

**MEETING: REGULAR MEETING OF THE VILLAGE BOARD**  
**DATE & TIME: Monday, November 3, 2025 at 7:00 PM**  
**LOCATION: Germantown Village Hall Board Room**  
**N112 W17001 Mequon Road**

Any member of the body and/or citizen may attend the meeting virtually through the WebEx platform, Meeting #:2551 455 8667 Password: ywM4qU5krp2 which can be accessed by phone at 408-418-9388 or by clicking the link below: <https://villageofgermantown.my.webex.com/villageofgermantown.my/j.php?MTID=m49bcd70fc98c6f1696315d2744b3586a>

Citizens not wishing to attend the meeting personally or virtually may submit any public comments by sending an email to [comments@germantownwi.gov](mailto:comments@germantownwi.gov) by 4 p.m. on the day of the meeting so that it can be provided to the members of the body for their consideration. Previously recorded VillageBoard Meeting Videos can be viewed at [https://www.youtube.com/channel/UCOYp0EgELzTCa9X\\_iCohyhQ](https://www.youtube.com/channel/UCOYp0EgELzTCa9X_iCohyhQ)

### **AGENDA**

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*
- II. **ROLL CALL:**
- III. **PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE:**
- IV. **PRESIDENT'S REPORT:**
- V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST / COMMITTEE AND DEPARTMENT REPORTS:**
- VI. **CITIZEN INPUT:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a four (4) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.) Comments that may be injurious to village personnel or other individuals will not be allowed.*
- VII. **CONSENT AGENDA:**
  - A. Minutes: October 27, 2025 (ACTION)
  - B. A Resolution to Revise the Village of Germantown Fee Schedule Relating to the Clerk's Department (ACTION)
- VIII. **UNFINISHED BUSINESS:**
  - A. Potential Reconsideration of An Ordinance to Amend Section 8.02 of the Germantown Municipal Code related to Sidewalk Snow and Ice Removal. (ACTION)
- IX. **PUBLIC HEARINGS:**
- X. **NEW BUSINESS:**
  - A. Recreation Budget Amendment (ACTION)
  - B. Report on Cost of August Storm Response and Request for FEMA Funds (DISCUSSION)
  - C. An Ordinance to Amend Section 9.19 of the Germantown Municipal Code related to election campaign sign placement in the right-of-way. (ACTION)

- D. A Resolution Encouraging the Wisconsin Legislature to Take Action on Pending Bills Related to Local Home Rule Authority and Local Control (ACTION)
- E. OneEnergy Development, LLC, Agent for Robert Overmier, Property Owner. Conditional Use Permit (CUP) application for an approximate 35-acre Solar Energy Facility located at N144 W12531 Pioneer Road in the Rural Preservation District. (ACTION)
- F. Jim Sedgwick/Heimat Capital LLC, Agent for Blackstone Creek LLC, Property Owner N112W17300 Mequon Road. Application to amend the Blackstone Creek Planned Development District (PDD) General Development Plan, a Resolution to adopt revised PDD conditions & restrictions, and a 2-Lot Certified Survey Map (CSM) to allow the development of two 1-2 acre commercial retail sites and 205 multi-family residential units. (ACTION)

**XI. ADJOURNMENT:**

UPON REASONABLE NOTICE, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information or to request this service, please contact the Village Clerk at (262)250-4745 at least 2 days prior to the meeting.

Notice is hereby given that a possible quorum of other boards, committees, and/or commissions may attend this meeting to gather information about an item over which they have decision-making responsibility. This may constitute a meeting of these bodies per State ex rel. Badke v Greendale Village Board, even though these bodies will not take formal action at this meeting.



|                       |                                                                       |
|-----------------------|-----------------------------------------------------------------------|
| <b>MEETING:</b>       | <b>SPECIAL MEETING OF THE VILLAGE BOARD</b>                           |
| <b>DATE AND TIME:</b> | <b>Monday, October 27, 2025 7:00 PM</b>                               |
| <b>LOCATION:</b>      | <b>Germantown Village Hall Board Room<br/>N112 W17001 Mequon Road</b> |

### MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*

Village President Bob Soderberg called the Special Village Board meeting to order at 7:00 PM.

II. **ROLL CALL:**

**Present:** Trustee Robert Warren, Trustee Meg Cutts, Trustee David Baum, Trustee Jan Miller, Trustee Kristen Borst, Trustee Jolene Pieper, Trustee Rick Miller, Trustee Terri Kaminski, Village President Bob Soderberg

**Also Present:** Village Administrator Steve Kreklow, Village Attorney Brian Sajdak, Deputy Clerk Maddy Laufenberg, Police Chief Pat Merten, Finance Director Matthew Uselding, Public Works Director Matthew Mortwedt, Village Planner Jordan Yanke

III. **PLEDGE OF ALLEGIANCE / MOMENT OF SILENCE:**

IV. **PRESIDENT'S REPORT:**

Village President Soderberg spoke regarding the rescheduled General Government & Finance Committee and Village Board meetings, the Kwik Trip Grand Opening, the Fire Department's Fire Safety Fair, the recent arrest by Sergeant Pesch and K9 Arek, Trick or Treat hours, the recent Plan Commission meeting, updates on the Village's FEMA Public Assistance Request, the Village budget and financial audit, and the upcoming listening session with the Village President and Village Administrator at Latitude Cafe.

V. **ANNOUNCEMENTS OF FORTHCOMING EVENTS OF PUBLIC INTEREST / COMMITTEE AND DEPARTMENT REPORTS:**

Trustees announced the dates and times of upcoming meetings.

Trustee Jan Miller spoke regarding the Germantown Area Chamber of Commerce's Christmas Festival, as well as the Germantown Business Loan Pool Seminar.

- VI. CITIZEN INPUT:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a four (4) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.) Comments that may be injurious to village personnel or other individuals will not be allowed.*

Lynne Schauer Bednarz (W156N10121 Pawnee Ct) spoke regarding the Village budget.

Sarah Larson (W159N9737 Butternut Rd) spoke regarding project management of the police department building, New Business Item A (ATV/UTV Use on Village Roads), and overall discussion during the General Government & Finance Committee meeting.

Melanie Smythe (N140W17938 Cedar Ln) spoke regarding New Business Item A (ATV/UTV Use on Village Roads), utility payments, transparency, New Business Item C (Estimated Cost to Construct a New Police Station on the Site of the Former Public Works Building), and New Business Item E (Draft RFP for Community Engagement Services Related Redevelopment of the Former Flower Source and Grosenik properties in the Village Center District).

Bob Simonson (N115W17853 Sawgrass Ct) spoke regarding New Business Item F (An Ordinance to Amend Section 8.02 of the Germantown Municipal Code related to Sidewalk Snow and Ice Removal).

Scott Hefle (W159N10514 Old Farm Rd) spoke regarding Consent Agenda Item B (Resolution Authorizing a Grant Application for Funds to Update the Village's Emergency Alert Sirens), New Business Item A (ATV/UTV Use on Village Roads), the Village budget, New Business Item C (Estimated Cost to Construct a New Police Station on the Site of the Former Public Works Building), New Business Item D (Draft RFP for Design Services for Renovation and Expansion of Fire Station 2), New Business Item E (Draft RFP for Community Engagement Services Related Redevelopment of the Former Flower Source and Grosenik properties in the Village Center District), and New Business Item F (An Ordinance to Amend Section 8.02 of the Germantown Municipal Code related to Sidewalk Snow and Ice Removal).

Village Administrator Kreklow read the following email comments into the record:

- Bill and Carol Schneider submitted comments regarding Consent Agenda Item B (Resolution Authorizing a Grant Application for Funds to Update the Village's Emergency Alert Sirens).
- Tom Barney submitted comments regarding New Business Item C (Estimated Cost to Construct a New Police Station on the Site of the Former Public Works Building).
- Tyler Gallenberg submitted comments regarding New Business Item F (An Ordinance to Amend Section 8.02 of the Germantown Municipal Code related to Sidewalk Snow and Ice Removal).

**VII. APPOINTMENTS TO BOARDS, COMMITTEES, OR COMMISSIONS:**

A. Administrative Appeals Review Board (ACTION)

**Motion:** Approve as presented

**Motioned By:** Rick Miller

**Seconded By:** Robert Warren

**Yes:** Robert Warren, Meg Cutts, David Baum, Jan Miller, Kristen Borst, Jolene Pieper, Rick Miller, Terri Kaminski, Bob Soderberg

**No:** None

**Abstain:** None

**Motion Carried by Voice Vote (Yes 9, No 0, Abstained 0)**

**VIII. CONSENT AGENDA:**

**Motion:** Approve Items A and B as presented

**Motioned By:** Rick Miller

**Seconded By:** Jan Miller

**Request:** Split the Question

**Requested By:** Robert Warren

**Motion:** Approve Item A

**Yes:** Robert Warren, Meg Cutts, David Baum, Jan Miller, Kristen Borst, Jolene Pieper, Rick Miller, Terri Kaminski, Bob Soderberg

**No:** None

**Abstain:** None

**Motion Carried by Voice Vote (Yes 9, No 0, Abstained 0)**

Police Chief Merten provided clarification on Item B.

**Motion:** Approve Item B

**Yes:** Meg Cutts, Jan Miller, Kristen Borst, Terri Kaminski, Bob Soderberg

**No:** Robert Warren, David Baum, Jolene Pieper, Rick Miller

**Abstain:** None

**Motion Carried by Voice Vote (Yes 5, No 4, Abstained 0)**

A. Minutes: October 6, 2025 (ACTION)

B. Resolution Authorizing a Grant Application for Funds to Update the Village's Emergency Alert Sirens (ACTION)

**IX. UNFINISHED BUSINESS:**

**X. PUBLIC HEARINGS:**

**XI. NEW BUSINESS:**

A. Discussion on ATV/UTV Use on Village Roads (DISCUSSION)

Trustee Rick Miller provided information for this item and led discussion. Tim Rohrer, President of the Kettle Moraine ATV Association, also spoke.

B. Update on 2026 Proposed Budget (DISCUSSION)

Finance Director Uselding gave an update on the 2026 proposed budget.

C. Estimated Cost to Construct a New Police Station on the Site of the Former Public Works Buildings (ACTION)

Village Administrator Kreklow and Police Chief Merten provided an overview of this item.

**Motion:** Direct staff to look into the possibility of building a new police station on the sites of the old Kwik Trip building and current police station

**Motioned By:** Jolene Pieper

**Seconded By:** Jan Miller

**Yes:** Robert Warren, Meg Cutts, Jan Miller, Kristen Borst, Jolene Pieper, Rick Miller, Terri Kaminski, Bob Soderberg

**No:** David Baum

**Abstain:** None

**Motion Carried by Roll Call Vote (Yes 8, No 1, Abstained 0)**

D. Draft Request for Proposals for Design Services for Renovation and Expansion of Fire Station 2 (ACTION)

Village Administrator Kreklow and Public Works Director Mortwedt provided an overview of this item.

**Motion:** Approve the draft RFP for publishing

**Motioned By:** Rick Miller

**Seconded By:** Terri Kaminski

**Yes:** Robert Warren, Meg Cutts, Jan Miller, Kristen Borst, Jolene Pieper, Rick Miller, Terri Kaminski, Bob Soderberg

**No:** David Baum

**Abstain:** None

**Motion Carried by Roll Call Vote (Yes 8, No 1, Abstained 0)**

- E. Request for Proposals (Draft RFP) for Community Engagement Services Related to Redevelopment of the Former Flower Source and Grosenik properties in the Village Center District (ACTION)

Village Administrator Kreklow and Village Planner Yanke provided an overview of this item.

**Motion:** Approve as presented

**Motioned By:** Jolene Pieper

**Seconded By:** David Baum

**Yes:** Robert Warren, Meg Cutts, David Baum, Kristen Borst, Jolene Pieper, Rick Miller, Terri Kaminski, Bob Soderberg

**No:** Jan Miller

**Abstain:** None

**Motion Carried by Voice Vote (Yes 8, No 1, Abstained 0)**

- F. An Ordinance to Amend Section 8.02 of the Germantown Municipal Code related to Sidewalk Snow and Ice Removal. (ACTION)

Public Works Director Mortwedt provided an overview of this item.

**Motion:** Approve as presented

**Motioned By:** Jolene Pieper

**Seconded By:** David Baum

**Yes:** Robert Warren, David Baum, Jan Miller, Kristen Borst, Jolene Pieper, Rick Miller, Terri Kaminski, Bob Soderberg

**No:** Meg Cutts

**Abstain:** None

**Motion Carried by Voice Vote (Yes 8, No 1, Abstained 0)**

**XII. ADJOURNMENT:**

Village President Soderberg adjourned the Special Village Board meeting at 9:41 PM.

## **BUSINESS OF THE VILLAGE BOARD**

MEETING DATE: November 3, 2025

PLACEMENT: Resolution

ITEM TITLE: A Resolution to Revise the Village of Germantown Fee Schedule Relating to the Clerk's Department (ACTION)

SUBMITTED BY: Donna Ott, Village Clerk, Kasie Miller, Chief Deputy Clerk, Maddy Laufenberg, Deputy Clerk

### SUMMARY EXPLANATION:

The Village Clerk's Office reviewed the existing fee schedule of all applicable licensing fees, permit fees, and charges currently adopted by the Village Board that pertain to the Clerk's Department. The Clerk's Office is proposing certain changes that align with the fee schedules of neighboring municipalities, as well as the addition of new fees (example: Outdoor Entertainment Permit). The State of Wisconsin sets certain fees for some of the Clerk's Department licenses (example: Alcohol Licenses); therefore, those were not adjusted.

### ATTACHMENT:

1. Resolution: Clerk Fee Schedule Amendment
2. 2024 Village Clerk Fee Schedule

### STAFF RECOMMENDATION:

The Clerk's Office is recommending approval of the attached revised fee schedule.

### ACTION BY COMMITTEE:

RESOLUTION NO. 21-2025

A RESOLUTION TO REVISE THE VILLAGE OF GERMANTOWN FEE SCHEDULE  
RELATED TO THE CLERK'S DEPARTMENT

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**WHEREAS**, the Village Clerk's Office has conducted a review of the existing schedule of licensing fees, permit fees, and charges currently adopted by the Village Board; and

**WHEREAS**, the Village Clerk's Office has proposed certain fees and charges to align with the fee schedules of neighboring municipalities while ensuring that the Village's cost for such services are covered by the proposed fees, as detailed in the attached fee schedule marked as Attachment "A",

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board approves the revised licensing, permit fees, and charges set forth in the schedule attached marked as Attachment "A"; and

**BE IT FURTHER RESOLVED**, that the permit fees and charges set forth in the schedule attached marked as Attachment "A" become effective on January 1, 2026.

Adopted: November 3, 2025

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Robert A Soderberg, Village President

ATTEST:

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Donna Ott, Village Clerk



## VILLAGE OF GERMANTOWN

### 2024 FEE SCHEDULE

| FEE DESCRIPTION                                                           | FEE AMOUNT                |
|---------------------------------------------------------------------------|---------------------------|
| <b>VILLAGE CLERK</b>                                                      |                           |
| Class A Beer                                                              |                           |
| Class A Liquor                                                            | \$ 100.00                 |
| Class B Beer                                                              | \$ 500.00                 |
| Class B Liquor                                                            | \$ 100.00                 |
| Class B Liquor                                                            | \$ 500.00                 |
| <del>Class B (Wine Only) Winery</del>                                     | <del>\$ 500.00</del>      |
| Temporary Class "B" Beer at a Gathering or Picnic                         | \$ 10.00                  |
| Temporary Class "B" Beer & Wine at a Gathering or Picnic                  | \$ 10.00                  |
| Class B Reserve Liquor                                                    | No less than \$ 10,000.00 |
| Class C Wine                                                              | \$ 100.00                 |
| Late Liquor License Application Fee                                       | \$ 100.00                 |
| Alcohol Beverage Publication Fee (Renewal)                                | \$ 20.00                  |
| Alcohol Beverage Publication Fee (New)                                    | \$ 40.00 new              |
| Investigation/Background Check                                            | \$ 7.00                   |
| Change of Agent                                                           | \$ 10.00                  |
| Outdoor Premise Extension                                                 | \$ <del>25.00</del> 35    |
| Operators License (1 Year)                                                | \$ 50.00                  |
| Provisional Operators License (60 Days)                                   | \$ 15.00                  |
| Temporary Operators License (1 per year, not valid for more than 14 days) | \$ <del>7.00</del> 10     |
| Certified Duplicate of Operators License                                  | \$ 10.00                  |
| License/Permit Replacement Copy Fee                                       | \$ <del>5.00</del> 10     |
| Animal Fancier                                                            | \$ 25.00                  |
| Amusement/Coin Operated Devices                                           |                           |
| 1 to 7 Devices                                                            | \$ 25.00                  |
| 8 to 15 Devices                                                           | \$ 30.00                  |
| 16 to 25 Devices                                                          | \$ 35.00                  |
| More than 25 Devices (also requires a CUP)                                | \$ 40.00                  |
| Amusement Arcade License (8 or more devices)                              | \$ 100.00                 |
| Block Party Permit                                                        | \$ 25.00                  |
| <del>Board of Zoning Appeals</del>                                        | <del>\$ 570.00</del>      |
| Boarding Kennel                                                           | \$ 50.00                  |
| Cigarette/Tobacco/Vape                                                    | \$ 100.00                 |
| Direct Sellers, Transient Merchants & Solicitors ( <del>60</del> 90 days) | \$ <del>60.00</del> 100   |



| FEE DESCRIPTION                                                                                       | FEE AMOUNT             |
|-------------------------------------------------------------------------------------------------------|------------------------|
| <b>VILLAGE CLERK</b>                                                                                  |                        |
| Fireworks Permit Food Vendor                                                                          | \$ 100.00              |
| Food Vendor                                                                                           | \$ <del>25.00</del> 32 |
| Food Vendor Additional Applicant                                                                      | \$ 7.00 new            |
| Junk Dealer - Initial                                                                                 | \$ 250.00              |
| Junk Dealer - Initial Application Investigation and Inspection Fee                                    | \$ 200.00              |
| Junk Dealer - Renewal                                                                                 | \$ 250.00              |
| Mobile Home Park (For 50 Units or Fraction Thereof)                                                   | \$ 100.00              |
| Mobile Home Park Transfer (Per Park)                                                                  | \$ 10.00               |
| <b>Outdoor Entertainment Permit</b>                                                                   |                        |
| Annual                                                                                                | \$ 200.00 new          |
| Temporary (3 <sup>rd</sup> and subsequent)                                                            | \$ 75.00 new           |
| Parade Permit                                                                                         | \$ <del>15.00</del> 25 |
| Pawnbroker Bond                                                                                       | \$ 500.00              |
| Pawnbroker License                                                                                    | \$ 210.00              |
| Pet Grooming Establishment                                                                            | \$ <del>40.00</del> 50 |
| Pet Shop                                                                                              | \$ <del>40.00</del> 50 |
| Secondhand Article                                                                                    | \$ 27.50               |
| Secondhand Dealer Mall/Flea Market                                                                    | \$ 165.00              |
| Secondhand Jewelry                                                                                    | \$ 30.00               |
| License/Permit Application Rush fee (request for completion in less than 10 days)                     | \$ 10.00               |
| Audio/Video Tape and Computer Media                                                                   | \$ 15.00               |
| <i>(Actual time and materials if cost is over \$50.00)</i>                                            |                        |
| <i>Postage charges will apply to any documentation or items needing to be mailed to the requestor</i> |                        |

## **BUSINESS OF THE VILLAGE BOARD**

MEETING DATE: November 3, 2025

PLACEMENT: Ordinance

ITEM TITLE: Potential Reconsideration of An Ordinance to Amend Section 8.02 of the Germantown Municipal Code related to Sidewalk Snow and Ice Removal. (ACTION)

SUBMITTED BY: Matthew Mortwedt, Public Works Director

SUMMARY EXPLANATION:

### **RECONSIDERATION**

Please see the attached request from Trustee Jan Miller. Under Robert's Rules, the only way to change a vote after it has been announced would be to reconsider the item and then vote again. By way of reminder, for reconsideration, there must first be a motion made to reconsider the vote. This motion must be made by someone who was on the "winning" side of the vote. In this case, it would need to be made by someone who voted in favor of the motion to adopt the ordinance. If that motion passes, it has the effect of wiping out the last vote, leaving the motion that resulted in the vote in place. In other words, if a motion to reconsider is made and passed, the result is that the previous motion to adopt the ordinance would then be pending. The Board would then be free to take any action that you could with a pending motion (discuss, amend, table, etc.).

### **Discussion Summary**

The possibility of amending Municipal Code Section 8.02 was reviewed at the July and August Public Works and Highway Committee (PWHC) meetings. In July, the Director of Public Works presented a memorandum outlining concerns with the current code. The memo emphasized how the existing language limits connectivity, defined the term "sidewalk," reviewed the history and expansion of the sidewalk network, compared practices in neighboring municipalities, and detailed maintenance costs. It also outlined potential options available to the PWHC and Village Board for modifying the code.

### **Committee Deliberations**

At the July meeting, committee members requested additional information regarding the amount of winter sidewalk maintenance that would be transferred to adjacent property owners.

In August, staff provided a breakdown showing the distribution of sidewalk adjacent to front yards, side yards, and commercial properties, compared to backyards. Staff also introduced the concept of adopting a winter sidewalk maintenance map. Following discussion, the PWHC directed staff to prepare a draft ordinance shifting a portion of

winter sidewalk maintenance responsibilities to adjacent property owners, guided by an official map.

**Next Steps**

The proposed code revision before the committee this evening reflects the direction and discussion from the previous two meetings. The subsequent agenda item is a resolution to adopt the official winter maintenance map. Note that this version includes revisions from the Village Attorney as indicated were coming at the Committee.

**ATTACHMENT:**

1. Agendaltm102925
2. Memo re Sidewalk Maintenance Ordinance
3. Sidewalk Ordinance Memo 070225 (1)
4. 26-2025 Ordinance re Sidewalk Snow Removal 10.27.25

**STAFF RECOMMENDATION:**

The PWHC recommended the ordinance change with a 3-0 vote.

**ACTION BY COMMITTEE:**

Public Works Committee recommended approval of Ordinance, and the Village Board approved it on October 27, 2025

# VILLAGE BOARD

## AGENDA ITEM REQUEST FORM

I, Trustee Jan Miller hereby request that the following items(s)

be placed on the next agenda of the Village Board for consideration and action:

### ITEM REQUESTED:

November 3, 2025 - Village Board Meeting - Reconsideration of my VOTE.

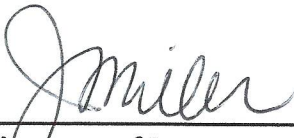
I am respectfully requesting to change my VOTE from October 27, 2025, meeting on Agenda Item - NEW Business F. An Ordinance to Amend Section 8.02 of the Germantown Municipal Code related to Sidewalk Snow and Ice Removal. (ACTION)

I voted YES and I would like to change my recorded vote to NO.

### DISCUSSION/REASON:

Changing my vote to NO will not change the outcome of the overall vote. However, I did hear from residents in my District #4 that they were against stopping some of the areas on the current map from the Village Snow Removal. I want to represent those residents that spoke up against this change in ordinance.

Thank you for your consideration,  
Jan Miller

  
\_\_\_\_\_  
Signature of Trustee 1

Dated the 29 day of October, 2025

\_\_\_\_\_  
Signature of Trustee 2

Received: \_\_\_\_\_

By: \_\_\_\_\_

To Public Works Committee

From Brian C. Sajdak, Village Attorney

Date June 25, 2025

Re Sidewalk Maintenance Ordinance

I have been asked to provide a legal analysis of the various options being considered as an amendment to the current sidewalk maintenance ordinance. The current ordinance places full responsibility for the maintenance of sidewalks upon the Village, and is found in Sec. 8.02 of the Municipal Code:

8.02 SIDEWALK/PATHWAY CONSTRUCTION, REPAIR AND SNOW REMOVAL.

(1) INITIAL SIDEWALK/PATHWAY CONSTRUCTION. See section 18.08(6) of this Code.

(2) SIDEWALK/PATHWAY REPAIR AND REPLACEMENT. The Director of Public Works is directed to inspect all Village sidewalks/pathways at least annually and if, in his judgment, any such sidewalks/pathways are in need of repair or replacement, he shall cause the same to be repaired or replaced at Village expense.

(3) SIDEWALK SNOW REMOVAL. The Director of Public Works is directed to remove the snow from all Village sidewalks as soon as convenient after Village streets are plowed.

(4) DEFINITIONS. For the purpose of this section, the following definitions shall be used:

(a) Pathway. A specific area designated for the movement of pedestrian or bicycle traffic which may be constructed of asphalt, concrete, permeable surfacing, stone or wood chips, and located in Village easements, parks or parkways.

(b) Sidewalk. A specific area designated for the movement of pedestrian or bicycle traffic, which is constructed of asphalt, concrete, or permeable surfacing, and is located within the right-of-way of Village streets.

Public Works staff indicates that they are proposing three options for amendments:

1. Shift responsibility for all ROW sidewalk snow removal to the adjacent property owner.
2. Maintain the current ROW sidewalk snow removal area. New sidewalk outside of the existing area would have snow removed by the adjacent property owner.
3. Continue to maintain sidewalk in the right of way where it is situated in the adjacent property owners back yard. Transfer ROW sidewalk snow removal to the adjacent property owner where the ROW sidewalk is situated along the side and front yards.

This memorandum considers these three options and provides one additional point for possible discussion.

#### Option 1

This option shifts responsibility for snow removal to the adjacent owners. This approach is consistent with the approach used in many communities in Wisconsin where sidewalks are prevalent. Samples for some of these communities are attached. There are a few issues with this option.

First, there are large parts of the existing sidewalk network which is installed to the rear of residential properties such as areas on the west side of Pilgrim Road and the south side of Mequon Road. Many of these homes have placed continuous fencing along the rear property line, which would make access for an individual homeowner. In new subdivisions, this is typically handled by the Homeowner's Association, much like property maintenance in a condominium. Some of these existing neighborhoods may not have existing HOAs and/or budget to add this maintenance.

Second, there may be a levy impact to the change, although it is likely small. Under Wisconsin law, a municipality may be required to reduce its available levy where there is a change in the manner in which the municipality pays for certain "covered services." This negative adjustment is required when a municipality shifts payment for these covered services from the tax levy to a fee-based approach. Specifically, if the municipality gains "revenues that are designated to pay for a covered service that was funded in 2013 by the levy of the political subdivision, the political subdivision shall reduce its levy limit in the

current year by an amount equal to the estimated amount of fee revenue collected for providing the covered service, less any previous reductions made under this subdivision, not to exceed the amount funded in 2013 by the levy of the political subdivision.” Wis. Stat. § 66.0602(2m)(b)2. Covered services under the statute are, with some exceptions, “garbage collection, fire protection, snow plowing, street sweeping, or storm water management.” Wis. Stat. § 66.0602(2m)(b)1. Unfortunately, “snow plowing” is not defined by the statute, so it is unclear whether the term would cover the cost of snow removal on sidewalks. However, even if it did, there would have to be an analysis of how much the Village paid for that out of the levy in 2013 and then take a reduction up to that amount. Given the low priority for this work, my guess is that this is a relatively nominal amount. To the extent that it matters, recall that the statute allows the Village to hold a referendum to avoid the negative levy adjustment by allowing the voters to decide whether to make the change. Given that very few properties have sidewalks currently, there may be broad support for the idea that the Village should not be paying for something that only impacts a small subset of all residents.

## Option 2

This option would see the Village continue to provide snow removal in the current locations, but would require new developments with sidewalks to require the adjacent owners to be responsible. The issue discussed above for Option 1 related to the location of some of the sidewalks would be eliminated because new developments would have to account for that responsibility. However, there might be political backlash to this approach that is couched in legal constitutional claims. Those Trustees who have been on the Board long enough will recall the various disputes over the years related to disparate levels of garbage/recycling collection for some developments where a condition of approval was that they provide their own service. The arguments are almost always couched in a constitutional equal protection and/or due process claim—both of which fail.

It is well within the Village’s authority to allocate its tax dollars as it sees fit. Courts have routinely held that a municipality has a legitimate government interest in providing different levels of service to different types of property for economic reasons and, therefore, those differences do not run afoul of the Constitution. See Pheasant Run Condominium Homes Ass’n. v. City of Brookfield, 580 F.Supp. 735, 740 (E.D. Wis. 2008)(Citing Beauclerc Lakes Condominium Ass’n v. City of Jacksonville, 115 F.3d 934, 935 (11th Cir. 1997); Ramsgate Court Townhome Ass’n v. West Chester Borough, 313 F.3d 157, 160 (3d Cir. 2002); and Goldstein v. City of Chicago, 504 F.2d 989, 991 (7th Cir. 1974)). Indeed, there are multiple current examples in the Village to illustrate the point such as sewer/water service, differing levels of fire protection, and the garbage/recycling service mentioned above.

The Pheasant Run case involved an informal policy in the City of Brookfield that required certain developments within the city to maintain their own private roads. The owners

contested that requirement on both constitutional grounds. With respect to the equal protection claims, the Court noted that the form of property ownership is not “suspect” classification. Id. at 739. Nor is there a fundamental right to snow removal or street maintenance. Id. As such, the Court reviewed the policy under the rational basis standard which requires a determination of whether “whether a conceivably rational relationship exists between the distinction in question and a legitimate governmental interest.” Id. In other words, “[g]overnmental action only fails rational basis scrutiny if no sound reason for the action can be hypothesized.” Lauth v. McCollum, 424 F.3d 631, 634 (7th Cir. 2005) (quoting Lamers Dairy, Inc. v. U.S. Dep’t of Agric., 379 F.3d 466, 473 (7th Cir. 2004)). Because conserving tax dollars is a legitimate governmental interest, the Pheasant Run court rejected the equal protection claim.

Similarly, the Court noted that being treated the same as other property owners is not an interest protected by substantive due process. Pheasant Run, 580 F. Supp. at 740. And, because

every unit owner either knew or should have known before purchasing his or her condominium that the development included private roads and that the association bore the responsibility for maintaining them. Owners did not have to purchase units and, having done so, cannot reasonably assert that it is unfair to hold them to their bargains.

Id. at 740-41. Accordingly, the procedural due process claim also failed.

### Option 3

This approach eliminates the concern about property access to rear yard sidewalks discussed in Option 1. Beyond that, it retains the same issues and concerns as the other two approaches.

### Additional Thoughts

In addition to snow removal, note that the Municipal Code currently provides that the repair or replacement is done by the Village at Village expense. As is illustrated by the attached sample ordinances, some communities charge the cost of repair to the adjacent property owner. This could be considered as well; and would be an option that would not require a negative levy adjustment under the statute.



## Village of



## Department of Public Works

Matt Mortwedt, Director  
Kevin Driscoll, Village Engineer  
N112 W17001 Mequon Rd, PO Box 337  
[engineering@germantownwi.gov](mailto:engineering@germantownwi.gov)  
262-250-4721

### MEMORANDUM

DATE: 6/27/2024  
FROM: Matt Mortwedt, Director of Public Works *MM*  
TO: Terri Kaminski, Chairperson, Public Works and Highway Committee  
The Public Works and Highway Committee.

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#### **The Issue to Be Considered: Sidewalk Snow Removal**

Section 8.02 of Germantown code requires the Department of Public Works to remove snow from all sidewalks.

#### **A Limiting Factor**

With pedestrian connectivity and safety becoming more of a priority with residents, and almost all new development proposals increase the amount of sidewalk, Germantown would be wise to consider modifications to its sidewalk maintenance ordinance.

This code provision has had the effect of holding back larger expansions of the sidewalk network due to concerns about the operational impact, which I will elaborate on later in this memo.

#### **Other Considerations when adding Sidewalk**

It goes without saying that snow removal is only one factor of several that Germantown should consider when adding sidewalk. Sidewalks will require long-term maintenance and will eventually need to be replaced. Those repairs and replacements will come at significant cost that should be factored in any decision to add new public sidewalk. A prime example of this is the approximately \$70,000 Germantown is spending on sidewalk repair on Main Street this summer.

#### **Definition of a "Sidewalk"**

To understand the issue, it is important to note that "sidewalk" is defined by its location, not the material it is constructed with. When we hear "sidewalk" we naturally think of a 3-foot-wide concrete walk used in more urban cross sections. While it is true, that is a "sidewalk" per the code, so are asphalt paths on Division Road, Donges Bay Road, Freistadt Road, Town 9 Parkway, Holy Hill Road, and soon to include High Point Pass. This is because the code defines a "sidewalk" as an improved path constructed in the right-of-way.

#### **History and Expansion**

When the code was adopted sometime around 1980 there was very limited sidewalk in Germantown. Washington County satellite imagery from 1980 shows sidewalk only existed on Main Street, Park Street and Church Street. Though records don't exist to explain the Village Board's rationale for adopting this code, it was likely seen as a limited service focused on Main Street businesses. As the

sidewalk network has expanded, the code requirement has turned sidewalk snow removal into a major service provided in all areas of the Village that will continue to grow with the community.

The proposed Sutton Farm development at County Line and Lannon includes sidewalk throughout the subdivision. It is likely that the future Village Center and Blackstone developments will also include sidewalk. The 2050 plan calls for additional side path, likely qualifying as sidewalk per the code, potentially on Division north of Mequon, Western north of Mequon, Squire north of Mequon, and extensions on Main Street, and various other places to foster connectivity.

### **Municipal Comparison**

This is a service that is very much an anomaly when it comes to typical municipal services provided in other communities. Slinger, West Bend, Menomonee Falls, Brookfield, and most other communities require snow to be removed by adjacent property owners. Most also require snow be removed in 24 hours, and have a code provided assessment process should the municipality have to remove snow. Some municipalities make exceptions to requiring the adjacent property owner requirement when the sidewalk is adjacent to the back yard.

### **Cost to Maintain**

#### *Equipment Needed*

Germantown owns three sidewalk tractors that are used for sidewalk snow clearing and grass cutting. The current replacement cost of one tractor is approximately \$270,000. One of these pieces of equipment is due for replacement next year (2026). Projected out, the replacement cost for all three machines is approximately \$1,000,000 in the next 10 years. If the sidewalk network continues to expand, we will be forced to add a fourth machine, increasing that future obligation to approximately \$1.4M. If the snow removal requirement is eliminated, we could reduce that \$1.4M future obligation by more than half, for two reasons. First, we would not need to expand to a fourth piece of equipment. Second, we could purchase mowers, instead of specialty sidewalk tractors, for a significantly lower cost. If we capped or even made some moderate reductions from the current workload it is possible we could see some reductions in capital equipment acquisition cost, but not realize the full savings we would see from eliminating the requirement entirely.

#### *Labor Hours*

Currently, clearing sidewalks can take between 16-48 labor hours. As the sidewalk network grows, so will this obligation. There may be a point where additional seasonal help is needed, or an additional full-time employee may be needed in DPW-Highway.

### **Options to Consider**

The Public Works and Highway Committee and the Village Board, understanding the issues raised in this memo can make an informed decision on the current provision in Germantown code 8.02.

- Shift responsibility for all right-of-way sidewalk snow removal to the adjacent property owner.
- Maintain the current right-of-way sidewalk snow removal area and require snow removal of new sidewalk to be conducted by the adjacent property owner.
- Continue to maintain sidewalk in the right-of-way where it is situated in the adjacent property owners back yard. Transfer responsibility for sidewalk snow removal to the adjacent property owner where the sidewalk is adjacent to a side or front yard.
- Understanding the issue, make no changes.

## ORDINANCE NO. 26-2025

AN ORDINANCE TO AMEND SECTION 8.02 OF THE GERMANTOWN MUNICIPAL  
CODE RELATED TO RESPONSIBILITY FOR SNOW AND ICE REMOVAL ON  
SIDEWALKS

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WHEREAS, the Village Board previously adopted section 8.02 of the Germantown Municipal Code which adopted standards for sidewalk maintenance, including snow removal; and

WHEREAS, the Village Board desires to amend that section to align Germantown snow removal practices with neighboring communities, delineate Village of Germantown responsibility and adjacent property owner responsibility, and adopt a sidewalk winter maintenance map;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 8.02 of the Germantown Municipal Code is amended to read as follows (NOTE: added text is double underlined; Deleted text is ~~struck-through~~):

**8.02 - SIDEWALK/PATHWAY CONSTRUCTION, REPAIR AND SNOW AND ICE REMOVAL.**

(1) **INITIAL SIDEWALK/PATHWAY CONSTRUCTION.** See section 18.08(6) of this Code.

(2) **SIDEWALK/PATHWAY REPAIR AND REPLACEMENT.** The Director of Public Works is directed to inspect all Village sidewalks/pathways at least annually and if, in his judgment, any such sidewalks/pathways are in need of repair or replacement, he shall cause the same to be repaired or replaced at Village expense.

(3) **SIDEWALK SNOW AND ICE REMOVAL.** ~~The Director of Public Works is directed to remove the snow from all Village sidewalks as soon as convenient after Village streets are plowed.~~

(a) Allocation of Responsibilities. The Village Board may adopt a Sidewalk Snow and Ice Removal Map (“Maintenance Map”) by resolution which shall assign and allocate the responsibility for snow and ice removal between the Village and the adjacent property owner. Any such approved Maintenance Map is incorporated by reference as is fully set forth herein. The Director of Public Works shall recommend to the Village Board updates to the Maintenance Map to reflect growth of the sidewalk network or changes in responsibility. Updates to the Maintenance Map take effect upon Village Board adoption by resolution. The Maintenance Map shall be on file in the office of the Village Clerk and published on the Village’s website.

(b) Adjacent Property Owner Responsibility.

1. Except where the Maintenance Map assigns responsibility to the Village, the property owner of any property that is adjacent to a sidewalk shall remove snow and ice from such sidewalk. If a segment of sidewalk is not depicted on the Maintenance Map, the adjacent property owner shall be responsible for snow and ice removal.

2. The adjacent property owner may assign responsibility for winter maintenance to an occupant, tenant, contractor, or another person in control of the property. Such assignment shall be effective only as between the adjacent owner and the assignee. Enforcement of this code by the Village shall be against the owner.

3. For the purposes of this section, adjacent property owner shall mean the condominium association or homeowners association where a sidewalk is within an area subject to joint common ownership such as the common elements of a condominium or an outlot of a subdivision.

(c) Snow and Ice Removal Standards. The adjacent property owner shall remove snow and ice from the entire paved width of the sidewalk except that if the sidewalk is greater than 4 feet in width than a minimum of 4 feet shall be cleared. The adjacent property owner shall remove snow and ice from curb ramps and keep them free of edge ridges and windrows. Winter maintenance shall further comply with the following:

1. Time to Clear. Remove snow and ice within 24 hours after snowfall ceases.

2. Ice Treatment. When icy conditions exist, spread an appropriate deicer.

3. Windrows. Remove windrows created by plowing activity that obstruct a sidewalk and/or curb ramp adjacent to the property within 24 hours after snowfall ceases. If a windrow is created after the adjacent property owner completes snow removal as required in subd. 1, the windrow shall be removed within 12 hours of formation.

4. Corner Lots. Adjacent owners must clear the full width of both sidewalks and all curb ramps at the corner, including connecting pedestrian connections across driveway aprons.

5. Depositing Snow. No person shall deposit snow or ice onto any public street, sidewalk, curb ramp. Snow deposited within a terrace shall be done in a manner that does not obstruct pedestrian or vehicular traffic.

(c) Removal by Village. For those sidewalks designated as Village responsibility on the Maintenance Map, the Village will generally remove snow and ice to maintain a passable condition, prioritizing curb ramps and crosswalks. Snow removal on sidewalks will begin upon completion of snow removal from public streets, or the next business day if snow removal from streets ends after 2:00 p.m. Monday through Friday.

(d) No Removal Sidewalks. Any sidewalk designated as a no removal sidewalk on the Maintenance Map shall not be cleared by the Village or adjacent property owner.

(e) Enforcement; Abatement.

1. Inspection. The Director of Public Works may inspect sidewalks after the compliance deadline.

2. Notice. If not compliant, the Village may post or deliver a notice allowing 6 hours to cure the non-compliant condition.

3. Village Abatement; Costs. Upon failure to cure, the Village may remove snow/ice and charge the costs (labor, equipment, materials, administration) to the property owner pursuant to Wis. Stat. 66.0907(5). as a special charge or assessment against the property.

4. Emergency Abatement. If conditions pose an immediate hazard, the Village may abate without prior notice and assess costs.

5. Penalties. In addition to any costs charged against the property owner under subd. 3, violations of this section shall also be subject to a penalty under sec. 8.13.

(4) **DEFINITIONS.** For the purpose of this section, the following definitions shall be used:

(a) **Pathway.** A specific area designated for the movement of pedestrian or bicycle traffic which may be constructed of asphalt, concrete, permeable surfacing, stone or wood chips, and located in Village easements, parks or parkways.

(b) **Sidewalk.** A specific area designated for the movement of pedestrian or bicycle traffic, which is constructed of asphalt, concrete, or permeable surfacing, and is located within the right-of-way of Village streets.

(c) Curb ramp. Includes traditional curb ramps, detectable-warning areas and mid-block crossings.

(d) Windrow. Snow deposited by public or private plowing operations across a sidewalk, curb ramp or driveway crossing.

(e) Director of Public Works. The Director of Public Works, or their designee.

## SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect

SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

SECTION IV

This ordinance shall take effect and be in full force on June 1, 2026 upon its passage and publication.

Adopted: October 27, 2025

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Robert A Soderberg, Village President

ATTEST:

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Donna Ott, Village Clerk

Approved as to form:

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Brian C. Sajdak, Village Attorney

Published:

## **BUSINESS OF THE VILLAGE BOARD**

MEETING DATE: November 3, 2025

PLACEMENT: Action Item

ITEM TITLE: Recreation Budget Amendment (ACTION)

SUBMITTED BY: Matthew Uselding, Finance Director

SUMMARY EXPLANATION:

The Recreation Department has far exceeded its donation revenue goals for the year, primarily due to increased participation in community programs and additional MAP donations. Staff recommend utilizing a portion of these funds to offset related expenditure accounts within the Recreation budget.

### **Recommended Budget Adjustments**

#### **Revenue Increases**

| <b>Org</b>                    | <b>Object</b> | <b>Description</b>   | <b>Increase</b> |
|-------------------------------|---------------|----------------------|-----------------|
| 10591000                      | 471700        | Recreation Donations | \$15,000        |
| 10591000                      | 471800        | MAP Donations        | \$40,000        |
| <b>Total Revenue Increase</b> |               |                      | <b>\$55,000</b> |

#### **Expenditure Increases**

| <b>Org</b>                        | <b>Object</b> | <b>Description</b>                  | <b>Increase</b> |
|-----------------------------------|---------------|-------------------------------------|-----------------|
| 10591000                          | 531550        | Recreation Celebrations             | \$15,000        |
| 10591000                          | 531570        | Recreation Charge Card Fee          | \$25,000        |
| 10591000                          | 552200        | Recreation Maint & Repair Equipment | \$15,000        |
| <b>Total Expenditure Increase</b> |               |                                     | <b>\$55,000</b> |

These adjustments ensure that increased program costs are fully funded through additional revenues, resulting in no net impact to the General Fund balance.

ATTACHMENT:

STAFF RECOMMENDATION:

Amend the 2025 Budget by increasing the accounts referenced in the memo.

ACTION BY COMMITTEE:



## BUSINESS OF THE VILLAGE BOARD

MEETING DATE: November 3, 2025

PLACEMENT: Presentation

ITEM TITLE: Report on Cost of August Storm Response and Request for FEMA Funds (DISCUSSION)

SUBMITTED BY:

SUMMARY EXPLANATION:

In response to the flooding that occurred between August 9 and 11, the Village incurred damages and expenses outside the normal scope of the 2025 Budget. Village staff recorded and categorized flood-related expenses and submitted the data to the County Emergency Management Team. In coordination with Wisconsin Emergency Management, the County submitted a formal request for federal disaster relief through the Federal Emergency Management Agency (FEMA). Late last week, the State was informed that the President declined to authorize FEMA assistance for this event.

The following table summarizes the Village's estimated costs related to the flood disaster and response:

| Category | Category Description          | Estimate  |
|----------|-------------------------------|-----------|
| A        | Debris Removal                | \$80,461  |
| B        | Emergency Protective Measures | \$24,542  |
| C        | Roads and Bridges             | \$146,429 |
| D        | Water Facilities              | \$34,188  |
| E        | Buildings & Equipment         | \$159,874 |
| F        | Utilities                     | \$18,500  |
| G        | Parks and Rec                 | \$3,039   |
| Total    |                               | \$467,032 |

It is possible that the State of Wisconsin will authorize funding through the Wisconsin Disaster Fund (WDF) for Categories A–C, totaling \$251,432. The remaining \$215,600 could be covered using the unassigned General Fund balance, reducing it from \$5,113,221 to \$4,897,620 (22.2% of expenditures).

Village staff is also pursuing \$65,000 in funding through the Disaster Damage Aids (DDA) program administered by the Wisconsin Department of Transportation to help offset the costs of repairing the Division Road Bridge.

In addition, State Statutes allow municipalities to levy unreimbursed expenses related to a declared emergency. If the State of Wisconsin reimburses Categories A–C and the remaining \$215,600 were added to the levy, the mill rate would increase by \$0.055, resulting in an average tax bill increase of approximately \$25. If the State does not

reimburse any costs and the full \$467,032 were added to the levy, the mill rate would increase by \$0.119, resulting in an average tax bill increase of approximately \$54.

ATTACHMENT:

STAFF RECOMMENDATION:

ACTION BY COMMITTEE:

## **BUSINESS OF THE VILLAGE BOARD**

MEETING DATE: November 3, 2025

PLACEMENT: Action Item

ITEM TITLE: An Ordinance to Amend Section 9.19 of the Germantown Municipal Code related to election campaign sign placement in the right-of-way. (ACTION)

SUBMITTED BY: Matthew Mortwedt, Public Works Director

### SUMMARY EXPLANATION:

The proposed amendment to Municipal Code Section 9.19 related to regulations of election campaign signs disallows the placing of election campaign signs in the right-of-way. The current version of 9.19 allows placement of election campaign signs in the right-of-way under certain conditions.

The revision accomplishes the following:

1. It aligns the Germantown code with similar regulations other agencies have within our municipal boundary, in particular the State of Wisconsin and Washington County.
2. It aligns the Germantown code with the vast majority of municipalities, including most of our neighboring communities.
3. It simplifies enforcement for staff. Under the current code, signs are allowed to be placed in the right-of-way with the adjacent property owners' permission. That permission is often difficult to ascertain and can delay enforcement.
4. Placing signs in the right-of-way is disruptive to Village operations in the right-of-way.
5. Keeping signs out of the right-of-way will also improve sight lines and vision triangles for motorists.

### ATTACHMENT:

1. 27-2025 Ordinance to Amend 9.19 Election Campaign Signs Regulated - MJM

### STAFF RECOMMENDATION:

The Public Works and Highways Committee recommended the change with a 3-0 vote.

### ACTION BY COMMITTEE:

ORDINANCE NO. 27 -2025

AN ORDINANCE TO AMEND SECTION 15.08 OF THE GERMANTOWN MUNICIPAL CODE  
RELATED TO CLEAR WATER DISCHARGE

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WHEREAS, the Village Board previously adopted section 9.19 of the Germantown Municipal Code which adopted regulations for posting election campaign signs; and

WHEREAS, the Village Board desires to amend that section to provide clarity with respect to permissible locations of postings, in particular election campaign sign placement in the right-of-way;

NOW, THEREFORE, the Village Board of the Village of Germantown, Wisconsin, do ordain as follows:

SECTION I

Section 9.19 of the Germantown Municipal Code is amended to read as follows (NOTE: added text is double underlined; Deleted text is ~~struck-through~~):

**9.19 ELECTION CAMPAIGN SIGNS REGULATED. (Rep. & Recr. Ord. #26-86; Am. Ord. #05-09)**

**(1) DEFINITIONS.**

- (a) Election Campaign Sign means a sign or placard intended to convey a political message of possible interest to the electorate, regarding a candidate(s) or issue(s), and intended to relate to an election and/or referendum campaign during the election campaign period for that election and/or referendum, as defined in §12.04(1)(a), Wis. Stats. For purposes of this section, election campaign sign shall not mean or refer to a sign or placard conveying a political message which is unrelated to an election and/or referendum campaign.
- (b) Election Campaign Period means:
  - 1. In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election.
  - 2. In the case of a referendum, the period beginning on the day on which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
- (c) Village-Owned Property means all Village-owned rights-of-way including highways, streets, roads, cul de sacs, alleys, ways, service drives, parking lots and sidewalks, and parkland, open spaces, municipal buildings and grounds, utility buildings and grounds, drainageways, utility and other easement areas, and any other real property in which an interest is owned by the Village, or property owned by the Village, but leased to another entity or individual.

**(2) REQUIREMENTS AND RESTRICTIONS FOR POSTING OF SIGNS.** No person shall post or place an election campaign sign within the Village except upon compliance with the following requirements and restrictions:

- (a) No election campaign sign shall be erected prior to the first day of the election campaign period, and shall be removed within 10 days after the election campaign period. The property owner or tenant shall be responsible for the removal of such signs.

- (b) No election campaign sign shall be posted or placed on private property without the consent of the owner-occupant of property, the owner of vacant property or the lessee of property, and shall not be posted or placed so as to create a hazard to pedestrians or vehicular traffic. (Am. Ord. #12-12)
- (c) No election campaign sign, nor any sign placed by other than a governmental authority, shall be placed on any Village right-of-way, which shall include the median strip, or any other Village-owned property, ~~except that an election campaign sign may be placed within Village right-of-way provided that it is done with the permission of the owner-occupant or lessee of the abutting property and if it otherwise complies with subsection (d).~~ (Am. Ord. #12-12)
- ~~(d) Any election campaign sign permitted to be posted or placed under this section, shall be posted or placed only on the buildable side of any public sidewalk. In the case there is no sidewalk, any election campaign sign permitted to be posted or placed under this section shall be posted or placed at the private property side of the ditch line, or 4 feet in from the curbing.~~
- (e) Nothing in this section shall be construed as authorizing or permitting the placement or posting of any signage whatsoever in County or State rights-of-way.
- (f) Any election campaign sign or other sign determined to have been posted or placed in contravention of this section may be forthwith removed by the owner-occupant, tenant or authorized Village personnel. (Am. Ord. #12-12)

## SECTION II

The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

## SECTION III

All ordinances or parts of ordinances contravening the terms of this ordinance are hereby to that extent repealed.

## SECTION IV

This ordinance shall take effect and be in full force upon its passage and the day after its publication.

Adopted: November 3, 2025

\_\_\_\_\_  
Robert A Soderberg, Village President

ATTEST:

\_\_\_\_\_  
Donna Ott, Village Clerk

Approved as to form:

\_\_\_\_\_  
Brian C. Sajdak, Village Attorney

Published:

## **BUSINESS OF THE VILLAGE BOARD**

MEETING DATE: November 3, 2025

PLACEMENT: Resolution

ITEM TITLE: A Resolution Encouraging the Wisconsin Legislature to Take Action on Pending Bills Related to Local Home Rule Authority and Local Control (ACTION)

SUBMITTED BY: Brian Sajdak, Attorney

### SUMMARY EXPLANATION:

On March 17, 2025, the Village Board adopted Resolution No. 03-2025 which asked the Wisconsin Legislature to reverse the elimination of the Board's ability to give effect to protest petitions of zoning matters. On tonight's agenda is another matter where the legislature has eliminated most local control -- solar energy developments.

Presently, there is a bill pending in the Legislature that would return some local control over solar and wind energy developments. However, this would apply only to large-sized power generation projects, and not to developments of the size of the project on the Board's agenda this evening. At the same time, there are multiple bills pending that would further eliminate or erode local control on various matters. Attached is an analysis by the League of Wisconsin Municipalities of these bills. Despite being "fast tracked," these bills are still pending.

The proposed Resolution asks that the Legislature take action on these pending bills. Specifically, to amend the bill on solar energy developments to return local control over these matters, and to reject the proposals being fast tracked by the developer groups related to workforce-style housing.

### ATTACHMENT:

1. 23-2025 Resolution re Local Control
2. Resolution 03-2025 Local control over Protests of Zoning Changes
3. League Summary of Housing Package with Amendments 10.13.25

### STAFF RECOMMENDATION:

### ACTION BY COMMITTEE:

RESOLUTION NO. 23-2025

A RESOLUTION ENCOURAGING THE WISCONSIN LEGISLATURE  
TO TAKE ACTION ON PENDING BILLS RELATED TO  
LOCAL HOME RULE AUTHORITY AND LOCAL CONTROL

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WHEREAS, the Germantown Village Board previously adopted Resolution No. 03-2025, “A Resolution Opposing the Erosion of Local Home Rule Authority and Requesting the Return of Local Control Over Protests of Zoning Changes,” which is attached hereto; and

WHEREAS, notwithstanding this Resolution, the Legislature continues to hamstring local governments on matters traditionally left to local control, to wit:

- AB 7/SB 3: Appearing to return local control related to solar projects while maintaining limits to local control on those projects most municipalities
- AB 449/SB 473: Eliminating local zoning control over accessory dwelling units
- AB 452/SB 479: Eliminating local control related to the process of plat approvals
- AB 453/SB 472: Eliminating local control over rezoning decisions

; and

WHEREAS, under the guise of statewide interest, by pushing these pieces of legislation the legislature continues to choose to empower outside developers to exert their will to achieve their preferred profit margins over ensuring the protection of property rights for owners who are negatively impacted by zoning changes, many of whom are long-time residents on the community.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Germantown, Wisconsin, does hereby continue to oppose any and all attempts by the State Legislature to further erode local home rule authority, and especially that home rule authority which functions to provide local control and authority over land use decisions.

BE IT FURTHER RESOLVED that the Village Board does hereby request the following actions from the Legislature:

- AB 7/SB 3 be amended to provide for appropriate local control over land use decisions related to solar and wind energy projects of the size most commonly encountered by local governments
- AB 449/SB 473, AB 452/SB 479, AB 453/SB 472 each be rejected and voted down

BE IT FURTHER RESOLVED that the Village Clerk shall transmit a certified copy of this Resolution to the Governor, the President of the Senate, the Speaker of the Assembly, the Majority and Minority Leaders of both Houses, and the elected Assembly and Senate members whose district includes the Village.

Adopted: November 3, 2025

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Robert A. Soderberg, Village President

ATTEST:

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Donna Ott, Village Clerk



RESOLUTION NO. 03-2025

A RESOLUTION OPPOSING THE EROSION OF LOCAL HOME RULE AUTHORITY AND  
REQUESTING THE RETURN OF LOCAL CONTROL OVER PROTESTS OF ZONING  
CHANGES

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WHEREAS, Wis. Const. art. XI, § 3 constitutes “direct and expansive delegation of power to municipalities”<sup>i</sup>; and

WHEREAS, this expansive delegation of power gives cities and villages significant control over and the ability to “determine their local affairs and government”<sup>ii</sup>; and

WHEREAS, Wis. Stat. § 61.34(1) is “a broad grant of home rule authority and vests [a village] with the authority to enact legislation to promote and protect the health, safety, and welfare of the public.”<sup>iii</sup>; and

WHEREAS, unlike the constitutional home rule authority, which is limited to local affairs, the legislative home rule authority may extend to matters which are of statewide concern<sup>iv</sup>; and

WHEREAS, the Supreme Court has long recognized “That many matters while of state-wide concern, affecting the people and state at large somewhat remotely and indirectly, yet at the same time affect the individual municipalities directly and intimately, can consistently be and are local affairs”<sup>v</sup>; and

WHEREAS, the legislature has further provided municipalities vast authority under Wis. Stat. § 62.23(7) to regulate local land use through zoning;

WHEREAS, these broad grants of constitutional and legislative authority notwithstanding, the legislature has pursued a persistent campaign removing local control over land use decisions;<sup>vi</sup> and

WHEREAS, the most egregious of these efforts were Act 243 and Act 16, each of which perpetrated, among numerous limitations on local authority, the removal of the power of local land owners to protest zoning changes that affected their property, including the provisions of Act 16 which expressly ties the hands of local legislative bodies by prohibiting their ability to given effect to such protests—a purely local affair; and

WHEREAS, the right to protest zoning changes dates to 1917, and such right remained largely unchanged for 100 years until its removal from Chapter 62 under 2017 Wisconsin Act 243; and

WHEREAS, these protest provisions were intended to provide landowners who were directly affected by zoning changes that would decrease “their land value and enjoyment of their property” a meaningful voice with respect to legislation that impacted their property rights<sup>vii</sup>; and

WHEREAS, under the guise of statewide interest, by enacting these pieces of legislation the legislature chose to empower outside developers to exert their will to achieve their preferred profit margin over ensuring the protection of property rights for owners who are negatively impacted by zoning changes, many of whom are long-time residents on the community; and

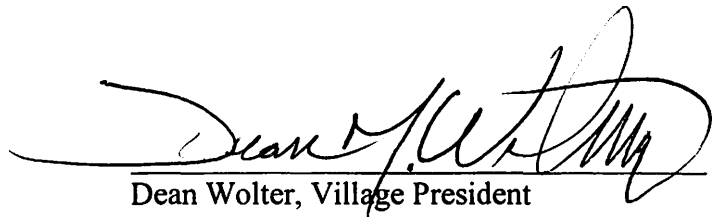
WHEREAS, “All politics is local;”

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Germantown, Wisconsin, does hereby oppose any and all attempts by the State Legislature to further erode local home rule authority, and especially that home rule authority which functions to provide local control and authority over land use decisions.

BE IT FURTHER RESOLVED that the Village Board does hereby request the reversal of the provisions of 2023 Wisconsin Act 16 which eliminated the ability for local communities to elect to give effect to zoning protests to protect local property rights through the creation of Wis. Stat. § 66.10015(3)(a).

BE IT FURTHER RESOLVED that the Village Clerk shall transmit a certified copy of this Resolution to the Governor, the President of the Senate, the Speaker of the Assembly, the Majority and Minority Leaders of both Houses, and the elected Assembly and Senate members whose district includes the Village.

Adopted: March 17, 2025



Dean Wolter, Village President

ATTEST:



Donna Ott, Village Clerk

<sup>i</sup> State ex rel. Teunas v. County of Kenosha, 142 Wis.2d 498, 504, 418 N.W.2d 833 (1988)

<sup>ii</sup> Wis. Const. art. XI, § 3

<sup>iii</sup> Johnston v. City of Sheboygan, 30 Wis. 2d 179, 185–86, 140 N.W.2d 247, 251 (1966)

<sup>iv</sup> See Wis. Environmental Decade, Inc. v. DNR, 85 Wis.2d 518, 533, 271 N.W.2d 69 (1978)

<sup>v</sup> State v. City of Milwaukee, 190 Wis. 633, 209 N.W. 860, 862 (1926)(holding that “the maximum height of buildings in a city is a local affair of such city”)

<sup>vi</sup> See, e.g., 2013 Wisconsin Acts 20 and 74, 2015 Wisconsin Act 391, 2017 Wisconsin Acts 67, 68, and 243, 2021 Wisconsin Act 239, and 2023 Wisconsin Act 16; See also Wis. Stat. §§ 66.0403 (limiting local control over wind and solar energy projects), 66.0404 (limiting local control over cellular tower siting)

<sup>vii</sup> Prescher v. City of Wauwatosa, 34 Wis. 2d 421, 431, 149 N.W.2d 541, 546 (1967)



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## League Summary of Housing Bill Package

*Prepared on September 29, 2025, Updated on October 13, 2025*

On Tuesday, September 23<sup>rd</sup>, a group of Republican legislators led by Representative Rob Brooks (R-Saukville) held a news conference in the State Capitol to unveil seven housing bills. These proposals moved rapidly through the process, with a public hearing in the Assembly Committee on Housing and Real Estate just one week later on Tuesday, September 30<sup>th</sup>. The Assembly Committee voted on these bills on Thursday, October 2<sup>nd</sup>. Many of these bills were voted on by the full Assembly on Tuesday, October 7<sup>th</sup> and are now scheduled for a public hearing in the Senate on Wednesday, October 15<sup>th</sup>. Below is a summary of each of these proposals, adopted amendments, and legislative actions on these bills.

### [Assembly Bill \(AB\) 449](#) / [Senate Bill \(SB\) 473](#): Local Regulation of Accessory Dwelling Units

*Rep. Goeben (R-Hobart) and Sen. Bradley (R-New Berlin)*

#### **Bill Overview:**

- This bill allows each single-family residence in Wisconsin to have a permitted (by-right) use of an accessory dwelling unit (ADU). In other words, local governments may not ban ADUs.
  - An ADU is defined as a complete independent living facility for one or more persons that has a separate entrance from the existing single-family dwelling. An ADU may be within, attached to, or detached from a single-family dwelling.
- Any local ordinance shall allow at least one ADU on each parcel zoned for residential use or mixed use on which an existing single-family dwelling is located. A municipality may not require a conditional use, variance, or special review or approval to create or host an ADU.
- While ADUs may not be banned, local ordinances may be created to regulate any of the following:
  - Limit the size of an ADU to no larger than the square footage of the existing single-family structure on the same parcel,
  - Limit the height of an ADU to not greater than the maximum height allowed in the zoning district, except if the ADU is a conversion of an existing legal nonconforming structure,
  - Require that an ADU satisfy current setback and lot coverage requirements, and
  - Prohibit an ADU established after the effective date of the legislation from being utilized as a short-term rental.
- If the bill is passed and signed into law by the Governor, the new restrictions would take effect on the first day of the seventh month after publication.

#### **Amendment Overview:**

- [Assembly Amendment 1 \(AA1\)](#) clarifies that a permitted use of an ADU may only be created by converting an existing structure that is within, attached to, or detached from a single-family dwelling. In other words, a by-right ADU may not be a new structure under this legislation.

#### **Legislative Actions:**

- The Assembly Committee on Housing and Real Estate recommended AA1 for adoption on an 8-6 vote and recommended AB 449 as amended for passage on a 13-1 vote.

- AB 449 was scheduled to be voted on by the full Assembly during a floor session on Tuesday, October 7<sup>th</sup> but no action was taken. It is now expected that AB 449 may be taken up by the full Assembly during a floor session on Tuesday, October 14<sup>th</sup>.
- The Senate Committee on Insurance, Housing, Rural Issues and Forestry has scheduled a public hearing on SB 473 on Wednesday, October 15<sup>th</sup>.

### **AB 450 / SB 475: Delayed Implementation of the New Commercial Building Code**

*Rep. Penterman (R-Hustisford) and Sen. Hutton (R-Brookfield)*

#### ***Bill Overview:***

- On September 1<sup>st</sup>, the Wisconsin Department of Safety and Professional Services (DSPS) published the revised Commercial Building Code (CBC) that incorporates 2021 International Building Code (IBC) standards. This rule replaces the 2015 IBC standards as Wisconsin's CBC. While published, DSPS has delayed the implementation of these new standards to November 1<sup>st</sup>.
- This bill further delays the effective date of the new CBC incorporating 2021 IBC standards until April 1, 2026. Any plans for commercial buildings including multi-family residential that are submitted to the state or a local government delegated to review commercial building plans by April 1, 2026 would continue to utilize the 2015 IBC standards in Wisconsin's former CBC.

#### ***Legislative Actions:***

- AB 450 was approved by the full Assembly on a voice vote on Tuesday, October 7<sup>th</sup>.
  - Prior to action on the floor, the Assembly Committee on Housing and Real Estate recommended AB 450 for passage on a 9-5 vote.
- SB 475 was referred to the Senate Committee on Licensing, Regulatory Reform, State and Federal Affairs.

