



TOWN OF RIB MOUNTAIN

Where Nature, Family & Sport Come Together

www.townofribmountain.org

3700 North Mountain Road
Wausau, Wisconsin 54401
(715) 842-0983
Fax(715) 848-0186

PLAN COMMISSION

OFFICIAL NOTICE & AGENDA

A meeting of the Town of Rib Mountain Plan Commission will be held on **Wednesday, January 27th, 2016; 6:30 P.M. at 3700 North Mountain Road, Town of Rib Mountain Municipal Center**. The Town Board may attend for purposes of gathering information. Subject matter for consideration and possible action follows:

- 1.) Call to Order
- 2.) Roll Call
- 3.) Minutes
 - a. **Approval of the minutes of the 12-9-2015 Plan Commission meeting.**
- 4.) New Business:
 - a. **Tim Vreeland, agent, Final Plat review for Woodlawn Pines Plantation 1st Addition, for the property addressed 2101 Snowflake Lane, parcel #34.940.000.026.02.00, Docket #2016-01**
 - b. **Discussion on potential zoning text amendments to Rib Mountain Municipal Code Section 17.190 - Fencing Standards. Docket #2016-05**
 - c. **Discussion on potential zoning text amendments to Rib Mountain Municipal Code Subchapter X - Signage Regulations – related to Electronic Message Signs. Docket #2016-06**
 - d. **Video training session - ‘Role of the Plan Commission’ presented by the UW-Extension Center for Land Use Education.**
- 5.) Correspondence/ Questions/Town Board Update:
- 6.) Public Comment
- 7.) Adjourn

TOWN OF RIB MOUNTAIN
PLANNING COMMISSION MEETING
December 9, 2015

Chairman Kevin Mataczynski called the meeting to order at 6:30 pm. Other Plan Commission members present included Jim Hampton, Laura McGucken, Harlan Hebbe and Ryan Burnett. Also present were Community Development Director, Steve Kunst, and Building Inspector / Assistant Zoning Administrator, Paul Kufahl. Commissioners Tom Steele and Christine Nykiel were excused.

MINUTES:

Motion by Harlan Hebbe, seconded by Jim Hampton to approve the minutes of the November 11th, 2015 Plan Commission meeting, as presented. Motion carried 5-0.

PUBLIC HEARING

- a. *Dylan Alwin, Finishing Touch Signs, agent, regarding modification of the Unified Development District Precise Implementation Plan for alterations to the Monument Sign at the property addressed 3808 and 3804 Rib Mountain Drive, parcel #34.102807.014.028.00.00, Docket #2015-37.*

Chairman Mataczynski opened discussion by asking Steve Kunst to give a brief history of the proposed signage change. Kunst noted the new monument signage would increase by 20 square feet in area and 3 feet 8 inches in height. It was also stated the increase in signage area is allowable by code and that the increase in height would exceed the typical code height by two (2) feet. Kunst also provided the height of current monument signage along Rib Mountain Drive as a frame of reference for the proposed increase.

Dylan Alwin of Finishing Touch Signs continued by stating the intent of the signage height increase was to maximize visibility of the Cellcom signage and to establish more visual appeal. He also noted, based on the multi-tenant use of the building and sign, the request for additional height was reasonable and in keeping with previous decisions for other multi-tenant monument signs.

Plan Commission Docket #2014-02, which addressed the I39/USH-51 Corridor Signage and allowed for monument/pylon signage to exceed 10 feet via conditional use, was brought to discussion by Jim Hampton. It was noted by Kunst this property falls outside of that corridor. Additional discussion between Commissioners was had related to general appearance of Rib Mountain Drive signage, previous signage inventory of Rib Mountain Drive and Single vs. Multi-Tenant Signage, with a general consensus noting that multi-tenant signage could be handled differently.

Alwin addressed the Commission after comment from McGucken on the current appearance of the Jim Kryshak/Cellcom monument signage. He gave the Commission a brief description of the signs design and materials selection. Discussion ended with McGucken stating that we could consider design standards for UDD's.

Motion by Jim Hampton, seconded by Harlan Hebbe to recommend approval of the UDD/PIP modification to allow for a monument sign of 12 feet in height at the property addressed 3808 and 3804 Rib Mountain Drive. Motion carried 5-0.

NEW BUSINESS:

- a. Discussion of possible future amendments to the zoning ordinance related to Changeable Message Signs.*

Kunst gave a brief recap of previous discussions about 'Changeable Message Signs' which included the Town Board's hesitation to approve the most recent application. He also mentioned that based on the current code language, the Town has little basis to decline a business's request to install a Changeable Message Sign. Currently the only restriction placed on changeable message signs is they cannot change appearance more than once every 30 seconds.

Concerns from the Commission were related to future appearance of the Rib Mountain Drive retail area if more changeable message signs were allowed and potential traffic safety related to distracted driving. Ryan Burnett asked what other growing areas are doing from an ordinance standpoint for changeable message signs. It was noted areas like Brookfield and Mequon completely prohibit them, Wausau allows signs to change as often as every six (6) seconds, and cities like Germantown apply a strict design standard for all signs to help control the overall appearance.

Kunst asked Alwin of Finishing Touch Signs, if Electronic Message Centers/Changeable Message Signs were trending within the industry. Alwin said they are becoming a more popular item for businesses. He noted as technology has gotten better recently, the cost for these items has become more affordable.

General discussion continued amongst the Commission, with a common agreement that they would prefer to prohibit them entirely. It was suggested by Commission to have staff draft code language defining and prohibiting electronic / changeable message signs for discussion at a later date.

CORRESPONDENCE/QUESTIONS:

- a. Update on Construction Progress for Dick's Sporting Goods, Red Robin Restaurant, and McDonald's.*

Chairman Mataczynski asked for an update on current projects along Rib Mountain Drive. Paul Kufahl stated all three projects are currently on schedule with no major setbacks, and Red Robin had indicated they would like to be complete in January. McDonald's is currently going through the State of Wisconsin's variance procedure to allow for the building to remain unsprinklered.

b. Granite Peak Update

There has been no additional information received from the Granite Peak Ski Area representatives or the State related to a potential Ski Hill Expansion. Kunst noted the potential expansion is entirely a State-driven process, with no decision making power lying with the Town. Kunst noted the owner/operator of the ski hill does own private land adjacent to the hill, and any development on that land would require Town approvals.

c. U-Haul Update

Mr. Kunst noted the gentleman from U-Haul Corporate has not been in contact with staff after the pre-application conference in October.

d. Vacant properties north and east of the new Kwik Trip update

Kunst noted that there has been little action on either property, however Bill Schofield is actively marketing the property to the northeast.

PUBLIC COMMENT: None

ADJOURN:

Motion by Jim Hampton, seconded by Harlan Hebbe to Adjourn. Motion carried 5-0. Meeting adjourned at 7:23 pm.

Respectfully Submitted,

Paul Kufahl, Building Inspector / Assistant Zoning Administrator

REPORT TO PLANNING COMMISSION

FROM: Steve Kunst, Community Development Director

DATE: January 22, 2016

SUBJECT: Final Plat Review; PC Docket #2016-01

APPLICANT: Tim Vreeland, agent

OWNER: Woodlawn Pines Plantation LLC

PROPERTY ADDRESS: 2101 Snowflake Lane, Parcel #34.940.000.026.02.00

REQUEST: Final Plat Review for Woodlawn Pines Plantation 1st Addition

ZONING: Suburban Residential - 3 (SR-3)

ADJACENT ZONING: SR-3 (North, South and West); OR (South and West); UDD, SO (East)

PROPOSED LAND USE: Single Family Residential

NARRATIVE:

The request is for Final Plat approval for Woodlawn Pines Plantation 1st Addition. The Plan Commission recommended approval of the Preliminary Plat at the October 28, 2015 meeting, conditioned upon approval by SAER (received via email on 11-2-15). The Plat calls for 11 new single-family residential lots along the new 'Buck Wood Lane'. The original Woodlawn Pines Plantation Plat was approved in 2001, which included a similar layout. All proposed lots exceed the minimum zoning code standards for both area (15,000 ft²) and width (100 ft.). Also, a detailed wetland delineation report was completed on January 20, 2015. Below is a timeline showing pertinent Plat approvals received.

- October 30, 2015 – Rib Mountain Sanitary District
- November 2, 2015 – SAFER
- November 3, 2015 - Marathon County Planning and Zoning (preliminary plat)
- December 15, 2015 – WI Department of Administration Plat Review
- December 15, 2015 – Marathon County Planning and Zoning (Street Name)

ITEMS TO BE FINALIZED:

- Finalized Stormwater Management Plan approved by Town Engineer
 - See attached correspondence from REI
 - Applicant continues to work with Town Engineers
- Finalized Stormwater Maintenance Agreement (see attached)
- A signed developer's agreement covering all public improvements (street, utilities, etc.) and financial sureties
- Finalized Street Plans approved by the Town Engineer
- Up-to-Date subdivision covenants containing primary contact person for the Homeowners Association

POSSIBLE ACTION:

1. Approval of the preliminary plat for Woodlawn Pine Plantation 1st Addition
2. Approval of the preliminary plat for Woodlawn Pine Plantation 1st Addition with conditions/modifications
3. Denial of the preliminary plat for Woodlawn Pine Plantation 1st Addition

SURVEYORS CERTIFICATE

I, TIMOTHY G. VREELAND, PROFESSIONAL LAND SURVEYOR DO HEREBY CERTIFY, THAT I HAVE SURVEYED, MAPPED AND DIVIDED ALL OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 17073, RECORDED IN VOLUME 81 OF SURVEYS ON PAGE 5, PART OF LOTS 14 AND 26 OF WOODLAWN PINES PLANTATION AND CERTIFIED SURVEY MAP NUMBER 10649, RECORDED IN VOLUME 44 OF SURVEYS ON PAGE 91, LOCATED IN THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER AND SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10 AND IN THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SECTION 15, TOWNSHIP 28 NORTH, RANGE 7 EAST, TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 15; THENCE S 0°12'36" E ALONG THE EAST LINE OF LOT 26 OF WOODLAWN PINES PLANTATION BEING THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER 600.09 FEET; THENCE N 54°50'22" W ALONG THE SOUTH LINE OF SAID LOT 26 946.25 FEET; THENCE N 44°12'39" E 272.41 FEET TO THE SOUTH LINE OF DEER TAIL LANE; THENCE S 76°57'25" E ALONG THE SOUTH LINE OF DEER TAIL LANE 57.35 FEET; THENCE 223.90 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST WHOSE RADIUS IS 208.00 FEET, WHOSE CENTRAL ANGLE IS 61°40'31" AND WHOSE CHORD BEARS N 29°34'04" E 213.24 FEET; THENCE S 59°30'28" E 817.77 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 10; THENCE N 89°33'56" W ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER 111.98 FEET TO THE POINT OF BEGINNING.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND PLAT AT THE DIRECTION OF RONALD C. WIMMER OF WOODLAWN PINES PLANTATION, LLC., OWNER OF THE LANDS, THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE, THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE SUBDIVISION REGULATIONS OF THE TOWN OF RIB MOUNTAIN AND MARATHON COUNTY, ALL TO THE BEST OF MY KNOWLEDGE AND BELIEF IN SURVEYING, DIVIDING AND MAPPING THE SAME.

