

Revised

CITY OF FRANKLIN

ENVIRONMENTAL COMMISSION MEETING

Wednesday, March 25, 2020 – 7:00 P.M.

FRANKLIN CITY HALL

Conference Room Lower Level

9229 West Loomis Road, Franklin, Wisconsin

AGENDA

- I. CALL TO ORDER AND ROLL CALL**
- II. CITIZEN COMMENT**
- III. APPROVAL OF MINUTES**
 - A. Minutes of the regular meeting of February 26, 2020
- IV. UNFINISHED BUSINESS**
 - A. Johns Disposal Service, Inc. recycling program for the City of Franklin.
 - B. Ways to improve and expand Arbor Day 2020; involvement of Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program in Arbor Day celebration; Arbor Day event(s) planning.
 - C. Review of articles for the City of Franklin Newsletter, from the Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program.
 - D. Wisconsin Department of Natural Resources programs for presentation at the City of Franklin Library-dates/schedule and April 8, 2020 program review.
- V. NEW BUSINESS**
 - A. Natural Resource Features Special Exception application by Mills Hotel Wyoming, LLC, (Daniel L. Mathson and Virginia K. Mathson, property owners) for the purpose of grading and development of approximately 9,969 square feet of wetland, 19,268 square feet of wetland buffer and 34,002 square feet of wetland setback (which includes the buffer area as well), identified as W-2 in the Ryan Creek watershed, resulting from a Certified Survey Map land division to develop the property generally located at West Loomis Road and West Ryan Road (Lot 84 in Ryan Meadows Subdivision), zoned R-2 Estate/Single-Family Residence District, C-1 Conservancy District and R-8 Multiple-Family Residence District (Tax Key No. 939-9994-000).

- B. Requirements of City of Franklin ordinance and administrative procedures relating to the distribution of paper Commission packets and materials for review, and options to reduce the use of paper.

VI. SCHEDULE NEXT MEETING

- A. April 22, 2020

VII. DISCUSSION OF FUTURE AGENDA ITEMS

- A. Environmental Commission involvement in the City of Franklin's National Night Out program.

VIII. ADJOURNMENT

Notice is given that a majority of the Common Council may attend this meeting to gather information about an Agenda item over which they have decision making responsibility. This may constitute a meeting of the Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

**CITY OF FRANKLIN
ENVIRONMENTAL COMMISSION MEETING
MINUTES
February 26, 2020**

unapproved

**CALL TO ORDER & ROLL
CALL**

- I.** Chairman Arthur Skowron called the February 26, 2020 meeting of the Environmental Commission to order at 7:01 p.m. in the Lower Level Conference Room, Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin.

On roll call, the following were in attendance: Chair Arthur Skowron, Vice Chair Wes Cannon, Commissioners Linda Horn, Patricia Pomahac and Ken Hritz. Excused was Alderman Dan Mayer. Also present was Assistant Planner Marion Ecks.

CITIZEN COMMENT

- II.** The citizen comment period opened at 7:02 p.m. and closed at 7:02 p.m.. No citizens present.

APPROVAL OF MINUTES

Minutes of the regular meeting of January 22, 2020.

III.

- A.** Commissioner Hritz moved and Vice Chair Cannon seconded to approve the minutes of the regular meeting of January 22, 2020. On voice vote, all voted 'aye'. Motion carried (5-0-1).

UNFINISHED BUSINESS

Johns Disposal Service, Inc. recycling program for the City of Franklin.

Ways to improve and expand Arbor Day 2020; involvement of Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program in Arbor Day celebration; Arbor Day event(s) planning.

IV.

- A.** Assistant Planner Ecks reviewed a handout about the Franklin Recycling Center. A representative from Johns Disposal Service will be at the March 25, 2020 meeting. Discussion only. No action taken.
- B.** Root-Pike WIN, Nan Calver, Program Manager, will have an interactive game for children, Wild Ones. Pat Brust, will attend. Commissioner Skowron will contact Tom Riha, City of Franklin Forester for his availability. Arbor Day will take place Saturday May 2, 2020 from 10:00 AM – 12:00 PM at the Franklin Public Library. Discussion only. No action taken.

NEW BUSINESS

Review of articles for the City of Franklin Newsletter, from the Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program.

V.

- A.** Commissioner Horn moved and Commissioner Pomahac seconded a motion to approve an article from Root-Pike WIN entitled "Being Stormwater Friendly" to be submitted for the City of Franklin newsletter and delivered the week of May 18, 2020. On voice vote, all voted 'aye'. Motion carried (5-0-1).

Wisconsin Department of Natural Resources programs for presentation at the City of Franklin Library-dates/schedule.

- B.** Assistant Planner Ecks is waiting for information/follow up from the DNR and will provide Commissioner Pomahac with contact(s). Details are needed for the library to create a poster, flyers, etc. to promote this presentation in April 8, 2020 at the Franklin Public Library at 6:30 PM. Discussion only. No action taken.

SCHEDULE NEXT MEETING

- VI.** March 25, 2020.
A.

DISCUSSION OF FUTURE AGENDA ITEMS

Environmental Commission involvement in the City of Franklin's National Night Out program.

- VII.**
A. Discussion only. No action taken.

ADJOURNMENT

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

- VIII.** Vice Chair Cannon moved and Commissioner Pomahac seconded to adjourn the Environmental Commission meeting on February 26, 2020 at 7:54 p.m.. On voice vote, all voted 'aye'. Motion carried (5-0-1).



CITY OF FRANKLIN

REPORT TO THE ENVIRONMENTAL COMMISSION

Meeting of March 25, 2020

Natural Resource Special Exception

Project Name:	Mills Hotel Wyoming, LLC, (Franklin Mills/ Bear Development) Natural Resource Special Exception (NRSE)
Project Address/Tax Key:	Not Assigned: Tax Key No. 939-9994-000, and 939-9995-000
Property Owner:	Mathson, Daniel L & Virginia K (Mathson, Robert ET AL) (939-9994-000)
Applicant:	Mills Hotel Wyoming, LLC
Current Zoning:	R-2 Estate Single-Family Residence District [939-9994-000 previously received approval to be rezoned to M-2 General Industrial District; however, the CSM creating the M-2 parcel has not yet been recorded]
2025 Comprehensive Plan:	Business Park and Areas of Natural Resource Features
Applicant's Action Requested:	Recommendation to the Environmental Commission, Plan Commission, and Common Council for approval of the proposed Natural Resource Special Exception (NRSE)

INTRODUCTION:

On January 24, 2020, the applicant submitted an application for a Special Exception to Natural Resource Feature Provisions to the Department of City Development. The applicant is requesting approval to impact wetlands, wetland buffers, and wetland setbacks in order to develop on the subject land. An application to rezone the parcel for the development of Copart, Inc., a global online vehicle auction company specializing in asset liquidation has been submitted. Copart has also submitted a site plan. Both are under review by the Planning department.

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation.

PROJECT DESCRIPTION:

The applicant has submitted an application for a Natural Resource Special Exception for property bearing Tax Key No. 939 9994 000. The subject property contains several wetlands and areas of steep slopes. No impacts are proposed to the steep slopes. Staff notes that two different figures have been provided for the quantity of steep slopes: 0.11 acres is listed on the Natural Resource Protection Plan (NRPP); 0.8 is used for site intensity calculations. *Staff recommends that the applicant clarify the amount of steep slopes on site and revise the NRPP/ Site Intensity calculations accordingly.*

The applicant conducted wetland delineations, completed in April 2019, and subsequently obtained letters from the Wisconsin Department of Natural Resources (DNR) dated January 8, 2020 (permit

EXE-SE-2020-41-00039) and the Army Corps of Engineers (ACE) likewise dated January 8, 2020 designating two wetland area, W-1 and W-4, of the delineation report for the Mathson property as not regulated. These artificial wetlands meet the standards of §15-4.0102.J to be exempted from natural resource measurement requirements; they are therefore not subject to regulations. No impacts are proposed to W-3 on this part of the property.

The applicant's request is to impact just under 10,000 square feet of wetland identified as W-2 in the Mathson property delineation, to allow for future grading and construction resulting from a Certified Survey Map land division to develop the property. Under separate cover on January 8, 2020, (GP-SE-2020-41-00037) the DNR granted permission to fill this wetland. The January 8 letter from the ACE likewise issues a general permit to fill this wetland.

Specifically, the exception is being requested for impacts to:

- 9,969 square feet of wetland
- 19,268 square feet of wetland buffer
- 34,002 square feet of wetland a setback area including the buffer (14,734 square feet of setback outside the buffer)

The impacted wetland is part of the Ryan Creek subwatershed of the Root River (Figure 1). The standard for mitigation requires that it be provided on the same parcel or site for which the exception is being made. This is not practical at this location, as setback requirements would alter the amount of buildable land rendering the site undevelopable. Plan Commission may allow off site mitigation. Mitigation is therefore proposed off site, but within the same watershed. One option proposed is part of the same wetland system. Staff recommends that the applicant provide mitigation, and that said mitigation be protected by a conservation easement. Staff further recommends that areas of existing natural resources be similarly protected by easements.



Figure 1 Watershed Boundary

The applicant has provided the attached Natural Resource Special Exemption Application, Project Description, and associated information. Staff would note:

- The wetland delineation was prepared by an Assured Delineator.
- Required permits from other units of government have been obtained.

- Conservation easements materials for existing natural resources to be preserved have been provided and are under review by the Planning Department.
- The applicant is proposing mitigation, the details of which have not been fully defined yet. Conservation easements for mitigation areas will need to be submitted once a proposal has been identified.

Staff is continuing to review the proposed NRSE. It is anticipated that staff's review will be completed in time for the Plan Commission's review and public hearing scheduled for April 9, 2020. However, at this time, it appears that staff may recommend denial approval of the NRSE, subject to a number of conditions such as:

- Revision of the Site Intensity Calculations to clarify the quantity of steep slopes;
- Provision of mitigation by the applicant; and
- Recording of Conservation Easements.

CONCLUSION:

Per Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review. *Also attached is a document titled, "City of Franklin Environmental Commission" that the Environmental Commission must complete and forward to the Common Council.* The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

City of Franklin Environmental Commission

TO: Common Council
DATE: March 25, 2020
RE: Special Exception application review and recommendation
APPLICATION: Mills Hotel Wyoming, LLC, Applicant, dated: January 22, 2020
(generally West Loomis Road and West Ryan Road (Lot 84 in Ryan Meadows Subdivision))

I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:

1. Unified Development Ordinance Section(s) from which Special Exception is requested: *The applicant is requesting an exception from §15-4.0101 Natural Resource Protection Standards, and §15-4.0102 Natural Resource Features Determination which require that identified natural resources features be protected from impacts of development.*
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions): *The applicant is requesting to impact 9,969 square feet of farmed wetland, 19,268 square feet of wetland buffer, and a setback area totaling 34,002 square feet including the buffer (14,734 square feet of setback outside the buffer). The wetland area exists as a linear shaped swale that has been continuously farmed since at least 1937.*
3. Applicant's reason for request: *The farmed wetland is shaped and located in such a way that it bisects the site. The orientation prevents the property from being practically developed. Because the wetland is farmed and devoid of vegetation, the applicant believes it has a very low functional value.*

Federal and State Permits for the proposed wetland impact have been secured.

4. Applicant's reason why request appropriate for Special Exception: *The City of Franklin Plan Commission and City Council has approved a zoning reclassification and Certified Survey Map for this property. The intended use of the property is an extension of manufacturing use.*

The property in question is currently actively farmed for traditional row crops. The applicant completed a wetland delineation, as required by the CSM and discovered that it includes a farmed wetland which bisects the property. The swale feature, which was classified as "low-quality" wetland, is not vegetated except for seasonal row crops. Without the Natural Resource Exception, the property cannot be developed.

Upon review, both the Wisconsin Department of Natural Resources and the Army Corps of Engineers granted permits for the proposed wetland impact based on the low-quality characteristics of the wetland and the fact that the property cannot be developed without the requested impact.

The remaining wetlands on site will be perpetually protected by a Conservation Easement.

