you will note that a 20' Ingress/Egress & Utility Easement is provided along the Southern property boundaries for access to the Village's water tower and to the Larson's house and for those portions of the Village's existing sewer and watermain installed in circa 1972 across the subject properties. In addition, there is a proposed wet detention pond to be constructed in the Northwestern portion of the subject property where the majority of the runoff will be routed for detention and treatment required by the State of Wisconsin Stormwater regulations under NR151 of the W.A.C.

Zeke Jackson, Village/Zoning Administrator
May 6, 2015
Page 2

Summary of Departures from Standard R-2 Zoning District Requirements:

By approving the rezone to PUD, there are basically four (4) departures from the standard R-2 District Zoning District requirements.

1. A departure from the minimum lot size of 20,000 square feet and a minimum lot width of 75 feet (Section 66.0312 (d)).
2. A departure from the minimum front yard setback of at least 40 feet from the edge of the easement or the edge of the pavement if not on a public street (Section 66.0312 (f) (5)).
3. A departure from the rear yard setback of at least 30 feet (Section 66.0312 (f) (7)).
4. A departure from the requirement that all dwelling units must be served by public streets (Section (h) (8)).

Conditions in Support of Rezone to PUD:

1. The proposed development is consistent with the Village's Master and Comprehensive Plan.
2. The proposed development is compatible with the surrounding land uses.
3. The proposed developed is at least 1.0 acre in size as required by Section 66.0341(b) for a Residential PUD
4. The proposed development will provide needed residential housing units in the Village which will mutually benefit the Developers and the Village.

Closing Comments:

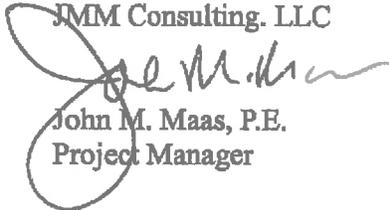
We trust that the enclosed information will allow the Village to determine that the proposed development can comply with all of the Village and State of Wisconsin regulations, if the rezone is approved.

We look forward to hearing from you and attending the Plan Commission meeting on May 26, 2015 to answer any questions the Plan Commission Members, or the General Public, might have about the proposed development.

Thank you and have a great day. If you have any questions, or if you need any additional information, please do not hesitate to contact this office.

Very truly yours,

JMM Consulting. LLC



John M. Maas, P.E.
Project Manager

Enclosures

1ST DRAFT

STORM WATER MANAGEMENT PLAN (SWMP)

PROPOSED HARBOR VIEW ESTATES SEVEN (7) LOT RESIDENTIAL SUBDIVISION

VILLAGE OF SISTER BAY, WISCONSIN

DATE: May 6, 2015

PURPOSE: This Storm Water Management Plan (SWMP) has been prepared to comply with the general requirements of most Municipal Storm Water Management Ordinances (“MSWO”) and NR 151 of the W.A.C.

Most MSWO’s require, among other things, to minimize “impacts”, the post development peak flow rates of storm water runoff shall not exceed the calculated runoff rates for the pre-developed (“existing”) conditions for some, or all, of the one (1), two (2), ten (10) and the one hundred (100) year. In extreme cases, some of the MSWO’s require the runoff from the post developed site for the 100-year to be reduced to the 10-year pre-developed rate. In addition, the stormwater BMPs, in this case the wet detention pond, must reduce the total suspended solids (TSSs) in the runoff by a minimum of 80%.

In this case, the requirements of NR 151 are much less than those stated above for most MSWO. According to my telephone conversation with Ms. Sarah Anderson of the WDNR, NR 151 does not require any reductions of the runoff from the post developed conditions (NR 151.123 (1) (b)) and it only requires the removal of 40% from the roads and driveways (NR 151.122 Table 1).

Given the following, we have been extremely conservative in sizing the BMPs.:

- I am not sure I agree with Ms. Anderson’s interpretation of the code.
- The absence of a Village of Sister Bay SWO.
- The fact that we want to reduce the runoff from the subject site to the point where the runoff can be simply discharged on our property and left to run off over the sidewalk(s) into the WDOT road, thus, avoiding an expensive underground connection to the storm sewer system.
- Given that this SWMP is part of a request to rezone the property and, as such, is intended to demonstrate that the site can comply with even the most extreme MSWO requirements, if required to do so.

As such, we reserve the right to revise the pond size, outlet structure, orifices and the splitter after the Village’s Consulting Engineer, REL, reviews this 1st draft and provides us with their review comments.

PREDEVELOPMENT RUNOFF RATES

The peak runoff rates for the pre-developed (“existing”) conditions for the 3.029 acre site is based on the Existing Conditions Plan provided in Attachment “A” were calculated using HydroCAD 10. The soils at the site are mapped as a combination of Longrie and Udorthents. as such, we modeled the existing soils as being Type “B”. Refer to the Soil Survey Map provided in Attachment “A” for details. Refer to the HydroCAD 10 Information provide in Attachment “B” for details.

1-year Storm

- Rainfall Amount = 2.10 inches for Door County
- CN = 78
- $T_c = 33.8$ min.
- Peak Discharge = 1.14 cfs

2-year Storm

- Rainfall Amount = 2.30 inches
- CN = 78
- $T_c = 33.8$ min.
- Peak Discharge = 1.44 cfs

10-year Storm

- Rainfall Amount = 3.50 inches
- CN = 78
- $T_c = 33.80$ min.
- Peak Discharge = 3.54 cfs

100-year Storm

- Rainfall Amount = 4.50 inches
- CN = 78
- $T_c = 33.8$ min.
- Peak Discharge = 5.52 cfs

For paths for Time of Concentrations refer to the Pre-Developed Conditions Drainage Area Map provided in Attachment “A”.

POST DEVELOPMENT RUNOFF AMOUNTS

The 3.029 acre site includes two (2) areas totaling 0.832 acres that can not be collected and routed for detention and treatment. Refer to the Post Development Conditions Plan provided in Attachment “A” for details.

For paths for Time of Concentrations refer to the Post Developed Conditions provided in Attachment "A".

MODELING THE DISCHARGES THROUGH THE PROPOSED WET DETENTION POND AND SIZING THE ORIFICES IN THE OUTLET STRUCTURE TO REDUCE THE RUNOFF FROM THE POST-DEVELOPED CONDITIONS TO NO MORE THAN THE RUNOFF FROM THE PRE-DEVELOPED CONDITIONS

The runoff from the subject site in its post developed conditions were routed through the proposed wet detention pond using HydroCAD 10.

The proposed wet detention pond was modeled with an anticipated permanent pool elevation of 669.00 and having the following surface areas and storage areas.

<u>Elevation (ft.)</u>	<u>Sur. Area (ac.)</u>	<u>Inc. Storage (ac.-ft.)</u>	<u>Cum Storage (ac.-ft.)</u>
669.00	0.066	0.000	0.000
670.00	0.076	0.071	0.071
671.00	0.086	0.081	.0152

The discharge from the wet detention pond will be restricted by sizing several orifices to be placed at pre-determined elevations installed in the outside wall of the outlet structure. The only orifice is a 3" hole installed at an elevation of 669.00 (permanent pool elevation).

Using the aforementioned pond and accounting for the two (2) areas that are not collected, the combined outflows for the overall project area as follows:

<u>Storm Event</u>	<u>Combined Outflow Rates (cfs)</u>	<u>Pre-Dev. Rates (cfs)</u>
1-year	0.36 cfs	1.14 cfs
2-year	0.48 cfs	1.44 cfs
10-year	4.77 cfs	3.54 cfs
100-year	7.00 cfs	5.52 cfs

As you can see from the above, the proposed wet detention pond combined with the proposed outlet structure can reduce the post developed runoff rates to that which runs off the drainage area in its undeveloped conditions for the small storms and approach that for the larger storm events.

The 8" outlet pipe was sized by the HydroCAD Model using an invert elevation at the outlet structure of 665.00 and a slope 2.63% Refer to HydroCAD Model for details. We have proposed using a splitter to disperse the runoff from the pond but given the little runoff that will be discharged that might not be required.

MODELING THE DISCHARGES THROUGH THE PROPOSED WET DETENTION POND TO DETERMINE THE AMOUNT OF TSS REMOVAL

To comply with the most MSWO and to confirm compliance with NR 151, the proposed wet detention pond was modeled using SLAMM 10.0 for the amount of TSSs removed by the pond.

Like the HydroCAD Model, the WinSLAMM Model accounts for the two (2) areas of the site that are not routed to the pond for detention or treatment.

According to the WinSLAMM Model, the proposed wet detention pond will remove 80.40% of the overall project TSSs.

INFILTRATION

According to NR151, there are several exclusions and exemptions from the infiltration requirements. It is our belief that the above site qualifies for the exemption due to the depth to bedrock being less than 5' below the bottom of any conceivable design for an infiltration basin.

STORM SEWER PIPE SIZING

There is not storm sewers proposed as part of the Conceptual design so there is no storm sewer sizing information provided.

PROFESSIONAL ENGINEER CERTIFICATION

I hereby certify that this report has been prepared under my direct supervision and that I am a duly Registered Professional Engineer, licensed in the State of Wisconsin





 John M. Maas, P.E.
 W.P.E. No. 22243



 Date

ATTACHMENT "A"**FIGURE NO. 1 – SOIL MAP & SOIL INFORMATION****FIGURE NO. 2 – PRE-DEVELOPED T_c ROUTE MAP****FIGURE NO. 3 – POST DEVELOPED T_c ROUTE MAP****FIGURE NO. 4 – GRADING AND DRAINAGE PALN W/ POND**



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[Area of Interest \(AOI\)](#) | [Soil Map](#) | [Soil Data Explorer](#) | [Download Soils Data](#) | [Shopping Cart \(Free\)](#)

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Search

Map Unit Legend

Door County, Wisconsin (WI029)

Map Unit Symbol	Map Unit Name	Acres In AOI	Percent of AOI
LoB	Longrie loam, 2 to 6 percent slopes	2.0	59.7%
NaC	Namur loam, 6 to 12 percent slopes	0.4	13.3%
Ra	Rock outcrop	0.9	26.7%
Uo	Udortherents, cobbly	0.0	0.3%
Totals for Area of Interest		3.3	100.0%

Soil Map

Scale | (not to scale)



Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be done at a particular scale. The soil surveys that comprise your AOI were mapped at 1: and the level of detail shown in the resulting soil map are dependent on that map scale. Enlargement of maps beyond the scale of mapping can cause misunderstanding of the of soil line placement. The maps do not show the small areas of contrasting soils that c detailed scale.

Soil Data Available

To see a description of the soil data available for a specific point on the map:

1. Click anywhere in the map. The soil data availability for that point will be shown here.
2. The point you clicked is marked with the identified point icon:
3. To see a map showing soil data availability for all locations in the U.S. and territories, click the **Soil Survey Status** link in the Navigation Bar above.

ec. 29, of the subsoil has been incorporated into the plow layer by tillage. Included with this soil in mapping are small areas of Kolberg, Namur, and Summerville soils. Also included are small areas of gently sloping Kolberg Variant loam.

Runoff is medium. The hazard of erosion is moderate, and it is the main limitation of this soil.

Most areas of this soil are used for corn, small grain, legumes, and pasture. Some areas are in unimproved pasture and native woodland. Management is needed to maintain organic-matter content and good tilth, to reduce runoff, and to control erosion. Even if managed well, this soil is poorly suited to row crops. Capability unit IVe-3; woodland suitability subclass 3d.

Longrie series

The Longrie series consists of well drained, nearly level to sloping soils on glacial till plains where the underlying dolomite bedrock is at a depth of 20 to 40 inches. The native vegetation is red oak, sugar maple, and white birch.

In a representative profile the surface layer is black loam 3 inches thick. The subsurface layer is dark grayish brown sandy loam about 2 inches thick. The subsoil is about 18 inches thick. It is dark brown, friable sandy loam in the upper part; reddish brown, friable sandy loam in the middle part; and brown, friable loam in the lower part. The substratum is brown, very friable fine sandy loam about 7 inches thick. Dolomite bedrock is at a depth of about 30 inches.

The available water capacity is low, and permeability is moderate. These soils are seasonally saturated at a depth of 6 feet or more. The depth of the root zone is limited by the bedrock. Natural fertility is medium, and the organic-matter content of the surface layer is moderate.

Most areas of these soils are used for all farm crops commonly grown in the county.

Representative profile of Longrie loam, 2 to 6 percent slopes, in a wooded area, 260 feet west and 40 feet south of the center of sec. 29, T. 29 N., R. 26 E.:

- A1—0 to 3 inches; black (10YR 2/1) loam; moderate medium granular structure; friable; many roots; neutral; abrupt wavy boundary.
- A2—3 to 5 inches; dark grayish brown (10YR 4/2) sandy loam; weak medium granular structure; friable; many roots; slightly acid; abrupt smooth boundary.
- B21ir—5 to 8 inches; dark brown (7.5YR 4/4) sandy loam; weak medium subangular blocky and weak medium granular structure; friable; many roots; medium acid; abrupt wavy boundary.
- B22ir—8 to 14 inches; reddish brown (5YR 4/4) sandy loam; moderate medium subangular blocky structure; friable; common roots; thin patchy clay film in pores; neutral; clear wavy boundary.
- B3—14 to 23 inches; brown (7.5YR 4/4) light loam; moderate medium subangular blocky structure; friable; common roots; neutral; clear wavy boundary.

- C—23 to 30 inches; brown (10YR 5/3) fine sandy loam; weak medium granular structure; very friable; slightly effervescent; mildly alkaline.
- R—30 inches; light gray (10YR 7/2) consolidated bedrock.

The solum is medium acid to neutral. Depth to dolomite bedrock is 20 to 40 inches. In some areas, the solum contains as much as 12 percent coarse fragments of gravelly, cobbly, flaggy, and stony sizes throughout. The A1 horizon is black, very dark brown, or very dark gray. In cultivated areas, the Ap horizon is very dark gray, dark brown, or very dark brown. The A2 horizon is sandy loam or loam. The B1r horizon is brown or dark brown and is sandy loam or loam. The B3 horizon is predominantly reddish brown, brown, or dark brown. It is commonly loam but ranges to sandy loam or fine sandy loam. The C horizon is brown, light yellowish brown, or light brown sandy loam, loam, or fine sandy loam. It is dominantly mildly alkaline but ranges to moderately alkaline in places.

Longrie soils are near Bonduel, Duel, Emmet, Kolberg, and Summerville soils. They are better drained than Bonduel soils and have less sand than Duel soils. Longrie soils are underlain by dolomite bedrock at a depth of 20 to 40 inches, whereas Summerville soils have bedrock at a depth of 10 to 20 inches, and Emmet soils generally have dolomite bedrock at a depth of more than 5 feet. Longrie soils have more sand throughout the profile than Kolberg soils.

LoA—Longrie loam, 0 to 2 percent slopes. This nearly level soil is on glacial till plains that are underlain by dolomite bedrock. Most areas are irregular in shape and are 5 to 200 acres in size.

This soil has a profile similar to the one described as representative of the series, but it has a thicker surface layer. This soil also is less susceptible to erosion.

Included with this soil in mapping are small areas of Kolberg Variant and Summerville soils. Also included are small areas of gently sloping Longrie loam and areas of soils in which dolomite bedrock is at a depth of 40 to 60 inches. Bedrock is exposed at the surface in some areas of this soil.

Runoff is slow. The hazard of erosion is slight. Droughtiness is the main limitation of this soil.

Most areas of this soil are used for corn, small grain, legumes, and pasture. Some areas remain in native woodland. Management practices such as the use of green manure crops and barnyard manure are necessary to sustain crop yields. If properly managed, this soil is well suited to most crops commonly grown in the county. Capability unit IIs-1; woodland suitability subclass 2o.

LoB—Longrie loam, 2 to 6 percent slopes. This gently sloping soil is on glacial till plains that are underlain by dolomite bedrock. Most areas are irregular in shape and are 5 to 400 acres in size. This soil has the profile described as representative of the series.

Included with this soil in mapping are small areas of Kolberg Variant and Summerville soils. Also included are small areas of nearly level and sloping Longrie loams. In a few areas, dolomite bedrock is at a depth of 40 to 60 inches or is exposed at the surface.

Runoff is medium. The hazard of erosion is moderate, and it is the main limitation of this soil.