TIMOTHY G. VREELAND P.L.S. 2291 DATED THIS 12TH DAY OF AUGUST, 2014
 REVISED THIS 5TH DAY OF NOVEMBER, 2015
 REVISED THIS 11TH DAY OF DECEMBER, 2015

OWNERS CERTIFICATE OF DEDICATION

AS OWNER I HEREBY CERTIFY THAT I CAUSED THE LANDS DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS PLAT. I ALSO CERTIFY THAT THIS PLAT IS REQUIRED TO BE SUBMITTED TO THE MARATHON COUNTY CONSERVATION AND ZONING COMMITTEE, THE TOWN OF RIB MOUNTAIN AND THE DEPARTMENT OF ADMINISTRATION FOR APPROVAL OR OBJECTION PER s.236.10 OR s.236.12.

WITNESS THE HANDS AND SEALS OF SAID OWNERS THIS _____ DAY OF _____, 20____

STATE OF WISCONSIN) RONALD C. WIMMER, WOODLAWN PINES PLANTATION, LLC.
 MARATHON COUNTY) SS
 PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 20____, THE ABOVE NAMED RONALD C. WIMMER OWNER OF WOODLAWN PINES PLANTATION LLC., TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FORGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, MARATHON COUNTY, WISCONSIN MY COMMISSION EXPIRES _____

CONSENT OF MORTGAGEE

I, _____, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DO HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND I DO HEREBY CONSENT TO THE ABOVE CERTIFICATE OF RONALD C. WIMMER OF WOODLAWN PINES PLANTATION, LLC..

WITNESS THE HAND AND SEAL OF _____, MORTGAGEE, THIS _____ DAY OF _____, 20____
 IN THE PRESENCE OF: _____

MORTGAGEE _____ (SEAL)
 STATE OF WISCONSIN) _____
 MARATHON COUNTY) SS
 PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 20____, THE ABOVE NAMED RONALD C. WIMMER OF WOODLAWN PINES PLANTATION, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FORGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC, MARATHON COUNTY, WISCONSIN MY COMMISSION EXPIRES _____

TOWN BOARD RESOLUTION

RESOLVED THAT THE PLAT OF WOODLAWN PINES PLANTATION 1ST ADDITION, A PLAT IN THE TOWN OF RIB MOUNTAIN, IS HEREBY APPROVED BY THE TOWN BOARD OF THE TOWN OF RIB MOUNTAIN. RONALD C. WIMMER OF WOODLAWN PINES PLANTATION LLC., OWNER OF THE LANDS.

DATE APPROVED _____ TOWN CHAIRMAN _____
 DATE SIGNED _____ TOWN CHAIRMAN _____

I, HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE VILLAGE BOARD OF THE TOWN BOARD OF THE TOWN OF RIB MOUNTAIN.

TOWN CLERK _____

CERTIFICATE OF TOWN TREASURER

STATE OF WISCONSIN) _____
 MARATHON COUNTY) SS
 I, _____ BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE TOWN OF RIB MOUNTAIN, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF _____ AFFECTING THE LANDS INCLUDED IN THE PLAT OF WOODLAWN PINES PLANTATION 1ST ADDITION.
 DATE _____ VILLAGE TREASURER _____

CERTIFICATE OF COUNTY TREASURER

STATE OF WISCONSIN) _____
 MARATHON COUNTY) SS
 I, _____ BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF MARATHON, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF _____ AFFECTING THE LANDS INCLUDED IN THE PLAT OF WOODLAWN PINES PLANTATION 1ST ADDITION.
 DATE _____ COUNTY TREASURER _____

UTILITY EASEMENT RESTRICTION

NO UTILITY POLE, PEDESTAL OR CABLE SHALL BE PLACED SO AS TO DISTURB ANY SURVEY MONUMENT OR OBSTRUCT VISION ALONG ANY LOT OR STREET LINE. THE UNAUTHORIZED DISTURBANCE OF A SURVEY MONUMENT IS A VIOLATION OF s.236.32 OF WISCONSIN STATUTES. UTILITY EASEMENTS SET FORTH HEREIN ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THIS SUBDIVISION.

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified December 15th, 2015

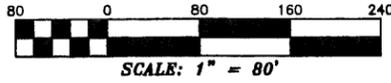
Timothy G. Vreeland
 Department of Administration

REGISTER OF DEEDS
 MARATHON COUNTY, WI
 RECEIVED FOR RECORD THIS _____ DAY OF _____ A.D. 20____ AT _____ O'CLOCK _____ M. IN PLAT CABINET NO. _____ ON PAGE _____
 DOCUMENT NO. _____
 REGISTRAR _____

VREELAND ASSOCIATES, INC.
 6103 DAWN STREET WESTON, WI 54476
 PH (715) 241-0947 OR TOLL FREE (866) 693-3979
 FAX (715) 241-9826 tim@vreelandassociates.us
 PREPARED FOR: **RON WIMMER**
 FILE #: W-365 WIMMER
 DRAFTED AND DRAWN BY: TIMOTHY G. VREELAND

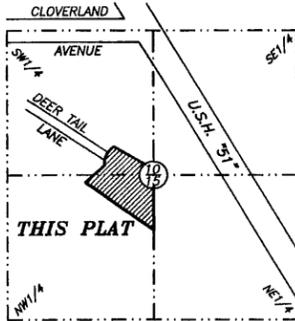
WOODLAWN PINES PLANTATION 1ST ADDITION

ALL OF OUTLOT 1 OF CERTIFIED SURVEY MAP NUMBER 17073, RECORDED IN VOLUME 81 OF SURVEYS ON PAGE 5 PART OF LOTS 14 & 26 OF WOODLAWN PINES PLANTATION AND PART OF CERTIFIED SURVEY MAP NUMBER 10649, RECORDED IN VOLUME 44 OF SURVEYS ON PAGE 91, LOCATED IN THE SE1/4 OF THE SW1/4 AND SW1/4 OF THE SE1/4 OF SECTION 10 AND NE1/4 OF THE NW1/4 OF SECTION 15 ALL IN TOWNSHIP 28 NORTH, RANGE 7 EAST, TOWN OF RIB MOUNTAIN, MARATHON COUNTY, WISCONSIN.

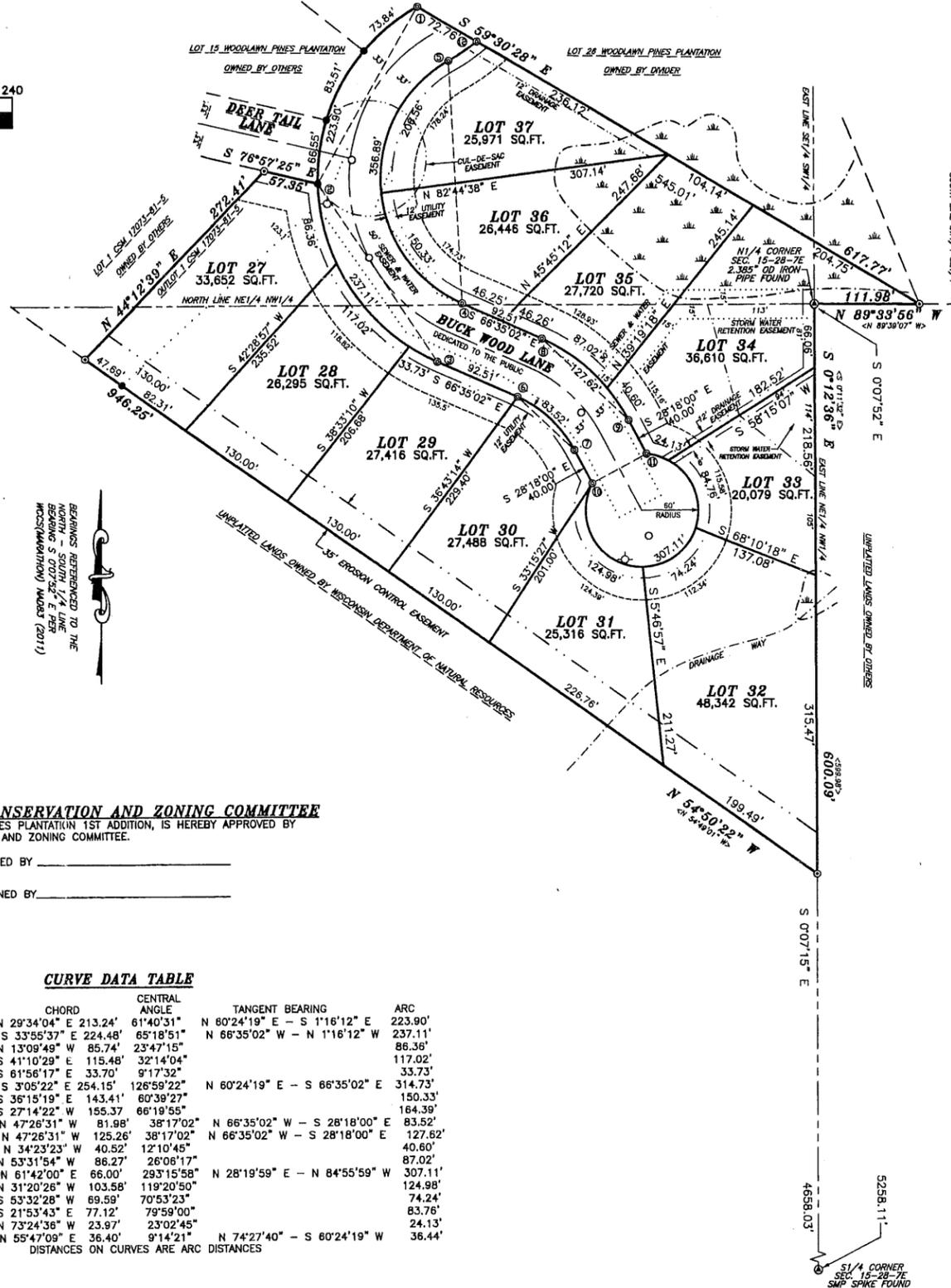


- LEGEND**
- ⊙ = GOVERNMENT CORNER LOCATION PER COUNTY SURVEY RECORDS
 - ⊙ = 1 1/4" x 24" REBAR 4.173lbs/ft SET
 - ⊙ = 1.25" OD IRON PIPE FOUND IN PLACE
 - ⊙ = 1" OD IRON PIPE FOUND IN PLACE
 - <- -> = 35' FRONT YARD SETBACK
 - <- -> = PREVIOUSLY RECORDED AS
 - ⊙ = FIRE HYDRANT
 - ⊙ = SANITARY MANHOLE
 - ⊙ = ALL OTHER LOT CORNERS MONUMENTED WITH 3/4" x 24" REBAR 1.50 LBS/FT SET
 - = WETLANDS SHOWN HEREON WERE DELINEATED BY GARY STARZINSKI OF STAR ENVIRONMENTAL AND LOCATED BY VREELAND ASSOCIATES ON JULY 7TH 2015.