II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: *Soybeans/Corn.*
2. Storm and flood water storage: *The property is not in a designated floodplain or floodway.*
3. Hydrologic functions: *The wetland is overland drainage swale.*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *The wetland is not vegetated year-round. Runoff and sediment are not trapped or filtered by this feature.*
5. Shoreline protection against erosion: *The wetland is not adjacent to a body of water.*
6. Habitat for aquatic organisms: *The wetland is not adjacent to a body of water.*
7. Habitat for wildlife: *The wetland is not vegetated. It is actively tilled for row crop production.*
8. Human use functional value: *The proposed areas of impacts are not being used for any type of human use other than agriculture.*
9. Groundwater recharge/discharge protection: *The swale is a natural depressional area which leads to a functional wetland. Groundwater and surface water will continue to drain to the peripheral wetlands.*

10. Aesthetic appeal, recreation, education, and science value: *There is no educational or scientific function to the impacted areas. There is no aesthetic appeal.*
11. State or Federal designated threatened or endangered species or species of special concern: *Owners are not aware of any State or Federal designated threatened or endangered species on our site.*
12. Existence within a Shoreland: *The wetland is not adjacent to a body of water.*
13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: *The property in question does not include any land designated as Primary or Secondary Environmental Corridor as defined by SEWRPC.*

III. Environmental Commission review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *The condition is not self-imposed.*
2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
 - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: *The strict application of natural resource protection to this area, including wetland preservation, buffers and setbacks would render the parcel unusable.*
 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives: *Applicant represents that the denial of the NRSE would be unreasonable and negatively impact the applicants proposed use of the property based on the fact that the impacts are minimal and occur in areas of degraded, farmed wetland. There are no reasonable alternatives for development of the property.*
3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: *The proposed impacts and resulting development will be consistent with the neighborhood, and consistent with the existing zoning and Comprehensive Plan.*

- b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The situation and conditions related to this project are unique. Other properties seeking the same relief would need to meet similar standards.*
- c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *Applicant represents that the unique circumstances involved with this request is what the NRSE process was intended for.*
- d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*): *The applicant understands and agrees to place Conservation Easements on other natural resource features within the site, including any areas of mitigation.*

IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The proposed improvements which cause the need for the NRSE include grading, roadways, underground utilities and lot grading. The improvements will not negatively affect surrounding properties.*
2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The exceptional, extraordinary or unusual circumstance is that the resource being impacted has been designated as low quality and is orientated in a way that prevents practical development on the remaining land.*
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The future use of the property has been affirmed through recent zoning and Certified Survey Map. The future improvements will be permanent.*
4. Aesthetics: *There will be no negative impact to aesthetics.*
5. Degree of noncompliance with the requirement allowed by the Special Exception: *The NRSE is not over-reaching. Applicant represents that the specific situation is what the NRSE was intended for.*

6. Proximity to and character of surrounding property: *Applicant owns the adjacent property to the east and west. The property to the South of the site (Zoned residential) is owned by the current owner of the parcel subject to the NRSE, and has granted permission for development of the parcel and this NRSE request, prior to the property sale. Bear Development or its partners own the other surrounding properties as part of their development project for this part of Franklin.*

7. Zoning of the area in which property is located and neighboring area: *Current zoning types are a mix of residential and manufacturing, with conservation areas. The development plans for this area identify this and other parcels for rezoning to manufacturing uses.*

8. Any negative effect upon adjoining property: *There are no negative effects to the surrounding property.*

9. Natural features of the property: *The wetland resource that will be impacted consists primarily of low-quality, farmed vegetation.*

10. Environmental impacts: *There are no other environmental impacts associated with the NRSE with exception to the reduction of approximately 10,000 square feet of farmed wetland. The applicant proposes mitigation by enhancing an existing wetland that is part of the same watershed.*

V. Environmental Commission Recommendation:

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commission recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
 - a. The applicant shall clarify the amount of steep slopes on site and revise the NRPP/Site Intensity calculations accordingly.
 - b. The applicant shall obtain approval of conservation easements for those existing natural resources to be protected prior to approval of any site plan.

- c. The applicant shall provide mitigation for the natural resource impacts.
- d. Land upon which the mitigation is to take place shall be protected by a conservation easement as permanent natural resource features. Applicant shall obtain approval of the required easement prior to approval of any site plan.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the _____ day of _____, 2020.

Dated this ____ day of _____, 2020.

Arthur Skowron, Chairman

Attest:

Wesley Cannon, Vice-Chairman



March 16, 2020

Ms. Marion Ecks
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Re: Mills Hotel Wyoming – Natural Resource Special Exception

Dear Ms. Ecks:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for a Natural Resource Special Exception. Bear Development is acting on behalf and with authorization of the owner of record, the Mathson Family.

Property Information

Bear Development, LLC is the contract purchaser owner of approximately thirteen (13) acres of vacant land in the City of Franklin. The land is located directly south, and adjacent to, the Ryan Meadows /Loomis Business Park development.

The property in question is included in a Certified Survey Map and zoning reclassification which was approved by the City Council on December 17, 2019. The property is planned for further Industrial development.

The property subject to the Natural Resource Special Exception is part of Tax Key 939-9994-000. The property is vacant and actively farmed for traditional row crops. According to historical air photos, the subject property has been continuously farmed since at least 1937.

Specific Request

Bear Development, LLC is requesting approval of a Natural Resource Special Exception to impact 10,000 square feet of wetland.

Enclosed as part of this submittal, are the following permits which have been secured for the area in question:

- U. S. Army Corps of Engineers- Nationwide Permit
- Wisconsin Department of Natural Resources - General

Franklin
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City Development

Natural Resource Protection Plan

As part of our due diligence, a wetland delineation was completed on the subject property. Heartland Ecological Group identified the specific area as wetland.

Existing Conditions

The specific area exists as a actively farmed wetland. It exhibits depressional topography and acts as an overland drainage course. The wetland does not include natural vegetation or habitat.

Other Natural Resource Features

The subject property does include other wetland features on site. The Assured Wetland Delineation was submitted to the Army Corps of Engineers for a jurisdictional determination. It was determined that the identified wetlands are not waters of the United States and therefore are exempt from ACOE regulation. Because the wetlands are less than 10,000 square feet in size and are not jurisdictional, they are considered exempt from State of Wisconsin regulation and are treated the same as artificial wetland. Copies of the Jurisdictional Determination, wetlands exemptions, WDNR General Permit and Federal Nationwide Permits have been provided to City Staff.

Proposed Use

Bear Development, LLC has secured a Certified Survey Map and M-2 zoning on the subject property. The property is proposed as an extension of industrial commercial uses which are proposed within the Loomis Business Park and those uses existing along STH 45.

Because of the shape, size and orientation of the farmed wetland. This property cannot be practically or economically developed without the Natural Resources Special Exception.

The particular wetland has been evaluated and analyzed by both the U.S. Army Corps of Engineers and the Wisconsin Department of Natural Resources. Both agencies have granted permits to impact the wetland.

We appreciate your time and consideration of this matter and respectfully request approval of the Natural Resource Exception to disturb the identified feature on the project site. Please note that our project includes the permanent preservation of significant open space including Conservation and Landscape Bufferyard Easements which will be recorded with the approved Certified Survey Map.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, dan@beardevelopment.com

Thank you for your time and consideration.

Respectfully,



Daniel Szczap
Bear Development, LLC

City of Franklin

Department of City Development

Date: March 6, 2020

To: Franklin Mills, LLC

From: City Development Staff

RE: Bear Franklin Natural Resource Special Exception – Staff Comments

Please be advised that staff has reviewed the above referenced materials. Department comments are as follows for the Natural Resource Special Exception (NRSE) materials submitted by Mr. Daniel Szczap of Bear Development LLC, on behalf of Franklin Mills, LLC date stamped by the City of Franklin on January 24, 2020.

Unified Development Ordinance (UDO) Requirements:

Natural Resources

1. Clearly illustrate and enumerate all natural resource features as required by §15-4.0102 and §15-7.0201.I. If a category of natural resource is not present, indicate that in the table on the map.
Included in the resubmittal is a revised Natural Resource Protection Plan which identifies all natural resource features.
2. In accordance with §15-4.0102.K and §15-3.0501.B, and §15-7.0201.N, please provide site intensity calculations using the methodology described in Division 15-3.0500
Site Intensity Calculations are provided.
3. Pursuant to §15-4.0102.K and §15-7.0201.J of the UDO, please clearly indicate the amount and type of natural resource features to be impacted.
 - a. Pursuant to §15-4.0102.I of the UDO, please indicate the amount of *wetland*, and *wetland setbacks* and *buffers*, both total and to be impacted.

Wetland:	9,969 SF
Wetland Buffer:	19,628 SF
Wetland Setback:	34,002 SF
 - b. Any areas of temporary disturbance (construction access, staging areas, etc.) should be noted separately.
N/A
 - c. Calculations should include information about all wetlands to be impacted. Wetlands that have been designated as artificial do not need to be included.
Completed.

4. Pursuant to §15-4.0102.K. of the UDO, please clearly indicate the amount and type of any areas of overlapping natural resource features.

There are no overlapping natural resources.

5. Pursuant to §15-4.0102.K. of the UDO, please indicate the amount of each natural resource feature to be protected by a conservation easement.

A Conservation Easement Exhibit has been provided.

6. Pursuant to §15-4.0103 and §15-10.0208.B.3.b., please describe the mitigation you will provide for the natural resource impacts. Note that, as required by §15- 4.0103.B.1.d, land upon which the mitigation is to take place shall be protected by a conservation easement as permanent natural resource features. Please submit the required easement and exhibits.

- a. Note that the standard for wetland mitigation is 1.5 acres of compensation for each 1 acre of impact.

A narrative and map regarding potential mitigation areas has been provided.

Natural Resource Protection Plan (NRPP)

7. As required by §15-7.0201.C, please names, addresses, and telephone numbers of the owners, subdividers, lessee and/or developer(s) of the property and of the designer of the plan shall be shown on the plan.

Completed.

8. In accordance with §15-7.0201.F and §15-7.0201.K, please show the location of any current or proposed easements on the subject property on the NRPP. Likewise, in accordance with §15-7.0201.H indicate the location and dimensions of all permanent easements on the subject property boundary lines and adjacent to the site.

Please see attached Conservation Easement Exhibit.

9. Conservation easements are required for those natural resources to be protected, pursuant to §15-7.0201.K. of the UDO. Staff notes that a conservation easement has been submitted for the remaining wetland areas and is under review. Easements for mitigation areas need to be submitted.

The easement for the mitigation area will be provided when the mitigation area has been identified.

Natural Resource Special Exception (NRSE)

10. Pursuant to §15-9.0110.A. of the UDO, please indicate the name and address of all abutting property owners.

Provided.

11. As required by §15-9.0110.B, please provide an electronic copy of the Plat of Survey for the portion of the subject property owned by Franklin Mills LLC

Provided.

12. Pursuant to §15-9.0110.C.5, please provide the date of any previous application or request for a Special Exception pertinent to the subject property, and the disposition of that previous application or request.

N/A.

Additional Staff Recommendations

13. Staff recommends that the Project Summary be revised to include information about all the natural resources on the property, including those which have received exemptions from other units of government.

Provided.

14. Staff recommends that the applicant provide a copy of the proposed future site plan with the NRSE.

Provided.

Engineering Department Comments

Lot 84 of Ryan Meadows does not exist yet. See the address W. Loomis Rd & W. Ryan Rd, 10082 South 124th Street.

N/A

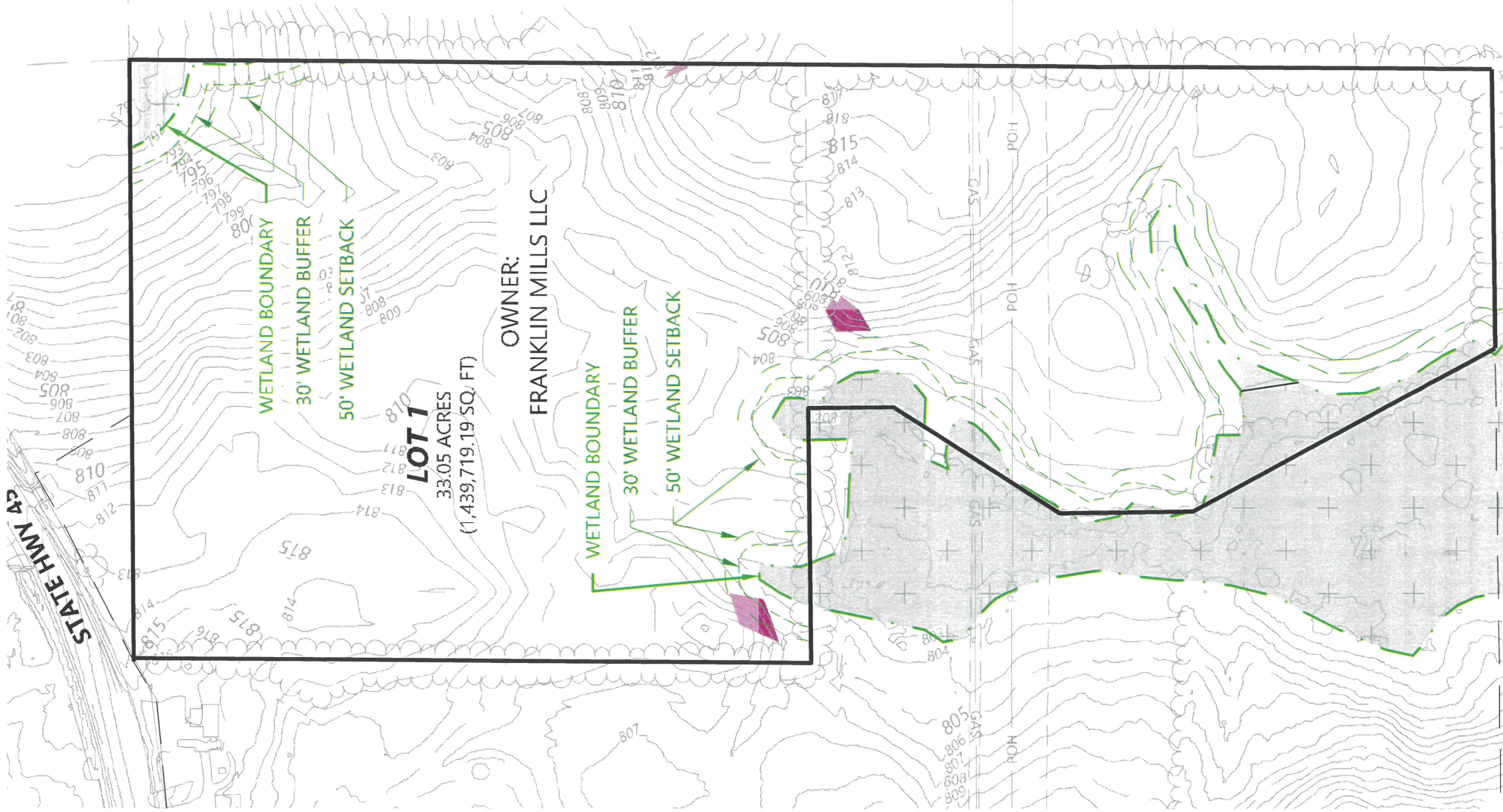
Police Department Comments

The Franklin Police Department has reviewed the Natural Resource Exception Application for Lot 84 Ryan Meadows. The Police Department has no issues with this request.