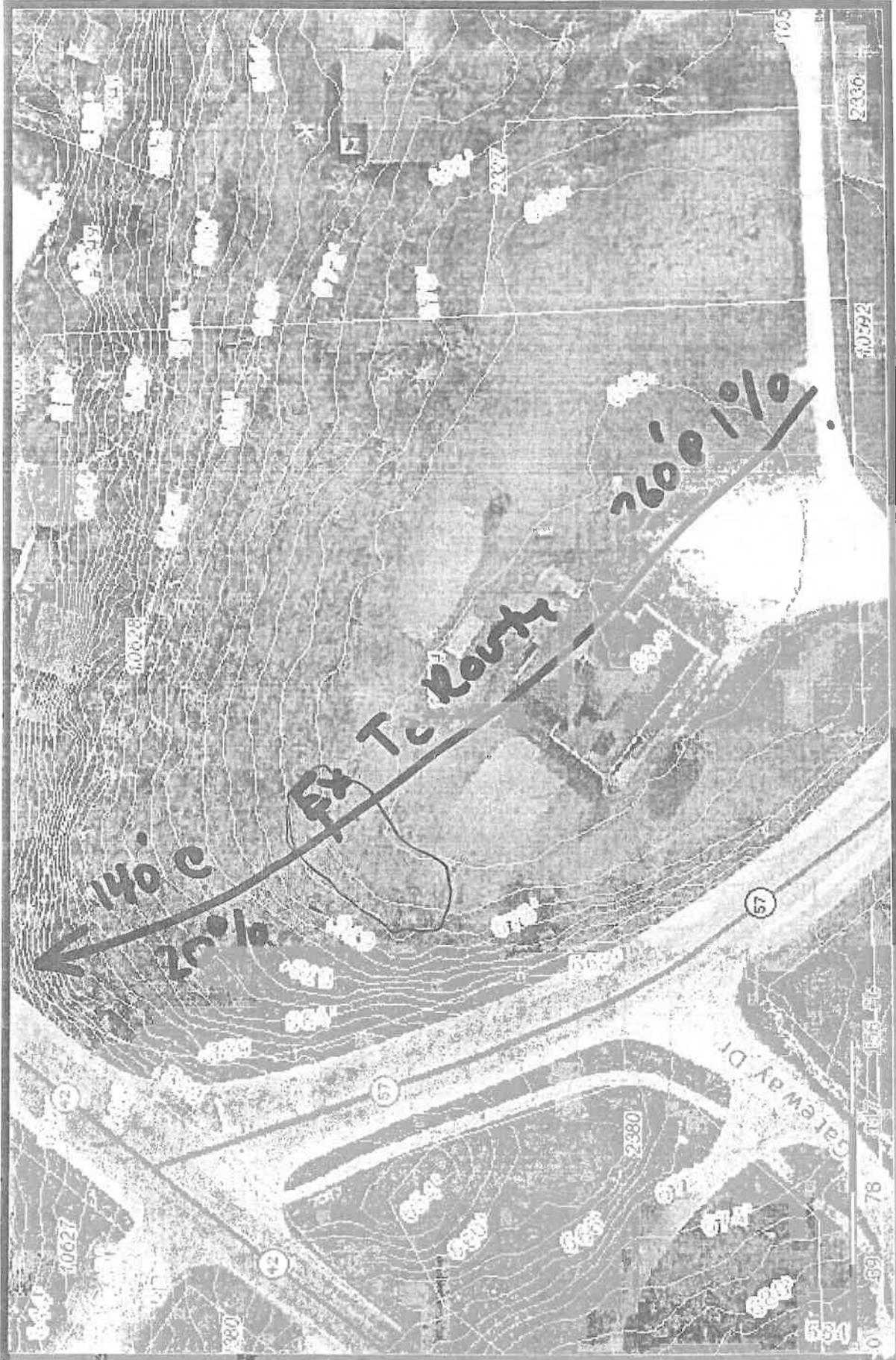
Map

Printed 01/30/2015 courtesy of Door County Land Information Office

... from the Web Map of ...
(//www.co.door.wi.gov)



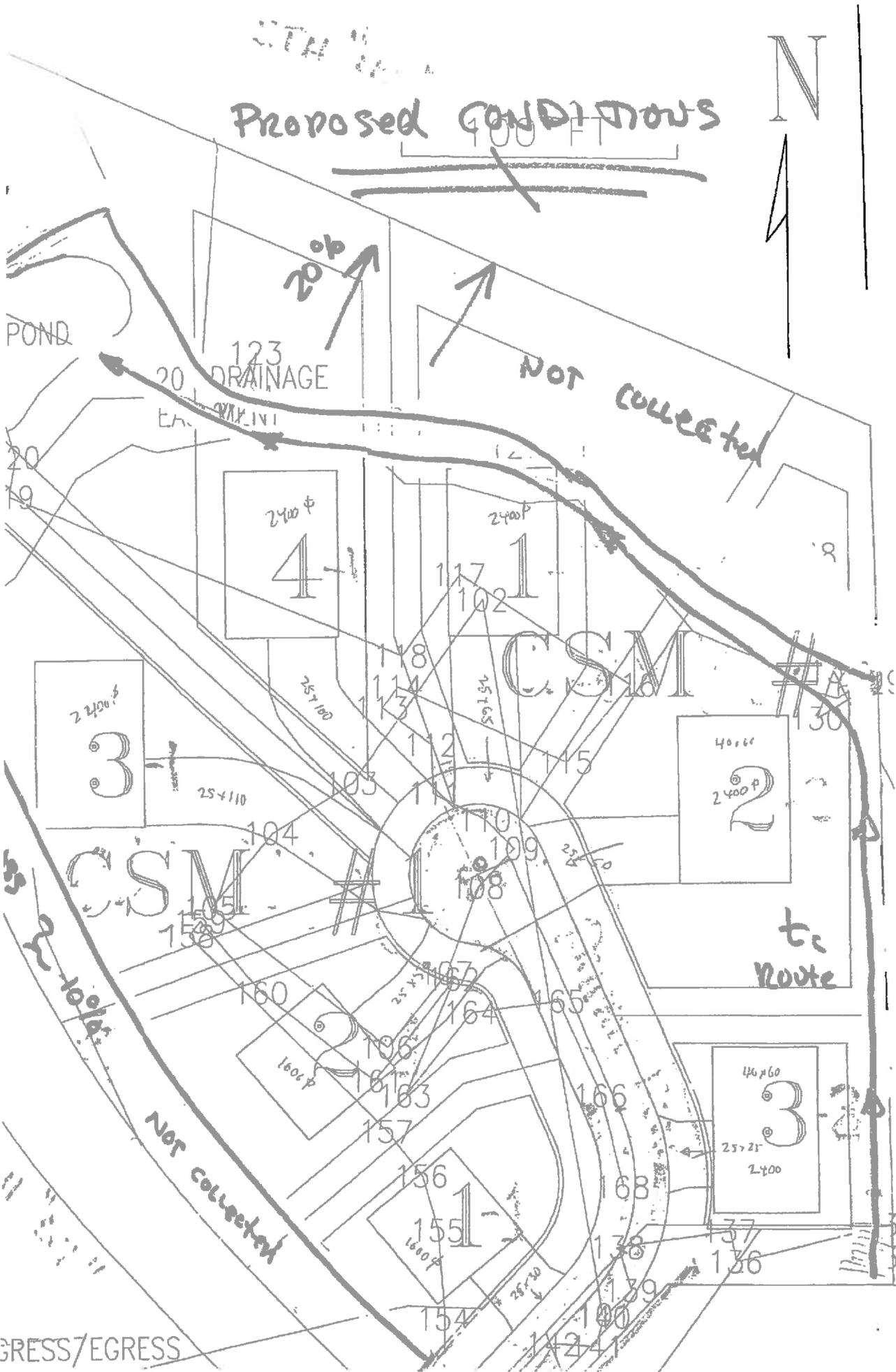
Door County, Wisconsin
... for all seasons!



Door County can not and does not make any representation regarding the accuracy or completeness, nor the error-free nature, of information depicted on this map. This information is provided to users "as is". The user of this information assumes any and all risks associated with this information. Door County makes no warranty or representation, either express or implied, as to the accuracy, completeness, or fitness for a particular purpose of this information. This Web Map is only a compilation of information and is NOT to be considered a legally recorded map or a legal land survey to be relied upon.



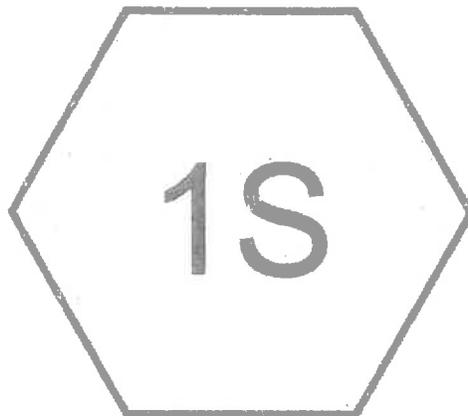
Proposed CONDITIONS



GRESS/EGRESS

ATTACHMENT "B"

HydroCAD 10 INFORMATION



Existing Conditions Type B Soils



Runoff for Existing Conditions

Prepared by {enter your company name here}

HydroCAD® 10.00 s/n 03685 © 2013 HydroCAD Software Solutions LLC

Printed 4/30/2015

Page 2

Area Listing (selected nodes)

Area (acres)	CN	Description (subcatchment-numbers)
1.622	79	<50% Grass cover, Poor, HSG B (1S)
0.262	96	Gravel surface, HSG B (1S)
0.143	98	Paved parking, HSG B (1S)
0.122	98	Unconnected roofs, HSG B (1S)
0.880	66	Woods, Poor, HSG B (1S)
3.029	78	TOTAL AREA

Runoff for Existing Conditions

Prepared by {enter your company name here}

Printed 4/30/2015

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Page 3

Soil Listing (selected nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
3.029	HSG B	1S
0.000	HSG C	
0.000	HSG D	
0.000	Other	
3.029		TOTAL AREA

Runoff for Existing Conditions

Prepared by {enter your company name here}

Printed 4/30/2015

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Page 4

Ground Covers (selected nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	1.622	0.000	0.000	0.000	1.622	<50% Grass cover, Poor	1S
0.000	0.262	0.000	0.000	0.000	0.262	Gravel surface	1S
0.000	0.143	0.000	0.000	0.000	0.143	Paved parking	1S
0.000	0.122	0.000	0.000	0.000	0.122	Unconnected roofs	1S
0.000	0.880	0.000	0.000	0.000	0.880	Woods, Poor	1S
0.000	3.029	0.000	0.000	0.000	3.029	TOTAL AREA	

Runoff for Existing Conditions

Type II 24-hr 1-year Rainfall=2.10"

Prepared by {enter your company name here}

Printed 4/30/2015

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Page 5

Summary for Subcatchment 1S: Existing Conditions TYPe B Soils

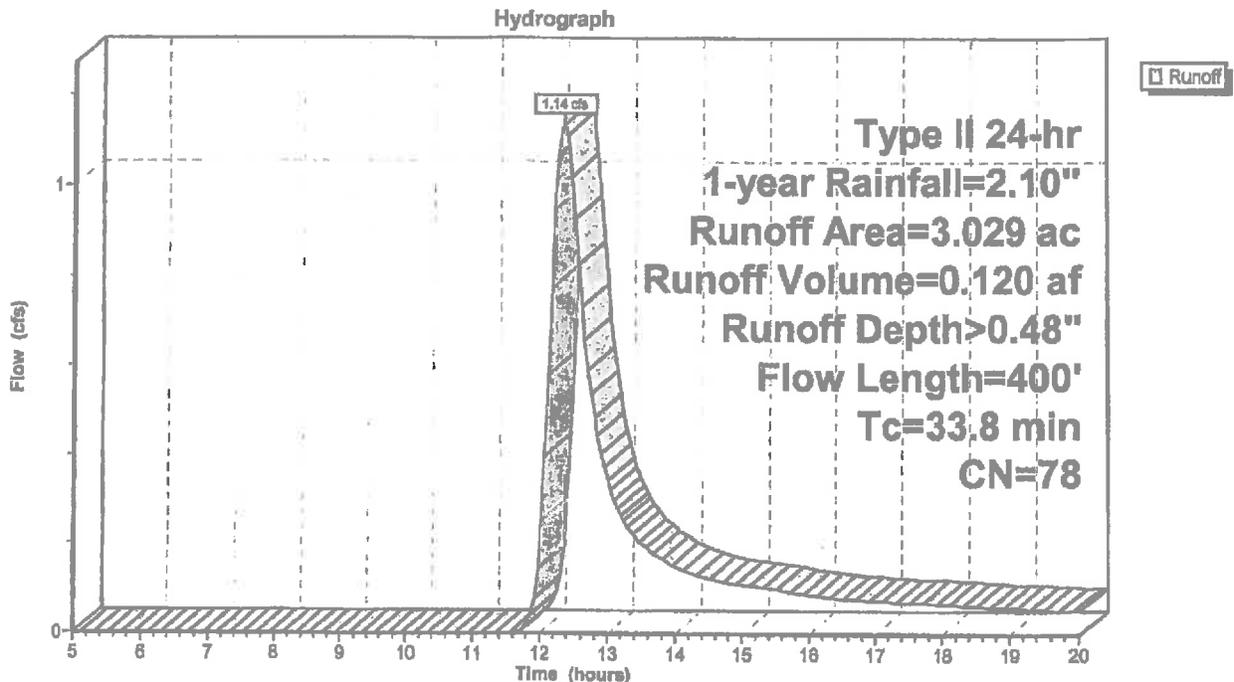
Runoff = 1.14 cfs @ 12.33 hrs, Volume= 0.120 af, Depth> 0.48"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 1-year Rainfall=2.10"

Area (ac)	CN	Description
0.262	96	Gravel surface, HSG B
0.122	98	Unconnected roofs, HSG B
0.095	98	Paved parking, HSG B
0.048	98	Paved parking, HSG B
0.880	66	Woods, Poor, HSG B
1.622	79	<50% Grass cover, Poor, HSG B
3.029	78	Weighted Average
2.764		91.25% Pervious Area
0.265		8.75% Impervious Area
0.122		46.04% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
32.8	260	0.0100	0.13		Sheet Flow, Former school flat area to NW Grass: Short n= 0.150 P2= 2.30"
1.0	140	0.2000	2.24		Shallow Concentrated Flow, Steep Slopes in Woods Woodland Kv= 5.0 fps
33.8	400	Total			

Subcatchment 1S: Existing Conditions TYPE B Soils



Runoff for Existing Conditions

Type II 24-hr 2-year Rainfall=2.30"

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Summary for Subcatchment 1S: Existing Conditions TYPE B Soils

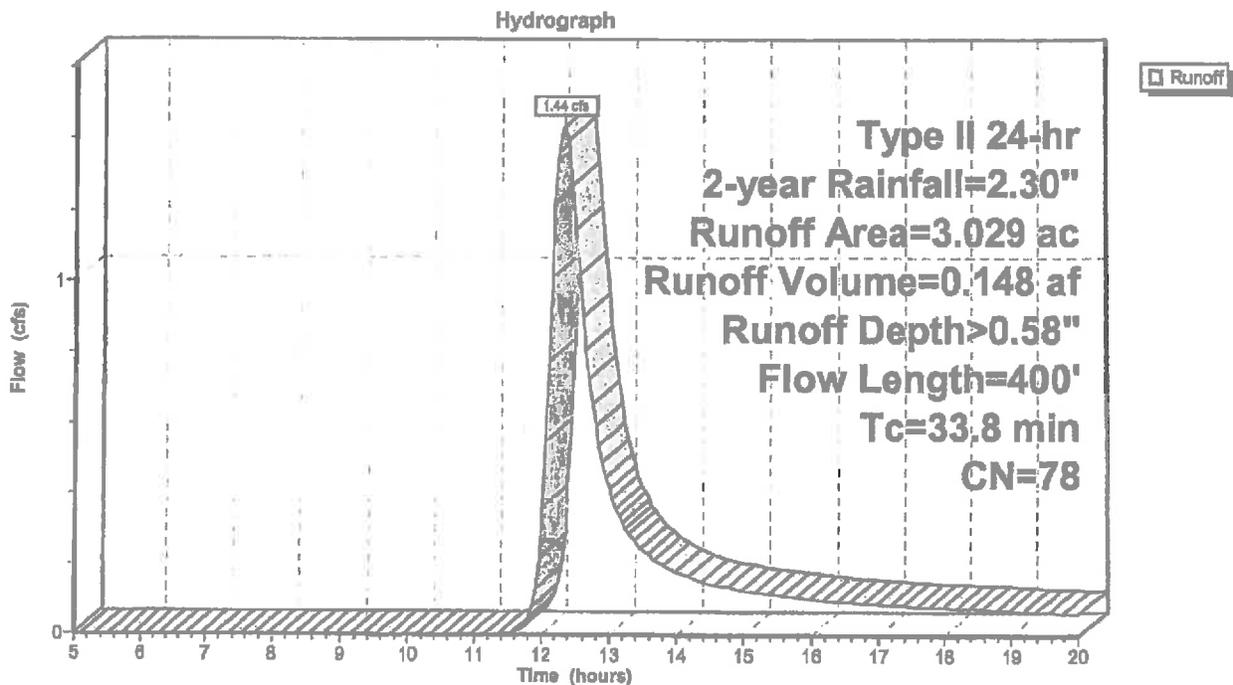
Runoff = 1.44 cfs @ 12.32 hrs, Volume= 0.148 af, Depth> 0.58"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 2-year Rainfall=2.30"

Area (ac)	CN	Description
0.262	96	Gravel surface, HSG B
0.122	98	Unconnected roofs, HSG B
0.095	98	Paved parking, HSG B
0.048	98	Paved parking, HSG B
0.880	66	Woods, Poor, HSG B
1.622	79	<50% Grass cover, Poor, HSG B
3.029	78	Weighted Average
2.764		91.25% Pervious Area
0.265		8.75% Impervious Area
0.122		46.04% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
32.8	260	0.0100	0.13		Sheet Flow, Former school flat area to NW Grass: Short n= 0.150 P2= 2.30"
1.0	140	0.2000	2.24		Shallow Concentrated Flow, Steep Slopes in Woods Woodland Kv= 5.0 fps
33.8	400	Total			

Subcatchment 1S: Existing Conditions TYPE B Soils



Runoff for Existing Conditions

Type II 24-hr 10-year Rainfall=3.50"

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Summary for Subcatchment 1S: Existing Conditions Type B Soils

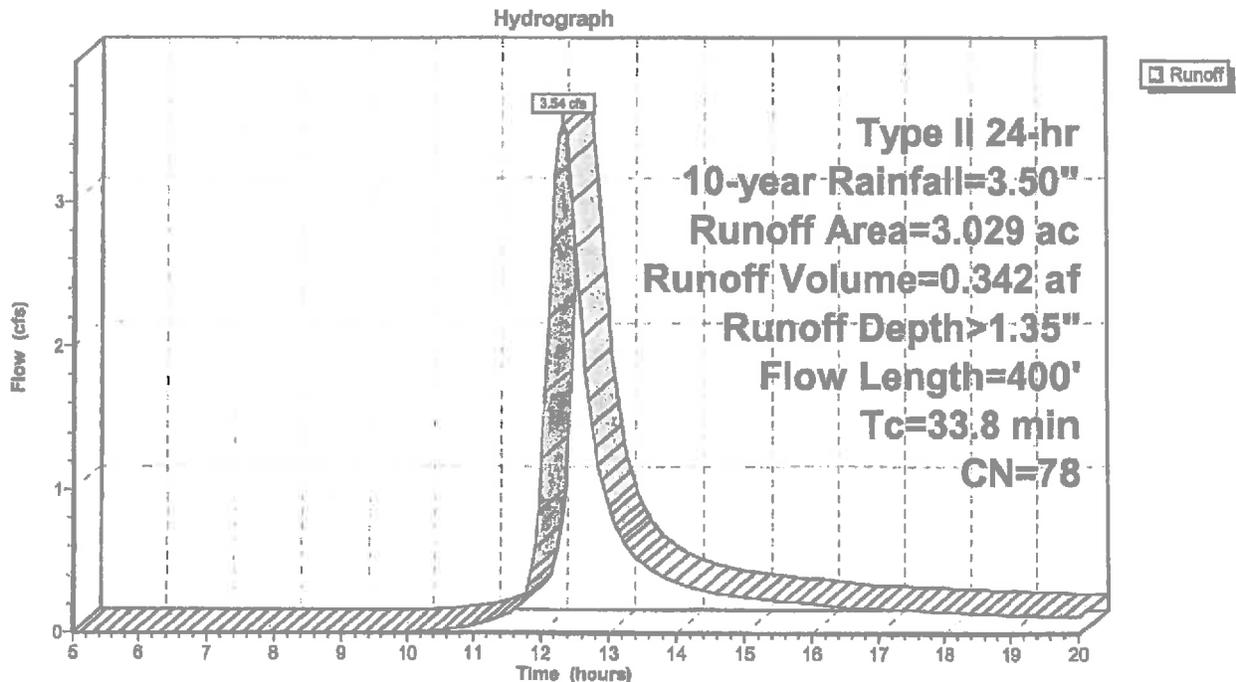
Runoff = 3.54 cfs @ 12.30 hrs, Volume= 0.342 af, Depth> 1.35"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 10-year Rainfall=3.50"