LOCATOR



N1/2 SECTION 15, T 28 N, R 7 E,
 S1/2 SECTION 10, T 28 N, R 7 E,
 TOWN OF RIB MOUNTAIN, MARATHON CO., WI



MARATHON COUNTY LAND CONSERVATION AND ZONING COMMITTEE

RESOLVED THAT THE PLAT OF WOODLAWN PINES PLANTATION 1ST ADDITION, IS HEREBY APPROVED BY THE MARATHON COUNTY LAND CONSERVATION AND ZONING COMMITTEE.

DATE APPROVED _____ SIGNED BY _____
 DATE SIGNED _____ SIGNED BY _____

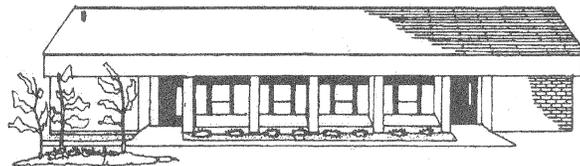
CURVE DATA TABLE

NO.	LOT	RADIUS	CHORD	CENTRAL ANGLE	TANGENT BEARING	ARC
1-2	BOUND.	208.00'	N 29°34'04" E 213.24'	61°40'31"	N 80°24'19" E - S 1°16'12" E	223.90'
2-3		208.00'	S 33°55'37" E 224.48'	65°18'51"	N 66°35'02" W - N 1°16'12" W	237.11'
27			N 13°09'49" W 85.74'	23°47'15"		86.36'
28			S 41°10'29" E 115.48'	32°14'04"		117.02'
29			S 61°56'17" E 33.70'	9°17'32"		33.73'
4-5		142.00'	S 3°05'22" E 254.15'	126°59'22"	N 60°24'19" E - S 66°35'02" E	314.73'
36			S 36°15'19" E 143.41'	60°39'27"		150.33'
37			S 27°14'22" W 155.37'	66°19'55"		164.39'
6-7		125.00'	N 47°26'31" W 81.98'	38°17'02"	N 66°35'02" W - S 28°18'00" E	83.52'
8-9		191.00'	N 47°26'31" W 125.26'	38°17'02"	N 66°35'02" W - S 28°18'00" E	127.62'
34			N 34°23'23" W 40.52'	12°10'45"		40.60'
35			N 53°15'44" E 86.27'	26°08'17"		87.02'
10-11		60.00'	N 61°42'00" E 66.00'	29°15'58"	N 28°19'59" E - N 84°55'59" W	307.11'
31			N 31°20'26" W 103.58'	119°20'50"		124.98'
32			S 63°32'28" W 69.59'	70°53'23"		74.24'
33			S 21°53'43" E 77.12'	79°59'00"		83.76'
34			N 73°24'36" W 23.97'	23°02'45"		24.13'
5-12		226.00'	N 55°47'09" E 36.40'	9°14'21"	N 74°27'40" - S 60°24'19" W	36.44'

DISTANCES ON CURVES ARE ARC DISTANCES

Rib Mountain Sanitary District

5703 Lilac Avenue — Wausau, WI 54401
(715) 359-6177 Fax (715) 359-3364



October 30, 2015

SUBJECT: Deertail Ln/Woodland Pines Extension - 2015

Attn. Mr. Bancuk/MTS:

This letter is in response to your request of approval concerning Civil Plans for Woodland Pines Plantation 1st Addition located within the Rib Mountain Sanitary District boundaries and service area.

All of the water mains, water laterals, water valves, curbstops, sanitary mains, sanitary laterals and hydrants are already installed as part of an earlier phase of this development. If any modifications are made to this infrastructure we ask that we are notified in advance. We will require a Rib Mountain Sanitary District(RMSD) employee, or our representative, be onsite during the reconstruction process.

This development should have no adverse effects on the RMSD system as a whole and the existing infrastructure will be able to supply the additional homes with the proper water and sewer services.

A water quality management letter may also be needed from the Marathon County Planning and Zoning Department stating this area is within the Wausau Urban Sewer Service Area, (208 Plan).

One correction on the plans is as follows: There is no water main from the existing cul de sac going to the Northeast, only a stub with a valve. This was only proposed in the previous project.

After reviewing the plans and making appropriate corrections, the Rib Mountain Sanitary District approves of this development as determined by the Director.

If you have questions please call our office at 715/359-6177.

Sincerely,
RIB MOUNTAIN SANITARY DISTRICT

A handwritten signature in cursive script that reads "Michael Heyroth".

Michael Heyroth
Director of Rib Mountain Sanitary District
MH/mh

Steve Kunst

From: Martin Christiansen <mchristiansen@saferdistrict.org>
Sent: Monday, November 2, 2015 10:23 AM
To: Steve Kunst
Subject: RE: Woodlawn Pines Subdivision Extension - Preliminary Plat

This looks good to me.

Marty

From: Steve Kunst [mailto:skunst@townofribmountain.org]
Sent: Friday, October 30, 2015 8:20 AM
To: Marty Christiansen (mchristiansen@saferdistrict.org) <mchristiansen@saferdistrict.org>
Cc: Paul Kufahl <pkufahl@townofribmountain.org>
Subject: Woodlawn Pines Subdivision Extension - Preliminary Plat

Good Morning Marty,

Attached please find the preliminary plat for the proposed Woodlawn Pines, 1st Addition. If you remember, I requested your opinion on extending Deertail Lane past the Town's 500 foot a while back. You noted no issue with the concept. Please take a look at the proposed road layout and let me know what you think.

Thank you and have great weekend!

Steve Kunst
Director of Community Development
Town of Rib Mountain
3700 N Mountain Road
Wausau, WI 54401
715-842-0983
skunst@townofribmountain.org
www.townofribmountain.org





Conservation, Planning and Zoning Department

210 River Drive • Wausau, Wisconsin 54403-5449

Phone: 715-261-6000 • Fax: 715-261-6016

Within Marathon County: 1-800-236-0153

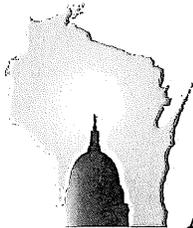
cpz@co.marathon.wi.us • www.co.marathon.wi.us

November 3, 2015

Conditions for preliminary approval of Woodlawn Pines 1st Addition

- 1) *The cul-de-sac is greater than 850' and would need approval*
- 2) *Wetlands are not labeled and noted how they were derived*
- 3) *Radius of cul - de - sac not shown*
- 4) *Documentation of sanitary approval*
- 5) *Mapping of any utility improvements on lots (Water, Sewer)*
- 6) *Erosion Control Plan for the project*
- 7) *Right of Way needs to be shown dedicated to the public*
- 8) *Road Name specifically shown on road section*
- 9) *Stamp and signature of the surveyor on plat*
- 10) *Approval signature blocks for Marathon County and Land Conservation and Zoning Committee need to be added*
- 11) *Distances in descriptions do not match distances on face of map.*
- 12) *Distance on cord in description does not match distance on face of map.*
- 13) *Call out Adjoining CSM's*
- 14) *State Approval*
- 15) *Any additional comments that are received from utilities*

Zoning Administrator



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR
SCOTT A. NEITZEL
SECRETARY

Plat Review

101 E Wilson St FL 9, Madison WI 53703
PO Box 1645, Madison WI 53701
(608) 266-3200 Fax: (608) 264-6104 TTY: (608) 267-9629
E-mail: plat.review@wi.gov
<http://doa.wi.gov/platreview>

December 15, 2015

0120
PERMANENT FILE NO. 27438

TIMOTHY G. VREELAND
VREELAND ASSOCIATES
6103 DAWN STREET
WESTON WI 54476

Subject: WOODLAWN PINES PLANTATION 1ST ADDITION
SW 1/4 & SE 1/4 S10
NW 1/4 S15 T28N R7E
TOWN OF RIB MOUNTAIN, MARATHON COUNTY

Dear Mr. Vreeland:

You have submitted WOODLAWN PINES PLANTATION 1ST ADDITION for review. The Department of Administration does not object to the final plat bearing the December 11, 2015 revision date. We certify that it complies with: s. 236.15, s. 236.16, s. 236.20, and s. 236.21, Wis. Stats.

DEPARTMENT OF ADMINISTRATION COMMENTS:

The Department of Administration has no conditions for this plat.

Note to Surveyor: You must sign, date, and seal the plat prior to final approval and recording.

Note to all: This subdivision lies within the extraterritorial plat review jurisdiction of the City of Wausau. We have been provided notice that the City has waived its approval authority for the territory in which this subdivision lies.

The plat shall be presented to the local governing bodies for final approval and signing. Local government units, during their review of the plat, will have resolved when applicable that the plat:

- complies with local comprehensive plans, official map or subdivision control ordinances;
- conforms with areawide water quality management regulations;
- complies with Wisconsin shoreland management regulations;
- resolves possible problems with storm water runoff;
- fits the design to the topography;
- displays well designed lot and street layout;
- is served by public sewer or private sewage systems;
- includes service or is serviceable by necessary utilities.

Timothy G. Vreeland

December 15, 2015

Any changes to the plat involving details checked by this Department will require submission of the plat to the Department for recertification before the plat is eligible for recording. Such changes can be found by comparing the recordable document with the half-size copy of the certified plat furnished with this letter.

If there are any questions concerning this review, please contact our office, at the number listed below.