Fire Department Comments

The fire department has no position on the NRSE at this location.

Franklin
MAR 16 2020
City Development



NATURAL RESOURCE FEATURE AREAS	
RESOURCE TYPE	LOT 1
STEEP SLOPES (10%-20%)	0.11 AC (4,748 SF)
STEEP SLOPES (20%-30%)	0 AC (0 SF)
STEEP SLOPES (30%+)	0 AC (0 SF)
DELINEATED WETLAND*	1.62 AC (70,687 SF)
DELINEATED WETLAND BUFFER (30' OFFSET)	2.29 AC (99,539 SF)
DELINEATED WETLAND SETBACK (50' OFFSET)	3.99 AC (174,009 SF)
MATURE WOODLAND***	0 AC (0 SF)

*BASED ON FIELD DELINEATION COMPLETED BY HEARTLAND ECOLOGICAL GROUP, INC. ON 11/8/18 & 11/9/18. SEE "ASSURED WETLAND DELINEATION REPORT" DATED 4/24/19.
**BASED ON NATIONAL WETLAND INVENTORY DATABASE ACCESSED ON 7/1/19.
***BASED ON AERIAL PHOTOGRAPHY AND TO BE VERIFIED WITH FUTURE DEVELOPMENT PROPOSAL.

NATURAL RESOURCE FEATURE AREAS	
RESOURCE TYPE	LOT 1
LAKES & PONDS	0 AC (0 SF)
STEAMS	0 AC (0 SF)
SHORE BUFFERS	0 AC (0 SF)
FLOODPLAINS/FLOODWAYS	0 AC (0 SF)
OVERLAPPING RESOURCES	.03 AC (1,300 SF)



FRANKLIN PROPERTY
FRANKLIN, WI

Westwood

Phone (320) 253-9495 3701 12th Street North, Suite 206
Fax (320) 358-2001 St. Cloud, MN 56303
Toll Free (800) 270-9495 westwoodps.com
Westwood Professional Services, Inc.

SHEET NUMBER:
1 OF 1
NATURAL
RESOURCES
PROTECTION PLAN -
LOT 1

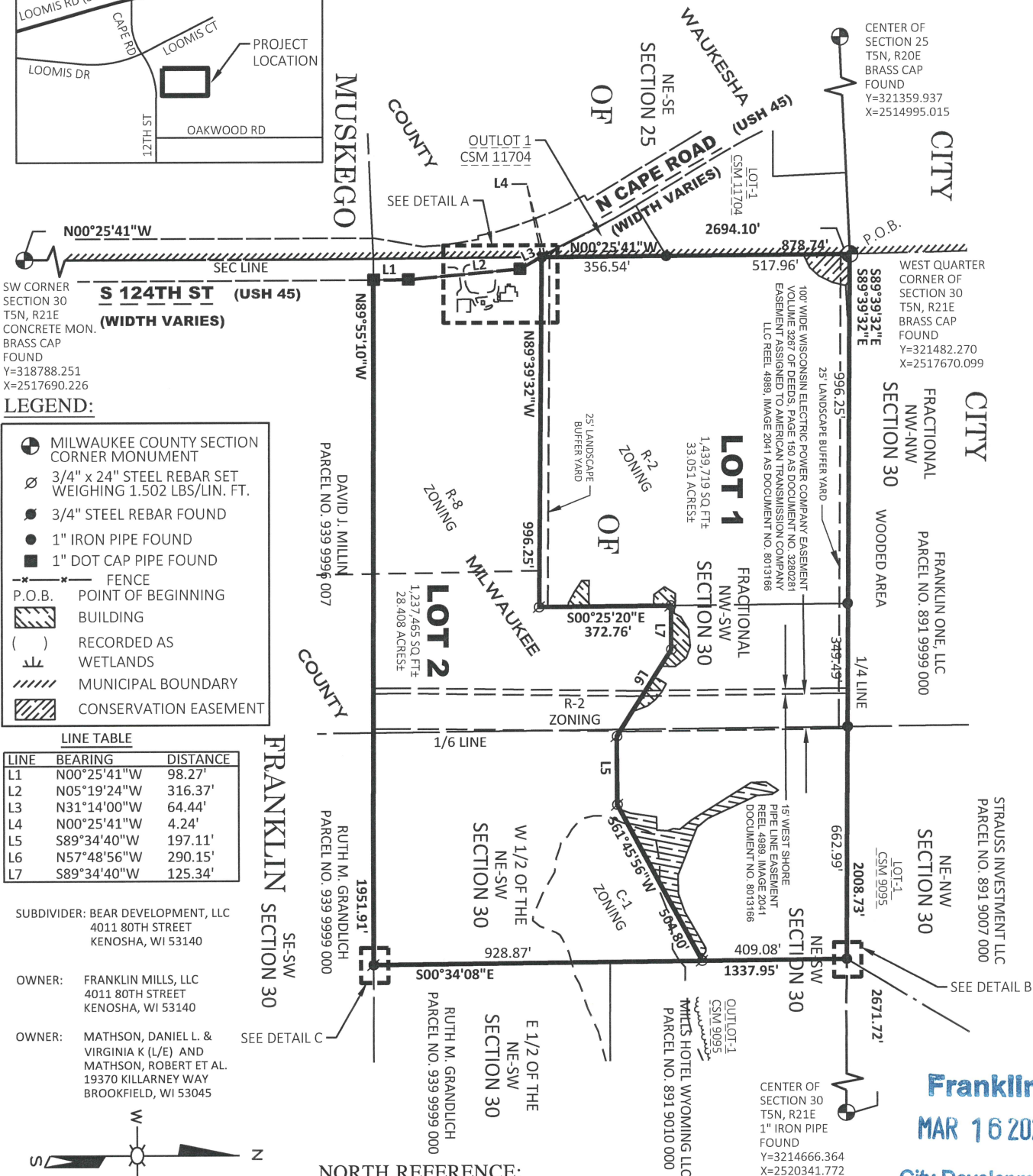
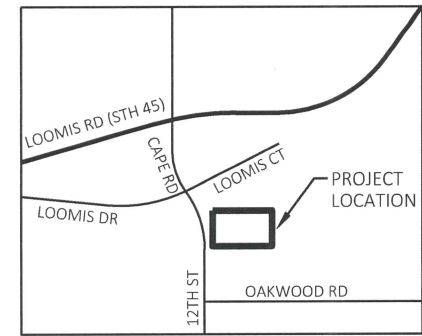
DATE: 03/11/2020

0023687.00

CERTIFIED SURVEY MAP NUMBER

BEING PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE
SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER
OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE
21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

LOCATION MAP:



LEGEND:

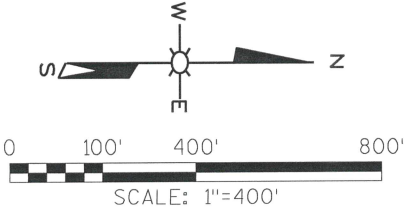
- MILWAUKEE COUNTY SECTION CORNER MONUMENT
- 3/4" x 24" STEEL REBAR SET WEIGHING 1.502 LBS/LIN. FT.
- 3/4" STEEL REBAR FOUND
- 1" IRON PIPE FOUND
- 1" DOT CAP PIPE FOUND
- FENCE
- P.O.B. POINT OF BEGINNING
- BUILDING
- RECORDED AS
- WETLANDS
- MUNICIPAL BOUNDARY
- CONSERVATION EASEMENT

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N00°25'41"W	98.27'
L2	N05°19'24"W	316.37'
L3	N31°14'00"W	64.44'
L4	N00°25'41"W	4.24'
L5	S89°34'40"W	197.11'
L6	N57°48'56"W	290.15'
L7	S89°34'40"W	125.34'

SUBDIVIDER: BEAR DEVELOPMENT, LLC
4011 80TH STREET
KENOSHA, WI 53140

OWNER: FRANKLIN MILLS, LLC
4011 80TH STREET
KENOSHA, WI 53140

OWNER: MATHSON, DANIEL L. & VIRGINIA K (L/E) AND MATHSON, ROBERT ET AL.
19370 KILLARNEY WAY
BROOKFIELD, WI 53045



NORTH REFERENCE:
BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM. SOUTH ZONE (NAD 27) (JAN. 2016) WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 30, T5N, R21E ASSUMED TO BEAR S89°39'32"E

DATE 10-8-19	DIRECTORY NO. -----
PROJECT NO. S3399A19	DRAFTED BY JBM
SHEET 1 OF 7	DRAWING NAME CSM

SURVEY FOR: CITY OF FRANKLIN CSM
SECTION 30, T5N, R21E
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN

Omni ASSOCIATES

OMNI ASSOCIATES
ONE SYSTEMS DRIVE
APPLETON, WI 54914
PHONE (920) 735-6900
FAX (920) 830-6100









CERTIFIED SURVEY MAP NUMBER

BEING PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

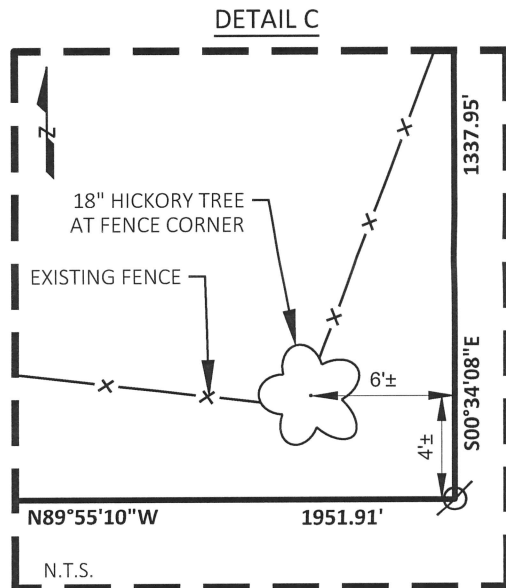
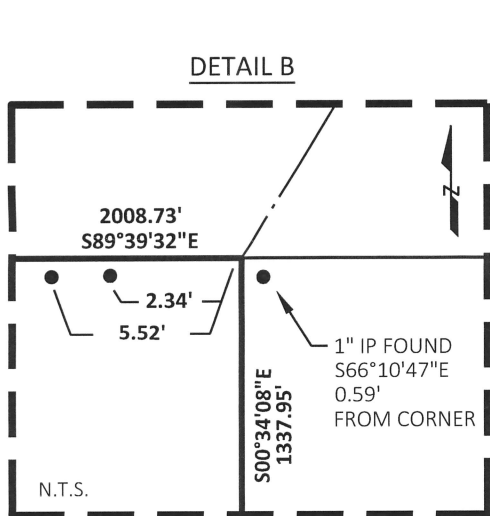
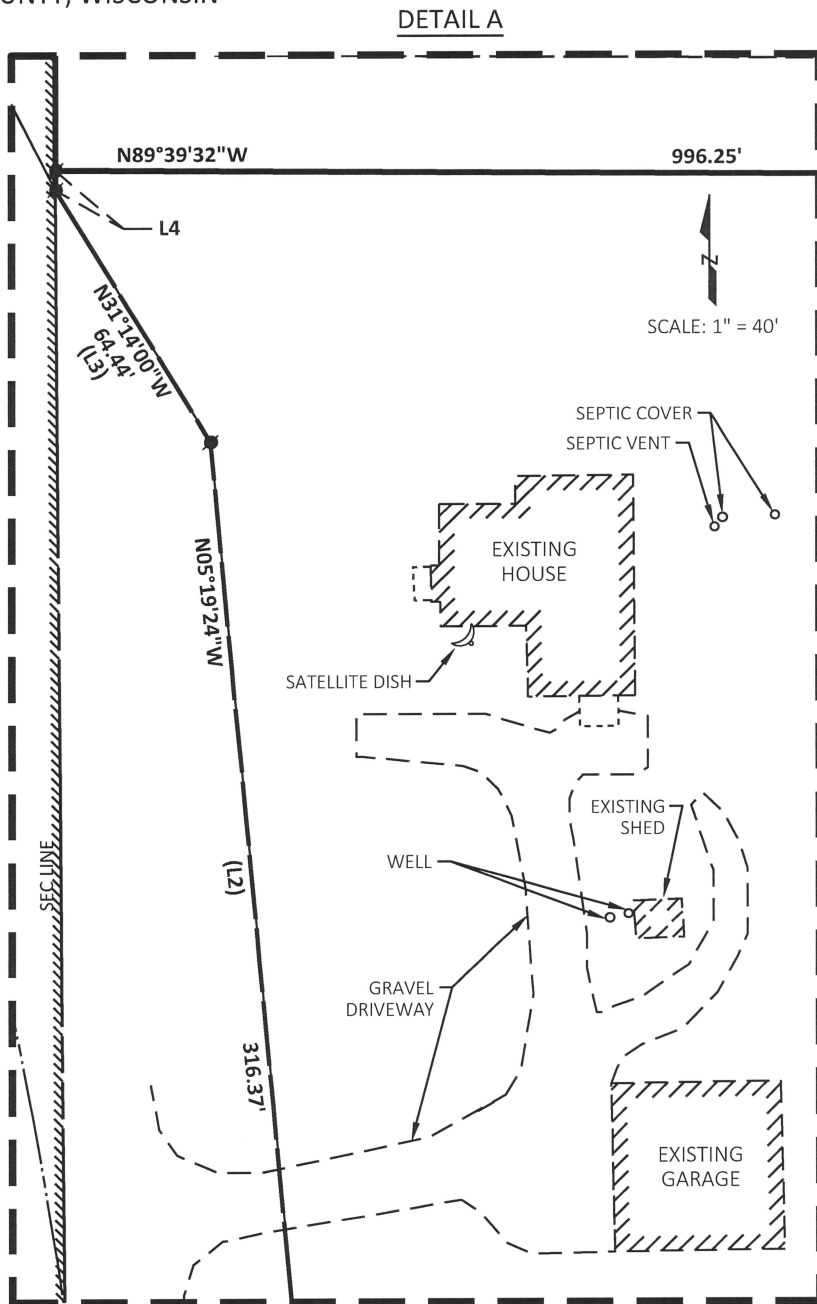
NORTH REFERENCE:

BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM. SOUTH ZONE (NAD 27) (JAN. 2016) WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 30, T5N, R21E ASSUMED TO BEAR S89°39'32"E

LEGEND:

	MILWAUKEE COUNTY SECTION CORNER MONUMENT
	3/4" x 24" STEEL REBAR SET WEIGHING 1.502 LBS/LIN. FT.
	3/4" STEEL REBAR FOUND
	1" IRON PIPE FOUND
	1" DOT CAP PIPE FOUND
	FENCE
	P.O.B. BUILDING
	() RECORDED AS WETLANDS

LINE TABLE		
LINE	BEARING	DISTANCE
L4	N00°25'41"W	4.24'



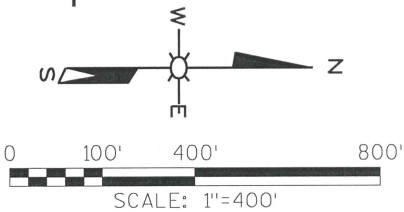
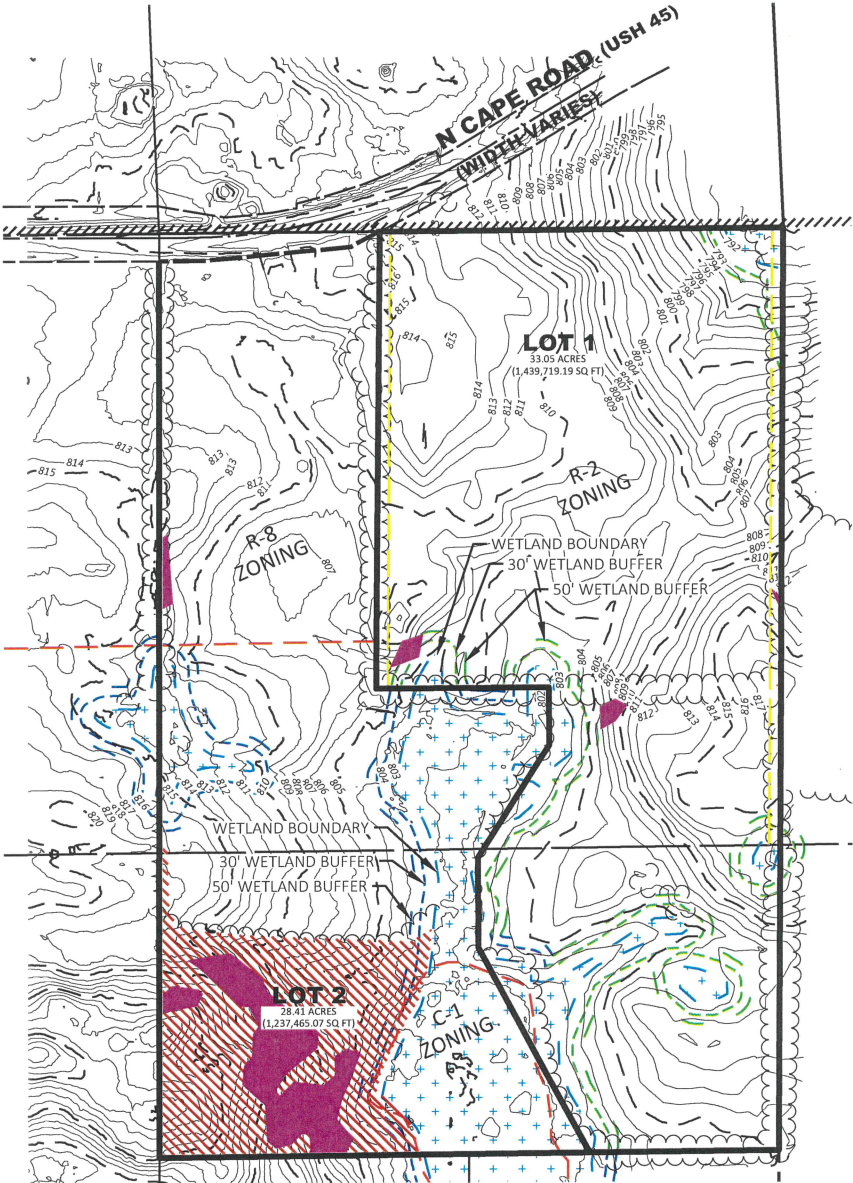
DATE 10-8-19	DIRECTORY NO. -----
PROJECT NO. S3399A19	DRAFTED BY JBM
SHEET 2 OF 7	DRAWING NAME CSM

SURVEY FOR: CITY OF FRANKLIN CSM
SECTION 30, T5N, R21E
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN



CERTIFIED SURVEY MAP NUMBER

BEING PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



NATURAL RESOURCE FEATURE AREAS		
RESOURCE TYPE	LOT 1	LOT 2
STEEP SLOPES (10%-20%)	0.11 AC (4,748 SF)	1.48 AC (64,629 SF)
DELINEATED WETLAND*	1.62 AC (70,687 SF)	0 AC (0 SF)
DELINEATED WETLAND BUFFER (30' OFFSET)	2.29 AC (99,539 SF)	0 AC (0 SF)
DELINEATED WETLAND SETBACK (50' OFFSET)	3.99 AC (174,009 SF)	0 AC (0 SF)
NWI WETLAND**	0 AC (0 SF)	5.46 AC (237,966 SF)
NWI WETLAND BUFFER (30' OFFSET)	0 AC (0 SF)	1.43 AC (62,387 SF)
NWI WETLAND SETBACK (50' OFFSET)	0 AC (0 SF)	2.34 AC (102,019 SF)
MATURE WOODLAND***	0 AC (0 SF)	5.93 AC (258,211 SF)

*BASED ON FIELD DELINEATION COMPLETED BY HEARTLAND ECOLOGICAL GROUP, INC. ON 11/8/18 & 11/9/18. SEE "ASSURED WETLAND DELINEATION REPORT" DATED 4/24/19.

**BASED ON NATIONAL WETLAND INVENTORY DATABASE ACCESSED ON 7/1/19.

***BASED ON AERIAL PHOTOGRAPHY AND TO BE VERIFIED WITH FUTURE DEVELOPMENT PROPOSAL.

NOTES:
TREE LINE PER FIELD LOCATION BY OMNNI ASSOCIATED
CONTOURS PER TOPOGRAPHIC SURVEY
OMNNI ASSOCIATES
WETLANDS LINE PER HEARTLAND ECOLOGICAL GROUP, INC
FIELD WORK

DATE 10-8-19	DIRECTORY NO. -----
PROJECT NO. S3399A19	DRAFTED BY JBM
SHEET 3 OF 7	DRAWING NAME CSM

SURVEY FOR: CITY OF FRANKLIN CSM
SECTION 30, T5N, R21E
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN

OMNNI ASSOCIATES
ONE SYSTEMS DRIVE
APPLETON, WI 54914
PHONE (920) 735-6900
FAX (920) 830-8100

CERTIFIED SURVEY MAP NUMBER

BEING PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I DAVID YURK, STATE OF WISCONSIN PROFESSIONAL LAND SURVEYOR S-2648, DO HEREBY CERTIFY THAT BY ORDERS OF THE OWNER, THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PARCEL OF LAND LOCATED IN THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 30;
THENCE S89°39'32"E COINCIDENT WITH THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 30, A DISTANCE OF 2008.73 FEET TO THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30;
THENCE S00°34'08"E COINCIDENT WITH THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30, A DISTANCE OF 1337.95 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF;
THENCE N89°55'10"W COINCIDENT WITH THE SOUTH LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER AND THE SOUTH LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 30, A DISTANCE OF 1951.91 FEET TO THE EXISTING EASTERLY RIGHT-OF-WAY LINE OF S 124TH STREET (U.S.H. "45");
THENCE N00°25'41"W COINCIDENT WITH SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 98.27 FEET;
THENCE N05°19'24"W COINCIDENT WITH SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 316.37 FEET;
THENCE N31°14'00"W COINCIDENT WITH SAID EXISTING EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 64.44 FEET TO A POINT ON WEST LINE OF THE FRACTIONAL NORTHWEST OF THE SOUTHWEST QUARTER OF SECTION 30.
THENCE N00°25'41"W COINCIDENT WITH SAID WEST LINE A DISTANCE OF 878.74 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 61.460 ACRES (2,677,184 SQUARE FEET) MORE OR LESS.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES AND THE UNIFIED DEVELOPMENT ORDINANCE - DIVISION 15 OF THE CITY OF FRANKLIN IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DAVID A. YURK PLS, S-2648

DATED

DATE 10-8-19	DIRECTORY NO. -----
PROJECT NO. S3399A19	DRAFTED BY JBM
SHEET 4 OF 7	DRAWING NAME CSM

SURVEY FOR: CITY OF FRANKLIN CSM
SECTION 30, T5N, R21E
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN

OMNi
ASSOCIATES

OMNII ASSOCIATES
ONE SYSTEMS DRIVE
APPLETON, WI 54914
PHONE (920) 735-6900
FAX (920) 830-6100

CERTIFIED SURVEY MAP NUMBER

BEING PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

NOTES:

1. HORIZONTAL DATUM IS BASE ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM GRID, SOUTH ZONE (NAD-27) BEARINGS AND DISTANCES ARE GROUND VALUES.
2. A LAND DIVISION VARIANCE HAS BEEN GRANTED BY THE CITY OF FRANKLIN PERTAINING TO THE LACK OF ACCESS TO A PUBLIC STREET, SUBJECT TO THE ALLOWED ACCESS VIA EASEMENT THROUGH OUTLOT 1 OF CSM NO. 11704, THAT SUCH ACCESS SHALL BE GRANTED IN PERPETUITY, AND IF AT ANY TIME SHOULD SUCH ACCESS BE REMOVED, THAT THE SUBJECT LOT SHALL BECOME NON-CONFORMING IN REGARD TO SUCH ACCESS.
3. UPON FURTHER LAND DIVISION OR DEVELOPMENT OF LOT 2 A COMPLETE NATURAL RESOURCE PROTECTION PLAN IN COMPLIANCE WITH DIVISION 15-7.0200 OF THE UNIFIED DEVELOPMENT ORDINANCE SHALL BE SUBMITTED TO THE DEPARTMENT OF CITY DEVELOPMENT FOR REVIEW AND APPROVAL. ANY CONSERVATION EASEMENTS SHALL BE DETERMINED THEREAFTER.
4. C-1 ZONING OCCURRING ON LOT 1 AND LOT 2 SHALL BE REZONED WITH ALL PROTECTED NATURAL RESOURCES BEING PROTECTED BY A CONSERVATION EASEMENT UPON FUTURE DEVELOPMENT OF FURTHER LAND DIVISION
5. UPON FURTHER LAND DIVISION OR DEVELOPMENT OF LOT 2, THE PROPERTY SHALL BE REZONED TO A SINGLE ZONING DISTRICT
6. SECTION 15-5.0108 BUILDING SETBACK LINES NOTES BELOW:

A. PLAN COMMISSION MAY INCREASE MINIMUM REQUIRED SETBACK LINES. BUILDING SETBACK LINES APPROPRIATE TO THE LOCATION AND TYPE OF DEVELOPMENT CONTEMPLATED, WHICH ARE MORE RESTRICTIVE THAN THE REGULATION OF THE ZONING DISTRICT IN WHICH THE SUBDIVISION, CERTIFIED SURVEY MAP, OR CONDOMINIUM IS LOCATED, MAY BE REQUIRED BY THE PLAN COMMISSION.