Area (ac)	CN	Description
0.262	96	Gravel surface, HSG B
0.122	98	Unconnected roofs, HSG B
0.095	98	Paved parking, HSG B
0.048	98	Paved parking, HSG B
0.880	66	Woods, Poor, HSG B
1.622	79	<50% Grass cover, Poor, HSG B
3.029	78	Weighted Average
2.764		91.25% Pervious Area
0.265		8.75% Impervious Area
0.122		46.04% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
32.8	260	0.0100	0.13		Sheet Flow, Former school flat area to NW Grass: Short n= 0.150 P2= 2.30"
1.0	140	0.2000	2.24		Shallow Concentrated Flow, Steep Slopes in Woods Woodland Kv= 5.0 fps
33.8	400	Total			

Subcatchment 1S: Existing Conditions Type B Soils



Runoff for Existing Conditions

Type II 24-hr 100-year Rainfall=4.50"

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Summary for Subcatchment 1S: Existing Conditions TYPe B Soils

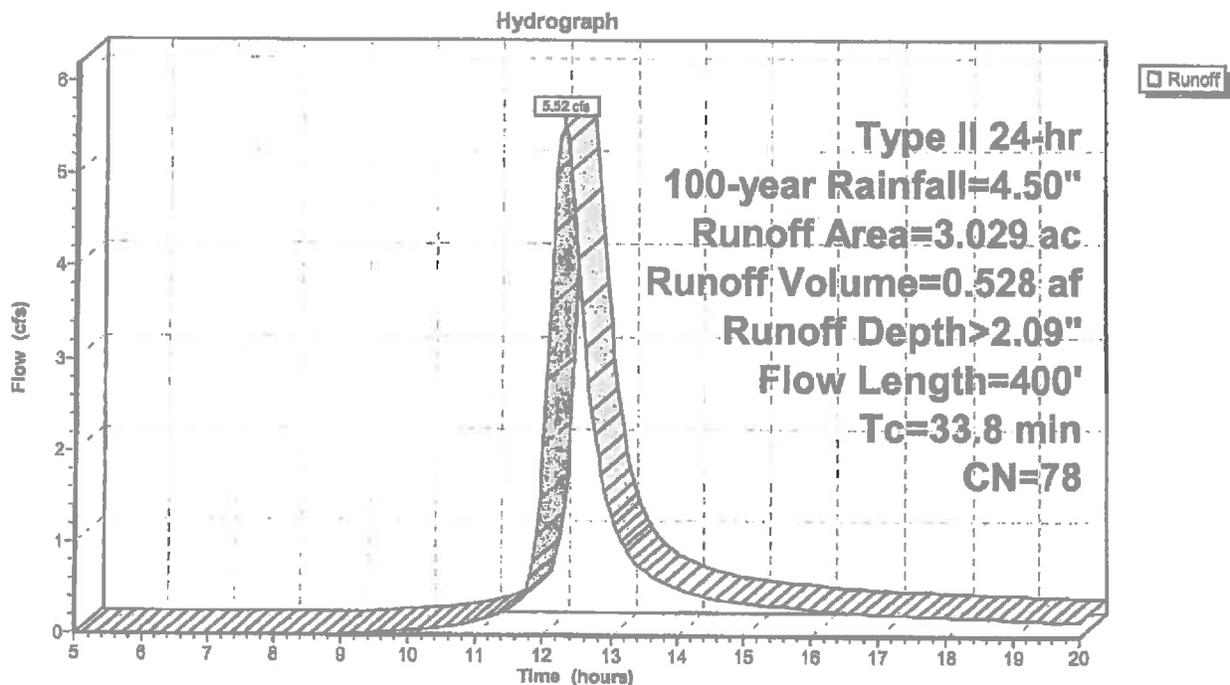
Runoff = 5.52 cfs @ 12.30 hrs, Volume= 0.528 af, Depth> 2.09"

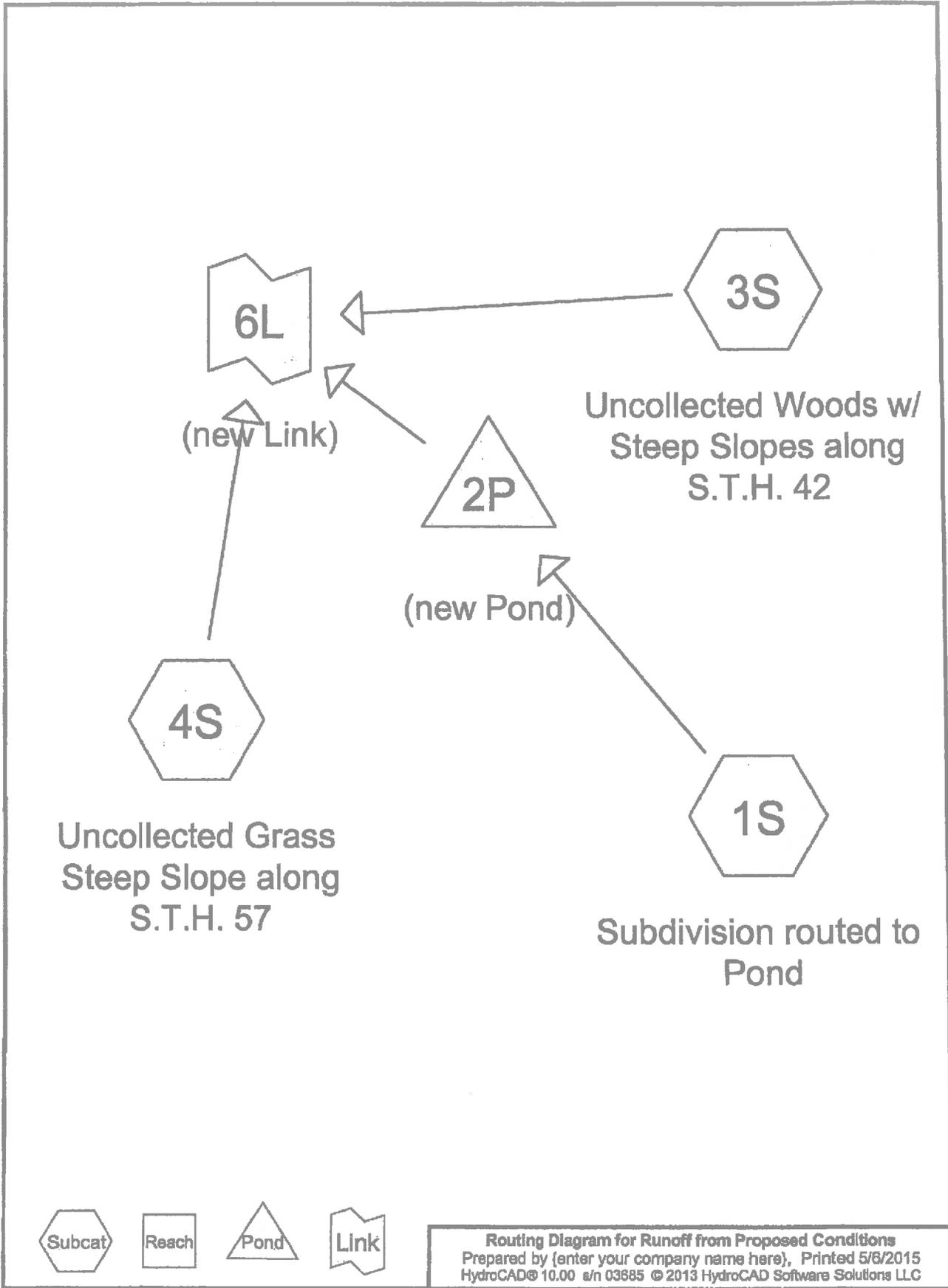
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 100-year Rainfall=4.50"

Area (ac)	CN	Description
0.262	96	Gravel surface, HSG B
0.122	98	Unconnected roofs, HSG B
0.095	98	Paved parking, HSG B
0.048	98	Paved parking, HSG B
0.880	66	Woods, Poor, HSG B
1.622	79	<50% Grass cover, Poor, HSG B
3.029	78	Weighted Average
2.764		91.25% Pervious Area
0.265		8.75% Impervious Area
0.122		46.04% Unconnected

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
32.8	260	0.0100	0.13		Sheet Flow, Former school flat area to NW Grass: Short n= 0.150 P2= 2.30"
1.0	140	0.2000	2.24		Shallow Concentrated Flow, Steep Slopes in Woods Woodland Kv= 5.0 fps
33.8	400	Total			

Subcatchment 1S: Existing Conditions TYPe B Soils





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Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
1.356	69	50-75% Grass cover, Fair, HSG B (1S)
0.172	79	<50% Grass cover, Poor, HSG B (4S)
0.029	96	Gravel surface, HSG B (1S)
0.394	98	Paved parking, HSG B (1S)
0.349	98	Unconnected roofs, HSG B (1S)
0.069	98	Water Surface, HSG B (1S)
0.660	66	Woods, Poor, HSG B (3S)
3.029	77	TOTAL AREA

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Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.000	HSG A	
3.029	HSG B	1S, 3S, 4S
0.000	HSG C	
0.000	HSG D	
0.000	Other	
3.029		TOTAL AREA

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Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.000	1.356	0.000	0.000	0.000	1.356	50-75% Grass cover, Fair	1S
0.000	0.172	0.000	0.000	0.000	0.172	<50% Grass cover, Poor	4S
0.000	0.029	0.000	0.000	0.000	0.029	Gravel surface	1S
0.000	0.394	0.000	0.000	0.000	0.394	Paved parking	1S
0.000	0.349	0.000	0.000	0.000	0.349	Unconnected roofs	1S
0.000	0.069	0.000	0.000	0.000	0.069	Water Surface	1S
0.000	0.660	0.000	0.000	0.000	0.660	Woods, Poor	3S
0.000	3.029	0.000	0.000	0.000	3.029	TOTAL AREA	

Runoff from Proposed Conditions

Type II 24-hr 1-year Rainfall=2.10"

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Summary for Subcatchment 1S: Subdivision routed to Pond

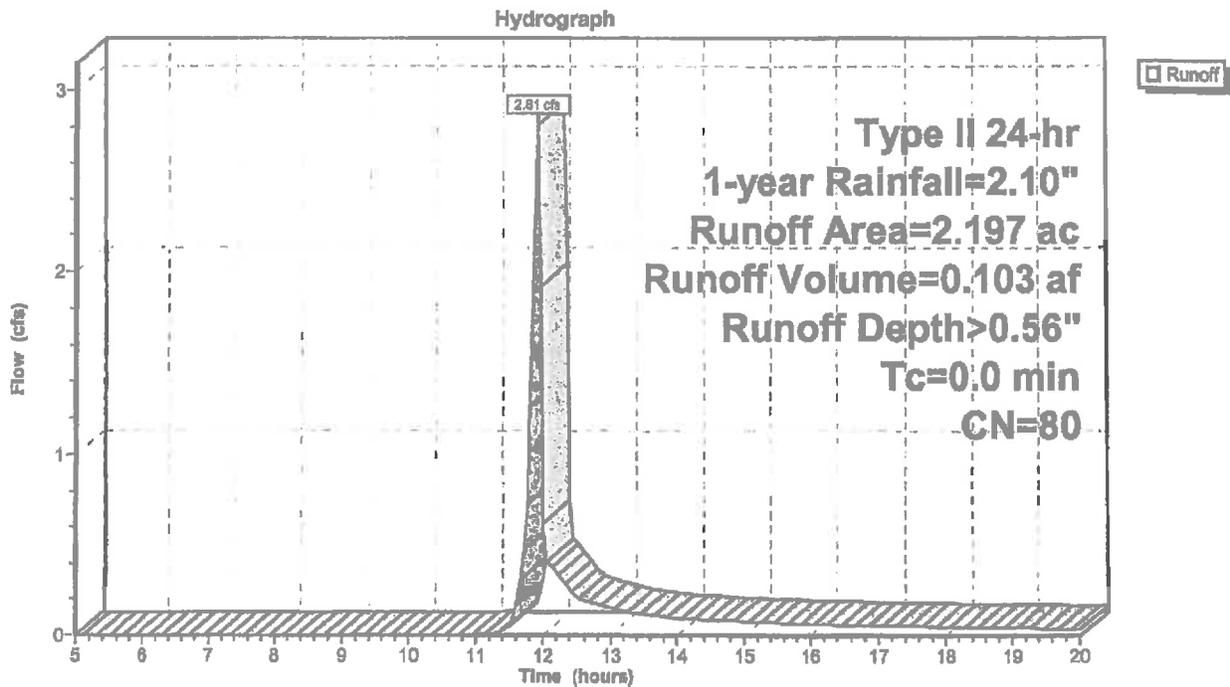
[46] Hint: Tc=0 (Instant runoff peak depends on dt)

Runoff = 2.81 cfs @ 11.90 hrs, Volume= 0.103 af, Depth> 0.56"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 1-year Rainfall=2.10"

Area (ac)	CN	Description
0.069	98	Water Surface, HSG B
0.147	98	Paved parking, HSG B
0.349	98	Unconnected roofs, HSG B
0.029	96	Gravel surface, HSG B
1.356	69	50-75% Grass cover, Fair, HSG B
0.247	98	Paved parking, HSG B
2.197	80	Weighted Average
1.385		63.04% Pervious Area
0.812		36.96% Impervious Area
0.349		42.98% Unconnected

Subcatchment 1S: Subdivision routed to Pond



Runoff from Proposed Conditions

Type II 24-hr 1-year Rainfall=2.10"

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Summary for Subcatchment 3S: Uncollected Woods w/ Steep Slopes along S.T.H. 42

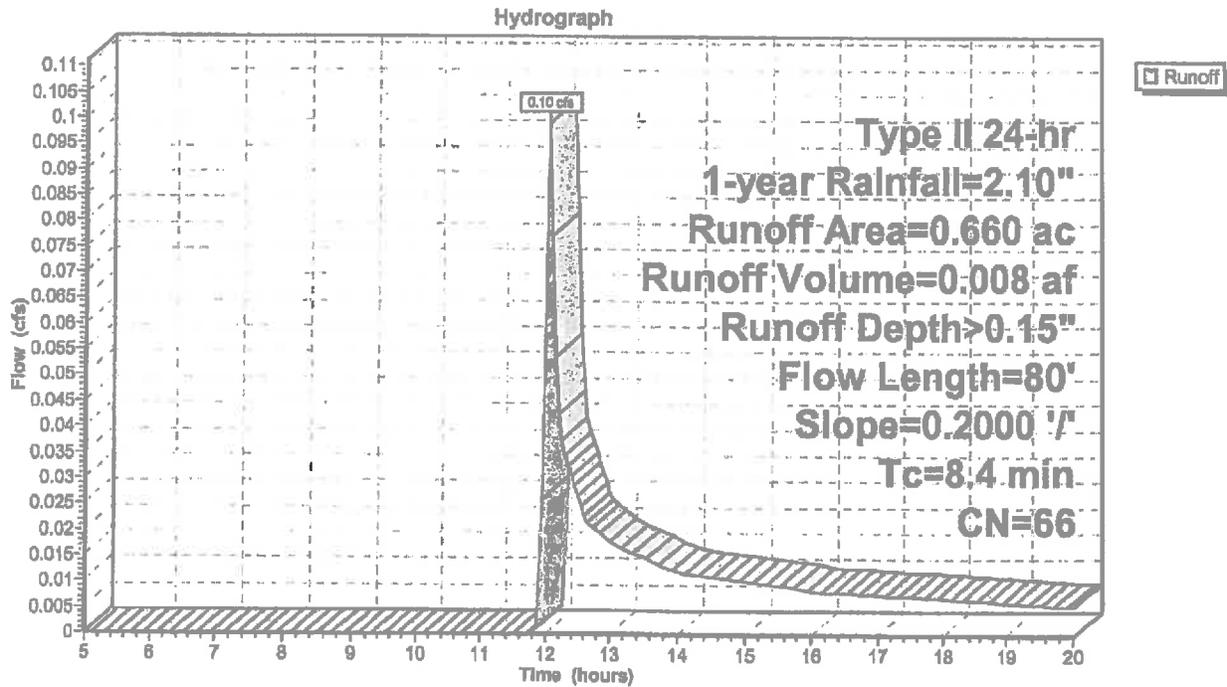
Runoff = 0.10 cfs @ 12.05 hrs, Volume= 0.008 af, Depth> 0.15"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 1-year Rainfall=2.10"

Area (ac)	CN	Description
0.660	66	Woods, Poor, HSG B
0.660		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
8.4	80	0.2000	0.16		Sheet Flow, Woods Steep Slope to S.T.H. 42 Woods: Light underbrush n= 0.400 P2= 2.30"

Subcatchment 3S: Uncollected Woods w/ Steep Slopes along S.T.H. 42



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Type II 24-hr 1-year Rainfall=2.10"

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Summary for Subcatchment 4S: Uncollected Grass Steep Slope along S.T.H. 57