Sincerely,



Renée M. Powers, Supervisor
Plat Review
Phone: (608) 266-3200

Enc: Recordable Document, Print

cc: Ron Wimmer, Owner
Clerk, Town of Rib Mountain
Clerk, City of Wausau
Marathon County Zoning Department
Register of Deeds
NCWRPC

DEC 18 2015

ORIGINAL RECEIVED FROM SURVEYOR ON 11/10/2015; REVIEWED ON 12/08/2015
SUBSTITUTE ORIGINAL RECEIVED FROM SURVEYOR ON 12/11/2015

01/18/16



Town of Rib Mountain
Attn: Scott Turner
3700 North Mountain Road
Wausau, WI 54401



Subject:

Stormwater Management Plan Review
Woodlawn Pines Plantation 1st Addition
Deer Tail Lane

Dear Scott:

Per your request, REI Engineering has reviewed the subject stormwater management plan, hereafter referred to as "Plan". REI's review considered the Plan's compliance with both Town and State post-construction stormwater requirements in place at the time of our review. It should be noted that per the MS4 permit requirements, the Town's post-construction stormwater requirements must meet or exceed those currently in place at the State level.

Based upon our understanding, the project site would appear to be classified as a "new development" project with a residential land use. Additional information and/or documentation would be helpful in completing a thorough stormwater review. Also, there appears to be deviations with standard stormwater practices that would need to be addressed in order to verify the plan meets appropriate stormwater requirements. As such, we have only prepared a cursory review, limiting the focus of our review to primarily the narrative and exhibits. Calculations within the appendices were not reviewed in detail at this time. Please find our preliminary comments relating to the various performance standards as outlined below:

Total Suspended Solids:

The Town Standard follows along with WDNR standards set forth in NR 151.122 as it pertains to new development and redevelopment projects.

- On figure 4, delineate the watershed for each treatment device.
- Include the west pond in the West Captured drainage area shown on figure 3.
- In the narrative, provide a description of TSS treatment devices and how they were modeled in WinSLAMM as this was unclear.
- In the WinSLAMM modeling, the Green Bay rainfall file should be used from March 29 – Nov. 25. This is listed in the Town's ordinance.

Peak Discharge:

The Town Standard exceeds WDNR standards set forth in NR 151.123 in which the proposed development peak runoff may not exceed the pre-developed condition for the 1-, 2-, 10-, and 100-year storm events. Additionally, the 25-year post-developed condition may not exceed the 10-year pre-developed condition. These standards relate to any new development or redevelopment project.



RESPONSIVE. EFFICIENT. INNOVATIVE.

4080 N. 20th Avenue Wausau, WI 54401
715-675-9784 www.REIengineering.com

p:\6300-6399\6300-rib mountain\woodland pines\woodlawn pines stormwater review.doc



- The soil information and narrative show both HSG B and C type soils on the site, but only HSG C was used in the peak flow calculations. Please explain or revise modeling
- Provide Pre-Development drainage area map showing the time of concentration flowpath.
- Describe or show why 100 feet of sheet flow was used for the Tc calculations. TR-55 states a maximum of 300 feet can be used for sheet flow. This difference can have significant impact on the calculations.
- Shallow concentrated flow is typically modeled with either paved or unpaved surface types.
- Woods should be modeled with a Curve Number of 70 for a HSG C type soil and 55 for a HSG B type soil considering the undeveloped condition as good. This is specified within NR 151.
- Show and/or describe the assumed development of the residential lots regarding roof and driveway.
- Include the west pond in the West Captured drainage area shown on figure 3.

Infiltration:

The Town Standard must minimally meet WDNR standards set forth in NR 151.124.

- Provide additional documentation for the stated rock outcroppings and shallow bedrock to support exemption claim. NRCS soil mapping and descriptions show variation.

Protective Areas:

The Town Standard must minimally meet WDNR standards set forth in NR 151.125 as it pertains to any new development or redevelopment project.

- Not mentioned within the narrative and no information was provided. Please address and/or provide mapping showing that wetlands were considered and that the delineation is still current.

Plans and Mapping:

- Describe how the lot area within the West Captured drainage area is routed to the proposed wet detention pond. Topography does not seem to show this happening naturally.
- The Cut-off Swale on the property should be included in the East Uncaptured drainage area as it is part of the disturbed area and would no longer remain as woods.
- Is the Northwest Pond located outside of any future road extension?
- A 6-inch thick clay liner was called out for the wet detention ponds. The liner would not meet WDNR standards.



RESPONSIVE. EFFICIENT. INNOVATIVE.

4080 N. 20th Avenue Wausau, WI 54401
715-675-9784 www.REIengineering.com



Maintenance Plan and Agreement:

- Storm Water Easements will likely be needed for the Stormwater Facilities (Ponds, Filter Strips, and Cut-off Swale).

Construction Site Erosion Control:

The Town Standard must minimally meet WDNR standards set forth in NR 216.46 as it pertains to any construction site of one acre or more land disturbance.

- Based on slopes in area, additional erosion control methods will likely be needed such as diversion swales, sediment ponds and reinforced outlet areas.
- The plan should be submitted to the WDNR for approval prior to construction.
- Fix the emat note stating 1:5 slopes, it would typically been stated as 5:1.

Other:

- Test pits and/or soil borings should be performed as per Tech Standard 1002 to verify the presence of any limiting factors that could impact modeling assumptions, exemptions, and the implementation of the designed facilities.
- Include storm sewer capacity calculations and drainage area map for the proposed storm sewer.
- The Town had brought up the fact that the name of the development should be "Woodlawn Pines", however the plans and report reference "Woodland Pines" as the development name. Revise the name as appropriate.

In summary, it is our recommendation to the Town that the stormwater management plan should be modified based on the above comments and resubmitted so that the review may be completed. Should the Town, the land developer, or the land developer's designee have any questions relating to these comments, please feel free to contact us.

Sincerely,
REI Engineering, Inc.

J Borysenko

Jim Borysenko, PE



RESPONSIVE. EFFICIENT. INNOVATIVE.

4080 N. 20th Avenue Wausau, WI 54401
715-675-9784 www.REIengineering.com

AGREEMENT FOR THE MANAGEMENT AND MAINTENANCE OF A STORMWATER FACILITY

THIS DECLARATION is made this _____ day of _____, 2015, by and between Woodlawn Pines Plantation LLC, a corporation organized under the laws of the State of Wisconsin, located at 4202 Hummingbird Lane, Wausau, WI 54401 and it's heirs, successors, and assigns hereinafter collectively referred to as "OWNER", and the Town of Rib Mountain, a municipal corporation of the State of Wisconsin, hereinafter referred to as "TOWN";

WITNESSETH:

WHEREAS, TOWN has an interest in and an obligation for the development, management, and maintenance of stormwater facilities within the corporate limits of the Town of Rib Moutnain, which interest and obligation is evidenced in TOWN's stormwater management ordinance and in this agreement which is being entered into pursuant to that ordinance; and

WHEREAS, OWNER is the fee simple owner of that property located within the municipal boundaries of the TOWN and which is generally described as:

Part of the Lot 26 of Woodland Pines Plantation and Part of CSM 10649, Recorded in Volume 44 of Surveys on Page 91, Located in the Southeast ¼ of the Southwest ¼ and the Southwest ¼ of the Southeast ¼ of Section 10, and the Northeast ¼ of the Northwest ¼ of Section 15, All in T28N R7E, Town of Rib Mountain, Marathon County

Hereinafter called the "PROPERTY".

WHEREAS, OWNER intends to construct an urban roadway on the PROPERTY for development of a residential subdivision, and as inducement for TOWN to grant to OWNER a permit to construct these improvements, OWNER wishes to enter into this agreement for the management and maintenance of a stormwater facility; and

WHEREAS, the specific provision of the Town of Rib Mountain Municipal Code which provides for stormwater management is Chapter 24 of the Town of Rib Mountain Municipal Code, which code provides for the routine and extraordinary post construction maintenance of a stormwater management facility, and such a facility is being herein installed for the use and benefit of the development of OWNER's property, and this

Recording Area

Name and Return Address

Ronald Wimmer
4202 Hummingbird Lane
Wausau, WI 54401

PIN: 068-2807-103-0148

agreement will specifically provide for the management and maintenance of that stormwater facility

NOW, THEREFORE, the parties hereto agree as follows:

- 1) The attached hereto, and incorporated herein by reference, is "Exhibit A", a map upon which there is located certain improvements and also two "wet detention basin" which are subject to this agreement.
- 2) Owner specifically agrees to maintain the wet detention basins in accordance with the schedules and procedures set forth in "Exhibit B" attached hereto and incorporated herein by reference.
- 3) OWNER specifically grants TOWN access to, from and across PROPERTY encompassed in "Exhibit A" in order to evaluate and inspect the wet detention basins and, in addition to the wet detention basins, any other stormwater facilities, which evaluation and inspection will, from time to time, be necessary in order to ascertain that the practices concerning management and maintenance are being followed pursuant to TOWN's stormwater management ordinances; TOWN shall maintain, as a public record, the results of all site inspections, and shall recommend any corrective actions required to bring the stormwater management practices into proper operating condition.
- 4) Upon notification to OWNER that maintenance deficiencies exist on PROPERTY, any corrective actions shall be undertaken by OWNER within a time frame as set forth by TOWN, which time frame will be reasonable; should OWNER not satisfactorily complete any directives of TOWN, as identified in any inspection report or directive, within the time frame provided by TOWN, the parties agree that TOWN shall complete corrective actions and the cost of those actions, including any administrative charges, shall be paid in full by OWNER or, in lieu thereof, shall be placed as a special assessment on the tax rolls of all of the PROPERTY described on "Exhibit A" pursuant to Wisconsin Statutes.
- 5) This agreement is being entered into pursuant to the provisions of Chapter 24 of the TOWN ordinances of the Town of Rib Mountain, and the parties agree that OWNER will be bound by these provisions or any future amendments to these provisions or any separate provisions relating to stormwater management.
- 6) These covenants, agreements, and obligations provided for in this agreement shall travel with the land and be binding upon OWNER, its successors and assigns in perpetuity.