B. MINIMUM REQUIRED BUILDING SETBACKS FROM ARTERIAL STREETS AND HIGHWAYS. UNLESS A GREATER SETBACK DISTANCE IS SPECIFIED IN DIVISIONS 15-3.0300, DIVISION 15-3.0400, OR ELSEWHERE IN THIS ORDINANCE, THE MINIMUM REQUIRED SETBACK FROM THE ULTIMATE RIGHT-OF-WAY LINE OF ALL ARTERIAL STREETS AND HIGHWAYS (AS SPECIFIED BY THE CITY OF FRANKLIN COMPREHENSIVE MASTER PLAN, OR COMPONENTS AND/OR AMENDMENTS THERETO) SHALL BE FORTY (40) FEET. AN EXCEPTION TO THIS REQUIREMENT, HOWEVER, SHALL BE THAT SEGMENT OF W. ST. MARTINS ROAD (CTH MM) WITHIN THAT AREA DEFINED AS THE "VILLAGE OF ST. MARTINS" IN THE CITY OF FRANKLIN COMPREHENSIVE MASTER PLAN.
7. LOT 1 AND LOT 2 IS NOT SERVED BY PUBLIC SANITARY SEWER AND WATER
8. FOR THOSE WETLANDS DEEMED ARTIFICIAL BY THE WISCONSIN DEPARTMENT OF NATURAL RECOURCES/US ARMY CORPS OF ENGINEERS OR OUTSIDE THEIR JURISDICTIONS, THE REQUIREMENT OF CONSERVATION EASEMENT IS VOID.
9. MUNICIPAL ZONING REQUIREMENTS BELOW:

SITE IS ZONED: C-1 CONSERVANCY DISTRICT

SITE IS ZONED: R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT
MUNICIPAL CODE: SEC. 15-3.0202
SPECIAL USE: PERMITTED USE "CONVENTIONAL SUBDIVISION"
MINIMUM FRONT YARD: 60 FEET
MINIMUM SIDE YARD: 20 FEET (c)
MINIMUM REAR YARD: 30 FEET (c)

SITE IS ZONED: R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT
MUNICIPAL CODE: SEC. 15-3.0209
SPECIAL USE: SINGLE-FAMILY DETACHED D.U.s AND
MAXIMUM TWO-ATTACHED D.U.s (TWO-FAMILY STRUCTURES)
FRONT SETBACK: 25 FEET (e)
SIDE SETBACK: 5 FEET (e)
REAR SETBACK: 25 FEET D.U. & 10 - GARAGE (e)

SITE IS ZONED: R-8 MULTIPLE-FAMILY RESIDENCE DISTRICT
MUNICIPAL CODE: SEC. 15-3.0209
SPECIAL USE: MULTIPLE-FAMILY ATTACHED DWELLING UNITS
WITH MORE THAN TWO D.U.s PER STRUCTURE
FRONT SETBACK: 30 FEET (c)(e)
SIDE SETBACK: 20 FEET (d)(e)
REAR SETBACK: 30 FEET (e)

(c) PLUS ONE (1) ADDITIONAL FOOT FOR EACH TWO (2) FEET
OVER THIRTY-FIVE (35) FEET OF BUILDING HEIGHT.
(d) PLUS FIVE (5) ADDITIONAL FEET FOR EACH ADDITIONAL
STORY ABOVE TWO (2) STORIES OF BUILDING HEIGHT.
(e) SEE SECTION 15-5.0108 FOR INCREASED SETBACK
REQUIREMENTS ALONG ARTERIAL STREETS AND HIGHWAYS.


DATE XX-XX-XX	DIRECTORY NO. -----	SURVEY FOR: CITY OF FRANKLIN CSM SECTION 30, T5N, R21E CITY OF FRANKLIN MILWAUKEE COUNTY, WISCONSIN	 <div>OMNI ASSOCIATES ONE SYSTEMS DRIVE APPLETON, WI. 54914 PHONE (920) 735-6900 FAX (920) 830-6100</div>
PROJECT NO. S3399A19	DRAFTED BY JBM		
SHEET 5 OF 7	DRAWING NAME CSM		

BEING PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

AS OWNERS, DANIEL L. MATHSON AND VIRGINIA K. MATHSON, AS LIFE TENANT AND ROBERT MATHSON, LESLIE MATHSON AND THOMAS P. POBEREZNY AND SHARON M. POBEREZNY, AS CO-TRUSTEE'S OF THE POBEREZNY REVOCABLE TRUST. WE DO HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED TO BE SURVEYED, DIVIDED, AND MAPPED ALL AS SHOWN AND REPRESENTED ON THIS MAP. I ALSO CERTIFY THAT THIS CSM IS REQUIRED BY S. 236.10 OR 236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF FRANKLIN

SHARON M. POBEREZNYY DATE

SANDRA L. WESOLOWSKI, CITY CLERK DATE

DATE 10-8-19	DIRECTORY NO. -----	SURVEY FOR: CITY OF FRANKLIN CSM SECTION 30, T5N, R21E CITY OF FRANKLIN MILWAUKEE COUNTY, WISCONSIN	 <div style="display: flex; justify-content: space-between; align-items: center;"> <div> OMNI ASSOCIATES </div> <div style="font-size: 0.8em;"> OMNI ASSOCIATES ONE SYSTEMS DRIVE APPLETON, WI 54914 PHONE (920) 735-6900 FAX (920) 830-6100 </div> </div>
PROJECT NO. S3399A19	DRAFTED BY JBM		
SHEET 6 OF 7	DRAWING NAME CSM		

CERTIFIED SURVEY MAP NUMBER

BEING PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

OWNER'S CERTIFICATE:

AS OWNER, FRANKLIN MILLS, LLC, DOES HEREBY CERTIFY THAT WE CAUSED THE LAND DESCRIBED TO BE SURVEYED, DIVIDED, AND MAPPED ALL AS SHOWN AND REPRESENTED ON THIS MAP. I ALSO CERTIFY THAT THIS CSM IS REQUIRED BY S. 236.10 OR 236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF FRANKLIN

MEMBER

DATE

STATE OF WISCONSIN:

SS

COUNTY OF _____ :

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2019,
THE ABOVE NAMED TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING
INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC

COUNTY, WISCONSIN

MY COMMISSION EXPIRES _____

DATE 10-8-19	DIRECTORY NO. -----
PROJECT NO. S3399A19	DRAFTED BY JBM
SHEET 7 OF 7	DRAWING NAME CSM

SURVEY FOR: CITY OF FRANKLIN CSM
SECTION 30, T5N, R21E
CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN



OMNI ASSOCIATES
ONE SYSTEMS DRIVE
APPLETON, WI 54914
PHONE (920) 735-6900
FAX (920) 830-6100

Table 15-3.0502

Worksheet for the Calculation of Base Site Area for Both Residential and Nonresidential Development			
STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.	33.05	acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	1.6	acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	0	acres
STEP 4:	In the case of "Site Intensity and Capacity Calculations" for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	0	acres
STEP 5:	Equals "Base Site Area"	31.45	acres

Table 15-3.0503

Worksheet for the Calculation of Resource Protection Land						
Natural Resource Feature	Protection Standard Based Upon Zoning District Type			Acres of Land in Resource Feature		
	Agricultural	Residential	Non-Residential			
Steep Slopes:						
10-19%	0.00	0.60	0.40	.40x.08=	0.03	
20-30%	0.65	0.75	0.70	-	-	
+30%	0.90	0.85	0.80	-	-	
Woodlands & Forests:						
Mature	0.70	0.70	0.70	-	-	
Young	0.50	0.50	0.50	-	-	
Lakes & Ponds	1.00	1.00	1.00			
Streams	1.00	1.00	1.00	-	-	
Shore Buffer	1.00	1.00	1.00	-	-	
Floodplains	1.00	1.00	1.00	-	-	
Wetland Buffers	1.00	1.00	1.00	1x2.29	2.29	
Wetlands & Shoreland	1.00	1.00	1.00	1x1.62	1.62	
Total Resource Protection Land				3.94 Acres		

Table 15-3.0505

Worksheet for the Calculation of Site Intensity and Capacity for Nonresidential Development			
STEP 1:	Calculate minimum required landscape surface: Base Site Area x Landscape Surface Ratio = Minimum Required On-Site Landscape Surface	11.01	acres
STEP 2:	Calculate Net Buildable Site Area: Base Site Area - Total Resource Protection Land or Min. Required Landscape Surface = Net Buildable Site Area	20.44	acres
STEP 3:	Calculate Maximum Net Floor Area Yield of Site: Net Buildable Site Area x NFAR = Maximum Net Floor Area Yield of Site	17.38	acres
STEP 4:	Calculate Maximum Gross Floor Area Yield of Site: Base Site Area x GFAR = Maximum Gross Floor Area Yield of Site	17.30	acres
STEP 5:	Determine Maximum Permitted Floor Area of Site: Lowest of MNFAY/MGFAY x 43,560	17.30	acres

Franklin Mills Natural Resources Special Exception

Mitigation Proposal

Franklin Mills, LLC is proposing to impact 9,969 square feet of wetland.

The wetland buffer associated with the impacted wetland is 19,268 square feet.

Per City of Franklin requirements Franklin Mills will work to provide the following to off-set the impacted wetland:

Wetland: 9969 SF x 1.5= 14,953 SF of wetland

Wetland Buffer: 19,268 x1.5 = 28,902 of wetland buffer

A total area of 43,855 of land must be included in a Conservation Area to compensate for the 9,969 square feet of impact.

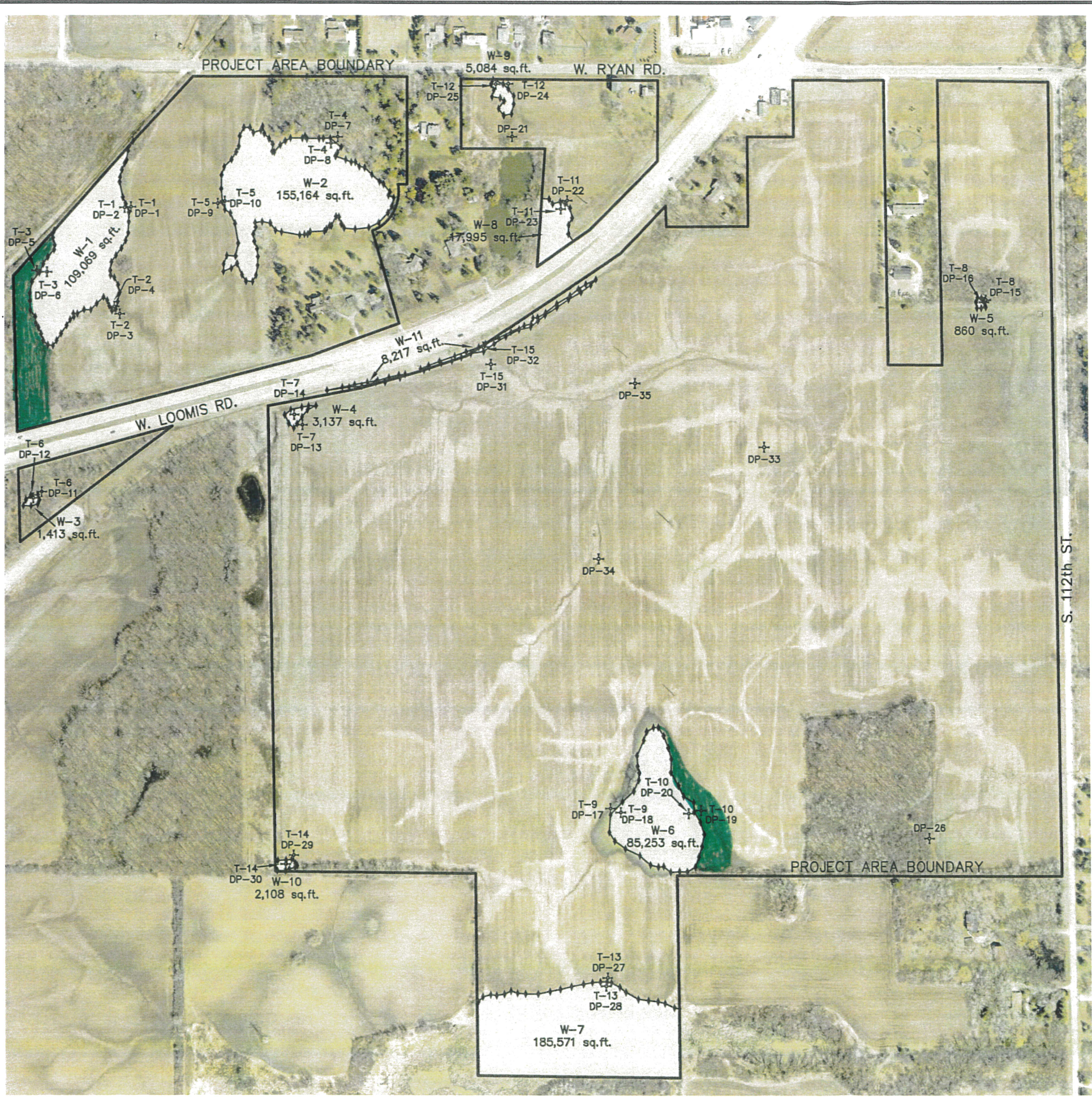
We have identified areas located on our property within Franklin and within the watershed that may be suitable for mitigation. The most effective areas to evaluate for mitigation are areas directly adjacent to existing wetlands that can be manipulated to increase the footprint and hydrology of the wetland resource. Another alternative, if acceptable to the City, would be wetland enhancement, by which a degraded or farmed wetland is enhanced to provide an ecological lift to a given resource.