### **AB 451 / SB 480: Workforce Housing Tax Incremental Districts**

*Rep. Armstrong (R-Rice Lake) and Sen. Feyen (R-Fond du Lac)*

#### ***Bill Overview:***

- Currently, options to utilize tax incremental financing (TIF) to promote housing are insufficient. With prohibitions on TIF for newly-platted residential, a 35% cap on residential in mixed-use tax incremental districts (TIDs), and a maximum of 12% of a municipality's equalized value in TIDs, TIF is a powerful tool to promote economic development but has limited utility for housing.
- This bill creates a new TIF structure for residential developments. Referred to as "Workforce Housing TIDs," these TIDs would not be subject to the 12% limit and instead would have a new 3% limit of the municipality's equalized value for these developer-financed TIDs.
- To create a Workforce Housing TID, a municipality would adopt a resolution designating the district and finding that it complies with statutory requirements on the eligible expenses and development restrictions, both of which are detailed below. Similar to existing TIDs, a Joint Review Board consisting of representatives from each property tax-charging jurisdiction in the area of the proposed district must be convened and approve the TID's creation.
- To qualify, a residential development must comply with the following characteristics:
  - The project must consist entirely of owner-occupied single-family or duplex residences,
  - The lot size must be 7,500 square feet or less for single-family residences or 15,000 square feet or less for duplex residences,
  - Lot widths must be 70 feet or less and lot setbacks must be no greater than 10 feet, and

- Single-story residences must be no larger than 1,500 square feet and two-story residences must be no larger than 2,000 square feet.
- Developer-financed eligible project costs in the Workforce Housing TID must only include costs related to the construction or improvement of infrastructure necessary for residential developments within the district. These costs may include development-related stormwater costs.
- A project plan may not be amended to increase the project costs of the TID within ten years of the unextended termination date of the district unless the Joint Review Board approves the plan amendments and cost increases by a unanimous vote. A Workforce Housing TID may not be a donor district or receive increments from donor districts in the municipality.

#### ***Amendment Overview:***

- [AA1](#) makes numerous largely technical changes to AB 451, including:
  - Allowing towns with territory in a sewer service area to create Workforce Housing TIDs if the area currently has or will have sewer service in the new residential development,
  - Clarifying that Workforce Housing TIDs are not subject to the current law restrictions on the use of TIF funding for newly-platted residential developments,
  - Setting the maximum lifespan of a Workforce Housing TID to 20 years with the possibility of an extension by the Joint Review Board of up to three years,
  - Allowing duplex developments to have a lot width of up to 80 feet,
  - Clarifying the steps a municipality must take if the Department of Revenue determines that a Workforce Housing TID would exceed the 3% of equalized value threshold, and
  - Delaying the implementation of Workforce Housing TIDs to October 1, 2026.
- [AA2](#) changes the first bullet above to instead require a town to operate their own sewerage system or have a sanitary district within the town to qualify to create a Workforce Housing TID. All other changes to AB 451 from AA1 that are listed above are included in AA2.

#### ***Legislative Actions:***

- AB 451 as amended by AA1 and AA2 was approved by the full Assembly on an 88-7 vote on Tuesday, October 7<sup>th</sup>.
  - Prior to action on the floor, the Assembly Committee on Housing and Real Estate recommended AB 451 as amended by AA1 for passage on a 12-2 vote.
- The Senate Committee on Insurance, Housing, Rural Issues and Forestry has scheduled a public hearing on SB 473 on Wednesday, October 15<sup>th</sup>.

### **AB 452 / SB 479: Subdivision Plat Approvals and Requirements**

*Rep. Kreibich (R-New Richmond) and Sen. Feyen (R-Fond du Lac)*

#### ***Bill Overview:***

- Chapter 236, Wis. Stats., governs approval for the platting of lands and recording of those plats. This bill makes several changes to that chapter as detailed below.
- *Sections 1 and 8* - Current law governing the purpose and intent of this chapter look, in part, to prevent the overcrowding of land and the undue concentration of population and to lessen congestion on streets and highways. This bill strikes those purpose and intent statements, instead adding statements to foster the development of a range of housing types and promote complete streets that prioritize safety, comfort, and accessibility for a range of transportation options.
- *Section 2* - This bill creates a “pre-submission conceptual review” process wherein a subdivider may request the opportunity to informally meet with a local government before they submit a preliminary plat for approval. A local government would provide their conceptual review

regarding the proposed subdivision and opinions on whether it complies with local requirements and conditions. These meetings are not binding on the local government or the subdivider.

- *Sections 3 and 4* - Current law allows a subdivider to submit a preliminary plat prior to submitting a final plat. The local government has 90 days to approve, approve conditionally, or reject the preliminary plat and explain their conditions or reasons for rejection. This bill allows a subdivider to submit preliminary plans and reports regarding sewer, water, road cross-sections, grading, stormwater, soil testing, landscaping, and street lighting along with a preliminary plat. The preliminary plat may not be rejected on the basis that the plans and reports are not final, but the plat may be approved conditionally with the conditions described in writing.
- *Section 5* - Local governments are currently allowed either to: 1) require a subdivider to install any reasonably necessary public improvements prior to preliminary or final plat approval; or 2) require the subdivider to provide security at the commencement of a project in an amount up to 120% of the total estimated cost. This bill removes the first option, thereby only allowing a requirement for financial security of public improvements. Local governments would be expressly prohibited from requiring that public improvements are installed or accepted as a condition of submission, review, approval, or recording of a preliminary or final plat.
- *Section 6* - Current law states that, upon substantial completion of public improvements, any outstanding local building permits that are related to and dependent upon substantial completion shall be released. This bill clarifies that the requirement applies to “each home site on the plat.”
- *Section 7* - The bill requires that, subject to the register of deeds office accepting an approved plat, a final plat that was approved is entitled to be recorded and the clerk of that local government shall make a certificate to that effect within 10 days of a subdivider’s request.
- *Sections 9 and 10* - The requirements of Sections 3, 4, and 5 would first apply to a plat submitted on the effective date of the legislation. The effective date would be the first day of the seventh month after publication should the bill pass the legislature and be signed into law.

***Amendment Overview:***

- [AA1](#) incorporates the following changes into the above sections:
  - *Section 5*: Clarifies that nothing prohibits local governments from requiring as a condition of plat approval that public improvements are installed within a reasonable timeframe.
  - *Section 6*: Clarifies that building permits must only be released if they meet the requirements of building codes, zoning ordinances, and other municipal regulations.
  - *Section 7*: Clarifies that a subdivider that requests a certificate on an approved plat must submit the required affidavits of an approved plat under current law.

***Legislative Actions:***

- AB 452 as amended by AA1 was approved by the full Assembly on a voice vote on Tuesday, October 7<sup>th</sup>.
  - Prior to action on the floor, the Assembly Committee on Housing and Real Estate recommended AB 451 as amended by AA1 for passage on a 13-1 vote.
- The Senate Committee on Insurance, Housing, Rural Issues and Forestry has scheduled a public hearing on SB 479 on Wednesday, October 15<sup>th</sup>.

**[AB 453](#) / [SB 472](#): Comprehensive Plans, Rezoning Requests, and Affordable Housing TID Extensions**  
*Rep. Armstrong (R-Rice Lake) and Sen. Jagler (R-Watertown)*

***Bill Overview:***



- This bill has four main components: 1) revising the comprehensive planning statutes to require the land use element to identify densities of areas intended for future residential development; 2) making those densities regulatory if a qualifying rezoning request is submitted for those identified areas; 3) defining newly platted residential for the purposes of tax incremental financing (TIF); and 4) increasing the affordable housing TIF extension to two-years.

### **1) Comprehensive Planning Changes**

- *Sections 1, 2, 9, 12, and 18* - When comprehensive planning statutes were first effective in 2010, local governments received grants for the completion of their first plan. As funding was insufficient to fulfil all grant requests, the effective date of the comprehensive planning requirements were delayed for local governments that applied for but did not receive a grant. These sections delete obsolete references to this two-year delay from 2010 to 2012.
- *Section 3* - Given the requirement that certain land use ordinances are consistent with an adopted comprehensive plan (often referred to as the consistency requirement), the term “consistent with” was defined in statutes. This section deletes the definition of “consistent with” from statutes. This requirement is later redefined in Section 10 of the legislation described below.
- *Sections 4 and 5* - The land-use element of a comprehensive plan already requires that certain details are analyzed in the element and included in the corresponding land-use map. This includes assumptions of net densities. This section adds a requirement that for 20 years, in five-year increments, areas in which residential land use is projected must have minimum and maximum net densities specified in residential units per acre for each area and increment. These determinations of net density must exclude wetlands, floodplains, and government-owned land.
- *Sections 6 and 7* - Current law states that while certain land use ordinances must be consistent with a comprehensive plan, the enactment of a comprehensive plan does not make the plan itself a regulation. These sections specify that the new net density requirements for land identified for future residential development in the land-use element (described in the bullet above) are regulatory in nature, though the remainder of a plan is treated the same as current law.
- *Sections 8 and 10* - Amending the consistency requirement of current law, these sections specify that an enacted or amended land use ordinance is consistent with the comprehensive plan if the ordinance permits the use expressly identified in the land use map and corresponding land use category descriptions. An ordinance is not inconsistent with a comprehensive plan solely because it permits additional land uses beyond those identified in the map and category descriptions.
- *Section 11* - If a local government enacts or amends any land use ordinance or adds land by annexation or consolidation that is intended for residential use, the local government must:
  - Ensure the comprehensive plan includes the minimum and maximum densities of future residential development in identified areas described in Sections 4 and 5, and
  - Ensure those residential net density standards are incorporated into the ordinance.

If a person submits a request for the rezone of a parcel (next section) and the minimum and maximum net densities are not included in the comprehensive plan, the local government shall amend their comprehensive plan within 180 days to include the densities. The procedures in [s. 66.1001 \(4\)](#) for a comprehensive plan, including public notice and comment, do not apply to a comprehensive plan update commenced under this process due to the compressed timeline.

### **2) Approval of Rezoning Requests**

- *Sections 13 and 14* - In these sections, if a person submits a request for a zoning classification change required to proceed with a residential housing development and all elements described below are satisfied, the local government is required to grant the request within 60 days:
  - The proposal is for an area identified in the comprehensive plan for residential land use,

- The proposal is for an area that is contiguous to existing development,
- Either the proposal falls within the minimum and maximum net density of residences identified in the comprehensive plan for the current five-year increment or the comprehensive plan does not include the densities required under Section 5 of the bill, and
- The housing supply in the local government does not meet existing housing demand or forecasted demand within the next five years, as identified in the comprehensive plan.

If a person filing the request specifies their preference for a zoning classification in the local government's zoning ordinance and a request is granted, the land subject to that request shall be reclassified to the person's preference. If the person filing the request did not specify their preference for a zoning classification but did specify their preference for requirements including building setbacks, lot widths or frontage, lot sizes, and building sizes or bulks, those preferences shall be granted along with the least restrictive requirements in the local zoning ordinance.

Local governments may reject requests that fail to identify the proposed minimum and maximum net density of residences in the proposed development. A request may also be rejected if the local government demonstrates that a request would result in a shortage in or overburdening of public facilities in the local government or to address a significant threat to public health or safety.

- *Sections 15 and 16* - Under current law, a person aggrieved by a local government failing to approve a permit for a residential housing development may seek relief from the courts. These sections expand that relief to a local government failing to approve a rezoning request under the bullet above and entitles the person to seek recovery of court costs and reasonable attorney fees.
- *Section 17* - In this section, if a local government issues a request for proposals (RFP) for a residential development that is reasonably expected to receive water and sewer services on land that is not environmentally contaminated and no person responds to the RFP, the process in Section 14 does not apply in that local government for one year from the end of the RFP. A response under this section may include a response in writing from a developer explaining the person's economic reasons for not submitting a proposal in response to the RFP.
- *Section 22* - The new requirements for granting rezoning requests in Section 14 would first apply to a request made on the effective date of the bill (see below) if it were to become law.

### **3) Newly Platted Residential Definition**

- *Section 19* - The legislature prohibits the use of TIF for newly platted residential development to prevent mixed-use or other TIDs from extending into greenfield development. However, a lack of clarity in the law has led to an interpretation that newly platted includes redevelopment sites where blight was removed and the land was replatted for new development. This section clarifies that newly platted residential development means the parcel has not previously been the site of permanent structures other than structures used solely for agricultural purposes. The goal is to codify the initial intent to allow redevelopment to promote additional housing options in TIDs.

### **4) Affordable Housing TIF Extension**

- *Section 20* - Current law allows municipalities to extend the lifespan of a TID by one-year and use the increments on housing. At least 75% of the funds generated must be used to benefit affordable housing in the city, with the remaining funds used to improve the city's housing stock. This section increases the affordable housing TID extension to two years.
- *Section 21* - This section requires that all increments generated by an affordable housing TID extension are expended to purchase services or goods from for-profit entities.

### **5) Effective Date of the Bill**

- *Section 23* - If passed and signed into law, this legislation would take effect on January 1, 2028.



### ***Amendment Overview:***

- [AA1](#) amends Section 14 to remove a requirement that the proposed area is contiguous to existing development, instead stating that the area must be adjacent to or in close proximity to existing development so the area may be reasonably served by existing infrastructure and public services.
- [AA2](#) removes Section 21 from the bill, allowing the two-year affordable housing TID extension to be utilized in accordance with current law requirements without new requirements.
- [AA4](#) amends Section 14 to remove the ability of a rezoning requester to create new setback, lot size and width, and building size requirements to fit their project. A person filing a qualifying rezoning request may still choose their preferred applicable zoning classification but may not create their own standards.
- [AA5](#) specifies that the provisions related to the net density ranges in a comprehensive plan, new consistency requirements for a comprehensive plan, and mandatory rezoning requests do not apply to a town or county. Further, this amendment requires a person filing a rezoning request to certify that the land is not subject to farmland preservation agreements or zoning or an agricultural enterprise area designation. If it is, the land may not be rezoned under this process.

### ***Legislative Actions:***

- AB 453 as amended by AA1, AA2, AA4, and AA5 was approved by the full Assembly on a 55-39 vote on Tuesday, October 7<sup>th</sup>.
  - Prior to action on the floor, the Assembly Committee on Housing and Real Estate recommended AB 451 as amended by AA1, AA2, and AA4 for passage on a 9-5 vote.
- The Senate Committee on Insurance, Housing, Rural Issues and Forestry has scheduled a public hearing on SB 472 on Wednesday, October 15<sup>th</sup>.

### **AB 454 / SB 476: Workforce Home Loan Program**

*Reps. Rodriguez (R-Oak Creek), Snyder (R-Weston), Knodl (R-Germantown), and Rivera-Wagner (D-Green Bay) and Sens. James (R-Thorp) and Johnson (D-Milwaukee)*

### ***Bill Overview:***

- This bill creates a “Workforce Home Loan Program” at the Wisconsin Housing and Economic Development Authority (WHEDA). These loans would provide gap financing that supplement a conventional mortgage for the purchase of a new or remodeled single-family residence.
- Residents would be eligible for a loan if they have not owned property in the past three years, have an annual household income equal to or less than 100% of the county’s median income, and certain other requirements on credit score, debt-to-income ratio, and financial reserves are met.
- Loans may be issued for a period of 15 or 30 years, depending on the applicant’s income, with a 0% interest rate. These loans could be up to \$60,000, with the cap adjusted annually for inflation.
- The bill provides \$10 million from the \$525 million workforce housing fund established in the 2023-2025 State Budget to fund the four programs created by 2023 Acts 14, 15, 17, and 18.

### ***Amendment Overview:***

- [AA1](#) changes the amortization length of a loan for an applicant with an income between 80% and 100% of the area median income from 30 years to 15 years, matching the loan length in AB 454.
- [AA3](#) makes several technical changes to AB 454, including: 1) removing reference to substantial rehabilitation, meaning only new build homes qualify for these loans; 2) prohibiting WHEDA from charging any fee in connection with the issuance of a loan; 3) referencing a federal publication for determination of the area median income; and 4) clarifying WHEDA underwriting guidelines.

***Legislative Actions:***

- The Assembly Committee on Housing and Real Estate recommended AA1 for adoption on a 14-0 vote and AA3 for adoption on a 14-0 vote. The committee recommended AB 454 as amended for passage on a 14-0 vote. It is not currently scheduled for action before the full Assembly.
- The Senate Committee on Insurance, Housing, Rural Issues and Forestry has scheduled a public hearing on SB 476 on Wednesday, October 15<sup>th</sup>.

**AB 455 / SB 481: Condominium Conversion Reimbursement Grant Program**

*Rep. Murphy (R-Greenville) and Sen. Feyen (R-Fond du Lac)*

***Bill Overview:***

- This bill creates the “Condominium Conversion Reimbursement Grant Program” at the Wisconsin Housing and Economic Development Authority (WHEDA). This program will provide up to \$50,000 in reimbursement for costs to convert multifamily housing to condominiums.
- Eligible reimbursement grant costs for the property owner include reasonable attorney fees, state and local permitting fees, and any other cost incurred for the grant project.
- The bill provides \$10 million from the Restore Main Street Loan Program created last session.

***Amendment Overview:***

- [AA2](#) allows a qualifying project by a housing cooperative to qualify for the grant program.
- [AA3](#) requires the recipient of a grant to provide occupants of the multifamily housing unit being converted into condominiums the opportunity to purchase the unit they currently occupy.
- [ASA1](#) incorporates the requirements AA3 and removes “any other cost incurred for the grant project” from the list of eligible costs for grant recipients.

***Legislative Actions:***

- AB 455 as amended by ASA1 was approved by the full Assembly on a voice vote on Tuesday, October 7<sup>th</sup>.
  - Prior to action on the floor, the Assembly Committee on Housing and Real Estate recommended AB 455 as amended by AA2 and AA3 for passage on a 12-2 vote.
- The Senate Committee on Insurance, Housing, Rural Issues and Forestry has scheduled a public hearing on SB 476 on Wednesday, October 15<sup>th</sup>.

## **BUSINESS OF THE VILLAGE BOARD**

MEETING DATE: November 3, 2025

PLACEMENT: Action Item

ITEM TITLE: OneEnergy Development, LLC, Agent for Robert Overmier, Property Owner. Conditional Use Permit (CUP) application for an approximate 35-acre Solar Energy Facility located at N144 W12531 Pioneer Road in the Rural Preservation District.  
(ACTION)

SUBMITTED BY: Jordan Yanke, Associate Planner

### SUMMARY EXPLANATION:

OneEnergy Development, LLC, Agent for Robert Overmier, Property Owner. Conditional Use Permit (CUP) application for an approximate 35-acre Solar Energy Facility located at N144 W12531 Pioneer Road in the Rural Preservation District.

### **Recap/Update – 10/13/25 Plan Commission Meeting**

**This case was heard by the Plan Commission at its October 13 meeting. During the meeting there was an abundance of questions from the Plan Commission and the public, which the applicant responded to through their own presentation and Q&A. For a full summary of the discussion, please refer to the meeting minutes from the 10/13 meeting that are attached.**

**After the public comment period ended and further meeting discussion was had with the applicant, the Plan Commission voted on the Conditional Use Permit (CUP) and Site Plan applications submitted by the applicant. The vote resulted in a recommendation to DENY the CUP, which is forwarded to the Village Board for final action. The vote resulted in a DENIAL of the Site Plan application as well. Note that the Plan Commission's vote on the Site Plan is considered final action (subject to an appeal) and not forwarded to the Village Board for consideration. While the Village Board will only consider the CUP application at its meeting, the complete summary and supporting documentation covering both applications is included in the meeting packet for reference.**

### **UPDATE -- 10/30/25**

**Legal counsel for OneEnergy Development submitted the attached correspondence to outline their position for your review prior to the meeting.**

### ATTACHMENT:

1. STAFF REPORT\_ONEENERGY CUP
2. Letter to Village Board re CUP - 51781402.1
3. CUP# XX-2025 ORDINANCE\_ONEENERGY\_11.03.25
4. APPLICATION
5. PROJECT OVERVIEW
6. PROJECT NARRATIVE

7. CONDITIONAL USE STANDARDS
8. SITE PLAN
9. OPERATIONS PLAN
10. LANDSCAPE MANAGEMENT PLAN
11. SOLAR GLARE ANALYSIS
12. DECOMMISSIONING PLAN
13. PROPERTY SURVEY MAP
14. CERTIFIED SURVEY MAP (RECORDED)
15. STAFF REVIEW MEMO
16. ONEENERGY OPEN HOUSE FLYER & ARTICLES ON PROPERTY VALUE IMPACTS
17. PUBLIC HEARING NOTICE
18. PC MINUTES (DRAFT)\_10.13.25

STAFF RECOMMENDATION:

**APPROVE** the Conditional Use Permit (CUP), subject to (10) conditions as listed in the draft CUP ordinance.

ACTION BY COMMITTEE:

**Plan Commission Recommendation:**

**DENY** the Conditional Use Permit (CUP), as presented in the draft CUP ordinance.

**CONDITIONAL USE PERMIT (CUP) &  
 SITE PLAN APPLICATIONS**

11/03/25 Village Board Meeting

**OneEnergy Development, LLC / Robert Overmier**

*Village Staff Report & Recommendation*

*Germantown, Wisconsin*

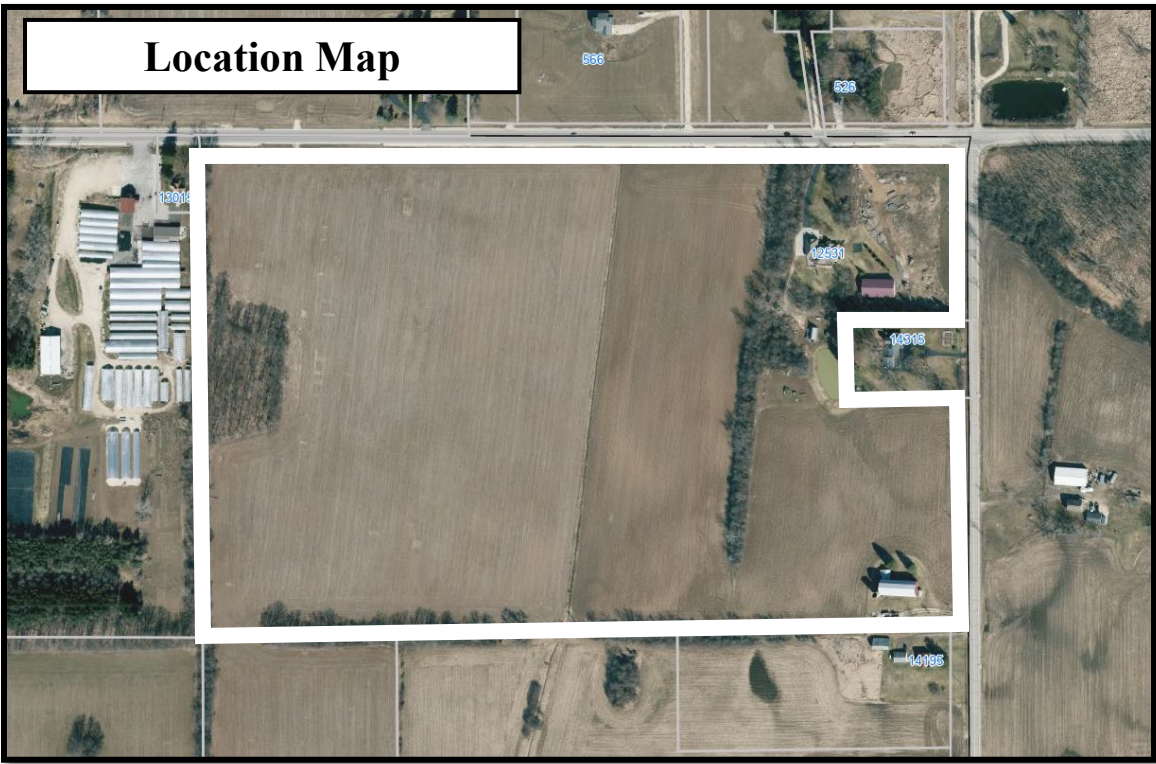
**SUMMARY**

OneEnergy Development, LLC, Agent for Robert Overmier, Property Owner. Conditional Use Permit (CUP) and Site Plan applications for an approximate 35-acre Solar Energy Facility located at N144 W12531 Pioneer Road in the Rural Preservation District.

**Location:** N144 W12531 Pioneer Road  
**Applicant/Owner:** OneEnergy Development, LLC      Robert Overmier  
 10 N Livingston Street, Suite 201      N144 W12531 Pioneer Road  
 Madison, WI 53703      Germantown, WI 53022

**Zoning:** A-1: Agricultural

| Adjacent Land Uses |                                            | Zoning       |
|--------------------|--------------------------------------------|--------------|
| North              | Agricultural/Residential (Town of Jackson) | N/A          |
| South              | Agricultural/Residential                   | A-1/A-2/Rs-1 |
| East               | Agricultural (City of Mequon)              | N/A          |
| West               | Agricultural (Garden Center)/Residential   | A-2/Rs-4     |



**Background/Proposal**

OneEnergy Development, LLC, agent for Robert Overmier, property owner, is seeking approval of a Conditional Use Permit (CUP) and site development plan to allow for an approximate 35-acre solar energy project. The site is zoned Agricultural (A-1) and is located at N144 W12531 Pioneer Road in the Rural Preservation District. As designated in the Comprehensive Plan institutional type uses are allowable in the Rural Preservation District, and the proposed use is a conditional use within the A-1 District requiring site plan review and approval.

As presented in the application, the proposed solar energy facility will consist of solar modules and associated collection equipment that delivers power to the electric grid serving local We Energies customers. The solar facility will have a capacity of six (6) megawatts (MW) capable of serving 1,400 average Wisconsin households. The on-site equipment will consist primarily of solar modules mounted on single-axis tracking racking. These panels generate direct current (DC) electricity. Approximately 24 inverters, situated throughout the array area, convert the DC electricity to alternating current (AC) electricity to allow it to be delivered to the existing electric distribution system. Two (2) transformers increase the AC voltage produced by the inverters to the grid voltage of the existing 3-phase distribution line to which the project connects.

The facility will be an unmanned plant that will operate through local and remote control and monitoring. The solar photovoltaic (PV) system will be monitored remotely through the Utility Energy Management System and the integrated Data Acquisition System (DAS), which signals alerts for any irregular operating condition. Scheduled maintenance will occur occasionally to inspect all elements of the project to ensure optimal performance. After construction is complete (typically 4-6 months from start date and targeted for late 2026), there will be limited access to the site for periodic inspections, maintenance, and vegetation management. Per submittal documents, the following are additional details associated with the proposal:

- Hours of Operation: The solar facility will operate during daylight hours. This facility will not be continuously staffed and will not be open to the public. It is anticipated that once construction is complete, operations and maintenance personnel will access the site monthly for inspection or minor maintenance.
- Number of Employees: There will be no employees stationed at the facility. As noted in the previous bullet point, personnel will visit the site monthly for inspection and minor maintenance, as needed.
- Anticipated Customers: No customers will be served at the facility, and there will be no traffic associated with such customers. The renewable electricity generated from the facility will be used to serve the needs of local utility customers.
- Outside Storage: None proposed.
- Outdoor Activities: Inspection of the solar electric system and periodic maintenance as described above.
- Outdoor Lighting: No permanent outdoor lighting is proposed.
- Outside Loudspeakers: None.
- Proposed Signs: The site will only include necessary safety signage with contact information for the Project Operations team and an entrance sign.

- Trash Removal: There will not be trash generated at this site.

As it pertains to this proposal, the expected useful lifespan of the project is 30-50 years, meaning the project will be decommissioned and the site restored after there is no longer an economical reason for the solar facility to keep operating. Note that a Solar Generating Facility Decommissioning Plan was provided by the applicant and is attached. During the project's existence the property owner intends to continue farming the portion of land unaffiliated with the solar facility.

According to their website ([link](#)), *"OneEnergy is a Public Benefit Corporation with a mission to fight climate change by making clean energy the number one source of electricity for consumers and utilities."* The company has five (5) listed office locations with a regional office in Madison, WI. OneEnergy has a portfolio that includes implementation of solar energy projects across the country, including 55 projects in the Midwest and 39 of those being in Wisconsin. More information on the company and their profile statistics are included in the attachments section.

### **Conditional Use Permit (CUP)**

This project includes a Conditional Use Permit (CUP) application. While the application details are described in greater detail on the following pages, please refer to the below that lists the specific CUP requested.

- Conditional Use in A-1 District
  - "Solar energy conversion system" consistent with and only to the extent allowed under Wis. Stat. § 66.0401

### **Site Plan**

As indicated in the application and site plan, the proposed solar energy facility is approximately 35 acres in size and will contain the primary components of bifacial solar panels, inverters and transformers, access drive (16' width), perimeter 8' fencing, and vegetative screening. These components and additional details are spelled out further in this section.

#### Site & Land Use Summary

|                         |                          |
|-------------------------|--------------------------|
| Total property acreage: | 54.41                    |
| Solar facility acreage: | ~35 (28.50 Fenced)       |
| Access road acreage:    | 0.35                     |
| Module count:           | 13,200                   |
| Inverter count:         | 24                       |
| Solar Array Height:     | ~8' (Maximum Tilt Angle) |

#### Landscape and Buffering

The applicant submitted a landscape plan that includes vegetative screening along the northern side of the solar facility. The screening is intended to provide a visual buffer from the public road (Pioneer Road) and nearby homes to the north. The vegetative screening will be comprised of a variety of native shrub species that will be installed and monitored to effectively grow/buffer the solar facility when looking from the north. The properties to the west and south of the project, which contain a mixture of land uses

including a garden center, existing homestead, and agricultural activities, are mostly buffered by natural tree lines running between the properties. Finally, an 8' tall agricultural (i.e. deer-exclusion style) fence will enclose the site where the solar array panels are located.

#### Vegetation Installation and Stormwater Management

The project proposal includes the installation of native prairie plants on site. A vegetation plan was submitted specifying that the site will be managed for native pollinator habitat after the construction of the solar arrays. According to the submitted vegetation plan, there are several benefits of pollinator habitats with native plantings on solar sites, including but not limited to the following:

- Restores soil by preventing erosion.
- Improves soil structure and fertility.
- Increases carbon storage.
- Diversifies microbial communities.
- Increase value of soil for future agricultural production.

To implement the pollinator habitat, the plan lays out site preparation tasks, temporary/permanent seeding timing, management and monitoring guidelines, which includes invasive species management. While native prairie plants are known to prevent stormwater runoff and improve surrounding water quality, the applicant is required to supplement the submitted vegetation plan with a stormwater management plan. The applicant will be required to submit a stormwater management plan subject to review and approval by the Village Engineer prior to any construction activity or issuance of an Erosion Control Permit.

#### Access and Traffic Circulation

Access to the site will be provided through a private driveway entrance from Pioneer Road. The drive will extend several hundred feet straight south from Pioneer Road until its terminus in the center of the solar panel area. The drive is proposed at 16' in width and made of aggregate material. It will serve no use other than the solar facility.

Minimal traffic is anticipated in relation to the solar energy facility, as the applicant states the facility will not be continuously staffed and will not be open to the public. It is anticipated that once construction is complete, operations and maintenance personnel will access the site typically once per month for inspection or minor maintenance. There will be no employees stationed at the facility and no customers will be served at the facility. During construction, which is a 6-month period, there will be between 5-30 construction workers on site with 3-4 delivery trucks per day for materials. Parking for the construction staff has been included in the design of the laydown area within the site perimeter.

#### Utilities

As the purpose of this project is for the solar facility to produce and deliver power to the electric grid, there is a proposed point of connection with the electric grid at the site's entrance at Pioneer Road. Sanitary and water utilities are not needed/required to serve the proposed solar energy facility.



Signage

Signage proposed is limited to safety/wayfinding signage that includes contact information for the Project Operations team and an entrance sign.

Site Lighting & Glare Analysis

According to the application, no permanent outdoor lighting is proposed, and no lighting will be used on site during the construction process. The applicant submitted a Glare Analysis done by ForgeSolar with the application and is included per attachments.

Recap/Update – 10/13/25 Plan Commission Meeting

**This case was heard by the Plan Commission at its October 13 meeting. During the meeting there was an abundance of questions from the Plan Commission and the public, which the applicant responded to through their own presentation and Q&A. For a full summary of the discussion, please refer to the meeting minutes from the 10/13 meeting that are attached.**

**After the public comment period ended and further meeting discussion was had with the applicant, the Plan Commission voted on the Conditional Use Permit (CUP) and Site Plan applications submitted by the applicant. The vote resulted in a recommendation to DENY the CUP, which is forwarded to the Village Board for final action. The vote resulted in a DENIAL of the Site Plan application as well. Note that the Plan Commission's vote on the Site Plan is considered final action (subject to an appeal) and not forwarded to the Village Board for consideration. While the Village Board will only consider the CUP application at its meeting, the complete summary and supporting documentation covering both applications is included in the meeting packet for reference.**

**Staff Comments**Community Development: Planning and Zoning

The project site is in the "Rural Preservation District" under the Village's 2050 Comprehensive Plan and is zoned A-1 Agricultural. The Comprehensive Plan designation lists institutional type uses as allowable and the A-1 District is intended to provide for the continuation of general farming and related uses in those areas of the Village that are not committed to urban development. It is further the intent of the district to protect rural lands in the Village from urban development until their orderly transition into urban-oriented districts is required. The proposed use of a "solar energy conversion system" consistent with and only to the extent allowed under Wis. Stat. § 66.0401 is a conditional use within the A-1 District.

Wisconsin has enacted statutes that protect solar development and limit municipal oversight. Wisconsin Statute § 66.0401 explicitly limits the authority of municipalities to regulate solar energy systems. Under Wis. Stat. § 66.0401(1m), municipalities may not place any restriction on the installation or use of solar energy systems unless the restriction satisfies one of the following conditions:

- Serves to preserve or protect the public health or safety;
- Does not significantly increase system cost or decrease efficiency; or
- Allows for an alternative system of comparable costs and efficiency.

The above-mentioned statute is not superseded by municipal zoning powers. As proposed, however, the project complies with the A-1 District zoning standards. The solar array structures comply with setbacks and structure height, and the proposed agricultural fence complies with code where applicable. While there is no applicable lot coverage standard in the A-1 District, there is little change to the amount of impervious surface quantity through implementation of the project.

OneEnergy has committed through its lease agreement with the landowner to remove the system at the end of the project life, including provisions to ensure that there is adequate financial security set aside to perform such decommissioning. When the project is decommissioned, all infrastructure will be removed, and the site will be restored to predevelopment conditions for continued agricultural use with rested and restored soils. Please see attached Decommissioning Plan.

Additionally, the applicant submitted a Glare Analysis performed by ForgeSolar. According to the analysis there was no glare found for the photovoltaic (PV) solar arrays. The applicant has advised previously the solar panels track the sun, and any reflection would therefore be angled back at the sun and not at neighboring properties.

#### Community Development: Inspection Services

State agency (DSPS) approved plans and a \$20,000 bond are required by Inspection Services. The Village of Germantown is an authorized delegated agent of DSPS to provide all commercial plan review and inspection services through SAFEBuilt of Wisconsin and the Village of Germantown.

#### Public Works/Village Engineer

The Village Engineer has identified technical issues and plan revisions that need to be resolved or otherwise addressed by the applicant prior to commencing construction activities. The applicant will be required to submit a stormwater management plan subject to review and approval by the Village Engineer prior to any construction activity or issuance of an Erosion Control Permit. Staff is recommending a condition requiring all outstanding items and issues identified in the following review memo be resolved and reflected in additional information and/or revised plans submitted to staff for further review, comment, and approval prior to commencing any site construction:

- October 7, 2025 – Review Memo from Village Engineer

#### Village Forester

After review of the landscape screening and vegetation plan, the Village Forester had one comment for the applicant to address as follows: "Specify quantities and shrub species selection for the visual buffer with shrub planting/installation specifications." The final landscape screening and vegetation plan is subject to acceptance/approval by the Village Forester prior to commencement of construction activities, which is reflected in the conditions.

#### Fire and Police Departments

The Fire Department is requiring a Knox Box at the main entrance gate to the solar facility. No comments were made by the Police Department.

**VILLAGE STAFF RECOMMENDATIONS**

**APPROVE** a Conditional Use Permit for an approximate 35-acre “solar energy conversion system” consistent with and only to the extent allowed under Wis. Stat. § 66.0401 located at N144 W12531 Pioneer Road, subject to the following conditions:

1. The uses and activities allowed on the property shall be limited to those uses and activities specified in the Conditional Use Permit (CUP) application and supporting documents date stamped received July 17, 2025. Operations and site characteristics shall be limited to those specified in the CUP supporting documents and specified in Exhibit A of the CUP ordinance.
2. The owner/operator is responsible for reporting any significant changes in the type, intensity, amount, or location of the land uses and activities, days and hours of operation, size or location or other operational characteristics of said uses and activities authorized under this CUP to the Village Zoning Administrator.
3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the Conditional Use Permit (CUP) may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
4. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premises advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
5. All future site improvements, including all building, parking area, landscaping, storm water management facilities, signage, exterior lighting, and any other improvements made to or on the property that are necessary for the land uses and activities authorized under this CUP shall be submitted for review and approval by the Village through the Zoning Permit or Site Plan application process as determined by the Village Zoning Administrator. If required, Site Plan review and approval will include Plan Commission review and approval.
6. Pursuant to Section 17.47 of the Zoning Code, if the Village observes and/or receives complaints regarding negative impacts associated with and/or created by business-related activities conducted on the property, including but not limited to noise, dust or other airborne materials, the Property Owner/Operator shall work with the Village to identify the source of such impact(s), evaluate alternative mitigation measures, and implement a mutually-agreeable solution to mitigating the impact(s).
7. Applicant shall submit formal landscape plan that evaluates existing landscaping around the project area and provides for year-round screening around the entire solar farm. (ADDED BY PLAN COMMISSION)
8. Applicant shall be limited to spot spraying instead of widespread/broadcast spraying of herbicides to manage vegetation on site. (ADDED BY PLAN COMMISSION)

9. Applicant shall add the Village as an insured party on their Pollution Liability Insurance Policy. (ADDED BY PLAN COMMISSION)
10. The use of lithium batteries on site as part of the solar facility's operation shall be prohibited. (ADDED BY PLAN COMMISSION)

**APPROVE** the Site Plan application submitted by OneEnergy Development, LLC for an approximate 35-acre "solar energy conversion system" consistent with and only to the extent allowed under Wis. Stat. § 66.0401 for property located at N144 W12531 Pioneer Road, subject to the following conditions:

1. This approval is for the plan sheets that comprise the site plan set as noted below and is subject to compliance with all the conditions and requirements set forth herein and subsequently adopted and/or revised by the Plan Commission. Approval is granted for the following unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
  - a. *Site Development Layout* (Sheet D-100) revised dated October 10, 2025.
  - b. *Vegetative Screening and Management Plan* dated August 6, 2025.If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.
2. The Vegetative Screening and Management Plan shall be subject to final acceptance by the Village Forester and Community Development staff prior to commencement of construction.
3. Approval of the Site Plan application is subject to approval/acceptance of the proposed private driveway access point to Pioneer Road by the Washington County Highway Department.
4. Per Fire Department, applicant shall install a Knox Box at the main entrance gate to the solar facility.
5. The technical issues and plan revisions identified in the October 7, 2025, memo from the Village Engineer shall be addressed in revised plan sheets and/or supplemental documents as necessary prior to commencing construction activities or issuance of an Erosion Control Permit.
6. Site operations are limited to the proposed activity by the applicant per the submitted/attached "Solar Generating Facility Operations Plan".
7. State agency (DSPS) approved plans and a \$20,000 bond are required by Inspection Services. The Village of Germantown is an authorized delegated agent of DSPS and may be used as an alternative to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.
8. Applicant shall install the 8' agricultural/wildlife perimeter fence with openings at the bottom (i.e. at-grade) to allow greater wildlife movement.
9. The maximum tilt angle height of the solar array panels (i.e. structures) shall be approximately 8' from established grade.
10. All temporary and permanent exterior signs require a permit and shall comply with all current Village sign regulations and requires a permit if/when allowed.
11. Applicant shall provide a commitment to the Village including provisions to ensure that there is adequate financial security set aside to perform the specified decommissioning of the project and any restoration needed to be

- performed to the shared access drive after construction of the project or its decommissioning. Said commitment shall be reviewed and approved/accepted by the Village Attorney.
12. Applicant shall submit formal landscape plan that evaluates existing landscaping around the project area and provides for year-round screening around the entire solar farm. (ADDED BY PLAN COMMISSION)
  13. Applicant shall be limited to spot spraying instead of widespread/broadcast spraying of herbicides to manage vegetation on site. (ADDED BY PLAN COMMISSION)
  14. Applicant shall add the Village as an insured party on their Pollution Liability Insurance Policy. (ADDED BY PLAN COMMISSION)
  15. The use of lithium batteries on site as part of the solar facility's operation shall be prohibited. (ADDED BY PLAN COMMISSION)

October 30, 2025

VIA EMAIL

Village of Germantown Village Board  
N112 W17001 Mequon Road  
Germantown, WI 53022

Re: Conditional Use Permit for Lime Kiln Solar Project

Dear Village Board Members,

I represent OneEnergy Development, LLC ("OneEnergy") in connection with the proposed Lime Kiln Solar Project ("Project"), including its pending application for a Conditional Use Permit ("CUP") for the Project. OneEnergy understands that on October 13, 2025, the Plan Commission recommended denial of the CUP. For the reasons outlined below, we respectfully urge the Village Board to reject that recommendation and grant the CUP.

## **1. Legal Obligation to Grant the CUP**

Under Wisconsin law, "If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city **shall** grant the conditional use permit." Wis. Stat. § 62.23(7)(de)(2)(a) (emphasis added). This statute applies to Villages through Wis. Stat. § 61.35. OneEnergy has met or agreed to meet all requirements and conditions set forth in the Village ordinance. OneEnergy has also agreed to the Village's proposed CUP conditions. In addition to the six conditions proposed in its CUP application, OneEnergy has agreed to comply with the four additional conditions recommended by the Plan Commission. OneEnergy has also demonstrated its ability to meet these conditions. With respect to "Amendment #1" proposed by the Plan Commission, OneEnergy requests only that this condition be worded to reflect the reality that natural vegetative and topographical barriers exist on all but the north-facing portion of the Project, which faces Pioneer Road. Because OneEnergy has met and will meet all applicable requirements and conditions, the Village Board is legally obligated to grant the CUP.

## **2. Compliance with Village Ordinance**

Section 17.42 of the Village Zoning Code authorizes the issuance of a CUP when the proposed use aligns with the purpose and intent of the zoning chapter and is not hazardous, harmful, offensive, or otherwise adverse to the environment, neighborhood, or community. OneEnergy provided a detailed CUP application touching on all relevant aspects of the Project, gave a presentation to the Plan Commission describing the Project's features and benefits, and answered questions from commissioners about the Project. OneEnergy has provided substantial evidence demonstrating that the Project is safe, clean, and economically beneficial, with no negative impact on the environment or surrounding property values.



### **3. Lack of Substantial Evidence for Denial**

Wisconsin law requires "substantial evidence" to support denial of a CUP—defined as facts and information, **other than merely personal preferences or speculation**, directly related to the applicable requirements and conditions, and which reasonable persons would accept in support of a conclusion. Wis. Stat. § 62.23(7)(de)(1)(b). The record contains no such evidence. To the contrary, Village Staff, who provided technical analysis of OneEnergy's proposed site plan and technical documents, found the CUP requirements met and recommended that the CUP be approved. There simply is no factual basis to conclude the Project does not meet the required statutory and ordinance criteria for CUP approval. Speculation from Project opponents and personal animus against solar energy is not evidence, let alone substantial evidence sufficient to deny a CUP application.

### **4. Denial is Outside the Village's Limited Authority to Restrict Solar**

A village can only restrict a solar energy system if the restriction falls within one of three categories specifically enumerated by statute. See Wis. Stat. § 66.0401(1m)(a-c). There is no substantial evidence that precluding the Project by denying the CUP would serve to preserve or protect the public health or safety. See Wis. Stat. § 66.0401(1m)(a). The Plan Commission did not attempt to provide any such evidence when recommending denial. The Village Board's denial of the CUP application would significantly decrease the Project's efficiency because OneEnergy would not be allowed to construct it. See Wis. Stat. § 66.0401(1m)(b). The Village Board's denial of the CUP application would not allow for an alternative system of comparable cost and efficiency to the Project because OneEnergy would not have authority to construct any type of solar project at the proposed site. See Wis. Stat. § 66.0401(1m)(c).

Under Wis. Stat. § 66.0401, the Village Board can properly impose reasonable restrictions on the Project through CUP conditions. OneEnergy is amenable to Project conditions and has already agreed to ten of them. But outright denial of the Project's CUP is outside the limited discretion afforded to the Village Board by state statute.

### **5. Flawed Reasoning by the Plan Commission**

The Plan Commission's recommendation to deny the CUP is fundamentally flawed and should be disregarded. The Commission expressly acknowledged that it lacked any substantial evidence to support denial. Instead, several commissioners openly admitted that their decision was based on personal opposition to the Project and frustration with state law limiting local discretion. One commissioner stated, acknowledging the lack of any legitimate basis for denial, "We're just kicking the can upward," while another said, "I don't like being pushed around," referring to the state's statutory framework that limits a Village's discretion to deny CUP applications.

This reasoning is not only legally insufficient—it is explicitly contrary to Wisconsin law. At bottom, the Commission's discussion reflects a general intent to restrict solar energy

October 30, 2025

Page 3

development – they did not discuss whether and how CUP requirements were or were not met. Further, the Commission did not identify any specific, evidence-based human health, safety or environmental concerns that would justify denial of a CUP as a round-about path to restrict solar development under Wis. Stat. § 66.0401(1m)(a). Instead, the record reflects a desire to resist state mandates and a general dislike of solar and the Project's perceived impact on rural character—none of which constitute valid grounds for denial of the CUP.

Moreover, and crucial to this Board's determination, the Commission acknowledged that the applicant had agreed to all proposed conditions and had provided a detailed decommissioning plan, vegetation management plan, and safety protocols. These acknowledgements compel approval. Despite this, the Commission recommended denial of the CUP, knowing a denial would likely be overturned, and even discussed strategies to make such projects "more difficult" to approve in the future.

The Village Board should not endorse this legally unsupported and procedurally improper approach. The CUP should be granted in accordance with state law and the Village's own duly enacted ordinances.

Thank you for your consideration, and we look forward to speaking with you further on November 3.

Sincerely,

**MICHAEL BEST & FRIEDRICH LLP**



David N. Shea

cc: Donna Ott, Brian Sajdak



**CUP # \_\_-2025**

Document No.

**CONDITIONAL USE PERMIT**

Document Title

VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN  
 CONDITIONAL USE ZONING PERMIT

Whereas:

**OneEnergy Development, LLC, Applicant and  
 Robert Overmier, Property Owner**

agree to comply with applicable Codes and Ordinances of the Village of Germantown, Wisconsin, and further agrees that all work done pursuant to the permission granted herewith will conform with the applications and drawings filed with and approvals granted by officials of the Village for the purpose of obtaining this permit.

Now, therefore, this permit is issued to allow for the operation of a "solar energy conversion system" consistent with and only to the extent allowed under Wis. Stat. § 66.0401 from the property located at N144 W12531 Pioneer Road pursuant to Section 17.12(2)(jj) of the Village Zoning Code.

Name &amp; Return Address:

**Village of Germantown  
 P.O. Box 337  
 Germantown, WI 53022**

Parcel Identification No:

**GTNV\_011-987**

**On the following described property located in the Village of Germantown,  
 Washington County, Wisconsin:**

A PART OF THE NORTHWEST ¼, NORTHEAST ¼ OF THE NORTHEAST ¼ OF SECTION 1, IN TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST ¼ OF SAID SECTION; THENCE SOUTH 01°18' 22" EAST ALONG THE EAST LINE OF SAID ¼ SECTION 475.00 FEET TO A POINT; THENCE SOUTH 88°41' 38" WEST 326.70 FEET TO A POINT; THENCE SOUTH 01°18'22" EAST 200.00 FEET TO A POINT; THENCE NORTH 88°41'38" EAST 326.70 FEET TO A POINT IN THE EAST LINE OF SAID ¼ SECTION; THENCE SOUTH 01°18'22" EAST ALONG SAID EAST LINE 596.15 FEET TO A POINT; THENCE SOUTH 88°13'12" WEST ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 6353 AND ITS EXTENSION A DISTANCE OF 1,996.42 FEET TO A POINT IN THE WEST LINE OF THE EAST ½ OF THE NORTHEAST ¼ OF SAID ¼ SECTION; THENCE NORTH 01°21'20" WEST ALONG SAID WEST LINE 1,301.86 FEET TO A POINT TO A POINT IN THE NORTH LINE OF SAID ¼ SECTION; THENCE NORTH 89°06'05" EAST ALONG SAID NORTH LINE 1,997.52 FEET TO THE POINT OF BEGINNING. SAID LAND CONTAINS 2,370,106 SQUARE FEET OR 54.4101 ACRES.

Tax Key No: 011-987

Address: N144 W12531 Pioneer Road

**Pursuant to the following condition(s):**

1. The uses and activities allowed on the property shall be limited to those uses and activities specified in the Conditional Use Permit (CUP) application and supporting documents date stamped received July 17, 2025. Operations and site characteristics shall be limited to those specified in the CUP supporting documents and specified in Exhibit A attached.
2. The owner/operator is responsible for reporting any significant changes in the type, intensity, amount, or location of the land uses and activities, days and hours of operation, size or location or other operational characteristics of said uses and activities authorized under this CUP to the Village Zoning Administrator.
3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the Conditional Use Permit (CUP) may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
4. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premises advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
5. All future site improvements, including all building, parking area, landscaping, storm water management facilities, signage, exterior lighting, and any other improvements made to or on the property that are necessary for the land uses and activities authorized under this CUP shall be submitted for review and approval by the Village through the Zoning Permit or Site Plan application process as determined by the Village Zoning Administrator. If required, Site Plan review and approval will include Plan Commission review and approval.
6. Pursuant to Section 17.47 of the Zoning Code, if the Village observes and/or receives complaints regarding negative impacts associated with and/or created by business-related activities conducted on the property, including but not limited to noise, dust or other airborne materials, the Property Owner/Operator shall work with the Village to identify the source of such impact(s), evaluate alternative mitigation measures, and implement a mutually-agreeable solution to mitigating the impact(s).
7. Applicant shall submit formal landscape plan that evaluates existing landscaping around the project area and provides for year-round screening around the entire solar farm.
8. Applicant shall be limited to spot spraying instead of widespread/broadcast spraying of herbicides to manage vegetation on site.
9. Applicant shall add the Village as an insured party on their Pollution Liability Insurance Policy.
10. The use of lithium batteries on site as part of the solar facility's operation shall be prohibited.

Granted by the Village Board of the Village of Germantown, Washington County, Wisconsin  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Robert A. Soderberg, Village President

ATTEST:

\_\_\_\_\_  
Donna Ott, Village Clerk

STATE OF WISCONSIN ) SS  
WASHINGTON COUNTY)  
Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, the above-  
named Robert A. Soderberg, Village President, and Donna Ott, Village Clerk, to me known to  
be the persons who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
{type or print name of Notary on this line}

\_\_\_\_\_  
{signature of Notary on this line}

Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

**ACCEPTANCE OF TERMS AND CONDITIONS BY APPLICANT**

I hereby accept the terms and conditions set forth in this Permit and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
OneEnergy Development, LLC, Applicant

STATE OF WISCONSIN) SS  
\_\_\_\_\_ COUNTY)

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, being the above named \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
{type or print name of Notary on this line}

\_\_\_\_\_  
{signature of Notary on this line}

Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

**ACCEPTANCE OF TERMS AND CONDITIONS BY PROPERTY OWNER**

I hereby accept the terms and conditions set forth in this Permit and realize that non-adherence to the terms and conditions as stated hereon may result in the revocation of this Permit by the Village of Germantown.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2025

\_\_\_\_\_  
Robert Overmier, Property Owner

STATE OF WISCONSIN) SS  
\_\_\_\_\_) COUNTY)

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2025, being the above named \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
{type or print name of Notary on this line}

\_\_\_\_\_  
{signature of Notary on this line}

Notary Public, State of Wisconsin  
My Commission Expires: \_\_\_\_\_

This instrument was drafted by:

Jordan Yanke  
Associate Planner  
Village of Germantown, Wisconsin

EXHIBIT A

Uses/Activities/Site Improvements – Conditional Use Permit in A-1: Agricultural District

- “Solar Energy Conversion System” Consistent with and only to the Extent Allowed under Wis. Stat. § 66.0401
- Site Development Improvements Consistent with *Site Development Layout* (Sheet D-100) revised dated October 10, 2025
- Total Property Acreage: 54.41
- Solar Facility Acreage: ~35 (28.50 Fenced)
- Access Road Acreage: 0.35
- Module Count: 13,200
- Inverter Count: 24
- Solar Array Height: ~8’ (Maximum Tilt Angle)
- System Statistics: 6 Megawatts; ~12,000,000 kWh Per Year
- Fence: 8’ Agricultural/Wildlife Perimeter Fence

SCANNED



Village of



Fee must accompany application

✗ \$1460 Paid ☒ Date 7/16/25  
chk# 6616

## CONDITIONAL USE PERMIT APPLICATION

Pursuant to Section 17.42 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

### 1 APPLICANT OR AGENT

OneEnergy Development, LLC

Phone (262) 395 - 7172

Fax ( )

E-Mail peter@oneenergyrenewables.com

### PROPERTY OWNER

Robert Overmier

Phone (414) 531 - 2598

### 2 TO WHOM SHOULD THE PERMIT BE ISSUED?

OneEnergy Development, LLC

### 3 PROPERTY ADDRESS

To be assigned. Approximately 43.277345, -88.068404

CURRENT Address: N144W12531  
Pioneer Rd

### TAX KEY NUMBER

~~011991 and 011992,~~

which are now

combined GTN-011987

### 4 DESCRIPTION OF EXISTING OPERATION

Briefly describe the use as it exists today, including use, size, number of employees, hours of operation, etc. If this permit involves new construction, describe the current status of the property, e.g. "vacant." Use additional pages as necessary.

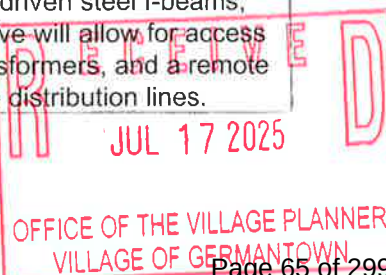
Undeveloped/vacant property used for agricultural row cropping.

### 5 DESCRIPTION OF PROPOSED OPERATION

Write the name of the proposed conditional use exactly as it appears in the Municipal Code

Describe the proposed use, including size, number of employees, hours of operation and extent of any new construction/alterations

Proposed 6 MW ground-mounted solar facility that would occupy about 35 acres of the larger 57 acre parcel owned by Robert Overmier. Solar panels will be mounted on racking and driven steel I-beams, enclosed with an 8' tall woven wire/deer exclusion fence. A 16' gravel access drive will allow for access to the site from Pioneer Rd. Electrical equipment would consist of inverters, transformers, and a remote monitoring system. The project will connect to the existing We Energies 3-phase distribution lines.



**6 METES AND BOUNDS LEGAL DESCRIPTION OF PROPERTY – REQUIRED**

Attach pages as necessary

The East 60 acres of the North 1/2 of the Northeast 1/4 of Section 1, Township 9 North, Range 20 East, EXCEPTING THEREFROM the following described property: That part of the East 60 acres of the North 1/2 of the Northeast 1/4 of Section 1, in Township 9 North, of Range 20 East, in the Town of Germantown, Washington County, Wisconsin, bounded and described as follows: Commencing at a point in the East line of said quarter section 475 feet south of the northeast corner thereof; thence West on a line at right angles to the east line of said quarter section, 326.7 feet to a point; thence south on a line parallel to the east line of said quarter section, 200 feet to a point; thence east on a line at right angles to the east line of said quarter section 326.7 feet to a point in the east line of said quarter Section; thence North along the east line of said quarter section, 200 feet to the place of beginning. Please see attached Survey Map in Exhibit F

**7 SUPPORTING DOCUMENTATION:**

- ☒ Site Plan and elevations for new construction (can be conceptual)
- ☒ Photos of existing use and/or proposed use operating elsewhere
- ☒ Conditional Use Permit / Project Narrative
- ☒ Operations plan, decommissioning plan, vegetation management plan

**8 READ AND INITIAL THE FOLLOWING:**

- PM I understand that the Village is under no obligation to issue a Conditional Use Permit and will do so only if the applicant successfully demonstrates that the proposed use is harmonious with the neighborhood and the long range goals of the Village.
- PM I will notify the Village if any aspects of the conditional use changes. I understand that failure to do so may result in the revocation of the CUP.
- PM I understand that a Conditional Use Permit is valid only if the conditions and restrictions of the permit are met. I understand that failure to comply with any aspect of the permit may result in revocation.
- PM I understand that Village Staff is required to post one or more signs along the street frontage of and/or on the property subject of this application that indicate to nearby property owners and the general public that a public hearing of my application will be held before the Village Plan Commission and/or Village Board prior to action being taken on this application; I hereby grant Village Staff permission to enter onto the property for the expressed purpose of installing said sign(s) provided Village Staff is responsible for installing, maintaining and removing said signs in a reasonable manner and timeframe.

**9 SIGNATURES – ALL APPLICATIONS MUST BE SIGNED BY OWNER!**

  
Applicant Date 7/14/2025

  
Owner Date 07/14/2025  
Approved by Village Staff (Jul 14, 2025 12:03 CDT)



SCANNED



Fee must accompany application

- ☐ \$700 Minor Addition
- ☐ \$1,240 Construction <10,000 SF
- ☐ \$2,095 Construction 10,000 SF to 50,000
- ☒ \$3,460 Industrial Construction >50,000 SF
- ☐ \$3,460 Commercial Construction >50,000
- ☐ \$200 Plan Commission Consultation
- ☐ \$125 Fire Department Plan Review

PAID

DATE

8/7/25

w/c.c.

## SITE PLAN REVIEW APPLICATION

Pursuant to Section 17.43 of the Municipal Code

Please read and complete this application carefully. All applications must be signed and dated.

### 1 APPLICANT OR AGENT

OneEnergy Development, LLC

Phone ( 262 ) 395 7172  
E-Mail peter@oneenergyrenewables.com

### PROPERTY OWNER

Robert Overmier

Phone ( 414 ) 531 2598  
E-Mail

### 2 PROPERTY ADDRESS

To be assigned. Approximately 43.277345, -88.068404

GTNV-011987

Current address: N144W12531 Pioneer Rd.

### 3 NEIGHBORING USES - Specify name and type of use, e.g. Enviro Tech - Industrial, Smith - Residential, etc.

|                                                                                 |                                                |                                              |                                  |
|---------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------|----------------------------------|
| North<br>TO Jackson Residential (Kloehn Ohm,<br>Guidinger, Shumway, Bourbonais) | South A-1 Overmier, A-2<br>Gallun, RS-1 Gallun | East RS-3 Sprangers,<br>Ozaukee Agricultural | West RS-4 Sadowski,<br>A-2 Groth |
|---------------------------------------------------------------------------------|------------------------------------------------|----------------------------------------------|----------------------------------|

### 4 READ AND INITIAL THE FOLLOWING:

PM I am aware of the Village of Germantown ordinance requiring fire sprinklers in most new construction.

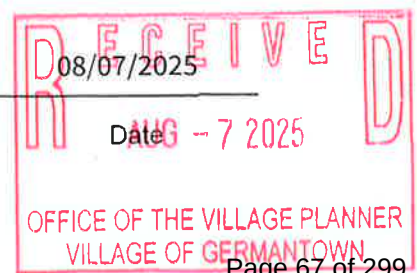
PM I understand that all new development is subject to Impact and/or Connection Fees that must be paid before building permits will be issued.

PM I understand that an incomplete application will be withdrawn from the Plan Commission agenda and that all resubmissions to the Plan Commission are subject to a new application fee.

### 5 SIGNATURES - ALL APPLICATION MUST BE SIGNED BY OWNER!

  
Applicant Date 8/6/2025

  
Owner Date 8/7/2025





## LIME KILN SOLAR Project Overview

OneEnergy Renewables is in the process of developing a 6-Megawatt solar project in the Village of Germantown, Wisconsin. The project is located south of Pioneer Road and will lease about 35 acres of the 57-acre property (please see site plan on reverse).

Lime Kiln Solar has a useful life of 30-50 years and will provide clean, locally produced energy for nearby We Energies customers years to come. At the height of construction, roughly 30 local union workers will be employed on this project.

OneEnergy will develop, design, engineer, and construct Lime Kiln Solar. Based in Madison, our Midwest office has developed 55 solar projects over the last 6 years, including 39 in Wisconsin.

### SYSTEM STATISTICS

6 Megawatts  
~35 acres  
~12,000,000 kWh per year

### MAIN SYSTEM COMPONENTS

- Single-axis tracker (tracks the sun from east to west throughout the day)
- Bifacial solar panels
- Inverters
- Transformers

**12,000,000 kWh of electricity per year, equivalent to...**



**1,400**

AVERAGE WISCONSIN  
HOUSEHOLDS



**9,241**

TONS OF CO<sub>2</sub> AVOIDED,  
LIKE TAKING 1,600+  
CARS OFF THE ROAD\*



**9,787**

ACRES OF U.S.  
FOREST CARBON  
SEQUESTRATION\*

\*Source: EPA Greenhouse Gas Equivalencies Calculator



## Sustainable Design and Construction

Our approach to solar development, engineering, and construction is low-impact and dual-use.

The area beneath and around the panels will be planted to a low-growing perennial pollinator mix. This increases water infiltration, improves runoff and erosion control, and enhances soil fertility over the lifetime of the project.

The project area will be fenced within an 8' tall deer-exclusion style fence, similar to what one might find around an orchard. The area surrounding the project will continue to be farmed.

When the project is decommissioned, all infrastructure will be removed, and the site restored to pre-development conditions for continued agricultural use with rested and restored soils.