[49] Hint: $T_c < 2dt$ may require smaller dt

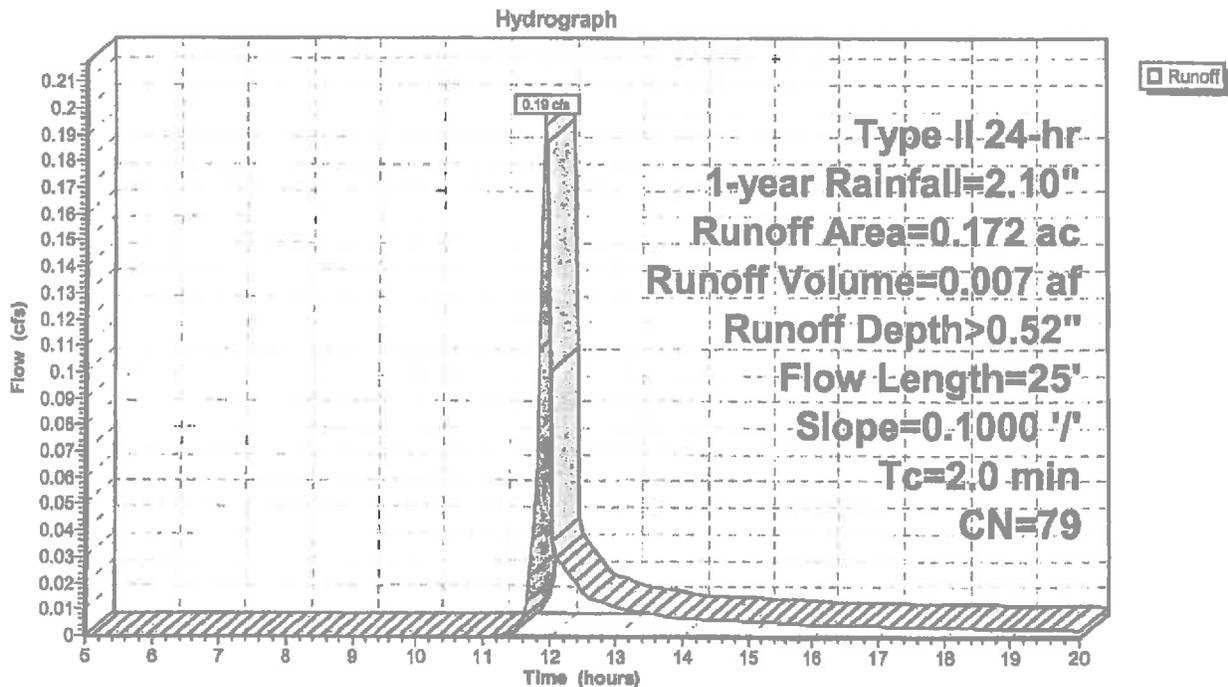
Runoff = 0.19 cfs @ 11.93 hrs, Volume= 0.007 af, Depth> 0.52"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, $dt= 0.05$ hrs
Type II 24-hr 1-year Rainfall=2.10"

Area (ac)	CN	Description
0.172	79	<50% Grass cover, Poor, HSG B
0.172		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.0	25	0.1000	0.21		Sheet Flow, Grass Steep Slope to S.T.H. 57 Grass: Short n= 0.150 P2= 2.30"

Subcatchment 4S: Uncollected Grass Steep Slope along S.T.H. 57



Runoff from Proposed Conditions

Type II 24-hr 1-year Rainfall=2.10"

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Summary for Pond 2P: (new Pond)

Inflow Area = 2.197 ac, 36.96% Impervious, Inflow Depth > 0.56" for 1-year event
 Inflow = 2.81 cfs @ 11.90 hrs, Volume= 0.103 af
 Outflow = 0.18 cfs @ 12.75 hrs, Volume= 0.089 af, Atten= 94%, Lag= 51.4 min
 Primary = 0.18 cfs @ 12.75 hrs, Volume= 0.089 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 669.68' @ 12.75 hrs Surf.Area= 0.073 ac Storage= 0.047 af

Plug-Flow detention time= 155.1 min calculated for 0.089 af (87% of inflow)
 Center-of-Mass det. time= 111.5 min (919.4 - 807.9)

Volume	Invert	Avail.Storage	Storage Description
#1	669.00'	0.152 af	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf.Area (acres)	Inc.Store (acre-feet)	Cum.Store (acre-feet)
669.00	0.066	0.000	0.000
670.00	0.076	0.071	0.071
671.00	0.086	0.081	0.152

Device	Routing	Invert	Outlet Devices
#1	Primary	665.00'	8.0" Round Culvert L= 38.0' Ke= 0.600 Inlet / Outlet Invert= 665.00' / 664.00' S= 0.0263 ' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#2	Device 1	669.00'	3.0" Vert. Orifice/Grate C= 0.600
#3	Device 1	670.00'	21.0" Horiz. Orifice/Grate C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.18 cfs @ 12.75 hrs HW=669.68' (Free Discharge)

- 1=Culvert (Passes 0.18 cfs of 3.29 cfs potential flow)
- 2=Orifice/Grate (Orifice Controls 0.18 cfs @ 3.60 fps)
- 3=Orifice/Grate (Controls 0.00 cfs)

Runoff from Proposed Conditions

Type II 24-hr 1-year Rainfall=2.10"

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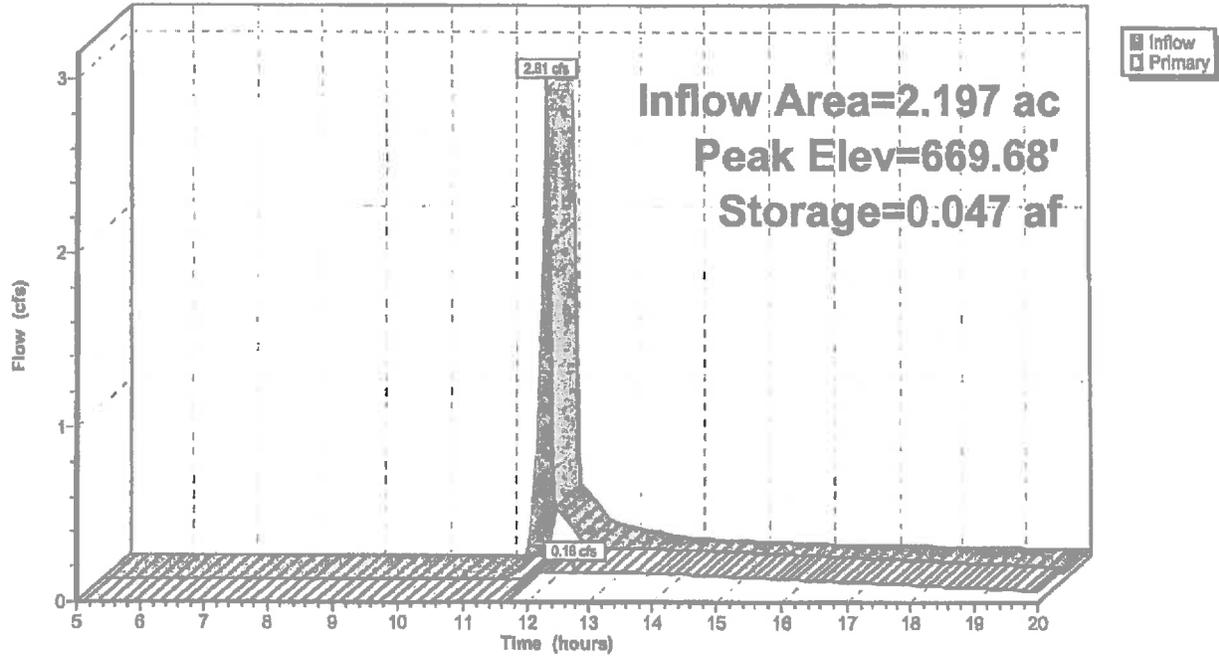
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Pond 2P: (new Pond)

Hydrograph



Runoff from Proposed Conditions

Type II 24-hr 1-year Rainfall=2.10"

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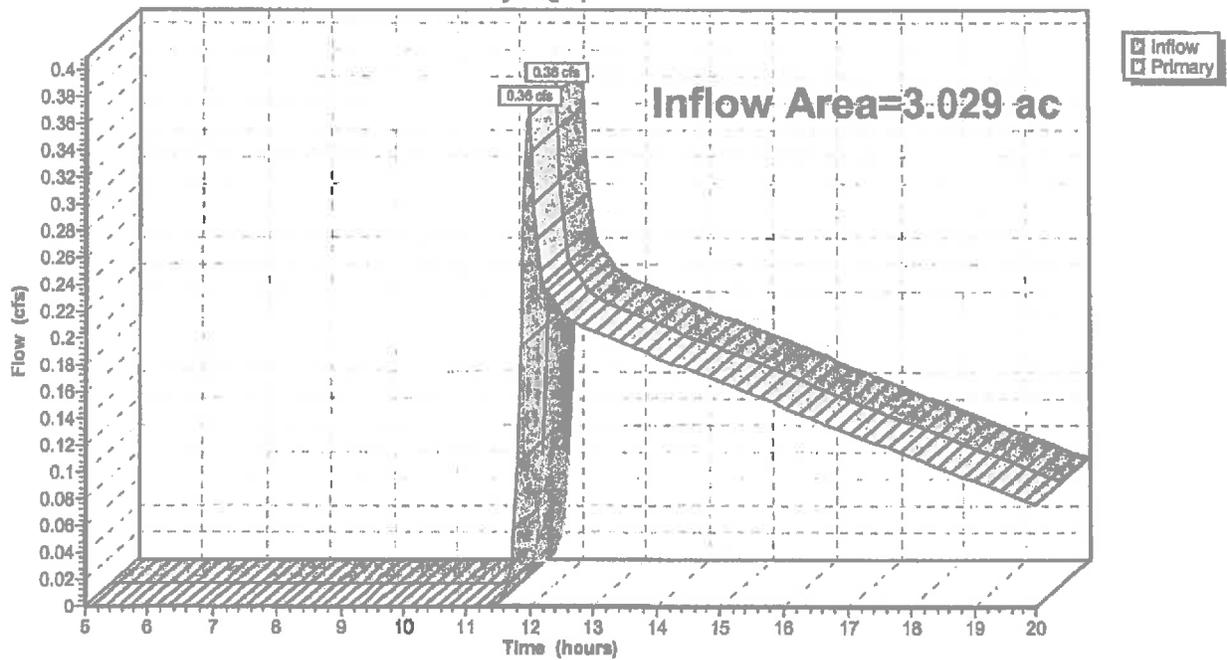
Summary for Link 6L: (new Link)

Inflow Area = 3.029 ac, 26.81% Impervious, Inflow Depth > 0.42" for 1-year event
 Inflow = 0.36 cfs @ 11.96 hrs, Volume= 0.105 af
 Primary = 0.36 cfs @ 11.96 hrs, Volume= 0.105 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Link 6L: (new Link)

Hydrograph



Runoff from Proposed Conditions

Type II 24-hr 2-year Rainfall=2.30"

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Summary for Subcatchment 1S: Subdivision routed to Pond

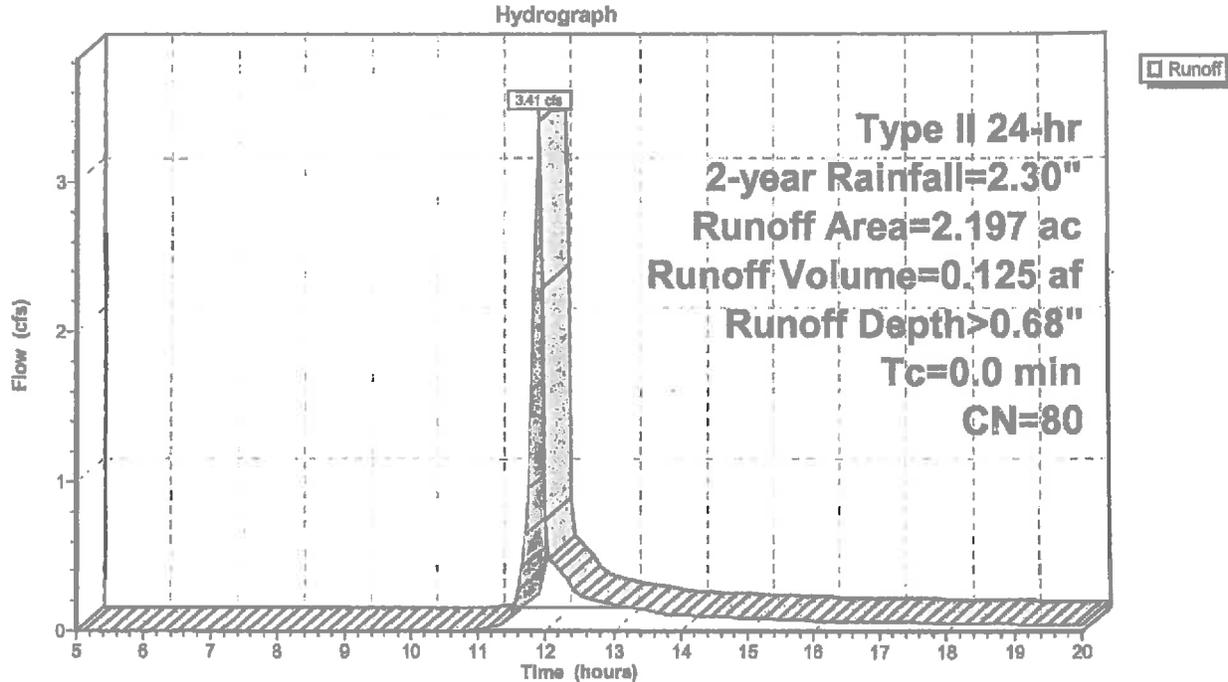
[46] Hint: Tc=0 (Instant runoff peak depends on dt)

Runoff = 3.41 cfs @ 11.90 hrs, Volume= 0.125 af, Depth> 0.68"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 2-year Rainfall=2.30"

Area (ac)	CN	Description
0.069	98	Water Surface, HSG B
0.147	98	Paved parking, HSG B
0.349	98	Unconnected roofs, HSG B
0.029	96	Gravel surface, HSG B
1.356	69	50-75% Grass cover, Fair, HSG B
0.247	98	Paved parking, HSG B
2.197	80	Weighted Average
1.385		63.04% Pervious Area
0.812		36.96% Impervious Area
0.349		42.98% Unconnected

Subcatchment 1S: Subdivision routed to Pond



Runoff from Proposed Conditions

Type II 24-hr 2-year Rainfall=2.30"

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Summary for Subcatchment 3S: Uncollected Woods w/ Steep Slopes along S.T.H. 42

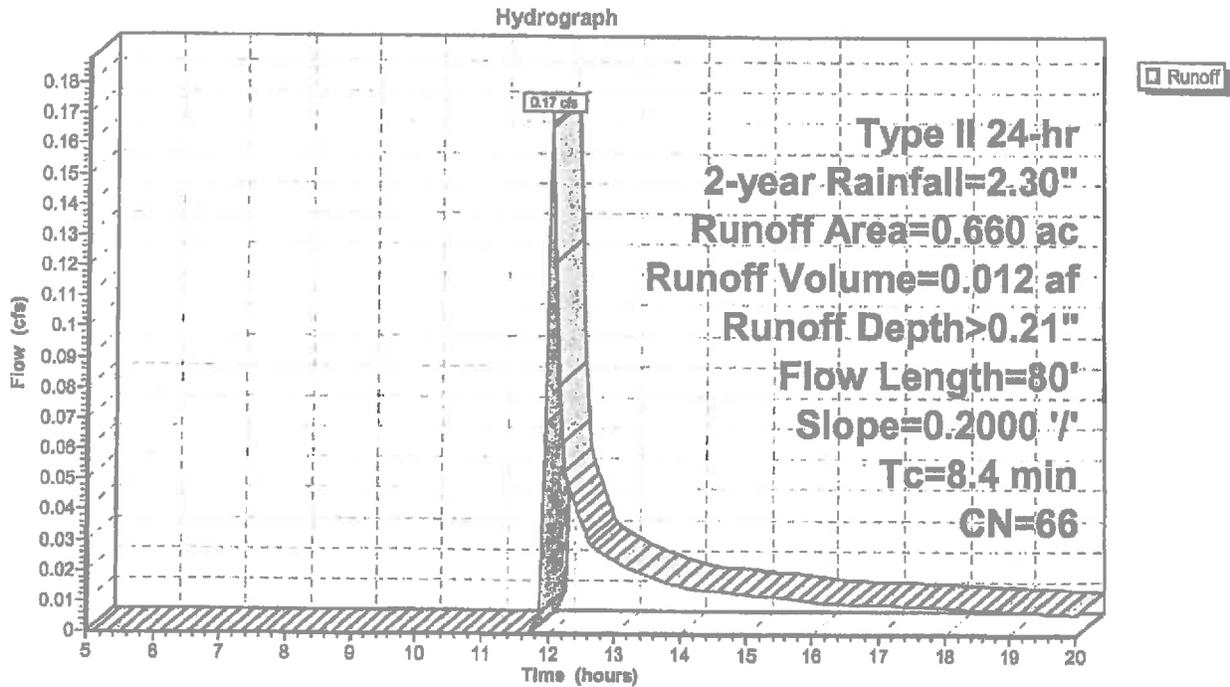
Runoff = 0.17 cfs @ 12.04 hrs, Volume= 0.012 af, Depth> 0.21"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 2-year Rainfall=2.30"

Area (ac)	CN	Description
0.660	66	Woods, Poor, HSG B
0.660		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
8.4	80	0.2000	0.16		Sheet Flow, Woods Steep Slope to S.T.H. 42 Woods: Light underbrush n= 0.400 P2= 2.30"

Subcatchment 3S: Uncollected Woods w/ Steep Slopes along S.T.H. 42



Runoff from Proposed Conditions

Type II 24-hr 2-year Rainfall=2.30"

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Summary for Subcatchment 4S: Uncollected Grass Steep Slope along S.T.H. 57

[49] Hint: $T_c < 2dt$ may require smaller dt

Runoff = 0.24 cfs @ 11.93 hrs, Volume= 0.009 af, Depth> 0.64"

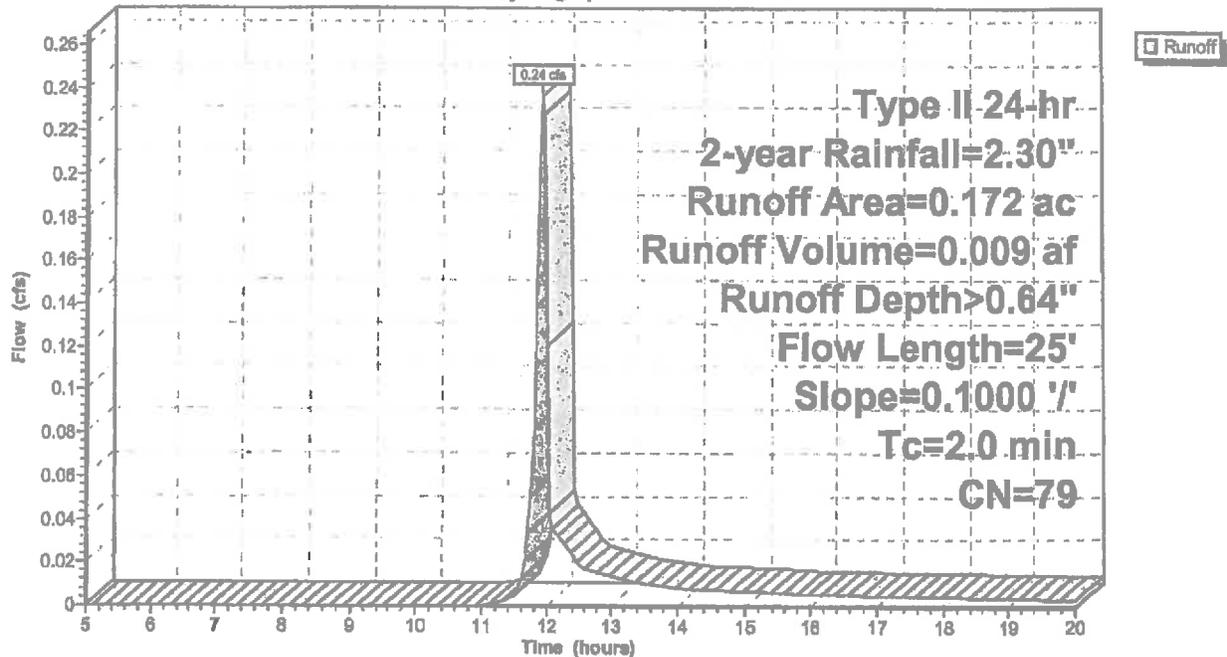
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 2-year Rainfall=2.30"