OWNER:

BY _____

BY _____

TOWN OF RIB MOUNTAIN:

BY _____

Allen Opall, Town Chairman

BY _____

Michelle Peter, Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARATHON)

Personally came before me this _____ day of _____, 2015, the above named _____, of _____, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires _____

Personally came before me this _____ day of _____, 2015, the above named Allen Opall, Chairman, and Michelle Peter, Clerk of the Town of Rib Mountain, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Notary Public, Wisconsin
My commission expires _____

EXHIBIT A

See Grading & Drainage Exhibit

EXHIBIT B

STORMWATER FACILITIES MAINTENANCE SCHEDULE AND PROCEDURES FOR WOODLAND PINES PLANTATION 1ST ADDITION

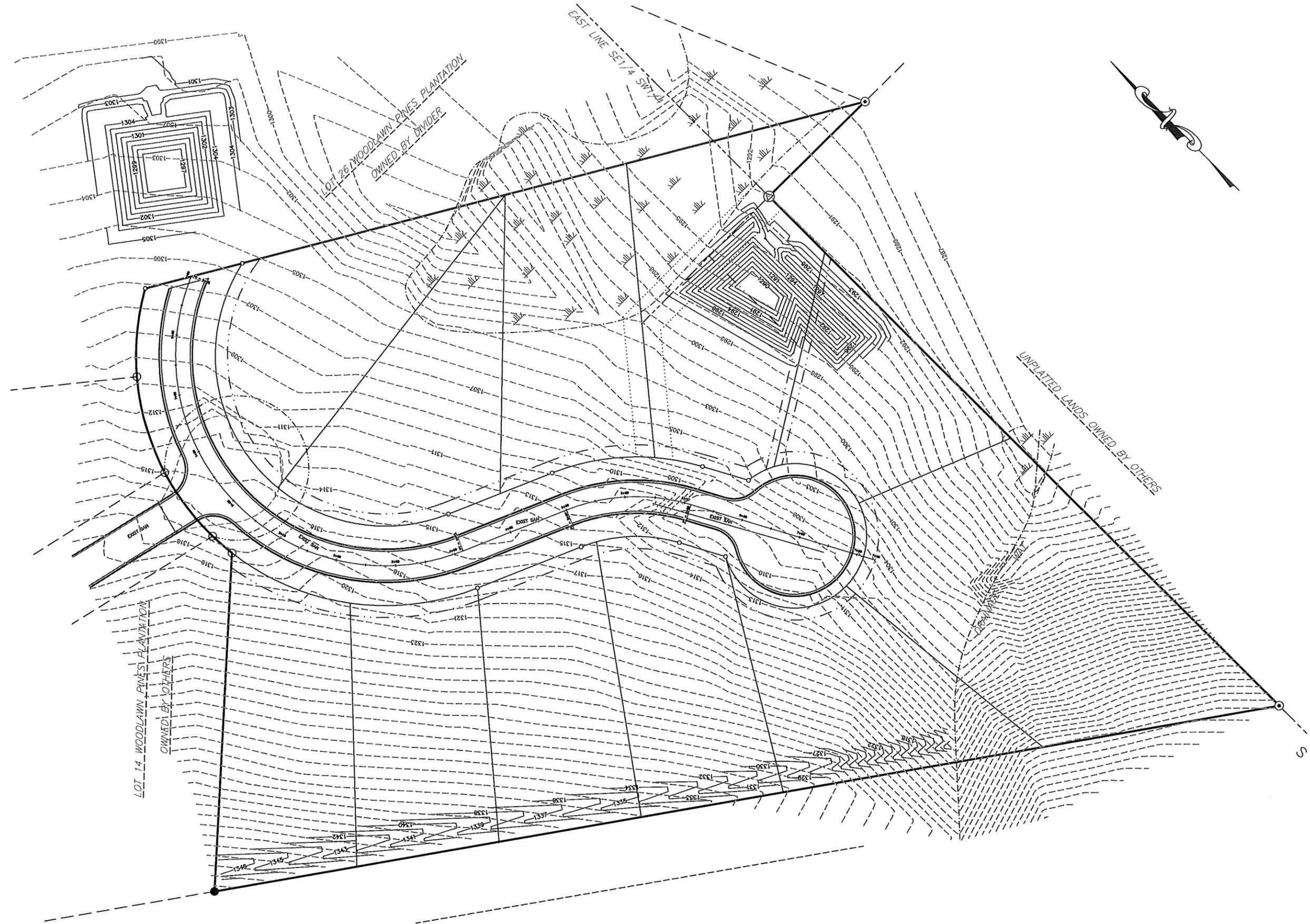
The Owner, Woodland Pines Plantation LLC, their successors, and assigns, shall inspect and maintain the following structural and/or non-structural measures. Maintenance inspections by the Owner shall take place at a minimum of twice per year, following Owner's acceptance of the Project from the Site Contractor. Owner shall maintain a written inspection and maintenance log.

Maintenance and inspection shall be performed within the wet detention facilities and its outlet structures on the site and drainage swale.

Maintenance at this location shall consist of the following tasks:

1. DEBRIS: Removal of trash, debris, sediment, and noxious weeds should be done on a regular basis to maintain aesthetics and functionality of the wet detention basins and drainage swale.
2. OUTLET STRUCTURES: Remove accumulated sediment and/or debris from the outlet structures of the wet detention basins facility.
3. RIPRAP: Inspect riprap and replace as may be needed to maintain integrity and a clean appearance of riprap.
4. MOWING: Mow the side slopes, swales, and embankments to promote aesthetic and control weed growth.
5. DRAINAGE SWALE: Maintain free-drainage within drainage swale on site.
6. SEDIMENT: At least once every five years, remove sediment from bottom of wet detention basins to maintain a permanent pool depth of five feet.

Part of the Lot 26 of Woodland Pines Plantation and Part of CSM 10649, Recorded in Volume 44 of Surveys on Page 91, Located in the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 10, and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 15, All in T28N R7E, Town of Rib Mountain, Marathon County



MARATHON TECHNICAL SERVICES LLC
 CONSULTING ENGINEERS
 404 FRANKLIN ST - WAUSAU, WI 54403
 PHONE & FAX - (715)843-7292
 WWW.MTSLLC.NET

REVISION DATE

SURVEYED: VREELAND
 DESIGNED: MTS
 DRAWN BY: NSB
 APPROVED: MMT

GRADING AND DRAINAGE EXHIBIT
 WOODLAWN PINES PLANTATION 1ST ADDITION
 TOWN OF RIB MOUNTAIN, MARATHON CO.

SCALE
 1" = 80'

SHEET NO.
EXH A

REPORT TO PLANNING COMMISSION

FROM: Steve Kunst, Community Development Director

DATE: January 21, 2016

SUBJECT: RMMC Section 17.190 - Fencing Standards

APPLICANT: Town of Rib Mountain

REQUEST: Staff is seeking amendments to the Town’s Fencing Standards to better align the Zoning Ordinance with general practice.

NARRATIVE:

Staff is seeking direction from the Plan Commission relating to RMMC Section 17.190 – Fencing Standards. The request deals with both ‘Materials’ and ‘Maximum Height’. If you recall, this issue was brought to the Commission’s attention in early 2015. At that meeting it was recommended staff present zoning code text amendments to remedy the situation. Below is a summary of the issues, followed by suggested text changes in track-change form.

Materials

The code lists the following as acceptable materials for fences in residential districts: “*wood, stone, brick, wrought iron, chain link, and wire mesh.*” This form of definition provides little leeway in interpretation. Vinyl fencing is quite prevalent in local home improvement stores and represents an aesthetically pleasing structure (see Figure 1). The opinion of staff is vinyl fence is consistent with the intent of the Ordinance.

Maximum Height

The zoning code is very clear on overall allowable fence height.

- a) 4 feet when located within a required front yard or required street yard on any property;
- b) 6 feet when located on any residentially zoned property, but not within a required front yard or a required street yard.

The current definition includes decorative fence post caps in the maximum height measurement. The primary issue with this methodology lies in the fact readily available, pre-manufactured panels sold at home improvement stores throughout the area range from 5’9” to 6 feet in height. When properly installed a few of inches above grade allowing for routine maintenance and avoiding issues with freeze/thaw movement, the fence no longer conforms to the 6’ maximum height standard (even without considering the post caps).

Figure 1: Six Foot Premanufactured, Vinyl Fence with Decorative Caps



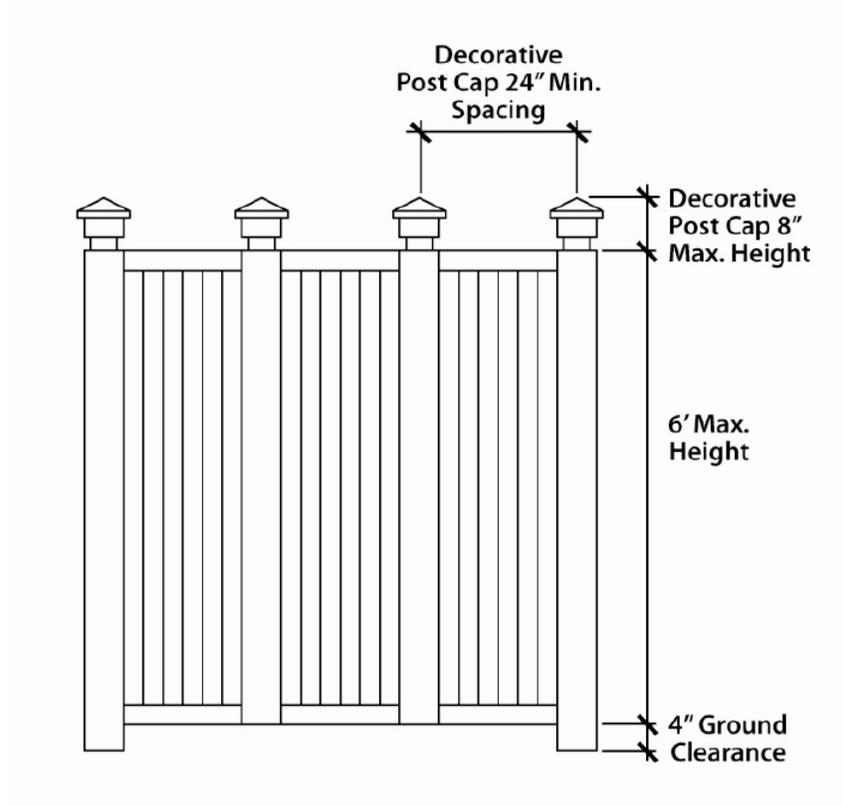
PROPOSED AMENDMENTS: See underlined, red text.

Section 17.190 - Fencing Standards.