## Contact

**PETER MURPHY**  
PROJECT MANAGER

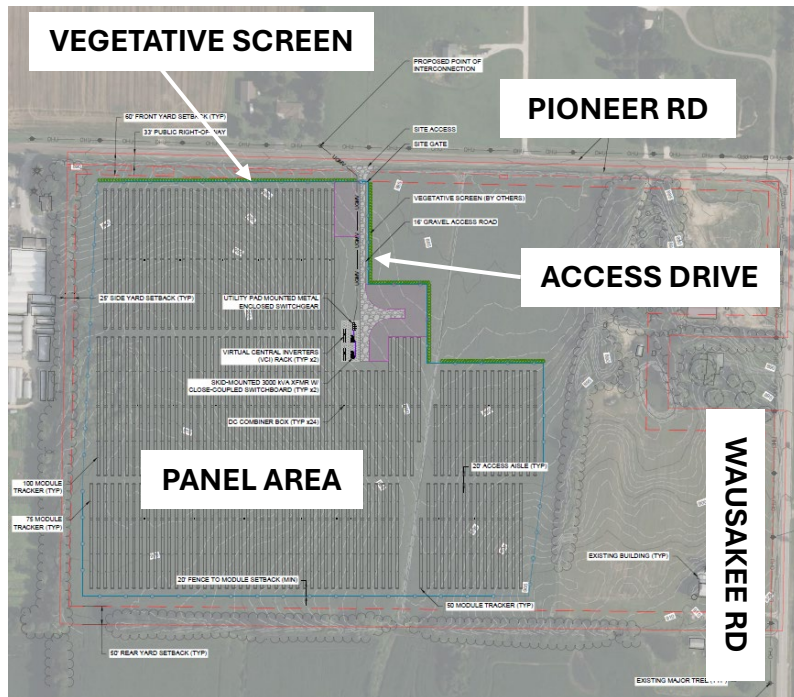
(262) 395-7172 |C

[peter@oneenergyrenewables.com](mailto:peter@oneenergyrenewables.com)

10 N. Livingston St, Suite 201  
Madison, WI 53703



### PROPOSED LIME KILN SOLAR PROJECT SITE PLAN





**Conditional Use Permit Application Addendum – Village of Germantown, WI**  
**Lime Kiln Solar Project**

**Applicant:**  
**OneEnergy Development, LLC**  
**10 N. Livingston St., Suite 201**  
**Madison, WI 53703**

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Exhibits

- Exhibit A – Site Plan
- Exhibit B – Operations Plan
- Exhibit C – Vegetation Management Plan
- Exhibit D – Project Profile
- Exhibit E – Decommissioning Plan
- Exhibit F – Survey Map
- Exhibit G – Glare Analysis
- Exhibit H – Conditional Use Standards, A-1 Zoning District
- Exhibit I – List of Properties within 300 feet
- Exhibit J – Property Legal Description



## Background

The Lime Kiln Solar Project (the “Project”) is a proposed 6 Megawatt solar generation facility. OneEnergy Development, LLC (“OneEnergy” or “the Applicant”) will develop, engineer, and construct the Project.

The Applicant will complete all environmental studies and surveys required to construct the Project, including the following: wetland delineation, Phase I Environmental Site Assessment, soil analysis, Wisconsin State Historical Preservation Office, and endangered resources review. The Project is not expected to impact natural resources.

The Applicant intends to start construction on the Project in the spring of 2026, pending receipt of all required permits and approvals and availability of key equipment for the project. Construction of the project is expected to take approximately 4-6 months. If construction starts in spring of 2026, the Project is expected to be completed by the end of 2026. If construction is delayed due to key equipment availability or other issues until spring of 2027, the project is expected to be constructed and operational by the end of 2027. Once complete, the Project will generate local power for local customers within We Energies’ service territory.



*Strobus Solar Project in Black River Falls, WI*

## A. General Land Use Description

### Location

The Project is located on approximately 35 acres of vacant land in the Village of Germantown known as parcels GTNV\_011987 to the south of Pioneer Road and west of Wasaukee Road. The land is part of a larger 57-acre parcel owned by Robert Overmier.

### Zoning

The proposed Project is situated on land that is zoned A-1 Agricultural Preservation District. Adjacent parcels are farmsteads and residential homes zoned A-1, A-2, RS-4, RS-3 and RS-1.

### Setbacks

OneEnergy commits to following all applicable Setbacks (please see Village of Germantown Ordinance 17.12(5) and 24.04)

- (a) Front Setback. 60 feet, minimum.
  - (b) Side Yards. 25 feet, minimum, except that bee hives and buildings used for keeping livestock and poultry, and all new buildings constructed after the effective date of this Code shall have yards of not less than 50 feet.
  - (c) Rear Yard. 50 feet, minimum.
- Setback from navigable waterway located to the north: 75'

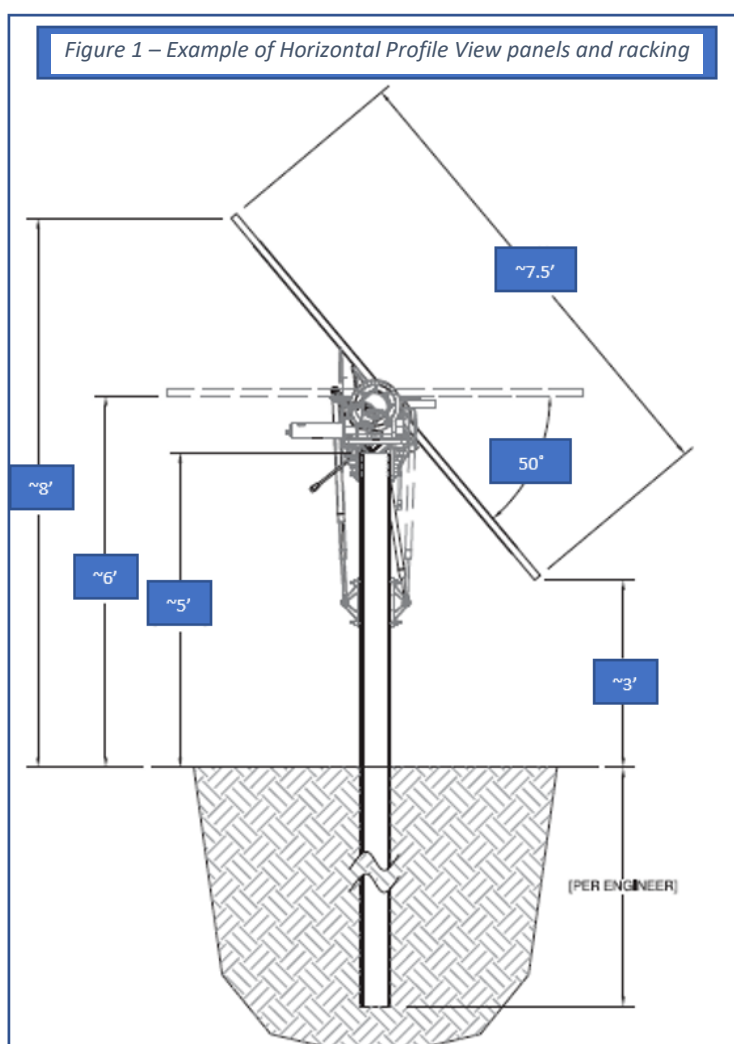


## Description of Equipment

### Racking and Panels

The racking for the proposed project consists of driven steel I-Beams that are embedded approximately 10' into the ground, and extend approximately 5' above ground. A torque tube connects to the top of the I-Beams, and the panels are mounted to the top of the torque tube. All components of the racking system are made of steel.

Below is a depiction of the horizontal profile view of the panels and racking, which will run in rows from north to south throughout the site and will track the sun from east to west throughout the day. At their maximum angle in morning and evening, the panels are 50 degrees from horizontal facing either east (morning) or west (evening). At mid-day, the panels are flat. At their maximum tilt angle in morning and evening, the tallest part of the panel is ~8' above ground level.



### Solar Panels

Crystalline silicon solar PV panels, which represent ~95% of the installed solar panels in the US, consist primarily of tempered glass, silicon wafers, anodized aluminum, and wiring, all of which can be recovered and recycled at the end of their useful life. PV panels are extremely durable and built for long service life, as indicated by their 30-year warranty.

### Inverters, Transformer, Electrical Rack

The inverters, electrical panels and transformers will be located in the middle of the project as depicted in the site plan. Most equipment (inverters, electrical panel, etc.) will be mounted on driven pilings similar to the pilings that support the solar panels and racking with a maximum height of 8 feet. The transformers and disconnects will be mounted on a steel skid. These pieces of electrical equipment look similar to what you would see at a large load service like a grocery store.

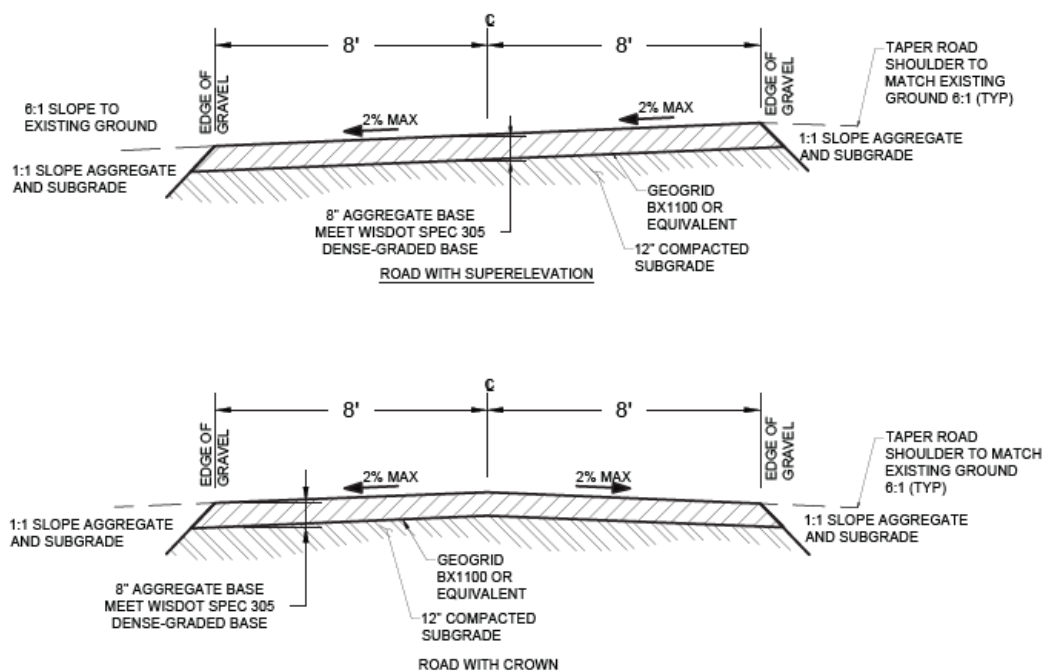


Image 3 – Inverter at Hodag Solar Project in Rhinelander, WI

### Access Drive

The access drive is proposed to be 16' wide and will come off of Pioneer Road. The access drive will be installed below depending on the slope. The access drive is installed at-grade to minimize changes to existing drainage patterns.

Figure 2 – Example of Access Drive Design Detail





## Fence

A fence will surround the solar project and will be an 8' tall agricultural-style fixed knot wildlife exclusion fence similar to what you might see around an orchard. The fence will have either wood or steel posts.



*Image 4 – Fence at Rushford Village Solar Project in Rushford Village, MN*



*Image 5 – Fence at Blue Prairie Solar Project in Black River Falls, WI*

## B. Scale Map of the Project Site

Please see **Exhibit A - Proposed Site Plan** for dimensions and location of proposed facilities. OneEnergy designs our projects using highly efficient bifacial solar panels and single-axis tracking racking. Using this equipment, a 6 Megawatt solar system can be located on approximately 40 acres of relatively flat topography and, most importantly, consistent elevations in the north-south direction.

The proposed project is expected to produce enough electricity for approximately 1,400 average Wisconsin residences, or almost 17% of the electricity needs of the Village of Germantown's approximately 8,280 households.

## C. Landscaping

The Project will be developed in a manner that complements the agricultural setting by using an agricultural-style fence, either a pasture for grazing sheep or a pollinator seed mix to attract bees and birds. Topsoil integrity will be preserved throughout construction by pre-seeding a cover crop prior to construction to minimize erosion and compaction, as well as by minimizing grading within the site. The permanent seeding will



take place after construction is complete, and will conform with Wisconsin DNR recommendations for solar projects. The final landscape plan will be developed in partnership with the Wisconsin DNR and in compliance with all applicable stormwater requirements. By planting dense perennial vegetation beneath and around the solar panels, the project provides ecosystem services associated with pollinator benefits, soil building, increased water infiltration and reduced stormwater runoff compared to regularly tilled farmland. Please see **Exhibit C –Vegetation Management Plan**.

## D. Wetland and Drainage Facilities

The project is designed to minimize soil disturbance and drainage alterations as much as possible. OneEnergy anticipates limited ground disturbance for the installation of the solar array and will ensure all grading is done in compliance with recommended best practices for stormwater and sediment erosion control. Because the project will occupy more than one acre, OneEnergy will be required to comply with the Wisconsin Department of Natural Resources NPDES Construction General Permit, which has the following requirements:

- Implement Best Management Practices to control sedimentation during construction, i.e. silt fencing, fiber logs, temporary stabilization, etc.
- Submittal of a Water Resource Application for Project Permits (WRAPP)
- Develop a Stormwater Management Plan approved by the Wisconsin DNR prior to commencement of construction

Sedimentation will be controlled from leaving the project area after construction by changing the land use of the project area from cultivated agricultural land to nearly 100% vegetated ground cover. The pollinator meadow growing beneath and around the solar panels acts as a vegetative buffer that covers ~95% of the site. Runoff from the access roads and gravel pads will travel through the vegetative cover prior to leaving the project area. Water that runs off panels into the proposed dense pollinator planting below will act as a natural vegetative buffer which will increase infiltration and act as erosion control to help the site meet required standards.

OneEnergy solicited records from the landowner on any known drain tile on the property, reviewed aerial photographs available on Google Earth, and studied the Project Area for evidence of drain tile. Based on all available information, there is not expected to be drain tile within the project area

### E. Construction Schedule

OneEnergy's goal is to finalize engineering in the winter of 2025-2026, to enable purchasing of long-lead equipment in early 2025 and construction during the months of May to November 2026. If construction is delayed due to key equipment availability or other issues until spring of 2026, the project is expected to be constructed and operational by the end of 2026.

A project of this size typically takes 4-6 months to construct. The Project is intended to start construction in the summer of 2026 and be complete by the end of 2026. A tentative construction schedule is as follows:

|                                     |            |            |
|-------------------------------------|------------|------------|
| Civil Work and Fencing Install      | 5/1/2026   | 5/31/2026  |
| Pile Installation                   | 6/1/2026   | 7/1/2026   |
| Racking and Module Installation     | 7/1/2026   | 9/1/2026   |
| Wiring and Transformer Installation | 9/1/2026   | 10/15/2026 |
| Pollinator Seeding and Revegetation | 10/15/2026 | 11/1/2026  |
| Target In-service Date              | 11/1/2026  |            |

### F. Operations & Vehicular Traffic Description

During operation, the Facility will be an unmanned plant that will operate through local and remote control/monitoring. Please see **Exhibit B –Operations Plan**. During construction, we anticipate that there will be between 5 and 30 construction workers on-site for the 6-month period (May-November) during which the bulk of construction will take place. No lighting will be used on site during construction or operations of the project. Adequate provision for parking of such construction staff has been included in the design of the laydown area within the site perimeter. Additionally, deliveries will be expected during business hours. It is not expected that more than 3-4 delivery trucks will arrive at the site per day during construction. Following construction, traffic will be very limited. We typically expect approximately one pickup truck to visit the site per month during the operational period for routine site maintenance and mowing.





## G. Decommissioning and Removal

OneEnergy has committed through its lease agreement with the landowner to remove the system at the end of the project life, including provisions to ensure that there is adequate financial security set aside to perform such decommissioning. When the Project is decommissioned, all infrastructure will be removed, and the site will be restored to predevelopment conditions for continued agricultural use with rested and restored soils. Please see **Exhibit E – Decommissioning Plan**.

## H. About OneEnergy

OneEnergy is a developer of community-scale solar projects in Wisconsin, focusing on projects that interconnect with the distribution grid and serve local loads. Our team, based in Madison, consists of developers, engineers, construction managers, legal, finance, and accounting professionals. Over the last 6 years, we have completed 55 projects in the Midwest, 39 of which are in Wisconsin, including:

- A series of four 7.5 Megawatt projects for WE Energies located in Kenosha, Washington, Walworth and Shawano Counties in 2023.
- A portfolio of 10 projects for rural electric cooperatives in Western Wisconsin in 2023.
- A series of 5-6 Megawatt projects for WE Energies and Wisconsin Public Service located in Langlade, Fond du Lac, Racine, and Walworth Counties in 2024.

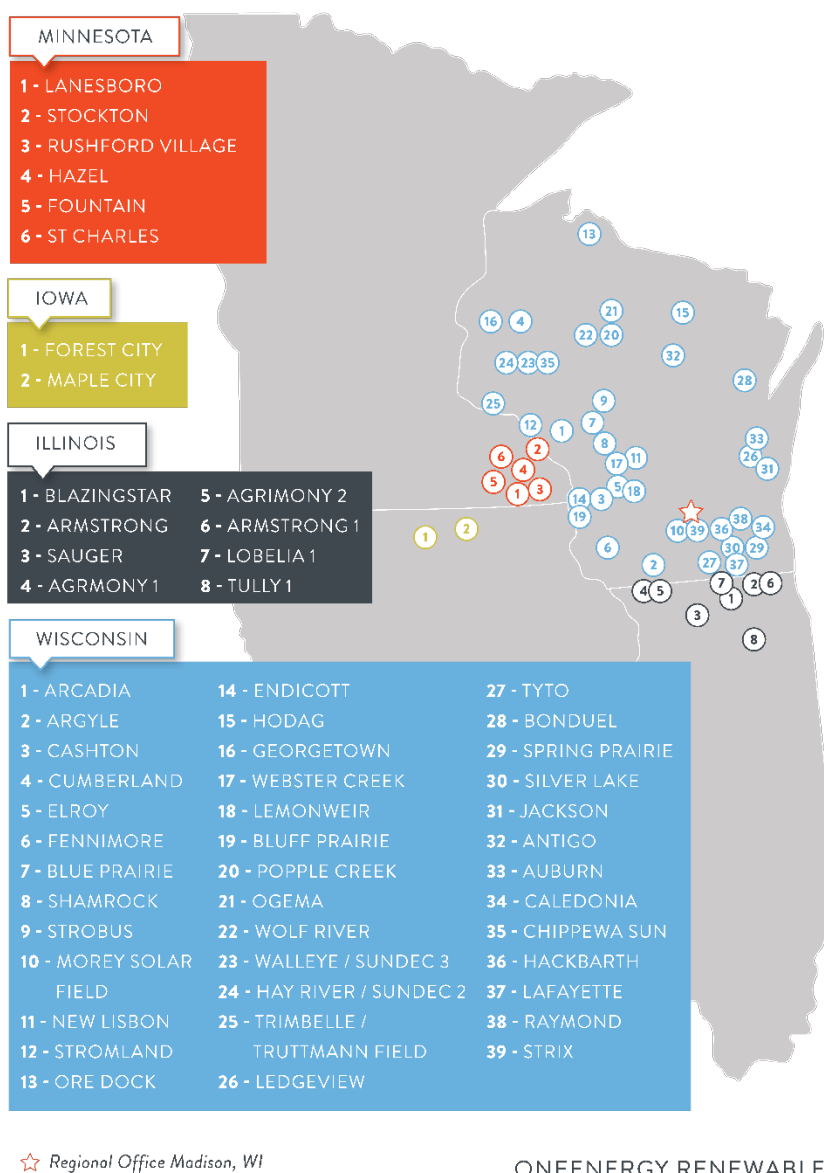


Figure 3 – OneEnergy Midwest Solar Projects

**Exhibit H – Conditional Use Standards  
A-1 Farmland Preservation Zoning District  
Village of Germantown, Wisconsin**

**Lime Kiln Solar Project**

**Applicant:  
OneEnergy Development, LLC  
10 N. Livingston St. Suite 201  
Madison, WI 53703**

## **Lime Kiln Solar Project Conditional Use Standards Zoning District A-1, Farmland Preservation**

The use of the property for the project is consistent with uses allowed by the Farmland Preservation Statute, Wis. Stat. §91.46(1)(f). The term “Utility Use” has been further defined by the Department of Agriculture, Trade and Consumer Protection (DATCP), with respect to farmland preservation, and “includes facilities for the generation of electricity from sunlight,...” See Wis. Admin. Code Department of Agriculture, Trade and Consumer Protection §ATCP 49.01(19).

In addition, the Village of Germantown Zoning Ordinance lists “wind energy conversion systems and solar energy conversion systems consistent with and only to the extent allowed under Wis. Stat. §66.0401” as approved conditional uses in the A-1, Farmland Preservation Zoning Districts (Sec. 17.12(2)(jj)).

Thus, the proposed solar project meets the definition of allowed “Utility Use” in farmland preservation districts per DATCP statute §91.46(1)(f) and is consistent with the Village of Germantown Zoning Ordinance Sec. 17.12(2)(jj) as a conditional use in the A-1 Farmland Preservation District, as further supported below and by the Department of Agriculture, Trade and Consumer Protection’s promulgated rules.

### **A. The use and its locations in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.**

In addition to the Department of Agriculture, Trade and Consumer Protection rules described above that allow solar generation as a conditional use, the Project is consistent with the purpose of the farmland preservation zoning district for the following reasons:

- The areas outside the fence will continue to be farmed.
- Either a pollinator pasture mix for grazing sheep or a pollinator prairie mix will be planted to establish habitat for bees and other pollinators, consistent with the intended use of agricultural land around the project.
- The Project does not involve any buildings or structures, will operate quietly and with no permanent on-site staff, and will not change the traffic patterns, development, or uses of adjacent properties.
- The Project area can be returned to agricultural production upon decommissioning of the project once it has reached the end of its useful life – the solar project is a temporary and reversible land use. The Project preserves the agricultural potential of the land, maintains rural character and open space of the area, and minimizes conflicts with other nearby agricultural uses.



- B. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.**

Solar, or Utility Use, is an approved Conditional Use in the Farmland Preservation District. The site's proximity to existing electrical distribution makes this "utility use" of the property economically feasible, as well as minimizes the environmental impact associated with interconnection of the project.

- C. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.**

Solar projects generally do not trigger additional growth and will not contribute to the conversion of land around them. Instead, the Project will enable preservation of the area and its continued and future use for agriculture. The Project preserves the agricultural potential of the land, maintains rural character and open space of the area, and minimizes conflicts with other nearby agricultural uses.

- D. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.**

The Project will not limit or impact adjacent uses, including agricultural uses. In fact, the remaining property is planned to be farmed right up to the fence line. The Project area can be returned to agricultural production upon decommissioning of the project once it has reached the end of its useful life – the solar project is a temporary and reversible land use.

- E. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.**

The Project is designed to minimize any disturbance to agricultural land. The Project will be submitted, reviewed, and approved by the Wisconsin Department of Natural Resources for a Construction Site Storm Water Runoff Permit prior to commencement of construction, meaning the post-construction hydrology of the site must be the same or improved from the current condition. The Project uses a driven piling racking system which, when decommissioned, is easily removed from the site. In addition, all topsoil will remain on-site and the site plan is designed to minimize grading required. At the end of the Project's useful life, all components are removed and the land returned to substantially the same condition as it was previously.





# LIME KILN SOLAR

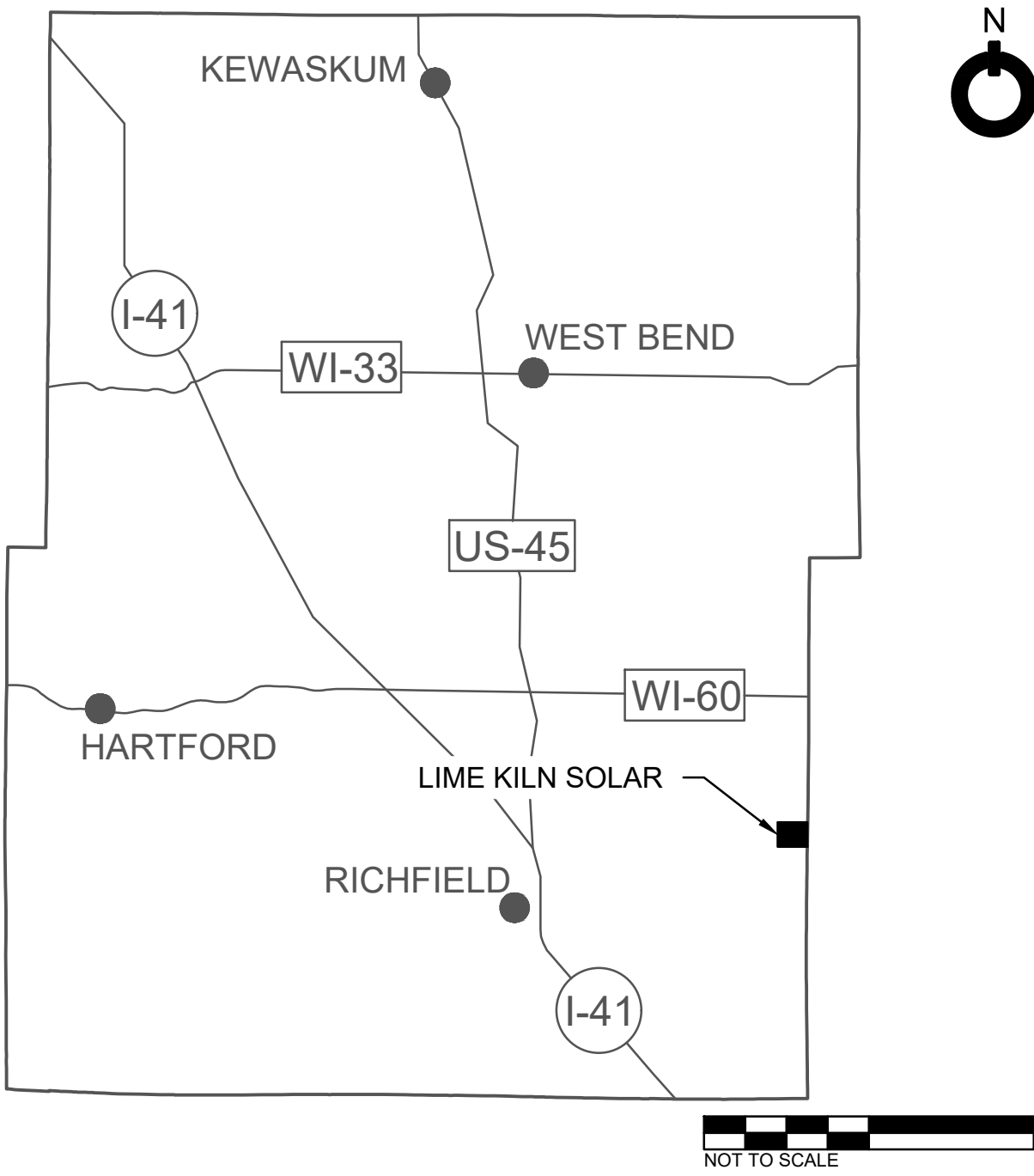
WASHINGTON COUNTY, WISCONSIN

SOLAR PV PROJECT  
6.000 MVA

## LEGEND

- PARCEL BOUNDARY
- ZONING SETBACK
- EASEMENT
- RIGHT-OF-WAY
- NEIGHBORING PARCEL
- TREE LINE (E)
- FENCE (E)
- PERIMETER FENCE (P)
- GRAVEL ACCESS ROAD
- LAYDOWN AREA
- UGMV UG MV (P)
- UGMV UG MV (P, UTIL)
- OHU OH ELECTRICAL (E)
- UGT UG TELEPHONE (E)

## WASHINGTON COUNTY MAP



## PROJECT DETAILS

THIS PROJECT CONSISTS OF THE DESIGN AND INSTALLATION OF 6.000 MVA SOLAR PHOTOVOLTAIC SYSTEM. MODULES ARE TO BE MOUNTED IN A SINGLE AXIS TRACKERS, WHICH FOLLOW THE SUN FROM EAST TO WEST THROUGHOUT THE DAY.

### SITE DETAILS:

PARCEL ID GTNV\_011987  
OWNER: ROBERT AND TERRI OVERMIER  
ACREAGE: 57.00  
EXISTING ZONE: A-1 AGRICULTURAL

### DESIGN SUMMARY:

MODULE POWER: 590 W  
MODULE COUNT: 13200  
ARRAY DC VOLTAGE: 1500 VDC  
INVERTER SIZE: 250 KVA  
INVERTER COUNT: 24  
DC SIZE: 7.788 MWDC  
AC SIZE: 6.000 MVA  
DC/AC RATIO: 1.298  
GROUND COVERAGE RATIO: 38.0%  
ASCE 7-16 GSL: 30 PSF  
ASCE 7-16 WIND SPEED: 100 MPH

### LAND USE SUMMARY:

TOTAL PARCEL AREA (ACRES): 57.00  
TOTAL LEASED AREA (ACRES): TBD  
TOTAL FENCED AREA (ACRES): 28.50  
GRAVEL ACCESS ROAD (ACRES): 0.35  
LAYDOWN AREA (ACRES): 0.77

### ADDITIONAL NOTES:

- BASEMAP DEVELOPED FROM ALTA DATA
- PARCEL DATA TAKEN FROM ALTA DATA
- WETLAND BOUNDARIES SOURCED FROM FIELD DELINEATION
- FEMA FLOOD HAZARD ZONE FROM GIS DATA

**OneEnergy**  
RENEWABLES

10 N Livingston St, Suite 201  
Madison, WI 53703  
oneenergyrenewables.com  
206 922 7072

WRITTEN DIMENSIONS ON THIS PLAN SHALL SUPERCEDE SCALED DIMENSIONS. CONTRACTORS ARE RESPONSIBLE FOR FIELD VERIFYING ALL DIMENSIONS. THIS DRAWING, DESIGN, CONCEPT AND ARRANGEMENT REMAIN THE PROPERTY OF ONEENERGY RENEWABLES AND SHALL NOT BE COPIED, DISCLOSED OR REPRODUCED WITHOUT CONSENT.

| REVISION LOG |              |            |     |      |     |
|--------------|--------------|------------|-----|------|-----|
| REV          | DESCRIPTION  | DATE       | BY  | CK'D | SME |
| A            | 5% SUBMITTAL | 10.10.2025 | JAL | AC   |     |
|              |              |            |     |      |     |
|              |              |            |     |      |     |
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|              |              |            |     |      |     |

**PRELIMINARY**  
NOT FOR CONSTRUCTION

LIME KILN SOLAR  
LIME KILN SOLAR WI, LLC

43.277345°, -88.068404°  
WASHINGTON COUNTY, WISCONSIN

SHEET TITLE:  
DEVELOPMENT LAYOUT

SHEET NO:  
D-100



## **Exhibit B – Operations Plan**

### **Lime Kiln Solar Project**

**Applicant:**

**OneEnergy Development, LLC**

**10 N. Livingston St. Suite 201**

**Madison, WI 53703**

## Lime Kiln Solar Project

### Solar Generating Facility Operations Plan

**Type of Activity Proposed:** OneEnergy Development, LLC is proposing to build a solar generation project (the “Facility” or “Project”) located on approximately 35 acres, consisting of solar modules and associated collection equipment that delivers power to the electric grid. The Facility will have a maximum capacity of 6 MW AC. The on-site equipment at the Facility will consist primarily of solar modules mounted on single-axis tracking racking. These panels generate direct current (DC) electricity. Approximately 24 inverters, situated throughout the array area, convert the DC electricity to alternating current (AC) electricity to allow it to be delivered to the existing electric distribution system. Two transformers increase the AC voltage produced by the inverters to the grid voltage of the existing three-phase distribution line to which the Project connects.

The Facility will be an unmanned plant that will operate through local and remote control and monitoring. The PV system will be monitored remotely through the Utility Energy Management System and the integrated Data Acquisition System (DAS), which signals alerts for any irregular operating condition. Scheduled maintenance will occur once annually to inspect all elements of the project to ensure optimal performance. After construction is complete, there will be limited access to the site for periodic inspections (monthly), maintenance and vegetation management.

The Facility will provide solar electricity to serve the needs of local utility customers.

1. **Hours of Operation:** The solar facility will operate during daylight hours. This Facility will not be continuously staffed and will not be open to the public. It is anticipated that once construction is complete, operations and maintenance personnel (one or two people) will access the site once or twice per month for inspection or minor maintenance.
2. **Number of Employees:** There will be no employees stationed at the Facility. As noted in Item No. 1 above, one or two people will visit the site a once or twice each month for inspection and minor maintenance, as needed.
3. **Anticipated Customers:** No customers will be served at the Facility, and there will be no traffic associated with such customers. The renewable electricity generated from the Facility will be used to serve the needs of local utility customers.
4. **Outside Storage:** None proposed.
5. **Outdoor Activities:** Inspection of the solar electric system and periodic maintenance as described above.
6. **Outdoor Lighting:** No permanent outdoor lighting is proposed.
7. **Outside Loudspeakers:** None.
8. **Proposed Signs:** The site will only include necessary safety signage with contact information for the Project Operations team and an entrance sign.
9. **Trash Removal:** There will not be trash generated at this site.

Lime Kiln Solar  
Exhibit C  
Vegetation Installation and Management Plan



**Date:** 8/6/2025

**Site Location:** 43.277345, -88.068404

ONEENERGY RENEWABLES • 2003 WESTERN AVE • STE 225 • SEATTLE, WA 98121

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## 1 Site Overview

Lime Kiln Solar is a 6 MWac solar generation facility that will be developed, engineered, and constructed by OneEnergy Development, LLC. The Project is located directly south of Pioneer Road and just to the southwest of the intersection of Pioneer and Wausakee in the Village of Germantown in Washington County, Wisconsin.

The 35-acre project site is currently used for agricultural production and was most recently planted in corn and soybeans. The predominant soils on site are well drained Ritchey silt loam, and Theresa silt loam. Max Extent Wetland indicator Soils, mapped wetlands or mapped FEMA Floodplains were not identified within the Project area.

Following the construction of the solar facility, the site will be planted with a mix of native prairie species that will provide habitat for pollinators and other wildlife.

## 2 Benefits of Pollinator-Friendly Solar

There are many benefits to installing native prairie plant communities on solar sites. Pollinator friendly solar sequesters carbon into the soil through plants, while carbon emissions are simultaneously reduced by using renewable solar energy. Planting native prairie species restores soil by reducing erosion, improving soil structure, increasing carbon storage, diversifying microbial communities, and increasing soil fertility. In addition to supporting native wildlife, these improvements to the soil will increase the value of the soil for future agricultural production once the solar panels are removed. Agricultural benefits are not limited to future land use. Supporting native pollinator populations can increase yields of nearby pollinator-dependent crops such as soybeans, apples, and many vegetables.

The aesthetic benefits of pollinator habitat provide additional services to the local community for those who appreciate observing the wildflowers, birds, butterflies, and other species that are drawn to the solar site. Native prairie plants reduce stormwater runoff and improve surrounding water quality, which is an important consideration following the construction of solar projects. While the initial costs and amount of planning needed for installing and managing native pollinator habitat may be greater than turfgrass, the benefits outweigh the costs. Following the first five years of management, as the hardier native plant communities become established, reduced maintenance needs are anticipated for the remainder of the time the solar array is in operation.

## 3 Site Preparation and Temporary Seeding

The Project site will be in agricultural crop production until the fall prior to construction. After row crops are harvested, a cover crop of winter wheat will be seeded at a rate of 131 lbs per acre as recommended by the WDNR Technical Standard (1059) and the WisDOT seeding specification (630).

There will be some areas of disturbance in the Project area due to grading. Soil will not be removed from the site and will be stockpiled until it is replaced following disturbance. During construction, a cover crop of oats will be seeded at a rate of 131 lbs/acre where grading has occurred. At a minimum, erosion control measures will include 2803 lf of silt fence, 1677 lf of sediment control logs, and 1500 sy of erosion control blanket. Oats will also be seeded in any areas disturbed by construction activities. The site will be mowed regularly during construction to control noxious and invasive species.

After construction, disking and deep ripping may be used to decompact the soil depending on the level of compaction. The soil surface will be smoothed using a spike tooth harrow or similar implement. Soil compaction will be tested across the site using a soil penetrometer, and any soil with a penetration resistance above 250 psi at a minimum of 12 inches below the soil surface will be decompacted until the penetration resistance is 250 psi or less.

Any invasive species observed on site will be treated with herbicide prior to seeding. The herbicide will be selected and applied by an Environmental Specialist. Herbicides may be used to treat additional noxious or invasive species identified on site prior to seeding. Following herbicide treatment, a waiting period may be necessary before disturbing the soil or seeding.

The Environmental Specialist overseeing site preparation activities and selecting and applying herbicide treatments for noxious and invasive species suppression will have comprehensive knowledge and experience selecting and applying herbicides for restricting invasive species and managing vegetation to encourage native plant communities. Additionally, the Environmental Specialist will have a degree in biology, botany, natural areas management, or a related field, detailed knowledge of Wisconsin flora, excellent vegetation identification skills, and experience in ecological restoration that includes overseeing and conducting native prairie restoration and vegetation assessments.

## 4 Permanent Seeding

Permanent seeding with a native prairie mix will occur in the fall after construction has been completed. Seeding will take place from October 15<sup>th</sup> until the soil freezes. If seeding is delayed due to construction or weather conditions, permanent seeding will take place the following spring from April to May.

A nurse crop of winter wheat will be added to the native seed mix to reduce weed growth and erosion until the native species are established. If seeding is delayed until the following spring, a nurse crop of oats will be used instead of winter wheat. Drill seeding is the preferred method of seeding the native prairie mix. Seed may be broadcast spread if drill seeding equipment is unavailable at the time of planting. A cultipacker would be used to improve seed to soil contact following broadcast seeding.



The permanent/upland seed mix used will be a diverse mix of around thirty native plant species designed by the Environmental Specialist to suit site-specific soil and microclimate conditions and to provide forage and habitat for pollinators. All species reach maximum heights of approximately thirty inches to prevent vegetation from shading panels at maximum tilt. The seed mix includes flowering species with a wide range of bloom times to cover each season pollinators are active. Additionally, a lowland seed mix for hydric soils will be used where any intermittent streams or wetlands are located. The upland and lowland seed mixes can be found in Appendix B.

Changes to plant species and their proportions in the mix may be necessary depending on seed availability at the time of planting, but the diversity of species and quality of the mix will be maintained. Seed will be sourced within 175 miles of the project location if available. The project owner will review and approve all final seed mixes. Seeding records that include spatial locations of seeding, seed mixes, seed tags or packing slips, seeding rate, seeding method, and date installed will be kept.

## 5 Vegetative Screening

A vegetative screen comprised of native shrubs will be planted along the northern sides of the project panel (see Appendix A). Shrubs will be planted at approximately 2 ft tall or in a 2-gallon container size.

Native shrub species may include Allegheny serviceberry (*Amelanchier laevis*), pagoda dogwood (*Cornus alternifolia*), red osier dogwood (*Cornus sericea*), highbush cranberry (*Viburnum trilobum*), and ninebark (*Physocarpus opulifolius*). Final shrub species and their quantities will depend on local nursery availability.

Shrubs will be mulched and watered immediately following installation. Vegetation around the shrubs will be mowed at least three times during the first year of vegetation establishment and vegetation growing through mulch will be removed at the time of mowing. Shrubs will be watered a minimum of two times during the first growing season or as needed based on weather conditions.

## 6 Vegetation Monitoring

The following objectives will be achieved through vegetation monitoring:

1. Document the presence of targeted native species.
2. Document the presence of noxious and invasive species.
3. Provide recommendations for appropriate corrective actions to promote and maintain the planned vegetative cover and limit noxious and invasive species.

Vegetation monitoring data will be collected through a timed meander survey or equivalent surveying method. Observations will be recorded and visually depicted on a site map using a GIS field application during the vegetation monitoring site visit. Observations will include the presence of any noxious or invasive species, native species, and estimated percentage of vegetation cover of each. Erosion or other issues observed on site will be recorded. Reference maps will be produced from this collected data and will be used to make management recommendations and evaluate progress toward establishing the target plant community.

Records in the GIS field application will be shared between vegetation management crews and project managers. Recommended vegetation management actions based on these observations will be communicated with the project owner within one week of a vegetation monitoring visit, and an estimated date for corrective management actions will be provided.

## 7 Vegetation Management

The Environmental Specialist overseeing vegetation management will have comprehensive knowledge and experience restricting invasive species and managing vegetation to encourage native plant communities. Additionally, the Environmental Specialist will have a degree in biology, botany, natural areas management, or a related field, detailed knowledge of Wisconsin flora, excellent vegetation identification skills, and experience in ecological restoration that includes overseeing and conducting native prairie restoration. The Environmental Specialist may direct employees or subcontractors that do not meet the qualifications of the Environmental Specialist to complete vegetation management activities selected and supervised by the Environmental Specialist.

Vegetation will be managed to achieve the following objectives:

1. Establish native vegetation cover as prescribed in the selected pollinator seed mixes.
2. Maintain complete vegetation cover while limiting weed and invasive species to less than 5% cover.
3. Encourage the growth of flowering species to provide continuous forage and habitat for pollinators.

Vegetation management objectives will be measured using the following performance standards:

1. Stabilized soils will have no significant erosion, and, if any erosion does occur, corrective action will be taken and include reseeding of repaired areas with the planned vegetation.
2. Noxious and invasive weed species will have a maximum coverage of 5% of the project area.

3. The following milestones for minimum coverage of planted perennial species will be achieved:
  - a. A minimum of 20% cover of planted perennial species by the end of the first growing season following seeding.
  - b. A minimum of 40% cover of planted perennial species by the end of the second growing season.
  - c. A minimum of 70% cover of planted perennial species by the end of the third growing season.

During the first year of establishment, vegetation will be mowed 2 to 3 times to a height of 8 inches. After the first year of establishment, vegetation will be mowed to a height of 10 to 12 inches. During the second year of establishment, vegetation will be mowed twice. During the third year of management, vegetation will be mowed once or twice. There will be a dormant mow during the fourth year of establishment. Following this establishment period, if there is a minimum of 70% cover of planted perennial species and less than 5% cover of noxious and invasive species, the site will be mowed as needed for noxious and invasive species control and to intermittently remove excess biomass. In addition to mowing the entire Project area, spot-treatment of invasive species with targeted mowing and herbicide treatment will be completed as needed, depending on observations made during vegetation monitoring visits.

A comprehensive Vegetation Management Report (VMR) will be prepared at the end of each calendar year and will summarize vegetation observations and management actions. The VMR will also contain recommendations for the following year's vegetation management actions and a plan for carrying out those recommendations.

### 7.1 Noxious and Invasive Species Management

Plant species will be suppressed if they are likely to either outcompete the native species planted or grow to a height that would potentially shade the solar panels. Noting noxious and invasive species through well-timed site inspections and proactively controlling these species during the establishment phase is critical for the long-term success of native vegetation establishment. Plant species will be considered invasive if they are listed in Wis. Admin. Code NR 40, which prohibits the possession, transportation, or introduction of certain invasive species in Wisconsin without a permit.

Control of noxious and invasive species may include spot-spraying, spot-mowing, hand weeding, wicking, or other methods selected by the environmental specialist and depending on the target species and time of year. Vegetation monitoring data will be used to schedule mowing before the predominant noxious or invasive species develop seeds.

If necessary, the following herbicides may be used for spot-treatment: glyphosate, triclopyr, clopyralid, or aminopyralid. Glyphosate is a non-selective systemic herbicide used to treat

broadleaf weeds, grasses, and woody plants, and triclopyr is a selective systemic herbicide used to control woody and herbaceous broadleaf species. Clopyralid and aminopyralid are selective herbicides used to target broadleaf weeds, especially clover and thistle. Herbicide contact with native species will be limited and herbicides will not be used when wind speeds exceed 10 mph to prevent drift.

Other herbicides may be utilized based on the target species observed and identified for management. Environmental specialists will identify actual herbicide prescriptions based on observations during site inspections. The site will be inspected before each vegetation management visit to plan appropriate management actions.

## 8 Vegetation Monitoring and Management Timeline

| Year 0                                |                                                                                                                                                                   |                                               |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| Seedbed Preparation                   | Deep ripping and discing will be used to decompact soils following construction. Herbicide will be applied as needed to remove invasive species prior to seeding. | Aug-Oct                                       |
| Seeding                               | The pollinator seed mix will be seeded along with a cover crop of winter wheat. <i>Seeding may be delayed until the following spring from Apr to May.</i>         | Oct 15 <sup>th</sup> until the ground freezes |
| Year 1                                |                                                                                                                                                                   |                                               |
| 1 <sup>st</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation, and observations will be recorded in the GIS field application.                        | Late Apr to early May                         |
| 1 <sup>st</sup> Herbicide treatment   | Spot treatment of noxious and invasive species as needed. Herbicide treatment may be concurrent with mowing visit.                                                | Variable                                      |
| 1 <sup>st</sup> Mow                   | Complete site mow to control noxious and invasive species and encourage growth of native plant community.                                                         | Late May to early Jun                         |
| 2 <sup>nd</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation, and observations will be recorded in the GIS field application.                        | Mid-Jun                                       |
| 2 <sup>nd</sup> Herbicide treatment   | Spot treatment of noxious and invasive species as needed. Herbicide treatment may be concurrent with mowing visit.                                                | Variable                                      |
| 2 <sup>nd</sup> Mow                   | Complete site mow to control noxious and invasive species and encourage growth of native plant community.                                                         | Jul                                           |
| 3 <sup>rd</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation, and observations will be recorded in the GIS field application.                        | Late July                                     |
| 3 <sup>rd</sup> Mow                   | Complete site mow to control noxious and invasive species and encourage growth of native plant community.                                                         | Aug-Sep                                       |
| 3 <sup>rd</sup> Herbicide Treatment   | Spot treatment of noxious and invasive species as needed. Herbicide treatment may be concurrent with mowing visit.                                                | Variable                                      |

| Year 2                                |                                                                                                                                            |                       |
|---------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| 1 <sup>st</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation, and observations will be recorded in the GIS field application. | Late Apr to early May |
| 1 <sup>st</sup> Mow                   | Complete site mow to control noxious and invasive species and encourage growth of native plant community.                                  | Jun                   |
| 1 <sup>st</sup> Herbicide Treatment   | Spot treatment of noxious and invasive species as needed. Herbicide treatment may be concurrent with mowing visit.                         | Variable              |
| 2 <sup>nd</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation, and observations will be recorded in the GIS field application. | Mid-Jun               |
| 2 <sup>nd</sup> Mow                   | Complete site mow to control noxious and invasive species and encourage growth of native plant community.                                  | Jul-Aug               |
| 2 <sup>nd</sup> Herbicide Treatment   | Spot treatment of noxious and invasive species as needed. Herbicide treatment may be concurrent with mowing visit.                         | Variable              |
| Year 3                                |                                                                                                                                            |                       |
| 1 <sup>st</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation, and observations will be recorded in the GIS field application. | Late Apr to early May |
| 1 <sup>st</sup> Herbicide Treatment   | Spot treatment of noxious and invasive species as needed. Herbicide treatment may be concurrent with mowing visit.                         | Variable              |
| 1 <sup>st</sup> Mow                   | Complete site mow to control noxious and invasive species and encourage growth of native plant community.                                  | May                   |
| 2 <sup>nd</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation, and observations will be recorded in the GIS field application. | Mid-Jun               |
| 2 <sup>nd</sup> Herbicide Treatment   | Spot treatment of noxious and invasive species as needed.                                                                                  | Variable              |
| 2 <sup>nd</sup> Mow                   | Complete or targeted site mow, as needed, to control noxious and invasive species and encourage growth of native plant community.          | Jul-Aug               |
| Year 4                                |                                                                                                                                            |                       |
| 1 <sup>st</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation, and observations will be recorded in the GIS field application. | Late Apr to early May |
| Herbicide treatment                   | Spot treatment of noxious and invasive species as needed.                                                                                  | Variable              |
| 2 <sup>nd</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation, and observations will be recorded in the GIS field application. | Mid-Jun               |

|                                       |                                                                                                                                        |                       |
|---------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Mow                                   | Complete or targeted site mow, as needed, to control noxious and invasive species and encourage growth of native plant community.      | Variable              |
| Years 5-25                            |                                                                                                                                        |                       |
| 1 <sup>st</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation; observations will be recorded in the GIS field application. | Late Apr to early May |
| Herbicide treatment                   | Spot treatment of noxious and invasive species as needed.                                                                              | Variable              |
| 2 <sup>nd</sup> Vegetation Inspection | Timed meander survey or equivalent surveying method to monitor vegetation; observations will be recorded in the GIS field application. | Mid-Jun               |
| Optional Dormant Mow                  | Mow every two to three years to remove thatch.                                                                                         | Oct-Nov               |



## 9 References

Siegner, K., Wentzell, S., Urrutia, M., Mann, W., & Kennan, H. (2019) Maximizing land use benefits from utility scale solar: A cost benefit analysis of pollinator-friendly solar in Minnesota. *Yale Center for Business and the Environment*. <https://cbey.yale.edu/research/maximizing-land-use-benefits-from-utility-scale-solar>.

Walston, L. et al. (2018) Examining the potential for agricultural benefits from pollinator habitat at solar facilities in the United States. *Environmental Science & Technology* 52 (13), 7566-7576. <https://doi.org/10.1021/acs.est.8b00020>.

Walston, L. et al. (2020) Modeling the ecosystem services of native vegetation management practices at solar energy facilities in Midwestern United States. *Ecosystem Services* (47), 101227. <https://doi.org/10.1016/j.ecoser.2020.101227>

## 10 Appendix A – Project Layout



## 11 Appendix B – Pollinator Seed Mixes

Percentage of mix is the based on seed weight.

### Upland Mix

| Common Name                                     | Scientific Name                 | % of Mix | Seeds/ft <sup>2</sup> |
|-------------------------------------------------|---------------------------------|----------|-----------------------|
| <b>Grasses</b>                                  |                                 |          |                       |
| Sideoats Grama                                  | <i>Bouteloua curtipendula</i>   | 27.27%   | 6.61                  |
| Blue Grama                                      | <i>Bouteloua gracilis</i>       | 7.27%    | 11.75                 |
| Plains Oval Sedge                               | <i>Carex brevior</i>            | 2.55%    | 2.98                  |
| June Grass                                      | <i>Koeleria macrantha</i>       | 1.82%    | 14.69                 |
| Little Bluestem                                 | <i>Schizachyrium scoparium</i>  | 33.45%   | 20.28                 |
| Prairie Dropseed                                | <i>Sporobolus heterolepis</i>   | 0.36%    | 0.24                  |
| <b>Forbs</b>                                    |                                 |          |                       |
| Common Yarrow                                   | <i>Achillea millefolium</i>     | 0.36%    | 2.62                  |
| Anise Hyssop                                    | <i>Agastache foeniculum</i>     | 0.09%    | 0.33                  |
| Prairie Onion                                   | <i>Allium stellatum</i>         | 0.73%    | 0.32                  |
| Lead Plant                                      | <i>Amorpha canescens</i>        | 1.36%    | 0.88                  |
| Wild Columbine                                  | <i>Aquilegia canadensis</i>     | 0.18%    | 0.28                  |
| Common Milkweed                                 | <i>Asclepias syriaca</i>        | 0.36%    | 0.06                  |
| Butterfly Milkweed                              | <i>Asclepias tuberosa</i>       | 0.91%    | 0.16                  |
| Whorled Milkweed                                | <i>Asclepias verticillata</i>   | 0.10%    | 0.20                  |
|                                                 | <i>Symphotrichum</i>            |          |                       |
| Sky Blue Aster                                  | <i>oolentangiense</i>           | 0.18%    | 0.59                  |
| Upland White Goldenrod                          | <i>Solidago ptarmicoides</i>    | 0.73%    | 1.88                  |
| Partridge Pea                                   | <i>Chamaecrista fasciculata</i> | 2.73%    | 0.30                  |
| Lanceleaf Coreopsis                             | <i>Coreopsis lanceolata</i>     | 1.09%    | 0.88                  |
| White Prairie Clover                            | <i>Dalea candida</i>            | 4.55%    | 3.49                  |
| Purple Prairie Clover                           | <i>Dalea purpurea</i>           | 5.82%    | 4.23                  |
| Rough Blazing Star                              | <i>Liatris aspera</i>           | 0.27%    | 0.18                  |
| Spotted Bee Balm                                | <i>Monarda punctata</i>         | 0.18%    | 0.66                  |
| Large-flowered Beardtongue                      | <i>Penstemon grandiflorus</i>   | 0.73%    | 0.41                  |
| Prairie Wild Rose                               | <i>Rosa arkansana</i>           | 0.09%    | 0.01                  |
| Black-eyed Susan                                | <i>Rudbeckia hirta</i>          | 2.09%    | 7.77                  |
| Gray Goldenrod                                  | <i>Solidago nemoralis</i>       | 0.09%    | 1.10                  |
| Ohio Spiderwort                                 | <i>Tradescantia ohiensis</i>    | 0.45%    | 0.15                  |
| Hoary Vervain                                   | <i>Verbena stricta</i>          | 1.73%    | 1.95                  |
| Heartleaf Alexanders                            | <i>Zizia aptera</i>             | 0.36%    | 0.18                  |
| Golden Alexanders                               | <i>Zizia aurea</i>              | 2.18%    | 0.97                  |
| <b>Seeding Rate: 85.9 seeds/ ft<sup>2</sup></b> |                                 |          |                       |



## **Exhibit G – Glare Analysis**

### **Lime Kiln Solar Project**

**Applicant:**

**OneEnergy Development, LLC**

**10 N. Livingston St. Suite 201**

**Madison, WI 53703**

# FORGESOLAR GLARE ANALYSIS

## Project: Lime Kiln Solar

Lime Kiln Solar will include approximately 40 acres of agricultural land in the city of Germantown, WI. Some light grading and clearing may take place but there will be little change to the quantity of impervious surface. It is expected that the project will generate 6MW of power.

Site configuration: **Untitled**

Created 03 Mar, 2025

Updated 03 Mar, 2025

Time-step 1 minute

Timezone offset UTC-6

Minimum sun altitude 0.0 deg

DNI peaks at 1,000.0 W/m<sup>2</sup>

Category 1 MW to 5 MW

Site ID 142900.24171

Ocular transmission coefficient 0.5

Pupil diameter 0.002 m

Eye focal length 0.017 m

Sun subtended angle 9.3 mrad

PV analysis methodology V2



## Summary of Results No glare predicted

| PV Array   | Tilt<br>°      | Orient<br>°    | Annual Green Glare |     | Annual Yellow Glare |     | Energy<br>kWh |
|------------|----------------|----------------|--------------------|-----|---------------------|-----|---------------|
|            |                |                | min                | hr  | min                 | hr  |               |
| PV array 1 | SA<br>tracking | SA<br>tracking | 0                  | 0.0 | 0                   | 0.0 | 17,700,000.0  |

*Total glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.*

| Receptor | Annual Green Glare |     | Annual Yellow Glare |     |
|----------|--------------------|-----|---------------------|-----|
|          | min                | hr  | min                 | hr  |
| OP 1     | 0                  | 0.0 | 0                   | 0.0 |
| OP 2     | 0                  | 0.0 | 0                   | 0.0 |
| OP 3     | 0                  | 0.0 | 0                   | 0.0 |
| OP 4     | 0                  | 0.0 | 0                   | 0.0 |
| OP 5     | 0                  | 0.0 | 0                   | 0.0 |
| OP 6     | 0                  | 0.0 | 0                   | 0.0 |
| OP 7     | 0                  | 0.0 | 0                   | 0.0 |
| OP 8     | 0                  | 0.0 | 0                   | 0.0 |
| OP 9     | 0                  | 0.0 | 0                   | 0.0 |
| OP 10    | 0                  | 0.0 | 0                   | 0.0 |
| OP 11    | 0                  | 0.0 | 0                   | 0.0 |
| OP 12    | 0                  | 0.0 | 0                   | 0.0 |
| OP 13    | 0                  | 0.0 | 0                   | 0.0 |

| Receptor | Annual Green Glare |     | Annual Yellow Glare |     |
|----------|--------------------|-----|---------------------|-----|
|          | min                | hr  | min                 | hr  |
| OP 14    | 0                  | 0.0 | 0                   | 0.0 |
| OP 15    | 0                  | 0.0 | 0                   | 0.0 |
| OP 16    | 0                  | 0.0 | 0                   | 0.0 |
| OP 17    | 0                  | 0.0 | 0                   | 0.0 |
| OP 18    | 0                  | 0.0 | 0                   | 0.0 |
| OP 19    | 0                  | 0.0 | 0                   | 0.0 |
| OP 20    | 0                  | 0.0 | 0                   | 0.0 |
| OP 21    | 0                  | 0.0 | 0                   | 0.0 |
| OP 22    | 0                  | 0.0 | 0                   | 0.0 |
| OP 23    | 0                  | 0.0 | 0                   | 0.0 |
| OP 24    | 0                  | 0.0 | 0                   | 0.0 |
| OP 25    | 0                  | 0.0 | 0                   | 0.0 |
| OP 26    | 0                  | 0.0 | 0                   | 0.0 |
| OP 27    | 0                  | 0.0 | 0                   | 0.0 |
| OP 28    | 0                  | 0.0 | 0                   | 0.0 |
| OP 29    | 0                  | 0.0 | 0                   | 0.0 |
| OP 30    | 0                  | 0.0 | 0                   | 0.0 |
| OP 31    | 0                  | 0.0 | 0                   | 0.0 |
| OP 32    | 0                  | 0.0 | 0                   | 0.0 |
| OP 33    | 0                  | 0.0 | 0                   | 0.0 |
| OP 34    | 0                  | 0.0 | 0                   | 0.0 |
| OP 35    | 0                  | 0.0 | 0                   | 0.0 |
| OP 36    | 0                  | 0.0 | 0                   | 0.0 |
| OP 37    | 0                  | 0.0 | 0                   | 0.0 |
| OP 38    | 0                  | 0.0 | 0                   | 0.0 |
| OP 39    | 0                  | 0.0 | 0                   | 0.0 |
| OP 40    | 0                  | 0.0 | 0                   | 0.0 |



# Component Data

## PV Arrays

**Name:** PV array 1

**Description:** 6MW

**Axis tracking:** Single-axis rotation

**Backtracking:** Shade-slope

**Tracking axis orientation:** 180.0°

**Max tracking angle:** 52.0°

**Resting angle:** 52.0°

**Ground Coverage Ratio:** 0.5

**Rated power:** 6000.0 kW

**Panel material:** Light textured glass with AR coating

**Reflectivity:** Vary with sun

**Slope error:** correlate with material



| Vertex | Latitude (°) | Longitude (°) | Ground elevation (ft) | Height above ground (ft) | Total elevation (ft) |
|--------|--------------|---------------|-----------------------|--------------------------|----------------------|
| 1      | 43.278976    | -88.070858    | 889.36                | 7.00                     | 896.36               |
| 2      | 43.275571    | -88.070901    | 912.10                | 7.00                     | 919.10               |
| 3      | 43.275446    | -88.065858    | 907.50                | 7.00                     | 914.50               |
| 4      | 43.278867    | -88.065236    | 884.19                | 7.00                     | 891.19               |

## Discrete Observation Point Receptors

| Name  | ID | Latitude (°) | Longitude (°) | Elevation (ft) | Height (ft) |
|-------|----|--------------|---------------|----------------|-------------|
| OP 1  | 1  | 43.275743    | -88.064206    | 912.15         | 5.50        |
| OP 2  | 2  | 43.275297    | -88.064303    | 909.87         | 5.50        |
| OP 3  | 3  | 43.277391    | -88.064153    | 900.22         | 17.50       |
| OP 4  | 4  | 43.277539    | -88.064936    | 895.98         | 5.50        |
| OP 5  | 5  | 43.278117    | -88.064861    | 900.08         | 17.50       |
| OP 6  | 6  | 43.277828    | -88.064335    | 892.92         | 5.50        |
| OP 7  | 7  | 43.276453    | -88.062511    | 899.38         | 5.50        |
| OP 8  | 8  | 43.276227    | -88.062382    | 901.36         | 17.50       |
| OP 9  | 9  | 43.279882    | -88.062543    | 878.63         | 5.50        |
| OP 10 | 10 | 43.280148    | -88.064818    | 887.17         | 5.50        |
| OP 11 | 11 | 43.280999    | -88.064378    | 893.00         | 17.50       |
| OP 12 | 12 | 43.281232    | -88.065086    | 884.58         | 5.50        |
| OP 13 | 13 | 43.279716    | -88.066717    | 878.73         | 17.50       |
| OP 14 | 14 | 43.279304    | -88.068521    | 892.34         | 17.50       |
| OP 15 | 15 | 43.279452    | -88.068907    | 890.25         | 5.50        |
| OP 16 | 16 | 43.281281    | -88.072823    | 879.36         | 5.50        |
| OP 17 | 17 | 43.280805    | -88.072888    | 885.17         | 17.50       |
| OP 18 | 18 | 43.278586    | -88.071107    | 894.46         | 5.50        |
| OP 19 | 19 | 43.278321    | -88.071139    | 900.22         | 5.50        |
| OP 20 | 20 | 43.277665    | -88.071045    | 905.63         | 5.50        |
| OP 21 | 21 | 43.277643    | -88.072311    | 899.12         | 5.50        |
| OP 22 | 22 | 43.272289    | -88.071150    | 913.13         | 5.50        |
| OP 23 | 23 | 43.271476    | -88.069550    | 914.74         | 17.50       |
| OP 24 | 24 | 43.271589    | -88.069915    | 915.93         | 17.50       |
| OP 25 | 25 | 43.271585    | -88.068091    | 919.03         | 5.50        |
| OP 26 | 26 | 43.270355    | -88.067759    | 905.93         | 17.50       |
| OP 27 | 27 | 43.270703    | -88.067565    | 906.65         | 5.50        |
| OP 28 | 28 | 43.271557    | -88.065559    | 923.59         | 5.50        |
| OP 29 | 29 | 43.271127    | -88.065189    | 920.84         | 17.50       |
| OP 30 | 30 | 43.270950    | -88.062649    | 917.12         | 5.50        |
| OP 31 | 31 | 43.270582    | -88.062724    | 920.78         | 17.50       |
| OP 32 | 32 | 43.276958    | -88.063380    | 895.93         | 10.00       |
| OP 33 | 33 | 43.278864    | -88.063337    | 875.92         | 10.00       |
| OP 34 | 34 | 43.278958    | -88.065289    | 883.53         | 10.00       |
| OP 35 | 35 | 43.279020    | -88.067864    | 884.32         | 10.00       |
| OP 36 | 36 | 43.279067    | -88.070697    | 888.14         | 10.00       |
| OP 37 | 37 | 43.271633    | -88.069376    | 916.26         | 5.50        |
| OP 38 | 38 | 43.272063    | -88.071419    | 914.38         | 17.50       |
| OP 39 | 39 | 43.281171    | -88.072551    | 875.38         | 17.50       |
| OP 40 | 40 | 43.275198    | -88.063906    | 909.26         | 17.50       |

# Glare Analysis Results

## Summary of Results No glare predicted

| PV Array   | Tilt        | Orient      | Annual Green Glare |     | Annual Yellow Glare |     | Energy       |
|------------|-------------|-------------|--------------------|-----|---------------------|-----|--------------|
|            | °           | °           | min                | hr  | min                 | hr  | kWh          |
| PV array 1 | SA tracking | SA tracking | 0                  | 0.0 | 0                   | 0.0 | 17,700,000.0 |

*Total glare received by each receptor; may include duplicate times of glare from multiple reflective surfaces.*

| Receptor | Annual Green Glare |     | Annual Yellow Glare |     |
|----------|--------------------|-----|---------------------|-----|
|          | min                | hr  | min                 | hr  |
| OP 1     | 0                  | 0.0 | 0                   | 0.0 |
| OP 2     | 0                  | 0.0 | 0                   | 0.0 |
| OP 3     | 0                  | 0.0 | 0                   | 0.0 |
| OP 4     | 0                  | 0.0 | 0                   | 0.0 |
| OP 5     | 0                  | 0.0 | 0                   | 0.0 |
| OP 6     | 0                  | 0.0 | 0                   | 0.0 |
| OP 7     | 0                  | 0.0 | 0                   | 0.0 |
| OP 8     | 0                  | 0.0 | 0                   | 0.0 |
| OP 9     | 0                  | 0.0 | 0                   | 0.0 |
| OP 10    | 0                  | 0.0 | 0                   | 0.0 |
| OP 11    | 0                  | 0.0 | 0                   | 0.0 |
| OP 12    | 0                  | 0.0 | 0                   | 0.0 |
| OP 13    | 0                  | 0.0 | 0                   | 0.0 |
| OP 14    | 0                  | 0.0 | 0                   | 0.0 |
| OP 15    | 0                  | 0.0 | 0                   | 0.0 |
| OP 16    | 0                  | 0.0 | 0                   | 0.0 |
| OP 17    | 0                  | 0.0 | 0                   | 0.0 |
| OP 18    | 0                  | 0.0 | 0                   | 0.0 |
| OP 19    | 0                  | 0.0 | 0                   | 0.0 |
| OP 20    | 0                  | 0.0 | 0                   | 0.0 |
| OP 21    | 0                  | 0.0 | 0                   | 0.0 |
| OP 22    | 0                  | 0.0 | 0                   | 0.0 |
| OP 23    | 0                  | 0.0 | 0                   | 0.0 |
| OP 24    | 0                  | 0.0 | 0                   | 0.0 |
| OP 25    | 0                  | 0.0 | 0                   | 0.0 |
| OP 26    | 0                  | 0.0 | 0                   | 0.0 |
| OP 27    | 0                  | 0.0 | 0                   | 0.0 |
| OP 28    | 0                  | 0.0 | 0                   | 0.0 |
| OP 29    | 0                  | 0.0 | 0                   | 0.0 |
| OP 30    | 0                  | 0.0 | 0                   | 0.0 |
| OP 31    | 0                  | 0.0 | 0                   | 0.0 |

| Receptor | Annual Green Glare |     | Annual Yellow Glare |     |
|----------|--------------------|-----|---------------------|-----|
|          | min                | hr  | min                 | hr  |
| OP 32    | 0                  | 0.0 | 0                   | 0.0 |
| OP 33    | 0                  | 0.0 | 0                   | 0.0 |
| OP 34    | 0                  | 0.0 | 0                   | 0.0 |
| OP 35    | 0                  | 0.0 | 0                   | 0.0 |
| OP 36    | 0                  | 0.0 | 0                   | 0.0 |
| OP 37    | 0                  | 0.0 | 0                   | 0.0 |
| OP 38    | 0                  | 0.0 | 0                   | 0.0 |
| OP 39    | 0                  | 0.0 | 0                   | 0.0 |
| OP 40    | 0                  | 0.0 | 0                   | 0.0 |

## PV: PV array 1 no glare found

Receptor results ordered by category of glare

| Receptor | Annual Green Glare |     | Annual Yellow Glare |     |
|----------|--------------------|-----|---------------------|-----|
|          | min                | hr  | min                 | hr  |
| OP 1     | 0                  | 0.0 | 0                   | 0.0 |
| OP 2     | 0                  | 0.0 | 0                   | 0.0 |
| OP 3     | 0                  | 0.0 | 0                   | 0.0 |
| OP 4     | 0                  | 0.0 | 0                   | 0.0 |
| OP 5     | 0                  | 0.0 | 0                   | 0.0 |
| OP 6     | 0                  | 0.0 | 0                   | 0.0 |
| OP 7     | 0                  | 0.0 | 0                   | 0.0 |
| OP 8     | 0                  | 0.0 | 0                   | 0.0 |
| OP 9     | 0                  | 0.0 | 0                   | 0.0 |
| OP 10    | 0                  | 0.0 | 0                   | 0.0 |
| OP 11    | 0                  | 0.0 | 0                   | 0.0 |
| OP 12    | 0                  | 0.0 | 0                   | 0.0 |
| OP 13    | 0                  | 0.0 | 0                   | 0.0 |
| OP 14    | 0                  | 0.0 | 0                   | 0.0 |
| OP 15    | 0                  | 0.0 | 0                   | 0.0 |
| OP 16    | 0                  | 0.0 | 0                   | 0.0 |
| OP 17    | 0                  | 0.0 | 0                   | 0.0 |
| OP 18    | 0                  | 0.0 | 0                   | 0.0 |
| OP 19    | 0                  | 0.0 | 0                   | 0.0 |
| OP 20    | 0                  | 0.0 | 0                   | 0.0 |
| OP 21    | 0                  | 0.0 | 0                   | 0.0 |
| OP 22    | 0                  | 0.0 | 0                   | 0.0 |
| OP 23    | 0                  | 0.0 | 0                   | 0.0 |
| OP 24    | 0                  | 0.0 | 0                   | 0.0 |
| OP 25    | 0                  | 0.0 | 0                   | 0.0 |
| OP 26    | 0                  | 0.0 | 0                   | 0.0 |
| OP 27    | 0                  | 0.0 | 0                   | 0.0 |
| OP 28    | 0                  | 0.0 | 0                   | 0.0 |
| OP 29    | 0                  | 0.0 | 0                   | 0.0 |
| OP 30    | 0                  | 0.0 | 0                   | 0.0 |
| OP 31    | 0                  | 0.0 | 0                   | 0.0 |
| OP 32    | 0                  | 0.0 | 0                   | 0.0 |
| OP 33    | 0                  | 0.0 | 0                   | 0.0 |
| OP 34    | 0                  | 0.0 | 0                   | 0.0 |
| OP 35    | 0                  | 0.0 | 0                   | 0.0 |
| OP 36    | 0                  | 0.0 | 0                   | 0.0 |
| OP 37    | 0                  | 0.0 | 0                   | 0.0 |

| Receptor | Annual Green Glare |     | Annual Yellow Glare |     |
|----------|--------------------|-----|---------------------|-----|
|          | min                | hr  | min                 | hr  |
| OP 38    | 0                  | 0.0 | 0                   | 0.0 |
| OP 39    | 0                  | 0.0 | 0                   | 0.0 |
| OP 40    | 0                  | 0.0 | 0                   | 0.0 |

### **PV array 1 and OP 1**

No glare found

### **PV array 1 and OP 2**

No glare found

### **PV array 1 and OP 3**

No glare found

### **PV array 1 and OP 4**

No glare found

### **PV array 1 and OP 5**

No glare found

### **PV array 1 and OP 6**

No glare found

### **PV array 1 and OP 7**

No glare found

### **PV array 1 and OP 8**

No glare found

### **PV array 1 and OP 9**

No glare found

### **PV array 1 and OP 10**

No glare found

### **PV array 1 and OP 11**

No glare found

### **PV array 1 and OP 12**

No glare found

**PV array 1 and OP 13**

No glare found

**PV array 1 and OP 14**

No glare found

**PV array 1 and OP 15**

No glare found

**PV array 1 and OP 16**

No glare found

**PV array 1 and OP 17**

No glare found

**PV array 1 and OP 18**

No glare found

**PV array 1 and OP 19**

No glare found

**PV array 1 and OP 20**

No glare found

**PV array 1 and OP 21**

No glare found

**PV array 1 and OP 22**

No glare found

**PV array 1 and OP 23**

No glare found

**PV array 1 and OP 24**

No glare found

**PV array 1 and OP 25**

No glare found

**PV array 1 and OP 26**

No glare found



**PV array 1 and OP 27**

No glare found

**PV array 1 and OP 28**

No glare found

**PV array 1 and OP 29**

No glare found

**PV array 1 and OP 30**

No glare found

**PV array 1 and OP 31**

No glare found

**PV array 1 and OP 32**

No glare found

**PV array 1 and OP 33**

No glare found

**PV array 1 and OP 34**

No glare found

**PV array 1 and OP 35**

No glare found

**PV array 1 and OP 36**

No glare found

**PV array 1 and OP 37**

No glare found

**PV array 1 and OP 38**

No glare found

**PV array 1 and OP 39**

No glare found

**PV array 1 and OP 40**

No glare found

# Assumptions

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"Green" glare is glare with low potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

"Yellow" glare is glare with potential to cause an after-image (flash blindness) when observed prior to a typical blink response time.