Area (ac)	CN	Description
0.172	79	<50% Grass cover, Poor, HSG B
0.172		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.0	25	0.1000	0.21		Sheet Flow, Grass Steep Slope to S.T.H. 57 Grass: Short n= 0.150 P2= 2.30"

Subcatchment 4S: Uncollected Grass Steep Slope along S.T.H. 57

Hydrograph



Runoff from Proposed Conditions

Type II 24-hr 2-year Rainfall=2.30"

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Summary for Pond 2P: (new Pond)

Inflow Area = 2.197 ac, 36.96% Impervious, Inflow Depth > 0.68" for 2-year event
 Inflow = 3.41 cfs @ 11.90 hrs, Volume= 0.125 af
 Outflow = 0.20 cfs @ 12.80 hrs, Volume= 0.107 af, Atten= 94%, Lag= 54.2 min
 Primary = 0.20 cfs @ 12.80 hrs, Volume= 0.107 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 669.85' @ 12.80 hrs Surf.Area= 0.075 ac Storage= 0.060 af

Plug-Flow detention time= 166.7 min calculated for 0.106 af (85% of inflow)
 Center-of-Mass det. time= 120.6 min (924.2 - 803.6)

Volume	Invert	Avail.Storage	Storage Description
#1	669.00'	0.152 af	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (acres)	Inc.Store (acre-feet)	Cum.Store (acre-feet)
669.00	0.066	0.000	0.000
670.00	0.076	0.071	0.071
671.00	0.086	0.081	0.152

Device	Routing	Invert	Outlet Devices
#1	Primary	665.00'	8.0" Round Culvert L= 38.0' Ke= 0.600 Inlet / Outlet Invert= 665.00' / 664.00' S= 0.0263 1' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#2	Device 1	669.00'	3.0" Vert. Orifice/Grate C= 0.600
#3	Device 1	670.00'	21.0" Horiz. Orifice/Grate C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=0.20 cfs @ 12.80 hrs HW=669.85' (Free Discharge)

1=Culvert (Passes 0.20 cfs of 3.35 cfs potential flow)
 2=Orifice/Grate (Orifice Controls 0.20 cfs @ 4.11 fps)
 3=Orifice/Grate (Controls 0.00 cfs)

Runoff from Proposed Conditions

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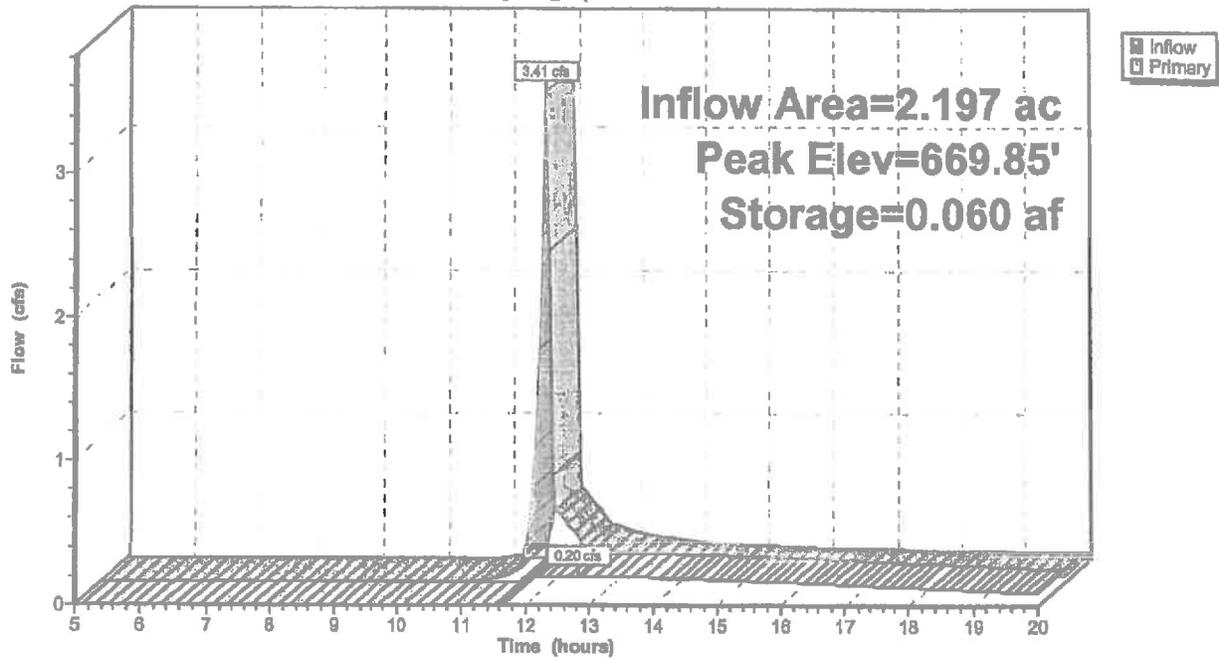
Type II 24-hr 2-year Rainfall=2.30"

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Pond 2P: (new Pond)

Hydrograph



Runoff from Proposed Conditions

Type II 24-hr 2-year Rainfall=2.30"

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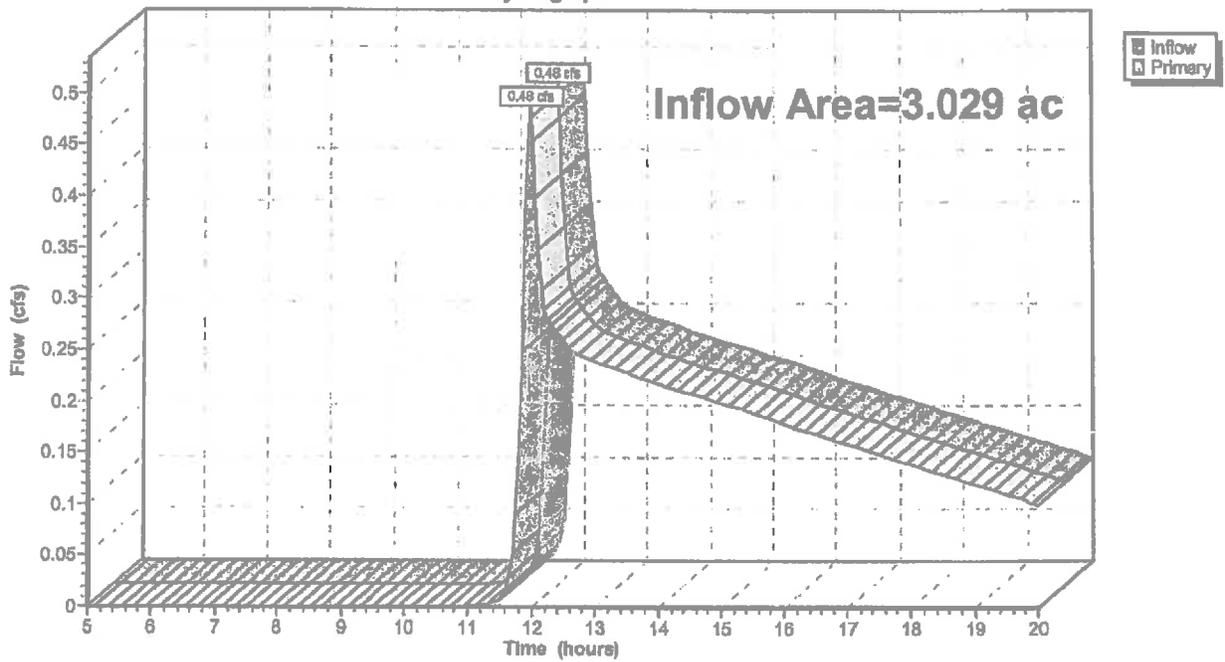
Summary for Link 6L: (new Link)

Inflow Area = 3.029 ac, 26.81% Impervious, Inflow Depth > 0.50" for 2-year event
 Inflow = 0.48 cfs @ 11.97 hrs, Volume= 0.127 af
 Primary = 0.48 cfs @ 11.97 hrs, Volume= 0.127 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Link 6L: (new Link)

Hydrograph



Runoff from Proposed Conditions

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Type II 24-hr 10-year Rainfall=3.50"

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Summary for Subcatchment 1S: Subdivision routed to Pond

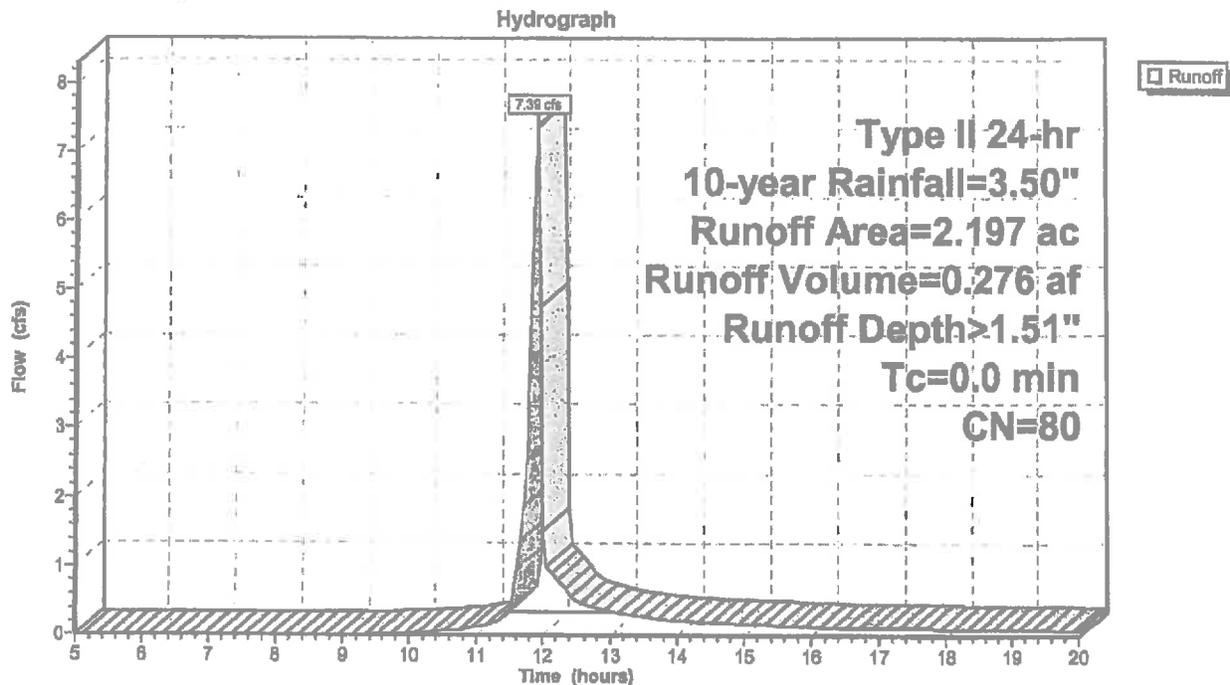
[46] Hint: Tc=0 (Instant runoff peak depends on dt)

Runoff = 7.39 cfs @ 11.89 hrs, Volume= 0.276 af, Depth> 1.51"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Type II 24-hr 10-year Rainfall=3.50"

Area (ac)	CN	Description
0.069	98	Water Surface, HSG B
0.147	98	Paved parking, HSG B
0.349	98	Unconnected roofs, HSG B
0.029	96	Gravel surface, HSG B
1.356	69	50-75% Grass cover, Fair, HSG B
0.247	98	Paved parking, HSG B
2.197	80	Weighted Average
1.385		63.04% Pervious Area
0.812		36.96% Impervious Area
0.349		42.98% Unconnected

Subcatchment 1S: Subdivision routed to Pond



Runoff from Proposed Conditions

Type II 24-hr 10-year Rainfall=3.50"

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Summary for Subcatchment 3S: Uncollected Woods w/ Steep Slopes along S.T.H. 42

Runoff = 0.78 cfs @ 12.01 hrs, Volume= 0.039 af, Depth> 0.71"

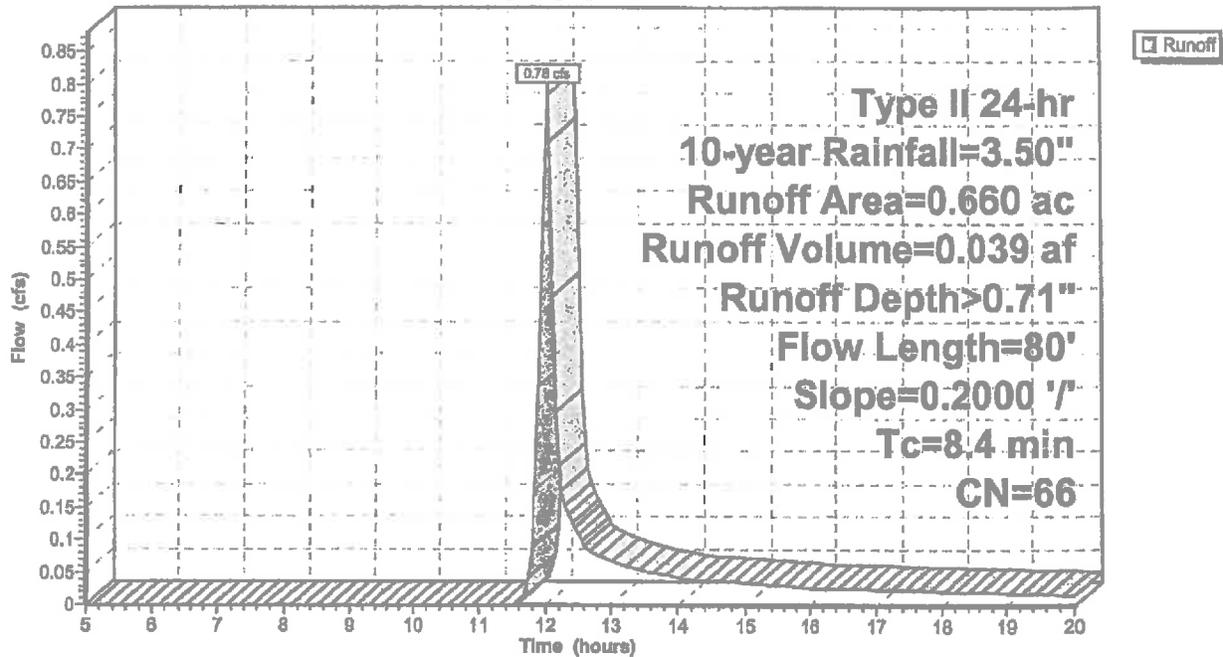
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 10-year Rainfall=3.50"

Area (ac)	CN	Description
0.660	66	Woods, Poor, HSG B
0.660		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
8.4	80	0.2000	0.16		Sheet Flow, Woods Steep Slope to S.T.H. 42 Woods: Light underbrush n= 0.400 P2= 2.30"

Subcatchment 3S: Uncollected Woods w/ Steep Slopes along S.T.H. 42

Hydrograph



Runoff from Proposed Conditions

Type II 24-hr 10-year Rainfall=3.50"

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Summary for Subcatchment 4S: Uncollected Grass Steep Slope along S.T.H. 57

[49] Hint: $T_c < 2dt$ may require smaller dt

Runoff = 0.53 cfs @ 11.93 hrs, Volume= 0.021 af, Depth> 1.44"

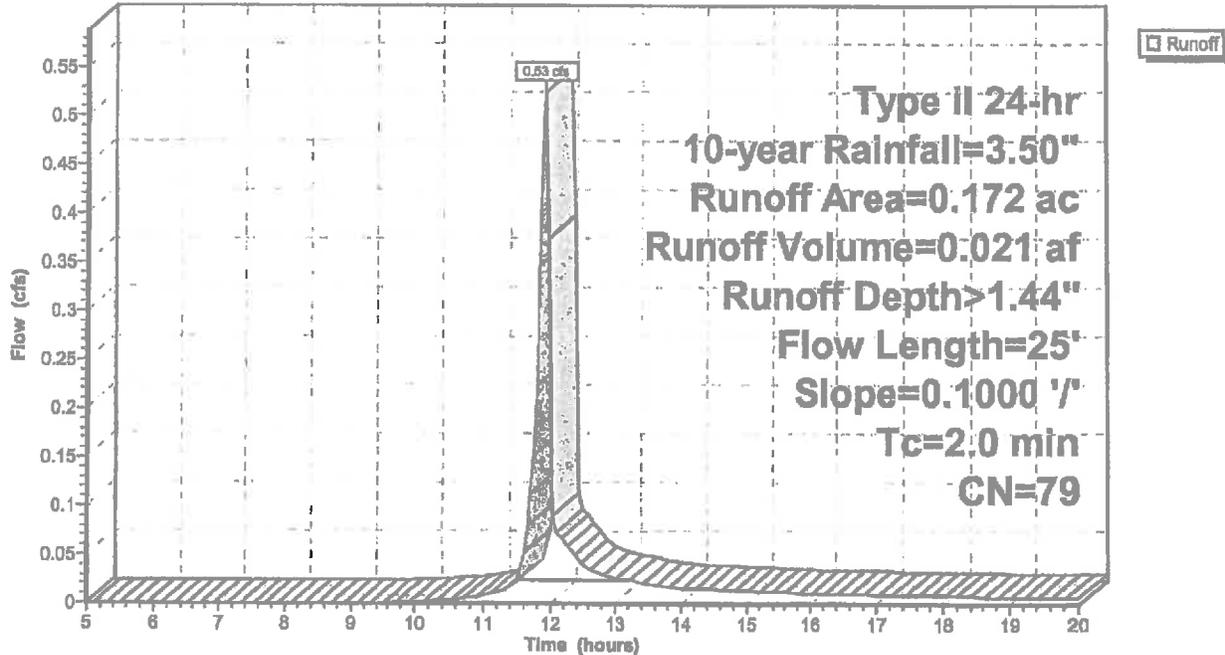
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 10-year Rainfall=3.50"