- (1) *Purpose:* The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) *Applicability:* The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.
- (3) *Standards:*
 - (a) *Materials:*
 1. *Residential Districts:* Acceptable materials for constructing fencing, landscape walls, and decorative posts include, wood, stone, brick, wrought iron, vinyl, chain link, and wire mesh, except that chain link or wire mesh fencing is not permitted within required front yard or street yard areas, and that barbed wire and/or above-ground electric fencing is not permitted anywhere in residential districts.
 2. *Nonresidential Districts:* Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, vinyl, chain link, and wire mesh. Barbed wire fencing is permitted on security fences at heights equal to or greater than 5½ feet (66").
 3. *Temporary Fencing:* Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted.
 4. *Snow Fences:* Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences, and used on a seasonal basis only. (Am. #12-05)
 - (b) *Location:* On all properties, no fence, landscape wall, or decorative post shall be located closer than 2 feet to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard.
 - (c) *Maximum Height:* The maximum height of any fence, landscape wall, or decorative post shall be the following:
 1. 4 feet when located within a required front yard or required street yard on any property;
 2. 6 feet when located on any residentially zoned property, but not within a required front yard or a required street yard; and
 3. 6 feet when located on any nonresidentially zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height.
4. Height Exceptions:
 - a) Decorative posts at a minimum spacing of 24 inches may extend eight (8) inches over the maximum height (see Figure 2).
 - b) Up to four (4) inches of ground clearance shall be allowed to accommodate slope and/or lawn maintenance (Figure 2). This will not contribute to the measurement of maximum height.
5. The location and maximum heights listed for Subsections (c)(1—4), above, may be exceeded or varied with the approval of a conditional use permit per Section 17.225. The following conditions (at a minimum) shall be established for such requests: (Am. #12-05)
 - a. The increase in height shall in no way further obstruct vision for intersecting streets, driveways, sidewalks or other traffic areas;
 - b. The fence shall be screened on its external side with adequate plants so as to maintain an attractive appearance to said side.

- c. The fence shall be set back from the property line beyond the requirement of Subsection (3)(b), above, such distance as appropriate to contain adequate landscaping per b., above, and so as to maintain an attractive relationship to fence's external side.
 - (d) *Orientation:* Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
 - (e) *Maintenance:* Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.
 - (f) *Swimming Pools:* Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available at the Town Hall. The Zoning Administrator may approve alternative pool cover enclosures which are designed to meet recognized standards. (Am. #12-05)
- (4) *Permit and Fee Required:* An accessory use zoning permit and fee is required for this procedure.

Figure 2: Measuring Maximum Fence Height



POSSIBLE ACTION: No formal action to be taken as a public hearing is required for Ordinance amendments. Item is for recommendation only. Public hearing to be scheduled upon favorable recommendation.

REPORT TO PLANNING COMMISSION

FROM: Steve Kunst, Community Development Director
DATE: January 21, 2016
SUBJECT: RMMC Subchapter X – Signage Regulations

APPLICANT: Town of Rib Mountain

REQUEST: Plan Commission input on future amendments to the Town of Rib Mountain Zoning Ordinance related to Electronic Message Signs

NARRATIVE:

At the December 9th, 2015 Plan Commission meeting staff was directed to provide a definition of electronic message signs and potential language banning such signs in the Zoning Ordinance. General concerns of the Plan Commission were overall aesthetics and traffic safety within the Town’s primary commercial corridor. Below are a few variations of definitions for electronic message signs and their respective regulations.

1) Existing Rib Mountain Definition

Changeable message sign: a sign which is electronically capable of altering its color, appearance, or message. These signs are only permitted as unique signs.

- a) Handled through the conditional use procedures without specific conditions
- b) Display may not change appearance more than once every 30 seconds

2) City of Mequon Definition

Electronic message sign. A sign whose informational content can be changed or altered on a fixed display screen composed of electronically illuminated parts. Electronic message signs use changing lights to form a message in text form wherein the sequence of the text and rate of change is electronically programmed and can be modified by electronic processes.

- a) This form of signage is prohibited in the City of Mequon.

3) Village of Germantown

The Village does not explicitly define ‘electronic message signs;’ however, they are regulated by the following. Electronic message boards may be permitted by the Plan Commission but only as an integral and subordinate portion of a freestanding monument or ground sign (and not a wall, projecting, window or any other sign) provided said monument sign complies with the provisions set forth in section 17.46(7)(c) above. Electronic message boards may be allowed with approval by the Plan Commission and shall meet all of the following requirements:

- a. Electronic message boards may be allowed for permitted and conditional uses located within the B-1, B-2, B-3, B-4, B-5, I, M-1 and M-2 zoning districts, except on those lots within the boundaries of the Germantown Business Park and Willow Creek Business Park of Germantown;
- b. Electronic message boards shall not be located within 150 feet of a residential zoning district boundary, or, be located, designed or operated in such a manner as to create in the opinion of the Plan Commission at the time of sign approval a negative visual impact on property used for existing residential uses;
- c. Electronic message boards may be installed as part of an existing monument or ground sign which is in compliance with all applicable requirements of this chapter and other applicable requirements of law. No electronic message board may be installed on or otherwise be made part of a nonconforming sign;
- d. Electronic message boards shall only display static messages. Messages shall not contain animation, effects simulating animation, or video. Messages shall not contain text or images that dissolve, fade, scroll, travel, flash, spin, revolve, shake or include any other type of movement or motion during the message interval. The message interval, i.e. the minimum amount of time a message is required to be displayed, shall not be less than 7 seconds. The transition interval, i.e. the maximum amount of

time allowed to transition from one message to the next message, may include fading, dissolving or traveling but shall not exceed 3 seconds;

- e. The sign area or display face of the message board shall be included in the calculation of sign area for the monument or ground sign to which it is attached, and, shall not exceed 40 percent of the total sign area allowed for the monument or ground sign to which it is attached;
- f. Electronic message boards shall be equipped with a sensor or other device that is programmed to automatically determine the ambient light level and adjust or dim the message board light level to not exceed a maximum brightness level of 0.3 foot-candles above ambient light conditions during both daylight hours (i.e. sunrise to sunset) and night time hours (i.e. sunset to sunrise);
- g. The electronic message board shall be programmed or set in such a manner that the display face will turn dark and emit no light in case of a malfunction;
- h. The owner of the property upon which a ground sign containing off-premises signage is located is responsible for preparing and keeping up-to-date information in an electronic message board use and maintenance agreement that identifies the name and contact information for the person(s) responsible for maintaining the message board and ensuring that the use and content of the message board complies with the provisions set forth herein on a continual basis.

4) United States Sign Council

Electronic Message Center or Sign (EMC) - An electrically activated changeable sign whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. The United States Sign Council identifies four (4) levels of electronic message signs operational modes;

- a) Level 1: Static Display Only. Message changes without a transition
- b) Level 2: Static display with fade or dissolve transitions, or similar to subtle transitions and frame effects that do not have the appearance of moving text or images
- c) Level 3: Static display with travel or scrolling transitions, or similar transitions and frame effects that move or change in size, or be revealed sequentially rather than all at once.
- d) Level 4: Full animation, flashing and video

PLAN COMMISSION DIRECTION

The general consensus of the Commission in December was to move forward with prohibiting further use of electronic message signs in Rib Mountain. As staff completed their due diligence I found it best to again provide a number of alternatives; hence the various options found in this report. The intent of this agenda item is to garner additional Plan Commission input prior to scheduling a public hearing to consider Ordinance amendments. With that said, the Commission has essentially two possible directions.

1. Reaffirm the desire to prohibit electronic message signs. This option would entail simply selecting a definition to be included in the Zoning Ordinance and the following statement: "No electronic message signs shall be permitted" within Section 17.214 - General Signage Regulations.
2. Identify specific conditions regulation electronic message signs (i.e. operational limitations, size and location, display time, transitions, lighting requirements).

POSSIBLE ACTION: No formal action to be taken as a public hearing is required for Ordinance amendments. Item is for recommendation only. Public hearing to be scheduled upon favorable recommendation.

The Role of the Plan Commission



Rebecca Roberts
Center for Land Use Education
University of Wisconsin-Stevens Point/Extension

Who is here today?



- ✓ Plan commission members?
- ✓ Local government officials?
- ✓ Others?

Presentation Outline

Plan commission roles and responsibilities

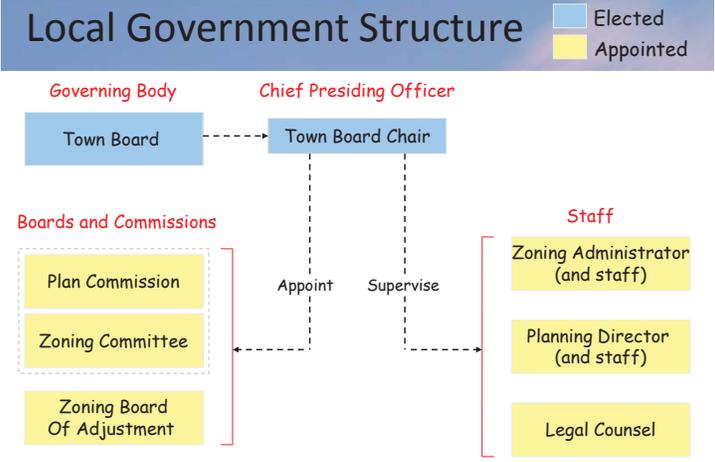
- ✓ Community planning and plan implementation
- ✓ Development review (conditional use, rezone, plats, etc.)
- ✓ Referrals and advisory recommendations

Procedural requirements

- ✓ Open meetings law
- ✓ Ethical conduct
- ✓ Making and recording decisions

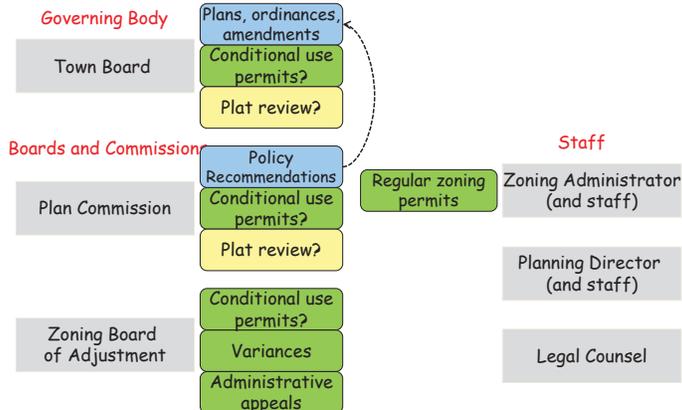
Questions & answers

Local Government Structure

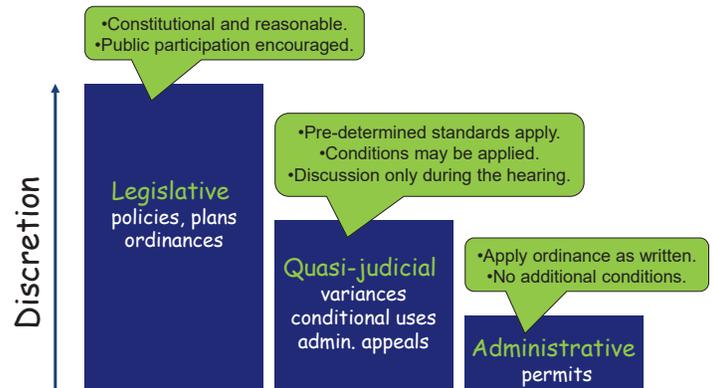


Local Government Structure

Policy-Making
Zoning
Subdivision



Rules for Decision-Making



Types of Community Plans

Functional Plans:

- Land Use Plan
- Parks & Recreation Plan
- Housing Plan
- Facilities-Infrastructure Plan
- Economic Development Plan
- Disaster-Mitigation Plan
- Transportation Plan
- Transit Plan
- Bicycle & Pedestrian Plan
- Etcetera...