Times associated with glare are denoted in Standard time. For Daylight Savings, add one hour.

The algorithm does not rigorously represent the detailed geometry of a system; detailed features such as gaps between modules, variable height of the PV array, and support structures may impact actual glare results. However, we have validated our models against several systems, including a PV array causing glare to the air-traffic control tower at Manchester-Boston Regional Airport and several sites in Albuquerque, and the tool accurately predicted the occurrence and intensity of glare at different times and days of the year.

Several V1 calculations utilize the PV array centroid, rather than the actual glare spot location, due to algorithm limitations. This may affect results for large PV footprints. Additional analyses of array sub-sections can provide additional information on expected glare. This primarily affects V1 analyses of path receptors.

Random number computations are utilized by various steps of the annual hazard analysis algorithm. Predicted minutes of glare can vary between runs as a result. This limitation primarily affects analyses of Observation Point receptors, including ATCTs. Note that the SGHAT/ ForgeSolar methodology has always relied on an analytical, qualitative approach to accurately determine the overall hazard (i.e. green vs. yellow) of expected glare on an annual basis.

The analysis does not automatically consider obstacles (either man-made or natural) between the observation points and the prescribed solar installation that may obstruct observed glare, such as trees, hills, buildings, etc.

The subtended source angle (glare spot size) is constrained by the PV array footprint size. Partitioning large arrays into smaller sections will reduce the maximum potential subtended angle, potentially impacting results if actual glare spots are larger than the sub-array size. Additional analyses of the combined area of adjacent sub-arrays can provide more information on potential glare hazards. (See previous point on related limitations.)

The variable direct normal irradiance (DNI) feature (if selected) scales the user-prescribed peak DNI using a typical clear-day irradiance profile. This profile has a lower DNI in the mornings and evenings and a maximum at solar noon. The scaling uses a clear-day irradiance profile based on a normalized time relative to sunrise, solar noon, and sunset, which are prescribed by a sun-position algorithm and the latitude and longitude obtained from Google maps. The actual DNI on any given day can be affected by cloud cover, atmospheric attenuation, and other environmental factors.

The ocular hazard predicted by the tool depends on a number of environmental, optical, and human factors, which can be uncertain. We provide input fields and typical ranges of values for these factors so that the user can vary these parameters to see if they have an impact on the results. The speed of SGHAT allows expedited sensitivity and parametric analyses.

The system output calculation is a DNI-based approximation that assumes clear, sunny skies year-round. It should not be used in place of more rigorous modeling methods.

Hazard zone boundaries shown in the Glare Hazard plot are an approximation and visual aid based on aggregated research data. Actual ocular impact outcomes encompass a continuous, not discrete, spectrum.

Glare locations displayed on receptor plots are approximate. Actual glare-spot locations may differ.

Refer to the Help page at [www.forgesolar.com/help/](http://www.forgesolar.com/help/) for assumptions and limitations not listed here.

Default glare analysis parameters and observer eye characteristics (for reference only):

- Analysis time interval: 1 minute
- Ocular transmission coefficient: 0.5
- Pupil diameter: 0.002 meters
- Eye focal length: 0.017 meters
- Sun subtended angle: 9.3 milliradians

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## **Exhibit E – Decommissioning Plan**

### **Lime Kiln Solar Project**

#### **Applicant:**

**OneEnergy Development, LLC  
10 N. Livingston St. Suite 201  
Madison, WI 53703**

## OneEnergy Renewables

### Lime Kiln Solar Project

#### Solar Generating Facility Decommissioning Plan

##### **1. Introduction**

The Decommissioning Plan provides an overview of activities that will occur during the decommissioning phase of the Germantown Solar Project, the “Project,” including activities related to the restoration of land and management of materials and waste.

The Project has an estimated useful lifetime of 40 years. This Decommissioning Plan assumes at the point it is no longer economical or prudent to continue operating, the Project will be dismantled, and the site restored to a state similar to its pre-construction condition.

Decommissioning activities include but are not limited to, disconnecting the Solar Facility from the electrical grid and removal of all components, including:

- Photovoltaic (PV) modules, panel racking, and supports
- Inverter units, transformers, and other electrical equipment
- Wiring cables, communications, and perimeter fence

The Decommissioning Plan is based on current best management practices and procedures. This Plan may be subject to revision based on new standards and best management practices at the time of decommissioning. Permits will be obtained as required and notification will be given to stakeholders prior to decommissioning.

##### **Project Information**

Address: To be assigned

County: Washington, Wisconsin

AHJ: Village of Germantown

Project Size: 6 MWac



## **2. Decommissioning Process**

At the time of decommissioning, the installed components will be removed, reused, disposed, and recycled where possible. The site will be restored to a state similar to its pre-construction condition. All removal of equipment will be done in accordance with any applicable regulations and manufacturer recommendations. All applicable permits will be acquired before decommissioning activities begin.

### **Equipment Dismantling and Removal**

Generally, the decommissioning of a Solar Project proceeds in the reverse order of the installation.

1. The Project will be disconnected from the utility power grid.
2. PV modules will be disconnected, collected, and disposed at an approved solar module recycler or reused/resold on the market. Although the PV modules will not be cutting edge technology at the time of decommissioning, they are expected to produce approximately 80% of the original electricity output at year 40 and offer value for many years.
3. All aboveground and underground electrical interconnection and distribution cables will be removed and disposed off-site at an approved facility.
4. Steel PV module support and racking system support posts will be removed and disposed off-site at an approved facility.
5. Electrical and electronic devices, including transformers and inverters will be removed and disposed off-site at an approved facility.
6. Fencing will be removed and disposed off-site at an approved facility.

### **Environmental Effects**

Decommissioning activities, particularly the removal of project components, could result in environmental effects similar to construction such as ground disturbance (erosion/sedimentation). Mitigation measures employed during the construction phase of the Project will be implemented. These will remain in place to mitigate erosion and silt/sediment runoff and prevent any impact to the natural features located adjacent to the site.

Road traffic will temporarily increase due to the movement of decommissioning crews and equipment. Work will be undertaken during daylight hours to conform to any applicable restrictions.

## Site Restoration

Upon completion of the decommissioning phase, the site will be restored to a state similar to its pre-construction condition. Rehabilitated lands may be seeded with native seed mixes to help stabilize soil conditions, enhance soil structure, and increase soil fertility.

## Managing Materials and Waste

During the decommissioning phase, a variety of excess materials and wastes (listed in the table below) will be generated. Most of the materials used in a Solar Project are reusable or recyclable and some equipment may have manufacturer take-back and recycling requirements. Any remaining materials will be removed and disposed of off site at an appropriate facility. Policies and procedures will be established to maximize recycling and reuse and project owners will work with manufacturers, local subcontractors, and waste firms to segregate material to be disposed of, recycled, or reused.

Solar module manufacturers are looking for ways to recycle and/or reuse solar modules when they have reached the end of their lifespan. OneEnergy works with The Retrofit Companies, Inc. (TRC) in Minnesota to recycle panels that are damaged during shipping or installation and intends to partner with TRC or another similar panel recycler to recycle any panels that require disposal in the future. Modules will be disposed in the best way possible using best management practices at the time of decommissioning.

| Material / Waste            | Means of Managing Excess Materials and Waste                                                                                                                                                                                                                                                                                 |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PV Panels                   | If there is no possibility for reuse, the panels will either be returned to the manufacturer for appropriate disposal or will be transported to a recycling facility where the glass, metal, and semiconductor materials will be separated and recycled.                                                                     |
| Mounting racks and supports | These steel and other metal materials will be disposed off-site at an approved facility                                                                                                                                                                                                                                      |
| Transformer                 | The small amount of oil from the transformer will be removed on-site to reduce the potential for spills and will be transported to an approved facility for disposal. The transformers will be sent back to the manufacturer, recycled, reused, or safely disposed off-site in accordance with current standards of the day. |
| Inverters                   | The metal components of the inverters will be disposed of or recycled, where possible. Remaining components will be disposed of in accordance with the standards of the day.                                                                                                                                                 |

|                   |                                                                                                                                                                                                                                                                                                   |
|-------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cables and Wiring | All electrical wiring will be disconnected and disposed of at an approved facility, associated electronic equipment (isolation switches, fuses, metering) will either be returned to the manufacturer for recycling or disposed off-site in accordance with current standards and best practices. |
| Fencing           | Fencing will be removed and recycled at a metal recycling facility.                                                                                                                                                                                                                               |
| Debris            | Any remaining debris on the site will be separated into recyclables/residual wastes and will be transported from the site and managed as appropriate.                                                                                                                                             |

### Decommissioning Notification

Decommissioning activities will require the notification of stakeholders given the nature of the works at the site. Twelve months prior to the start of decommissioning activities the list of stakeholders will be updated and notified. Federal, county, and local authorities will be notified as needed to discuss the potential approvals required to engage in decommissioning activities.

### Approvals

Well-planned and well-managed renewable energy facilities are not expected to pose environmental risks at the time of decommissioning. Decommissioning of the Project will follow all standards of the day. Any required permits will be obtained prior to the start of any decommissioning activities.

This Decommissioning Report will be updated as necessary in the future to ensure that changes in technology and site restoration methods are taken into consideration.



# ALTA/NSPS LAND TITLE SURVEY

The East 60 acres of the North 1/2 of the Northeast 1/4 of Section 1, Township 9 North, Range 20 East, EXCEPTING THEREFROM the following described property: That part of the East 60 acres of the North 1/2 of the Northeast 1/4 of Section 1, in Township 9 North, of Range 20 East, in the Town of Germantown, Washington County, Wisconsin, bounded and described as follows: Commencing at a point in the East line of said quarter section 475 feet south of the northeast corner thereof, thence West on a line at right angles to the east line of said quarter section, 326.7 feet to a point; thence south on a line parallel to the east line of said quarter section, 200 feet to a point; thence east on a line at right angles to the east line of said quarter section 326.7 feet to a point in the east line of said quarter Section;; thence North along the east line of said quarter section, 200 feet to the place of beginning.

For informational purposes only:  
Property Address: N144W12531 Pioneer Rd, Germantown, WI 53022 Tax Key Number: GTNV-011-991 and GTNV-011-992

Prepared for: Lime Kiln Solar WI, LLC.  
Survey No. 169550-RMK

A. Basis of Bearings  
Bearings are based on the East line of the Northeast 1/4 of Section 1-9-20, which bears South 01°01'19" West. Wisconsin County Coordinate System, Washington County.

B. Title Commitment  
This survey was prepared based on Knight Barry Title Advantage LLC title commitment number 2298568, commitment date October 7, 2024, which lists the following easements and/or restrictions from schedule B-II:

14-15, 17. **Not survey related.**

12. Pole Line Rights and other matters contained in the instrument recorded October 6, 1927 as Document No. 139742. **Lies within or crosses the surveyed property - it is a blanket easement - its location is not shown.**

13. Easement to Wisconsin Electric Power Company and Wisconsin Telephone Company and other matters contained in the instrument recorded July 23, 1968 in Volume 452, Page 81 as Document No. 301603. **Lies within or crosses the surveyed property - it is a blanket easement - its location is not shown.**

16. Permanent Limited Easement and other matters contained in the instrument recorded December 19, 2011 as Document No. 1293367. **Lies within or crosses the surveyed property - its location is shown.**

18. Permanent Limited Easement and other matters contained in the instrument recorded November 15, 2021 as Document No. 1548993. **Lies within or crosses the surveyed property - its location is shown.**

19. Temporary Limited Easement and other matters contained in the instrument recorded November 15, 2021 as Document No. 1548998. **Lies within or crosses the surveyed property - its location is shown.**

C. Flood Note  
According to flood insurance rate map of the Village of Germantown, community panel number 55131C0289E, effective date of 2/25/2022, this site falls in zone X (areas determined to be outside the 0.2% annual chance floodplain).

D. Elevations  
Elevations refer to NAVD88 Datum.

E. Municipal Zoning  
The zoning information listed is taken from the Village of Germantown website - site is zoned A-1 - Agricultural District.

Front setback - 60'  
Side yard setback - 25 feet, minimum, except 50 feet for bee hives and buildings used for keeping livestock and poultry, and all new buildings constructed after the effective date of the zoning code.  
Rear yard setback - 50'  
Maximum height - 45 feet, except barns, elevators, grain dryers and silos.

F. Notes  
As to table A item 11  
Surveyor's responsibility to coordinate markings shall be limited to one marking request to 811 (national "call before you dig" number) based on the property address, as provided by the client.  
Note to the client, insurer, and lender - With regard to Table A, item 11, information from the sources checked within will be combined with observed evidence of utilities pursuant to Section 5.E.iv. to develop a view of the underground utilities. However, lacking excavation, the exact location of underground features cannot be accurately, completely, and reliably depicted. In addition, in some jurisdictions, 811 or other similar utility locate requests from surveyors may be ignored or result in an incomplete response.  
As of the field date indicated below in certificate (most recent site visit/inspection), it appears some underground utilities were not marked. This affected the surveyor's assessment of the location of the utilities resulting in partial illustration and/or mapping per plan. Where additional or more detailed information is required, the client is advised that excavation may be necessary.

There is no visible evidence of recent earth moving work, building construction or building additions observed in the process of conducting the fieldwork.

There are no proposed changes in street right of way lines, if such information is made available to the surveyor by the controlling jurisdiction or observed in the process of conducting the fieldwork.

There is no visible evidence of recent street or sidewalk construction or repairs observed in the process of conducting the fieldwork.

To: Lime Kiln Solar WI, LLC; OneEnergy Development, LLC; Knight Barry Title Advantage LLC

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS and includes items 1, 2, 3, 4, 5, 6(a), 6(b), 7(a), 7(b)(2), 8, 11(a), 11(b), 13, 14, 16, 17, 18, 19 and 20 of Table A thereof. The fieldwork was completed on November 6, 2024.

Date of Plat or Map: November 13, 2024

I CERTIFY, that this survey was prepared under my supervision and is correct to the best of my professional knowledge and belief and complies with Chapter A-E 7 of the Wisconsin Administrative Code.

*Michael J. Ratzburg*

Michael J. Ratzburg  
Professional Land Surveyor  
Registration Number S-2236  
michael.ratzburg@rasmith.com



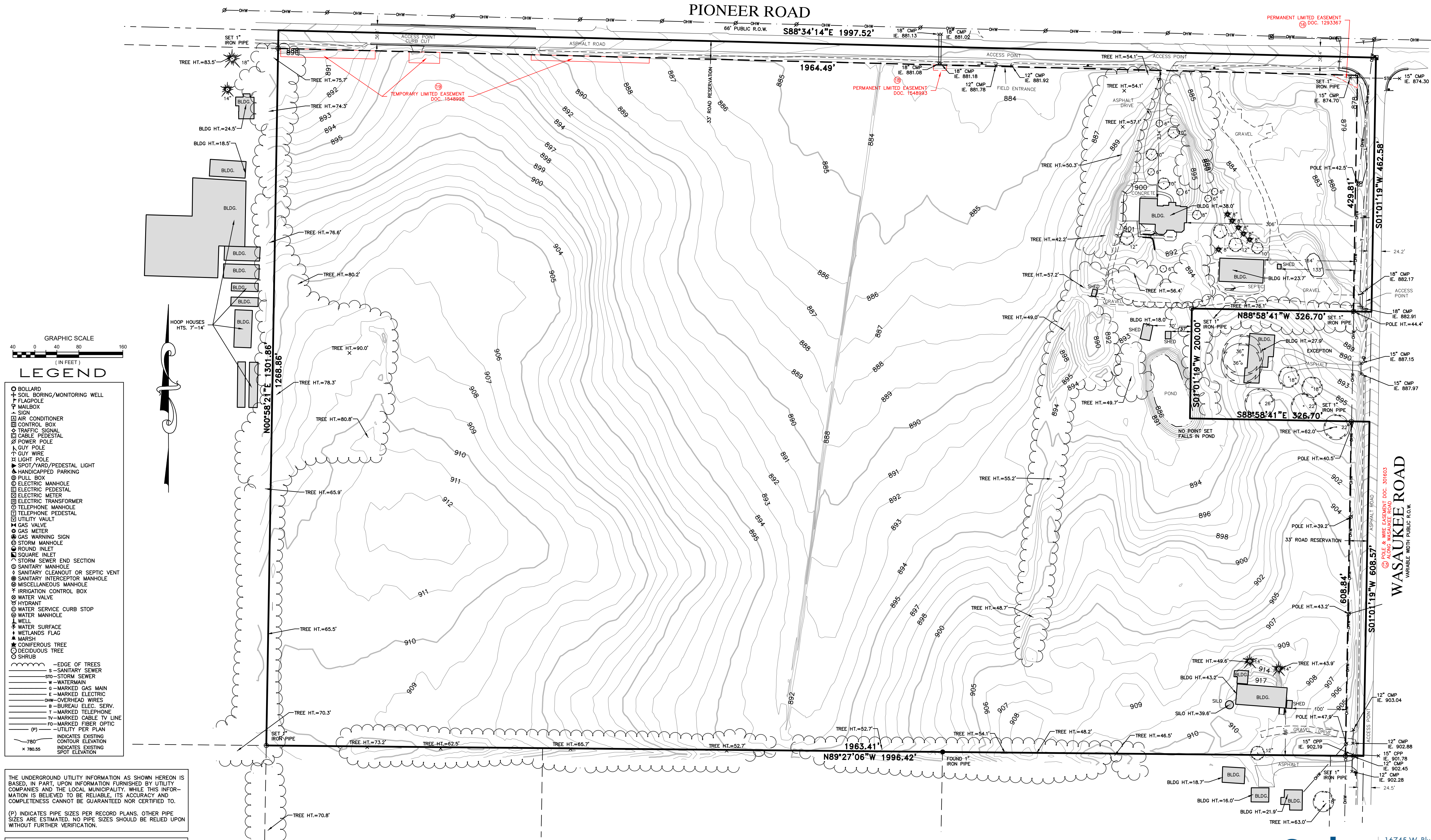
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SHEET 1 OF 2



ALTA/NSPS LAND TITLE SURVEY



THE UNDERGROUND UTILITY INFORMATION AS SHOWN HEREON IS BASED, IN PART, UPON INFORMATION FURNISHED BY UTILITY COMPANIES AND THE LOCAL MUNICIPALITY. WHILE THIS INFORMATION IS BELIEVED TO BE RELIABLE, ITS ACCURACY AND COMPLETENESS CANNOT BE GUARANTEED NOR CERTIFIED TO.

(P) INDICATES PIPE SIZES PER RECORD PLANS. OTHER PIPE SIZES ARE ESTIMATED. NO PIPE SIZES SHOULD BE RELIED UPON WITHOUT FURTHER VERIFICATION.

R.A.SMITH, INC. ASSUMES NO RESPONSIBILITY FOR DAMAGES, LIABILITY OR COSTS RESULTING FROM CHANGES OR ALTERATIONS MADE TO THIS PLAN WITHOUT THE EXPRESSED WRITTEN CONSENT OF R.A.SMITH, INC.

ALL COPYRIGHTS TO THESE DRAWINGS ARE RESERVED. THEY MAY NOT BE COPIED, CHANGED, OR ASSIGNED TO ANY THIRD PARTY IN ANY MANNER WITHOUT OBTAINING THE EXPRESSED WRITTEN PERMISSION OF R.A.SMITH, INC.

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CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Part of the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 1, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.  
ALL BEARINGS ARE REFERENCED TO THE E. LINE OF THE NE 1/4 OF SECTION 1, T9N, R20E, WHICH BEARS S01°18'22"E. WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD 83/2011).

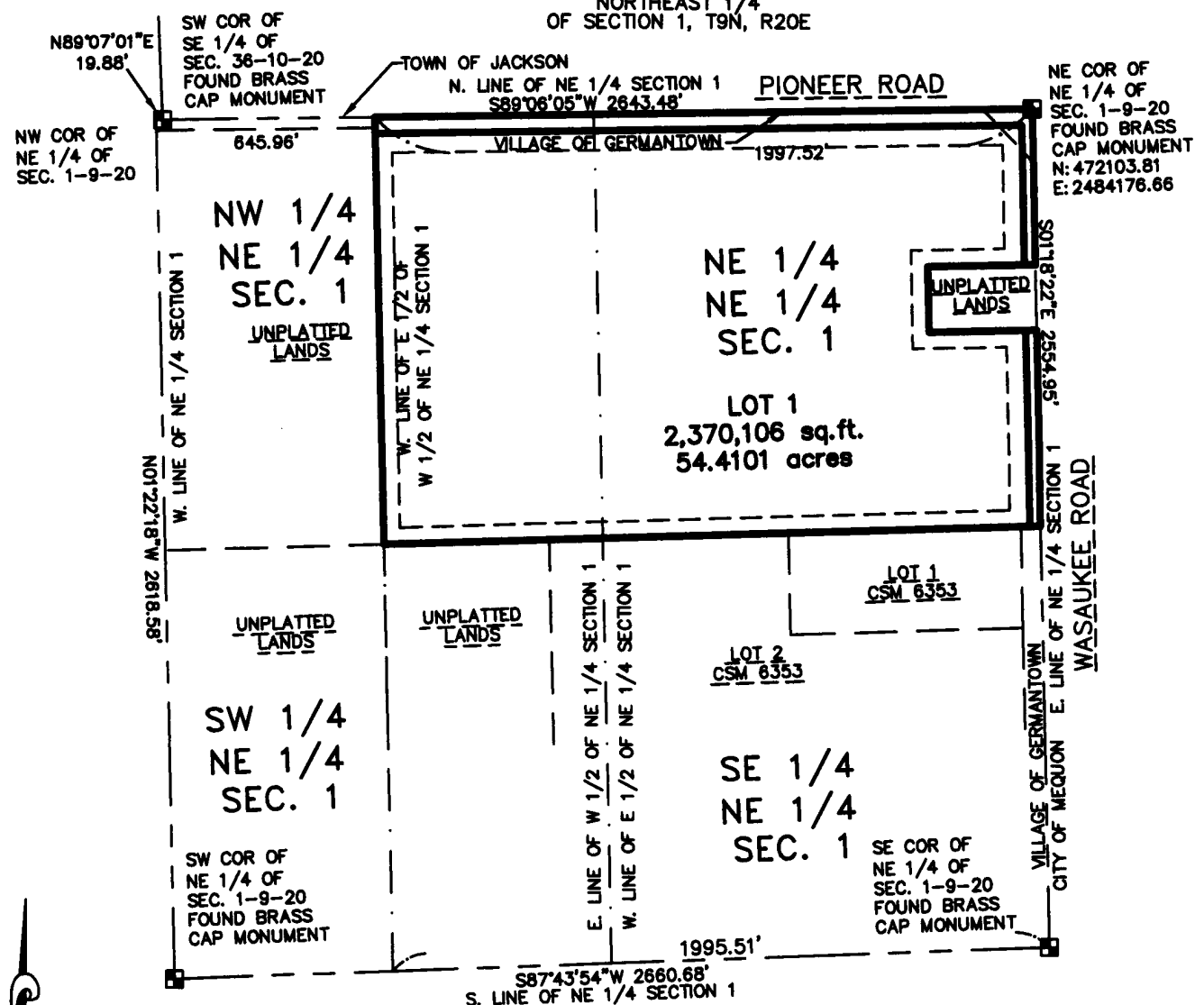
① INDICATES DEDICATED TO THE FOR PUBLIC ROAD PURPOSES.

● INDICATES FOUND 1" IRON PIPE

○ INDICATES SET 1.315" O.D. IRON PIPE AT LEAST 18" IN LENGTH, 1.68 LBS. PER LINEAL FOOT.

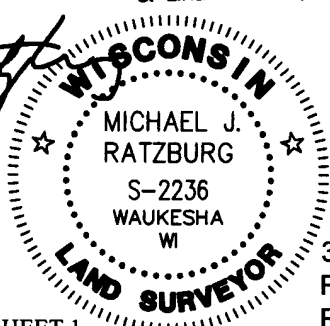
NO NEW ACCESS POINTS OR NO SUBSTANTIAL CHANGE IN USE OF EXISTING ACCESS ON PIONEER RD. WITHOUT AN APPROVED ACCESS PERMIT FROM THE WASHINGTON COUNTY HIGHWAY DEPARTMENT.

LOCATION MAP  
NORTHEAST 1/4  
OF SECTION 1, T9N, R20E



OWNER:  
ROBERT B. OVERMIER & TERRI L. OVERMIER  
N144W12531 PIONEER ROAD  
GERMANTOWN, WI., 53022

GRAPHIC SCALE  
0 250 500  
1" = 200'



Prepared by:  
**raSmith**  
CREATIVITY BEYOND ENGINEERING

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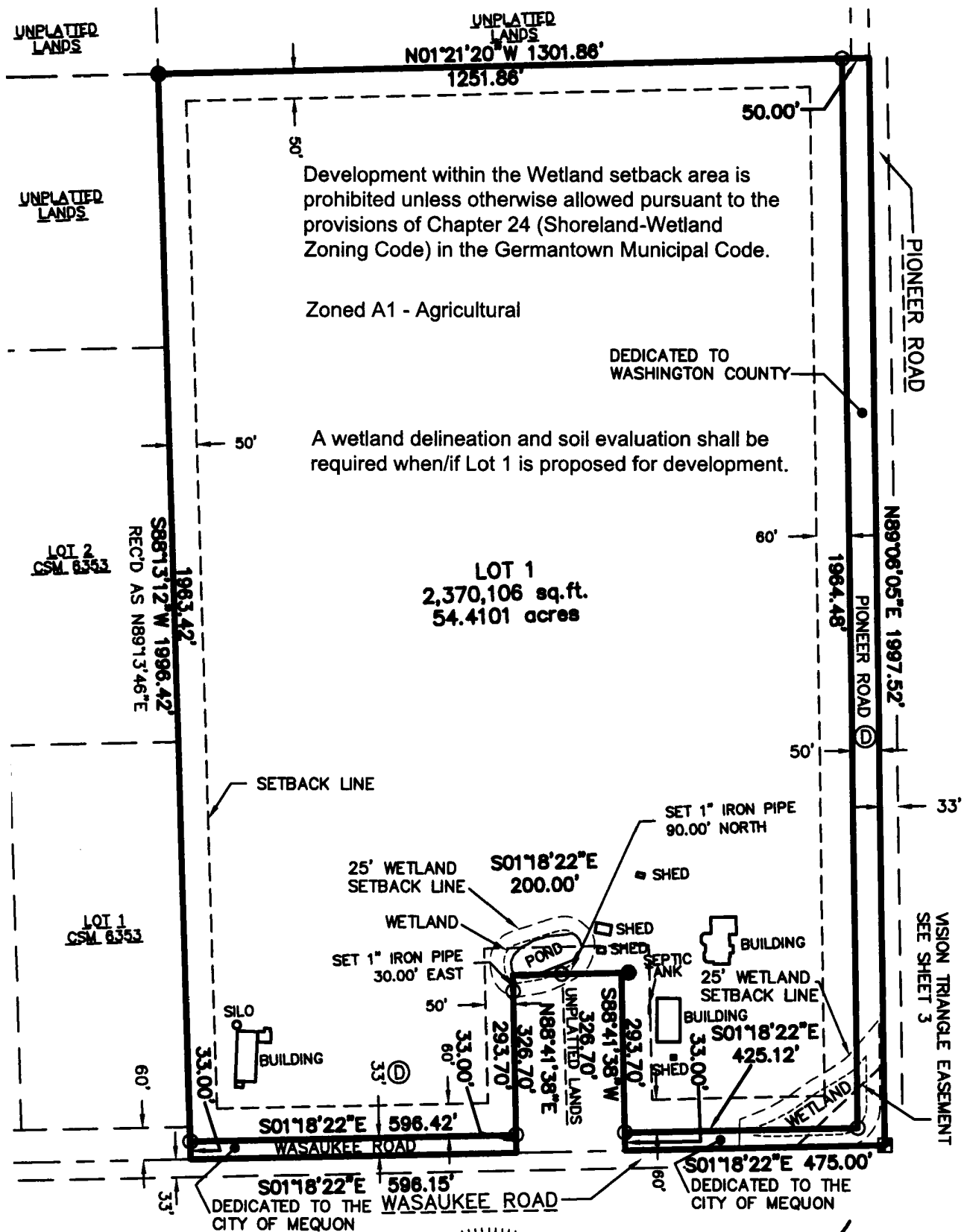
3/11/2025  
REV. 5/7/2025  
Rev. 6/17/2025

Sheet 1 of 7 Sheets

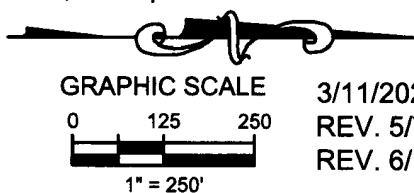
S:\5169550\Dwg\169550 CS10.dwg \ SHEET 1

**CERTIFIED SURVEY MAP NO.**

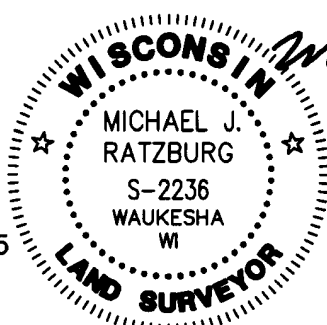
Part of the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 1, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.



**Area of road dedication:**  
**133,581 square feet or 3.0666 acres**



3/11/2025  
REV. 5/7/2025  
REV. 6/17/2025



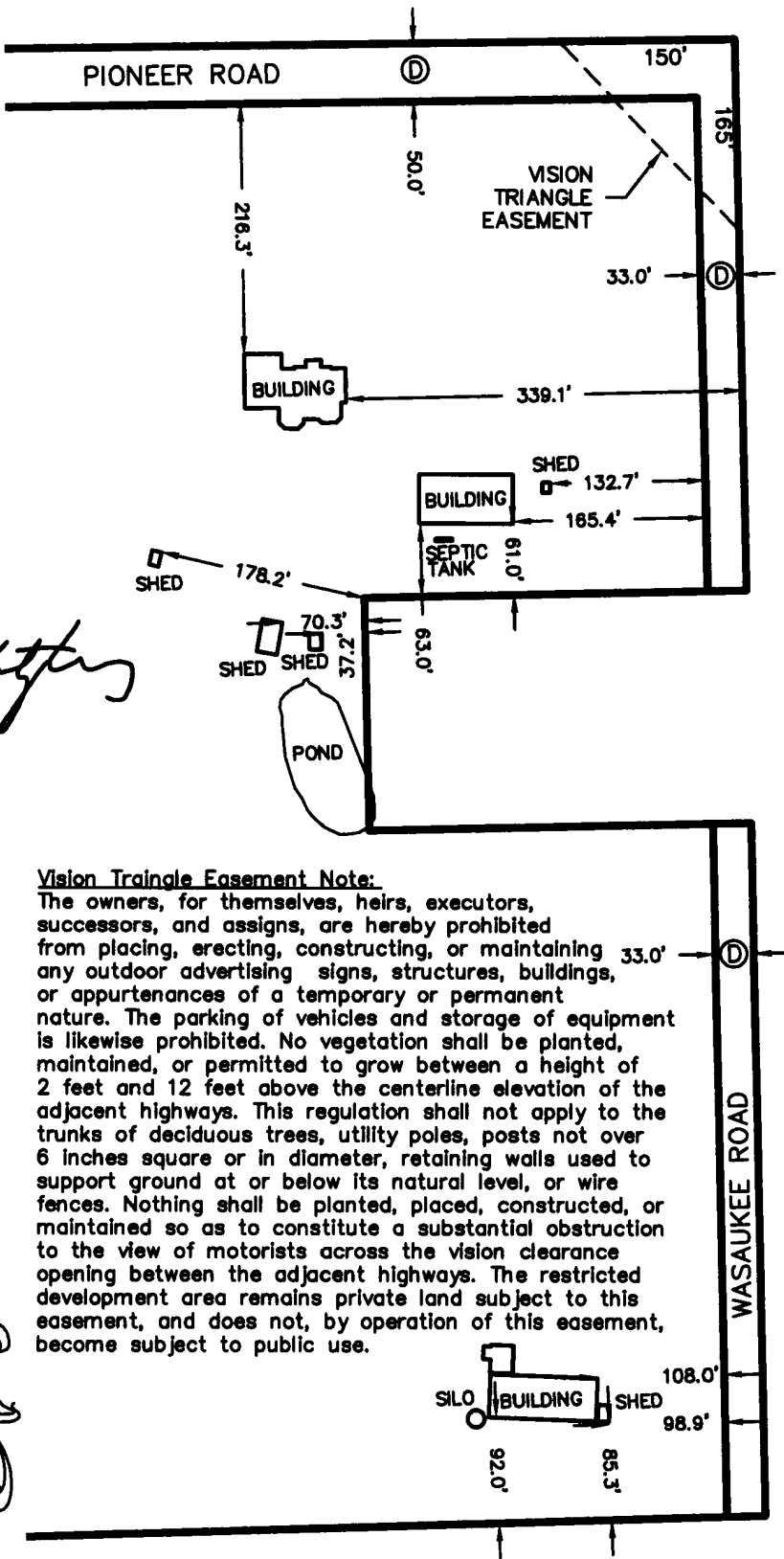
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mcmilb.com

Sheet 2 of 7 Sheets

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Part of the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 1, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

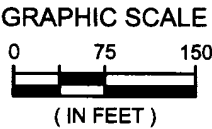


*Michael J. Ratzburg*



3/11/2025  
REV. 5/7/2025  
REV. 6/17/2025

**Vision Triangle Easement Note:**  
The owners, for themselves, heirs, executors, successors, and assigns, are hereby prohibited from placing, erecting, constructing, or maintaining 33.0' any outdoor advertising signs, structures, buildings, or appurtenances of a temporary or permanent nature. The parking of vehicles and storage of equipment is likewise prohibited. No vegetation shall be planted, maintained, or permitted to grow between a height of 2 feet and 12 feet above the centerline elevation of the adjacent highways. This regulation shall not apply to the trunks of deciduous trees, utility poles, posts not over 6 inches square or in diameter, retaining walls used to support ground at or below its natural level, or wire fences. Nothing shall be planted, placed, constructed, or maintained so as to constitute a substantial obstruction to the view of motorists across the vision clearance opening between the adjacent highways. The restricted development area remains private land subject to this easement, and does not, by operation of this easement, become subject to public use.



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CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Part of the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 1, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN }  
                                  :SS  
WAUKESHA COUNTY }

I, MICHAEL J. RATZBURG, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped a division of a part of the Northwest 1/4, Northeast 1/4 of the Northeast 1/4 of Section 1, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, which is bounded and described as follows:

Beginning at the Northeast corner of said Northeast 1/4 of said Section;  
thence South 01° 18' 22" East along the East line of said 1/4 Section 475.00 feet to a point;  
thence South 88° 41' 38" West 326.70 feet to a point;  
thence South 01° 18' 22" East 200.00 feet to a point;  
thence North 88° 41' 38" East 326.70 feet to a point in the East line of said 1/4 Section;  
thence South 01° 18' 22" East along said East line 596.15 feet to a point;  
thence South 88° 13' 12" West along the North line of Certified Survey Map No. 6353 and its extension a distance of 1996.42 feet to a point in the West line of the East 1/2 of the Northeast 1/4 of said 1/4 Section;  
thence North 01° 21' 20" West along said West line 1301.86 feet to a point to a point in the North line of said 1/4 Section;  
thence North 89° 06' 05" East along said North line 1997.52 feet to the point of beginning.

Said land contains 2,503,687 square feet or 57.4767 acres.

THAT I have made the survey, land division and map by the direction of ROBERT B. OVERMIER & TERRI L. OVERMIER, owners.

THAT the map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

THAT I have fully complied with provisions of Chapter 236.34 of the Wisconsin Statutes and Chapter 18 of the Village of Germantown Subdivision Control Ordinances in surveying, dividing and mapping the same.

3/11/2025  
Field date  
REV. 5/7/2025  
REV. 6/17/2025



  
MICHAEL J. RATZBURG  
PROFESSIONAL LAND SURVEYOR S-2236



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Part of the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 1, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

OWNER CERTIFICATE

ROBERT B. OVERMIER & TERRI L. OVERMIER, as owners, certify that we have caused the land described on this map, to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map in accordance with the requirements of the Village of Germantown Municipal Code.

ROBERT B. OVERMIER & TERRI L. OVERMIER, do further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: Village of Germantown

ROBERT B. OVERMIER & TERRI L. OVERMIER, as owners, we hereby dedicate that part of Pioneer Road and Wasaukee Road to the Village of Germantown for public road purposes as represented on Sheet 2 of 7 sheets of this Certified Survey Map.

IN Witness Whereof, ROBERT B. OVERMIER & TERRI L. OVERMIER, have caused these presents to be signed on this 30 day of June, 2025.

[Signature]  
ROBERT B. OVERMIER

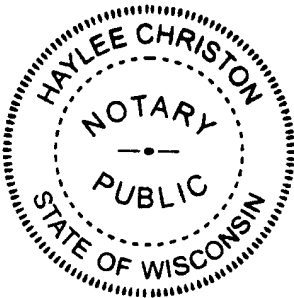
[Signature]  
TERRI L. OVERMIER

STATE OF Wisconsin }  
:SS  
Washington COUNTY }

PERSONALLY came before me this 30th day of June, 2025,

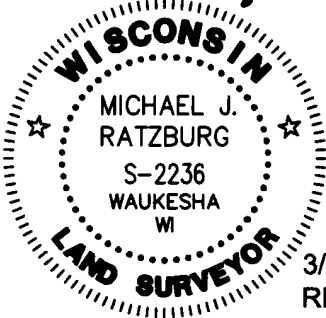
ROBERT B. OVERMIER & TERRI L. OVERMIER, to me known as the persons who executed the foregoing instrument and acknowledged the same.

Haylee Christon  
Haylee Christon  
(print name)  
Notary Public, State of Wisconsin  
My commission expires 7/1/2028



(Notary Seal)

[Signature]



3/11/2025  
REV. 5/7/2025  
REV. 6/17/2025



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Part of the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 1, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

## CONSENT OF CORPORATE MORTGAGEE

\_\_\_\_\_, a national banking association, duly organized and existing under  
and by virtue of the laws of the State of \_\_\_\_\_, as mortgagee of the above described land,  
consents to the surveying, dividing, mapping and restricting of the land described on this map and in the  
surveyor's certificate, and to the certificate of the owner of said land.

Date: \_\_\_\_\_

Entity Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

**Title:** \_\_\_\_\_

STATE OF \_\_\_\_\_ }  
 \_\_\_\_\_ COUNTY } SS

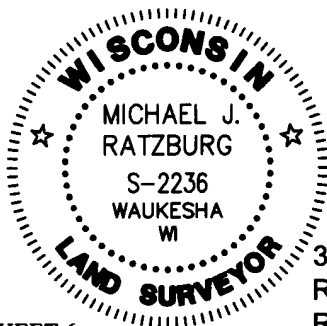
PERSONALLY came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_, the \_\_\_\_\_ of the above named organization, to me known to be the person who executed the foregoing instrument and acknowledged that he/she executed the foregoing instrument as such officer on behalf of the entity, by its authority.

(Notary Seal)

(print name)  
Notary Public, State of Wisconsin

My commission expires\_\_\_\_\_



3/11/2025  
REV. 5/7/2025  
REV. 6/17/2025

**raSmith**  
CREATIVITY BEYOND ENGINEERING

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(262) 781-1000  
resnath.com

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Part of the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 1, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

VILLAGE OF GERMANTOWN PLANNING COMMISSION APPROVAL

This Certified Survey Map is hereby APPROVED by the Planning Commission of the of the Village of Germantown on

this 12<sup>th</sup> day of MAY, 2025.

Date: 7/21/25

Robert A. Soderberg  
Robert A. Soderberg, Chairman

Date: 6/30/25

Deborah J. Remich  
Deborah J. Remich, Secretary

VILLAGE OF GERMANTOWN BOARD APPROVAL

This Certified Survey Map, being a division of a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 1, in Township 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved and the dedication of that part of Pioneer Road and Wasaukee Road for public road purposes as shown on this Certified Survey Map is hereby accepted by the Village Board of Trustees of the Village of Germantown

on this 2<sup>nd</sup> day of JUNE, 2025.

Date: 7/7/25

Robert A. Soderberg  
Robert A. Soderberg, Village President

Date: 7/7/25

Donna Ott  
Donna Ott, Village Clerk



Michael J. Ratzburg

3/11/2025  
REV. 5/7/2025  
REV. 6/17/2025



## Engineering Department

### Memorandum

To: Jeff W. Retzlaff, AICP, Community Development Director

From: Kevin R. Driscoll, PE, Village Engineer

Date: 10/7/2025

Re: Site Plan Review – Solar GTNV\_011987, N144 W12531 Pioneer Road

---

#### Items Reviewed:

1. Site Plan Review Application Dated: 8/7/2025

#### General Comments:

1. Please respond to each item below. **A written response addressing each item shall be included in your submittal.**
2. The submitted plans have been reviewed for general conformance with State and Village design guidelines identified in the Village Code of Ordinances, Section 17.43. Additional comments could arise as a result of the plan completion and modifications. The items listed below will need to be fully resolved before the Engineering Dept. can recommend a formal approval of the plans and permit for construction.
3. This project is anticipated to require a WRAPP/NOI from the DNR. Please contact WDNR and submit a copy of an approved WDNR permit prior to construction.
4. As-builts prepared to Village standards shall be prepared and provided to the Village post-construction (for all applicable items).
5. A professional engineer's original seal is to be affixed, signed and dated on the final set of construction plans.
6. Permits for work within the ROW are required. Contact the Village Engineering Department to obtain a driveway permit and permit for excavation in the right of way.
7. As a guide to the review response: Items in *italics* are resolved or acknowledged, items in regular font are to be addressed yet, items in **Bold** are additional feedback to remaining original comment.

#### Storm Water Management

1. Sheet D-100 – Identify area of disturbance. Identify area of new impervious surface.
2. Identify wetlands on parcel. Identify distance from wetlands to proposed area of disturbance.
3. Provide erosion control plan including area near drainage swale. Identify proposed setbacks from centerline and channel embankments, per Erosion Control requirements listed in the Development Handbook Section 1.4.

#### Road Plan

1. Complete a driveway permit and permit for excavation in the right of way. Include depth of proposed point of interconnection.
3. Label Street names.
4. Add site address and/or parcel ID to drawing, Sheet D-100.

*October 8, 2025*

5. Sheet D-100 shows 33-ft public right of way and 60-ft front yard set back. Update to current County ROW (100-ft) and establish setback behind ROW, not from roadway centerline.



September 8, 2025

DEAR [NEIGHBOR NAME],

We are writing to introduce ourselves and our company, OneEnergy Renewables. OneEnergy develops, constructs, and operates solar projects. We are proposing to construct a ground-mounted solar project called Lime Kiln Solar in the Village of Germantown, WI located southwest of the corner of Pioneer Road and Wasaukee Road.

**Lime Kiln Solar Project Details:**

|                                                              |                                                                                                                                  |
|--------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>Size</b>                                                  | 6 Megawatts                                                                                                                      |
| <b>Location</b>                                              | Village of Germantown<br>Southwest of the intersection of<br>Pioneer Road and Wasaukee Road                                      |
| <b>Acreage</b>                                               | ~ 35 acres of ~ 57 acre parcel                                                                                                   |
| <b>Number of homes the project can<br/>provide power for</b> | Approximately 1,400 average WI homes<br>(around 17% of the electricity needs of the Village of<br>Germantown's 8,280 households) |

The project would interconnect to the existing electric distribution lines along Pioneer Road and serve local We Energies customers. Our projects are planted with a perennial pollinator mix, which improves water infiltration and soil health, as the deep-rooted native prairie plants get established and rebuild the soil over the life of the project. Pictured on the next page is an overview of the proposed site layout. More information about the Lime Kiln solar project is available at [limekilnsolar.com](http://limekilnsolar.com)

There are two upcoming meetings regarding the proposed solar project that we invite you to attend to learn more:

- Open House: **Monday, September 29<sup>th</sup> from 4:00 p.m. – 6:00 p.m. at Germantown Community Library – N112W16957 Mequon Rd, Germantown, WI 53022**
- Village of Germantown Plan Commission Meeting: **Monday, October 13<sup>th</sup> at 6:30 p.m. at Germantown Village Hall – N112 W17001 Mequon Rd, Germantown, WI 53022**

In addition, we are available to discuss the proposed project and respond to any questions you may have. We work out of our Madison office and would be happy to schedule a time to meet with you in person at a convenient location or over the phone. Please reach out via our contact information below.

Sincerely,

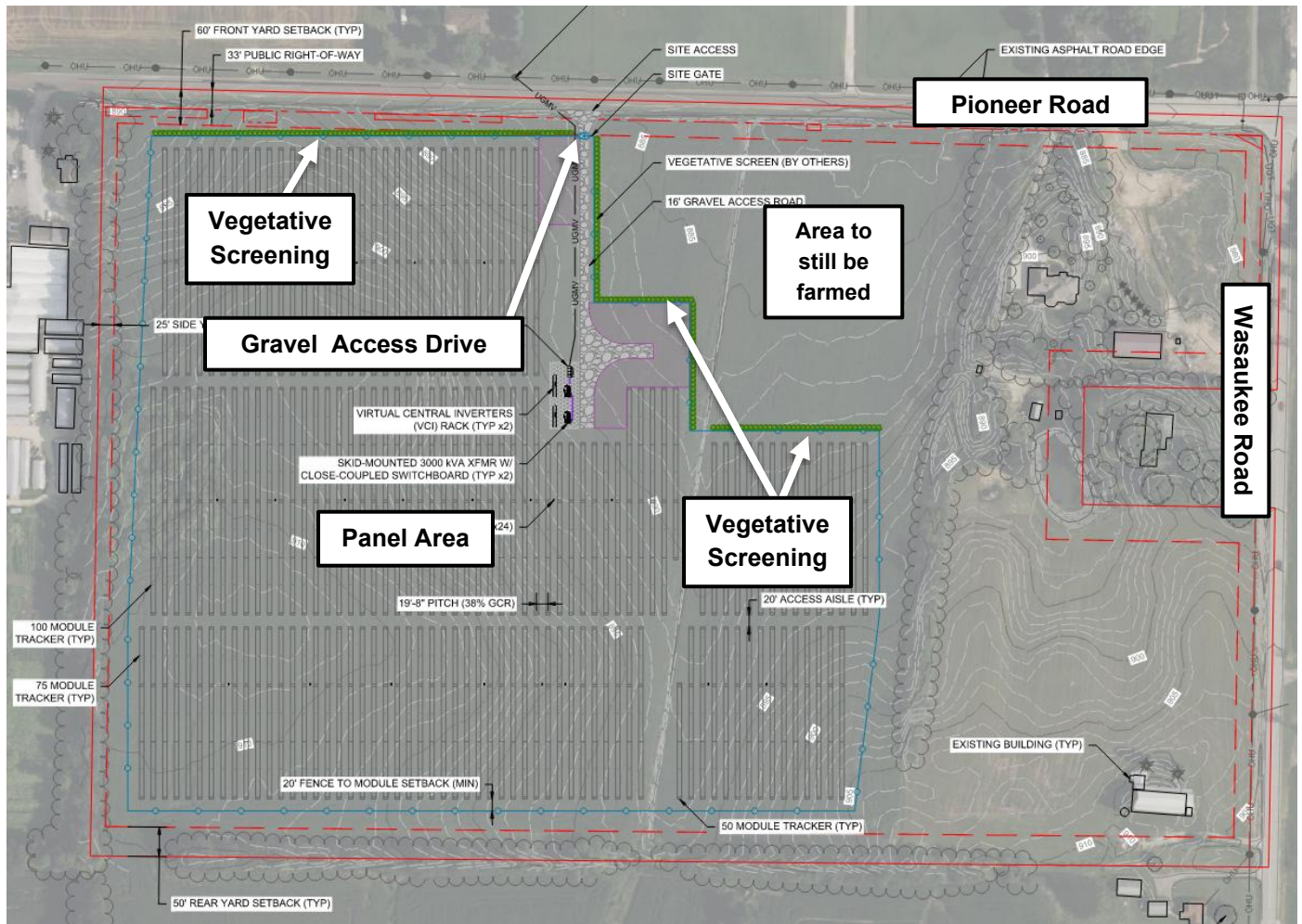
Peter Murphy  
Project Manager  
OneEnergy Renewables  
(262) 395-7172  
[peter@oneenergyrenewables.com](mailto:peter@oneenergyrenewables.com)

Seamus Fitzgerald  
Project Manager  
OneEnergy Renewables  
(414) 403-3930  
[seamus@oneenergyrenewables.com](mailto:seamus@oneenergyrenewables.com)





## Proposed Site Layout

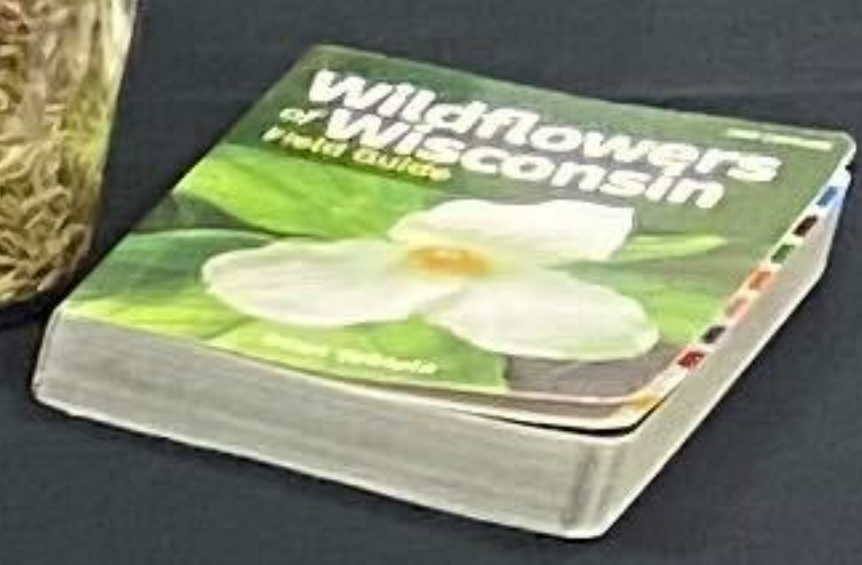


Native prairie in bloom at another of our projects



Example Perimeter Fence – 8' tall deer-exclusion style





**OneEnergy**  
RENEWABLES











# Impact of large-scale solar on property values in the United States: Diverse effects and causal mechanisms

Chenyang Hu<sup>a</sup> , Zhenshan Chen<sup>a,1</sup> , Pengfei Liu<sup>b</sup> , Wei Zhang<sup>a</sup> , Xi He<sup>a</sup> , and Darrell Bosch<sup>a</sup>

Affiliations are included on p. 9.

Edited by Catherine Kling, Cornell University, Ithaca, NY; received September 10, 2024; accepted April 24, 2025

As the renewable energy transition continues into less receptive communities, local opposition is expected to intensify, potentially slowing the process. Since the local impacts are neither well quantified nor widely recognized, we lack policies and common practices to mitigate the potential associated welfare loss in affected communities. Based on a nationwide dataset combining property transactions and large-scale solar photovoltaic (LSSPV) sites, we analyze the heterogeneous effects of LSSPV on property prices and the associated causal pathways. Difference-in-differences estimates show that LSSPV significantly increases agricultural or vacant land value by about 19.4% within a 2-mile radius, while simultaneously reducing residential property values within 3 miles by about 4.8%. The estimated average negative impact on home values is primarily driven by site proximity and diminishes with both distance and time. Effect estimates are more robust to alternative specifications when proximity pairs with visibility rather than invisibility, but no evidence suggests visibility significantly amplifies the proximity effect. Heterogeneous effect estimates indicate that high solar lease potential, being in heavily Democratic-leaning counties, and brownfield redevelopment largely mitigate the negative residential value impact. The analysis reveals no significant heterogeneity across a few factors, including varying site visibility, directional orientation of properties relative to the LSSPV site, and different tracking systems. Evidence indicates that the negative impact on residential values might mainly stem from negative perceptions, but channels through physical conditions cannot be entirely dismissed. Our assessment provides benchmark information for local externality mitigation plans, potentially reducing community opposition and expediting the renewable energy transition.

solar energy | economic valuation | econometric analysis | renewable energy transition

As the cost of solar energy continues to decline (1), solar is likely to remain the leading source of renewable energy in the United States (2). Although the climate benefits of large-scale solar photovoltaic (LSSPV) are widely recognized, the siting of LSSPV projects has encountered increasing local resistance (3–5). As the renewable energy transition deepens into less receptive communities, local opposition is expected to intensify and slow down the transition process. Anecdotal and qualitative evidence suggests that the local concerns are primarily driven by negative aesthetic impacts, decreased property values, environmental injustice, and adverse impacts on local agriculture (3, 6, 7). However, these negative impacts are not well quantified, and we lack policies or common practices to mitigate the potential welfare loss in affected communities.

LSSPV facilities can significantly alter local amenities in residential areas. Recent studies suggest that proximity to a solar site may reduce home values (8, 9) due to diminished amenities such as adverse visual impact (10). The geometric and highly reflective surfaces of LSSPV facilities can be seen as unattractive and disruptive, particularly in natural or agrarian settings (11). There are other potential disamenities associated with LSSPV that may not be revealed immediately after site installation, including disrupted ecosystems and wildlife habitats (12, 13), increased soil erosion and water runoff, and degraded air quality (14). Moreover, negative perceptions of disamenities could lead to property value losses that are unrelated to actual levels of physical disamenities, a phenomenon known as the stigma effect in the housing market (15, 16).

Solar development can affect land prices considerably. An LSSPV facility typically requires between 5 and 10 acres per MWac of generating capacity. Agricultural land has been the most common land type for LSSPV development, due to its suitability, such as being flat, dry, cleared of natural vegetation, and close to electric infrastructure (17, 18). A recent projection from the American Farmland Trust shows that solar projects could occupy over 7 million acres by 2040, with 83% of new installations on farmlands and ranchlands, half of which are on highly productive land (19). If we consider the potential future surge in

## Significance

Large-scale solar projects are crucial for decarbonizing the US economy, but growing local resistance may impede the renewable energy transition. We estimate the impact of large-scale solar on property prices and the underlying pathways using 8.8 million sales and 3,699 solar sites in the United States. Exposure to solar sites decreases nearby residential home values but increases land values. For large-lot homes, the increase in land value largely mitigates the negative residential impact. Varying county political leaning and land use histories result in significantly different residential value impacts. Empirical evidence indicates that the current negative residential impact might represent a stigma effect attached to solar sites. Our findings provide important insights for addressing local resistance against large-scale solar projects.

Author contributions: C.H., Z.C., and P.L. designed research; C.H. and Z.C. performed research; C.H. and Z.C. contributed new reagents/analytic tools; C.H. and Z.C. analyzed data; C.H. processed geographic data and aggregated the data; Z.C. provided property data, processed geographic data and edited the paper; P.L. and W.Z. provided property data and edited the paper; X.H. provided property data and edited paper; D.B. edited the paper; and C.H., Z.C., and P. L. wrote the paper.

The authors declare no competing interest.

This article is a PNAS Direct Submission.