Area (ac)	CN	Description
0.172	79	<50% Grass cover, Poor, HSG B
0.172		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.0	25	0.1000	0.21		Sheet Flow, Grass Steep Slope to S.T.H. 57 Grass: Short n= 0.150 P2= 2.30"

Subcatchment 4S: Uncollected Grass Steep Slope along S.T.H. 57

Hydrograph



Runoff from Proposed Conditions

Type II 24-hr 10-year Rainfall=3.50"

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Summary for Pond 2P: (new Pond)

Inflow Area = 2.197 ac, 36.96% Impervious, Inflow Depth > 1.51" for 10-year event
 Inflow = 7.39 cfs @ 11.89 hrs, Volume= 0.276 af
 Outflow = 3.68 cfs @ 11.97 hrs, Volume= 0.237 af, Atten= 50%, Lag= 4.9 min
 Primary = 3.68 cfs @ 11.97 hrs, Volume= 0.237 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 670.42' @ 11.97 hrs Surf.Area= 0.080 ac Storage= 0.104 af

Plug-Flow detention time= 110.5 min calculated for 0.236 af (86% of inflow)
 Center-of-Mass det. time= 66.5 min (853.3 - 786.8)

Volume	Invert	Avail.Storage	Storage Description
#1	669.00'	0.152 af	Custom Stage Data (Prismatic) Listed below (Recalc)

Elevation (feet)	Surf.Area (acres)	Inc.Store (acre-feet)	Cum.Store (acre-feet)
669.00	0.066	0.000	0.000
670.00	0.076	0.071	0.071
671.00	0.086	0.081	0.152

Device	Routing	Invert	Outlet Devices
#1	Primary	665.00'	8.0" Round Culvert L= 38.0' Ke= 0.600 Inlet / Outlet Invert= 665.00' / 664.00' S= 0.0263 ' S= 0.0263 ' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#2	Device 1	669.00'	3.0" Vert. Orifice/Grate C= 0.600
#3	Device 1	670.00'	21.0" Horiz. Orifice/Grate C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=3.55 cfs @ 11.97 hrs HW=670.40' (Free Discharge)

- 1=Culvert (Inlet Controls 3.55 cfs @ 10.16 fps)
- 2=Orifice/Grate (Passes < 0.27 cfs potential flow)
- 3=Orifice/Grate (Passes < 4.51 cfs potential flow)

Runoff from Proposed Conditions

Type II 24-hr 10-year Rainfall=3.50"

Prepared by {enter your company name here}

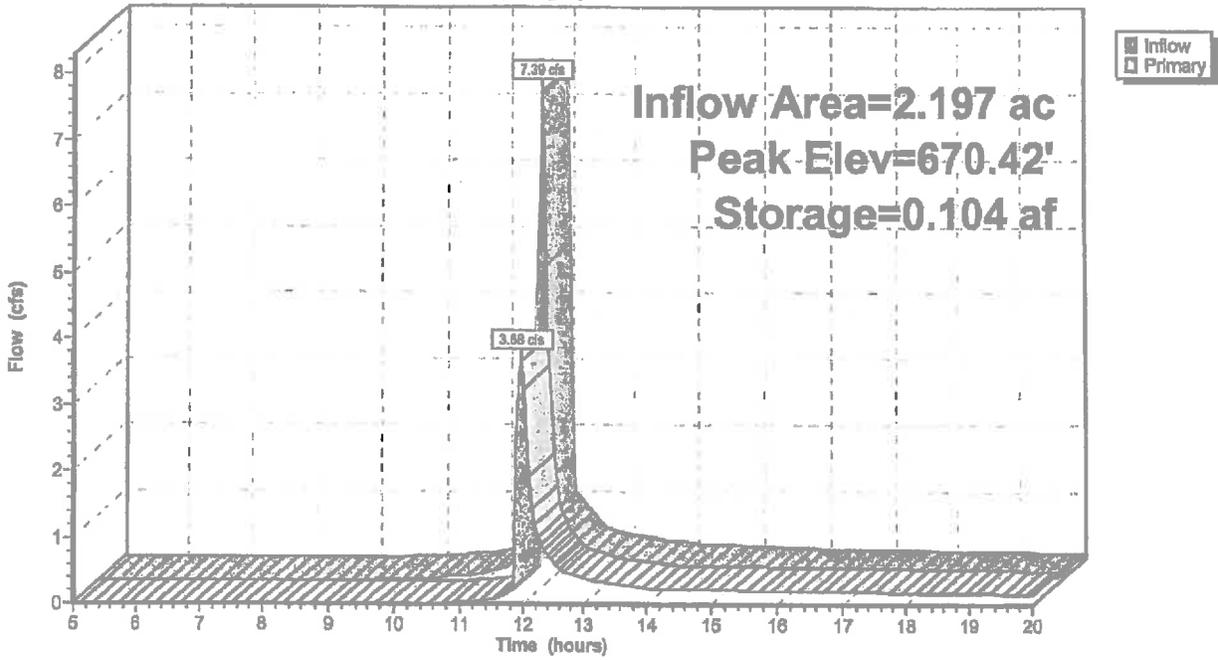
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Pond 2P: (new Pond)

Hydrograph



Runoff from Proposed Conditions

Type II 24-hr 10-year Rainfall=3.50"

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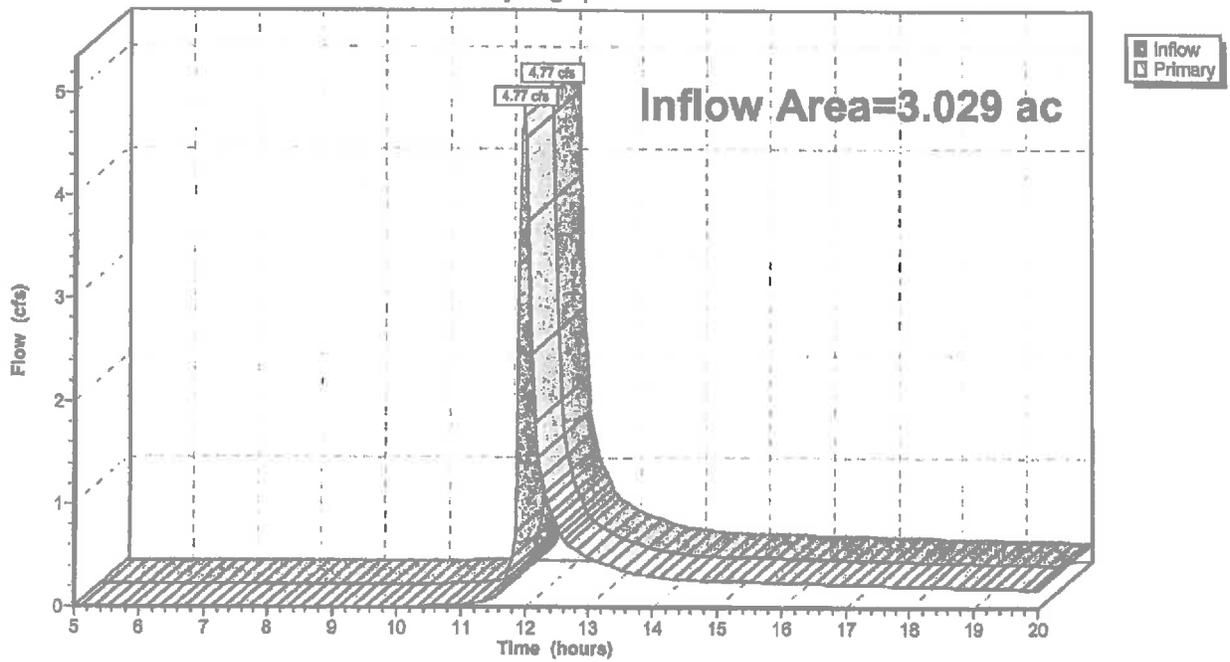
Summary for Link 6L: (new Link)

Inflow Area = 3.029 ac, 26.81% Impervious, Inflow Depth > 1.17" for 10-year event
 Inflow = 4.77 cfs @ 11.97 hrs, Volume= 0.297 af
 Primary = 4.77 cfs @ 11.97 hrs, Volume= 0.297 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Link 6L: (new Link)

Hydrograph



Runoff from Proposed Conditions

Type II 24-hr 100-year Rainfall=4.50"

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Summary for Subcatchment 1S: Subdivision routed to Pond

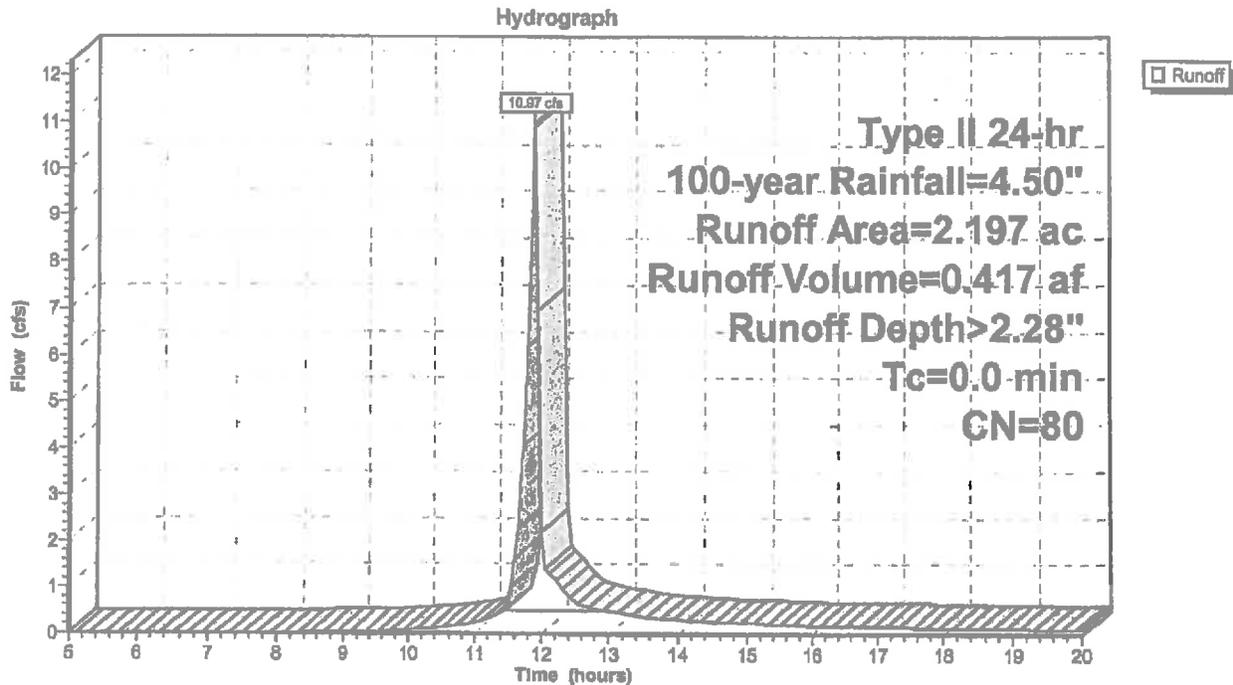
[46] Hint: Tc=0 (Instant runoff peak depends on dt)

Runoff = 10.97 cfs @ 11.89 hrs, Volume= 0.417 af, Depth> 2.28"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 100-year Rainfall=4.50"

Area (ac)	CN	Description
0.069	98	Water Surface, HSG B
0.147	98	Paved parking, HSG B
0.349	98	Unconnected roofs, HSG B
0.029	96	Gravel surface, HSG B
1.356	69	50-75% Grass cover, Fair, HSG B
0.247	98	Paved parking, HSG B
2.197	80	Weighted Average
1.385		63.04% Pervious Area
0.812		36.96% Impervious Area
0.349		42.98% Unconnected

Subcatchment 1S: Subdivision routed to Pond



Runoff from Proposed Conditions

Type II 24-hr 100-year Rainfall=4.50"

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Summary for Subcatchment 3S: Uncollected Woods w/ Steep Slopes along S.T.H. 42

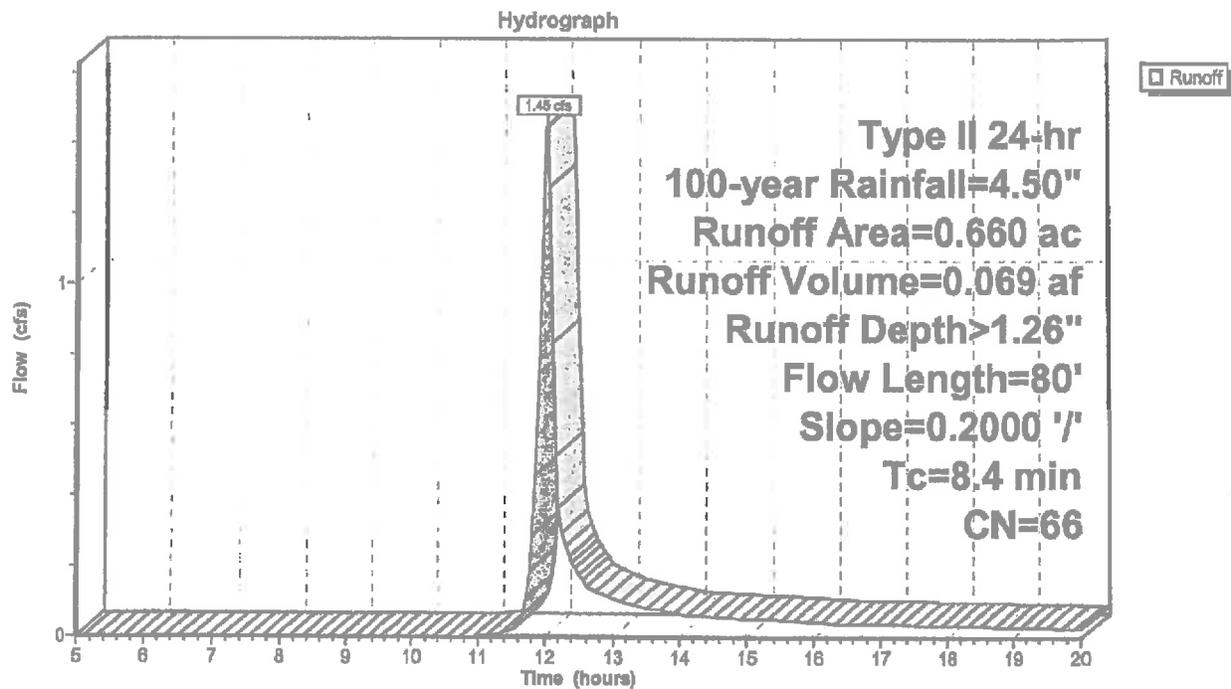
Runoff = 1.45 cfs @ 12.01 hrs, Volume= 0.069 af, Depth> 1.26"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 100-year Rainfall=4.50"

Area (ac)	CN	Description
0.660	66	Woods, Poor, HSG B
0.660		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
8.4	80	0.2000	0.16		Sheet Flow, Woods Steep Slope to S.T.H. 42 Woods: Light underbrush n= 0.400 P2= 2.30"

Subcatchment 3S: Uncollected Woods w/ Steep Slopes along S.T.H. 42



Runoff from Proposed Conditions

Type II 24-hr 100-year Rainfall=4.50"

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Summary for Subcatchment 4S: Uncollected Grass Steep Slope along S.T.H. 57

[49] Hint: $T_c < 2dt$ may require smaller dt

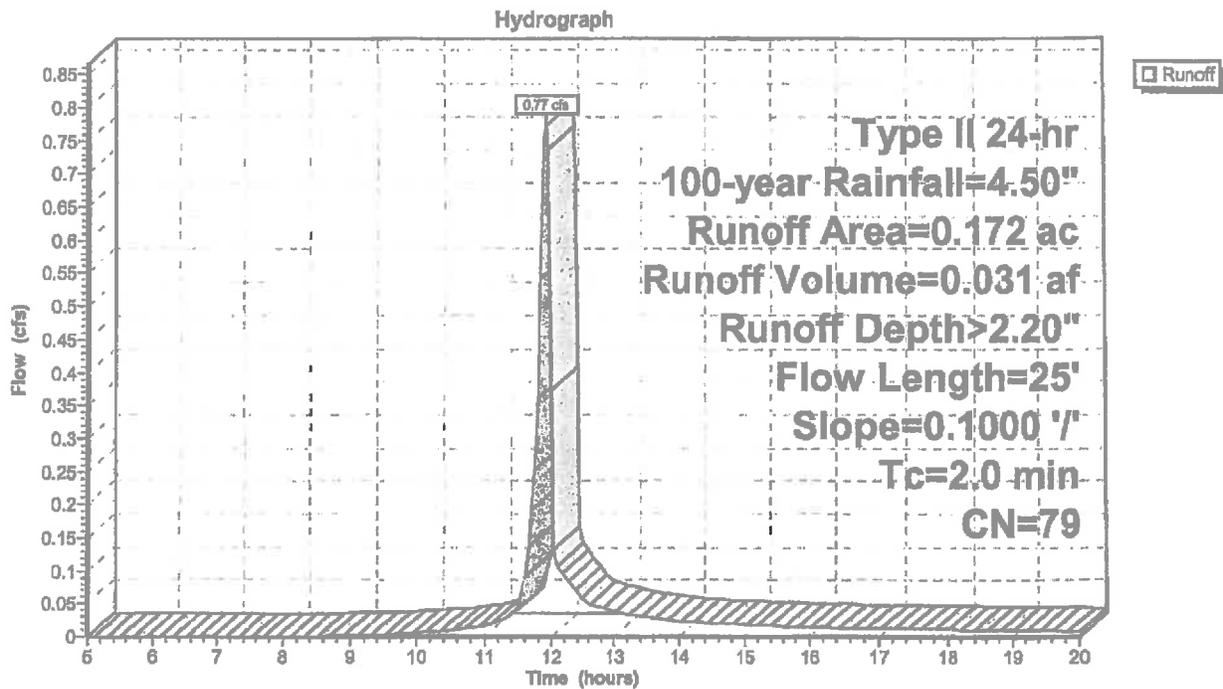
Runoff = 0.77 cfs @ 11.92 hrs, Volume= 0.031 af, Depth> 2.20"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
Type II 24-hr 100-year Rainfall=4.50"

Area (ac)	CN	Description
0.172	79	<50% Grass cover, Poor, HSG B
0.172		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
2.0	25	0.1000	0.21		Sheet Flow, Grass Steep Slope to S.T.H. 57 Grass: Short n= 0.150 P2= 2.30"