Please note that the wetland we propose to impact is a highly degraded farmed wetland, which lacks native vegetation. Therefore, it has a very low ecological value. This wetland has been evaluated by the Army Corps of Engineers and Wisconsin Department of Natural Resources. Both agencies have granted wetland impact permits without any mitigation requirements.

While we understand the intent of the City of Franklin to require wetland mitigation, the process and requirements are not well-defined. When required by the ACOE or WDNR to mitigate wetlands, wetland credits are purchased from an approved commercial wetland mitigation bank. This does not appear to be an option provided by the UDO.

Wetland mitigation is a mix of science and art and requires the ideal situation to be successful near and long term. It will take significant time, study and resources to perform wetland mitigation on a site this small and in the limited area in which to establish an artificial wetland. The City may consider accepting a bond or other surety until a suitable site can be identified.

Franklin
MAR 16 2020
City Development



WETLAND BOUNDARY MAP

Situated on West Loomis Road, in the City of Franklin, Milwaukee County, Wisconsin.

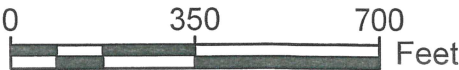
Part of the Northwest 1/4 and Northeast 1/4 of Section 30, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

December 1, 2014 Bear Development Survey No.166226-BMJ

Possible Mitigation Areas

LEGEND

- DP-1 + DATA POINT
- WETLAND AREA
- WETLAND BOUNDARY
- PROJECT AREA BOUNDARY



GRAPHIC SCALE

FIGURE 2.
WETLAND BOUNDARY MAP

R.A. Smith National, Inc.

Beyond Surveying
and Engineering

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373 www.rasmithnational.com
Appleton, WI Orange County, CA Pittsburgh, PA

S:\166226\dwg\WX101B.dwg\W LOOMIS RD

Abutting Property Owners

891-9007-000

Strauss Investments, LLC
5129 N. Franklin Drive
Franklin, WI 53132

891-9999-000

Franklin One, LLC
333 Bishop's Way #160
Brookfield, WI 53005

939-9994-000

Daniel & Virginia Mathson
19370 Killarney Way
Brookfield, WI 53045

891-9010-000

Mills Hotel Wyoming, LLC
4015 80th Street
Kenosha, WI 53142

MSKC2260998001

Bethlehem Evangelical Lutheran Church
W124 S9995 North Cape
Muskego, WI 53150

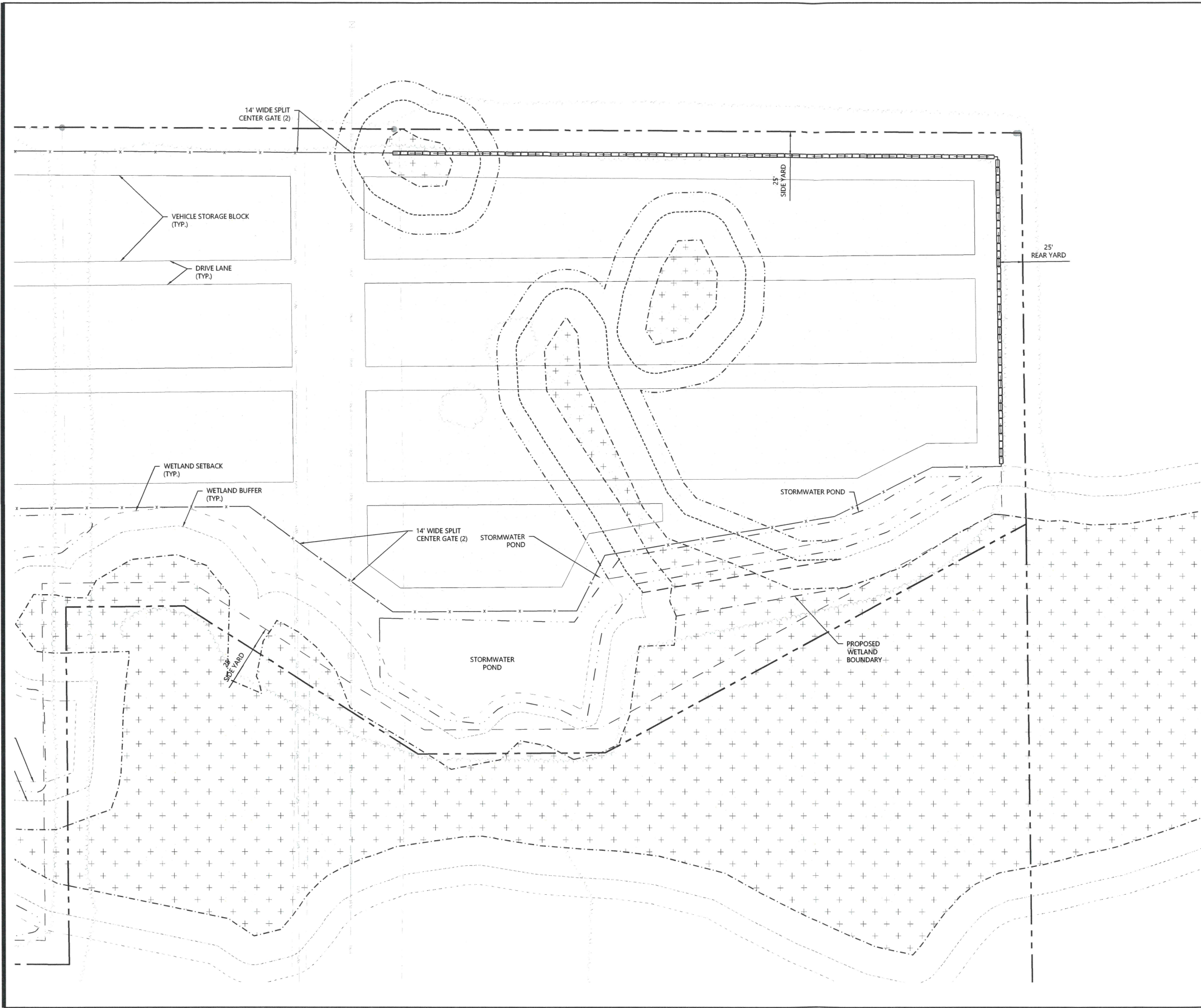
D&J and Sons, LLC

S95 W14509 Ryan Drive
Muskego, WI 53150-4717

Franklin
MAR 16 2020
City Development

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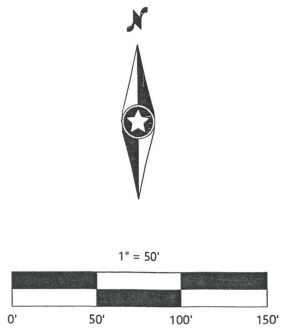
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SITE LEGEND

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK LINE
---	---	EASEMENT LINE
---	---	CURB AND GUTTER
---	---	TIP-OUT CURB AND GUTTER
---	---	POND NORMAL WATER LEVEL
---	---	MASONRY FENCE
---	---	METAL PANEL FENCE
---	---	CONCRETE PAVEMENT
---	---	CONCRETE SIDEWALK
---	---	BITUMINOUS PAVEMENT
---	---	ROCK OR GRAVEL SURFACING
---	---	WETLAND
---	---	NUMBER OF PARKING STALLS
---	---	SITE LIGHTING
---	---	TRAFFIC SIGN
---	---	POWER POLE
---	---	BOLLARD / POST

Franklin
MAR 16 2020
City Development



DESIGNED:	JSB
CHECKED:	BCW
DRAWN:	JSB
HORIZONTAL SCALE:	50'
VERTICAL SCALE:	10' OR 5'

INITIAL ISSUE:	XX/XX/XX
REVISIONS:	
Δ	
Δ	
Δ	
Δ	
Δ	
Δ	

PREPARED FOR:



FRANKLIN PROPERTY
FRANKLIN, WI

Westwood

Phone (320) 253-9495 3701 12th Street North, Suite 206
Fax (320) 358-2001 St. Cloud, MN 56303
Toll Free (800) 270-9495 westwoodps.com
Westwood Professional Services, Inc.

SITE PLAN - EAST

PROJECT NUMBER: 0023687.00

SHEET NUMBER:

2

OF

5

DATE: 11/14/19

FRANKLIN PROPERTY

1. General overview of services
 - a. Weekly Automated Garbage Collection
 - b. Weekly Automated Recycling Collection
 - c. 4x / Year Manual Yard Waste Collection
 - d. Bulk Collection (pay per use / on call)
 - e. Municipal Property Service
 - f. Condos which have 'opted in' to the City municipal program
2. Regulatory Requirements

See attached WI DNR Document

3. How much municipal solid waste is generated in the City of Franklin each year?

- 2019 – 8,141 tons
- 2018 – 8,111 tons
- 2017 – 8,079 tons
- 2016 – 7,879 tons

4. How much recycling is generated in the City of Franklin each year?

- 2019 – 2,580 tons
- 2018 – 2,718 tons
- 2017 – 2,786 tons
- 2016 – 2,766 tons

5. What happens to recycling once it is collected at the curb?

- **Single Stream Recycling** – all materials are placed in one cart and sorted at a state approved recycling facility.
City owned and operated since 1969
 - a. Pre-Sort – [5%] Opening bags, removing tanglers, removing trash, removing plastic bags, removing mixed rigids (larger plastic items), preparing materials for automation
 - b. Cardboard Screens – [20%] – Automated
 - c. Glass Breaker – [20%] – Automated
 - d. Paper Screens – [40%] – Automated w/ manual 'cleaning'
 - e. Tin Cans – [3%] – Automated
 - f. Aluminum cans – [<1%] – Automated w/manual sorting
 - g. Water Bottles – [4%] – Automated
 - h. Milk – [1%]
 - i. Detergent – [1%]
 - j. #3-7 Plastics – [2%]
 - k. Outthrows – [3%] + pre-sort + each individual process
 - l. Baling

6. Does the waste (assume recycling) get sorted?
 - Franklin is NOT a part of the joint MRF located in Milwaukee
 - All City of Franklin materials are processed at Johns Disposal MRF located on 45 in Racine County
7. What is the replacement schedule for recycling / garbage carts?
 - Johns practices ongoing cart replacement. Drivers exchange or replace carts every route day.
 - Carts are under warranty and are the responsibility of Johns, with very few exceptions
8. What happens to plastic bags?
 - Plastic bags are manually opened and manually removed during the sorting process.
 - Plastic bags removed during the recycling process are disposed of in the landfill
 - PLASTIC BAGS ARE THE #1 CONAMINANT IN OUR SINGLE STREAM MRF FACILITIES
9. What options are there for recycling plastic bags?
 - Some local retailers have 'clean drop-off's' in their stores to recycle plastic / film.
 - We promote recycling plastic bags through home re-use (i.e. use them as garbage bags in small cans, pick up animal waste, etc.)

DISPOSAL SERVICE
INC.

Whitewater & Franksville, WI

Family owned and operated since 1969

The City of Franklin

December 2019 Recycling Report

Single Stream, Tons	Yr Total	January	February	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.
Paper	1,350.05	123.70	92.92	101.64	108.31	113.81	113.21	121.14	116.16	106.10	116.06	113.69	123.29
Cardboard	354.67	32.50	24.41	26.70	28.46	29.90	29.74	31.83	30.52	27.87	30.49	29.87	32.39
Glass	543.45	49.80	37.41	40.91	43.60	45.81	45.57	48.77	46.76	42.71	46.72	45.77	49.63
#1 Plastic	85.81	7.86	5.91	6.46	6.88	7.23	7.20	7.70	7.38	6.74	7.38	7.23	7.84
#2 Plastic	60.07	5.50	4.13	4.52	4.82	5.06	5.04	5.39	5.17	4.72	5.16	5.06	5.49
#3-7 Plastic	57.21	5.24	3.94	4.31	4.59	4.82	4.80	5.13	4.92	4.50	4.92	4.82	5.22
Rigid Plastic	28.60	2.62	1.97	2.15	2.29	2.41	2.40	2.57	2.46	2.25	2.46	2.41	2.61
Tin Cans	74.37	6.81	5.12	5.60	5.97	6.27	6.24	6.67	6.40	5.84	6.39	6.26	6.79
Al Cans	25.74	2.36	1.77	1.94	2.07	2.17	2.16	2.31	2.21	2.02	2.21	2.17	2.35
Total Recyclables	2,579.96	236.40	177.58	194.24	206.99	217.49	216.35	231.51	221.98	202.76	221.80	217.26	235.60
Residual Waste	280.31	25.68	19.29	21.10	22.49	23.63	23.51	25.15	24.12	22.03	24.10	23.61	25.60
Weekly Garbage	8,140.98	635.80	520.91	565.98	632.15	760.78	730.62	776.16	688.39	704.05	742.17	688.10	695.87
** Total Garbage	8,421.29	661.48	540.20	587.08	654.64	784.41	754.13	801.31	712.51	726.08	766.27	711.71	721.47
	Yr Total	January	February	March	April	May	June	July	August	Sept.	Oct.	Nov.	Dec.
Yard Waste	204.58	0.00	0.00	0.00	0.00	41.33	0.00	0.00	0.00	0.00	54.13	0.00	109.12
	Population	33,700											
	Year to date lbs per capita recycled	153.1											

** Total garbage weight includes weekly garbage and residual garbage removed from recyclables.

Report completed by:

Johns Disposal Service, Inc.
PO Box 329
Whitewater, WI 53190
(262) 473-4700



Recycling Compliance

	Year Total	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Warning Tags	3	0	3	0	0
Written Warnings	0	0	0	0	0

Wisconsin Waste Reduction and Recycling Law



This publication provides an overview of Wisconsin's statewide recycling program with references to the state statute (Wisconsin Statutes, Chapter 287) and to the related administrative rules found in Wisconsin Administrative Code (Chapters NR 542 to 549). For specific situations, the appropriate statutes and administrative rules should be consulted. Links to the Wisconsin Statutes and to the Wisconsin Administrative Codes pertaining to recycling are available on the Department of Natural Resources website at dnr.wi.gov by searching "recycling law."