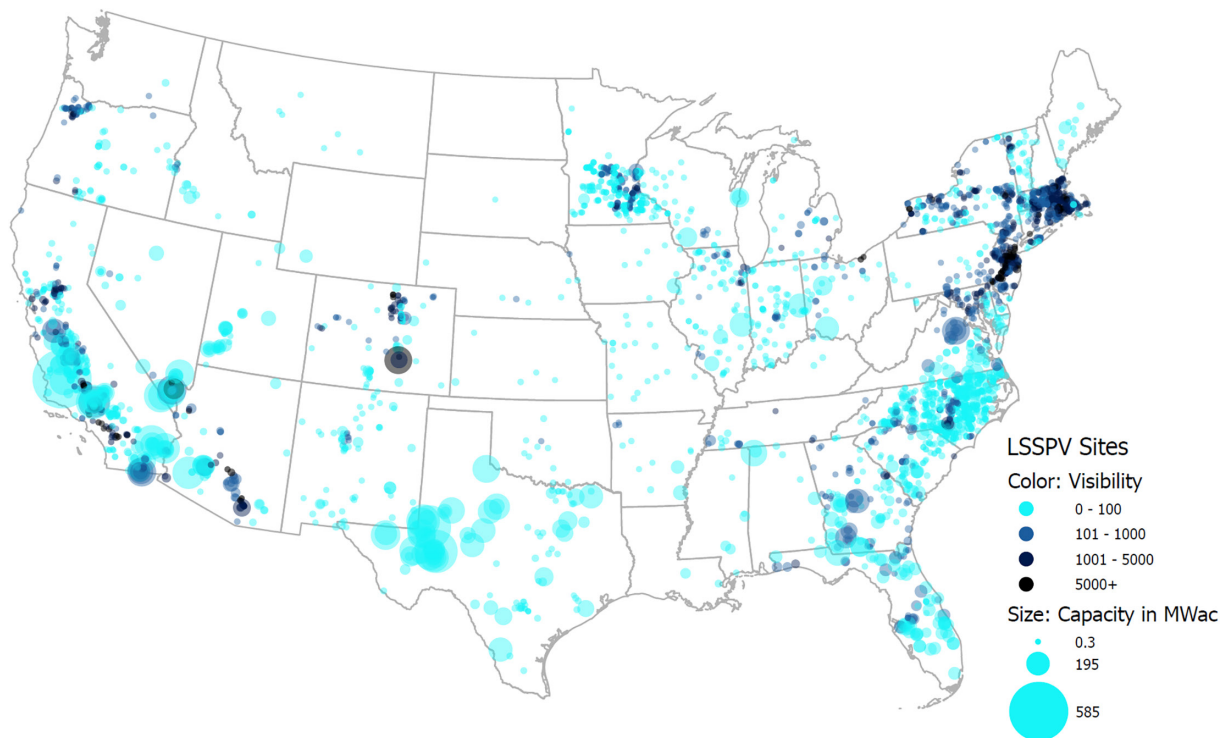
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Although PNAS asks authors to adhere to United Nations naming conventions for maps (<https://www.un.org/geospatial/mapsgeo>), our policy is to publish maps as provided by the authors.

<sup>1</sup>To whom correspondence may be addressed. Email: zhenshan.chen@vt.edu.

This article contains supporting information online at <https://www.pnas.org/lookup/suppl/doi:10.1073/pnas.2418414122/-DCSupplemental>.

Published June 9, 2025.



**Fig. 1.** Map of LSSPV locations, capacity, and visibility. The size of circles indicates the capacity of each LSSPV site. The colors represent the visibility of each site. Visibility is measured in the number of local (<6 miles) residential homes with a view of that LSSPV site.

energy demand, e.g., electrifying the transportation sector and establishing AI data centers, the required farmland for solar energy production could be much higher than the projected 5.8 million acres. In the long run, the land use competition between solar development and agricultural production is likely to increase the scarcity of farmlands, especially at the urban fringe. In the short run, leasing the land for solar energy production provides higher financial returns than traditional agricultural operations, which may drive up farmland prices and elevate farming costs.

Existing studies provide suggestive evidence that visual impacts and loss of property values are the two leading concerns for local oppositions (3, 10).<sup>\*</sup> These local impacts of LSSPV represent classically defined externalities, as no widely established mechanism exists for solar site owners to compensate neighboring communities for potential negative effects. Quantifying these externalities is important to establishing solar siting procedures that adequately compensate the community and allow socially optimal allocations of resources. More importantly, as solar sites are initially developed in receptive communities, siting efforts are expected to become more challenging when the renewable energy transition continues. Studies have suggested that a major proportion of proposed LSSPV projects were denied or withdrawn due to local resistance (5, 10).<sup>†</sup> Clarifying and addressing

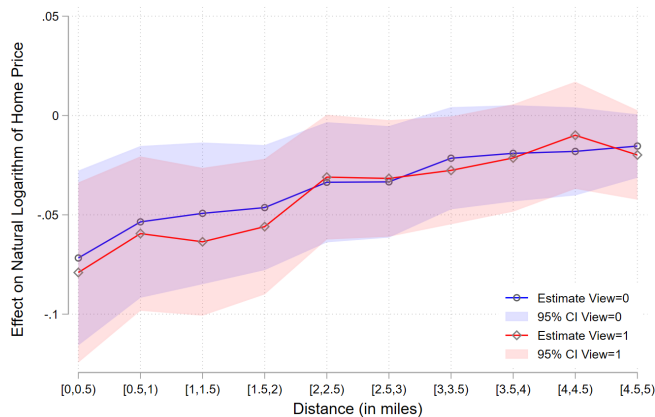
the externalities of LSSPV development will help alleviate local opposition to solar development and accelerate the energy transition.

Utilizing property-level transaction data and detailed LSSPV site information, we present a comprehensive nationwide analysis to estimate and quantify the externalities of LSSPV facilities facing nonresidential and residential properties. We employ a Difference-in-Differences (DID) identification framework to investigate the effects of solar projects on nearby property values. Previous studies have employed similar methods to investigate the property value effects of solar site exposure in a few selected states (8, 9, 20). While viewshed analyses and visual impact investigations are prevalent for wind site studies (e.g., refs. 21–25), previous solar studies have not measured site visibility or quantified the associated visual impact, despite some indicating its relevance (e.g., ref. 26). In contrast to previous solar studies focusing on site proximity, we additionally assess the impact of site visibility and its interaction with proximity. Specifically, we create a geospatial database showing the visibility from every residential home to nearby LSSPV facility in the contiguous United States (Fig. 1, see *Data and Methods* for details). With the average effects showing the general size of welfare changes in the neighborhood, we further differentiate the impact mechanisms and provide information for a compensation plan for the local externalities generated by LSSPV sites.

Our analysis demonstrates that LSSPV sites affect local residential property values and land values differently. We separately analyze transactions on three types of properties. The first type is residential properties (hereafter “residential homes” or “residential”) with a lot size under five acres (i.e., the typical minimum acreage requirement for a solar lease), where LSSPV effects primarily stem from impacts related to residential amenities. The second type involves agricultural or vacant land above five acres (hereafter “agricultural land” or “ag-land”), where LSSPV effects mainly result from potential solar lease-induced land use value changes. The third

<sup>\*</sup>Crawford et al. (3), based on 33 interviews with residents, found that the top three of residents’ most common concerns of large-scale solar are “negative aesthetic impact”, “decreased property values”, and “misuse of agricultural land”. Moreover, a survey conducted in 2023 by Nilson et al. (10) shows that 123 developers report visual concerns to be the most common concern for utility-scale solar, followed by property value loss and agricultural land loss.

<sup>†</sup>An earlier study from Mulvaney (5) showed that nearly half of the LSSPV projects proposed from 2005 to 2016 in the Southwest US were denied or withdrawn, largely due to local resistance. A survey conducted in 2023 by Nilson et al. (10) suggests that among solar industry respondents across the US, 95% agree that community opposition will get in the way of decarbonization goals. The same survey shows that about 40% of planned solar projects were canceled while the remaining 60% were delayed by at least 6 months in the last 5 y, and local ordinances and community opposition are among the leading causes of cancellation.



**Fig. 2.** Effects of proximity and view on residential home value. The blue line connects the coefficient estimates of proximity bins without view, obtained by interacting the proximity bins, the binary posttreatment indicator, and the no-visibility indicator (i.e., equals 1 if no site view). The red line connects coefficient estimates of proximity bins with view, obtained by interacting the proximity bins, the binary posttreatment indicator, and the visibility indicator (i.e., equals 1 if with site view). The number of observations ( $N$ ) in this analysis is 8,303,074, excluding singleton observations on the census-tract by year level. The 95% CIs are constructed with two-way clustered SEs at the census tract and year level. The control group is properties in the 5-to-6-mile proximity bin.

type includes properties over five acres with residential structures (hereafter “large-lot homes”), where LSSPV effects may include both residential amenity and land use value impacts. Within the analysis of each property type, we further investigate the impact heterogeneity across a range of dimensions, including rural–urban status, census region, lot size, county political leaning, median household income, solar site scale, site historical land use, state siting regulation, among others. To make sure our estimates are not specific to the five-acre segregation criterion, we conducted robustness checks in *SI Appendix*.<sup>‡</sup>

## 1. Results

**1.1. LSSPV Impact on Residential Home Value.** We first present the results for residential properties under five acres, which include approximately 8.3 million property transactions within a 6-mile radius of LSSPV sites from 15 y before the installation of each site through 2020. Further analytical details are provided in *Data and Methods*.

**1.1.1. Residential proximity and visibility.** We first use distance decay specifications within the DID framework (see Section 3.5 for model details) to decide the proper treatment variable, assuming solar site exposure is determined by proximity and visibility. The view-specific distance decay results (Fig. 2) show that proximity is the major driver of the negative residential value impact. We find that, without LSSPV view, LSSPV proximity reduces residential sales price by up to 7.2% within a 0.5-mile radius, and the bin-specific estimates gradually decrease with distance and remain statistically significant up to 3 miles from the LSSPV site. Having LSSPV in the viewshed of a home incurs slightly more negative effects (i.e., up to 7.9% within 0.5 miles) compared to the pure proximity effects,<sup>§</sup> and the

bin-specific effects also diminish with distance. Beyond 3 miles, both the proximity effect and the visibility effect become indistinguishable from zero, suggesting that visibility does not independently generate negative impacts in the absence of proximity.

**1.1.2. Residential treatment—site within 3 miles.** As shown in Table 1 column (1), when examining the average treatment effect of proximity within 3 miles (regardless of visibility), the estimate is 4.8% and statistically significant at the 5% level. We further investigate the interaction between proximity and visibility in column (2). When the solar site is visible and within 3 miles, property values, on average, decrease by about 5.2%. The corresponding effect of an invisible site is estimated at 4.6%. While both estimates are statistically significant at the 5% level, a statistical test shows that the difference between them is not significant at all (test  $P$ -value = 0.746), indicating that site visibility may not impose a significant additional average effect beyond proximity and supporting the validity of proximity-based specifications in prior studies (e.g., refs. 8 and 9). We also checked an alternative specification that excludes no-view properties within the 3-mile radius in column (3) of Table 1, which provides a similar interaction effect of visibility and proximity. These average effect analyses, combined with the distance decay results, suggest that site proximity alone largely drives the residential home effect. Consequently, site proximity within a 3-mile radius [as presented in Table 1 column (1)] serves as the principal treatment variable, representing LSSPV exposure, in subsequent event study and heterogeneity analyses. Examining the sensitivity of estimates to alternative control group specifications in *SI Appendix, Table S6*, we find that the interaction effect of visibility and proximity remains robust across the board, while the pure proximity effect becomes insignificant in some of the alternative

**Table 1. DID Estimates for Residential Homes**

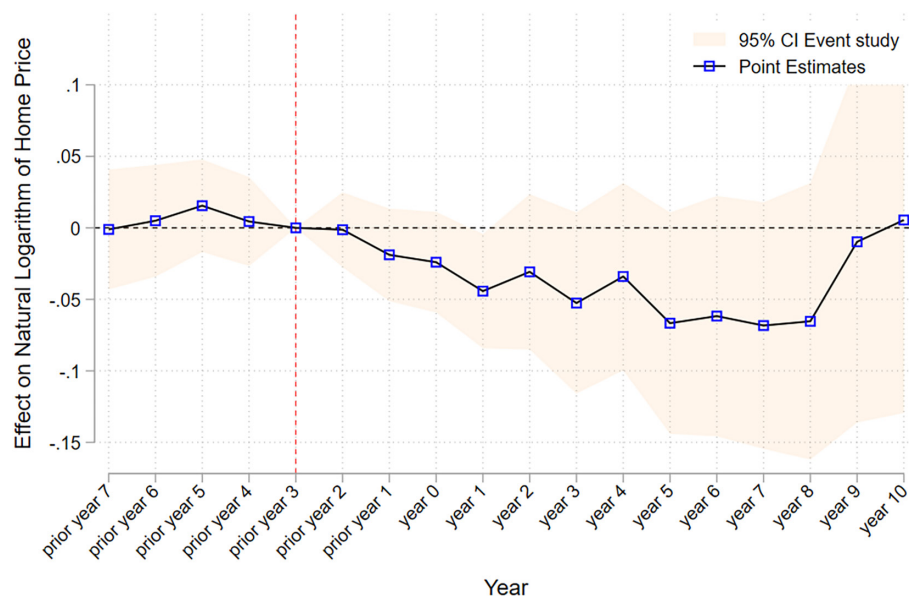
|                                                                                             | (1)                 | (2)                 | (3)                |
|---------------------------------------------------------------------------------------------|---------------------|---------------------|--------------------|
|                                                                                             | ProxT               | ProxT × ViewT       | ProxT × ViewT      |
| ProxT                                                                                       | −0.076**<br>(0.022) |                     |                    |
| $\beta_3$ : ProxT × Post                                                                    | −0.048*<br>(0.020)  |                     |                    |
| ProxT × 0.ViewT                                                                             |                     | −0.078**<br>(0.022) |                    |
| ProxT × 1.ViewT                                                                             |                     | −0.070**<br>(0.023) | −0.044<br>(0.029)  |
| $\beta_3^{no\_view}$ : ProxT × 0.ViewT × Post                                               |                     | −0.046*(0.020)      |                    |
| $\beta_3^{view}$ : ProxT × 1.ViewT × Post                                                   |                     | −0.052*<br>(0.020)  | −0.046+<br>(0.023) |
| N                                                                                           | 4975808             | 4975808             | 2444983            |
| Covariates                                                                                  | Yes                 | Yes                 | Yes                |
| Census Tract × Year                                                                         | Yes                 | Yes                 | Yes                |
| Test ( $H_0$ : $\beta_3^{no\_view} = \beta_3^{view}$ ): z-Statistic = 0.324 P-value = 0.746 |                     |                     |                    |

Note: In Column (1), ProxT, standing for site proximity below 3 miles, is used as the treatment. In Column (2), proximity without view (ProxT×0.ViewT) and proximity with view (ProxT×1.ViewT) are used as treatment. In Column (3), properties that satisfy ProxT = 1 and ViewT = 0 are excluded.  $\beta_3$ s represent the treatment effects specified in Section 3.5.1. SE, two-way clustered at census tract and year level, are reported in parentheses: \* $P < 0.1$ , \*\* $P < 0.05$ , \*\*\* $P < 0.001$ . Census tract by year fixed effects and property-level covariates are included in all specifications but not displayed. The control group is properties in the 5-to-6-mile proximity bins of the LSSPV sites, and properties located within 3 to 5 miles from the LSSPV sites are excluded. The number of observations,  $N$ , is calculated excluding singleton observations on the census-tract by year level. The coefficient for Post is omitted due to collinearity with fixed effects.

<sup>‡</sup>The results are presented in *SI Appendix, Table S8*, which suggest that the main estimates are robust to alternative acreage thresholds for segregating the small-lot properties and large-lot properties (e.g., 5 miles to 0.3 miles for small-lot properties and 5 miles to 9 miles for large-lot properties). Therefore, the main conclusions of this study are not sensitive to changes in the five-acre threshold.

<sup>§</sup>As pointed out in the *Data and Methods* section below, our visibility measure potentially overrepresents the true visibility especially when the viewpoint and the target are close, limited by structural elevation data availability (36). This measurement bias introduces attenuation in the treatment variable, potentially leading to an underestimation of the visibility impact (and hence the difference between visibility and proximity impact in Fig. 2).





**Fig. 3.** Event study on residential home value. The treatment (LSSPV site within 3 miles) effect on residential home values is illustrated across different years relative to the year of LSSPV installation. The blue squares on the black line indicate the coefficient estimates, obtained by interacting the treatment variable with year indicators. The reference year is defined as 3 y before the LSSPV installation, and the control group is properties in the 5-to-6-mile proximity bin. The shaded areas represent the 95% CIs, constructed using two-way clustered SEs at the census tract and year level.

specifications. This implies that site visibility appears to reinforce the proximity effect in the sense that it improves the robustness of the home value effect estimate across various alternative control group specifications. To provide a comprehensive view of the proximity effect, we present both the specifications from column (1) and column (2) in the pretrend tests and robustness checks in the *SI Appendix*. Pretrend tests with placebo treatments in *SI Appendix*, Table S5 show that the parallel trend assumptions are satisfied for all specifications in Table 1. More robustness checks in *SI Appendix*, Tables S8 and S9 confirm that all estimates in Table 1 remain consistent when applying alternative sample selection criteria based on acreage and the number of observations per tract-year cluster.

**1.1.3. Residential event-study results.** We explore the timing of the LSSPV exposure effect (i.e., site visible within 3 miles) based on an event study where the base year is specified as 3 y prior to the LSSPV installation<sup>†</sup> (Fig. 3). The average negative price impact on residential homes is minor after the base year but becomes pronounced following the installation. The effect generally maintains its magnitude over time and fades after the ninth year postinstallation. There are potential explanations for the observed effect dynamics. Right after the base year, the gradual dissemination of the LSSPV site information may not have reached many home buyers or led them to fully realize the potential negative price impact of the site, but the installation event makes the impacts clear and manifested in the market. The diminishing effect after 9 y might come from the shrinking sample size as most of the LSSPV sites were developed after 2010. However, if the diminished effect is true, it does not necessarily imply that the negative amenity impacts disappear after 9 y since many of the negative impacts, such as soil erosion and dust pollution, may take a long time to manifest (14, 27, 28). A more plausible explanation of the faded price impact may be linked to residential sorting and demographic shifts (29–31), as individuals less concerned

about LSSPV facilities move into the affected neighborhoods. This indirectly suggests that the negative price impact might be more closely related to psychological factors than to the amenities themselves, which will be explored further in subsequent analyses and discussions.

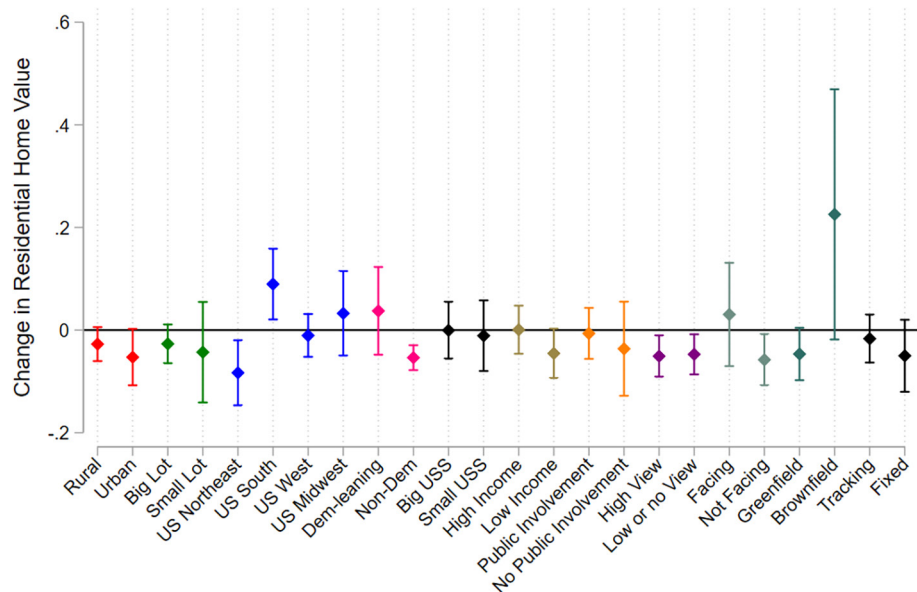
**1.1.4. Residential Effect Heterogeneity.** We explore the heterogeneity of LSSPV exposure effect on residential homes across various dimensions, as shown in *SI Appendix* and Fig. 4.<sup>#</sup> We observe noticeable heterogeneity across census regions, county political leaning, county median household income, and historical land use of the LSSPV sites. Statistical tests results are available in *SI Appendix*, Table S10. LSSPV sites in the Northeast region impose significantly more negative impacts than those in other regions. Heavily Democratic-leaning counties (over 65% Democratic votes in 2016) experience a positive LSSPV effect (+0.0374, insignificant), which is significantly different from more politically conservative counties (−0.0538, significant at the 5% level). Greenfield LSSPV development leads to a negative effect (−0.0466, significant at the 10% level), while brownfield redevelopments lead to a positive residential value effect (+0.225, significant at the 10% level), significantly different from the effect of Greenfield LSSPV.<sup>||</sup> Observed differences along other dimensions are not statistically significant. Moreover, we observe almost zero heterogeneity across different rural status, different lot sizes, different site capacities, and different levels of site visibility. A higher level of visual exposure (“High View” in Fig. 4) or directly facing the solar panels (i.e., in the south of the solar panels,

<sup>#</sup>We also investigate the heterogeneous pure proximity and visible proximity effects in *SI Appendix* Fig. S7. The results show that both effects have very similar heterogeneities as the main results in Fig. 4: the negative property value impact is significantly higher in more politically conservative counties, and brownfield sites may have a positive property value impact.

<sup>||</sup>Brownfields include sites such as hazardous waste facilities, abandoned contaminated areas, and inactive mines (53). Solar projects on brownfields often require site cleanup, which can reduce negative externalities and undesirability of these sites and positively affect property values. This aligns with Gaur et al. (54), who found that residents are willing to pay more for solar projects on brownfields, as these sites are otherwise undesirable. Meanwhile, respondents in Gaur et al. request compensation for solar project developed on greenfields, suggesting that they perceive brownfields as the more appropriate land type for LSSPV development than greenfields.

<sup>†</sup>This approximately represents the time when some residents may become aware of the upcoming LSSPV site through permitting, contracting, community engagement, or other site preparation activities.

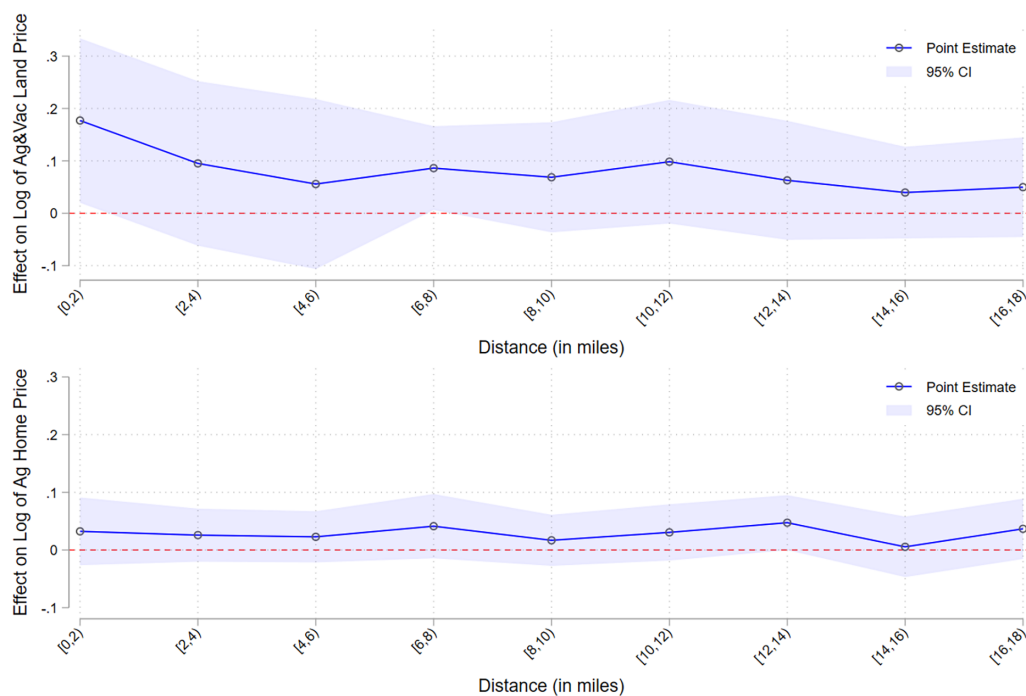




**Fig. 4.** Heterogeneous effects of LSSPV exposure by different dimensions. Diamonds are the point estimate of the effect of LSSPV on nearby residential home values based on DID models. The treatment is LSSPV within 3 miles, and the control group is properties in the 5-to-6-mile proximity bin of the LSSPV site. The 95% CIs of the estimates are shown as bars, having clustered SEs at the census tract and year level. Check *SI Appendix* for the details of all factors investigated here. More heterogeneity checks differentiating visible and invisible sites are available in *SI Appendix, Fig. S7*.

“Facing” in Fig. 4) does not lead to a more negative residential value effect, providing further evidence that more view exposure may not lead to significantly more negative impacts. While we lack direct data on glint and glare effects, indirect evidence suggests they may not be a primary mechanism, as we find no evidence to support that being exposed to a site with tracking systems (i.e., potentially more susceptible to glare impacts, “Tracking” in Fig. 4)

or facing the solar panels lead to more negative impacts. Instead of visual levels or details, impacts appear to stem from psychological factors, such as negative perceptions of industrialization and altered scenic views. These negative perceptions are expected to be amplified by conservative ideology or mitigated by progressive ideology, aligning with the empirical finding that more politically conservative counties are associated with more negative impacts.



**Fig. 5.** Distance decay results for agricultural/vacant land and large-lot homes. The top subfigure shows estimates for agricultural and vacant land above five acres. The bottom subfigure shows estimates for large-lot homes, defined as properties over five acres with residential structures. The results show the value effects of LSSPV for a range of proximity bins, defined with 2-mile intervals. The blue line connects the coefficient estimates of proximity bins, obtained by interacting the proximity-bin indicators with the binary posttreatment indicator. The treatment groups are properties within these proximity bins, while the control group is properties within the 18-to-20-mile proximity bin. The 95% CIs are constructed with two-way clustered SEs at the county-site and year level.

**1.2. LSSPV Impact on Agricultural Land Value.** Our Ag-land analyses show that having LSSPV sites within 2 miles of agricultural or vacant land increases the sales price per acre by an average of 19.4%,<sup>\*\*</sup> which is statistically significant at the 5% level (Fig. 5). The positive effect rapidly declines and becomes insignificant beyond 2 miles, similar to estimates in ref. 32. This positive effect is likely due to the demand increase from potential solar leases, as further expansion of existing LSSPV sites is less costly than constructing new sites and likely involve nearby agricultural or vacant land. Pretrend tests in *SI Appendix, Table S5* show that the parallel trend assumptions are satisfied. Robustness checks in *SI Appendix, Table S7* suggest that our main ag-land estimate is robust against different control group selection criteria. Event-study results in *SI Appendix, Fig. S5* show that the positive land value effect manifests 3 y after the site installation and fades away 6 y later. *SI Appendix, Fig. S6* presents our analysis of heterogeneous ag-land effects. We find that LSSPV sites of larger than-median scale have virtually zero effect on land value, while sites of smaller scale display a positive effect on land value (significant at the 10% level). Considering that smaller sites have a larger potential for expansion, this observation seems to confirm our speculation that the nearby land value increase is mainly driven by the potential of future solar lease. We also find that agricultural or vacant lots of large acreage bear virtually zero effect while smaller lots show a significantly (at the 5% level) positive effect. However, these differences are not statistically significant. More robustness checks in *SI Appendix, Table S8* suggest that our land value estimates remain consistent when applying alternative sample selection criteria based on acreage. Finally, robustness checks in *SI Appendix, Table S9* reveal that when focusing solely on county-site-year clusters containing more than a few sales, the land price effect of LSSPV rises dramatically, reaching 86.1% when excluding less-than-20-land-sales clusters (corresponding to a coefficient of 0.621). Given that we have excluded sales of land hosting LSSPV sites, the mechanism behind this substantial effect on land prices remains unclear but warrants further investigation.

**1.3. LSSPV Impact on Large-Lot Home Value.** Our empirical results show that LSSPV sites have a dual effect: they decrease residential property values via reduced residential amenity, while simultaneously increasing nearby land prices due to enhanced land use potential. For large-lot residential homes with over five acres of land, we expect the LSSPV to impact property values through both channels. Our distance decay analysis (Fig. 5, *Bottom*) suggests that the overall LSSPV impact on large-lot home price is close to zero and statistically insignificant for all nearby proximity bins. Robustness checks in *SI Appendix, Tables S8 and S9* confirm that these large-lot-home estimates remain small and insignificant when applying alternative sample selection criteria based on acreage and the number of observations per tract-year cluster. Therefore, the LSSPV property value impacts via amenity reduction and increased land use potential seem to offset each other in residential homes with over five acres of land.

## 2. Discussion

This study provides a comprehensive nationwide assessment of the externalities associated with LSSPV installations in the United States focusing on their impacts on property values. We leverage a rich property transaction dataset with detailed geospatial

information of LSSPV sites to estimate the effects on both residential properties and agricultural/vacant land. We apply advanced geospatial methods to overcome computational challenges and develop a comprehensive nationwide database on LSSPV visibility. Our findings reveal that LSSPV installations negatively affect the value of residential properties located within 3 miles, while increasing prices for agricultural and vacant land within 2 miles. Moreover, when the impacts through reduced residential amenity and increased land use potential coexist, the LSSPV effect on large-lot homes is indistinguishable from zero. We also explore the dynamics and heterogeneities of the local property value effects of LSSPV.

Our analyses and heterogeneity checks indicate that a nearby solar site may act as a stigmatizing nuisance (i.e. a psychological disamenity, see refs. 15, 16, 33) and 34). Evidence supporting this claim includes the minimal variation in effects across different levels of site visibility, in effects across properties to the south and to the north of the site, and in effects across sites with different tracking systems, as they suggest that the view details of solar sites (including view extent, the exact view composition, and potential difference in glare effects) do not significantly impact residential values. The negative impact on nearby residences appears to operate primarily through psychological channels rather than through the degree of visibility or specific visual details. Considering disamenities other than visual impact, the scale of the site likely results in different disamenity levels and impacts, but this is also not observed (i.e., “Big USS” vs. “Small USS” in Fig. 4). One explanation can be linked to negative perceptions that solar sites are industrial/commercial uses that alter rural land use and scenic views (15). The disparities in effects between brownfield and greenfield sites align with this mechanism. Another piece of evidence is the significantly higher property value loss in more conservative counties compared to Democratic-leaning counties. This disparity is likely due to solar sites being more aligned with progressive values prevalent in Democratic-leaning counties and less frequently associated with negative perceptions. However, we cannot entirely rule out causal channels related to actual disamenity variations. First, our nationwide analysis may obscure heterogeneities under certain conditions – for example, sites with a larger scale may have a stronger negative effect in the Northeast but a weaker one in the West, potentially canceling out in a pooled sample. Second, unexplored physical channels, such as vegetation and soil management practices (e.g., refs. 9 and 27), might also contribute to the negative LSSPV impact on residential values.

Our findings highlight the complex interplay between the benefits and costs of LSSPV development. In *SI Appendix, Table S11*, we performed a back-of-the-envelope calculation to estimate the benefits and costs of LSSPV solar sites included in our analysis, including the mitigation value (i.e., avoided social cost of carbon emission), the appreciation of nearby agricultural or vacant land value, the value loss of nearby residential properties, and the agricultural production loss on land utilized for hosting LSSPV. The results suggest that the assessed benefits of existing LSSPV significantly outweigh the assessed total costs. The carbon mitigation benefit is the major benefit (about \$22.2 billion annually), while the loss in residential home value is the dominant cost (about -\$4.1 billion annually). Therefore, property value losses constitute a major proportion of negative externalities of LSSPV. While the expansion of solar energy is crucial for the renewable energy transition, it is imperative to address the localized externalities to ensure equitable outcomes for affected communities. Quantitative evidence, such as that generated by this study, can inform policymakers and stakeholders in designing compensation mechanisms and siting strategies that mitigate negative impacts while promoting the broader adoption of solar energy.

<sup>\*\*</sup>The coefficient estimate is 0.177, which reflects the effect on the logarithm of price. When this is converted to the actual proportional price effect, the result is  $e^{0.177} - 1 = 19.4\%$ .



To illustrate how our results or similar studies could be used to develop a community compensation plan, we design a prototype evidence-based community compensation plan for a site proposal in (*SI Appendix*, Fig. S12). First, property value impact studies should be carefully conducted with empirical data from comparable solar sites (e.g., similar size, similar demographics, in counties or states of similar regulations, etc.), where the effect of distance decay, dynamics, and heterogeneities across a wide range of dimensions should be analyzed. The sample choice of LSSPV sites needs to balance site similarity and statistical power of analysis. Second, based on the property value study, compensation specifics should be decided for different properties in the neighborhood. Taking our main results as an example, compensation rates could be set at 5.2% of the annualized property value for 10 y for residential homes within 3 miles of the LSSPV site with a site view, 4.8% for those without a view, and 19.4% of annual agricultural land rental costs<sup>††</sup> for 4 y for leasing farmers within 2 miles. Third, the community compensation plan can involve communication with stakeholders ahead of the permitting process, and stakeholders' input should be involved in the revision process before reaching a final plan. A comprehensive compensation plan should also consider local externalities that might not visibly manifest in property prices. We would like to stress that the specific community compensation plan developed based on our nationwide study here should be merely taken as an example, and we recommend conducting targeted studies to determine appropriate community compensation plans for a specific LSSPV site.

### 3. Data and Methods

The analysis primarily utilizes data of three categories: The US LSSPV data, the real estate transaction and assessment records, and geospatial data.

**3.1. LSSPV Data.** The LSSPV data acquired from the US Large Scale Solar Photovoltaic Database (USPVDB) (35) contain 3,699 LSSPV facilities investigated in the study. This dataset provides detailed information on LSSPV site footprint, area, capacity, and installation year, spanning from 1986 to 2021 (*SI Appendix*, Fig. S1 shows the total acreage developed per year, and *SI Appendix*, Table S1 shows the summary statistics of LSSPV projects). The facility polygons are digitized along the boundaries of the solar arrays, within an accuracy of 10 m.

**3.2. Property Transaction.** The property data are purchased from CoreLogic through a data agreement. CoreLogic data contain comprehensive information on property and transactions from the whole United States and enables researchers to work on property-level research questions. We developed a process to exclude non-arm's-length transactions (i.e., purging price outliers, foreclosure sales, multiple sales, sales between relatives, sales involving institutional buyers or sellers, and others as detailed in *SI Appendix*) so that our analyses only include transactions reflecting fair market values. The transaction prices are adjusted for inflation to reflect their values in 2017 dollars using the Consumer Price Index data from the US Bureau of Labor Statistics. We also exclude potential home flipping events by removing transactions of the same property that occur within 120 d of each other. As the majority of LSSPV sites have been developed within the past decade, we keep transactions up to 15 y before the installation of nearest LSSPV to make the time frame generally centered around the LSSPV development.

<sup>††</sup>Note that this compensation assumes that the land price increase will induce a similar change in land rent costs. If land rent data is available, it could be used as the outcome in a similar DID study to decide the land rental cost impact of LSSPV site, which could serve as the baseline of the compensation to leasing farmers.

The final dataset for analysis comprises both single-family residential properties and agricultural or vacant land, spanning 40 states<sup>‡‡</sup> from 1993 to 2020. To avoid the potential impact from market disequilibrium, we drop observations during the Great Recession (i.e., 2008 to 2010). *SI Appendix*, Tables S2–S4 show the summary statistics of residential homes, agricultural and vacant land, and large-lot homes, respectively. *SI Appendix*, Figs. S2–S4 illustrate the distribution of post-LSSPV-installation transactions of residential homes, agricultural or vacant land, and large-lot homes, respectively, across different proximity bins.

**3.3. Geospatial Data.** The geospatial data consist of a collection of geographic layers obtained from the US Census Bureau TIGER/line geodatabase (USCB TIGER) and US Energy Information Administration (EIA), which includes shapefiles of primary roads, transmission lines, and metropolitan areas. To support heterogeneity analyses, we also collected data on median household income, median land values, political leanings, and state-level siting policies, among other factors (see *SI Appendix* for details).

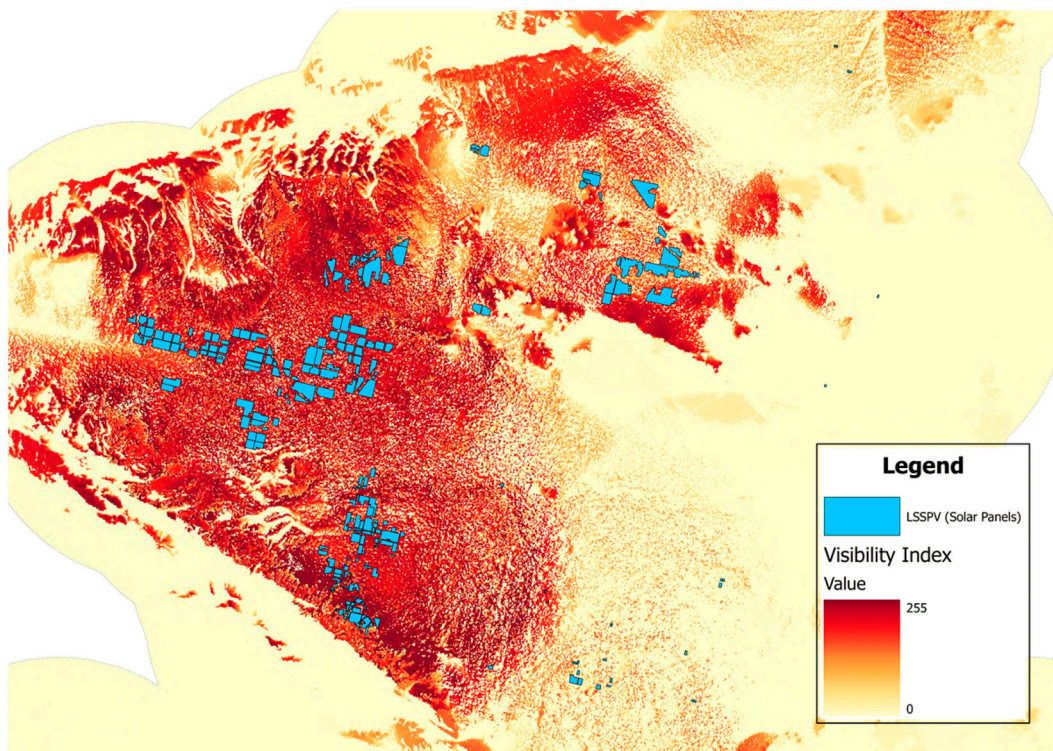
To acquire solar site proximity and other (dis)amenities, we generated geographic variables that represent the Euclidian distance between a property and the boundary of the nearest five solar sites, transmission line, primary road, and metropolitan area. The geographic variables were then matched with the property data. To alleviate identification concerns that attributes of control observations (i.e., properties far away from sites) might considerably deviate from treated observations (i.e., properties with solar site exposure), we only kept residential homes that are less than or equal to 6 miles away from the nearest solar sites. For properties above five acres (i.e., agricultural land or large-lot homes), we use a 20-mile radius inclusion criterion due to the general low density and low transaction volumes of such properties. The final sample includes 8.3 million transactions for residential homes, 68 thousand transactions for agricultural or vacant land, and 416 thousand transactions for large-lot homes.

**3.4. Visibility Analysis.** We establish a visibility database for LSSPV across the continental United States and investigate the property value effect of LSSPV visibility. We calculate the visibility from residential properties to large-scale solar sites within 6 miles. This visibility analysis proceeds in three steps. First, we acquire Digital elevation models (DEMs) of the continental United States from the Shuttle Radar Topographic Mission (SRTM) produced by NASA.<sup>§§</sup> Our analysis uses the 2018 version of SRTM DEMs at a resolution of 90 m by 90 m. The DEMs employed reflect terrain elevation but may not capture structures (e.g., houses or trees), and hence could overstate visibility especially when the viewpoint and the target are close (36). Nonetheless, the employed DEMs are the best available public data for our analysis, as structural elevation data (e.g., Light Detection and Ranging, or LiDAR, data) are not available for most solar sites and their neighborhoods.

Second, we calculate the viewsheds from solar sites to decide the areas from which the sites are visible, utilizing the duality of vision following ref. 21 (i.e., if and only if viewpoint A has a view on target B, a viewpoint on B has a view on target A). This approach greatly reduces computational effort since the number

<sup>‡‡</sup>The other ten states (i.e., Alaska, Hawaii, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Utah, and Wyoming) are excluded from the final analysis due to the absence of LSSPV sites, a lack of available transactions near LSSPV sites, or their non-continental status.

<sup>§§</sup>DEMs provide crucial information on the ground topography of the study area. The Shuttle Radar Topographic Mission by NASA employs remote sensing technology to gather laser light measurements of the earth's surface. The mission started in 2000, with a goal to create the first near-global topographical map of Earth and collect data on nearly 80 percent of the planet's land surfaces. Data are available at <https://srtm.csi.cgiar.org/>.



**Fig. 6.** Surface of Visibility Index. The visibility index measures the number of visible perimeter points of nearby solar sites. Intuitively, the red color denotes regions with solar view, and regions in darker red can see a larger area of solar panels.

of solar sites (3,699) is much smaller than the number of properties (about 5.9 million). Unlike the wind turbines that require height specifications for accurate viewshed analyses, LSSPV sites span broad areas, necessitating a proper way to account for partial views of a large solar site. Specifically, we set viewpoints along the perimeter of each site, where the viewpoints are defined with a random start point, an interval distance  $D$ , and a height of two meters. In practice,  $D$  is set at 500 m to balance the computation workload and the accuracy of partial view accounting.

Third, we aggregate the viewsheds from all site perimeter viewpoints and overlay the aggregated viewshed layer with properties to calculate the visibility variables. The aggregation of viewsheds will generate the visibility index (Fig. 6) for each geographic unit defined by the raster resolution (90 m by 90 m). Overlaying with the property layer, the visibility index will represent the number of perimeter viewpoints that can see a property, or the number of solar site perimeter points that the property has view on based on the duality of vision. This property-specific visibility index quantifies the extent of solar site visibility for each property and can be converted into a binary visibility variable that serves as the treatment variable in a DID model. For more details of the visibility analysis, refer to *Visibility Analysis* Details section in *SI Appendix*.

**3.5. Econometrics: Property Value Effect Models.** Previous studies have used econometric models to analyze and identify a variety of characteristics that could consistently influence property values, such as the productivity of the farmland (e.g., ref. 37), the influences of urbanization (e.g., ref. 38), and environmental factors (e.g., refs. 39–41). To estimate the impact of solar projects on nearby property values, it is crucial to control for potential confounders. We employ a DID approach to investigate the effects of LSSPV installation on nearby property values. Intuitively, this approach compares the change in property values before and after installation for properties

close to the LSSPV site against the value change for properties farther away but still within the defined vicinity.

**3.5.1. Analyses for residential homes.** The general DID framework of our residential home study is as follows:

$$\ln(P_{it}) = \beta_0 + \beta_1 Post_{it} + \beta_2 T_i + \beta_3 Post_{it} \times T_i + \delta_k \sum_{k=1}^K X_{it}^k + \gamma_k \sum_{k=1}^K (Post_{it} \times X_{it}^k) + \tau_{ct} + \varepsilon_{it}. \quad [1]$$

In Eq. 1, each observation corresponds to a transaction of residential home  $i$  that occurred in year  $t$ , with the dependent variable being the natural logarithm of transaction price  $\ln(P_{it})$ .  $Post_{it}$  is a binary indicator that denotes whether the transaction of residential home happened after the LSSPV installation.  $T_i$  is the binary indicator that denotes whether a residential home was assigned to a treatment group, and the exact definition of treatment is explained below. The coefficient  $\beta_3$  associated with the interaction term between  $Post_{it}$  and  $T_i$  captures the impact of LSSPV installation on the outcome variable, which resembles a proportional change in the residential home prices. Previous studies show that the proximity to transmission lines could have an impact on the value of nearby property (42), and this impact could change after an LSSPV installation in the vicinity (20). To account for housing and lot characteristics that could affect home values and the estimation of  $\beta_3$ , we include property-level control variables  $X_{it}^k$  and  $Post_{it} \times X_{it}^k$  (43, 44), where  $X_{it}^k$  include total bedroom number, total bathroom number, building age, and natural logarithms of distances to the nearest transmission line, the nearest primary road, and the nearest metropolitan area. To absorb the time-varying external location-specific shocks in the housing market, we incorporate fixed effects on the census tract by year level, denoted as  $\tau_{ct}$ . All SE are two-way clustered at the census tract and year level.



To detect the proper site-proximity treatment in the average effect models (i.e., Eq. 1), we employed a distance decay version of the DID approach, as shown in Eq. 2. The distance decay study uses proximity intervals ( $T_i^m, \forall m \leq M-1$ ) as the treatment variables instead of a single binary treatment (as  $T_i$  in Eq. 1). The distance-decay model shown in Fig. 2 uses 0.5-mile intervals from 0 to 6 miles, with properties in the 5 to 6 mile ring (i.e.,  $T_i^M$ ) serving as the control group. To investigate the role of visibility, we further interact the proximity intervals with a binary visibility variable to produce the results in Fig. 1 (i.e., the treatment variables become  $T_i^m \times 1(\text{View} = 1)$  and  $T_i^m \times 1(\text{View} = 0)$ ). The model specifications in Eq. 2 are identical to Eq. 1 except for differences in the treatment variables,

$$\ln(P_{it}) = \beta_0 + \beta_1 \text{Post}_{it} + \sum_{m=1}^{M-1} \beta_2^m T_i^m + \sum_{m=1}^{M-1} \beta_3^m \text{Post}_{it} \times T_i^m + \delta_k \sum_{k=1}^K X_{it}^k + \gamma_k \sum_{k=1}^K (\text{Post}_{it} \times X_{it}^k) + \tau_{ct} + \varepsilon_{it}. \quad [2]$$

Based on the proximity cut-off point suggested in the distance decay results, we specify a proximity treatment (i.e., results suggest properties within 3 miles) for the average treatment model in Eq. 1. Moreover, we can test the average treatment effect of the interaction between visibility and proximity, by slightly modifying Eq. 1 to allow for two treatment groups [i.e., effects shown as  $\beta_3^{\text{view}}$  and  $\beta_3^{\text{no-view}}$  in Table 1 column (2)]. The empirical results of these specifications decide the appropriate treatment to use for subsequent studies, where the control group specification will also be consistent with the exploratory specifications.<sup>44</sup> Details of subsequent event study and heterogeneity analyses are presented in *SI Appendix*.

Our DID model relies on the assumption that the LSSPV siting process is independent of the price trends over time conditional on the covariates (i.e., the parallel trends assumption). We conduct pretrend tests with placebo treatments by setting a pseudo-post variable mimicking a fake installation event 6 y before the actual installation and dropping observations that are actually treated after the actual site installation. Null effect estimates from the placebo tests support the plausibility of the parallel trends assumption. Moreover, the event study model could also display pretreatment effects where pretreatment trend differences would show up and suggest a violation of the parallel trends assumption.

**3.5.2. Analyses for agricultural land and large-lot homes.** We use a distance-decay model to detect the cut-off proximity for the treatment variable in the DID analysis for agricultural or vacant land

<sup>44</sup>This is to say, if pure proximity with a 3-mile cut-off point is decided as the most meaningful treatment to use, the control group in the main average effect model will be properties within the 5-to-6-mile proximity bin. This would involve the exclusion of properties within the 3-to-5-mile bin from the analyses. The subsequent event study and heterogeneity analysis models will follow the same sample and covariate specifications as the main model.

<sup>45</sup>The site identifier is based on the nearest LSSPV site. If a group of properties are within a 20-mile radius of the same site and the site is the nearest site to all of them, they share the same identifier. They span a relatively large region, potentially covering more than one county. To control for both site-level and county-level shocks, we use the county-site by year fixed effects here.

and large-lot homes as the potential impact mechanism is related to site proximity. The ag-land distance-decay model is built on Eq. 2 with three key differences. First, the outcome variable is the natural logarithm of land price per acre. Second, the control variables  $X_{it}^k$  do not include house characteristics. Finally, based on the volume of ag-land transactions, the proximity intervals are selected every two miles from 0 to 20 miles, the fixed effects used are on the county-site (i.e., an interaction between county and the LSSPV site identifier)<sup>45</sup> by year level, and the SE are two-way clustered at the county-site and year level. We also conduct the event study and heterogeneity analyses using the treatment variable suggested by the ag-land distance-decay model. Furthermore, we conduct pretrend tests for the ag-land analysis to check the plausibility of parallel trends assumption. The large-lot-home analysis retains the outcome and control variables from the residential analysis while adopting the same proximity bins and fixed effects used in the ag-land analysis. More details of ag-land and large-lot-home analyses are provided in *SI Appendix*.

**Data, Materials, and Software Availability.** Our replication package (<https://github.com/Starfallchen/SolarViewHedonic>) provides all code used in this study, including Stata and Python code for raw data processing, geospatial variable processing, viewshed analysis, data aggregation, and estimation analysis (45). All analyses are conducted in Stata 18MP (<https://www.stata.com/order/>) (46) and Python 3.9.18 (<https://www.python.org/downloads/release/python-3918/>) (47). The replication package also shares datasets that are from unrestricted data sources. The property transaction data are acquired from CoreLogic Solutions, LLC (<https://www.corelogic.com/360-property-data>) (48). Restricted by contract with CoreLogic, all variables derived from raw CoreLogic data will not be shared. To replicate our study, we recommend acquiring CoreLogic national-level property data with transactions from 1993 to 2020 and applying the data processing code in the replication package. Other raw data are from publicly available sources. The large-scale solar site data are available at the US Large Scale Solar Photovoltaic Database webpage: <https://eerscmap.usgs.gov/uspvdb> (49). Digital Elevation Models in the viewshed analysis are produced by NASA's Shuttle Radar Topographic Mission and available at <https://srtm.csi.cgiar.org> (50). Geospatial data on states, counties, census tracts, primary roads, and metropolitan areas are from US Census Bureau TIGER/line geodatabase, available at <https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-geodatabase-file.html> (51). Geospatial data on transmission lines are obtained from US Energy Atlas hosted by Energy Information Administration, available at <https://atlas.eia.gov/search> (52). Data for heterogeneity analysis are drawn from multiple public sources, with details described in the *SI Appendix*.

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# Updated Impact of Proximity to Solar Farms on Property Values

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## Context

In response to stakeholder questions, this report summarizes the academic and non-academic literature about the impact of Wisconsin solar farms on nearby property values (both farmland and homes). We found several studies that examined impacts on home values and three that analyzed the impacts of solar farms on agricultural land values. Published results were generally mixed – studies found positive, negative or no statistical effect of solar farms on nearby property values or sales prices. However, a new comprehensive study (Hu et al. 2025) likely settles the academic debate for the time being, so we have updated our April report to reflect these new findings. We summarize the results from these studies and then discuss implications for Wisconsin and the importance of public perception for these effects.

## Highlights

- Based on a new comprehensive study, agricultural land values jump 19.4% for properties within 2 miles of large-scale solar farms, but this effect is temporary, peaking 3 years after installation and dissipating within 6 years.
- Based on this same study, residential properties within 3 miles of a large-scale solar farm experience price declines of 4.8%, but this effect fades within 9 years of installation.
- We found no comprehensive study that specifically covered Wisconsin.
- Larger effects seem possible for agricultural land in Wisconsin because more areas have specialized agricultural needs with more limited availability of land to replace losses.
- Public perception of large-scale solar farms and proximity play a key role in these effects, while perceptions of community-scale solar farms remain unclear.

## Primary Findings

Early peer-reviewed research produced mixed findings – some found positive effects, while others found negative effects or no statistically significant effects. The new comprehensive analysis of Hu et al. (2025) reveals a consistent pattern: farmland prices jump near large-scale solar installations while nearby home prices dip, and both effects diminish with distance and time. This is the average effect – home and farmland values are highly variable because the specific context for each property matters.

Hu et al.'s (2025) study covers 40 states with a comprehensive database for both agricultural and residential parcels and a thorough analysis that supersedes previous studies for the time being. For agricultural land, Hu et al. (2025) finds an average price increase of 19.4% for parcels within 2 miles of large-scale solar installations, but this effect disappears beyond 2 miles. This price effect is also temporary, peaking 3 years after installation and dissipating within 6 years. They interpret these price patterns as the option value – agricultural and non-vacant lands can be added to the existing solar farm, but as one moves further away and as the installation matures, this option value declines.

If a similar study were conducted for Wisconsin, we expect effects similar to the Hu et al. (2025) pattern, but to vary in magnitude and by location. Wisconsin has many areas devoted to specialized agricultural uses. Intensive dairy regions need land for manure, and crops like potatoes, vegetables, cranberries, and ginseng require special types of land. Loss of land to solar farms in these areas would likely have a larger impact on surrounding farmland values because alternative land to replace these losses is limited. However, the effect would likely be smaller in areas with more traditional agricultural land use for which substitute land is available nearby. Hu et al. (2025) also show that price increases are most evident for smaller parcels, because they can host incremental expansions of large-scale solar installations. By contrast, almost no price effect is observed for larger parcels.

For residential land, Hu et al. (2025) find drops of 7.2% in value for parcels within half a mile of a large-scale solar farm and 4.8% for those within 3 miles, and no statistically significant effect beyond that distance. Prices for residential properties return to their baseline about 9 years after solar construction. We anticipate similar effects in Wisconsin, a 4%-7% decline in residential property values within half a mile of large-scale solar farms that disappears after about 9 years.

Public perception plays an important role. Whether real or perceived, farmers and homeowners near solar farms are concerned about actual or potential effects on the value of their land and perceptions of potential buyers. In rural areas, opposition to solar farms is often explained by the perception that solar farms use rural resources for the benefit of urban areas – a phenomenon known as the “rural burden”. However, not all solar farms are the same. Smaller community-scale solar farms are built to serve a community or a set subscriber base, while larger utility-scale solar farms are designed to provide electricity for cities or regions often further away. Since most research focuses on large-scale solar farms, it is unclear how results and perceptions would differ for community-scale solar farms. In the context of the “rural burden”, community-scale solar farms could plausibly be seen favorably in rural and agricultural areas, as a source of pride for energy independence. Hu et al. (2025) finds some evidence supporting this effect, but the topic remains largely unexplored empirically. Understanding these effects on property values in Wisconsin would require survey or focus group work that is outside the scope of this assessment.



## **Updated Impact of Proximity to Solar Farms on Property Values**

### **Context**

Renewable energy technologies, such as solar panels, wind turbines, and biofuel technologies have gained increased attention in recent years, but not all renewable energy technologies are the same. Solar is more controversial because installing a solar farm requires a fundamental land-use change compared to producing wind energy or biofuels (Geiger 2025; Maguire et al. 2024). Attention commonly focuses on potential impacts on nearby home and agricultural land values. For this brief report, we searched both the academic and non-academic research to summarize what others have found. We found several studies that examined impacts on home values and a few that analyzed the impacts of solar farms on agricultural land values. The comprehensive study of Hu et al. (2025) was just published and likely settles much of the academic debate for the time being, and so we have updated our April report to reflect this new research. This report summarizes the research and briefly discusses possible implications for Wisconsin. Finally, we discuss the importance of public perception for these effects on property values.

### **Impacts on agricultural land prices**

Abashidze and Taylor (2023) examined agricultural land sales in North Carolina and found no direct effect of the distance from a solar farm on the sale price of agricultural land. They find some weak statistical evidence that agricultural land parcels nearer to transmission power lines may increase in value after a solar farm is built nearby. They propose that solar farm installation potentially creates a signal to solar farm developers of the suitability of adjacent agricultural land for future development as a solar farm.

An unpublished master's thesis (Kunwar 2024) analyzed the effect that the distance to a solar farm had on prices for farmland sales in Indiana. The study found that being one mile nearer to a solar farm increased the price of farmland by 1.4%. For higher value farmland (in the top 20%), the effect was larger, a 1.6% increase, and only 0.9% for lower value land (in the bottom 20%). The thesis did not discuss how far this effect extended before it dissipated. Also, the regression analysis explained only about 18% of the variation in land prices, indicating that farmland values are highly variable and many other factors besides those included in their analysis affect prices.

Hu et al. (2025) find that the price of land within 2 miles of a solar farm increases 19.4% on average, with the effect becoming statistically insignificant beyond 2 miles. The increase appears three years after installation and fades roughly six years later, consistent with the hypothesis that these land value changes are driven by option value for possible future solar leases rather than a permanent change. Analysis shows that the price increases are concentrated on smaller parcels as they cost less to add to existing solar arrays. Large land parcels show no price response as they are more costly to add to an array, while parcels near mega-arrays also show no price response because the already large array is less likely to expand.

### **Discussion of impacts on agricultural land prices**

Surprisingly little research exists on the effects of solar farms on farmland values. Abashidze and Taylor (2023) found no solid evidence of an impact in North Carolina. Kunwar's (2024) preliminary results are consistent with expectations (solar farms increase nearby farmland values), but the impact seems small: an average change of 1.4% per mile, with a range of 0.9% to 1.6%. The newly published Hu et al. (2025) study used an extensive multi-state database and comprehensive analytical methods, and so the research results summarized above supersede the

other analyses, which is why this report needed updating. In short, the value of farmland within 2 miles of a large-scale solar farm increases 19.4% on average – but the effect disappears beyond 2 miles, peaks about 3 years after solar farm installation, and fades roughly after 6 years. This pattern is consistent with an option value – land prices increase because the solar array may expand onto these nearby lands in the near future. This option value has a limited reach from the solar farm and eventually it fades as it becomes clear the solar farm will not expand further. Nonetheless, large scale installations have a sizable effect on farmland prices within a certain distance. The option value is highest for small parcels near smaller solar farms, because these parcels are lower cost to add to the array and smaller solar farms still have room to expand.

To give some idea of what this effect could mean in the state, we apply Hu et al.' (2025) estimates to 2024 land values in Wisconsin. The average value for agricultural land in Wisconsin in 2024 was \$6,600/ac (USDA NASS 2025). Schlessner (2025) summarizes actual farmland sales data in Wisconsin in 2024. Her discussion and Figure 2 suggest that the lowest 20% had prices below about \$3,000/ac and the top 20% had prices above about \$9,500. Applying the 19.4% average effect to these land values gives  $\$6,600 \times 0.194 = \$1,280/\text{acre}$  price increase for average farmland, with a range of  $\$3,000 \times 0.194 = \$582/\text{acre}$  to  $\$9,500 \times 0.194 = \$1,843/\text{acre}$ . These gains are substantial compared to historical estimates but are spatially limited and temporary.

These are average effects based on this new national evidence. We expect larger effects in parts of Wisconsin with high-value and unique agricultural land uses, particularly in areas with lots of dairy or specialty crop production. Areas with intensive dairy production need farmland for manure application, the Central Sands and Lower Wisconsin River Valley are used for intensive potato and vegetable production, and several areas of the state are used for important specialty crops like seed potatoes, cranberry and ginseng. Loss of land in these areas to solar farms would likely have a larger impact on surrounding farmland values than in the Hu et al. (2025) study because they are high-value uses and have limited availability of alternative land for replacement if lost. However, we note that this hypothesis has not been examined empirically.

### **Impacts on home prices**

Hu et al. (2025) analyzed prices for 8.3 million individual home sales in forty US states and found that, on average, homes within a half-mile of a large-scale solar farm experienced a 7.2% reduction in value, homes within 3 miles experienced a 4.8% reduction in value, and homes beyond that distance had no statistically significant reduction in value. Elmallah et al. (2023) used data from six states (not including Wisconsin) and found smaller home price decreases (2.3% within a quarter-mile, 1.5% within a half-mile), but the pattern was the same. In Hu et al. (2025), home price decreases were larger in the Northeastern U.S., in politically conservative counties (based on 2016 party voting shares), and for residential parcels on land that was previously agricultural, but negligible for solar farms that are brownfield redevelopments or located in left-leaning counties (based on 2016 party voting shares).

Smaller, single-state studies show mixed or null effects. Specific to the Midwest, a real estate impact study in Illinois by McGarr and Lines (2018) compared sales of single-family homes adjacent to solar farms to sales of comparable homes not adjacent to solar farms. They found no consistent negative impact on home sales prices or other influential market indicators attributable to adjacency to solar farms. Hao and Michaud (2024) used aggregate data to examine the impact of 70 Midwest solar farms on average home values in the same zip code, finding a 0.5% to 2.0% increase in average home values in zip codes with a solar farm. They propose that solar farms



increase tax revenues that are used to build amenities such as better schools and public services, which then increase nearby home values. Specific to Wisconsin, the market analysis of MaRous and Company (2021) examined the potential impacts of a proposed solar farm in Dane County and found that the market data indicated that there would be no negative impact on rural residential property values. This study also found that data did not substantiate local landowners' concerns about noise and visual impacts from an existing solar farm on land values.

Taken together, the Hu et al. (2025) study confirms the expected disamenity effect on values for homes close to large-scale solar farms, while the findings of Elmallah et al. (2023) and single-state studies show how local contexts might abate the penalty. The results are highly variable, suggesting that the specific context for each home matters. The fact that the smaller studies did not find an effect is not surprising. Home values are highly variable and identifying effects with highly variable data is statistically difficult with small samples. Hao and Michard (2024) admit their results are counter to what most research finds; we have developed an academic critique beyond the scope of this report that would explain their unusual results as a statistical issue.

### **The role of public perception**

The evidence put forth in these studies is often mixed, with the high variability in land values and home prices indicating that the specific context of each sale matters. The implication is that public perception plays an important role in how the proximity to solar farms impacts residential home prices and farmland values. Whether real or perceived, land and homeowners adjacent to solar farms are concerned about potential buyers passing on their home and land because of its proximity to a solar farm (Breese, 2025a; Breese, 2025b). In rural areas specifically, there is opposition to solar farm development that is best explained by the perception of the development being extractive of rural natural resources (i.e., land) for the benefit of urban areas – a phenomenon known as the “rural burden” (Nilson and Stedman, 2023). Hu et al. (2025) show that visibility itself adds no extra penalty once distance is controlled, lending credibility to the notion that the price discount might not be driven by glare, noise, or other physical health concerns, but perception. Public perception can and will influence the acceptability of solar projects so that citing ordinances may want to take it into consideration.

Not all solar farm projects are the same – notable differences exist between utility-scale and community-scale solar. Community-scale solar projects are usually smaller and established for a particular community or subscriber base, while utility-scale solar projects are larger and designed to provide a significant amount of electricity for cities or regions (Geiger, 2025). Most of the studies reviewed in this report were for utility-scale solar farms and it is not entirely clear how their results would differ for a community-scale solar farm. However, considering the root of the rural burden and the main concerns associated with solar farms such as change in land-use and visible disamenities, community-scale solar projects could plausibly be perceived more favorably in rural and agricultural areas. As a result, we believe that the distinction between community-scale and utility-scale solar projects is likely quite important in many contexts.

### **Caveats**

We emphasize that extrapolation of some of these findings to Wisconsin is predicting out of sample, which can lead to serious errors. We found very few studies specific to Wisconsin and suggest that additional research to examine these effects in the unique Wisconsin context may be warranted to address this issue. Such work could include econometric analysis of home and land sales data, as well as surveys or focus groups to better understand public perceptions.