Spatial Plans:

- Site Plan
- Neighborhood Plan
- Regional-Intergovernmental Plan

Comprehensive Plan

- considers functional and spatial components

Comprehensive Planning Law

(Wis. Stat. §66.1001)

- A Comprehensive Plan must:
 - Address 9 elements
 - Include written procedures for public participation
 - Be widely distributed for review/comment
 - Be adopted by ordinance following public hearing
 - Be updated at least once every 10 years
- Beginning Jan. 1, 2010, new or amended zoning, land division and official mapping ordinances must be consistent with plan
- Consistent means “furthers or does not contradict the objectives, goals and policies of the comprehensive plan”

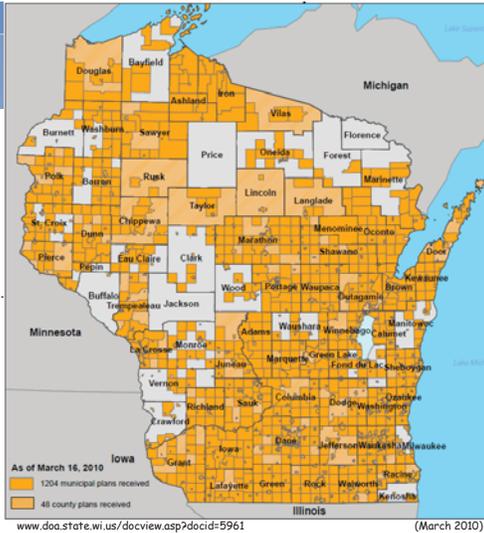
Comprehensive Plan Status

Two-thirds of local governments have zoning, land division or official mapping ordinances – upon adoption or update, these tools must be consistent with a comprehensive plan.

90% of these governments have adopted or are in the process of developing a comprehensive plan.

Of 1,923 local governments:
 •1,252 (65%) adopted plans
 •353 (18%) process underway
 •318 (17%) not planning/known

www.doa.state.wi.us/docview.asp?docid=8078 (March 2010)



Role of the Plan Commission

- Comprehensive planning
 - Develop and recommend comprehensive plan for adoption by governing body
 - Periodically review and update the plan, at least once every ten years
 - Review new or amended zoning, subdivision and official map ordinances for consistency with the plan

Role of the Plan Commission

Consistency Review

- Consistent means “*furthers or does not contradict the objectives, goals and policies contained in the comprehensive plan*” (2009 Wisconsin Act 372)

Example

Meaning of “Consistency”

- The plan and supporting ordinances should not contradict each other
- Not a literal, exact translation from plan to ordinance
- Ordinance will likely include more detailed maps and text
- Absence of policy does not create an inconsistency



Example: Town of Wilson, Lincoln County

Example

• Village of Mount Horeb – Future Land Use Map

Plan specifies conditions under which growth may occur:

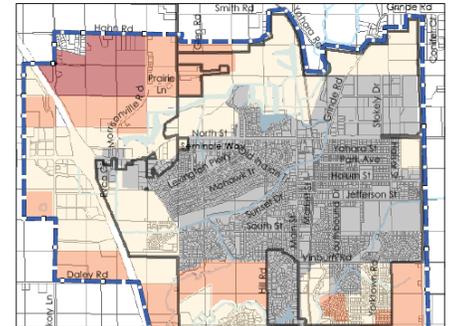
“development of this area is conditioned on improvement of a new north-south collector road”



Example

• Village of DeForest – Growth Phasing Map

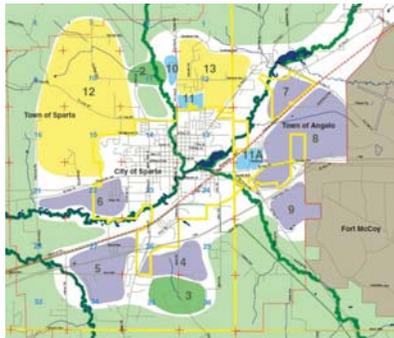
Comprehensive plan specifies desired timing of development



Example

• City of Sparta – Development Concepts Map

Maps are drawn in “bubble” fashion showing general locations for future development



Role of the Plan Commission

Plan Updates and Amendments

- Set timeline and process for reviewing plan and criteria for considering plan amendments
- For example:
 - Amendments considered upon request of landowner, local government, etc.
 - Minor amendments considered annually or semi-annually
 - Major review and rewrite at least once every 10 years (per state statute)

Plan Amendments

- Same procedures as required for plan adoption (Wis Stat. 66.1001(4))
 - Written public participation procedures
 - Plan distributed for review and comment
 - Class 1 notice provided at least 30 days prior to public hearing
 - PC resolution recommending plan adoption
 - GB ordinance adopting plan

Recommended Resource

Sample Documents for Comprehensive Plan Amendments

- ✓ Southeastern Wisconsin Regional Planning Commission, June 2010
- ✓ www.sewrpc.org/SEWRPC/communityassistance/EducationalServices2.htm#SmartGrowth

Includes:

- Application form
- Public hearing notice
- Plan commission resolution recommending plan amendment
- Local government ordinance adopting plan amendment
- Sample public participation procedures
- Local government resolution adopting procedures

Educational Services - Windows Internet Explorer
<http://www.sewrpc.org/SEWRPC/communityassistance/EducationalServices2.htm#SmartGrowth>

SEWRPC
 Serving the waters of
 Kenosha, Milwaukee,
 Racine, Waubesa, Koshong,
 Waubesa, Kegonsa, and Koshong

Land Use Transportation Environment Parks & Open Spaces Housing Community Assistance Data & Resources

Community Assistance

SEWRPC - Community Assistance - Educational Services

Educational Services
 Advisory Services
 Review Services
 Project Planning Services
 Project Management Services
 County Surveyor Services

Comprehensive Planning ("Smart Growth")

The following materials have been developed by SEWRPC to assist county and local governments in Southeastern Wisconsin in preparing and amending their comprehensive plans:

- [Sample Amendment Forms for Towns that have Adopted an Independent Comprehensive Plan](#)
- [Sample Amendment Forms for Towns that have Adopted a Multi-Jurisdictional Comprehensive Plan](#)
- [Sample Documents for City and Village Comprehensive Plan Amendments](#)

Role of the Plan Commission

Plan Implementation

- Refer to implementation element for a list of programs, policies, tools, actions and other implementation recommendations
 - Identify party responsible for implementation
 - Identify necessary funding and other resources
 - Identify timeline for completing tasks
 - Prioritize or reassign tasks if timeline is not realistic
 - Take on one or two important items to begin

– See CLUE Plan Implementation Factsheets

Plan Implementation Toolbox

Regulatory Tools:

- Zoning
- Official mapping
- Subdivision regulation
- Cluster/conservation design
- Sign ordinances
- Driveway ordinances
- Building and sanitary codes
- Livestock facility siting ordinance
- Stormwater management

Educational/Voluntary/Fiscal Tools:

- Pamphlets, brochures and other educational materials
- Public land acquisition
- Land conservation programs
- Purchase or transfer of development rights
- Capital improvement plan
- Impact fees and user fees
- Density bonus
- *And many, many more...*

Zoning Status

Counties

- Required to administer shoreland/wetland zoning
- May adopt general zoning in unincorporated areas

Towns

- May adopt general zoning if no county zoning or after adoption of village powers
- May adopt shoreland zoning if more restrictive than county

Cities/Villages

- May adopt general zoning and extra-territorial zoning (1.5-3 miles of boundaries)
- May have shoreland or floodplain zoning - required in some circumstances

Cities and Villages

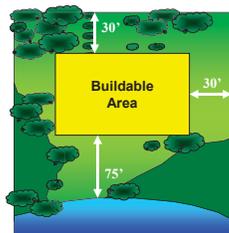
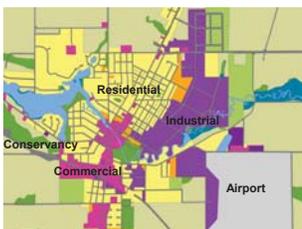
- Yes Zoning: 549, 93%
- No Zoning: 33, 6%
- Unknown: 11, 2%

Cities, villages, and towns exercise zoning ordinances under s. 62.23 or 60.61 or 60.62, Wis. Stats. and counties exercise zoning in towns under s. 59.69, Wis. Stats. Please consult with individual local governments to check accuracy and for those municipalities with an "unknown" status. Email comp.planning@sewrpc.com with any corrections to be made.

http://ftp.wi.gov/DOA/public/comprehensiveplans/2009_Report/Page_12_CVT_Zoning.pdf (August 2009)

Zoning

- A zoning ordinance contains 2 parts:
 - Map – divides the community into districts
 - Text – describes allowable uses and dimensional restrictions (i.e. lot size, density, setbacks, height, etc.)