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Background and overview.....	1
Wisconsin landfill bans and exceptions.....	2
Recycling roles: DNR, RUs and haulers.....	3
Responsible units: Criteria and assistance.....	4
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Composting and additional recycling initiatives.....	7
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Background

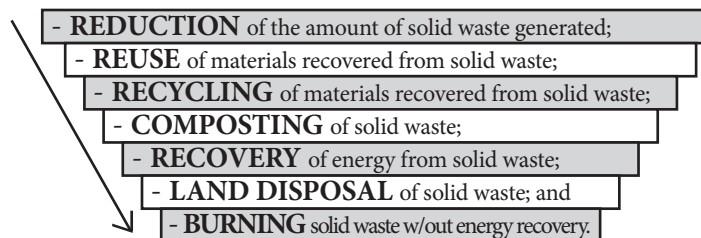
The solid waste reduction, recovery and recycling law was enacted to promote development of waste management structures and encourage reduction, reuse and recycling of Wisconsin's solid waste. When the law passed in 1990, only about 17 percent of municipal solid waste was recycled. By the end of 2004, ten years after the recycling requirements were fully implemented, studies showed the percentage had climbed to 32 percent. Today, recycling markets are expanding, creating jobs in Wisconsin and diverting waste from landfills.

Recycling promotes jobs

Recycling supports jobs and economic growth in Wisconsin. When recyclable materials are disposed of in landfills, state industries lose valuable resources. Wisconsin's Department of Natural Resources (DNR) is committed to minimizing wastes and increasing the recovery of resources to grow Wisconsin's economy with significant investment in the state's recycling infrastructure. Processing facilities, municipal recycling services and other local responses to the law's requirements bolster employment and fuel the growing recycling industry.

Hierarchy of waste options

The policy outlined in the law established a hierarchy of preferences for solid waste management options. The options ranked from most to least preferred are:



The law also instituted bans on landfilling and incineration of certain materials that went into effect in 1991, 1993 and 1995. Additional bans were instituted in 2010 and 2011. However, there are some exceptions. The main points of Wisconsin's recycling law are summarized in the following pages.

Wisconsin recycles

The following items are banned from landfills and incinerators statewide and should be reused, recycled or composted.

Containers

- #1 and #2 plastics, bottles and jars
- Aluminum containers
- Bi-metal cans and containers
- Glass containers
- Steel (tin) cans and containers

Paper and cardboard

- Corrugated cardboard
- Magazines, catalogs and other materials on similar paper
- Newspaper and newsprint materials
- Office paper

Yard materials

- Grass clippings
- Debris and brush under 6" in diameter
- Leaves

Automotive items

- Lead-acid vehicle batteries
- Tires*
- Used oil filters
- Waste oils*

**Tires and waste oils may be burned in a solid waste treatment facility with energy recovery*



Appliances

- Air conditioners
- Boilers
- Clothes dryers
- Clothes washers
- Dehumidifiers
- Freezers
- Furnaces
- Microwaves (see s. 287.07, Wis. Stats.)
- Refrigerators
- Stoves and ovens
- Water heaters



Electronics

- Cell phones
- Computers - desktop, laptop, netbook, tablet
- Computer monitors
- Desktop printers (including those that scan, fax and/or copy and 3-D printers)
- DVD players, VCRs, DVRs and all other video players
- E-readers
- Fax machines
- Other computer accessories (including keyboards, mice, speakers, external hard drives and flash drives)
- Televisions



Why ban items from the landfill and incinerator?

The items on this list are made of materials that can be reused in new products. Some also have toxic components that can contaminate water, air or soil. Recycling and composting allow landfills to last longer, provide markets with valuable reusable materials, create jobs and prevent pollution.

Why not ban more materials?

Corrugated cardboard is banned while waxed cardboard is not. Some things with plugs, like computers, are banned, while others, like toasters, are not. Why? Current bans cover some of the most easily reusable or most toxic materials on the market today. Eventually more items may be added to this list as new recycling markets develop or the types of materials we throw away change.

Some communities go above and beyond what is required by state law. Check with your local government or recycling service provider to find out what additional materials are accepted for recycling in your area. Wisconsin's recycling requirements apply to everyone in the state at all residences and places of work or play.



NOTE: While foam polystyrene packaging and #3 through #7 plastics are also included in the ban and are recyclable in some communities, a variance issued by the DNR does currently allow such materials to be landfilled or incinerated.

Exceptions

Residuals

The bans do not apply to residual "containers" and "paper and cardboard" items collected, treated and disposed of by a Responsible Unit (RU). Even a good recycling program will not capture 100% of all potential recyclables, and some materials cannot be recycled due to use or contamination. Examples include plastic jugs used for waste oil collection or newspaper used for cleaning. There are also exceptions for emergencies, unintentionally contaminated materials, the approved beneficial reuse of a material within a landfill and certain plastics if recycling is not feasible.

Certain waste-to-energy incinerators

RUs in the service area of a waste-to-energy (WTE) incinerator that was in operation as of April 1990 have an exception under the law. The two WTE facilities operating in Wisconsin are the Barron County Incinerator and the La Crosse/Xcel Energy Resource Recovery Facility. These RUs are required to recycle only steel, aluminum and glass containers. They are allowed to burn other combustible materials for energy. However, many RUs in WTE incinerator service areas require paper and plastics recycling by local ordinance.

More information regarding the exceptions can be found in s. 287.07, Wis. Stats., or by contacting the Waste and Materials Management Program Recycling Coordinator at DNRRecycling@Wisconsin.gov.

Recycling roles

The DNR role

The DNR oversees the disposal bans and program requirements and has shared responsibility with local units of government to enforce those provisions. The DNR is authorized under s. 287.95, Wis. Stats., to issue citations and to collect forfeitures from individuals and companies that violate state recycling laws. In general, the DNR's implementation of the recycling law works to achieve compliance through education, technical assistance and financial assistance. The DNR conducts statewide data collection, produces free outreach materials and administers financial aid to responsible units.



Effective recycling programs

Each RU in Wisconsin is required to maintain an approved effective recycling program as defined in s. 287.11, Wis. Stats., and NR 540 and 542, Wis. Adm. Code. The designation of an effective recycling program is significant because it determines a local government's ability to landfill or incinerate municipal solid waste in Wisconsin and its eligibility for state recycling grant funds. Without an effective recycling program, no individual, business or institution within an RU's jurisdiction can legally dispose of municipal solid waste in Wisconsin.

RUs are also required to report annually to the DNR on their recycling program, including the amount of materials collected for recycling.



The role of Wisconsin's communities

Responsible units (RUs)

The statutes delegate responsibility for implementing municipal recycling programs to responsible units (RUs). An RU can be a municipality, county, tribe, solid waste management system or other unit of local government that is responsible for planning, operating and funding a recycling program. Each RU must develop and implement a recycling program to manage the banned materials generated within its region in compliance with the law and Wisconsin's solid waste management priorities.

Every community must be an RU or part of a multi-municipality or county RU.

An RU is also charged with educating its residents and businesses about the recycling law. An ongoing educational campaign that reminds residents and businesses about local recycling programs is essential for maintaining high recycling rates in communities. See page 4 for more details.



Program requirements

Under Wisconsin's comprehensive recycling law, every citizen in Wisconsin must have residential recycling service or drop-off centers within easy access and should be provided with recycling education and outreach. In addition to ensuring recycling services are provided to residents, the law delegates to RUs the responsibility of ensuring that non-residential locations—including businesses, institutions, special events and construction sites—recycle materials banned from landfills. The law does not require RUs to provide these services themselves.

The haulers' role and requirements

All DNR-licensed waste haulers who collect and transport municipal solid waste are required to notify their clients of the need to comply with state and local recycling laws (NR 502.06, Wis. Adm. Code). To comply with this requirement, a hauler must notify new and existing clients that state and local laws apply equally to all residents and non-residential facilities in Wisconsin, including those whose waste and recyclables are hauled out of the state. Guidance on how to comply with the state requirement is available in DNR publication WA-425, "Notification of Recycling Requirements for Waste Haulers," available at dnr.wi.gov.

Criteria for an effective recycling program

Responsible unit recycling programs must comply with certain requirements listed in the state statutes and administrative codes. The basic requirements are summarized below.

1. Pass a local recycling ordinance that:
 - requires residents to separate recyclables for recycling;
 - requires owners of multi-family housing and non-residential properties to provide adequate, separate containers for recyclables, notify and inform all users and occupiers about the recycling program and provide for the collection and recycling of the materials;
 - prohibits the disposal of recyclables that have been separated for recycling; and
 - contains provisions for enforcement that create the authority to verify compliance and assess penalties for non-compliance.

RUs can download a sample ordinance by searching "sample recycling ordinance" at dnr.wi.gov.

2. Operate an education program to inform residents and businesses on what recyclables are collected, where and how to recycle, as well as on recycling or composting options for other materials banned from landfill disposal.
3. Provide a program for collecting, processing and marketing recyclables from single family and two- to four-unit residences. This system may be operated directly or contracted for by the RU. The system must ensure that recyclables are separated from solid waste and maintain their marketable condition. *RUs that do not provide or contract for collection service must be able to demonstrate that their residents have convenient access to privately contracted collection service. See note for more details.***

4. Implement a Compliance Assurance Plan to improve compliance for at least one commonly encountered recycling violation and update it as other non-compliance issues are encountered. RUs are encouraged to address more compliance strategies than the minimum and update these as necessary. For more information on compliance assurance plans, see DNR publication WA-427, "Developing a Compliance Assurance Plan for an Effective Recycling Program."
5. Submit an annual report on programs and collection to the DNR by April 30 of each year. Every RU must do this, whether or not they receive a recycling grant. Annual reports are available online or in paper copy in mid-January each year. Department staff offer assistance in completing reports through webinars and conference calls.
6. Notify the DNR of program changes (including changes in contact information) by contacting a regional recycling specialist.
7. Adhere to other provisions established by DNR rule. For more information on these requirements, see DNR publication WA-1593, "Basic Requirements for RU Recycling Programs," or search "responsible unit" at dnr.wi.gov.

***Administrative rules require that municipalities with populations of 5,000 or more and an aggregate population density of at least 70 persons per square mile provide curbside collection of newspaper, glass, aluminum and steel containers, #1 and #2 plastic containers, corrugated cardboard and magazines at least once a month from single family and two- to four-unit residences. They must also provide drop-off collection for materials not collected at curbside. Municipalities with populations less than 5,000 or an aggregate population density of less than 70 persons per square mile must provide either curbside or drop-off collection for single family and two- to four-unit residences.*

State financial assistance to RUs

The DNR provides grants to RUs to use in administering and improving their recycling programs.

Basic Recycling Grant to Responsible Units

This grant is available only to RUs with an approved effective recycling program. To receive this grant, an RU must maintain an effective recycling program, be able to document its operating and equipment expenses and file a complete application by October 1 of the year preceding the grant award. RUs submitting late applications received before October 30 are eligible but receive funding at a reduced rate. Additional information and application forms are available by searching "recycling grants" at dnr.wi.gov.

Recycling Consolidation Grant

This grant program offers supplemental assistance to Responsible Units that meet the eligibility criteria in s. 287.24, Wis. Stats., with the objective of encouraging collaboration among RUs. Additional information and application forms are available by searching "consolidation grant" at dnr.wi.gov.

Requirements for state agencies

Agency purchase of recycled products

The Department of Administration (DOA) is responsible for establishing guidelines for state and local agencies regarding procurement specifications for recycled content in products, purchasing requirements and separation and collection of recyclable materials from government offices. For more information, visit the DOA website at doa.wi.gov, or see the Wisconsin Legislative Fiscal Bureau Informational Paper on "Solid Waste Recycling and Waste Reduction Programs."

Product labeling requirements

The Department of Agriculture, Trade and Consumer Protection (DATCP) has set standards that are largely consistent with nationwide industry standards on the content of products labeled as recycled, recyclable or degradable. Labeling or representing a product in violation of these standards is subject to a fine. DATCP also administers a rule that establishes labeling requirements for plastic containers. Accurate labeling provides information needed by operators of recycling programs to facilitate recycling or reuse of the containers. For more information, see the Wisconsin Legislative Fiscal Bureau Informational Paper on "Solid Waste Recycling and Waste Reduction Programs."

Recycled road construction materials

The Department of Transportation (DOT) works with contractors to use the maximum amount of recovered materials possible in DOT-administered construction projects. Recovered materials include glass, waste paper, pavement, pottery cull, recycled plastics and high volume industrial waste such as fly ash, bottom ash, paper mill sludge, foundry waste and other waste with similar characteristics that is approved by the DNR. These items can be used for surfacing material, structural material, landscaping material and fill for all highway and other transportation system improvements. DOT is developing technical standards for the use of various materials in construction and encouraging contractors to use these materials when possible. For more information, visit wisconsin.dot.gov.