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## NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Plan Commission at the Germantown Village Hall located at N112W17001 Mequon Road, Germantown, Wisconsin and virtually through the WebEx platform on the following date and at the time noted below (or soon thereafter):

DATE: Monday, October 13th, 2025  
TIME: 6:30 pm or later

The purpose of said hearing is to hear all parties, their attorneys or agents, for or against a Conditional Use Permit application for a "Solar energy conversion system" consistent with and only to the extent allowed under Wis. Stat. § 66.0401 from the property described below pursuant to Section 17.12(2)(jj) of the Village Zoning Code.

Applicant: One Energy Development, LLC, Agent for Robert Overmier, Property Owner  
Property Address: N144W12531 Pioneer Road (GTNV\_011987)

### Property Description:

A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 1, IN TOWNSHIP 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN, WHICH IS BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID NORTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 01°18' 22" EAST ALONG THE EAST LINE OF SAID 1/4 SECTION 475.00 FEET TO A POINT; THENCE SOUTH 88°41' 38" WEST 326.70 FEET TO A POINT; THENCE SOUTH 01°18'22" EAST 200.00 FEET TO A POINT; THENCE NORTH 88°41'38" EAST 326.70 FEET TO A POINT IN THE EAST LINE OF SAID 1/4 SECTION; THENCE SOUTH 01°18'22" EAST ALONG SAID EAST LINE 596.15 FEET TO A POINT; THENCE SOUTH 88°13'12" WEST ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 6353 AND ITS EXTENSION A DISTANCE OF 1,996.42 FEET TO A POINT IN THE WEST LINE OF THE EAST 1/2 OF THE NORTHEAST 1/4 OF SAID 1/4 SECTION; THENCE NORTH 01°21'20" WEST ALONG SAID WEST LINE 1,301.86 FEET TO A POINT TO A POINT IN THE NORTH LINE OF SAID 1/4 SECTION; THENCE NORTH 89°06'05" EAST ALONG SAID NORTH LINE 1,997.52 FEET TO THE POINT OF BEGINNING. SAID LAND CONTAINS 2,370,106 SQUARE FEET OR 54.4101 ACRES.

A copy of the application and a map showing the property described above are on file at the Community Development Department-Planning & Zoning Services office in the Germantown Village Hall and can be viewed on our website by following this link:

Website: <https://www.germantownwi.gov/589/Proposed-Development-Projects>

Citizens wishing to submit any public comments should do so by sending them by email to: [comments@germantownwi.gov](mailto:comments@germantownwi.gov) no later than 4:00pm on the meeting date listed above.

Donna Ott, Village Clerk

Dated this 17<sup>th</sup> day of September 2025

To Be Published On: September 24<sup>th</sup> and October 1<sup>st</sup>, 2025

**Community Development Department**

Jeffrey W. Retzlaff, AICP, Community Development Director  
N112W17001 Mequon Road, PO Box 337  
Germantown, WI 53022-0337  
(262) 250-4735  
[www.germantownwi.gov](http://www.germantownwi.gov)

September 2025

## NOTICE OF PUBLIC HEARING

You are receiving this notice because our records indicate that you are the owner and/or occupant of property located in the vicinity of N144W12531 Pioneer Road. As stated in the attached notice, One Energy Development, LLC Agent for Robert Overmier, Property Owner, are requesting approval of a Conditional Use Permit (CUP) for a proposed 35AC Solar Project called Lime Kiln on the property.

A public hearing of the CUP permit application required as a prerequisite to make this change will be held before the Village Plan Commission on October 13th, 2025, at 6:30pm in the Village Hall Board Room. A copy of the official public hearing notice is on the back of this letter.

At that time, the Plan Commission will review and discuss the application and supporting information about the proposal. Village staff will report their evaluation of the proposal, discuss Village plans, policies, code requirements and make a recommendation to the Plan Commission to approve or deny the application. During the public hearing, members of the public will be asked to share their comments and any other information about the proposal that they feel the Plan Commission and Village Board should consider before deciding to approve or deny the applications. Once the public hearing is closed the Plan Commission will consider the public comments and other information received about the proposal before making a formal recommendation to the Village Board.

At a future meeting, the Village Board will consider the application, the Village staff report, public hearing comments, and the Plan Commission recommendation before making a final decision to approve or deny the CUP.

You are invited to attend both the Plan Commission Public Hearing and Village Board meeting regarding the proposal and application. If you are unable to attend, you can provide written feedback sent by letter or email addressed to the Community Development Department or to your Village Trustee. Please visit the Village's website for Trustee contact information:

[www.germantownwi.gov](http://www.germantownwi.gov)

Finally, as listed on the bottom of the enclosed notice, you can inspect the application, and all supporting information submitted for this proposal by visiting the "Proposed Development Projects" webpage on the Community Development Department Page on the Village's website.



|                       |                                                                       |
|-----------------------|-----------------------------------------------------------------------|
| <b>MEETING:</b>       | <b>REGULAR MEETING OF THE PLAN COMMISSION</b>                         |
| <b>DATE AND TIME:</b> | <b>Monday, October 13, 2025 6:30 PM</b>                               |
| <b>LOCATION:</b>      | <b>Germantown Village Hall Board Room<br/>N112 W17001 Mequon Road</b> |

### MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*  
Chairman Soderberg called the meeting to order at 6:30pm.
  
- II. **ROLL CALL:**  
Chairman Soderberg and Committee Members Warren, Shadid, Tarantino, Williams and Ewert were all present. Also present were Community Development Director Retzlaff, Associate Planner Yanke and Administrative Coordinator Remich (via Webex). Committee Member Henk was absent excused.
  
- III. **CITIZEN INPUT/PUBLIC APPEARANCE:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a four (4) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.) Comments that may be injurious to village personnel or other individuals will not be allowed.*  
Citizens that spoke included:  
Mario Maenza who lives on Cedar Lane.  
Lynn Bednarz who lives on Pawnee Court.  
Jim Stout who lives on Goldendale Road.  
Martin Peck who lives on Cedar Lane.  
Joel Gierach who lives on Cedar Lane.  
Tom Stauffacher who lives on Cedar Lane.  
Michelle Perkl who lives on Armada Drive.  
Penny Dunne-Muzi who lives on Cedar Lane.  
Linda Maenza who lives on Cedar Lane.  
Jennifer Steffen who lives on Creek Terrace.
  
- IV. **APPROVAL OF MINUTES:**
  - A. PC Minutes 9/8/25 (ACTION)  
**Motion:** Approve as presented  
**Motioned By:** Robert Warren  
**Seconded By:** Russell Ewert  
**Yes:** Bob Soderberg, Robert Warren, William Shadid, Josh Tarantino, Russell Ewert  
**No:** None  
**Abstain:** Robert Williams  
**Motion Passed (Yes 5, No 0, Abstained 1)**

**V. NEW BUSINESS:**

- A. OneEnergy Development, LLC, Agent for Robert Overmier, Property Owner. Conditional Use Permit (CUP) and Site Plan applications for an approximate 35-acre Solar Energy Facility located at N144 W12531 Pioneer Road in the Rural Preservation District. (PUBLIC HEARING & ACTION)

Associate Planner Yanke gave a short summary of the proposal, stating that the proposed solar farm is a conditional use within the A-1 district that requires site plan review and approval. Yanke went through the primary project details and mentioned the State law provisions applicable to solar energy conversion systems. Yanke also went over staff review comments and staff's recommendations of approval for the applications. Yanke introduced Peter Murphy and Julie Gerrits from OneEnergy, who went over the proposal in a detailed presentation.

Discussion Followed.

Committee Members asked about the length of the lease, which is 30–50 years. Which stays with the land even if it's sold.

After 30–50 years, WE Energies will be responsible for decommissioning if they purchase the asset, which they expect. There is money set aside for asset removal in each of their contracts. All components are removed from the site, everything possible is recycled.

Whether there is a danger of fire? No there is not, there is nothing flammable on site and no lithium batteries are used.

There are no liquids or chemicals used on site.

Will there be mass herbicide spraying to control the native prairie species proposed around the solar structures? No, they only do spot spraying by an individual on a specific plant/weed.

Are there other plans for additional solar projects in Germantown at this time? No.

Did OneEnergy pay anyone money to not come to the meeting tonight? No.

Could the income generated be used towards the village's debt? That can be looked into per staff.

How will this affect property values? The study they use shows that it does not significantly affect property values either way.

Chairman Soderberg opened the Public Hearing at 8:27pm.

Comments were received from:

Lynn Bednarz who lives on Pawnee Court stated that she would see what she could do with her contacts in Washington.

Brian Kirsch who lives on Wildrose Lane stated that this will not make a dent in anyone's electricity bill, and feels that this project is useless.

Charlie Hargan who lives on Biscayne Drive questioned the safety aspects and how they are handled.

Marty Peck who lives on Cedar Lane is concerned about fire issues with lithium batteries if the project is ever converted.

Mario Maenza who lives on Cedar Lane stated that he is concerned about property values, wildlife and fire hazard.

Tom Stauffacher who lives on Cedar Lane doubts that property values would go up and would like more screening other than the current deciduous trees.



Linda Maenza who lives on Cedar Lane is concerned about fire and potential project expansion.

Penny Dunne-Muzi who lives on Cedar Lane is concerned about the research involved, disposal of this project when it is decommissioned and how the panels are made.

Chairman Soderberg closed the Public Hearing at 8:48pm.

**Motion 1:** Approve CUP as presented with the 6 conditions included in the packet and add the 4 additional conditions listed below.

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

Discussion Followed. Committee members discussed the opposition to the project and several members shared the same concerns. Committee members asked what type of legal dispute or recourse the applicant would have if the project is denied. Would it be similar to the project off Rockfield Road last year? Staff clarified that OneEnergy could bring an appeal forward to the Board of Zoning Appeals similar to the previous project. Director Retzlaff suggested that the Commission make motions to add conditions that address residents' concerns and validate the reasoning for denying the project. Commissioners asked whether they could set so many conditions as to be cost-prohibitive to the project.

**Motion 2:** Amendment #1 - Add a condition for a formal landscape plan that would evaluate current landscaping around the project area and specify the applicant provide year-round screening around the entire solar farm.

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 2 Passed (Yes 6, No 0, Abstained 0)**

**Motion 3:** Amendment #2 - Add a condition that the applicant be limited to spot spraying instead of widespread/broadcast spraying of herbicides to manage vegetation on site.

**Motioned By:** Josh Tarantino

**Seconded By:** William Shadid

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 3 Passed (Yes 6, No 0, Abstained 0)**

**Motion 4:** Amendment #3 - Add a condition that the applicant add the Village as an insured party on their Pollution Liability Insurance Policy.

**Motioned By:** Robert Williams

**Seconded By:** Russ Ewert

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh

Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 4 Passed (Yes 6, No 0, Abstained 0)**

**Motion 5:** Amendment #4 - Add a condition to prohibit the use of lithium batteries on site as part of the solar facility's operation.

**Motioned By:** Russell Ewert

**Seconded By:** Josh Tarantino

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 5 (Yes 6, No 0, Abstained 0)**

**Results of Motion 1:**

**Yes:** Robert Warren, Josh Tarantino

**No:** Bob Soderberg, William Shadid, Robert Williams, Russell Ewert

**Abstain:** None

**Motion 1 Failed (Yes 2, No 4, Abstained 0)**

Staff recommends approval of the Conditional Use Permit for an approximate 35-acre "solar energy conversion system" consistent with and only to the extent allowed under Wis. Stat. § 66.0401 located at N144W12531 Pioneer Road, subject to the following conditions:

1. The uses and activities allowed on the property shall be limited to those uses and activities specified in the Conditional Use Permit (CUP) application and supporting documents date stamped received July 17, 2025. Operations shall be limited to those specified in the CUP supporting documents submitted to the Village.
2. The owner/operator is responsible for reporting any significant changes in the type, intensity, amount, or location of the land uses and activities, days and hours of operation, size or location or other operational characteristics of said uses and activities authorized under this CUP to the Village Zoning Administrator.
3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the Conditional Use Permit (CUP) may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
4. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premises advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
5. All future site improvements, including all building, parking area, landscaping, storm water management facilities, signage, exterior lighting, and any other improvements made to or on the property that are necessary for the land uses



and activities authorized under this CUP shall be submitted for review and approval by the Village through the Zoning Permit or Site Plan application process as determined by the Village Zoning Administrator. If required, Site Plan review and approval will include Plan Commission review and approval.

6. Pursuant to Section 17.47 of the Zoning Code, if the Village observes and/or receives complaints regarding negative impacts associated with and/or created by business-related activities conducted on the property, including but not limited to noise, dust or other airborne materials, the Property Owner/Operator shall work with the Village to identify the source of such impact(s), evaluate alternative mitigation measures, and implement a mutually-agreeable solution to mitigating the impact(s).

Staff recommends approval of the Site Plan application submitted by OneEnergy Development, LLC for an approximate 35-acre "solar energy conversion system" consistent with and only to the extent allowed under Wis. Stat. § 66.0401 for property located at N144 W12531 Pioneer Road, subject to the following conditions:

1. This approval is for the plan sheets that comprise the site plan set as noted below and is subject to compliance with all the conditions and requirements set forth herein and subsequently adopted and/or revised by the Plan Commission. Approval is granted for the following unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
  1. Site Development Layout (Sheet D-100) revised dated October 10, 2025.
  2. Vegetative Screening and Management Plan dated August 6, 2025.

If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.

2. The Vegetative Screening and Management Plan shall be subject to final acceptance by the Village Forester and Community Development staff prior to commencement of construction.
3. Approval of the Site Plan application is subject to approval/acceptance of the proposed private driveway access point to Pioneer Road by the Washington County Highway Department.
4. Per Fire Department, applicant shall install a Knox Box at the main entrance gate to the solar facility.
5. The technical issues and plan revisions identified in the October 7, 2025, memo from the Village Engineer shall be addressed in revised plan sheets and/or supplemental documents as necessary prior to commencing construction activities or issuance of an Erosion Control Permit.
6. Site operations are limited to the proposed activity by the applicant per the submitted/attached "Solar Generating Facility Operations Plan".
7. State agency (DSPS) approved plans and a \$20,000 bond are required by Inspection Services. The Village of Germantown is an authorized delegated agent of DSPS and may be used as an alternative to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.

8. Applicant shall install the 8' agricultural/wildlife perimeter fence with openings at the bottom (i.e. at-grade) to allow greater wildlife movement.
9. The maximum tilt angle height of the solar array panels (i.e. structures) shall be approximately 8' from established grade.
10. All temporary and permanent exterior signs require a permit and shall comply with all current Village sign regulations and requires a permit if/when allowed.
11. Applicant shall provide a commitment to the Village including provisions to ensure that there is adequate financial security set aside to perform the specified decommissioning of the project and any restoration needed to be performed to the shared access drive after construction of the project or its decommissioning. Said commitment shall be reviewed and approved/accepted by the Village Attorney.

**Motion 6:** Approval of the Site Plan with 11 conditions

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

**Motion 7:** Amendment #1 Site Plan - Add 4 additional conditions as noted in CUP recommendation.

**Motioned By:** Russell Ewert

**Seconded By:** Robert Williams

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 7 Passed (Yes 6, No 0, Abstained 0)**

**Results of Motion 6:**

**Yes:** Robert Warren, Josh Tarantino

**No:** Bob Soderberg, William Shadid, Robert Williams, Russell Ewert

**Abstain:** None

**Motion 6 Failed (Yes 2, No 4, Abstained 0)**

- B. Jim Sedgwick/Heimat Capital LLC, Agent for Blackstone Creek LLC, Property Owner N112W17300 Mequon Road. Application to amend the Blackstone Creek Planned Development District (PDD) General Development Plan and Conditions & Restrictions and a 2-Lot Certified Survey Map (CSM) to allow the development of two 1-2 acre commercial retail sites and 205 multi-family residential units. (PUBLIC HEARING & ACTION)

Director Retzlaff went over a brief history of the Blackstone Creek Development and details of the 3 proposed amendments to the PDD which included:

Amendment #1:

- Affects Section 1 (General Development Plan) [see Res. No. 19-12 & 20-16]
- Revise/replace the current GDP dated July 5, 2016 as necessary to incorporate the plan dated October 2, 2025 (copy attached) relative to that portion of the golf course and retail commercial area;



- Add the following land uses to the list of uses allowed in the Blackstone Creek PDD as conceptually shown in the GDP dated October 2, 2025
  - Restaurant with drive-through service (on the 1.27-ac commercial site only)
  - Other retail commercial uses allowed in the B-1: Neighborhood Business District (on the 1.75-ac commercial site only)
  - Multi-Family residential uses developed consistent with the Rm-3: Multi-Family District regulations with the following features, limitations and exceptions:
    - a maximum of 205 dwelling units at a density not to exceed ten (10) dwelling units per gross acre (a 20.55-acre development area is proposed)
    - Eight (8) two-story walk-up/garden-style, multifamily buildings with a maximum 135 dwelling units
    - Seven (7) detached garage parking structures
    - One (1) multifamily building with a maximum of 70 dwelling units (retail commercial uses allowed in the B-1 District on 1st floor only)
    - Clubhouse or shared-use building for residents
    - An amenity-type structure intended to provide or keep mail & package delivery, maintenance equipment and other accessory uses
- Internal walking paths to provide connectivity to and between Mequon Road, Main Street, and the retail commercial sites (the actual location and timing of construction TBD subject to the potential continued operation of the golf course)

#### Amendment #2

- Affects Section 10 (Building Regulations) [see Res. No. 19-12 & 20-16]
- Reduce the minimum parking lot setback/greenbelt requirement under Section 17.45(1)(c) in the Zoning Code from 15 feet to 6 feet along the north and west property lines of the proposed 1.27-ac retail commercial site (proposed Culver's restaurant site only)

#### Amendment #3

- Affects Section 5 (Architectural Design, Exterior Materials, and Building Height) [see Res. No. 19-12 & 20-16]
- The architectural design and materials for the restaurant proposed for the 1.27-ac retail commercial site (Culver's) shall be submitted subject to review and approval of the Plan Commission.
- The architectural design and materials for the multifamily buildings and related amenity features and structures shall be generally consistent in quality and materials as presented in the imagery submitted with the PDD amendment application (copy attached).

The certified survey map (CSM) that has been submitted at this time proposes to divide the 143-ac golf course property into the following parcels:

- Lot 1: 1.27 acres (proposed Culver's restaurant)
- Lot 2: 133.63 acres (existing golf course)
- Outlot 1: 5.28 acres

Proposed Development Phasing:

Phase I (2025-26): Culver's land acquisition Fall 2025, Culver's construction start/end

Fall 2025/Spring 2026, Golf Course operations to continue through 2026 golf season

Phase II (2026-27): Multi-Family residential construction Fall 2026 / Occupancy 2027

Phase III (timeline TBD): Potential development on other golf course land pending Village agreement on a previously proposed Land Exchange Agreement: Development of other golf course land pending Village agreement to the proposed Land Exchange Agreement (under consideration), Additional multifamily and/or mixed-use development, Public park w/varied public amenities & Menomonee River access

No rezoning will be required. Director Retzlaff introduced Property Owner, Jim Sedgwick who came forward to answer questions along with Matt Bailey of Trio Engineering.

Committee members' concerns/comments included:

Materials for Culvers were acceptable. The appearance of the roofline and facade of the overall entry tower were not acceptable.

The Economic Development Committee is currently working on specifics of the future Gateway feature for the corner of Mequon & Division Roads. There is a sanitary sewer easement on that corner that will need to be figured into the plan for any future sign/feature.

An amendment to reduce the 15' landscape buffer set back to 6' would be needed.

The multifamily units will include 1 or 2 bedroom units, which determines the ratio of incoming children for school district planning.

Commissioners asked for clarification of what they are approving tonight. The PDD amendments only, not a multifamily development plan.

Chairman Soderberg opened the Public Hearing at 10:02pm:

Comments were received from:

Mary Blasczyk who lives on Biscayne Drive is against this proposal due to flooding, lower property values, traffic, noise and doesn't want Culvers.

Keith Dunn who lives on Armada Drive is concerned about the traffic, feels that Culvers has already been decided and is against this proposal.

Lynn Bednarz who lives on Pawnee Court feels that this plan is crazy, is against anything that taxpayers might have to pay for, doesn't want a Culvers and would like this topic postponed.

Sarah Backes who lives on Biscayne Drive is against this proposal due to increased traffic. She doesn't think this will attract new residents to Germantown because they can't afford to live there and feels it will overwhelm utilities.

Bob Simonson who lives on Sawgrass Court is concerned about the number of bedrooms and the rent they would need to generate to maintain property values.



Karen Bell who lives on Blackstone Court is concerned about a decrease in property values, wants to keep the beautiful golf course and feels there should be a buffer to the east.

Je'Ette Tennies who lives on Augusta Court is concerned about buffers, kids going through their subdivision and increased traffic.

Jennifer Robles who lives in Abbey Court is concerned about Roberts, increased traffic, too dense, flooding and feels this will add too many kids into the schools.

Charlie Hargan who lives on Biscayne Drive feels that developers should be able to develop what they want but feels that this is overkill.

Trustee Jolene Pieper who lives on Esquire Court was on Webex and spoke in support of Jim Sedgwick and feels that the personal attacks against him should stop.

Associate Planner Yanke read 6 emails that came in before the 4pm deadline today.

All were against this proposal.

Chairman Soderberg closed the Public Hearing at 10:29pm.

Ewert stated that this project was included in the MD Rofer study done by the school district and the increase in children is well within the school's capacity limits. So this will not impact the need for changes within the school district. Soderberg stated that he is in favor of this proposal and feels multifamily in that area makes sense. Sedgwick stated that market forces since 2006 have changed drastically, so their plan also changed to go along with that. He has a long history of trying to recruit businesses to Germantown, and they are not interested because there just isn't enough density/rooftops to support more high-end, sit-down restaurants. So when Culvers came to them and said they were interested, they paid attention. Williams stated that he would like to see any restaurant other than fast food go in on that corner. Sedgwick stated that they also spoke with Panera and they were not interested either. It's been mostly the drive-thru function that drives a lot of business post COVID-19. Ewert stated that they aren't asking for a TID and the Village isn't spending any money on this. This is a very expensive venture for the developer who is paying for all the roads, sewer, water, etc. We get a lot less say in the development when they are asking for no money from the Village.

Staff recommends approval of the proposed amendments to the Blackstone Creek Planned Development District (PDD) as proposed and summarized herein that shall be codified into an appropriate Village Board resolution amending the current General Development Plan (GDP) dated July 5, 2016, and list of conditions & restrictions contained in Resolution Nos. 19-12, 29-12, 22-13, 23-13, and 20-16:

1. Approval is subject to completion of all driveway and intersection improvements detailed in the Traffic Impact Analysis (TIA) prior to or concurrent with the development resulting from the PDD amendments. As deemed necessary by the Village Department of Public Works/Village Engineer, detailed construction plans and right-of-way permits for said improvements shall be prepared, submitted, and approved by the Village Engineer prior to construction.
2. If the Plan Commission and Village Board act to not add "restaurants with drive-through service" to the list of permitted uses in the Blackstone Creek PPD (proposed as part of Amendment #1), that the current provision allowing "banks with drive-through lanes" shall also be removed from the current list of conditions & restrictions for the Blackstone Creek PDD.

3. Prior to or concurrent with the submittal of site development & building plans for the multifamily area and commercial sites, in whole or in part, a certified survey map (CSM) land division (or subdivision plat if needed) shall be prepared to formally create parcels as a prerequisite for development of said sites.
4. The applicant has indicated that the internal pathway shown on the proposed General Development Plan (GDP) is intended to be accessible to the general public. If the pending land exchange agreement with the Village is accepted in the future and all or some of the remaining golf course property is converted for public access and park purposes, detailed specifications and an access easement and maintenance agreement with the Village shall be created subject to review, and approval of the Village.
5. An overall pedestrian pathway or sidewalk plan showing specifications, how, where and in what timeframe pathways and/or sidewalks providing access to the multifamily residential area and the commercial sites will connect to sidewalks along Mequon Road, Division Road, internally to the commercial sites, and to the Fairway Knoll senior community shall be prepared by the Applicant as a supplement to the General Development Plan (GDP). Said plan shall be prepared and submitted to the Village for review and approval prior to or concurrent with the submittal of site development plans for the multifamily residential area.
6. All internal streets serving the multifamily residential area and commercial sites shall be constructed to Village standards if intended to be public or to a mutually acceptable set of standards and specifications if intended to be privately constructed, owned, and maintained. Detailed plans and specifications shall be prepared and submitted for Village review and approval prior to or concurrent with detailed site development plans for the multifamily residential area and commercial sites.
7. The proposed General Development Plan (GDP) shows the internal streets and driveways serving the commercial sites as being located outside or beyond the perimeter property lines for the two commercial sites. Because those internal streets and driveway intersections are critical to site accessibility and traffic circulation as reflected in the traffic impact analysis (TIA), detailed specifications for those internal streets and driveway intersections shall be prepared and submitted for review and approval by the Village. More importantly, the proposed driveways on Mequon Road and on Division Road need to be constructed prior to or concurrent with development of the Culver's site.
8. As shown in the proposed General Development Plan (GDP), development within the multifamily residential area includes two multifamily buildings positioned parallel to and setback from the east property line. A landscaped buffer of some significance shall be installed between the buildings and along the easterly property. Said landscaped buffer should be designed and presented as part of a larger landscaping plan for the common areas of the entire residential area and submitted for Village review and approval as part of the detailed site development and building plans for the multifamily residential area.
9. The Applicant shall develop a detailed plan for review and approval by the Plan Commission that presents details on landscaping, lighting, signage (building, monument, and directional), architecture & design, exterior materials, etc. that will guide the development of the two retail commercial sites, residential areas,



and any/all common areas within the remaining areas to be developed in the Blackstone Creek PDD area. Said plan shall be prepared and submitted for review and approval by the Village Plan Commission prior to or concurrent with the submittal of detailed site development plans for the commercial sites and multi-family residential area.

10. All items listed in the Village Engineer's August 27, 2025, review memo shall be addressed as part of future development of the multi-family residential area and retail commercial sites. Detailed construction and utility plans meeting all applicable Village Code requirements and requirement is the Village's Development Handbook shall be prepared and submitted for review and approval by the Village for all future multi-family and commercial site development.
11. Given topography across the property from north to south, the multi-family residential area may be able to be served by gravity sewer extended to the south side of the residential area from existing facilities located in Division Road to the east (south of the existing residential condominiums along Division Road). The owner shall explore cooperatively with the Village the possibility of extending water and/or sewer facilities from Division Road as part of future site development and building plans submitted for the multi-family residential area.
12. The Building Inspector has indicated that the submission of state-approved plans shall be required along with a \$20,000 occupancy bond prior to the Village issuing any building permits for the multi-family and commercial buildings.
13. The Applicant shall enter into a Development Agreement if/when deemed necessary with the Village pursuant to Section 18 of the Village Code (Subdivision and Platting), as well as, the preparation of detailed construction plans for the public improvements including, but not limited to public street and intersection improvements, sanitary sewer, water, storm water management facilities, master grading and erosion control, landscaping & street trees, open space trails, lighting and signage. At a minimum, said agreement shall require the review and approval of said plans by Village staff prior to the commencement of construction activities and establish the timing for installation of said improvements (or as otherwise provided for therein).
14. The current list of conditions & restrictions governing development within the Blackstone Creek PDD is contained in a series of resolutions resulting from previous amendments, including Res. No. 19-12 that was subsequently amended by Res. Nos. 29-12, 22-13, 23-13, and 20-16. As deemed necessary by Village Staff, if the proposed PDD amendments are approved, in whole or in part, Village shall Staff create a new document containing a compilation of all valid conditions & restrictions, including the addition of all conditions adopted herein, into one updated document adopted by resolution by the Village Board.

**Motion 1:** Approve 3 PDD Amendments with 14 conditions as presented

**Motioned By:** William Shadid

**Seconded By:** Russell Ewert

**Motion 2:** Amendment to remove condition #2 to allow drive-thru restaurants within the PDD

**Motioned By:** Robert Williams

**Seconded By:** Russell Ewert

**Yes:** Robert Williams, Russell Ewert

**No:** Bob Soderberg, Robert Warren, William Shadid, Josh Tarantino

**Abstain:** None

**Motion 2 Failed Yes 2, No 4, Abstained 0**

**Results of Motion 1:**

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed (Yes 6, No 0, Abstained 0)**

Staff recommends approval of the Certified Survey Map (CSM) to re-divide the 143-acre golf course property as (Lot 2 of CSM #6749) and Outlot 1 of the Glen at Blackstone Creek as proposed subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor in the August 15, 2025, review memo shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. Cross-access easements shall be prepared and recorded as necessary to ensure Lot 1 is accessible by vehicles and pedestrians across Lot 2 given that the location of internal driveways serving Lot 1 are located on Lot 2. An easement agreement for said easement shall be submitted for review and approval by the Village Attorney prior to recording the CSM.
3. A separate cross-access easement agreement between Presbyterian Homes, owner of the Fairway Knoll senior community and the owner of Lot 2, Blackstone Creek LLC, shall be prepared and recorded as necessary to ensure the development on Lot 1 and Lot 2 (as may be further divided) is accessible by vehicles and residents of the Fairway Knoll property to the west as generally depicted on the proposed General development Plan (GDP).

**Motion:** Approve CSM with 3 conditions as presented

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

Ewert stated that we heard a lot of comments from residents tonight regarding the golf course and it being a fabric of the Village and that they want it to continue. He questioned whether the owner/operator of the golf course wants to continue running it. Sedgwick stated that the owner/operator of the golf course is a separate entity, the same owner/operator who sold him the land, and they have been trying to sell the rest of the land since 2006. He believes it is the worst kept secret in Germantown that the current owner/operator has wanted to get out of the golf course business for 25 years.

**Result of Motion:**

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert



**No:** None

**Abstain:** None

**Motion 3 Passed (Yes 6, No 0, Abstained 0)**

**Motion: Move Items E & F up to before Item C on the agenda**

**Motioned By:** Russell Ewert

**Seconded By:** Robert Warren

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed Yes 6, No 0, Abstained 0**

E. Sign Effectz, Inc., Agent for Germantown Marketplace AG, LLC, Property Owner. Sign Review Application for Sun Island Spa at N112 W16274 Mequon Road. (ACTION)

Staff recommends approval of the proposed sign for Sun Island Spa for property located at N112 W16274 Mequon Road, subject to the following condition:

1. Applicant/owner shall remove the existing temporary banner sign that is on site.

**Motion:** Approve as presented

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed (Yes 6, No 0, Abstained 0)**

F. Micaela Knapp, Agent for Nona Nutrition, and Devo Management Company, LLC, Property Owner. Sign Review Application for Nona Nutrition at N112 W15800 Mequon Road (Suite 4). (ACTION)

Staff recommends approval of the proposed sign for Nona Nutrition for property located at N112 W15800 Mequon Road (Suite 4), subject to the following condition:

1. Applicant/owner shall obtain an electrical permit from Building Inspection Services prior to sign installation.

**Motion:** Approve as presented

**Motioned By:** William Shadid

**Seconded By:** Robert Warren

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino

**No:** None

**Abstain:** None

**Motion Passed (Yes 5, No 0, Abstained 0)**

C. Dan Braatz, Agent for Burgers & Braatz Properties, LLC, and Blackstone Creek, LLC, Property Owner. Site Plan application for a new 4,403 sqft drive-

through restaurant (Culver's) on property located at N112 W17300 Mequon Road in the Village Center District. (ACTION)

Associate Planner Yanke stated that Culver's is proposing a new drive-through restaurant on property situated at the northwest corner of Mequon Road and Division Road. The restaurant is proposed on property slightly over an acre (1.27 acres) where the Blackstone Creek Golf Club currently sits. The restaurant is 4,403 square feet in size and will incorporate two (2) drive-through lanes and typical off-street parking areas to serve customers that opt to dine-in. This proposal is part of a larger redevelopment proposal of the Blackstone Creek golf course that includes both multifamily residential and new commercial lots, with the subject lot being one of the commercial pads.

Two (2) main access points are proposed to accommodate the new restaurant development. A north driveway is proposed as a full access driveway to Division Road, directly across from the existing bank (Bank Five Nine) access driveway, which is located at the northeastern corner of Mequon Road and Division Road. A second full access driveway is proposed along Mequon Road near the center of the property, approximately 260-feet west of Division Road. Both driveways are proposed to operate under stop sign control on the driveway approaches. A cross-access drive to the Fairway Knoll retirement community property located to the west is also proposed to remain as part of the development plans. A Traffic Impact Analysis (TIA) supplementing the application was submitted along with the recommended modifications. The applicant has worked with staff to submit architectural renderings meeting the intent of the Village's "Germanic Theme" corridor along Mequon Road. While revised renderings were submitted, staff finds them to be unsatisfactory at this point in time and recommends further revisions including a modification to the flat roof design to a pitched roof, additional detail on the building facade facing Division Road, and use of non-metal materials along the roofline.

Given the unsatisfactory architectural design of the building, staff recommends to Table/Postpone the site development and building plans until the applicant submits revised elevations/renderings addressing staff's review comments and at the direction of the Plan Commission.

Dan Braatz and Jay Campbell came forward to ask for architecture recommendations from the Plan Commission to follow up on staff's comments.

Recommendations included:

The flat roof should be redesigned to a pitched roof design.

Material along the roofline should be non-metal.

The facade facing east should have a more robust color design and detail to match the rest of the building.

Dress up the south and east-facing elevations. Maybe it's just a matter of adding a few blue canopy features.

The Germanic features that were added, i.e., the clock tower and gable ends, seem contrived and aren't impressive. The side view looks incomplete.

Meet halfway and make Culver's look more unique than other ones at intersections.

The layout and the building being oriented towards Mequon Road are both acceptable.

Possibly brick instead of stone? Brick is more costly.

The gateway sign will need room on the corner.



Revise renderings and labeling for accuracy and make sure the landscape plan and renderings match.

Soderberg stated that he would rather table this topic until the Village Board can make a final decision on the Blackstone Creek PDD amendments heard earlier, as the Culver's proposal is contingent on the PDD amendments being passed by the Village Board. This will allow time for the applicant to revise the architectural details addressing recommendations per staff and the Plan Commission.

Dan Braatz spoke on his behalf and stated that his restaurant in Menomonee Falls partakes in FundRaisers and makes donations within the community. They sponsor local sports teams and have served custard at fundraiser events at schools.

**Motion:** Table topic until the next Plan Commission meeting on November 10th.

**Motioned By:** William Shadid

**Seconded By:** Robert Warren

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed (Yes 6, No 0, Abstained 0)**

D. Matt Seban/TLC Acres, Property Owner W210 N10738 Appleton Avenue - Site Plan Approval Review-Grading/Filling Status Report & Possible Deadline Extension (ACTION)

Director Retzlaff stated that the deadline for filling that this commission issued is coming up and introduced Matt Seban, who gave details as to why he would need a 60-day extension. Seban stated that the loads needed were not available and he believes that he lost about 300 loads because the Plan Commission dictated that he couldn't start before 8am. In years past, he could start at 7:30am which helped. He's not sure that he can get this done by the extended deadline. On Feb. 20th, 2026, the new floodplain maps go into effect and trump everything. Tier 2 should be out of the floodplain by that point. Warren asked why we are forcing this deadline on him. Retzlaff stated that it was to address the issues of his neighbors. Ewert asked how this will affect his business if the filling does not get done. Seban stated that a large area of his property will move into wetland when the floodplain maps change, and he will not be able to farm that entire area. Ewert suggested giving him an extension to Feb. 20th, 2026 as the final deadline.

Staff does not recommend extending the November 1, 2025, deadline. There is not adequate time to restore the original grades by the February 20th, 2026, deadline with additional filling, grading, and restoration of vegetation, given that little activity has been conducted to date.

**Motion:** Extend deadline for completion to Feb. 19th, 2026

**Motioned By:** Russell Ewert

**Seconded By:** Robert Warren

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed (Yes 6, No 0, Abstained 0)**

G. Community Development Department - Holy Hill Gateway District Master Plan  
Project: Review Consulting Services Request for Proposals (ACTION)

President Soderberg postponed this topic due to the late hour.

H. Community Development Department - Pending State Legislation Regarding  
Local Land Use, Zoning & Development Regulation (DISCUSSION)

President Soderberg postponed this topic due to the late hour.

**VI. ANNOUNCEMENTS:**

None.

**VII. ADJOURNMENT:**

Chairman Soderberg adjourned the meeting at 11:43pm.

DRAFT



## **BUSINESS OF THE VILLAGE BOARD**

MEETING DATE: November 3, 2025

PLACEMENT: Action Item

ITEM TITLE: Jim Sedgwick/Heimat Capital LLC, Agent for Blackstone Creek LLC, Property Owner N112W17300 Mequon Road. Application to amend the Blackstone Creek Planned Development District (PDD) General Development Plan, a Resolution to adopt revised PDD conditions & restrictions, and a 2-Lot Certified Survey Map (CSM) to allow the development of two 1-2 acre commercial retail sites and 205 multi-family residential units. (ACTION)

SUBMITTED BY: Jeff Retzlaff, Community Dev. Director

### SUMMARY EXPLANATION:

Jim Sedgwick and Heimat Capital LLC, agents for Blackstone Creek LLC, owners of the golf course property are proposing a series of amendments to the Blackstone Creek Planned Development District (PDD), that would enable development of a 205-unit multi-family residential community and additional retail commercial sites, including a Culver's restaurant, on portions of the golf course property. Additionally, a certified survey map (CSM) has also been submitted that will create an initial 1.27-acre commercial site near the Division @ Mequon Road intersection for the proposed Culver's restaurant.

Details of the proposal and a summary of the traffic impact analysis, wetland delineation, and Village Staff comments are found in the Staff Report & Recommendation dated October 13, 2025.

### ATTACHMENT:

1. 22-2025 Draft RESOLUTION with Exhibits
2. STAFF REPORT-Blackstone Creek-PDD Amend-CSM-10-13-2025
3. Plan Commission -Meeting Minutes 10-13-25
4. Blackstone Creek General Plan
5. BLACKSTONE PDD Amendment Narrative- REVISED
6. Blackstone Creek PDD Amend-App
7. Blackstone Creek-CSM
8. CSM-Application
9. Culvers-Blackstone CSM Review
10. Blackstone Creek-PDD Public Hearing Notice - 10-13-25
11. Blackstone Creek - PDD Amendment PH Property Owner Letter - 10-13-25
12. ENGINEERING MEMO 8-27-25
13. BSC-Wetland-Corridor Report-REDUCED

### STAFF RECOMMENDATION:

Staff Recommendation:

**APPROVE** amendments to the Blackstone Creek Planned Development District (PDD) as proposed subject to (14) additional conditions that shall be codified into an appropriate Village Board resolution amending the current General Development Plan (GDP) dated July 5, 2016 and the current list of Conditions & Restrictions contained in Resolution Nos. 19-12, 29-12, 22-13, 23-13, and 20-16. *[NOTE: the proposed PDD amendments and additional (14) conditions are contained in the draft Resolution included in the packet]*

**APPROVE** the Certified Survey Map (CSM) to re-divide the 143-acre golf course property into two parcels as proposed subject to (3) conditions:

1. All technical issues and corrections identified by the Village Surveyor in the August 15, 2025, review memo shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. Cross-access easements shall be prepared and recorded as necessary to ensure Lot 1 is accessible by vehicles and pedestrians across Lot 2 given that the location of internal driveways serving Lot 1 are located on Lot 2. An easement agreement for said easement shall be submitted for review and approval by the Village Attorney prior to recording the CSM.
3. A separate cross-access easement agreement between Presbyterian Homes, owner of the Fairway Knoll senior community and the owner of Lot 2, Blackstone Creek LLC, shall be prepared and recorded as necessary to ensure the development on Lot 1 and Lot 2 (as may be further divided) is accessible by vehicles and residents of the Fairway Knoll property to the west as generally depicted on the proposed General development Plan (GDP).

**ACTION BY COMMITTEE:**

Plan Commission Recommendation:

**APPROVE** amendments to the Blackstone Creek Planned Development District (PDD) as proposed subject to (14) additional conditions as presented by Staff. (6-0)

**APPROVE** the Certified Survey Map (CSM) to re-divide the 143-acre golf course property into two parcels as proposed subject to (3) conditions as presented by Staff (6-0)



RESOLUTION NO. \_\_\_\_-2025

A RESOLUTION TO AMEND THE GENERAL DEVELOPMENT PLAN AND  
CONDITIONS AND RESTRICTIONS FOR THE  
BLACKSTONE CREEK PLANNED DEVELOPMENT DISTRICT (PDD)

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WHEREAS, Section 17.27 of the Village Code provides for the creation of special zoning districts called “Planned Development Districts” that are intended to be unique development regulations that permit greater flexibility and a more creative design and layout for the development of a prescribed area than is possible under conventional zoning district regulations; and

WHEREAS, the creation and use of Planned Development Districts is further intended to promote more economical and efficient use of land while providing a harmonious variety of housing choices, a higher level of amenities, and the preservation of environmental features and natural open spaces; and

WHEREAS, the procedure for creating Planned Development Districts is designed to give a developer approval of a “General Development Plan” before completing the necessary detailed design and site layout work while providing the Village assurances that the land within a Planned Development District will develop consistent with and retain the overall character of the proposed development envisioned at the time of general development plan approval; and

WHEREAS, Section 17.27(4) of the Village Code provides for the adoption of and amendments to a specific set of conditions and restrictions for a Planned Development District that specifies such things as permitted land uses, bulk regulations, density standards, dwelling unit size, building setbacks and open space requirements, building height, architecture, design, and exterior materials, landscaping, etc. deemed necessary and appropriate by the Village to accomplish the adopted general development plan; and

WHEREAS, in 2006, after conducting a public hearing of the petition of VJS Development Group LLC and considering the recommendation of the Plan Commission, the Village Board created the “Blackstone Creek Planned Development District” to regulate land use and development of approximately 251 acres of land including the former Lake Park Golf Course straddling the Menomonee River north of Mequon Road; and

WHEREAS, the Village Board adopted Resolution No. 24-06 adopting a General Development Plan and a set of specific conditions and restrictions to guide residential, commercial, and golf course land uses and development within the Blackstone Creek Planned Development District; and

WHEREAS, since 2006 and most recently in 2016, the Village Board has adopted various amendments to the Blackstone Creek Planned Development District General Development Plan and the set of conditions and restrictions set forth in Resolution No. 19-12 (Exhibit C), Resolution No. 29-12 (Exhibit D), Resolution No. 22-13 (Exhibit E), Resolution No. 23-13 (Exhibit F), and Resolution No. 20-16 (Exhibit G); and

WHEREAS, in 2025, Jim Sedgwick, Heimat Capital LLC, agent for the Blackstone Creek LLC, property owner of approximately 150 acres of land within the Blackstone Creek Planned Development District, proposed a series of amendments to the General Development Plan and to set of conditions and restrictions for the Blackstone Creek Planned Development District that would allow the development of a 205-unit multi-family residential community and a fast-food restaurant with drive-through service within a reconfigured commercial area; and

WHEREAS, the Plan Commission held a public hearing of the proposed amendments on October 13, 2025, and after considering the comments received and the Village staff report & recommendation did take formal action to recommend approval of the proposed amendments subject to the addition of several conditions and restrictions to the Blackstone Creek Planned Development District; and

NOW THEREFORE, BE IT RESOLVED by the Village Board of the Village of Germantown that the amendments proposed by Heimat Capital LLC to the Blackstone Creek Planned Development District are adopted as recommended by the Plan Commission as set in Exhibit A (General Development Plan) and Exhibit B (Conditions & Restrictions); and

BE IT FURTHER RESOLVED that the amended General Development Plan (Exhibit A) and amended set of Conditions & Restrictions (Exhibit B) when combined together with Exhibits C, D, E, F, and G constitute the entire General Development Plan and set of Conditions & Restrictions for the Blackstone Creek Planned Development District.

Adopted: November 3, 2025

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Robert A Soderberg, Village President

ATTEST:

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Donna Ott, Village Clerk

EXHIBIT A  
General Development Plan

DRAFT



LEGEND

A

—

Precedents

I

—

Storm Water

2

—

Building Type A

3

—

Building Type B

4

—

Building Type C

5

—

Garages

6

—

Common House /Club House

7

—

Mail + Packages /Bikes + Maintenance / Amenity Area

8

—

Future 70 Unit Building

9

—

Monument Sign

10

—

Germantown Gateway Element

II

—

Trash/Recycle Enclosure

—

Wetlands

—

Buildable Area (16.792 ac. / 731,462 sf )

—

PEC Extents

—

Floodplain Extents



LEGEND

A

Precedents

I

Storm Water

2

Building Type A  
[19 Units — 10 Garages]

3

Building Type B  
[14 Units — 14 Garages]

4

Building Type C  
[22 Units — 12 Garages]

5

Garages  
[37 Garages]

6

Common House w/  
Patio

7

Mail + Packages /  
Maintenance /  
Amenities

8

Future 70 Unit  
Building

9

Monument Signage

10

Germantown  
Gateway Element

II

Trash/Recycle  
Enclosure  
[6 Trash and Recycling  
Enclosures]

SUMMARY

WALK-UP STYLE UNITS

135 UNITS

RESIDENT GARAGE PARKING

135 SPACES

RESIDENT SURFACE SPACES

135 SPACES

RESIDENT SURFACE PARKING

50 SPACES

[Excludes Future 70 Unit Building & associated parking]



# Precedent Imagery



A. CONNECTION TO AND THROUGH LANDSCAPE



B. INTEGRATE BUILT ENVIRONMENT WITH LANDSCAPE



C. HIGH QUALITY MATERIALS



D. CONNECTION TO TRAILS



E. SHARED ENVIRONMENTS



F. SEMI-URBAN CORE



G. DEDICATED RESIDENT PARKING



H. SHARED OPEN SPACES



EXHIBIT B  
Conditions & Restrictions

**Amendment 1.**

Section 1 of Resolution No. 19-12 (as amended by Resolution Nos. 19-12, 29-12, 22-13, 23-13, and 20-16) is amended as follows where words underlined are to be added and words stricken are to be deleted. [NOTE: Only those portions of this section that are to be amended are shown below. The portion(s) of this section that is/are not being amended are contained in Resolution No. 19-12 or as previously amended by the other resolutions referenced above]:

**Section 1. General Development Plan.**

The revised Master Site Plan for The Glen at Blackstone Creek dated July 8, 2013 shall be considered the General Development Plan for that residential portion of the subject property, including the number, size and orientation of the building, approximate setbacks, and location of access points, except that the following features presented on the Master Site Plan for the Estates at Blackstone Creek dated December 21, 2006, shall be included by reference: (1) the “island hole” recreational golf practice area; (2) the 5’ wide compacted stone neighborhood pathways and benches (but excluding the golf course clubhouse access path); (3) storm water and utility easements; (4) north and south entry wall and planting areas; (5) 10-20 prairie plantings around the storm water detention basins; (6) northernmost storm water basin dedication to the Industrial Park to the west of River Lane; and (7) public sidewalk along River Lane (with the final location and construction details subject to Village approval). The General Development Plan dated July 5, 2016 is supplemented with the General Development Plan dated October 2, 2025, and together shall be the revised General Development Plan for the golf course and commercial area.

The General Development Plan allows for the following uses:

- 136 total residential dwelling units consisting of 62 one- and two-family condominium units and 74 single-family platted lots;
- an 18-hole golf course with a club house and two storage/maintenance buildings;
- bank with drive through lanes;
- funeral home;
- multi-family elderly housing uses, including but limited to: independent living, assisted living, co-housing, memory care and skilled care that are developed consistent with the EH: Elderly Housing Zoning District regulations (as adopted by the Village Board on May 7, 2012)
- a 190-unit senior living community comprised of two (2) buildings with 190 total units comprised of independent living, assisted living and memory care units to the list of permitted uses;
- Restaurant with drive-through service (only on the proposed 1.27-ac commercial site intended for development of a Culver’s restaurant)
- other permitted retail commercial uses listed under the B-1: Neighborhood Business District for the commercial area located in the underlying B-1: Neighborhood Business Zoning District (including the remaining area along Mequon Road intended for commercial development)



- Multi-Family residential uses developed consistent with the Rm-3: Multi-Family District regulations with the following features, limitations and exceptions:
  - a maximum of 205 dwelling units at a density not to exceed ten (10) dwelling units per gross acre (a 20.55-acre development area is proposed)
  - Eight (8) two-story walk up/garden-style, multi-family buildings with a maximum 135 dwelling units
  - Seven (7) detached garage parking structures
  - One (1) multi-family building with a maximum 70 dwelling units (retail commercial uses allowed in the B-1 District on 1st floor only)
  - Club house or shared-use building for residents
  - An amenity-type structure intended to provide or keep mail & package delivery, maintenance equipment and other accessory uses
  - Internal walking paths to provide connectivity to and between Mequon Road, Main Street, and the retail commercial sites (the actual location and timing of construction TBD subject to the potential continued operation of the golf course)

## **Amendment 2.**

Section 5 of Resolution No. 19-12 (as amended by Resolution Nos. 19-12, 29-12, 22-13, 23-13, and 20-16) is amended as follows where words underlined are to be added and words stricken are to be deleted. [NOTE: Only those portions of this section that are to be amended are shown below. The portion(s) of this section that is/are not being amended are contained in Resolution No. 19-12 or as previously amended by the other resolutions referenced above]:

### **Section 5. Architectural Design, Exterior Materials and Building Height.**

The architectural design and materials for the restaurant proposed for the 1.27-ac retail commercial site (intended to be developed with a Culver's restaurant) shall be approved by the Plan Commission through the Site Development & Building Plan approval process.

The architectural design and materials for the multi-family buildings and related amenity features and structures shall be approved by the Plan Commission through the Site Development & Building Plan approval process and shall be generally consistent in quality and materials as presented in the imagery submitted with the amendment application and attached to the General Development Plan in Exhibit A.

**Amendment 3.**

Section 10 of Resolution No. 19-12 (as amended by Resolution Nos. 19-12, 29-12, 22-13, 23-13, and 20-16) is amended as follows where words underlined are to be added and words stricken are to be deleted. [NOTE: Only those portions of this section that are to be amended are shown below. The portion(s) of this section that is/are not being amended are contained in Resolution No. 19-12 or as previously amended by the other resolutions referenced above]:

**Section 10. Building Regulations.**

The building and bulk requirements shall be in accordance with the following:

The minimum parking lot setback requirement in the B-1: Neighborhood Business District under Section 17.45(1)( c) of the Zoning Code shall be reduced from 15 feet to 6 feet for the proposed 1.27-ac retail commercial site (intended for development of a Culver's restaurant)

**Additional Conditions & Restrictions Recommended by the Plan Commission**

The following additional conditions, restrictions, and requirements are added to the Blackstone Creek Planned Development District as recommended by the Village Plan Commission [NOTE: the following list follows the current numbering scheme used in the overall list of Conditions & Restrictions found in Resolution No. 19-12 that ends with Section 17]:

18. Approval of the PDD amendments is subject to completion of all driveway and intersection improvements detailed in the Traffic Impact Analysis (TIA) dated October 9, 2025, prior to or concurrent with the development resulting from the PDD amendments. As deemed necessary by the Village Department of Public Works/Village Engineer, detailed construction plans and right-of-way permits for said improvements shall be prepared, submitted, and approved by the Village Engineer prior to commencing construction.
19. Prior to or concurrent with the submittal of site development & building plans for the multi-family area and remaining commercial sites, in whole or in part, a certified survey map (CSM) land division (or subdivision plat if needed) shall be prepared to formally create parcels as a prerequisite for development of said sites.
20. The applicant has indicated that the internal pathway shown on the General Development Plan (GDP) is intended to be accessible by the general public. If the proposed land exchange agreement with the Village is accepted in the future and all or some of the remaining golf course property is acquired by the Village and converted for public access and park purposes, detailed specifications and an access easement and maintenance agreement with the Village shall be created subject to review and approval by the Village.
21. An overall pedestrian pathway or sidewalk plan showing specifications, how, where and in what timeframe pathways and/or sidewalks providing access to the multi-family residential area and the commercial sites will connect to sidewalks along Mequon Road, Division Road, internally to the commercial sites, and to the Fairway Knoll senior



community shall be prepared by the Applicant as a supplement to the General Development Plan (GDP). Said plan shall be prepared and submitted to the Village for review and approval prior to or concurrent with the submittal of site development plans for the multi-family residential area.

22. All internal streets serving the multi-family residential area and commercial sites shall be constructed to Village standards if intended to be public or to a mutually acceptable set of standards and specifications if intended to be privately constructed, owned, and maintained. Detailed plans and specifications shall be prepared and submitted for Village review and approval prior to or concurrent with detailed site development plans for the multi-family residential area and commercial sites.
23. The General Development Plan (GDP) shows the internal streets and driveways serving the commercial sites as being located outside or beyond the perimeter property lines for the two commercial sites. Because these internal streets and driveway intersections on Mequon Road and Division Road are critical to site accessibility and traffic circulation as reflected in the traffic impact analysis (TIA) dated October 9, 2025, detailed specifications for those internal streets and driveway intersections shall be prepared and submitted for review and approval by the Village. More importantly, the proposed driveways on Mequon Road and on Division Road need to be constructed prior to or concurrent with development of any commercial site.
24. As shown in the General Development Plan (GDP), development within the multi-family residential area includes two multi-family buildings positioned parallel to and setback from the east property line. A landscaped buffer of some significance shall be installed between the buildings and along the easterly property. Said landscaped buffer should be designed and presented as part of a larger landscaping plan for the common areas of the entire residential area and submitted for Village review and approval as part of the detailed site development and building plans for the multi-family residential area.
25. The Applicant shall develop an overall set of design guidelines for review and approval by the Plan Commission that presents details on landscaping, lighting, signage (building, monument, and directional), architecture & design, exterior materials, etc. that will guide the development of the retail commercial sites, multi-family residential area, and all common areas within the remaining areas to be developed in the Blackstone Creek PDD. Said guidelines shall be prepared and submitted for review and approval by the Village Plan Commission prior to or concurrent with the submittal of detailed site development plans for the remaining commercial sites and multi-family residential area [NOTE: specific details on landscaping, lighting, architecture, materials, etc. is currently being reviewed for the first commercial site to be developed with a Culver's restaurant].
26. All items listed in the Village Engineer's August 27, 2025, review memo shall be addressed as part of future development of the multi-family residential area and retail commercial sites. Detailed construction and utility plans meeting all applicable Village Code requirements and requirement is the Village's Development Handbook shall be prepared and submitted for review and approval by the Village for all future multi-family and commercial site development.

27. Given topography across the property from north to south, the multi-family residential area may be able to be served by gravity sewer extended to the south side of the residential area from existing facilities located in Division Road to the east (south of the existing residential condominiums along Division Road). The owner shall explore cooperatively with the Village the possibility of extending water and/or sewer facilities from Division Road as part of future site development and building plans submitted for the multi-family residential area.
28. The Building Inspector has indicated that the submission of state-approved plans shall be required along with a \$20,000 occupancy bond prior to the Village issuing any building permits for the multi-family and commercial buildings.
29. The Applicant shall enter into a Development Agreement if/when deemed necessary with the Village pursuant to Section 18 of the Village Code (Subdivision and Platting), as well as, the preparation of detailed construction plans for any/all public improvements including, but not limited to public street and intersection improvements, sanitary sewer, water, storm water management facilities, master grading and erosion control, landscaping & street trees, open space trails, lighting and signage. At a minimum, said agreement shall require the review and approval of said plans by Village staff prior to the commencement of construction activities and establish the timing for installation of said improvements (or as otherwise provided for therein).
30. The current list of conditions & restrictions governing development within the Blackstone Creek PDD is contained in a series of resolutions resulting from previous amendments to the Blackstone Creek PDD, including Resolution No. 19-12 that was subsequently amended by Resolution Nos. 29-12, 22-13, 23-13, and 20-16. As deemed necessary by Village Staff, if the proposed PDD amendments are approved, in whole or in part, Village shall Staff create a new document containing a compilation of all valid conditions & restrictions, including the addition of all conditions adopted herein, into one updated document.



EXHIBIT C  
Resolution No. 19-12

DRAFT

**RESOLUTION No. 19- 12**

**AMENDING RESOLUTION NO. 24-06 CONTAINING CONDITIONS AND  
RESTRICTIONS FOR THE BLACKSTONE CREEK PLANNED DEVELOPMENT  
DISTRICT (PDD)**

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**WHEREAS**, The Blackstone Creek Planned Development District (PDD) was created on April 18, 2006; and

**WHEREAS**, The Village Board adopted Resolution No. R24-06 creating specific conditions and restrictions for the Blackstone Creek PDD was adopted by the Village Board on April 18, 2006; and

**WHEREAS**, Section 17.27(4) of the Village Code allows for the adoption of and amendments to conditions and restrictions for all Planned Development Districts that specify permitted uses, establish bulk regulations, density standards, dwelling unit size, yard setbacks, etc; and

**WHEREAS**, The Village Board adopted Resolution Nos. 04-07, 21-08, 35-09, and 15-11 that amended various conditions and restrictions set forth in the original conditions & restrictions resolution (Resolution No. R24-06), and, on August 15 and September 19, 2011, adopted further revisions to the conditions and restrictions for the Blackstone Creek PDD; and

**WHEREAS**, River Lane Holdings LLC, property developer and successor to the original developer, Blackstone Creek Land Company, LLC,. has requested approval for a series of amendments to the Blackstone Creek PDD as it pertains to development of the Glen at Blackstone Creek, including revisions to the Master Site Plan, pre-approved building plans for certain home types to be constructed; landscaping plans; and other conditions and requirements set forth in the Conditions and Restrictions Resolution No. R24-06; and

**WHEREAS**, the Village Plan Commission did, on January 23 and February 27, 2012, review said PDD amendments and subsequently recommended that the Village Board approve some of the proposed amendments to the Blackstone Creek PDD and Resolution No. R24-06; and

**WHEREAS**, the Village Board Plan Commission did, on March 5, 2012, approve the proposed amendments to the Blackstone Creek PDD, and, on July 16, 2012, approve the final subdivision plat for "the Glen at Blackstone Creek"; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Germantown hereby approves and adopts the following amendments to the conditions & restrictions applicable to the Blackstone Creek PDD (originally adopted in Resolution No. R24-06 and subsequently amended):

1. **General Development Plan.** The revised Master Site Plan for The Glen at Blackstone Creek dated December 12, 2011 but having a revision date of March 1, 2012, shall be considered the General Development Plan for that portion of the subject property, including the number, size and orientation of the building, approximate setbacks, and location of access points, except that the following features presented on the Master Site Plan for the Estates at Blackstone Creek dated December 21, 2006, shall be included by reference: (1) the "island hole" recreational golf practice area; (2) the 5' wide compacted stone neighborhood pathways and benches (but excluding the golf course clubhouse access path); (3) storm water and utility easements; (4) north and south entry wall and planting areas; (5) 10-20- prairie plantings around the storm water detention basins; (6) northernmost storm water basin dedication to the Industrial Park to the west of River Lane; and (7) public sidewalk along River Lane (with the final location and construction details subject to Village approval). The Master Site Plan dated February 12, 2006, shall be considered the General Development Plan for the golf course clubhouse and the commercial area known as the Shops at Blackstone Creek.

The General Development Plan allows for the following uses: 136 total residential dwelling units consisting of 62 one- and two-family condominium units and 74 single-family platted lots, seven (7) commercial buildings, a golf clubhouse and 18 hole golf course, including a restaurant with outdoor seating area, bank with drive through lanes, funeral home, and any other permitted uses listed under the B-1, Neighborhood Business District zoning requirements.

The revised Master Site Plan for The Glen at Blackstone Creek reflects the 74 lots created by the Glen at Blackstone Creek subdivision plat. The dwellings to be constructed on these units will not be any of the pre-approved model types to be developed elsewhere in the residential development. These units will be marketed and available for development by other home builders with their own architecture, design, and site layout for the single-family homes allowed on these units. These units will continue to be part of the overall condominium development subject to the same amenities, road and common area maintenance requirements, as well as, the same exterior material and all other applicable provisions in the Blackstone Creek PDD Conditions and Restrictions resolution and a separate Declaration of Covenants, Conditions & Restrictions of the Glen at Blackstone Creek Subdivision.



2. **Compliance with Section 24.04(4)(c) Shoreland Wetland Zoning Code.** The project, shall comply with current Village Wetland Codes including maintaining a no touch 25-foot setback from all mapped wetlands and 75-foot setback from the Ordinary High Water Mark of any navigable stream. All mapped wetlands shall be reviewed by either the DNR or ACOE for concurrence.
3. **Compliance with the Village Floodplain Ordinance.** The project shall comply with all requirements listed in Chapter 23 of the Village's Floodplain Zoning Ordinance.
4. **Storm Water Detention.** A storm water management plan shall be submitted to the Plan Commission for approval, and as approved, shall be strictly carried out and complied with by Developer and/or Developer's successor and assigns. The Developer shall prepare and submit plans for storm water drainage facilities adequate to accommodate expected surface water flow within and through the Development to the Village Engineer and MMSD, and such plans, as approved by the Village Engineer and MMSD, shall be strictly carried out and complied with by Developer and/or Developer's successor and assigns. Developer shall construct storm water management areas and storm water retention/detention areas strictly in accordance with the approved General Development Plan, and all other plan approvals by the Village Board, the Plan Commission, the Village Engineer and MMSD.

Developer and Developer's successors and assigns shall be responsible for all on-going maintenance of the storm water management areas and storm water facilities in perpetuity, so that they accommodate surface water flow within and through the Development to design standards at all times in the future. The Developer and/or any successors in interest or assigns may, at its or their option, establish an entity with a perpetual existence organized under the laws of the State of Wisconsin, for the purpose of assuming and discharging such obligations and responsibilities in connection with the perpetual maintenance of the storm water management areas and facilities. In the event that Developer, or any successors or assigns, or an entity created hereunder, shall, in the opinion of the Village Engineer, fail to adequately discharge such obligations and responsibilities to maintain such storm water management areas and facilities so that there is no diminution in performance or adequacy to accommodate surface water flow within and through the Development to design standards, then the Village may perform such work as is necessary to restore, repair, rehabilitate or maintain the storm water management areas and facilities so that they accommodate surface water flow within and through the Development to design standards, and shall thereupon charge back the cost of such work to each

property in the Development proportionately, pursuant to Section 66.0627, Wis. Stats.

5. **Architectural Design, Exterior Materials and Building Height.** Final architectural design, exterior materials and building heights of the commercial buildings shall be consistent with the conceptual elevation drawings included in the General Development Plan submittal packet. The maximum building height for the commercial buildings shall be 35', measured at the front side of the building, however, the Plan Commission may permit, after review at a regularly scheduled meeting, the height limit to be exceeded for architectural projections such as spires, parapet walls, cupolas, domes, and the like. The maximum height for the residential buildings shall be 35'.

Residential condominium dwelling units shall be developed consistent with the building plans and elevations for the pre-approved models (i.e. Palazzo, Portico and Promenade) dated July 22, 2009 for Unit Nos. 1 through 174 (except for the already constructed units 21, 22, 65, 66, 68, 105, 106, 111, 118, 120, 121, 133 through 138, and, the 74 single-family dwellings on platted lots/units #1 through #74.