Zoning – Allowable Uses

1. **Permitted Use** – a use that is listed and allowed by right in all parts of a zoning district (granted by zoning administrator)
2. **Conditional Use** – a use that is listed for a district and may be allowed if suited to the location (decided by plan commission, zoning board or governing body)
3. **Unlisted or Prohibited Use** – a use that is expressly prohibited or not listed for the district is not allowed



Zoning – Conditional Uses

- Discretionary decision – may be granted or denied
- Must be listed for the zoning district
- Decision criteria also listed in the ordinance
- Conditions may be attached
 - Conditions cannot be changed unless the permit is revoked or expires
 - OK to grant limited-term permits for temporary uses (i.e. gravel pit)
 - Otherwise, the permit runs with the property

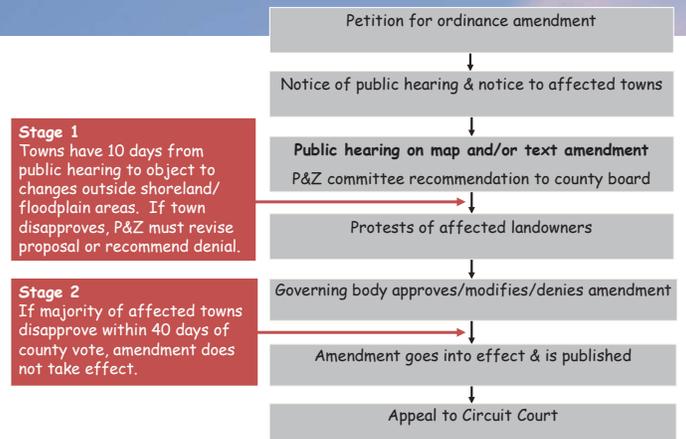
Zoning – Relief Mechanisms

1. **Variance** – allowed “violation” of an ordinance standard (decided by zoning board)
2. **Appeal** – contested decision or interpretation of the zoning ordinance (decided by zoning board or circuit court)
3. **Map or Text Amendment (Rezoning)** – change to the zoning ordinance (adopted by governing body usually with advisory recommendation from plan commission)

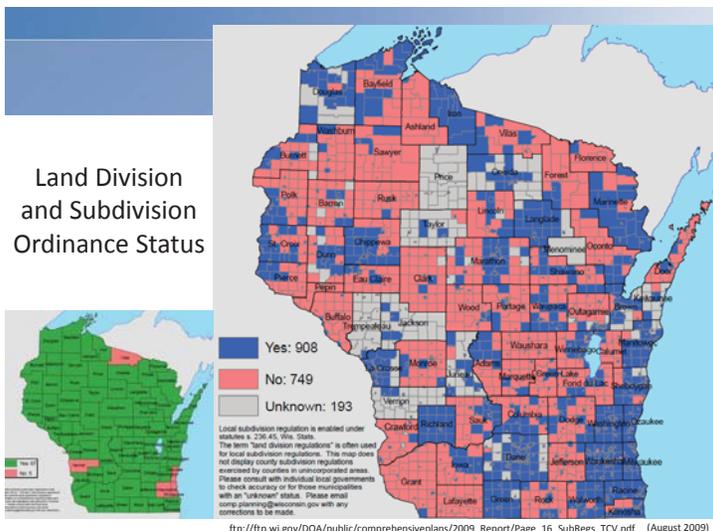
Zoning – Amendments

- Legislative decision – reasonable and constitutional
- Criteria for considering ordinance amendments:
 - Consistency with comprehensive plan.
 - Meets criteria for proposed district. May include soil suitability, septic suitability, environmental suitability, proximity to wetlands and adjacent waters, etc.
 - Compatible with adjacent uses. Avoid potential conflicts with neighbors such as noise, litter, lighting, aesthetics, construction erosion, and stormwater runoff.
 - Public purpose. Should provide public purpose or benefit, not merely benefit an individual property owner.

Veto Authority for Towns under County Zoning



Land Division and Subdivision Ordinance Status



Subdivision Regulations



- State provides minimum standards for subdivisions
 - Creation of 5 or more parcels of 1½ acre or less within 5 years
 - plat map, monuments, legal description, sanitation, street access
- Counties, towns, cities, villages may also have ordinances
- Most restrictive ordinance applies

Role of the Plan Commission

- Land Divisions/Subdivisions
 - Plan commission is required to review new or amended land division/subdivision ordinances
 - Plan commission is required to review all subdivision plats for which local government has review authority under Wis. Stats. ch. 236
(GB may proceed if PC report not received within 30 days)
 - Governing body may delegate final plat approval authority to plan commission

Objecting Authorities

- Agencies have authority to object to state-defined subdivisions on the following basis:
 - DOA – compliance with surveying, layout and other statutory requirements
 - DOT – public interest and safety of subdivisions abutting a state trunk or connecting highway
 - DOC – proper soils for on-site sanitary treatment if not served by public sewer (Enforced by County Sanitary Dept)
 - DNR – public sanitary sewers, wetlands protection and earth grading within 500 ft. OHWM of navigable water
 - County planning agency – planned public developments

Approving Authorities

- The governing body has authority to approve state-defined subdivision plats or delegate authority to the plan commission:
 - City council – if the subdivision is located in the city or its extraterritorial plat review jurisdiction
 - Village board – if the subdivision is located in the village or its extraterritorial plat review jurisdiction
 - Town board – if the subdivision is located in the town
 - County planning agency – if the subdivision is located in the county and outside the city or village plat review jurisdiction

Basis for Approval

- Plat approval may only be conditioned on:
 - Compliance with local ordinances
 - ~~Consistency with the comprehensive plan~~
 - Provision of public improvements
 - Satisfaction of objections raised by state agencies
 - Requirements of Wis. Stat. Ch. 236

Removed by 2009 WI Act 372

Presentation Outline

Plan commission roles and responsibilities

- ✓ Community planning and plan implementation
- ✓ Development review (conditional use, rezone, plats, etc.)
- ✓ Referrals and advisory recommendations

Procedural requirements

- ✓ Open meetings law
- ✓ Ethical conduct
- ✓ Making and recording decisions

Questions & answers

Rules for Decision-Making

3 Types of Decisions... 3 Standards of Conduct

- 1) **Legislative = making or changing laws**
Plans, Policies, Ordinances, Amendments
(Governing Body, Plan Commission in advisory capacity)
- 2) **Quasi-Judicial = applying laws**
Subdivision Review, Conditional Use, Variance, Appeal
(Zoning Board, Plan Commission)
- 3) **Administrative = routine ministerial tasks**
Permits, Inspections, Personnel Decisions
(Planning and Zoning Staff)



Rules for Decision-Making

	Legislative 	Quasi-judicial 	Administrative 
Procedural Standards	-Open meetings -Public records	-Due process: notice to affected party, right to public hearing, impartial decision-maker, review written decision, opportunity to appeal	-Open meetings -Public records
Public Input	-Public participation widely encouraged	-Communication only during hearing	
Decision Standards	-Wide discretion -Reasonable and constitutional	-Decisions based on ordinance criteria and facts of case	-Apply law as written

Open Meetings

Wisconsin's [Open Meetings Law](#) requires:

- meetings are open and accessible to the public, including the disabled.
- the public is provided with advanced notice of meetings.
- closed sessions are limited to specified circumstances and procedures.

Open Meetings



Purpose test = discussion, information gathering or decision-making on a matter within the jurisdiction of the body.



Numbers test = enough members of a body are present to determine the outcome of an action.

- If one-half of the members of a body are present, there is a meeting unless the purpose test is not met.
- A lesser number of members may meet the numbers test if they can block a decision.

Open Meetings

- Phone conferences, letters, e-mails or faxes between board members may constitute a meeting if the numbers & purpose tests are met.
- A series of phone calls or conversations to “line up votes” or conduct other business violates the law.
- Discussion of meeting scheduling & logistics is OK.



Closed Sessions

- Closed sessions are limited by statute:
 - Personnel matters including employee performance, compensation, discipline, etc.
 - Damaging personal information
 - Deliberations regarding property acquisition and other bargaining issues
 - Deliberations concerning a judicial or quasi-judicial “case” with opposing parties
 - Legal consultation for current/likely litigation
 - Others listed at Wisc. Stat. §19.85



Conduct of Closed Sessions

- Record individual votes to convene in closed session.
- Those who vote against may participate without liability.
- Attendance limited to body and parent body.
- Legal counsel and others essential to closed session may also attend.
- Consider only matters for which session is closed.
- Motions and decisions must be recorded.

Public Meetings

- A government meeting is for the purpose of conducting public business.
 - May provide for a period of public comment
 - Only noticed agenda items may be decided
 - Notice requirements:
 - At least 24 hours prior (2 hours for good cause)
 - May be posted (3 locations recommended)
 - Paid, published notices not required
 - Open Meetings Law notice may be incorporated in other required published notice



Public Hearings

- A public hearing is for the purpose of receiving public comment regarding a pending decision.
 - Notice requirements:
 - 1 newspaper publication at least 30 days prior to comprehensive plan adoption or amendment
 - 2 consecutive newspaper publications in 2 weeks prior to ordinance adoption or amendment
 - Other decisions as specified by ordinance



Impartial Decision-Makers

Statutory Conflicts of Interest (Wis. Stat. s 19.59 and s. 946.13)

- A local official cannot use a public position for the private benefit or financial gain of:
 - the individual
 - immediate family members
 - organizations they are associated with

Impartial Decision-Makers

Bias of Local Officials (Keen v. Dane County, 2004 WI App 26)

- Payne & Dolan applied for a conditional use permit (CUP) for a gravel pit
- CUP was granted over the protests of neighbors
- Neighbors appealed



Impartial Decision-Makers

Biased??

Decision maker #1

- A letter was submitted as part of the CUP application stating: "Payne and Dolan has always stood out above the rest in their efforts and success in being a good corporate citizen and caretaker of the land."

Advocate
Risk of bias too high

Decision maker #2

- Had leased his land to Payne and Dolan for the operation of a gravel pit.

Prior, independent
business transaction

Impartial Decision-Makers

- Local officials deciding on quasi-judicial matters (i.e. conditional use, variance, etc.) must not harbor bias, or an impermissibly high risk of bias, or prejudge the application

Keen v. Dane County, 2004 WI App 26

Impartial Decision-Makers

- “Recuse” yourself from decisions that present a conflict of interest or bias (or appearance of bias)
 - Not the same as abstaining (not voting)
 - Do not participate in decision or discussion leading up to decision
 - Physically separate yourself from the decision-making body
 - If you need to provide testimony, do so as a member of the audience

Impartial Decision-Makers

- Ex-parte Communication = discussion regarding a pending matter not included in the public record.
- Quasi-judicial decision-makers should...
 - avoid it,
 - disclose it, and
 - encourage citizens to make important information part of the public record.

Recording Decisions

- Courts will review the written and audio record of appealed decisions and need to be able to follow the reasoning
- Decision-makers must express, on the record:
 - the statutory or ordinance criteria under which the application is decided and
 - the reasons the criteria are or are not satisfied
- The written decision is not required to include the reasons

Lamar Central Outdoor v. Board of Zoning Appeals of the City of Milwaukee, 2005 Wisconsin Supreme Court

Recording Decisions

- Decision forms should prompt:
 - Facts of the case
 - Compliance with ordinance standards
 - Decision
 - Related conditions or limitations

Impartial Decision-Makers

The rules of the game depend on the decision...

- Quasi-judicial decisions must be based on pre-determined standards found in state statutes, case law or local ordinances. Facts of the case matter, not opinions.
 - Conditional use, variance, plat, etc.
- Legislative decisions must be reasonable and constitutional. Public opinion is encouraged.
 - Comprehensive plan, ordinance amendment, etc.

Thank You!



Rebecca Roberts
rroberts@uwsp.edu
715-346-4322

Center for Land Use Education
www.uwsp.edu/cnr/landcenter