Subcatchment 4S: Uncollected Grass Steep Slope along S.T.H. 57



Runoff from Proposed Conditions

Type II 24-hr 100-year Rainfall=4.50"

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Summary for Pond 2P: (new Pond)

[93] Warning: Storage range exceeded by 5.09'

Inflow Area = 2.197 ac, 36.96% Impervious, Inflow Depth > 2.28" for 100-year event
 Inflow = 10.97 cfs @ 11.89 hrs, Volume= 0.417 af
 Outflow = 5.17 cfs @ 12.00 hrs, Volume= 0.366 af, Atten= 53%, Lag= 6.5 min
 Primary = 5.17 cfs @ 12.00 hrs, Volume= 0.366 af

Routing by Stor-Ind method, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs
 Peak Elev= 676.09' @ 12.00 hrs Surf.Area= 0.086 ac Storage= 0.152 af

Plug-Flow detention time= 82.4 min calculated for 0.365 af (87% of inflow)
 Center-of-Mass det. time= 42.5 min (820.4 - 777.9)

Volume	Invert	Avail.Storage	Storage Description
#1	669.00'	0.152 af	Custom Stage Data (Prismatic) Listed below (Recalc)
Elevation (feet)	Surf.Area (acres)	Inc.Store (acre-feet)	Cum.Store (acre-feet)
669.00	0.066	0.000	0.000
670.00	0.076	0.071	0.071
671.00	0.086	0.081	0.152

Device	Routing	Invert	Outlet Devices
#1	Primary	665.00'	8.0" Round Culvert L= 38.0' Ke= 0.600 Inlet / Outlet Invert= 665.00' / 664.00' S= 0.0263 ' Cc= 0.900 n= 0.010 PVC, smooth interior, Flow Area= 0.35 sf
#2	Device 1	669.00'	3.0" Vert. Orifice/Grate C= 0.600
#3	Device 1	670.00'	21.0" Horiz. Orifice/Grate C= 0.600 Limited to weir flow at low heads

Primary OutFlow Max=5.16 cfs @ 12.00 hrs HW=676.05' (Free Discharge)

- 1=Culvert (Inlet Controls 5.16 cfs @ 14.78 fps)
- 2=Orifice/Grate (Passes < 0.62 cfs potential flow)
- 3=Orifice/Grate (Passes < 28.49 cfs potential flow)

Runoff from Proposed Conditions

Type II 24-hr 100-year Rainfall=4.50"

Prepared by {enter your company name here}

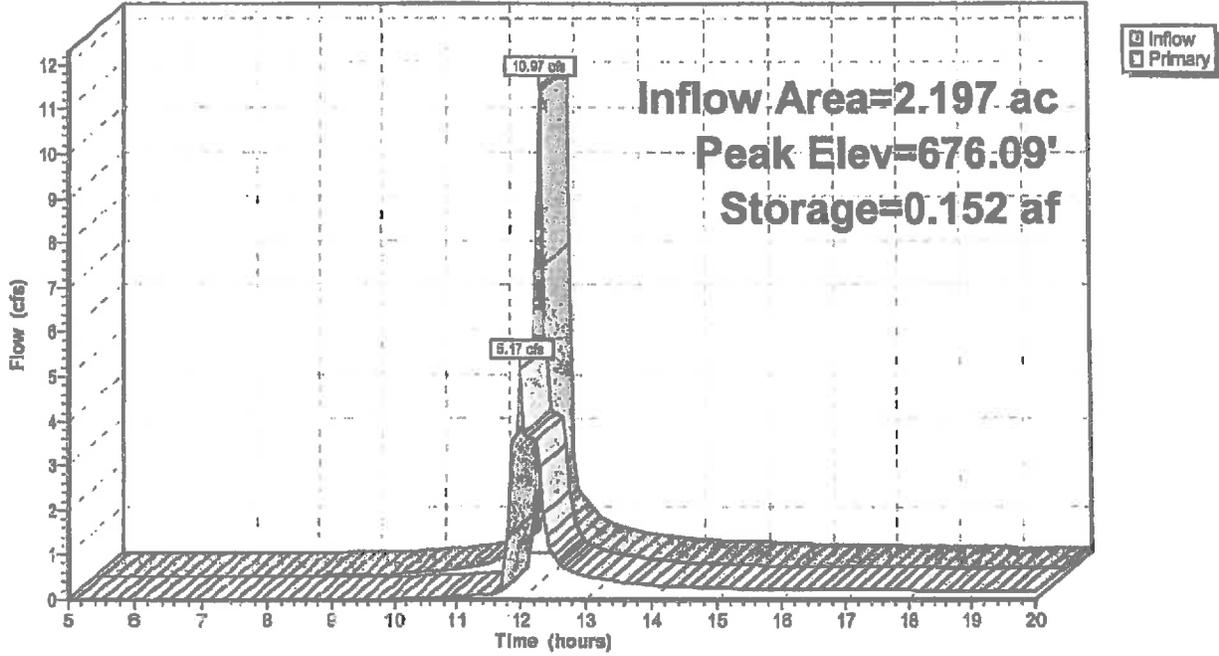
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Pond 2P: (new Pond)

Hydrograph



Runoff from Proposed Conditions

Type II 24-hr 100-year Rainfall=4.50"

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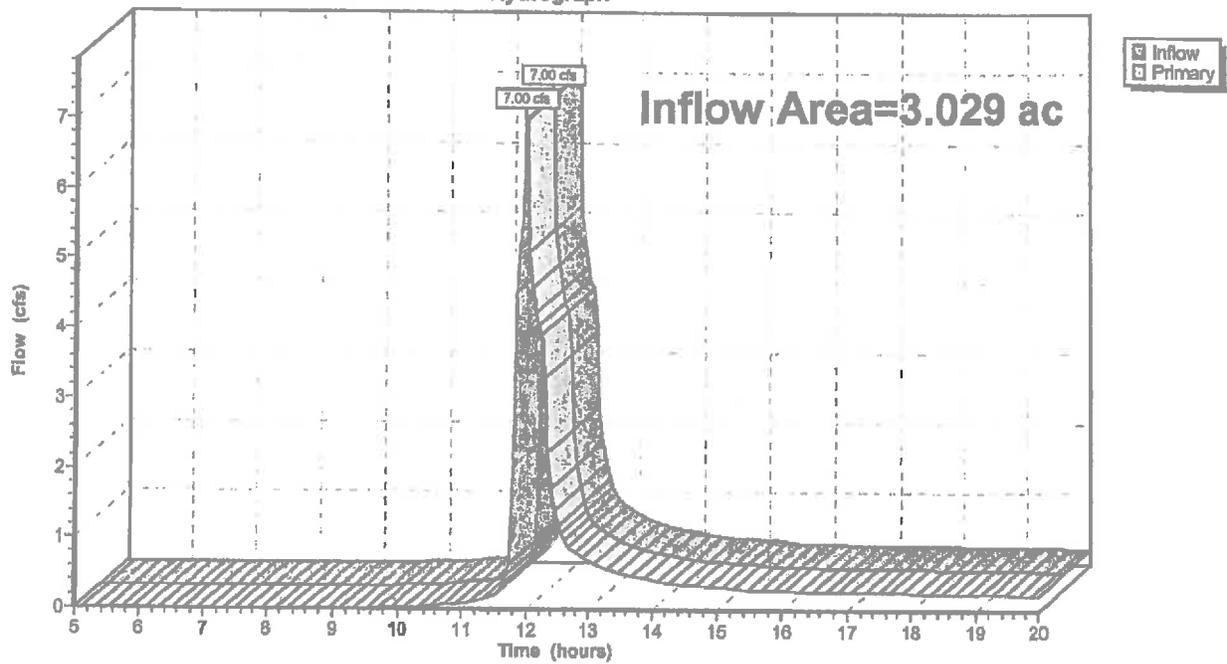
Summary for Link 6L: (new Link)

Inflow Area = 3.029 ac, 26.81% Impervious, Inflow Depth > 1.85" for 100-year event
 Inflow = 7.00 cfs @ 12.00 hrs, Volume= 0.466 af
 Primary = 7.00 cfs @ 12.00 hrs, Volume= 0.466 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 5.00-20.00 hrs, dt= 0.05 hrs

Link 6L: (new Link)

Hydrograph



ATTACHMENT "C"
SLAMM 10.0 MODELING INFORMATION

Data file name: C:\DATA\Gokey Broadway\Golkey Sister Bay\SWMP\WinSLAMM Model for Harbor View Estates.mdb
 WinSLAMM Version 10.0.1
 Rain file name: C:\WinSLAMM Files\Rain Files\WisReg - Green Bay WI 1969.RAN
 Particulate Solids Concentration file name: C:\WinSLAMM Files\WI_AVG01.pscx
 Runoff Coefficient file name: C:\WinSLAMM Files\WI_SLO6 Dec06.rsv
 Residential Street Delivery file name: C:\WinSLAMM Files\WI_Res and Other Urban Dec06.std
 Institutional Street Delivery file name: C:\WinSLAMM Files\WI_Res and Other Urban Dec06.std
 Commercial Street Delivery file name: C:\WinSLAMM Files\WI_Res and Other Urban Dec06.std
 Industrial Street Delivery file name: C:\WinSLAMM Files\WI_Res and Other Urban Dec06.std
 Other Urban Street Delivery file name: C:\WinSLAMM Files\WI_Res and Other Urban Dec06.std
 Freeway Street Delivery file name: C:\WinSLAMM Files\WI_Res and Other Urban Dec06.std
 Apply Street Delivery Files to Adjust the After Event Load Street Dirt Mass Balance: False
 Pollutant Relative Concentration file name: C:\WinSLAMM Files\WI_GEO02.ppdx
 Cost Data file name:
 Seed for random number generator: -42
 Study period starting date: 01/02/69 Study period ending date: 12/28/69
 Start of Winter Season: 12/02 End of Winter Season: 03/12
 Date: 05-06-2015 Time: 17:20:37

Site information:

WinSLAMM Harbor View Estates Subdivision

LU# 1 - Residential: Residential 1 Total area (ac): 2.197
 1 - Roofs 1: 0.349 ac. Pitched Disconnected Silty
 19 - Unpaved Parking 1: 0.029 ac. Connected
 25 - Driveways 1: 0.247 ac. Connected
 37 - Streets 1: 0.147 ac. Smooth Street Length = 0.05 curb-mi Default St. Dirt Accum. Annual Winter Load
 54 - Small Landscaped Areas 4: 1.356 ac. Silty
 70 - Water Body Areas: 0.069 ac.

LU# 2 - Residential: Residential 2 Total area (ac): 0.660
 57 - Undeveloped Areas 1: 0.660 ac. Silty

LU# 3 - Residential: Residential 3 Total area (ac): 0.172
 45 - Large Landscaped Areas 1: 0.172 ac. Silty

Control Practice 1: Wet Detention Pond CP# 1 (DS) - DS Wet Pond # 1
 Particle Size Distribution file name: C:\WinSLAMM Files\NURP.CPZ
 Initial stage elevation (ft): 6
 Peak to Average Flow Ratio: 3.8
 Maximum flow allowed into pond (cfs): No maximum value entered
 Outlet Characteristics:

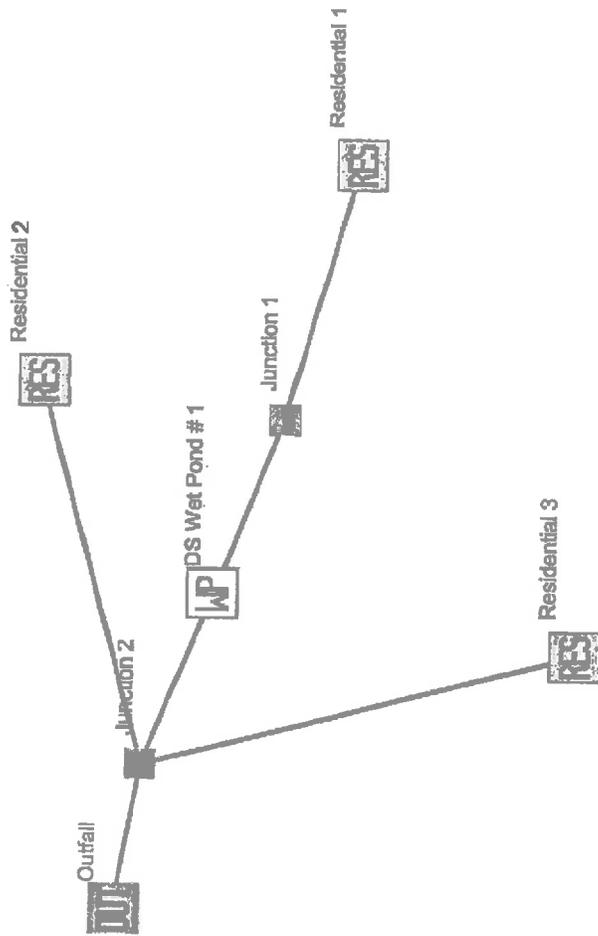
Outlet type: Orifice 1
 1. Orifice diameter (ft): 0.25
 2. Number of orifices: 1
 3. Invert elevation above datum (ft): 6

Outlet type: Broad Crested Weir
 1. Weir crest length (ft): 10
 2. Weir crest width (ft): 5
 3. Discharge Coefficient (ft): 0
 4. Height of weir opening (cfs): 0.5
 5. Height from datum to bottom of weir opening: 7.5

Outlet type: Vertical Stand Pipe
 1. Stand pipe diameter (ft): 1.75
 2. Stand pipe height above datum (ft): 7

Pond stage and surface area

Entry Number	Stage (ft)	Pond Area (acres)	Natural Seepage (in/hr)	Other Outflow (cfs)
0	0.00	0.0000	0.00	0.00
1	1.00	0.0140	0.00	0.00
2	2.00	0.0210	0.00	0.00
3	3.00	0.0270	0.00	0.00
4	4.00	0.0340	0.00	0.00
5	5.00	0.0400	0.00	0.00
6	6.00	0.0660	0.00	0.00
7	7.00	0.0760	0.00	0.00
8	8.00	0.0855	0.00	0.00



File C:\DATA\Gokey\Broadway\Gokey\Sister Bay\SWMP\WinSLAMM Model for Harbor View Estates.mdb

Outfall Output Summary

Runoff Volume (cu ft)	44941	Percent Runoff Reduction	0.00 %	Runoff Coefficient (Fv)	0.15	Particulate Solids Conc. (mg/L)	126.9	Particulate Solids Yield (lbs)	366.0	Percent Particulate Solids Reduction	60.40 %
Total of All Land Uses without Outfall Total with Controls	44942		0.00 %		0.15		24.87		68.78		60.40 %
Current File Output: Annualized Total After Outfall Controls	45566	Years in Model Run	0.99						70.75		

Print Output Summary to Text Summary to .csv File

Total Area Modeled
3.023

Total Control Practice

Capital Cost	N/A
Land Cost	N/A
Annual Maintenance	N/A
Present Value of All	N/A
Annualized Value of All	N/A

Receiving Water Impacts Due To (CWP Impervious Cover Model)

Without Controls	0.15	Approximate Urban Stream	Fair
With Controls	0.15		Fair

Land Use #	Land Use Type	Land Use Label	Land Use Area (acres)
1	Residential	Residential 1	2.197
2	Residential	Residential 2	0.680
3	Residential	Residential 3	0.172

CP #	Control Practice Type	Control Practice Name or Location
1	Wet Detention Pond	DS Wet Pond # 1

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT is entered into as of this ____ day of _____, 2015 between the Village of Sister Bay, Wisconsin (the "Village") and North Door Properties, LLC, a Wisconsin limited liability company (the "Developer").

WHEREAS, the Developer owns certain real estate being Parcel Nos. 181 4230001 and 181 4240001 in the Village as mapped in Exhibit A hereto (the "Property"); and

WHEREAS, the Developer plans to create (INSERT NAME OF DEVELOPMENT) (the "Development") on the Property, consisting of the necessary improvements for a seven (7) lot residential subdivision served by a private road with sanitary sewer and water service provided by the Village as depicted on Exhibit B (INSERT ON-SITE UTILITY PLAN) hereto (the "Developer's Improvements");

NOW, THEREFORE, the Village and the Developer, in consideration of the terms and conditions contained in this Agreement and for other good and valuable consideration, receipt of which is hereby acknowledged, agree as follows:

1. DEVELOPER OBLIGATIONS.

(a) Limitation on Use of Premises. The seven (7) lot residential subdivision with be created after the Village's approval of PUD Overlay of the existing R-2 Zoning. Upon creation of the seven (7) lot residential subdivision, the use of the Property shall not be changed to any other use without the express written agreement of the Village.

(c) Construction of Developer's Improvements. The Developer shall, subject to receipt of all necessary governmental approvals, construct and pay all costs of the Developer's Improvements on the Property. The Developer's Improvements to be constructed upon the Property and their uses shall be in compliance with all applicable municipal ordinances of the Village. Construction of the Developer's Improvements shall be complete by no later than _____, 20___. Nothing contained in this Development Agreement shall obligate the Village to grant rezone, variances, exceptions, or conditional use permits. Developer agrees to engage fully-qualified and experienced contractors for all construction included in this Agreement. The contractors shall perform their work to the standards of the Village and shall comply with the requirements of the Village's ordinances and standards in performing their work.

(d) Dedication of Property Utilities. All property necessary for sewer, water and electrical utilities as depicted on Exhibit B shall be dedicated to the Village or to the appropriate utility at no cost to the Village or the utility.

(e) Payment of Fees. The Developer shall pay to the Village all Impact Fees and other fees pursuant to applicable Village ordinance (collectively the "Fees"). A schedule of the Fees is attached hereto as Exhibit "C" and incorporated herein by reference.

(f) Village Approval. No land disturbance or work may begin without the Village's approval. Approval will not be granted until final plans and specifications for the land disturbance and work have been approved by the Village.

(g) Responsibility for Costs. Developer agrees that the Village shall not be responsible for any costs or charges related to the Development except any specifically enumerated and agreed to in writing by the Village the Developer.

(h) Maintenance of Improvements. Developer shall provide for the maintenance and repair of the Developer's Improvements.

(i) Indemnification. Developer will indemnify, defend, and hold the Village harmless from and against all claims, costs, and liabilities of every kind and nature, for injury or damage received or sustained by any person or entity in connection with, or on account of, the performance of work described in this Agreement except to the extent caused by the willful or negligent acts or omissions of the Village or its officers, employees, agents, or contractors.