Exterior materials for the residential condominium and subdivision dwelling units and clubhouse shall be consistent with the materials board submitted to the Village, which includes, but is not limited to the use of: 25-year dimensional shingles, cement board trim & siding, cultured stone, brick and block. Other manufacturers and/or suppliers of fiber cement board siding and trim products and other comparable siding and trim products made from natural materials (e.g. cedar siding) or composite materials may be approved by the Village Planner. However, this allowance specifically prohibits the use of vinyl, aluminum, T-111 plywood and other similar lower-grade materials.

The street-facing elevations of the following "double frontage" condominium dwelling units shall be enhanced with additional architectural features (e.g. hip roofs, gable roof, dormers), additional stone/brick materials and additional landscaping in addition to the features shown in the model building elevation plans and foundation planting landscape plans: Unit Nos. 1 through 16, 104, 107 through 115, 116, 123, 131, 140, and 141 (as shown in the revised Master Site Plan for the Glen at Blackstone Creek). Separate plans showing these enhancements shall be prepared and submitted to the Planning Department for review and approval prior to issuance of a building permit. The development of full or partially-exposed basement units along River Lane shall not be permitted unless and until additional materials, berms and/or landscaping is installed to

provide an enhanced visual buffer along River Lane. Separate landscaping plans showing these enhancements shall be prepared and submitted to the Planning Department for review and approval prior to issuance of a building permit for any condominium dwelling unit with a rear elevation facing River Lane that contains any exposed basement elevation.

The Developer shall prepare a written document detailing the means and/or limitations by which the model unit type, architectural design, building elevations or features, exterior materials or color, etc., used for each dwelling unit will be altered and/or varied so as to avoid the potential for a monotonous appearance that may result from constructing the same models or using the same materials on consecutive or abutting dwelling units. Said document shall be submitted to the Planning and Building Inspection Departments for review and approval prior to issuing any new building permits for the condominium dwelling units after the adoption date of this Resolution.

The following requirements shall apply to all dwellings constructed on the single-family platted lots:

- a. All dwellings shall be sided with natural materials which shall include cement board siding. Fascia and soffit may be aluminum. All corners shall include 6" trim boards, and all windows shall have minimum 4" window wraps and window grills on all elevations. All garage doors facing the street shall be decorative garage doors with either glass inserts or have architectural design such as carriage style or similar. All residences must have a minimum of 125sf of stone on the front elevation.
- b. All dwellings shall have a roof made of 30-year warranted dimensional shingles, or better, with a minimum pitch ratio of 6:12.
- c. For Lots #1 through #9 the rear elevation of all residences abutting River Lane shall have a minimum of: one (1) rear-facing gable; one (1) significant articulation change, e.g. recess, jog, projection, etc. in the rear-facing foundation and building; and one (1) significant architectural features (and not just ornamentation), e.g. bay window or fireplace bump out or similar feature. The Village shall review and approve the proposed building plans for homes constructed on Lots #1 through #9 to ensure consistency with the current PDD intent and requirements.

All single-family dwelling fences are subject to applicable zoning ordinances, governmental easements and building codes. No fences shall be greater in



height than forty-eight (48) inches. Chain-link or stockade fences are not allowed. No fences shall be permitted in the front yard area except for decorative wood or stone type fences in the areas of the corner of each Lot. On corner lots, side-yard fences cannot extend beyond the building setback line. Fences shall be installed no closer than one foot from any property line. Any fence placed on a public easement area or Common Area is done so at the owner's own risk and expense. No perimeter privacy fencing shall be installed in the rear yards of Lots 1-9.

6. **Public Utilities.** Sanitary sewer, water and storm sewer shall be installed to Village standards. Sanitary sewer, storm sewer and water extensions throughout the Property shall be made from existing Village facilities, the precise design of which shall be coordinated with the Village Engineer and approved by the Public Works Committee.
7. **Specific Lighting and Landscaping Plans.** The Developer shall submit specific lighting and landscaping plans to the Plan Commission and such plans require final approval from the Village Plan Commission. Lighting and landscaping schemes must comply with Village guidelines. All landscaping shall be maintained per the approved landscaping plan by the property owners for the life of the property. No Occupancy Permits shall be issued until all landscaping and exterior lighting in the vicinity of the subject building has been installed and inspected by the Planning Department. Due to time of year, the Plan Commission may grant planting extensions upon the submittal of a letter of credit and / or cash deposit in the amount of the cost of the landscaping. All landscaping and lighting of the common areas shall be completed in accordance with the original landscaping plans dated May 2, 2007, except as revised under new landscaping plans for the South Blackstone Creek entrance dated September 3, 2009, the clubhouse and common area plans dated September 3, 2009.

All condominium residential dwelling units shall be landscaped consistent with the foundation landscape plans dated September 3, 2009, and supplemented with at least one (1) additional deciduous street/shade tree and one (1) additional deciduous ornamental tree to be planted in the front or street yard of each unit subject to approval by the Village Planning Department.

All single-family platted lots shall be landscaped with: (1) a minimum of 8 plantings (bushes, shrubs or similar not smaller than 18"); (2) an additional 8 plantings (medium or large but greater than 24"); (3) one 2" caliper ornamental tree which shall be installed in the front yard of the lot; and (4) two deciduous

"hardwood" trees at least 10' in height which shall be installed in the front yard of the Lot one each side of the driveway.

Revised berm and landscape plans (labeled "Sheet 12" dated May 9, 2012 with a June 6, 2012 date received stamp and a second sheet with no label date stamped May 14, 2012) were approved by the Plan Commission on June 11, 2012. These plans provide for additional landscaping/berming and are intended to supplement the original landscape plans for the 35' wide landscape easement area along River Lane and the 80' wide landscape/berm area along the north property line. As approved by the Plan Commission, the following is required:

The additional ten (10) evergreen trees to be planted along the north property line shall be Spruce and a minimum of 8-10' when planted;

The additional fifteen (15) ornamental deciduous trees allowed to be planted in the right-of-way along River Lane shall be Cleveland Select Pear, a minimum of 2.5" caliper, maintained by the developer and/or subdivision Homeowner's Association for five years after planting; and be installed in the right-of-way in cooperation with the Village Public Works Department.

Said landscape plans shall be fully implemented with the installation of the additional landscaping items within one (1) year after approval of the final subdivision plat.

8. **Signage.** All permanent exterior signs require Plan Commission approval. The commercial area shall be granted the following signage:
  - a. Three (3) monument style signs along Mequon Road with a maximum height of 7'. Each sign shall not exceed 80 square feet per side, with a maximum of 160 square feet for all sides.
  - b. Two (2) monument style signs along River Lane with a maximum height of 7'. Each sign shall not exceed 40 square feet per side, with a maximum of 80 square feet for all sides.
  - c. Each commercial building shall be allowed tenant signage in accordance with the Village sign regulations.

The Glen at Blackstone Creek residential area (which includes dwelling units in both the condominium and subdivision platted areas) shall be granted a total of 128 sqft of temporary real estate signage; a total of 96 sqft above the standard allowance of 32 sqft under the Village's sign regulations.

9. **Development Agreement Required.** The Development Agreement shall be reviewed by the Public Works Committee and approved by the Village Board.
10. **Building Regulations.** The building and bulk requirements shall be in accordance with the following:

*The Glen at Blackstone Creek: Condominium Dwelling Units*

Allow more than one building per lot.

Building Setbacks from:

River Lane: 30' minimum setback

Internal Road: 50' minimum setback from centerline of road

Building Separation: 20' minimum

Building Height: 35' maximum

Lot Coverage: 30% maximum

Parking: Each unit shall have two enclosed parking stalls

Dwelling Size: Each condominium unit shall have a minimum of 1500 SF

*The Glen at Blackstone Creek: Subdivision Dwelling Units*

Only one single-family residence may be constructed on each Lot. Storage sheds or outbuildings of any size, temporary or permanent, shall not be permitted on any Lot for any reason.

Building Setbacks from/in:

River Lane: As shown on Subdivision Plat

Internal Road: As shown on Subdivision Plat

North Lot line: 100' minimum setback except for Lot Nos. 10 and 14 where the minimum setback shall be not less than 80'

East Lot line: As shown on Subdivision Plat

Street Yard: As shown on Subdivision Plat

Rear Yard: As shown on Subdivision Plat

Side Yard: As shown on Subdivision Plat

Building Separation: 20' minimum

Building Height: 35' maximum

Lot Coverage: 30% maximum

Dwelling Size:

One story: 1,750 square feet

More than one story: 2,150 square feet



For purposes herein, "more than one story" includes residences referred to as one and a half story, two story, split level or bi-level. The number of square feet shall not include basement, attic, garage, porch or patio areas in the computation.

**Parking/Garage:** Each dwelling shall have an attached garage for not less than 2 cars containing a minimum of 440 square feet.

**Dog Kennels:** Dog kennels shall be set back at least ten (10) feet from any property line and shall not extend more than ten (10) feet from the adjacent single family home or attached garage.

**Play sets:** Any play set, whether temporary or permanent, must be located within the building setback areas as defined on the Final Subdivision Plat.

**The Shops at Blackstone Creek**

Allow more than one building per lot.

**Building Setbacks from:**

|                |             |
|----------------|-------------|
| Mequon Road:   | 30' minimum |
| Division Road: | 30' minimum |
| Rear Yard:     | 8' minimum  |
| Side Yard:     | 8' minimum  |
| Parking Lot:   | 5' minimum  |

**Building Separation:** 70' minimum

**Building Height:** 35' maximum (measured at the front of the building)

**Parking:** The parking shall be 1 stall per 200 SF of floor area

- 11. Access.** All commercial buildings within the PDD shall have two shared access points from Mequon Road and one access point from Division Road. Recorded cross access easements shall be provided to the Village of Germantown and kept on file with the Village Planning Department prior to issuance of any building permit. The residential Estates at Blackstone Creek shall be served by two road connections to River Lane. All residential buildings within the PDD shall have internal access to a private road system with no direct access to River Lane.

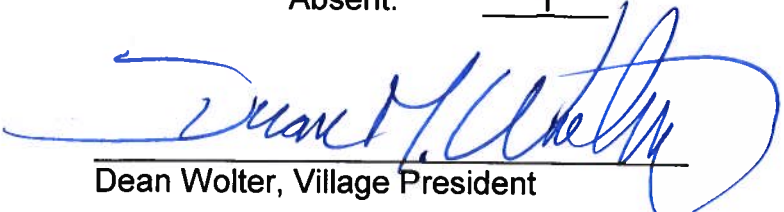
12. **Entrance Design & Parking Lot Standards.** Entrance curb openings shall be designed and built only after review and approval of location and sizing by the Village Engineer on Mequon Road and Division Road. All parking lots shall have a minimum of 18" curb and gutter.
13. **Garbage Collection.** Garbage and refuse collection and disposal shall be assured by requirements in the Covenants, Conditions & Restrictions for the Condominium Association and the Glen at Blackstone Creek Subdivision to permanently indemnify the Village of any and all collection and disposal responsibilities. All garbage containers shall be properly screened from any public right-of-way.
14. **Maintenance of Interior Roadways and Open Space.** Permanent maintenance on the interior roadways, parking lots and storm water retention areas shall be assured by requirements in the Covenants, Conditions & Restrictions for the Condominium Association and the Glen at Blackstone Creek Subdivision to permanently release the Village of any and all maintenance responsibilities.
15. **Deed Restrictions/Condominium Documents.** The applicant shall submit a copy of the subdivision deed restrictions and condominium documents, including any revised documents required as a result of approved revisions to the development plans for the residential condominium and subdivision plat development known as The Glen at Blackstone Creek, to the Village Attorney for review and approval prior to building permit issuance. The documents shall contain language regarding the existing industrial property to the north and identify the existing operations including noise, odor, vibration, trucking, and general appearance of said operations.
16. **Blasting.** The applicant shall receive Village approvals of blasting permits prior to commencing any blasting activities. All blasting activities shall comply with all Federal, State and Local requirements.
17. **Indemnification.** The Developer and/or Condominium Association shall indemnify the Village of Germantown from any responsibility in the event the Village needs to work within the Village's utility/storm water easements lying within the South Blackstone Court cul-de-sac median (see September 2, 2009 Engineering Department memo).

Village of Germantown  
Resolution No. 19 - 12  
Blackstone Creek PDD Conditions & Restrictions  
Page 11 of 11

Introduced by Trustee: Vanderheiden

Date Adopted: July 16, 2012

|       |         |          |
|-------|---------|----------|
| Vote: | Ayes:   | <u>7</u> |
|       | Nays:   | <u>0</u> |
|       | Absent: | <u>1</u> |

  
\_\_\_\_\_  
Dean Wolter, Village President

ATTEST:

  
\_\_\_\_\_  
Christine M. Micka, Acting Village Clerk

This instrument drafted by:  
Jeffrey W. Retzlaff, AICP, Director, Community Development Department, Village of Germantown



EXHIBIT D  
Resolution No. 29-12

DRAFT

## RESOLUTION NO. R29 - 12

### AMENDING RESOLUTION NO. 19-12 CONTAINING CONDITIONS AND RESTRICTIONS FOR THE BLACKSTONE CREEK PLANNED DEVELOPMENT DISTRICT (PDD)

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**WHEREAS**, The Blackstone Creek Planned Development District (PDD) was created on April 18, 2006; and

**WHEREAS**, Section 17.27(4) of the Village Code allows for the adoption of and amendments to conditions and restrictions for all Planned Development Districts that specify permitted uses, establish bulk regulations, density standards, dwelling unit size, yard setbacks, etc; and

**WHEREAS**, The Village Board originally adopted Resolution No. 24-06 creating specific conditions and restrictions for the Blackstone Creek PDD was adopted by the Village Board on April 18, 2006; and

**WHEREAS**, The Village Board adopted Resolution No. 19-12 on July 16, 2012 that amended various conditions and restrictions set forth in the original conditions & restrictions resolution (Resolution No. 24-06); and

**WHEREAS**, Matt Neumann, agent for MN Holdings Inc., property developer and successor to the original developer, has requested a further amendment to the Blackstone Creek PDD as it pertains to the landscaping requirements for the single-family lots in the Glen at Blackstone Creek Subdivision; and

**WHEREAS**, the Village Plan Commission did, on November 26, 2012, review said amendment and subsequently recommend that the Village Board approve the proposed amendment to the Blackstone Creek PDD and Resolution No. 19-12; and

**WHEREAS**, the Village Board Plan Commission did, on December 17, 2012, review and approve the proposed amendment to the Blackstone Creek PDD; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Germantown hereby approves and adopts the following amendment to Condition No. 7 in the Conditions & Restrictions Resolution No. 19-12 for the Blackstone Creek PDD where words underlined are to be added and words ~~stricken~~ are to be deleted:

7. **Specific Lighting and Landscaping Plans.** The Developer shall submit specific lighting and landscaping plans to the Plan Commission and such plans require final approval from the Village Plan Commission. Lighting and landscaping schemes must comply with Village guidelines. All landscaping shall be maintained per the approved landscaping plan by the property owners for the life of the property.

No Occupancy Permits shall be issued for a condominium unit until all

landscaping and exterior lighting in the vicinity of the subject building has been installed and inspected by the Community Development Planning Department. Due to the time of year or other weather-related circumstances, the Village Plan Commission may issue an occupancy permit for a condominium unit and defer installation of the landscaping to an appropriate time grant planting extensions upon the submittal of a letter of credit and/or cash deposit in an the amount equal to of the cost of the landscaping.

For all single-family lots (Lot #1 to #74), the Glen at Blackstone Creek Subdivision Homeowner's Association shall ensure installation of all required landscaping through provisions in and the enforcement of Section 2.6 in the Declaration of Covenants. Said covenants shall require the collection of a \$1,500 financial guarantee at the time of each lot closing to ensure the installation of all required landscaping within 60 days after closing, or, within sixty (60) days of proper growing conditions (mid-April to mid-October). Section 2.6 of said covenants cannot be further amended without the approval of the Village.

All landscaping and lighting of the common areas shall be completed in accordance with the original landscaping plans dated May 2, 2007, except as revised under new landscaping plans for the South Blackstone Creek entrance dated September 3, 2009, the clubhouse and common area plans dated September 3, 2009.

All condominium residential dwelling units shall be landscaped consistent with the foundation landscape plans dated September 3, 2009, and supplemented with at least one (1) additional deciduous street/shade tree and one (1) additional deciduous ornamental tree to be planted in the front or street yard of each unit subject to approval by the Village Planning Department.

All single-family platted lots shall be landscaped with: (1) a minimum of 8 plantings (bushes, shrubs or similar not smaller than 18"); (2) an additional 8 plantings (medium or large but greater than 24"); (3) one 2" caliper ornamental tree which shall be installed in the front yard of the lot; and (4) two deciduous "hardwood" trees at least 10' in height which shall be installed in the front yard of the Lot one each side of the driveway.

Revised berm and landscape plans (labeled "Sheet 12" dated May 9, 2012 with a June 6, 2012 date received stamp and a second sheet with no label date stamped May 14, 2012) were approved by the Plan Commission on June 11, 2012. These plans provide for additional landscaping/berming and are intended to supplement the original landscape plans for the 35' wide landscape easement



area along River Lane and the 80' wide landscape/berm area along the north property line. As approved by the Plan Commission, the following is required:

The additional ten (10) evergreen trees to be planted along the north property line shall be Spruce and a minimum of 8-10' when planted;

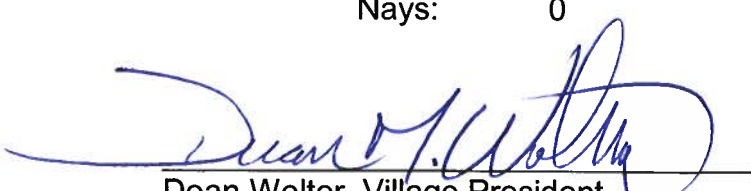
The additional fifteen (15) ornamental deciduous trees allowed to be planted in the right-of-way along River Lane shall be Cleveland Select Pear, a minimum of 2.5" caliper, maintained by the developer and/or subdivision Homeowner's Association for five years after planting; and be installed in the right-of-way in cooperation with the Village Public Works Department.

Said landscape plans shall be fully implemented with the installation of the additional landscaping items within one (1) year after approval of the final subdivision plat.

Introduced by Trustee: Hughes

Date Adopted: December 17, 2012

Vote: Ayes: 9  
Nays: 0

  
Dean Wolter, Village President

ATTEST:

  
Barbara K. D. Goeckner, Village Clerk

This instrument drafted by:  
Jeffrey W. Retzlaff, AICP, Director, Community Development Department, Village of Germantown

EXHIBIT E  
Resolution No. 22-13

DRAFT

RESOLUTION NO. 22 - 13

AMENDING RESOLUTION NO. 19-12 CONTAINING CONDITIONS AND  
RESTRICTIONS FOR THE BLACKSTONE CREEK PLANNED DEVELOPMENT  
DISTRICT (PDD) - COMMERCIAL AREA

---

**WHEREAS**, The Blackstone Creek Planned Development District (PDD) was created on April 18, 2006; and

**WHEREAS**, Section 17.27(4) of the Village Code allows for the adoption of and amendments to conditions and restrictions for all Planned Development Districts that specify permitted uses, establish bulk regulations, density standards, dwelling unit size, yard setbacks, etc; and

**WHEREAS**, The Village Board originally adopted Resolution No. 24-06 creating specific conditions and restrictions for the Blackstone Creek PDD was adopted by the Village Board on April 18, 2006; and

**WHEREAS**, The Village Board adopted Resolution No. 19-12 on July 16, 2012 that amended various conditions and restrictions set forth in the original conditions & restrictions resolution (Resolution No. 24-06); and

**WHEREAS**, Jim Sedgwick, VJS Development Group LLC, agent for Germantown commerce Center LLC, property owner, has requested further amendments to the Blackstone Creek PDD as it pertains to the commercial area previously known as "the Shops at Blackstone Creek" in the Blackstone Creek PDD; and

**WHEREAS**, the Village Plan Commission did, on June 10, 2013, review said amendment and subsequently determine that the proposed amendments are "minor" and recommend that the Village Board approve the proposed amendments to the Blackstone Creek PDD and Resolution No. 19-12; and

**WHEREAS**, the Village Board Plan Commission did, on July 15, 2013, review and approve the proposed amendments to the Blackstone Creek PDD; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Germantown hereby approves and adopts the following amendments to the Conditions & Restrictions Resolution No. 19-12 and General Development Plan:

**Section 1.** Section 1 of Resolution No. 19-12 is amended as follows where words underlined are to be added and words ~~stricken~~ are to be deleted:

4. **General Development Plan.** The revised Master Site Plan for The Glen at Blackstone Creek dated December 12, 2011 but having a revision date of March 1, 2012, shall be considered the General Development Plan for that portion of the subject property, including the number, size and orientation of the building, approximate setbacks, and location of access points, except that the following features presented on the Master Site Plan for the Estates at Blackstone Creek

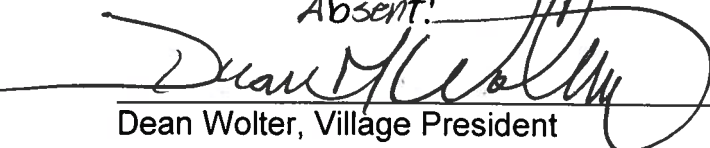


dated December 21, 2006, shall be included by reference: (1) the "island hole" recreational golf practice area; (2) the 5' wide compacted stone neighborhood pathways and benches (but excluding the golf course clubhouse access path); (3) storm water and utility easements; (4) north and south entry wall and planting areas; (5) 10-20 prairie plantings around the storm water detention basins; (6) northernmost storm water basin dedication to the Industrial Park to the west of River Lane; and (7) public sidewalk along River Lane (with the final location and construction details subject to Village approval). The Master Site Plan dated February 12, 2006, shall be considered the General Development Plan for the golf course clubhouse. The Master Site Plan dated July 8, 2013 shall be considered the General Development Plan for the commercial area formerly known as and the commercial area known as the Shops at Blackstone Creek.

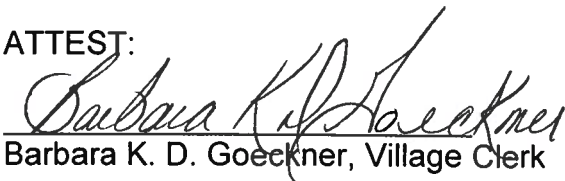
The General Development Plan allows for the following uses: 136 total residential dwelling units consisting of 62 one- and two-family condominium units and 74 single-family platted lots, six (6) ~~seven (7)~~ commercial buildings, a golf clubhouse and 18 hole golf course, including a restaurant with outdoor seating area, bank with drive through lanes, funeral home, and any other permitted uses listed under the B-1, Neighborhood Business District zoning requirements.

Introduced by Trustee: Zabel Date Adopted: July 15, 2013

Vote: Ayes: 8  
Nays: 0  
Absent: 1

  
Dean Wolter, Village President

ATTEST:

  
Barbara K. D. Goeckner, Village Clerk

This instrument drafted by:  
Jeffrey W. Retzlaff, AICP, Director, Community Development Department, Village of Germantown

EXHIBIT F  
Resolution No. 23-13

DRAFT

**RESOLUTION NO. 23 - 13**

**AMENDING RESOLUTION NO. 19-12 CONTAINING CONDITIONS AND  
RESTRICTIONS FOR THE BLACKSTONE CREEK PLANNED DEVELOPMENT  
DISTRICT (PDD) - RESIDENTIAL AREA**

-----

**WHEREAS**, The Blackstone Creek Planned Development District (PDD) was created on April 18, 2006; and

**WHEREAS**, Section 17.27(4) of the Village Code allows for the adoption of and amendments to conditions and restrictions for all Planned Development Districts that specify permitted uses, establish bulk regulations, density standards, dwelling unit size, yard setbacks, etc; and

**WHEREAS**, The Village Board originally adopted Resolution No. 24-06 creating specific conditions and restrictions for the Blackstone Creek PDD was adopted by the Village Board on April 18, 2006; and

**WHEREAS**, The Village Board adopted Resolution No. 19-12 on July 16, 2012 that amended various conditions and restrictions set forth in the original conditions & restrictions resolution (Resolution No. 24-06); and

**WHEREAS**, Jim Sedgwick, VJS Development Group LLC, agent for Germantown commerce Center LLC, property owner, has requested further amendments to the Blackstone Creek PDD as it pertains to the commercial area previously known as "the Shops at Blackstone Creek" in the Blackstone Creek PDD; and

**WHEREAS**, the Village Plan Commission did, on June 10, 2013, review said amendment and subsequently determine that the proposed amendments are "minor" and recommend that the Village Board approve the proposed amendments to the Blackstone Creek PDD and Resolution No. 19-12; and

**WHEREAS**, the Village Board Plan Commission did, on July 15, 2013, review and approve the proposed amendments to the Blackstone Creek PDD; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Germantown hereby approves and adopts the following amendments to the Conditions & Restrictions Resolution No. 19-12 and General Development Plan:

**Section 1.** Section 1 of Resolution No. 19-12 is amended as follows where words underlined are to be added and words ~~stricken~~ are to be deleted:

5. **General Development Plan.** The revised Master Site Plan for The Glen at Blackstone Creek dated July 8, 2013 ~~December 12, 2011~~ but having a revision date of ~~March 4, 2012~~, shall be considered the General Development Plan for that residential portion of the subject property, including the number, size and orientation of the building, approximate setbacks, and location of access points, except that the following features presented on the Master Site Plan for the



Estates at Blackstone Creek dated December 21, 2006, shall be included by reference: (1) the "island hole" recreational golf practice area; (2) the 5' wide compacted stone neighborhood pathways and benches (but excluding the golf course clubhouse access path); (3) storm water and utility easements; (4) north and south entry wall and planting areas; (5) 10-20 prairie plantings around the storm water detention basins; (6) northernmost storm water basin dedication to the Industrial Park to the west of River Lane; and (7) public sidewalk along River Lane (with the final location and construction details subject to Village approval). The Master Site Plan dated February 12, 2006, shall be considered the General Development Plan for the golf course clubhouse. The Master Site Plan dated July 8, 2013 shall be considered the General Development Plan for the commercial area formerly known as and the commercial area known as the Shops at Blackstone Creek.

The General Development Plan allows for the following uses: 136 total residential dwelling units consisting of 61 ~~62~~ one- and two-family condominium units and 75 ~~74~~ single-family platted lots, six (6) ~~seven (7)~~ commercial buildings, a golf clubhouse and 18 hole golf course, including a restaurant with outdoor seating area, bank with drive through lanes, funeral home, and any other permitted uses listed under the B-1, Neighborhood Business District zoning requirements.

**Section 2.** Paragraph 4 in Section 5 of Resolution No. 19-12 is amended as follows where words underlined are to be added and words ~~stricken~~ are to be deleted:

**6- Architectural Design, Exterior Materials and Building Height.**

... [paragraph 4]

The street-facing elevations of the following "double frontage" condominium dwelling units abutting shall be enhanced with additional architectural features (e.g. hip roofs, gable roof, dormers), additional stone/brick materials and additional landscaping in addition to the features shown in the model building elevation plans and foundation planting landscape plans: Unit Nos. 1 through 16, 104, 107 through 115, 116, 123, 131, 140, and 141 (as shown in the revised Master Site Plan for the Glen at Blackstone Creek). For those "double frontage" units granted occupancy after July 1, 2013, the above requirements are clarified as set forth below.

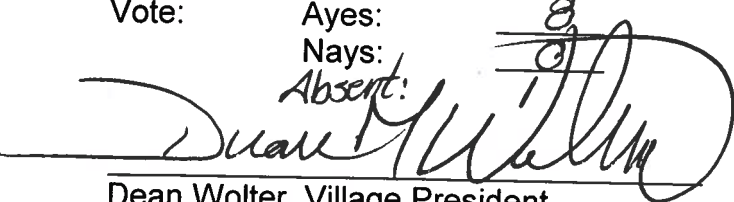
The above requirement for "additional architectural features" is clarified to mean the following: the street-facing elevation of all condominium units abutting River Lane shall have a minimum of one (1) street-facing gable; one (1) significant articulation change, e.g. recess, projection, etc. in the street-facing foundation and building; and one (1) significant architectural feature, e.g. bay window, fireplace bump out, dormer or other similar feature. The pre-approved model home designs that include recessed courtyards are deemed to satisfy the articulation requirement."

The above requirement for "additional landscaping" for the "double frontage" units is clarified to mean the following: this requirement shall apply only to Units 107 through 115 and is quantified to mean three (3) trees per condo unit where each tree has a minimum planted size of 3" caliper for deciduous trees and 8' for evergreen trees. For Unit Nos. 141, 140, 131, 116 and 104, an additional two (2) trees are required in the side/street yard in any combination of deciduous or evergreen."

The above requirement for "additional stone/brick materials" for the "double frontage" units is clarified to mean the following: the street-facing (River Lane) elevation of all condominium units abutting River Lane shall have additional brick or stone materials in an amount equal to twenty-five percent of the exterior wall (not counting windows or doors) on the River Lane facing elevation.

Introduced by Trustee: Zabel Date Adopted: July 15, 2013

Vote: Ayes: 8  
Nays: 0  
Absent: 1

  
Dean Wolter, Village President

ATTEST:

  
Barbara K. D. Goeckner, Village Clerk

This instrument drafted by:  
Jeffrey W. Retzlaff, AICP, Director, Community Development Department, Village of Germantown

EXHIBIT G  
Resolution No. 20-16

DRAFT



**RESOLUTION No. 20 - 16**

**AMENDING RESOLUTION NO. 19-12 (AS AMENDED) CONTAINING CONDITIONS  
AND RESTRICTIONS FOR THE BLACKSTONE CREEK PLANNED DEVELOPMENT  
DISTRICT (PDD); AMENDING CERTAIN CONDITIONS CONTAINED THEREIN  
PERTAINING TO THE DEVELOPMENT OF A 190-UNIT SENIOR LIVING  
COMMUNITY BY PRESBYTERIAN HOMES OF WI INC.**

-----

**WHEREAS**, The Blackstone Creek Planned Development District (PDD) was created on April 18, 2006; and

**WHEREAS**, Section 17.27(4) of the Village Code allows for the adoption of and amendments to conditions and restrictions for all Planned Development Districts that specify permitted uses, establish bulk regulations, density standards, dwelling unit size, yard setbacks, etc; and

**WHEREAS**, The Village Board originally adopted Resolution No. 24-06 creating specific conditions and restrictions for the Blackstone Creek PDD was adopted by the Village Board on April 18, 2006; and

**WHEREAS**, The Village Board adopted Resolution No. 19-12 on July 16, 2012, Resolution No. 29-12 on December 17, 2012, Resolution Nos. 22-13 and 23-13 on July 15, 2013 that amended various conditions and restrictions set forth in the original conditions & restrictions resolution (Resolution No. 24-06); and

**WHEREAS**, The Village Board did, on May 7, 2012, adopted Rezoning Ordinance No. 5-12 to expand an area zoned B-1: Neighborhood Business within the Blackstone Creek PDD in order to accommodate the development of a planned senior housing and mixed-use proposal and add multi-family elderly housing uses including independent living, assisted living, co-housing, memory care and skilled care as permitted uses within the Blackstone Creek PDD provided that that such uses are developed consistent with the Village's EH: Elderly Housing Zoning District regulations; and

**WHEREAS**, Presbyterian Homes of WI Inc., a non-profit, tax-exempt corporation under Section 501(c)(3) of the U.S. Internal Revenue Code and agent for Germantown Commerce Center LLC, property owner of a 9.8-acre parcel (undeveloped commercial area) and Romano & Schmitt LLC, property owner of a 179.1-acre parcel (existing Blackstone Creek golf course) within the Blackstone Creek PDD, has requested that further amendments be made to the Blackstone Creek PDD to allow for the re-division of said parcels and development of a 190-unit senior living community on a 35-acre parcel in the Blackstone Creek PDD; and

**WHEREAS**, Presbyterian Homes has prepared development plans for the 190-unit senior living community that are consistent with the applicable conditions & restrictions in the Blackstone Creek PDD, the B-1: Neighborhood Business District and the EH: Elderly Housing District regulations except for certain provisions that are proposed to be amended as set forth herein; and

**WHEREAS**, on July 11, 2016, the Village Plan Commission reviewed and conditionally approved detailed site development and building plans for the Presbyterian Homes proposed 190-unit senior living community dated July 5, 2016 subject to Village Board approval of said amendments to the Blackstone Creek PDD, a 2-lot certified survey map land division, and the granting of an exception from certain limitations affecting community-based living facilities under Wis. Stats. 62.23(7)(i); and

**WHEREAS**, on July 11, 2016, the Village Plan Commission reviewed said amendments and subsequently determined that the proposed amendments are "minor" and recommended that the Village Board approve the proposed amendments to the Blackstone Creek PDD conditions and restrictions resolution (Res. No. 19-12 as amended) as set forth herein; and

**WHEREAS**, on July 11, 2016, the Village Plan Commission reviewed and recommended to the Village Board that the proposed Certified Survey Map (CSM) to re-divide the 188.9-acre area comprised of the parcels owned by Germantown Commerce Center LLC and Romano & Schmitt LLC in order to create a separate 35-acre parcel for development of the 190-unit Presbyterian Homes senior living community; and

**WHEREAS**, on July 11, 2016 the Village Plan Commission determined that: (1) based on the Maxfield Research & Consulting market assessment results presented by Presbyterian Homes to the Village regarding the demand and need within the existing Germantown market area for the additional community-based residential living facilities (CBRF) and assisted living housing units proposed by Presbyterian Homes is sufficiently justified; and that (2) the proposed location for the Presbyterian Homes senior living community in the Blackstone Creek PDD is the highest and best use of the property in that location; an exception to the 2,500 feet distance separation requirement for CBRF-type community living facilities regulated under Wis. Stats. 62.23(7)(i) is warranted and should be granted by the Village Board.

**NOW, THEREFORE, BE IT RESOLVED**, that the Village Board of the Village of Germantown hereby approves and adopts the following:

**Section 1.** Section 1 of Resolution No. 19-12 (amended by Resolution No. 23-13) is further amended as follows where words underlined are to be added and words ~~stricken~~ are to be deleted:

1. **General Development Plan.** The revised Master Site Plan for The Glen at Blackstone Creek dated July 8, 2013 shall be considered the General Development Plan for that residential portion of the subject property, including the number, size and orientation of the building, approximate setbacks, and location of access points, except that the following features presented on the Master Site Plan for the Estates at Blackstone Creek dated December 21, 2006, shall be included by reference: (1) the "island hole" recreational golf practice area; (2) the 5' wide compacted stone neighborhood pathways and benches (but excluding the golf course clubhouse access path); (3) storm water and utility easements; (4) north and south entry wall and planting areas; (5) 10-20 prairie plantings around the storm water detention basins; (6) northernmost storm water basin dedication to the Industrial Park to the west of River Lane; and (7) public sidewalk along River Lane (with the final location and construction details subject to Village approval). ~~The Master Site Plan dated February 12, 2006, shall be considered the General Development Plan for the golf course clubhouse. The Master Site Plan dated July 8, 2013 shall be considered the General Development Plan dated July 5, 2016 shall be the revised General Development Plan for the golf course and commercial area. for the commercial area formerly known as the Shops at Blackstone Creek.~~

The General Development Plan allows for the following uses:

- 136 total residential dwelling units consisting of 62 one- and two-family condominium units and 74 single-family platted lots;
- ~~six (6) commercial buildings;~~
- an 18-hole golf course with a club house and two storage/maintenance buildings; ~~a golf clubhouse and 18 hole golf course including a restaurant with outdoor seating area,~~
- bank with drive through lanes;
- funeral home;
- multi-family elderly housing uses, including but limited to: independent living, assisted living, co-housing, memory care and skilled care that are developed consistent with the EH: Elderly Housing Zoning District regulations (as adopted by the Village Board on May 7, 2012)
- a 190-unit senior living community comprised of two (2) buildings with 190 total units comprised of independent living, assisted living and memory care units to the list of permitted uses;
- other permitted uses listed under the B-1: Neighborhood Business District



~~zoning requirements.~~

**Section 2.** Paragraph 1 in Section 5 of Resolution No. 19-12 is amended as follows where words underlined are to be added and words ~~stricken~~ are to be deleted:

**5. Architectural Design, Exterior Materials and Building Height.**

... [paragraph 1]

Final architectural design, exterior materials and building heights of the commercial buildings shall be consistent with the conceptual elevation drawings included in the General Development Plan submittal packet. Except as provided herein, the maximum building height for the commercial buildings shall be 35', measured at the front side of the building, however, the Plan Commission may permit, after review at a regularly scheduled meeting, the height limit to be exceeded for architectural projections such as spires, parapet walls, cupolas, domes, and the like. The maximum height for the residential buildings shall be 35'. The maximum building height allowed for the proposed Presbyterian Homes senior living community buildings shall be 44 feet.

**Section 3.** Section 5 of Resolution No. 19-12 is amended as follows where words underlined are to be added and words ~~stricken~~ are to be deleted:

**5. Architectural Design, Exterior Materials and Building Height.**

As set forth in a July 11, 2016 letter to the Village, the Blackstone Creek Golf Club property owners have committed to making physical and operational improvements to the golf course property and operations consistent with but independent of the Presbyterian Homes senior living community development proposal. Consistent with the commitments contained therein, the Blackstone Creek Golf Club owners shall complete the following building and site improvements to the golf club property:

- remove the existing metal storage building located nearest to the Division Road intersection no later than July 1, 2017;
- commence and continue to completion exterior remodeling of the remaining clubhouse and cart storage buildings using the same or similar materials and architectural enhancements as the senior living community buildings proposed by Presbyterian Homes (see conceptual renderings included in the July 11, 2016 letter from the Blackstone Creek Golf Club); and
- miscellaneous landscaping, parking lot and signage improvements as necessary.

All improvements shall commence within a 12-18 month timeframe after commencement of the Presbyterian Homes Phase I site development. Detailed site development and building plans shall be submitted to the Village for review and approval. Future plans to divide and/or develop a portion of the golf course property with additional retail and/or mixed-use development shall not be considered for approval by the Village until all of the site and building improvements cited herein have been completed or commenced construction.

**Section 4.** Section 10 of Resolution No. 19-12 is amended as follows where words underlined are to be added and words ~~stricken~~ are to be deleted:

**10. Building Regulations.** The building and bulk requirements shall be in accordance with the following:

Golf Course and Other Commercial Development along Mequon Road ~~The Shops at Blackstone Creek~~

Allow more than one building per lot.

Building Setbacks from:

|                |             |
|----------------|-------------|
| Mequon Road:   | 30' minimum |
| Division Road: | 30' minimum |
| Rear Yard:     | 8' minimum  |
| Side Yard:     | 8' minimum  |
| Parking Lot:   | 5' minimum  |

~~Building Separation: 70' minimum~~

Building Height: 44 feet ~~35'~~ maximum (measured at the front of the building)

Parking: Ninety (90) surface parking stalls and (130) underground/covered stalls shall be provided as part of the Presbyterian Homes 190-unit senior living community; approximately 150-170 parking stalls shall be provided to support the golf course operation; other commercial uses should provide ~~The parking shall be 1 stall per 200 SF of floor area~~

**Section 5.** Section 10a of Resolution No. 19-12 is created as follows:

**10a. Presbyterian Homes Senior Living Community.**

As set forth in Section 1, it is the intent of the Village Board that multi-family elderly housing uses may be developed within the Blackstone Creek PDD provided that such development is consistent with the EH: Elderly Housing District regulations (Section 17.241 of the Village Zoning Code).

By approval of this resolution, the Village Board has deemed the following changes to certain development restrictions contained in the EH: Elderly Housing District regulations to be the type of "non-standard" requirements and provisions contemplated under Section 17.27(4)(b) of the Zoning Code, and, are necessary to insure proper development of the Presbyterian Homes of WI Inc. proposed 190-unit senior living community:

| <u>EH Code Section</u>    | <u>Adopted Change</u>                                                                                                                  |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| <del>17.241(1)(c)</del>   | <del>increase maximum units per floor to 52 (vs. 36);</del>                                                                            |
| <del>17.241(4)(b)3.</del> | <del>Increase maximum units per building to 152 (vs. 108);</del>                                                                       |
| 17.241(b)3.               | Decrease front yard setback along Mequon Road to <u>30</u> <u>54</u> feet for Phase I building only (vs. 3 times the building height); |
| <u>17.241(b)3.</u>        | <u>Increase maximum building to 44 feet (vs. 35 feet)</u>                                                                              |

Introduced by Trustee: Baum

Date Adopted: October 3, 2016

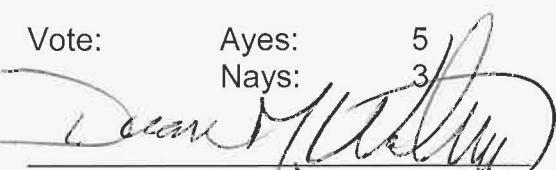
Vote:

Ayes:

5

Nays:

3

  
Dean M. Wolter, Village President

ATTEST:

  
Barbara K. D. Goeckner, Village Clerk

This instrument drafted by:

Jeffrey W. Retzlaff, AICP, Director, Community Development Department, Village of Germantown



# BLACKSTONE CREEK PLANNED DEVELOPMENT DISTRICT (PDD) AMENDMENT & CERTIFIED SURVEY MAP (CSM)

10/13/25 Plan Commission Meeting

## Blackstone Creek LLC / Heimat Capital LLC

### Village Staff Report & Recommendation

Germantown, Wisconsin

#### Summary

Jim Sedgwick, Heimat Capital LLC, agent for Blackstone Creek LLC, property owner, is requesting approval of proposed amendments to the Blackstone Creek PDD and a 2-lot Certified Survey Map (CSM) that would allow the development of a 205-unit multi-family residential community and a Culver's restaurant on a 1.27-ac parcel.

**Property Location:** Mequon Road @ Division Road

**Property Owners/  
Agent:**

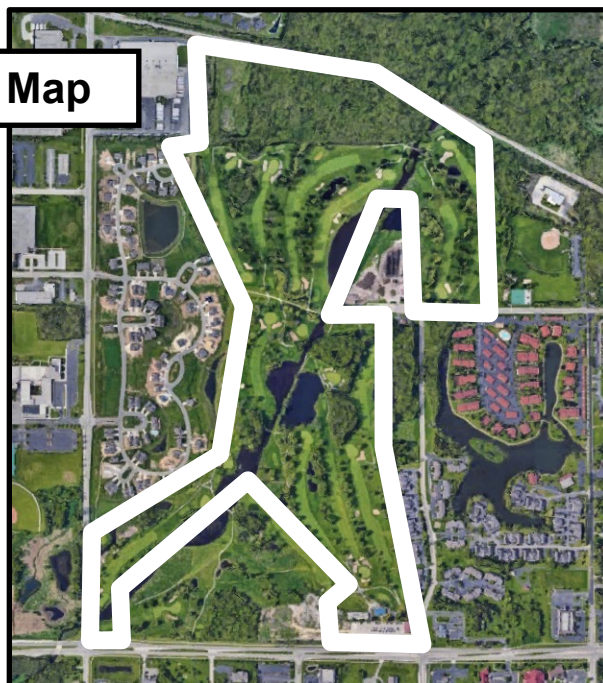
Blackstone Creek LLC  
Mequon, WI

Jim Sedgwick  
Heimat Capital LLC  
Mequon, WI

**Current Zoning:** B-1: Neighborhood Business & Rd-2: Two-Family w/PDD Overlay

| Adjacent Land Use |                          | Adjacent Zoning |
|-------------------|--------------------------|-----------------|
| North             | Wetland/Conservancy      | A-1             |
| South             | Commercial/Institutional | B-1 / I         |
| East              | Commercial/Residential   | B-1/Rm-2        |
| West              | Residential              | Rd-2            |

**Location Map**



**Background**

The Blackstone Creek Planned Development District (PDD) is a special zoning district that was created in 2006 with land uses and development governed by a specific list of conditions & restrictions originally established under Resolution No. 24-06. The Blackstone Creek PDD is comprised of approximately 251 acres of land including the former Lake Park Golf Course straddling the Menomonee River north of Mequon Road and west of Division Road and Main Street. Blackstone Creek was originally planned and approved as a mixed-use development comprised of three components: a 61-acre, 136-unit single-family & duplex residential condominium community (a.k.a. “The Glen at Blackstone Creek”); a 180-acre, 18-hole golf course with an expanded, year round clubhouse and banquet facility; and a 10-acre, multi-building retail commercial campus near the Mequon Road @ Division Road intersection (a.k.a. “The Shops at Blackstone Creek”).

Since 2006, the specific zoning provisions that govern development within the Blackstone Creek PDD, including the overall General Development Plan (GDP) and the list of conditions & restrictions, have been amended ten (10) times with various changes made to both the residential and retail commercial components. Notably, amendments include converting a portion of the Glen at Blackstone Creek residential area from a condominium form of ownership into a single-family platted subdivision, and, changing the number, size and orientation of buildings and uses allowed in the retail commercial area along Mequon Road. In 2013, both the list of conditions & restrictions and the General Development Plan (GDP) for the retail commercial area were revised to allow the development of a funeral home use that was never completed. Also in 2013, the PDD was amended to expand the retail commercial area from 10 to 35.4 acres and allow multi-family residential uses, including but not limited to independent senior, assisted living, and memory care components consistent with the Village’s EH: Elderly Housing Zoning District. These and other minor PDD amendments in 2016 allowed the eventual development of the 190-unit Fairway Knoll senior residential community that exists today.

**Proposal****PDD Amendments**

As stated above, the Blackstone Creek Planned Development District (PDD) is a special, flexible zoning district created to guide land use and development for the 251-acre area. There are two “underlying” zoning districts that were adopted when the PDD was first created, including the B-1: Neighborhood Business District that currently applies to approximately 40.5 acres of land (with 35.5 acres that comprise the Fairway Knoll senior community and the remaining 5 acres in a portion of the golf course property); and the Rd-2: One & Two-Family Residential District that applies to the remaining 140+ acres of the golf course property.

As discussed in the July 7, 2025, description and explanation submitted with the PDD amendment and CSM applications, (see attached copy with an October 2 revision date), the following amendments are proposed to the General Development Plan and list of conditions & restrictions and the for the Blackstone Creek PDD:

**Amendment #1**

- Affects Section 1 (General Development Plan) [see Res. No. 19-12 & 20-16]
- Revise/replace the current GDP dated July 5, 2016 as necessary to incorporate the plan dated October 2, 2025 (copy attached) relative to that portion of the golf course and retail commercial area;
- Add the following land uses to the list of uses allowed in the Blackstone Creek PDD as conceptually shown in the GDP dated October 2, 2025
  - Restaurant with drive-through service (on the 1.27-ac commercial site only)
  - Other retail commercial uses allowed in the B-1: Neighborhood Business District (on the 1.75-ac commercial site only)
  - Multi-Family residential uses developed consistent with the Rm-3: Multi-Family District regulations with the following features, limitations and exceptions:
    - a maximum of 205 dwelling units at a density not to exceed ten (10) dwelling units per gross acre (a 20.55-acre development area is proposed)
    - Eight (8) two-story walk up/garden-style, multi-family buildings with a maximum 135 dwelling units
    - Seven (7) detached garage parking structures
    - One (1) multi-family building with a maximum 70 dwelling units (retail commercial uses allowed in the B-1 District on 1<sup>st</sup> floor only)
    - Club house or shared-use building for residents
    - An amenity-type structure intended to provide or keep mail & package delivery, maintenance equipment and other accessory uses
    - Internal walking paths to provide connectivity to and between Mequon Road, Main Street, and the retail commercial sites (the actual location and timing of construction TBD subject to the potential continued operation of the golf course)

**Amendment #2**

- Affects Section 10 (Building Regulations) [see Res. No. 19-12 & 20-16]
- Reduce the minimum parking lot setback/greenbelt requirement under Section 17.45(1)(c) in the Zoning Code from 15 feet to 6 feet along the north and west property lines of the proposed 1.27-ac retail commercial site (proposed Culver's restaurant site only)

**Amendment #3**

- Affects Section 5 (Architectural Design, Exterior Materials, and Building Height) [see Res. No. 19-12 & 20-16]
- The architectural design and materials for the restaurant proposed for the 1.27-ac retail commercial site (Culver's) shall be as submitted subject to review and approval of the Plan Commission
- The architectural design and materials for the multi-family buildings and related amenity features and structures shall be generally consistent in quality and materials as presented in the imagery submitted with the PDD amendment application (copy attached).



Certified Survey Map (CSM)

As shown in the proposed General development Plan (GDP), the PDD amendments include the creation of one (1) multi-family residential area north of the existing golf course clubhouse and two (2) retail commercial parcels along Mequon Road. The 1.27-ac site closest to the Mequon @ Division Road intersection is intended for immediate development of a restaurant with drive-through service (Culver's). The other 1.75-ac retail commercial parcel and the 20.5-ac multi-family residential area are not proposed for development at this time (unlike the Culver's proposal for which detailed site development & building plans have been submitted for review by the Plan Commission, detailed plans have not yet been submitted for development of the multi-family and other retail commercial parcels).

Consequently, the certified survey map (CSM) that has been submitted at this time proposes to divide the 143-ac golf course property into the following parcels:

- Lot 1: 1.27 acres (proposed Culver's restaurant)
- Lot 2: 133.63 acres (existing golf course)
- Outlot 1: 5.28 acres

Additional CSM land divisions will be required in the future when specific development plans for the multi-family and the other retail commercial site are developed consistent with the proposed GDP for these areas.

The 5.28-ac "outlot" is a relatively narrow area that lies between the Glen at Blackstone Creek residential condominium/subdivision area to the west and the Fairway Knoll senior residential community to the east. This area is unbuildable given that the Menomonee River, wetlands, and floodplain traverse the entire proposed outlot. It is being created as an unbuildable outlot and "placeholder" at this time in anticipation of possibly being acquired by Presbyterian Homes to add to their adjoining 35-ac Fairway Knoll parcel.

Proposed Development Phasing

As discussed in the Applicant's July 7, 2025, PDD amendment narrative, subject to obtaining all necessary Village approvals, development of the multi-family and retail commercial sites will occur in phases over a period of years. Preliminary phasing is anticipated as follows:

- Phase I (2025-26)
  - Culver's land acquisition Fall 2025
  - Culver's construction commencing late 2025
  - Culver's opening expected in Spring 2026
  - Golf Course operations to continue through the 2026 golf season
- Phase II (2026-27)
  - Multi-Family residential construction commencing Fall 2026
  - Multi-Family housing available for occupancy in 2027
- Phase III (timeline TBD)
  - Potential development on other golf course land pending Village agreement on a previously proposed Land Exchange Agreement:
    - Additional mixed-use and/or multi-family development
    - Expansion of public park land w/ varied public amenities
    - Activation of riverfront & Main Street

## **Staff Comments (Community Development)**

### Reminder Concerning Changes or Amendments to an Existing PDD

Section 17.27 of the Zoning Code establishes the basic regulations for the creation and amendment of all Planned Development Districts (PDD's). With respect to changes or revisions, 17.27(9) provides that all changes need to be submitted to the Plan Commission, in part to determine if a proposed change or amendment is "... minor or if it materially affects the intended design of the project and impact of the project on neighboring uses". If the proposed amendment is determined to be "minor", then the Plan Commission simply reviews the proposed amendment and makes a recommendation to the Village Board for final action. If the proposed amendment is determined to be a "major" change or "...substantial because of its effect on the intended design of the project or on neighboring uses", then the Plan Commission is required to hold a public hearing of the proposed amendments before they make a recommendation to the Village Board for final action.

With respect to the proposed amendments to the Blackstone Creek PDD, Staff has assumed that the Plan Commission will determine the changes to be "major" given that they significantly alter the development plan for the golf course property. Consequently, Staff has scheduled a public hearing of the proposed amendments at the Oct 13 Plan Commission meeting.

### Land Exchange Proposal

It's also important to point out that these proposed PDD amendments and the multi-family and retail development that may result are independent from the golf course land exchange proposal made by the Heimat Group and property owner, Blackstone Creek LLC, to the Village. While the specific amount and boundary of the golf course land subject of that land exchange proposal has not yet been finalized, it is safe to say that it is not the same land that would be developed as a result of the proposed PDD amendments. While the land exchange proposal is still being considered by the Village, no decisions have been made as of this date. Consideration and action on the proposed PDD amendments can and should move forward without regard to whatever decisions are eventually made regarding the land exchange proposal.

### Conditions & Restrictions Resolution

The current list of conditions & restrictions governing development within the PDD is contained in a series of resolutions as a result of the various amendments, including Res. No. 19-12 that was subsequently amended by Res. Nos. 29-12, 22-13, 23-13, and 20-16. As a much needed "house-cleaning" measure, if the proposed PDD amendments are approved, Staff will create a new conditions & restrictions resolution document that compiles all the conditions & restrictions into one, easy-to-read and updated document.

### Multi-Family Residential Development

The proposed multi-family residential area is approximately 20.55 gross acres as shown on the proposed GDP. The area contains a small amount of wetlands and floodplain associated with the Menomonee River (approximately 3.75 acres). The applicant proposes to develop up to 205 total units (rental) comprised of 135 units in eight "walk-up style" buildings with both attached and surface parking and 70 units in one larger building. With one exception (see PDD Amendment #1 above), construction of all 205 units is proposed to be consistent with the Rm-3: Multi-Family District regulations (i.e. 10 units per acre density,

maximum 3-story, maximum 45 feet height, 2 parking spaces per unit, etc). The exception is that the applicant proposes a maximum 10 unit per gross acre density (205 units on 20.55 gross acres) vs. what would be a 12.2 units per net acre density (205 units on 16.8 net acres (3.75 acres of wetland & floodplain excluded). The primary purpose of the Village's PDD regulations is to provide the flexibility necessary cluster dwelling units away from and thereby preserving environmentally sensitive areas. Staff supports the proposed PDD Amendment #1 and the gross vs. net acre density proposal.

It should also be noted that given the wording of proposed PDD Amendment #1 that incorporates the Rm-3: Multi-Family District regulations be reference and then requires future residential development to be consistent with the Rm-3 District regulations, there is no need to formally rezone the golf course property, in whole or in part, from the current Rd-2 District to the Rm-3 District.

#### Culver's Restaurant with Drive-Through Service

Proposed PDD Amendment #1 includes adding "Restaurant with Drive-through Service" to the list of permitted land uses allowed in the Blackstone Creek PDD. Adding this use as a permitted use in the PDD goes hand-in-hand with the Culver's proposal because drive-through service is an important component to the Culver's business model. It was reported to Staff by the Culver's business owner that since the time of COVID, the percentage of total customer traffic and/or sales related to drive-through service at the Menomonee Falls location has increased from approximately 35 to over 50 percent of the total. Adding the "restaurant with drive-through service" land use to the Blackstone Creek PDD is an important pre-requisite to enabling the Culver's proposal at this location because the underlying B-1: Neighborhood Zoning District that applies to the 1.27-ac retail site (and the 1.75-ac site, too) does NOT allow restaurants with drive-through service. The general B-1: Neighborhood Business District specifically provides for "Restaurants with Indoor Service Only", presumably because the B-1 District is intended for smaller, neighborhood-scale retail establishments vs. the larger. More regional-scale retail allowed in the B-2: Community Business District or the highway-oriented retail allowed in the B-5: Highway Business District. Given that the size/scale of the retail commercial area within Blackstone Creek has been significantly reduced in area and amount of potential commercial building area, and, the possible conversion of golf course to park land in the north part of the Blackstone Creek PDD area as a result of the pending land exchange proposal, it may be suitable to only allow more traditional neighborhood vs. highway-oriented uses that are more dependent on drive-by and drive-through customers (although the trend for almost all retail commercial businesses today is to provide some form of drive-through or curbside pick-up service given the recent COVID experience and overall convenience factor).

Consequently, unless "Restaurants with drive-through service" is specifically added to the list of a permitted uses in the Blackstone Creek PDD, no restaurant with drive-through service could locate on this property or anywhere in the Blackstone Creek PDD area. If the Plan Commission and Village Board decide to not allow "restaurants with drive-through service" in the Blackstone Creek PPD by not approving this component of Amendment #1, Staff recommends that the current provision allowing "banks with drive through lanes" also be removed from the current list of conditions & restrictions for the Blackstone Creek PDD.



Traffic Study & Roadway Improvements

Existing and future (Year 2030) traffic conditions with and without traffic generated by the proposed multi-family residential and retail commercial sites at the existing access driveways at Mequon Road, Division Road, and other intersections in the area were analyzed as part of a separate Traffic Impact Analysis (TIA) conducted by Traffic Analysis & Design Inc. (see revised TIA report dated October 9, 2025).

As detailed in the TIA report, the following findings and conclusions are identified:

1. Existing traffic conditions (2025) at all driveway and intersection movements are operating at an acceptable Level of Service (LOS) “D” or better with no improvements required;
2. the 205 multi-family units and two retail commercial sites are expected to generate additional traffic in an amount equal to 3,360 daily trips, 275 A.M. peak-hour trips, and 290 P.M. peak-hour trips;
3. traffic traveling to/from the new multi-family residential and retail commercial development was distributed to the adjacent road system with 43% traveling to/from the west on Mequon Road, 42% to/from the east on Mequon Road, 3% to/from the north on Division Road, and 12% to/from the south on Division Road;
4. Post-development traffic conditions (2030 background traffic plus full development build-out traffic) at all intersection movements are projected to operate at an acceptable Level of Service (LOS) “D” or better with the intersection and turn lane configurations analyzed);
5. Driveway & intersection improvements recommended as a result of the TIA are limited to access-related improvements at the following driveways and intersections:
  - Mequon Road intersection with Blackstone Creek Driveway
    - Provide a dedicated right-turn lane and a dedicated left-turn lane on the north approach at the proposed driveway
  - Mequon Road intersection with Division Road
    - Using pavement marking, restripe the northbound left-turn lane to a length of 125 feet (this requires an extension of 50 feet)
  - Division Road intersection with Bank Driveway/North Driveway
    - Provide a full access driveway on the west approach
    - Provide stop control on the west approach
  - North Driveway Intersection with Residential Driveway
    - Construct internal roadways as shown on the site plan
    - Provide stop control on the north and south approaches

*NOTE: A full list and explanation of the improvements required is found in Chapter VI of the TIA (beginning on page 16).*

6. The conclusion of the TIA is that “all movements at the study area intersections are expected to operate safely and efficiently [LOS “D” or better] with the development assumptions outlined in this TIA and with the identified recommended modifications if properly designed and implemented through the full built out of the development expected in Year 2030).

Certified Survey Map

Although the future multi-family residential development is shown within a prescribed 20.55-ac area on the proposed GDP, that area is not included or proposed to be created as a separate parcel at this time. Prior to or concurrent with the submittal of any detailed site development & building plan for the multi-family area, in whole or in part, a CSM land division will likely be needed to formally create that area (particularly if some or all of the remaining area of the golf course is subject of a land exchange with the Village).

Internal Pedestrian & Bicycle Pathway

With respect to the proposed pathway shown on the proposed GDP, the applicant has indicated that this pathway is intended to be accessible to the general public and not just the multi-family residents. If the land exchange agreement with the Village is accepted in the future and all or some of the remaining golf course property is converted for public access and park purposes, this pathway could become an important pedestrian connection both within and through the Blackstone Creek PDD area.

In addition to detailed specifications, an access easement and/or maintenance agreement with the Village will need to be created and mutually accepted.

Also, the relative location and connectivity of the internal pathways both through the Blackstone Creek area and to Mequon Road and Division Road will become critical if the remaining area of the golf course becomes a future active or passive park as a result of the proposed land exchange. With that possibility in mind, more specific attention should be paid to and plans made to provide pathway connections from the Blackstone Creek area to Mequon Road and Division Road. While the detailed site development plan for the Culver's retail site has been developed with new sidewalk along Division Road connecting to Mequon Road and into the Culver's site, there is no planned pathway or sidewalk connection shown from the Culver's site to Mequon Road along the main driveway to Mequon Road or to/from the residential area or to/from the other retail site to the west. Some sort of overall pedestrian pathway or sidewalk plan connecting these areas should be prepared (or ideally incorporated into the GDP) and eventually constructed either all at once or incrementally as the residential area and commercial sites are developed. At a minimum, the Culver's site development plans need to be revised to incorporate pathway or sidewalk connections to/from Mequon Road, the commercial site to the west, and to the residential area to the north (in addition to the sidewalk proposed along Division Road).

Germantown Gateway Element & Other Proposed Amenities

The proposed GDP includes a number of features that are shown conceptually with little or no detail, such as the "Germantown Gateway Element" shown at the northeast corner of the Mequon @ Division Road intersection, the pathway that meanders through the residential area from north-to-south, and the monument signs at the driveways on Mequon Road and Division Road. Depending on the intended location of these features, they may need to be included in the detailed site development & building plans submitted for the two retail commercial sites and residential area. At a minimum, the Culver's site development plan should incorporate whatever the proposed "gateway element" is going to be or at least include the necessary provisions such as an easement so the gateway element can be added later once the design has been approved.

Internal Streets

Similar to the proposed amenities and the lack of detail discussed above, the internal streets and pathways shown on the proposed GDP are conceptual in presentation with no specifications provided. The PDD should be revised to also include a requirement that all internal streets be constructed to Village standards if intended to be public or to a mutually-acceptable set of standards and specifications if intended to be privately constructed, owned, and maintained.

Further, the proposed GDP shows the internal streets serving the commercial sites as being located outside or beyond the perimeter property lines for the two commercial sites. This is clearer when looking at the detailed site development & building plans for the Culver's proposal. In those plans, the driveways onto both Mequon Road and Division Road are proposed to be constructed with curb & gutter and a boulevard (Mequon Road only) that are not within the Culver's parcel. Because those driveways are critical to site accessibility and traffic circulation as reflected in the traffic impact analysis (TIA), detailed specifications for those driveways need to be reviewed and approved by the Village and, more importantly, both driveways need to be constructed prior to or concurrent with development of the Culver's site.

Perimeter Landscape Buffer Required

As shown in the proposed GDP, development within the residential area includes two multi-family buildings positioned parallel to and setback from the east property line approximately 25 feet (the minimum rear yard setback in the Rm-3 District is 35 feet). The existing residential condominium buildings to the east are similarly positioned on the east side of the common property line. Because the pre-existing condominiums were developed many years ago and, as a result, the residents have become accustomed to a view of the golf course, staff believes it is reasonable to require the new residential development to include a landscaped buffer of some significance to be installed between the buildings and along the common property line to buffer the view from each building toward the other. Said landscaped buffer should be designed and presented as part of a larger landscaping plan for the common areas of the entire residential area and submitted for Village review and approval as part of the detailed site development and building plans.

Architecture & Material Consistency

The architectural renderings submitted and eventually approved for the original campus of retail buildings known as the "Shops at Blackstone Creek" back in 2006 when the Blackstone Creek PDD was originally created presented a unified design consisting of compatible colors and exterior wall, window, and roof materials. Staff believes the same approach should be utilized with the two remaining retail sites shown in the proposed GDP. To the extent possible, the Applicant should develop a more detailed plan for review and approval by the Plan Commission that presents details on landscaping, lighting, signage (building, monument, and directional), architecture & general design parameters, exterior materials, etc. that will guide the development of the two retail commercial sites, residential areas, and any/all common areas within the remaining areas to be developed in the Blackstone Creek PDD area.



Obviously, doing so is complicated by the timing of the Culver's restaurant site & building design proposal that has already been submitted for Plan Commission review at the Oct 13 meeting. However, if the Applicant is content with what Culver's has proposed (assuming it is approved by the Plan Commission as proposed), subsequent development should be designed consistent with the same/similar design principals used for the Culver's site and building.