Resources under the recycling law

Wisconsin Clean Sweep

Administered by the Department of Agriculture, Trade and Consumer Protection (DATCP), Clean Sweep allows local governments to collect and properly dispose of agricultural, residential and business hazardous wastes as well as unwanted prescription drugs. The program uses money from the Environmental Fund to provide grants for counties, cities, towns, regional planning commissions and other municipalities to host collections. Established in 1990 to provide financial assistance in collecting unwanted agricultural pesticides, the program expanded in 2004 to include household wastes such as acids, flammable chemicals, mercury, lead paint and solvents. In 2007, the legislature authorized DATCP to increase grant eligibility to include unwanted prescription drugs. To learn more about Wisconsin Clean Sweep, visit cleansweep.wi.gov.



Council on Recycling

The Council on Recycling is a citizens group appointed by the Governor to advise the Governor, legislature and state agencies on solid waste reduction, recovery and recycling policy. The Council is attached to the DNR for administrative purposes (s. 287.22, Wis. Stats). Current membership includes individuals representing industry, business and local units of government. For more information on the Council, search "Council on Recycling" at dnr.wi.gov.

Other recycling and waste laws

Recycling space requirements

The Department of Safety and Professional Services requires that building owners provide adequate space inside or adjacent to a public building for the separation, temporary storage and collection of materials subject to landfill bans. This code applies to newly constructed public buildings, additions that increase the size of a public building by more than 50 percent, or alterations of 10,000 square feet or larger (s. 101.126, Wis. Stats.).



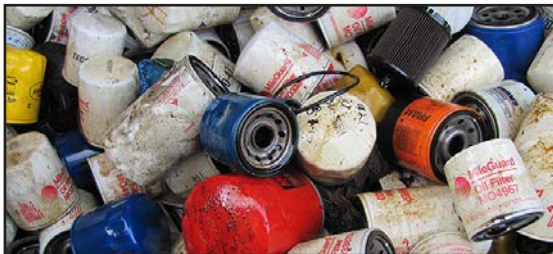
Lead-acid & mercuric oxide batteries

Retailers of lead-acid automotive batteries are required to charge a deposit of \$10 on the sale of automotive replacement batteries and refund the deposit if the consumer returns the battery to the retailer. The retailer can charge up to \$3 for each additional battery delivered and can refuse to accept more than two batteries per day from any one customer (s. 287.18, Wis. Stats.). For more information, search “recycling batteries” at dnr.wi.gov.



Used oil collection and recycling

Any business that sells automotive engine oil to consumers is required to either maintain a used oil collection center or post a sign informing customers of the nearest used oil collection center. If adequate used oil collection centers are not available, local or county governments are required to provide them. As of 2011, used oil filters are also banned from landfills and thus must be recycled (s. 287.07 and 287.15, Wis. Stats.). For more information, search “used oil” at dnr.wi.gov.



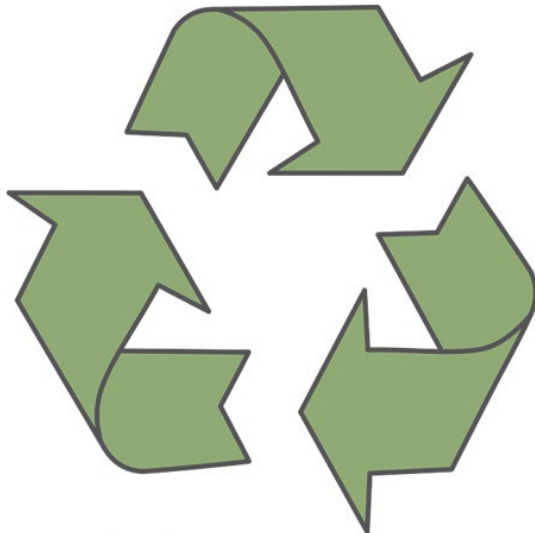
Littering

It is illegal to litter in Wisconsin. Littering includes dumping any solid waste on or along any highway, in any waters of the state or on any other public or private property, unless it is done in compliance with other state laws. It is also illegal to abandon any automobile, boat, other vehicle or aircraft in the waters of the state (s. 287.81, Wis. Stats.).



Appliances containing refrigerants

Both state and federal regulations prohibit the release of regulated refrigerants—CFCs, HCFCs, HFCs, PFCs and blends—to the environment. These chemicals are used to produce cooling in vehicles and home appliances such as refrigerators, freezers, air conditioners, dehumidifiers and water coolers. The refrigerants are recyclable and must be properly recovered, using approved equipment operated by qualified technicians. The facility recovering these refrigerants must be registered with the DNR, keep records of their recovery activities and supply documentation that the refrigerants were properly removed to whomever receives the scrapped equipment. Anyone hauling equipment that is to be salvaged and still may contain refrigerants must annually certify “Safe Transport” to the DNR (NR 488, Wis. Adm. Code). For information, search “refrigerant recovery” at dnr.wi.gov.



Composting and burning

Composting

Since 1993, when yard materials were banned from landfill disposal, many communities and individuals have started composting. The DNR regulates large-scale composting operations to varying degrees, depending on the size of the operation and the materials composted. Local ordinances may also apply to any type of composting, from household to large-scale commercial operations. For composting rules and regulations, search “compost” at dnr.wi.gov.



Open burning and trash incineration

State law prohibits anyone from burning recyclable materials banned from landfills (see p. 2). It is also illegal to burn other garbage, wet materials, oily substances, asphalt materials, rubber products and plastic of any kind, including agricultural and horticultural plastics like silage film, haylage bags, bale wrap, woven tarps and nursery pots and trays.

Under state law, homeowners may legally burn small quantities of their own dry leaves, plant clippings, brush and clean, untreated, unpainted wood. However, local ordinances may prohibit burning certain materials or prohibit open burning entirely. Generally, businesses and municipalities need DNR approval and a license to burn any waste.

Open burning of any waste material is discouraged because it results in air pollution, can cause health problems and is the leading cause of wildfires in Wisconsin. Composting and recycling are the preferred alternatives.

If materials cannot be composted, recycled or delivered to a legal disposal facility, burning may be acceptable with a permit. Before burning, individuals should search “open burning” at dnr.wi.gov to find out if a burning permit is needed or if emergency burning restrictions are in effect. DNR burn permits are obtained by searching “burn permit” at dnr.wi.gov or by calling 1-888-WIS-BURN.

Additional recycling initiatives

New recycling markets

New recycling markets are developing all the time. In recent years, markets for recycled plastic film and wrap, cartons, mattresses, paints and carpets have all expanded. These materials are not included in the Wisconsin landfill bans but may be recycled all the same. For information on Wisconsin markets for recycling both banned and non-banned materials, go to wisconsinrecyclingdirectory.com.



E-cycling

Electronics recycling is a growing industry in the state, creating jobs and preserving valuable resources. As of 2010, a number of electronic items are included in the landfill bans (s. 287.07, Wis. Stats.), but other electronic items can be collected and recycled as well (s. 287.17, Wis. Stats.). For more information, search “ecycle” at dnr.wi.gov.



Recycling away from home/at events

Special events such as fairs and festivals present an opportunity for recycling away from home. While setting up recycling at these events may appear daunting, a number of event organizers have shown that it can be done effectively and efficiently. For tips on how to recycle away from home and free event recycling signage, search “recycling away from home” at dnr.wi.gov.

Construction and demolition

As disposal costs increase, businesses are finding that they can reduce these costs by recycling construction and demolition debris. For more information, search “demolition” at dnr.wi.gov. This site includes information on residential asphalt shingle recycling and an easy-to-follow checklist for contractors and other construction firms (DNR publication WA-651, “Planning Your Demolition or Renovation Project”).

Recycling resources

Studies and reports

Since Wisconsin's recycling law took effect in the mid-1990s, the DNR has used annual reports and surveys to monitor the progress and success of Wisconsin's recycling efforts. Data for these reports and surveys come from RUs, material recovery facilities (MRFs), landfill operators and residential households. The DNR also occasionally conducts physical sampling at landfills. These and other studies, including the Wisconsin Legislative Fiscal Bureau Informational Paper, can be found by searching "recycling studies" at dnr.wi.gov.

Recycling Updates

Recycling Updates is an email newsletter offered by the Wisconsin Department of Natural Resources. Subscribers come from around the state and include recycling businesses, local governments, schools and individual citizens interested in recycling. To subscribe, search "Recycling Updates" at dnr.wi.gov.

Outreach and education

The DNR and its recycling program partners provide many free print and electronic resources for a variety of audiences. These resources include informational pamphlets and guides on recycling efforts in specific business, public and household environments. They also include free posters and signs to spread recycling awareness and educational materials for pre-kindergarten through 12th grade students. For information and access to these free materials, search "recycling publications" at dnr.wi.gov.



Disclaimer: This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.

PUB-WA-422 2015



For more information on the DNR recycling program, contact:

Waste and Materials Management Bureau
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921
Madison, WI 53707
DNRRecycling@Wisconsin.gov

Additional resources

Department of Natural Resources Waste Program
Search "recycling" at dnr.wi.gov
Associated Recyclers of Wisconsin
www.recyclemorewisconsin.org
WasteCap Wisconsin
www.wastecap.org



Equal Opportunity Employer and Americans with Disabilities Act Statement: The Wisconsin Department of Natural Resources provides equal opportunity in its employment, programs, services, and functions under an Affirmative Action Plan. If you have any questions, please write to Chief, Public Civil Rights, Office of Civil Rights, U.S. Department of the Interior, 1849 C. Street, NW, Washington, D.C. 20240.

This publication is available in alternative format (large print, Braille, etc.) upon request. Please call 608-266-2111 for more information. Note: If you need technical assistance or more information, call the Accessibility Coordinator at 608-267-7490 / TTY Access via relay – 711.



WISCONSIN DEPARTMENT OF NATURAL RESOURCES NOTICE OF FINAL GUIDANCE & CERTIFICATION

Pursuant to ch. 227, Wis. Stats., the Wisconsin Department of Natural Resources has finalized and hereby certifies the following guidance document.

DOCUMENT ID

WA-19-0422-C

DOCUMENT TITLE

Wisconsin Waste Reduction and Recycling Law

PROGRAM/BUREAU

Waste and Materials Management

STATUTORY AUTHORITY OR LEGAL CITATION

Chs. 287 and 289, Wis. Stats.; chs. NR 500-599, Wis. Adm. Code

DATE SENT TO LEGISLATIVE REFERENCE BUREAU (FOR PUBLIC COMMENTS)

December 9, 2019

DATE FINALIZED

January 2, 2020

DNR CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

January 2, 2020

Signature

Date

Revised*

CITY OF FRANKLIN

ENVIRONMENTAL COMMISSION MEETING

Wednesday, March 25, 2020 – 7:00 P.M.

FRANKLIN CITY HALL

Conference Room Lower Level

***Call In Number 414-877-0020, Participant Code 594928**

9229 West Loomis Road, Franklin, Wisconsin

AGENDA

- I. CALL TO ORDER AND ROLL CALL**
- II. CITIZEN COMMENT (Call In Number 414-877-0020, Participant Code 594928)**
- III. APPROVAL OF MINUTES**
 - A. Minutes of the regular meeting of February 26, 2020
- IV. UNFINISHED BUSINESS**
 - A. Johns Disposal Service, Inc. recycling program for the City of Franklin.
 - B. Ways to improve and expand Arbor Day 2020; involvement of Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program in Arbor Day celebration; Arbor Day event(s) planning.
 - C. Review of articles for the City of Franklin Newsletter, from the Root-Pike WIN (Watershed Initiative Network), a 501(c)(3) non-profit organization founded in 2001, program.
 - D. Wisconsin Department of Natural Resources programs for presentation at the City of Franklin Library-dates/schedule and April 8, 2020 program review.
- V. NEW BUSINESS**
 - A. Natural Resource Features Special Exception application by Mills Hotel Wyoming, LLC, (Daniel L. Mathson and Virginia K. Mathson, property owners) for the purpose of grading and development of approximately 9,969 square feet of wetland, 19,268 square feet of wetland buffer and 34,002 square feet of wetland setback (which includes the buffer area as well), identified as W-2 in the Ryan Creek watershed, resulting from a Certified Survey Map land division to develop the property generally located at West Loomis Road and West Ryan Road (Lot 84 in Ryan Meadows Subdivision), zoned R-2 Estate/Single-Family Residence District, C-1 Conservancy District and R-8 Multiple-Family Residence District (Tax Key No. 939-9994-000).

- B. Requirements of City of Franklin ordinance and administrative procedures relating to the distribution of paper Commission packets and materials for review, and options to reduce the use of paper.

VI. SCHEDULE NEXT MEETING

- A. April 22, 2020

VII. DISCUSSION OF FUTURE AGENDA ITEMS

- A. Environmental Commission involvement in the City of Franklin's National Night Out program.

VIII. ADJOURNMENT

Notice is given that a majority of the Common Council may attend this meeting to gather information about an Agenda item over which they have decision making responsibility. This may constitute a meeting of the Council per *State ex rel. Badke v. Greendale Village Board*, even though the Common Council will not take formal action at this meeting.

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.