(j) Specifications for Improvements. Developer shall abide by all appropriate Village ordinances and conditions in effect at the time of approval and in place for the Development by the Village Board, Plan Commission, or the Village's designated engineers when fulfilling its obligations under this Agreement. Developer shall also fully comply in a timely fashion with all Village ordinances, including zoning, subdivision, and utility-related ordinances.

(k) Inspections. The Village may inspect sewer and water utilities installed pursuant to this Agreement at intermittent times as they are constructed and completed and, if acceptable to the Village, certify such as being in compliance with the standards and specifications of the Village. If inspection reveals that sewer or water utilities do not conform to Village standards or are otherwise defective, the Village will provide timely notice to Developer. Developer shall have 30 days from issuance of such notice to correct or substantially correct the defect. The Village shall not declare a default under this Agreement during the thirty (30) day correction period on account of any such defect unless it is clear that Developer does not intend to correct the defect or unless the Village reasonably and objectively determines that immediate action is required in order to remedy a situation that poses an immediate health or safety threat.

(l) Improvements are Private. All improvements constructed by Developer, including (1) the private road and all driveways within the Development, (2) all sewer and water utilities within the Development except for the sanitary main (main only) and the watermain and water service up to the curb stop to be installed at the edge of the 54' ingress/egress & utility easement, and (3) all storm water management improvements, shall remain private at all times. They shall

maintained, replaced, or repaired in any way by the Village or any of its sanitary or utility districts.

(m) Reimbursement of Village Costs. The Developer shall reimburse the Village for all costs incurred by the Village for engineering, inspection, planning, legal and administrative expenses in:

- (i) Processing, reviewing, revising and approving conceptual, preliminary or final development plans, including meeting time, regardless of whether the Developer attended or participated in the meeting;
- (ii) Processing reviewing, revising, drafting and approving any agreements, easements, deed restrictions, and other documents associated with the proposed use; and,
- (iii) Inspection and approval of construction and installation of all improvements provided for in the Development, including but not limited to consultation reasonably required to address issues and problems encountered during the course of design and construction of the Development. Such costs shall include the costs of Village consultants, including engineers, attorneys, inspectors, planners, ecologists, agents, sub-contractors and the Village's own employees. Such costs shall also include those for attendance at meetings. The costs for outside services shall be the direct costs incurred by the Village. The costs for Village employees' time shall be based on the classification of the employee and the rates established by the Village Board, from time to time, for each such classification.

2. VILLAGE OBLIGATIONS.

(a) Approvals. The Village shall work in cooperation with the Developer to secure and to grant the following approvals:

- (i) Zoning of the Project Site to accommodate development of the Project.
- (ii) Approval, if necessary, for the expansion and/or extension of the storm sewer, sanitary sewer, water, and electric facilities to serve the Developer's Improvements.

3. SUPPLEMENTAL GENERAL CONDITIONS.

(a) No Vested Rights Granted. Except as provided by law, or as expressly provided by this Agreement, no other vested rights in connection with the Development shall inure to the Developer. In addition, the Village does not warrant by this Agreement that the Developer is entitled to approvals of any other nature other than as specified in this Agreement.

(b) No Waiver. No waiver of any provision of this Agreement shall be deemed or constitute a waiver of any other provision, nor shall it be deemed or constitute a continuing waiver unless expressly provided for by a written amendment to this Agreement signed by both the Village and the Developer, nor shall the waiver of any default under this Agreement be deemed a waiver of any subsequent default or defaults of the same type. No Village approval pursuant to this Agreement eliminates the need for other local, state or federal authorizations relevant to the Development.

(c) Amendment. This Agreement may be amended or modified only by a written amendment approved and executed by the Village and the Developer.

(d) Default. In the event that either the Village or the Developer defaults under any material terms or conditions of this Agreement, the defaulting party shall be responsible for all costs and expenses incurred by reason of such default including, but not limited to, any legal expenses incurred by the non-defaulting party. The rights and remedies of the non-defaulting party shall not be limited to those, if any, specified in this Agreement, but the non-defaulting party shall have all rights and remedies to which it may be entitled, either at law or in equity.

(e) Entire Agreement. This Agreement, and any written amendments and referenced attachments, hereto, shall constitute the entire agreement between the Village and the Developer.

(f) Force Majeure. For the purpose of computing the commencement and completion periods, and time periods for either party to act, such times in which war, civil disaster, act of God, or extreme weather conditions occur or exist shall not be included if such time prevents the Developer or the Village from performing its obligations under the Agreement.

(g) Notice. Any notice required or permitted by this Agreement shall be deemed effective when personally delivered a notice or three (3) days after notice is deposited with the U.S. Postal Service, postage prepaid, certified mail and return receipt requested, addressed as follows:

If to Developer:

Allen Gokey, Managing Member
North Door Properties, LLC
5776 Ledgecrest Road
De Pere, WI 541152

If to Village:

Village of Sister Bay
c/o Village Clerk
2383 Maple Drive
P.O. Box 769
Sister Bay, WI 54234

(h) Binding Effect. This Agreement is binding upon the parties hereto, as well as their respective heirs, successors and assigns.

(i) Effective Date. This Agreement shall be effective as of the date and year first above written.

(j) No Assignment. The benefits of this Agreement to the Developer are personal and shall not be assigned without the express, prior written approval of the Village Board. Such approval may not be unreasonably withheld, but any unapproved assignment is void. Notwithstanding the above, the burdens of this Agreement are personal obligations of the Developer and shall also be binding on the heirs, successors and assigns of the Developer.

(k) Occupancy Permit. The Developer and the Village agree that the Village will issue occupancy permits for dwelling units within the Development upon satisfaction of local and state building code requirements and completion of each building within the Development.

(l) Signage. Developer agrees that any signage for the Development shall be restricted to onsite signs with the location, size and style of sign to comply with Village of Sister Bay sign code requirements.

(m) Developer Representations and Warranties. Developer represents and warrants to the Village (i) that it is a limited liability company duly organized and existing under the laws of the State of Wisconsin and that all proceedings of the Developer necessary to authorize the negotiation and execution of this Agreement, and the consummation of the transaction contemplated by this Agreement, have been taken in accordance with applicable law, and (ii) that all documents required to be executed and delivered by the Developer have been duly and validly authorized, executed and delivered and will be enforceable against the Developer in accordance with their terms, except as limited by bankruptcy, insolvency or other similar laws of general application affecting the enforcement of creditors' rights.

(n) Nondiscrimination. The Developer agrees not to discriminate on the basis of race, color, religion, sex, ancestry, age, handicap, marital status or national origin in the construction, use or operation of the Development and that the continued use and operation of the Development shall be in compliance with all effective laws, ordinances and regulations relating to discrimination or any of the foregoing grounds.

(o) Severability. If any part, term or provision of this Agreement is held by a court of competent jurisdiction to be illegal or otherwise unenforceable, such illegal or unenforceable part, term or provision shall not affect the validity of any other part, term or provision and the rights of the parties will be construed as if the part, term or provision was never included in this Agreement.

(p) Recording. The parties agree that this Agreement shall be recorded with the Door County Register of Deeds. The Developer shall reimburse the Village for the cost of recording this Agreement.

EXHIBIT A
TO
DEVELOPMENT AGREEMENT

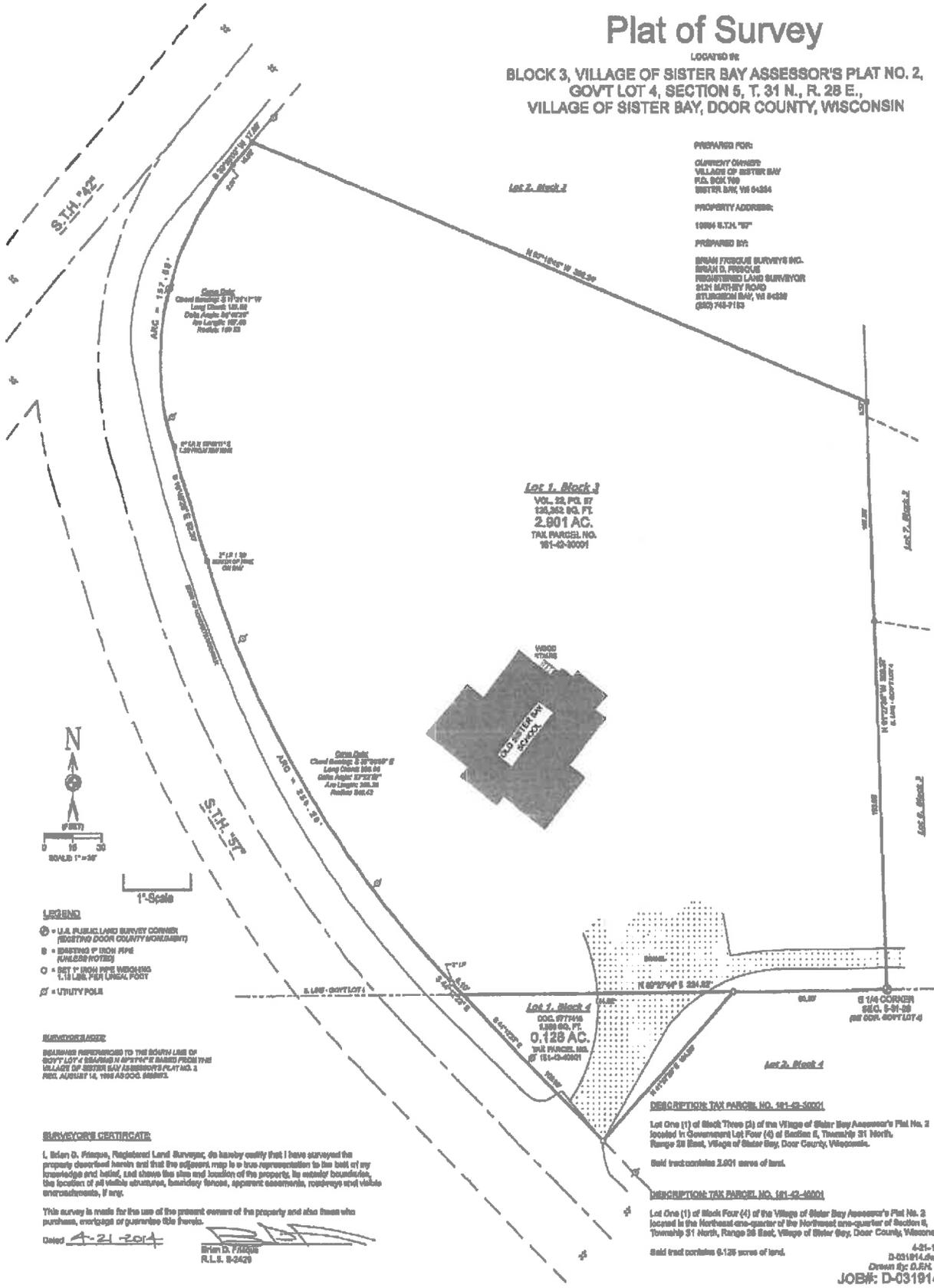
Description of Property

(See attached)

Plat of Survey

LOCATED BY:
**BLOCK 3, VILLAGE OF SISTER BAY ASSESSOR'S PLAT NO. 2,
GOVT LOT 4, SECTION 5, T. 31 N., R. 28 E.,
VILLAGE OF SISTER BAY, DOOR COUNTY, WISCONSIN**

PREPARED FOR:
CLARENCE CHASE
VILLAGE OF SISTER BAY
P.O. BOX 700
SISTER BAY, WI 54884
PROPERTY ADDRESS:
10864 S. 21st ST
PREPARED BY:
BRIAN D. FRISQUE SURVEYS INC.
BRIAN D. FRISQUE
REGISTERED LAND SURVEYOR
2521 MARYBY ROAD
STURBECK, WI 54250
(920) 748-2183



- LEGEND**
- ⊙ = U.S. PUBLIC LAND SURVEY CORNER (EXISTING DOOR COUNTY MONUMENT)
 - ⊙ = MARKERS FROM IRON PIPE (RULERS NOTES)
 - = SET OF IRON PIPE MARKERS (1.18 LINE FROM LEGAL FOOT)
 - ⊚ = UTILITY POLE

REMARKS:
BEARING REFERENCED TO THE SOUTH LINE OF GOVT LOT 4 DRAWN IN 1875 BY R. BARRIS FROM THE VILLAGE OF SISTER BAY ASSESSOR'S PLAT NO. 1 FILED AUGUST 14, 1888 ADJUD. 1888.

SURVEYOR'S CERTIFICATE

I, Brian D. Frisquie, Registered Land Surveyor, do hereby certify that I have surveyed the property described herein and that the adjacent map is a true representation to the best of my knowledge and belief, and shows the shape and location of the property, its natural boundaries, the location of all visible obstructions, boundary lines, apparent easements, roadways and visible encroachments, if any.

This survey is made for the use of the present owners of the property and also those who purchase, mortgage or guarantee this survey.

Dated 4-21-2014
Brian D. Frisquie
R.L.S. 9-0429

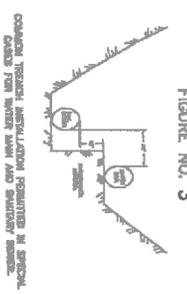
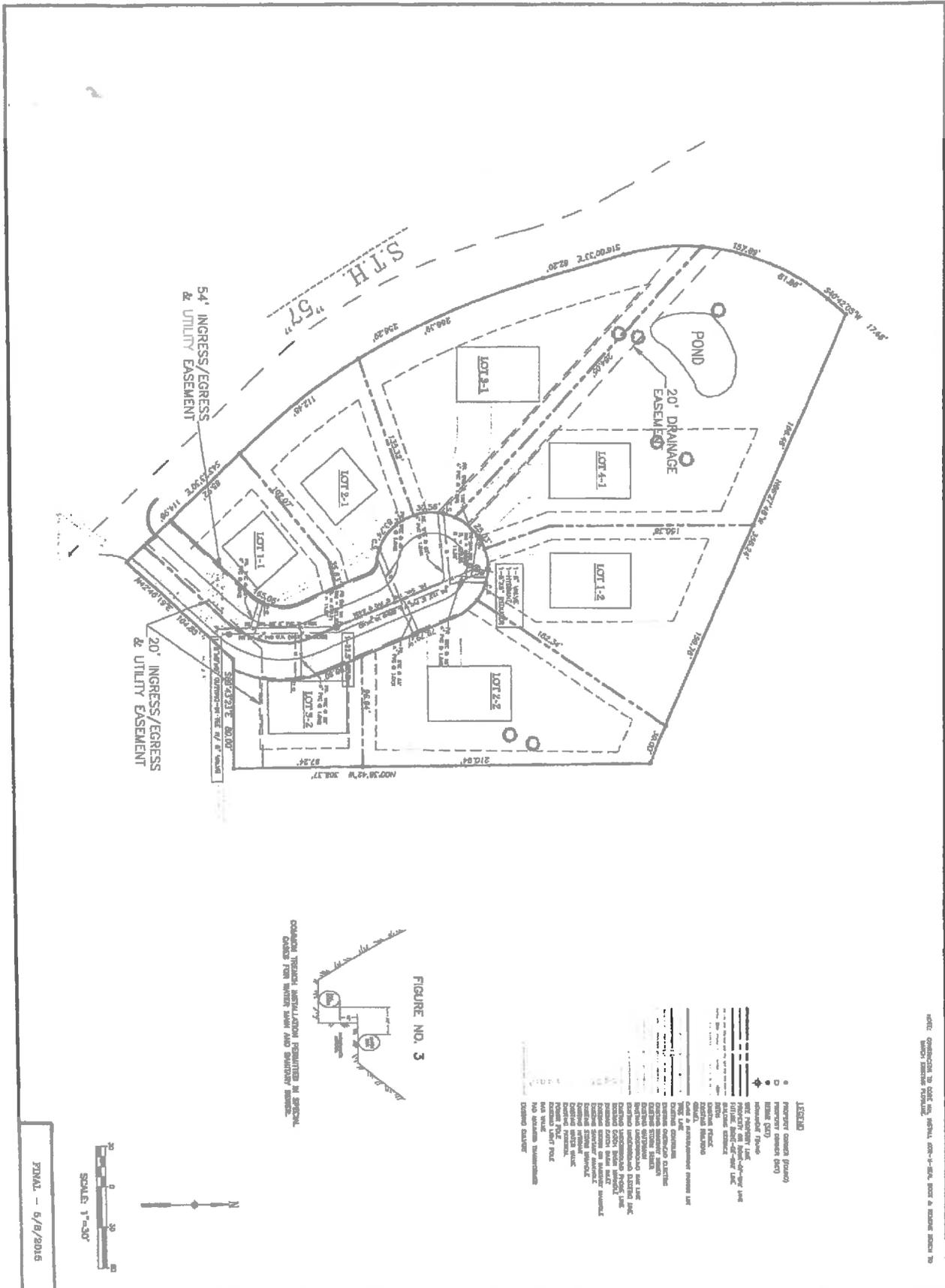
DESCRIPTION: TAX PARCEL NO. 181-02-50001
Lot One (1) of Block Three (3) of the Village of Sister Bay Assessor's Plat No. 2 located in the Northwest corner of the Northwest one-quarter of Section 5, Township 31 North, Range 28 East, Village of Sister Bay, Door County, Wisconsin.
Said tract contains 2.801 acres of land.

DESCRIPTION: TAX PARCEL NO. 181-02-50001
Lot One (1) of Block Four (4) of the Village of Sister Bay Assessor's Plat No. 2 located in the Northwest corner of the Northwest one-quarter of Section 5, Township 31 North, Range 28 East, Village of Sister Bay, Door County, Wisconsin.
Said tract contains 0.128 acres of land.



EXHIBIT B
DEVELOPER'S IMPROVEMENTS

(See attached)



TOTAL - 5/9/2016

3 DRAWING NO.	PROPOSED Y-LOT RESIDENTIAL DEVELOPMENT VILLAGE OF EASTER BAY, WI	300 CONSULTING, LLC CONSULTING ENGINEERS	840 CHALLENGER DRIVE - SUITE 140 ESTATE SQ., WI 53211-1031 Phone: 920/998-9988 Fax: 920/998-9910	MR. AL GOKEY 115 MIDLAND DRIVE GREEN BAY, WI 54308	CHECKED: [] DATE: []
					DESIGNED: [] DATE: []
SCALE: 1" = 30'	DATE: 5/9/2016	SHEET NO. 3	TOTAL SHEETS: 3	PROJECT NO. 161	DRAWING NO. 3

EXHIBIT C

FEES

1.	Application Fee	\$ 400.00
2.	Driveway Permit	\$ 25.00
3.	Development Agreement Deposit	\$2,000.00
4.	Engineering Deposit	\$2,000.00