One issue that has been raised by Staff with respect to the Culver's architecture and site design concerns the "Germanic Theme" concept that has been required by the Village to varying degrees for new buildings along Mequon Road. As will be discussed when the Culver's proposal is reviewed by the Plan Commission, Staff has recommended that the architecture and materials be similar to other buildings along Mequon Road. The Culver's business owner and applicant for that application, that is different than the Applicant for the PDD amendments, has responded positively with a building that they feel incorporates similar architecture, features, and materials as other buildings along Mequon Road.

#### Utilities

Public water main and sanitary sewer are available within a 20' easement along the north side of Mequon Road from the existing main in the Division Road intersection. Detailed plans for the extension of water and sewer to serve development on the two retail sites and in the multi-family residential area will be evaluated as part of the site development & building plan approval process in the future (detailed plans for the proposed Culver's restaurant are subject to approval on the Oct 13 Plan Commission meeting).

Given the down slope in the topography across the property from north to south, the multi-family residential area might be able to be served by gravity sewer extended to the south side of the residential area from Division Road to the east (south of the existing residential condominiums along Division Road). The owner should explore that possibility as part of future site development & building plans for the residential area.

#### **Staff Comments (Other Departments)**

##### Public Works Department/Village Engineer

The Village Engineer has reviewed the detailed utility and storm water management plans for the proposed Culver's site development and identified a list of items that need to be addressed in an August 27, 2025, review memo (copy attached). To the extent applicable, the items listed should be addressed as part of future development of the multi-family residential and retail commercial areas, such as the recommendation to extend and connect sidewalk from the Culver's site to Mequon Road and extend sidewalk along Division Road on the east side of the site. Detailed construction and utility plans meeting all applicable Village code requirements will be required for all future multi-family and commercial buildings.

##### Village Surveyor

With respect to the certified survey map (CSM), the Village Surveyor has provided a list of corrections and items in an August 15, 2025 review memo that will need to be addressed prior to recording the CSM with Washington County.

Fire Department/Police Department

The Fire Department has commented that a single access road to/from the multi-family residential area is acceptable subject to Fire Department review and approval of detailed construction and geometric specifications for the access road and internal drive lane connections serving the residential buildings. Detailed and state-approved construction plans meeting all applicable fire safety code requirements will be required for all multi-family and commercial buildings.

Inspection Services

The Building Inspector has indicated that the submission of state-approved plans is required along with the required \$20,000 occupancy bond prior to the Village issuing any building permits for the multi-family and commercial buildings.

**VILLAGE STAFF RECOMMENDATION**

## PDD Amendments

**APPROVE** amendments to the Blackstone Creek Planned Development District (PDD) as proposed and summarized herein that shall be codified into an appropriate Village Board resolution amending the current General Development Plan (GDP) dated July 5, 2016, and list of conditions & restrictions contained in Resolution Nos. 19-12, 29-12, 22-13, 23-13, and 20-16:

1. Approval is subject to completion of all driveway and intersection improvements detailed in the Traffic Impact Analysis (TIA) prior to or concurrent with the development resulting from the PDD amendments. As deemed necessary by the Village Department of Public Works/Village Engineer, detailed construction plans and right-of-way permits for said improvements shall be prepared, submitted, and approved by the Village Engineer prior to construction.
2. If the Plan Commission and Village Board act to not add "restaurants with drive-through service" to the list of permitted uses in the Blackstone Creek PPD (proposed as part of Amendment #1), that the current provision allowing "banks with drive through lanes" shall also be removed from the current list of conditions & restrictions for the Blackstone Creek PDD.
3. Prior to or concurrent with the submittal of site development & building plans for the multi-family area and commercial sites, in whole or in part, a certified survey map (CSM) land division (or subdivision plat if needed) shall be prepared to formally create parcels as a prerequisite for development of said sites.
4. The applicant has indicated that the internal pathway shown on the proposed General Development Plan (GDP) is intended to be accessible to the general public. If the pending land exchange agreement with the Village is accepted in the future and all or some of the remaining golf course property is converted for public access and park purposes, detailed specifications and an access easement and maintenance agreement with the Village shall be created subject to review, and approval of the Village.

5. An overall pedestrian pathway or sidewalk plan showing specifications, how, where and in what timeframe pathways and/or sidewalks providing access to the multi-family residential area and the commercial sites will connect to sidewalks along Mequon Road, Division Road, internally to the commercial sites, and to the Fairway Knoll senior community shall be prepared by the Applicant as a supplement to the General Development Plan (GDP). Said plan shall be prepared and submitted to the Village for review and approval prior to or concurrent with the submittal of site development plans for the multi-family residential area.
6. All internal streets serving the multi-family residential area and commercial sites shall be constructed to Village standards if intended to be public or to a mutually acceptable set of standards and specifications if intended to be privately constructed, owned, and maintained. Detailed plans and specifications shall be prepared and submitted for Village review and approval prior to or concurrent with detailed site development plans for the multi-family residential area and commercial sites.
7. The proposed General Development Plan (GDP) shows the internal streets and driveways serving the commercial sites as being located outside or beyond the perimeter property lines for the two commercial sites. Because those internal streets and driveway intersections are critical to site accessibility and traffic circulation as reflected in the traffic impact analysis (TIA), detailed specifications for those internal streets and driveway intersections shall be prepared and submitted for review and approval by the Village. More importantly, the proposed driveways on Mequon Road and on Division Road need to be constructed prior to or concurrent with development of the Culver's site.
8. As shown in the proposed General Development Plan (GDP), development within the multi-family residential area includes two multi-family buildings positioned parallel to and setback from the east property line. A landscaped buffer of some significance shall be installed between the buildings and along the easterly property. Said landscaped buffer should be designed and presented as part of a larger landscaping plan for the common areas of the entire residential area and submitted for Village review and approval as part of the detailed site development and building plans for the multi-family residential area.
9. The Applicant shall develop a detailed plan for review and approval by the Plan Commission that presents details on landscaping, lighting, signage (building, monument, and directional), architecture & design, exterior materials, etc. that will guide the development of the two retail commercial sites, residential areas, and any/all common areas within the remaining areas to be developed in the Blackstone Creek PDD area. Said plan shall be prepared and submitted for review and approval by the Village Plan Commission prior to or concurrent with the submittal of detailed site development plans for the commercial sites and multi-family residential area.
10. All items listed in the Village Engineer's August 27, 2025, review memo shall be addressed as part of future development of the multi-family residential area and retail commercial sites. Detailed construction and utility plans meeting all applicable Village Code requirements and requirement is the Village's Development Handbook shall be prepared and submitted for review and approval by the Village for all future multi-family and commercial site development.
11. Given topography across the property from north to south, the multi-family residential area may be able to be served by gravity sewer extended to the south



side of the residential area from existing facilities located in Division Road to the east (south of the existing residential condominiums along Division Road). The owner shall explore cooperatively with the Village the possibility of extending water and/or sewer facilities from Division Road as part of future site development and building plans submitted for the multi-family residential area.

12. The Building Inspector has indicated that the submission of state-approved plans shall be required along with a \$20,000 occupancy bond prior to the Village issuing any building permits for the multi-family and commercial buildings.
13. The Applicant shall enter into a Development Agreement if/when deemed necessary with the Village pursuant to Section 18 of the Village Code (Subdivision and Platting), as well as, the preparation of detailed construction plans for the public improvements including, but not limited to public street and intersection improvements, sanitary sewer, water, storm water management facilities, master grading and erosion control, landscaping & street trees, open space trails, lighting and signage. At a minimum, said agreement shall require the review and approval of said plans by Village staff prior to the commencement of construction activities and establish the timing for installation of said improvements (or as otherwise provided for therein).
14. The current list of conditions & restrictions governing development within the Blackstone Creek PDD is contained in a series of resolutions resulting from previous amendments, including Res. No. 19-12 that was subsequently amended by Res. Nos. 29-12, 22-13, 23-13, and 20-16. As deemed necessary by Village Staff, if the proposed PDD amendments are approved, in whole or in part, Village shall Staff create a new document containing a compilation of all valid conditions & restrictions, including the addition of all conditions adopted herein, into one updated document adopted by resolution by the Village Board.

**VILLAGE STAFF RECOMMENDATION**  
Certified Survey Map (CSM)

**APPROVE** the Certified Survey Map (CSM) to re-divide the 143-acre golf course property as (Lot 2 of CSM #6749) and Outlot 1 of the Glen at Blackstone Creek as proposed subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor in the August 15, 2025, review memo shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. Cross-access easements shall be prepared and recorded as necessary to ensure Lot 1 is accessible by vehicles and pedestrians across Lot 2 given that the location of internal driveways serving Lot 1 are located on Lot 2. An easement agreement for said easement shall be submitted for review and approval by the Village Attorney prior to recording the CSM.
3. A separate cross-access easement agreement between Presbyterian Homes, owner of the Fairway Knoll senior community and the owner of Lot 2, Blackstone Creek LLC, shall be prepared and recorded as necessary to ensure the development on Lot 1 and Lot 2 (as may be further divided) is accessible by vehicles and residents of the Fairway Knoll property to the west as generally depicted on the proposed General development Plan (GDP).

|                       |                                                                       |
|-----------------------|-----------------------------------------------------------------------|
| <b>MEETING:</b>       | <b>REGULAR MEETING OF THE PLAN COMMISSION</b>                         |
| <b>DATE AND TIME:</b> | <b>Monday, October 13, 2025 6:30 PM</b>                               |
| <b>LOCATION:</b>      | <b>Germantown Village Hall Board Room<br/>N112 W17001 Mequon Road</b> |

### MINUTES

- I. **CALL TO ORDER:** *This meeting has been given public notice in accordance with Section 19.83 and 19.84, Wis. Stats, in such form that will apprise the general public and news media of subject matter that is intended for consideration and action.*  
Chairman Soderberg called the meeting to order at 6:30pm.
  
- II. **ROLL CALL:**  
Chairman Soderberg and Committee Members Warren, Shadid, Tarantino, Williams and Ewert were all present. Also present were Community Development Director Retzlaff, Associate Planner Yanke and Administrative Coordinator Remich (via Webex). Committee Member Henk was absent excused.
  
- III. **CITIZEN INPUT/PUBLIC APPEARANCE:** *(Please be advised per 19.84(2) that information and comment will be received from the public. It is the policy of this municipality that public input be limited to a four (4) minute period per person with a time extension granted at the discretion of the Chairperson. Be advised that there may be limited discussion of the information received but no action will be taken under public comments.) Comments that may be injurious to village personnel or other individuals will not be allowed.*  
Citizens that spoke included:  
Mario Maenza who lives on Cedar Lane.  
Lynn Bednarz who lives on Pawnee Court.  
Jim Stout who lives on Goldendale Road.  
Martin Peck who lives on Cedar Lane.  
Joel Gierach who lives on Cedar Lane.  
Tom Stauffacher who lives on Cedar Lane.  
Michelle Perkl who lives on Armada Drive.  
Penny Dunne-Muzi who lives on Cedar Lane.  
Linda Maenza who lives on Cedar Lane.  
Jennifer Steffen who lives on Creek Terrace.
  
- IV. **APPROVAL OF MINUTES:**
  - A. PC Minutes 9/8/25 (ACTION)  
**Motion:** Approve as presented  
**Motioned By:** Robert Warren  
**Seconded By:** Russell Ewert  
**Yes:** Bob Soderberg, Robert Warren, William Shadid, Josh Tarantino, Russell Ewert  
**No:** None  
**Abstain:** Robert Williams  
**Motion Passed (Yes 5, No 0, Abstained 1)**

**V. NEW BUSINESS:**

- A. OneEnergy Development, LLC, Agent for Robert Overmier, Property Owner. Conditional Use Permit (CUP) and Site Plan applications for an approximate 35-acre Solar Energy Facility located at N144 W12531 Pioneer Road in the Rural Preservation District. (PUBLIC HEARING & ACTION)

Associate Planner Yanke gave a short summary of the proposal, stating that the proposed solar farm is a conditional use within the A-1 district that requires site plan review and approval. Yanke went through the primary project details and mentioned the State law provisions applicable to solar energy conversion systems. Yanke also went over staff review comments and staff's recommendations of approval for the applications. Yanke introduced Peter Murphy and Julie Gerrits from OneEnergy, who went over the proposal in a detailed presentation.

Discussion Followed.

Committee Members asked about the length of the lease, which is 30–50 years. Which stays with the land even if it's sold.

After 30–50 years, WE Energies will be responsible for decommissioning if they purchase the asset, which they expect. There is money set aside for asset removal in each of their contracts. All components are removed from the site, everything possible is recycled.

Whether there is a danger of fire? No there is not, there is nothing flammable on site and no lithium batteries are used.

There are no liquids or chemicals used on site.

Will there be mass herbicide spraying to control the native prairie species proposed around the solar structures? No, they only do spot spraying by an individual on a specific plant/weed.

Are there other plans for additional solar projects in Germantown at this time? No.

Did OneEnergy pay anyone money to not come to the meeting tonight? No.

Could the income generated be used towards the village's debt? That can be looked into per staff.

How will this affect property values? The study they use shows that it does not significantly affect property values either way.

Chairman Soderberg opened the Public Hearing at 8:27pm.

Comments were received from:

Lynn Bednarz who lives on Pawnee Court stated that she would see what she could do with her contacts in Washington.

Brian Kirsch who lives on Wildrose Lane stated that this will not make a dent in anyone's electricity bill, and feels that this project is useless.

Charlie Hargan who lives on Biscayne Drive questioned the safety aspects and how they are handled.

Marty Peck who lives on Cedar Lane is concerned about fire issues with lithium batteries if the project is ever converted.

Mario Maenza who lives on Cedar Lane stated that he is concerned about property values, wildlife and fire hazard.

Tom Stauffacher who lives on Cedar Lane doubts that property values would go up and would like more screening other than the current deciduous trees.



Linda Maenza who lives on Cedar Lane is concerned about fire and potential project expansion.

Penny Dunne-Muzi who lives on Cedar Lane is concerned about the research involved, disposal of this project when it is decommissioned and how the panels are made.

Chairman Soderberg closed the Public Hearing at 8:48pm.

**Motion 1:** Approve CUP as presented with the 6 conditions included in the packet and add the 4 additional conditions listed below.

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

Discussion Followed. Committee members discussed the opposition to the project and several members shared the same concerns. Committee members asked what type of legal dispute or recourse the applicant would have if the project is denied. Would it be similar to the project off Rockfield Road last year? Staff clarified that OneEnergy could bring an appeal forward to the Board of Zoning Appeals similar to the previous project. Director Retzlaff suggested that the Commission make motions to add conditions that address residents' concerns and validate the reasoning for denying the project. Commissioners asked whether they could set so many conditions as to be cost-prohibitive to the project.

**Motion 2:** Amendment #1 - Add a condition for a formal landscape plan that would evaluate current landscaping around the project area and specify the applicant provide year-round screening around the entire solar farm.

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 2 Passed (Yes 6, No 0, Abstained 0)**

**Motion 3:** Amendment #2 - Add a condition that the applicant be limited to spot spraying instead of widespread/broadcast spraying of herbicides to manage vegetation on site.

**Motioned By:** Josh Tarantino

**Seconded By:** William Shadid

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 3 Passed (Yes 6, No 0, Abstained 0)**

**Motion 4:** Amendment #3 - Add a condition that the applicant add the Village as an insured party on their Pollution Liability Insurance Policy.

**Motioned By:** Robert Williams

**Seconded By:** Russ Ewert

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh

Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 4 Passed (Yes 6, No 0, Abstained 0)**

**Motion 5:** Amendment #4 - Add a condition to prohibit the use of lithium batteries on site as part of the solar facility's operation.

**Motioned By:** Russell Ewert

**Seconded By:** Josh Tarantino

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 5 (Yes 6, No 0, Abstained 0)**

**Results of Motion 1:**

**Yes:** Robert Warren, Josh Tarantino

**No:** Bob Soderberg, William Shadid, Robert Williams, Russell Ewert

**Abstain:** None

**Motion 1 Failed (Yes 2, No 4, Abstained 0)**

Staff recommends approval of the Conditional Use Permit for an approximate 35-acre "solar energy conversion system" consistent with and only to the extent allowed under Wis. Stat. § 66.0401 located at N144W12531 Pioneer Road, subject to the following conditions:

1. The uses and activities allowed on the property shall be limited to those uses and activities specified in the Conditional Use Permit (CUP) application and supporting documents date stamped received July 17, 2025. Operations shall be limited to those specified in the CUP supporting documents submitted to the Village.
2. The owner/operator is responsible for reporting any significant changes in the type, intensity, amount, or location of the land uses and activities, days and hours of operation, size or location or other operational characteristics of said uses and activities authorized under this CUP to the Village Zoning Administrator.
3. If the use, activities and/or operation subject of this permit falls out of conformity with the conditions herein, or, where there is a change in the nature, character, intensity or extent of the activities or uses which causes problems or harmful effects that were not anticipated at the time of approval of this CUP, the Conditional Use Permit (CUP) may be modified or terminated by the Village Board by the amendment to or addition of conditions after public hearing thereon.
4. All temporary and permanent exterior signs require a permit and shall comply with all current sign regulations. Off-premises advertising and directional signage is regulated by the Village and requires a permit if/when allowed.
5. All future site improvements, including all building, parking area, landscaping, storm water management facilities, signage, exterior lighting, and any other improvements made to or on the property that are necessary for the land uses

and activities authorized under this CUP shall be submitted for review and approval by the Village through the Zoning Permit or Site Plan application process as determined by the Village Zoning Administrator. If required, Site Plan review and approval will include Plan Commission review and approval.

6. Pursuant to Section 17.47 of the Zoning Code, if the Village observes and/or receives complaints regarding negative impacts associated with and/or created by business-related activities conducted on the property, including but not limited to noise, dust or other airborne materials, the Property Owner/Operator shall work with the Village to identify the source of such impact(s), evaluate alternative mitigation measures, and implement a mutually-agreeable solution to mitigating the impact(s).

Staff recommends approval of the Site Plan application submitted by OneEnergy Development, LLC for an approximate 35-acre "solar energy conversion system" consistent with and only to the extent allowed under Wis. Stat. § 66.0401 for property located at N144 W12531 Pioneer Road, subject to the following conditions:

1. This approval is for the plan sheets that comprise the site plan set as noted below and is subject to compliance with all the conditions and requirements set forth herein and subsequently adopted and/or revised by the Plan Commission. Approval is granted for the following unless superseded by subsequent plan sheets approved by Village Staff pursuant to revisions required herein and/or by the Plan Commission:
  1. Site Development Layout (Sheet D-100) revised dated October 10, 2025.
  2. Vegetative Screening and Management Plan dated August 6, 2025.

If revised plan sheets are necessary, each revised sheet shall contain the date of said revision clearly stamped in the lower right corner.

2. The Vegetative Screening and Management Plan shall be subject to final acceptance by the Village Forester and Community Development staff prior to commencement of construction.
3. Approval of the Site Plan application is subject to approval/acceptance of the proposed private driveway access point to Pioneer Road by the Washington County Highway Department.
4. Per Fire Department, applicant shall install a Knox Box at the main entrance gate to the solar facility.
5. The technical issues and plan revisions identified in the October 7, 2025, memo from the Village Engineer shall be addressed in revised plan sheets and/or supplemental documents as necessary prior to commencing construction activities or issuance of an Erosion Control Permit.
6. Site operations are limited to the proposed activity by the applicant per the submitted/attached "Solar Generating Facility Operations Plan".
7. State agency (DSPS) approved plans and a \$20,000 bond are required by Inspection Services. The Village of Germantown is an authorized delegated agent of DSPS and may be used as an alternative to provide all commercial plan review and inspection services through SAFEBuilt of WI and the Village of Germantown.



8. Applicant shall install the 8' agricultural/wildlife perimeter fence with openings at the bottom (i.e. at-grade) to allow greater wildlife movement.
9. The maximum tilt angle height of the solar array panels (i.e. structures) shall be approximately 8' from established grade.
10. All temporary and permanent exterior signs require a permit and shall comply with all current Village sign regulations and requires a permit if/when allowed.
11. Applicant shall provide a commitment to the Village including provisions to ensure that there is adequate financial security set aside to perform the specified decommissioning of the project and any restoration needed to be performed to the shared access drive after construction of the project or its decommissioning. Said commitment shall be reviewed and approved/accepted by the Village Attorney.

**Motion 6:** Approval of the Site Plan with 11 conditions

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

**Motion 7:** Amendment #1 Site Plan - Add 4 additional conditions as noted in CUP recommendation.

**Motioned By:** Russell Ewert

**Seconded By:** Robert Williams

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 7 Passed (Yes 6, No 0, Abstained 0)**

**Results of Motion 6:**

**Yes:** Robert Warren, Josh Tarantino

**No:** Bob Soderberg, William Shadid, Robert Williams, Russell Ewert

**Abstain:** None

**Motion 6 Failed (Yes 2, No 4, Abstained 0)**

- B. Jim Sedgwick/Heimat Capital LLC, Agent for Blackstone Creek LLC, Property Owner N112W17300 Mequon Road. Application to amend the Blackstone Creek Planned Development District (PDD) General Development Plan and Conditions & Restrictions and a 2-Lot Certified Survey Map (CSM) to allow the development of two 1-2 acre commercial retail sites and 205 multi-family residential units. (PUBLIC HEARING & ACTION)

Director Retzlaff went over a brief history of the Blackstone Creek Development and details of the 3 proposed amendments to the PDD which included:

Amendment #1:

- Affects Section 1 (General Development Plan) [see Res. No. 19-12 & 20-16]
- Revise/replace the current GDP dated July 5, 2016 as necessary to incorporate the plan dated October 2, 2025 (copy attached) relative to that portion of the golf course and retail commercial area;

- Add the following land uses to the list of uses allowed in the Blackstone Creek PDD as conceptually shown in the GDP dated October 2, 2025
  - Restaurant with drive-through service (on the 1.27-ac commercial site only)
  - Other retail commercial uses allowed in the B-1: Neighborhood Business District (on the 1.75-ac commercial site only)
  - Multi-Family residential uses developed consistent with the Rm-3: Multi-Family District regulations with the following features, limitations and exceptions:
    - a maximum of 205 dwelling units at a density not to exceed ten (10) dwelling units per gross acre (a 20.55-acre development area is proposed)
    - Eight (8) two-story walk-up/garden-style, multifamily buildings with a maximum 135 dwelling units
    - Seven (7) detached garage parking structures
    - One (1) multifamily building with a maximum of 70 dwelling units (retail commercial uses allowed in the B-1 District on 1st floor only)
    - Clubhouse or shared-use building for residents
    - An amenity-type structure intended to provide or keep mail & package delivery, maintenance equipment and other accessory uses
- Internal walking paths to provide connectivity to and between Mequon Road, Main Street, and the retail commercial sites (the actual location and timing of construction TBD subject to the potential continued operation of the golf course)

#### Amendment #2

- Affects Section 10 (Building Regulations) [see Res. No. 19-12 & 20-16]
- Reduce the minimum parking lot setback/greenbelt requirement under Section 17.45(1)( c) in the Zoning Code from 15 feet to 6 feet along the north and west property lines of the proposed 1.27-ac retail commercial site (proposed Culver's restaurant site only)

#### Amendment #3

- Affects Section 5 (Architectural Design, Exterior Materials, and Building Height) [see Res. No. 19-12 & 20-16]
- The architectural design and materials for the restaurant proposed for the 1.27-ac retail commercial site (Culver's) shall be submitted subject to review and approval of the Plan Commission.
- The architectural design and materials for the multifamily buildings and related amenity features and structures shall be generally consistent in quality and materials as presented in the imagery submitted with the PDD amendment application (copy attached).

The certified survey map (CSM) that has been submitted at this time proposes to divide the 143-ac golf course property into the following parcels:

- Lot 1: 1.27 acres (proposed Culver's restaurant)
- Lot 2: 133.63 acres (existing golf course)
- Outlot 1: 5.28 acres

Proposed Development Phasing:

Phase I (2025-26): Culver's land acquisition Fall 2025, Culver's construction start/end

Fall 2025/Spring 2026, Golf Course operations to continue through 2026 golf season

Phase II (2026-27): Multi-Family residential construction Fall 2026 / Occupancy 2027

Phase III (timeline TBD): Potential development on other golf course land pending Village agreement on a previously proposed Land Exchange Agreement: Development of other golf course land pending Village agreement to the proposed Land Exchange Agreement (under consideration), Additional multifamily and/or mixed-use development, Public park w/varied public amenities & Menomonee River access

No rezoning will be required. Director Retzlaff introduced Property Owner, Jim Sedgwick who came forward to answer questions along with Matt Bailey of Trio Engineering.

Committee members' concerns/comments included:

Materials for Culvers were acceptable. The appearance of the roofline and facade of the overall entry tower were not acceptable.

The Economic Development Committee is currently working on specifics of the future Gateway feature for the corner of Mequon & Division Roads. There is a sanitary sewer easement on that corner that will need to be figured into the plan for any future sign/feature.

An amendment to reduce the 15' landscape buffer set back to 6' would be needed.

The multifamily units will include 1 or 2 bedroom units, which determines the ratio of incoming children for school district planning.

Commissioners asked for clarification of what they are approving tonight. The PDD amendments only, not a multifamily development plan.

Chairman Soderberg opened the Public Hearing at 10:02pm:

Comments were received from:

Mary Blasczyk who lives on Biscayne Drive is against this proposal due to flooding, lower property values, traffic, noise and doesn't want Culvers.

Keith Dunn who lives on Armada Drive is concerned about the traffic, feels that Culvers has already been decided and is against this proposal.

Lynn Bednarz who lives on Pawnee Court feels that this plan is crazy, is against anything that taxpayers might have to pay for, doesn't want a Culvers and would like this topic postponed.

Sarah Backes who lives on Biscayne Drive is against this proposal due to increased traffic. She doesn't think this will attract new residents to Germantown because they can't afford to live there and feels it will overwhelm utilities.

Bob Simonson who lives on Sawgrass Court is concerned about the number of bedrooms and the rent they would need to generate to maintain property values.



Karen Bell who lives on Blackstone Court is concerned about a decrease in property values, wants to keep the beautiful golf course and feels there should be a buffer to the east.

Je'Ette Tennies who lives on Augusta Court is concerned about buffers, kids going through their subdivision and increased traffic.

Jennifer Robles who lives in Abbey Court is concerned about Roberts, increased traffic, too dense, flooding and feels this will add too many kids into the schools.

Charlie Hargan who lives on Biscayne Drive feels that developers should be able to develop what they want but feels that this is overkill.

Trustee Jolene Pieper who lives on Esquire Court was on Webex and spoke in support of Jim Sedgwick and feels that the personal attacks against him should stop.

Associate Planner Yanke read 6 emails that came in before the 4pm deadline today.

All were against this proposal.

Chairman Soderberg closed the Public Hearing at 10:29pm.

Ewert stated that this project was included in the MD Rofer study done by the school district and the increase in children is well within the school's capacity limits. So this will not impact the need for changes within the school district. Soderberg stated that he is in favor of this proposal and feels multifamily in that area makes sense. Sedgwick stated that market forces since 2006 have changed drastically, so their plan also changed to go along with that. He has a long history of trying to recruit businesses to Germantown, and they are not interested because there just isn't enough density/rooftops to support more high-end, sit-down restaurants. So when Culvers came to them and said they were interested, they paid attention. Williams stated that he would like to see any restaurant other than fast food go in on that corner. Sedgwick stated that they also spoke with Panera and they were not interested either. It's been mostly the drive-thru function that drives a lot of business post COVID-19. Ewert stated that they aren't asking for a TID and the Village isn't spending any money on this. This is a very expensive venture for the developer who is paying for all the roads, sewer, water, etc. We get a lot less say in the development when they are asking for no money from the Village.

Staff recommends approval of the proposed amendments to the Blackstone Creek Planned Development District (PDD) as proposed and summarized herein that shall be codified into an appropriate Village Board resolution amending the current General Development Plan (GDP) dated July 5, 2016, and list of conditions & restrictions contained in Resolution Nos. 19-12, 29-12, 22-13, 23-13, and 20-16:

1. Approval is subject to completion of all driveway and intersection improvements detailed in the Traffic Impact Analysis (TIA) prior to or concurrent with the development resulting from the PDD amendments. As deemed necessary by the Village Department of Public Works/Village Engineer, detailed construction plans and right-of-way permits for said improvements shall be prepared, submitted, and approved by the Village Engineer prior to construction.
2. If the Plan Commission and Village Board act to not add "restaurants with drive-through service" to the list of permitted uses in the Blackstone Creek PPD (proposed as part of Amendment #1), that the current provision allowing "banks with drive-through lanes" shall also be removed from the current list of conditions & restrictions for the Blackstone Creek PDD.

3. Prior to or concurrent with the submittal of site development & building plans for the multifamily area and commercial sites, in whole or in part, a certified survey map (CSM) land division (or subdivision plat if needed) shall be prepared to formally create parcels as a prerequisite for development of said sites.
4. The applicant has indicated that the internal pathway shown on the proposed General Development Plan (GDP) is intended to be accessible to the general public. If the pending land exchange agreement with the Village is accepted in the future and all or some of the remaining golf course property is converted for public access and park purposes, detailed specifications and an access easement and maintenance agreement with the Village shall be created subject to review, and approval of the Village.
5. An overall pedestrian pathway or sidewalk plan showing specifications, how, where and in what timeframe pathways and/or sidewalks providing access to the multifamily residential area and the commercial sites will connect to sidewalks along Mequon Road, Division Road, internally to the commercial sites, and to the Fairway Knoll senior community shall be prepared by the Applicant as a supplement to the General Development Plan (GDP). Said plan shall be prepared and submitted to the Village for review and approval prior to or concurrent with the submittal of site development plans for the multifamily residential area.
6. All internal streets serving the multifamily residential area and commercial sites shall be constructed to Village standards if intended to be public or to a mutually acceptable set of standards and specifications if intended to be privately constructed, owned, and maintained. Detailed plans and specifications shall be prepared and submitted for Village review and approval prior to or concurrent with detailed site development plans for the multifamily residential area and commercial sites.
7. The proposed General Development Plan (GDP) shows the internal streets and driveways serving the commercial sites as being located outside or beyond the perimeter property lines for the two commercial sites. Because those internal streets and driveway intersections are critical to site accessibility and traffic circulation as reflected in the traffic impact analysis (TIA), detailed specifications for those internal streets and driveway intersections shall be prepared and submitted for review and approval by the Village. More importantly, the proposed driveways on Mequon Road and on Division Road need to be constructed prior to or concurrent with development of the Culver's site.
8. As shown in the proposed General Development Plan (GDP), development within the multifamily residential area includes two multifamily buildings positioned parallel to and setback from the east property line. A landscaped buffer of some significance shall be installed between the buildings and along the easterly property. Said landscaped buffer should be designed and presented as part of a larger landscaping plan for the common areas of the entire residential area and submitted for Village review and approval as part of the detailed site development and building plans for the multifamily residential area.
9. The Applicant shall develop a detailed plan for review and approval by the Plan Commission that presents details on landscaping, lighting, signage (building, monument, and directional), architecture & design, exterior materials, etc. that will guide the development of the two retail commercial sites, residential areas,

and any/all common areas within the remaining areas to be developed in the Blackstone Creek PDD area. Said plan shall be prepared and submitted for review and approval by the Village Plan Commission prior to or concurrent with the submittal of detailed site development plans for the commercial sites and multi-family residential area.

10. All items listed in the Village Engineer's August 27, 2025, review memo shall be addressed as part of future development of the multi-family residential area and retail commercial sites. Detailed construction and utility plans meeting all applicable Village Code requirements and requirement is the Village's Development Handbook shall be prepared and submitted for review and approval by the Village for all future multi-family and commercial site development.
11. Given topography across the property from north to south, the multi-family residential area may be able to be served by gravity sewer extended to the south side of the residential area from existing facilities located in Division Road to the east (south of the existing residential condominiums along Division Road). The owner shall explore cooperatively with the Village the possibility of extending water and/or sewer facilities from Division Road as part of future site development and building plans submitted for the multi-family residential area.
12. The Building Inspector has indicated that the submission of state-approved plans shall be required along with a \$20,000 occupancy bond prior to the Village issuing any building permits for the multi-family and commercial buildings.
13. The Applicant shall enter into a Development Agreement if/when deemed necessary with the Village pursuant to Section 18 of the Village Code (Subdivision and Platting), as well as, the preparation of detailed construction plans for the public improvements including, but not limited to public street and intersection improvements, sanitary sewer, water, storm water management facilities, master grading and erosion control, landscaping & street trees, open space trails, lighting and signage. At a minimum, said agreement shall require the review and approval of said plans by Village staff prior to the commencement of construction activities and establish the timing for installation of said improvements (or as otherwise provided for therein).
14. The current list of conditions & restrictions governing development within the Blackstone Creek PDD is contained in a series of resolutions resulting from previous amendments, including Res. No. 19-12 that was subsequently amended by Res. Nos. 29-12, 22-13, 23-13, and 20-16. As deemed necessary by Village Staff, if the proposed PDD amendments are approved, in whole or in part, Village shall Staff create a new document containing a compilation of all valid conditions & restrictions, including the addition of all conditions adopted herein, into one updated document adopted by resolution by the Village Board.

**Motion 1:** Approve 3 PDD Amendments with 14 conditions as presented

**Motioned By:** William Shadid

**Seconded By:** Russell Ewert

**Motion 2:** Amendment to remove condition #2 to allow drive-thru restaurants within the PDD



**Motioned By:** Robert Williams

**Seconded By:** Russell Ewert

**Yes:** Robert Williams, Russell Ewert

**No:** Bob Soderberg, Robert Warren, William Shadid, Josh Tarantino

**Abstain:** None

**Motion 2 Failed Yes 2, No 4, Abstained 0**

**Results of Motion 1:**

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed (Yes 6, No 0, Abstained 0)**

Staff recommends approval of the Certified Survey Map (CSM) to re-divide the 143-acre golf course property as (Lot 2 of CSM #6749) and Outlot 1 of the Glen at Blackstone Creek as proposed subject to the following conditions:

1. All technical issues and corrections identified by the Village Surveyor in the August 15, 2025, review memo shall be addressed and reflected in a revised CSM reviewed and approved by Village staff prior to recording.
2. Cross-access easements shall be prepared and recorded as necessary to ensure Lot 1 is accessible by vehicles and pedestrians across Lot 2 given that the location of internal driveways serving Lot 1 are located on Lot 2. An easement agreement for said easement shall be submitted for review and approval by the Village Attorney prior to recording the CSM.
3. A separate cross-access easement agreement between Presbyterian Homes, owner of the Fairway Knoll senior community and the owner of Lot 2, Blackstone Creek LLC, shall be prepared and recorded as necessary to ensure the development on Lot 1 and Lot 2 (as may be further divided) is accessible by vehicles and residents of the Fairway Knoll property to the west as generally depicted on the proposed General development Plan (GDP).

**Motion:** Approve CSM with 3 conditions as presented

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

Ewert stated that we heard a lot of comments from residents tonight regarding the golf course and it being a fabric of the Village and that they want it to continue. He questioned whether the owner/operator of the golf course wants to continue running it. Sedgwick stated that the owner/operator of the golf course is a separate entity, the same owner/operator who sold him the land, and they have been trying to sell the rest of the land since 2006. He believes it is the worst kept secret in Germantown that the current owner/operator has wanted to get out of the golf course business for 25 years.

**Result of Motion:**

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion 3 Passed (Yes 6, No 0, Abstained 0)**

**Motion: Move Items E & F up to before Item C on the agenda**

**Motioned By:** Russell Ewert

**Seconded By:** Robert Warren

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed Yes 6, No 0, Abstained 0**

E. Sign Effectz, Inc., Agent for Germantown Marketplace AG, LLC, Property Owner. Sign Review Application for Sun Island Spa at N112 W16274 Mequon Road. (ACTION)

Staff recommends approval of the proposed sign for Sun Island Spa for property located at N112 W16274 Mequon Road, subject to the following condition:

1. Applicant/owner shall remove the existing temporary banner sign that is on site.

**Motion:** Approve as presented

**Motioned By:** Robert Warren

**Seconded By:** William Shadid

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed (Yes 6, No 0, Abstained 0)**

F. Micaela Knapp, Agent for Nona Nutrition, and Devo Management Company, LLC, Property Owner. Sign Review Application for Nona Nutrition at N112 W15800 Mequon Road (Suite 4). (ACTION)

Staff recommends approval of the proposed sign for Nona Nutrition for property located at N112 W15800 Mequon Road (Suite 4), subject to the following condition:

1. Applicant/owner shall obtain an electrical permit from Building Inspection Services prior to sign installation.

**Motion:** Approve as presented

**Motioned By:** William Shadid

**Seconded By:** Robert Warren

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino

**No:** None

**Abstain:** None

**Motion Passed (Yes 5, No 0, Abstained 0)**

C. Dan Braatz, Agent for Burgers & Braatz Properties, LLC, and Blackstone Creek, LLC, Property Owner. Site Plan application for a new 4,403 sqft drive-

through restaurant (Culver's) on property located at N112 W17300 Mequon Road in the Village Center District. (ACTION)

Associate Planner Yanke stated that Culver's is proposing a new drive-through restaurant on property situated at the northwest corner of Mequon Road and Division Road. The restaurant is proposed on property slightly over an acre (1.27 acres) where the Blackstone Creek Golf Club currently sits. The restaurant is 4,403 square feet in size and will incorporate two (2) drive-through lanes and typical off-street parking areas to serve customers that opt to dine-in. This proposal is part of a larger redevelopment proposal of the Blackstone Creek golf course that includes both multifamily residential and new commercial lots, with the subject lot being one of the commercial pads.

Two (2) main access points are proposed to accommodate the new restaurant development. A north driveway is proposed as a full access driveway to Division Road, directly across from the existing bank (Bank Five Nine) access driveway, which is located at the northeastern corner of Mequon Road and Division Road. A second full access driveway is proposed along Mequon Road near the center of the property, approximately 260-feet west of Division Road. Both driveways are proposed to operate under stop sign control on the driveway approaches. A cross-access drive to the Fairway Knoll retirement community property located to the west is also proposed to remain as part of the development plans. A Traffic Impact Analysis (TIA) supplementing the application was submitted along with the recommended modifications. The applicant has worked with staff to submit architectural renderings meeting the intent of the Village's "Germanic Theme" corridor along Mequon Road. While revised renderings were submitted, staff finds them to be unsatisfactory at this point in time and recommends further revisions including a modification to the flat roof design to a pitched roof, additional detail on the building facade facing Division Road, and use of non-metal materials along the roofline.

Given the unsatisfactory architectural design of the building, staff recommends to Table/Postpone the site development and building plans until the applicant submits revised elevations/renderings addressing staff's review comments and at the direction of the Plan Commission.

Dan Braatz and Jay Campbell came forward to ask for architecture recommendations from the Plan Commission to follow up on staff's comments.

Recommendations included:

The flat roof should be redesigned to a pitched roof design.

Material along the roofline should be non-metal.

The facade facing east should have a more robust color design and detail to match the rest of the building.

Dress up the south and east-facing elevations. Maybe it's just a matter of adding a few blue canopy features.

The Germanic features that were added, i.e., the clock tower and gable ends, seem contrived and aren't impressive. The side view looks incomplete.

Meet halfway and make Culver's look more unique than other ones at intersections.

The layout and the building being oriented towards Mequon Road are both acceptable.

Possibly brick instead of stone? Brick is more costly.

The gateway sign will need room on the corner.



Revise renderings and labeling for accuracy and make sure the landscape plan and renderings match.

Soderberg stated that he would rather table this topic until the Village Board can make a final decision on the Blackstone Creek PDD amendments heard earlier, as the Culver's proposal is contingent on the PDD amendments being passed by the Village Board. This will allow time for the applicant to revise the architectural details addressing recommendations per staff and the Plan Commission.

Dan Braatz spoke on his behalf and stated that his restaurant in Menomonee Falls partakes in FundRaisers and makes donations within the community. They sponsor local sports teams and have served custard at fundraiser events at schools.

**Motion:** Table topic until the next Plan Commission meeting on November 10th.

**Motioned By:** William Shadid

**Seconded By:** Robert Warren

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed (Yes 6, No 0, Abstained 0)**

D. Matt Seban/TLC Acres, Property Owner W210 N10738 Appleton Avenue - Site Plan Approval Review-Grading/Filling Status Report & Possible Deadline Extension (ACTION)

Director Retzlaff stated that the deadline for filling that this commission issued is coming up and introduced Matt Seban, who gave details as to why he would need a 60-day extension. Seban stated that the loads needed were not available and he believes that he lost about 300 loads because the Plan Commission dictated that he couldn't start before 8am. In years past, he could start at 7:30am which helped. He's not sure that he can get this done by the extended deadline. On Feb. 20th, 2026, the new floodplain maps go into effect and trump everything. Tier 2 should be out of the floodplain by that point. Warren asked why we are forcing this deadline on him. Retzlaff stated that it was to address the issues of his neighbors. Ewert asked how this will affect his business if the filling does not get done. Seban stated that a large area of his property will move into wetland when the floodplain maps change, and he will not be able to farm that entire area. Ewert suggested giving him an extension to Feb. 20th, 2026 as the final deadline.

Staff does not recommend extending the November 1, 2025, deadline. There is not adequate time to restore the original grades by the February 20th, 2026, deadline with additional filling, grading, and restoration of vegetation, given that little activity has been conducted to date.

**Motion:** Extend deadline for completion to Feb. 19th, 2026

**Motioned By:** Russell Ewert

**Seconded By:** Robert Warren

**Yes:** Bob Soderberg, Robert Warren, William Shadid, Robert Williams, Josh Tarantino, Russell Ewert

**No:** None

**Abstain:** None

**Motion Passed (Yes 6, No 0, Abstained 0)**

G. Community Development Department - Holy Hill Gateway District Master Plan  
Project: Review Consulting Services Request for Proposals (ACTION)

President Soderberg postponed this topic due to the late hour.

H. Community Development Department - Pending State Legislation Regarding  
Local Land Use, Zoning & Development Regulation (DISCUSSION)

President Soderberg postponed this topic due to the late hour.

**VI. ANNOUNCEMENTS:**

None.

**VII. ADJOURNMENT:**

Chairman Soderberg adjourned the meeting at 11:43pm.







LEGEND

A

—

Precedents

I

—

Storm Water

2

—

Building Type A

3

—

Building Type B

4

—

Building Type C

5

—

Garages

6

—

Common House /Club House

7

—

Mail + Packages /Bikes + Maintenance / Amenity Area

8

—

Future 70 Unit Building

9

—

Monument Sign

10

—

Germantown Gateway Element

II

—

Trash/Recycle Enclosure

—

Wetlands

—

Buildable Area (16.792 ac. / 731,462 sf )

—

PEC Extents

—

Floodplain Extents



LEGEND

A

Precedents

I

Storm Water

2

Building Type A  
[19 Units — 10 Garages]

3

Building Type B  
[14 Units — 14 Garages]

4

Building Type C  
[22 Units — 12 Garages]

5

Garages  
[37 Garages]

6

Common House w/  
Patio

7

Mail + Packages /  
Maintenance /  
Amenities

8

Future 70 Unit  
Building

9

Monument Signage

10

Germantown  
Gateway Element

II

Trash/Recycle  
Enclosure  
[6 Trash and Recycling  
Enclosures]

SUMMARY

WALK-UP STYLE UNITS

135 UNITS

RESIDENT GARAGE PARKING

135 SPACES

RESIDENT SURFACE SPACES

135 SPACES

RESIDENT SURFACE PARKING

50 SPACES

[Excludes Future 70 Unit Building & associated parking]



# Precedent Imagery



A. CONNECTION TO AND THROUGH LANDSCAPE



B. INTEGRATE BUILT ENVIRONMENT WITH LANDSCAPE



C. HIGH QUALITY MATERIALS



D. CONNECTION TO TRAILS



E. SHARED ENVIRONMENTS



F. SEMI-URBAN CORE



G. DEDICATED RESIDENT PARKING



H. SHARED OPEN SPACES



# HEIMAT

July 7, 2025

October 2, 2025 Revised per staff comments

Village of Germantown  
c/o Jeff Retzlaff  
N112 W17001 Mequon Road  
Germantown, WI 53022

*RE: Blackstone Creek Planned Development District Amendment Application*

Dear Mr. Retzlaff,

On behalf of Blackstone Creek LLC, we are presenting the enclosed Planned Development District (PDD) Amendment Application to the Village of Germantown for consideration. It is our intent to work with the Village to seek an amendment to the existing Blackstone Creek PDD to permit the following:

1. Facilitate the sale of approximately 1 acre for the development of a new Culvers restaurant.
2. Update the General Plan to facilitate the development of a multi-family housing community generally consisting of approximately 205 dwelling units along with a clubhouse and other amenity spaces.
3. Facilitate the creation of future commercial pad sites.

As a supplement to the application form, noted below is further detail regarding a “List of Proposed Amendments” to the existing Blackstone Creek PDD.

- Section 1 - General Development Plan dated July 5, 2016 shall be revised and replaced with the plan dated October 2, 2025 (per attached) as prepared by The Kubala Washatko Architects relative to the golf course and commercial area. The revised General Plan shall allow for the following additional uses:
  - o Culvers restaurant with drive through and associated lanes and parking.
  - o Commercial pad site.
  - o Multifamily housing uses generally consistent with Rm-3 Zoning but with a density calculation of 10 dwelling units per gross acre for a total of up to 205 dwelling units on 20.5445 gross acres (16.792 net buildable acres).
  - o Mixed use or multi-family pad site with an estimated 70 dwelling units.
  - o Approximately eight (8) two (2) story walk up/garden style multi-family buildings with up to 135 dwelling units.
  - o Approximately seven (7) detached garage parking structures.
  - o Club house/common house.
  - o Amenity structure intended to house mail, package delivery, maintenance and other related uses.
  - o Walking path to create connectivity between Mequon Road and Main Street, subject to the potential continued operation of the golf course.
- Section 4 – Building Regulations shall be updated such that code section 17.45(1)(c) shall allow for a seven (7) foot landscape greenbelt with respect to parking areas interior to the development, ie along the north and west sides of the Culvers lot.
- Section 5 – Architectural Design, Exterior Materials and Building Height shall be updated to reflect the following:
  - o Culvers architectural design, as submitted.
  - o Multi-family buildings and related amenity structures to be generally consistent in quality and materials with the precedent imagery, as submitted.



As a further supplement to the application form, noted below is a “Detailed Explanation and Justification for Proposed Amendments”:

The redevelopment of the Blackstone Creek Golf Course (“The Project”) is a multi-phase, mixed use development that will serve as a continuation of the original vision for the Blackstone Creek redevelopment and a catalyst for the Village Center District. Accordingly, we feel it’s important to further outline our vision for the respective sites and phases of the Project:

Phase I is intended to serve as the catalyst for the commercial space. Drawing inspiration from the 2050 Comprehensive Plan (“Comp Plan”), we aim to activate the commercial pad sites located nearest to the intersection of W. Mequon Road and N. Division Road. Culvers is a high-quality, family-friendly Wisconsin brand; this location will be owned and operated by an experienced franchisee with a proven track record.

Phase II is intended to take cues from Traditional Neighborhood Design as desired in the Comp Plan. With increasing demand for right-sized residential units offering direct access, Phase II planning incorporates market rate, two story, walk up/garden style apartment concepts. As noted on Page 18 of the Comp Plan, “consider adding different housing options to accommodate smaller families and an older generation that would like to downsize but stay within their community.” Evolving demographics have shown this type of housing to be in high demand and an invaluable resource for community stability. We believe strongly in the data which reinforces this need - as noted in the Village commissioned “*Residential Market Analysis: Strategy Planning Guidelines for Germantown*” as prepared by Tracy Cross & Associates.

The Project presents a once in a generation opportunity to achieve the following Village of Germantown goals:

- **HOUSING**

2050 Comp Plan Goal: Nurture existing neighborhoods and develop a variety of new housing types that are accessible and welcoming to a diversity of residents. New housing should contribute to Germantown’s community character and build on the Village’s assets.

Progress towards Goal: The Project adds quality housing options, as an alternative to traditional single-family housing. Based upon market study data, we anticipate multi-family rental ranges of approximately \$1,300 to \$2,500 per month per unit in today’s dollars.

- **TRANSPORTATION**

2050 Comp Plan Goal: Ensure a safe, reliable, and accessible transportation system for all residents and visitors in Germantown. Transportation investments should be coordinated regionally, and new investments should consider a range of transportation choices. New development in Germantown should consider appropriate modes of transportation during the planning and approval process.

Progress towards Goal: The addition of a walking path provides a safe connection from Mequon Road to Main Street for pedestrians and cyclists.

- **AGRICULTURAL, CULTURAL AND NATURAL RESOURCES**

2050 Comp Plan Goal: Guarantee Germantown’s history and identity are preserved for the future through the protection of its most valuable resources. Germantown’s community should make use of natural areas to appreciate their value without contributing to their degradation. Open space and environmental corridors must be managed and protected.

Progress towards Goal: Phase III includes the potential addition of new public parklands. Phases I and II are designed to respect the valuable open spaces and environmental corridors.

- **UTILITIES & COMMUNITY FACILITIES**

2050 Comp Plan Goal: Provide Germantown residents and businesses with safe, reliable, and adequate utilities and facilities to meet current and future needs.

Progress towards Goal: The addition of improved public infrastructure.

- **ECONOMIC DEVELOPMENT**

2050 Comp Plan Goal: Promote economic, social and environmental benefits through business and commercial activity in Germantown with a cohesive and unifying vision that inspires investment, tourism, and local pride.

Progress towards Goal: Upon full buildout, the project will add approximately \$55,000,000 in new contemplated economic value, a catalytic investment to invigorate the Village Center District and welcome a new high quality commercial business.

- **LAND USE**

2050 Comp Plan Goal: Pursue a land use pattern of neighborhoods, districts, and corridors that facilitates the siting and compatibility of new and existing uses in a manner that promotes the efficient use of existing and future public utilities and facilities while protecting natural and environmental resources and preserving our rural character and quality of life.

Progress towards Goal: Create a defined residential neighborhood while preserving the natural environment and strengthening the commercial corridor.

Our proposed plan is to work closely with Village staff to amend the current PDD to incorporate the enclosed General Plan. Efforts will focus on phasing the Project and constructing buildings in a defined manner over a period of years. Preliminary phasing and massing are anticipated as follows:

- Pending Village approvals, land sale to Culvers Fall 2025 with construction commencing late 2025.
- Culvers opening in Spring 2026, coordinated with the golf course operations.
- Golf Course operations to continue as-is through the 2026 golf season.
- Phase II multifamily commencing upon achieving Village approvals – anticipated Fall 2026.
- Delivery of Phase II multifamily housing beginning in 2027.
- Future Phase III development opportunity pending Village input on a previously submitted Exchange Agreement.

Benefits to include:

- Further mixed-use and multi-family development.
- Expansion of public parklands.
- Activation of riverfront.
- Addition of varied public amenities.
- Activation of Main Street, consistent with 2050 Comp Plan.

We are firm supporters of the Village of Germantown and have worked to take substantial cues from the Comp Plan. We believe the Project as a whole has the potential to create multiple defined neighborhoods with needed housing stock, contribute to strengthening the Village Center District, preserve dynamic open space for recreation and bolster a strong sense of community; improving the physical infrastructure and the overall aesthetic of the Village for generations to come.

In addition, the Project will substantially increase the Village tax base. It will propel multiple under-utilized parcels forward, creating a sense of place and adding vibrancy to the Village Center District that will ensure Germantown remains a community in which residents want to live, work and play. Simply put, it will help the Village realize the vision identified in the 2050 Comp Plan.

Please review the attached and let us know if you have further questions. Thank you in advance for your consideration of this request.

Sincerely,

BLACKSTONE CREEK LLC.  
By THE HEIMAT GROUP INC.

A handwritten signature in black ink, appearing to read 'J.S.', with a stylized flourish at the end.

Jim Sedgwick  
Principal

A handwritten signature in black ink, appearing to read 'JFL', with a stylized flourish at the end.

Joseph F. Lak II  
Principal



EXHIBIT A – LEGAL DESCRIPTION OF PROPERTY

LOT TWO (2) OF CERTIFIED SURVEY MAP NO. 6749, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WASHINGTON COUNTY, WISCONSIN ON MARCH 31, 2017, IN VOLUME 52 OF CERTIFIED SURVEY MAPS, PAGES 41-52, AS DOCUMENT NO. 1427138, SAID CERTIFIED SURVEY MAP BEING A DIVISION OF LOTS 2 AND 3 IN CERTIFIED SURVEY MAP NO. 6177, AND LANDS LOCATED BEING A PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, NORTHWEST 1/4 & SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, NORTHWEST 1/4 & SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, ALL BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

Village of



Germantown

Willkommen

Fee Must Accompany Application

☒ \$820

Paid 9/1/16 Date 07/07/25

☐ \$200

PC Consultation Only

Paid RR Date 7/8/25

CHK # 1028

## PLANNED DEVELOPMENT DISTRICT (PDD) AMENDMENT APPLICATION

Applications NOT signed by the Property Owner(s) will not be accepted. Attach additional sheets and/or include supplemental information in support of your application.

**APPLICANT OR AGENT:**

Jim Sedgwick  
Heimat Capital LLC

Address: 12075 N Corporate Parkway  
ste 250, Mequon, WI 53092

Phone: 414.303.4691

FAX: na

E-Mail: jim.sedgwick@theheimat  
group.com

**PROPERTY OWNER(S):**

Blackstone Creek LLC  
Atta Corey Kincaid, Member

Address: c/o Heimat Capital LLC

Phone: \_\_\_\_\_

FAX: \_\_\_\_\_

E-Mail: \_\_\_\_\_

**PDD Name & Resolution No.:**

Blackstone Creek PDD  
Resolution No: 24-06

**Legal Description of Property or Area (metes and bounds description):**

Attach separate legal description if necessary

See Attached.

Check all that apply:

- ☒ REQUEST TO AMEND PDD ZONING
- ☒ REQUEST TO AMEND PDD GENERAL DEVELOPMENT PLAN
- ☒ REQUEST TO AMEND PDD CONDITIONS & RESTRICTIONS

**Planned Development District (PDD) Amendment Application**  
Page 2 of 3

**List of Proposed Amendment(s) (include Resolution # and Condition #):**

Attach Revised Plan(s) or Separate Pages as Necessary

*See Attached*

**Detailed Explanation and Justification for Proposed Amendment(s):**

Attach Revised Plan(s) or Separate Pages as Necessary

*See Attached.*



Planned Development District (PDD) Amendment Application  
Page 3 of 3

**APPLICATION SUBMITTAL REQUIREMENTS** (to be submitted at time of application):

All Amendment Applications:

- ☐ Complete Application Form (Affidavit of Understanding and signatures required)
- ☐ Application Fee
- ☐ Detailed explanation of and justification for proposed amendment(s)
- ☐ Detailed explanation of if and how the proposed amendment(s) will affect other aspects of the development included within the PDD

General Development Plan Amendment Only:

- ☐ Legal Description of the land subject of map amendment in electronic/digital file format (e.g. Microsoft Word)
- ☐ Revised or New General Development Plan at a scale of 1" = 50' or other suitable scale necessary to accurately present:
  - o Exterior boundary of the land subject of the map amendment
  - o All existing and/or proposed features to be included in the development

**AFFIDAVIT OF UNDERSTANDING**

Please read and indicate that you understand and agree to the following (initials in box):

 I understand that Village Staff, the Plan Commission and/or the Village Board may request additional information to properly evaluate this application and failure to provide such information may be sufficient justification to deny this application;

 I understand that, regardless of the justification and/or information provided in support of my application, the Village is not obligated to approve my application nor amend the PDD as requested;

 I am aware that the approval of an application to amend a PDD only amends the General Development Plan and/or conditions & Restrictions Resolution and does not otherwise revise or change the zoning of the land affected by the amendment(s), and, I may be required to obtain separate permits and/or approvals (e.g. site plan, building permits, etc.) from the Village or other agencies as a prerequisite to actual or continued development of such land.

**ALL APPLICATIONS MUST BE SIGNED BY THE APPLICANT/AGENT AND PROPERTY OWNER(S)**

  
Applicant/Agent  
  
Applicant/Agent  
7.7.25  
Date

  
Property Owner  
07/07/2025  
Date  
Corey Kircaldy [Jul 7, 2025 14:24 CDT]  
Property Owner  
Date

# HEIMAT

July 7, 2025

Village of Germantown  
c/o Jeff Retzlaff  
N112 W17001 Mequon Road  
Germantown, WI 53022

RE: *Blackstone Creek Planned Development District Amendment Application*

Dear Mr. Retzlaff,

On behalf of Blackstone Creek LLC, we are presenting the enclosed Planned Development District (PDD) Amendment Application to the Village of Germantown for consideration. It is our intent to work with the Village to seek an amendment to the existing Blackstone Creek PDD to permit the following:

1. Facilitate the sale of approximately 1 acre for the development of a new Culvers restaurant.
2. Update the General Plan to facilitate the development of a multi-family housing community generally consisting of approximately 205 dwelling units along with a clubhouse and other amenity spaces.
3. Facilitate the creation of future commercial pad sites.

As a supplement to the application form, noted below is further detail regarding a "List of Proposed Amendments" to the existing Blackstone Creek PDD.

- Section 1 - General Development Plan dated July 5, 2016 shall be revised and replaced with the plan dated July 7, 2025 as prepared by The Kubala Washatko Architects relative to the golf course and commercial area. The revised General Plan shall allow for the following additional uses:
  - o Culvers restaurant with associated drive through lanes and parking.
  - o Commercial pad site.
  - o Mixed use or multi-family pad site.
  - o Approximately eight (8) two (2) story walk up/garden style multi-family buildings.
  - o Approximately seven (7) detached garage parking structures.
  - o Club house/common house.
  - o Amenity structure intended to house mail, package delivery, maintenance and other related uses.
  - o Walking path to create connectivity between Mequon Road and Main Street.
- Section 5 – Architectural Design, Exterior Materials and Building Height shall be updated to reflect the following:
  - o Culvers architectural design, as submitted.
  - o Multi-family buildings and related amenity structures to be generally consistent in quality and materials with the precedent imagery, as submitted.

As a further supplement to the application form, noted below is a "Detailed Explanation and Justification for Proposed Amendments":

The redevelopment of the Blackstone Creek Golf Course ("The Project") is a multi-phase, mixed use development that will serve as a continuation of the original vision for the Blackstone Creek redevelopment and a catalyst for the Village Center District. Accordingly, we feel it's important to further outline our vision for the respective sites and phases of the Project:

Phase I is intended to serve as the catalyst for the commercial space. Drawing inspiration from the 2050 Comprehensive Plan ("Comp Plan"), we aim to activate the commercial pad sites located nearest to the intersection of W. Mequon Road and N. Division Road. Culvers is a high-quality, family-friendly Wisconsin brand; this location will be owned and operated by an experienced franchisee with a proven track record.

Phase II is intended to take cues from Traditional Neighborhood Design as desired in the Comp Plan. With increasing demand for right-sized residential units offering direct access, Phase II planning incorporates market rate, two story, walk up/garden style apartment concepts. As noted on Page 18 of the Comp Plan, "consider adding different housing options to accommodate smaller families and an older generation that would like to downsize but stay within their community." Evolving demographics have shown this type of housing to be in high demand and an invaluable resource for community stability. We believe strongly in the data which reinforces this need - as noted in the Village commissioned "Residential Market Analysis: Strategy Planning Guidelines for Germantown" as prepared by Tracy Cross & Associates.

The Project presents a once in a generation opportunity to achieve the following Village of Germantown goals:

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Progress towards Goal: The Project adds quality housing options, as an alternative to traditional single-family housing.

- **TRANSPORTATION**

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Progress towards Goal: The addition of a walking path provides a safe connection from Mequon Road to Main Street for pedestrians and cyclists.

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Progress towards Goal: Phase III includes the potential addition of new public parklands. Phases I and II are designed to respect the valuable open spaces and environmental corridors.

- **UTILITIES & COMMUNITY FACILITIES**

2050 Comp Plan Goal: Provide Germantown residents and businesses with safe, reliable, and adequate utilities and facilities to meet current and future needs.

Progress towards Goal: The addition of improved public infrastructure.

- **ECONOMIC DEVELOPMENT**

2050 Comp Plan Goal: Promote economic, social and environmental benefits through business and commercial activity in Germantown with a cohesive and unifying vision that inspires investment, tourism, and local pride.

Progress towards Goal: Approximately \$75,000,000 in new contemplated value, a catalytic investment to invigorate the Village Center District along with welcoming a new high quality commercial business.



- **LAND USE**

2050 Comp Plan Goal: Pursue a land use pattern of neighborhoods, districts, and corridors that facilitates the siting and compatibility of new and existing uses in a manner that promotes the efficient use of existing and future public utilities and facilities while protecting natural and environmental resources and preserving our rural character and quality of life.

Progress towards Goal: Create a defined residential neighborhood while preserving the natural environment and strengthening the commercial corridor.

Our proposed plan is to work closely with Village staff to amend the current PDD to incorporate the enclosed General Plan. Efforts will focus on phasing the Project and constructing buildings in a defined manner over a period of years. Preliminary phasing and massing are anticipated as follows:

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- Phase II multifamily commencing upon achieving Village approvals – anticipated Fall 2026.
- Delivery of Phase II multifamily housing beginning in 2027.
- Future Phase III development opportunity pending Village input on a previously submitted Exchange Agreement.

Benefits to include:

- Further mixed-use and multi-family development.
- Expansion of public parklands.
- Activation of riverfront.
- Addition of varied public amenities.
- Activation of Main Street, consistent with 2050 Comp Plan.

We are firm supporters of the Village of Germantown and have worked to take substantial cues from the Comp Plan. We believe the Project as a whole has the potential to create multiple defined neighborhoods with needed housing stock, contribute to strengthening the Village Center District, preserve dynamic open space for recreation and bolster a strong sense of community; improving the physical infrastructure and the overall aesthetic of the Village for generations to come.

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Please review the attached and let us know if you have further questions. Thank you in advance for your consideration of this request.

Sincerely,

BLACKSTONE CREEK LLC.  
By THE HEIMAT GROUP INC.



Jim Sedgwick  
Principal



Joseph F. Lak II  
Principal

EXHIBIT A – LEGAL DESCRIPTION OF PROPERTY

LOT TWO (2) OF CERTIFIED SURVEY MAP NO. 6749, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WASHINGTON COUNTY, WISCONSIN ON MARCH 31, 2017, IN VOLUME 52 OF CERTIFIED SURVEY MAPS, PAGES 41-52, AS DOCUMENT NO. 1427138, SAID CERTIFIED SURVEY MAP BEING A DIVISION OF LOTS 2 AND 3 IN CERTIFIED SURVEY MAP NO. 6177, AND LANDS LOCATED BEING A PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, NORTHWEST 1/4 & SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, NORTHWEST 1/4 & SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, ALL BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

# Village of



## Germantown

Village of Germantown  
Clerk Treasurer  
N112W17001 MEQUON ROAD  
Germantown, WI 53022  
(262) 250-4700  
Welcome

07/08/2025 11:34AM PRAVINA P  
000932-0020  
Payment effective date 07/08/2025

### MISCELLANEOUS

ZONING FEES (GENZON)

2025 GENZON

1 @ \$820.00 \$820.00

-----  
\$820.00

**Subtotal** \$820.00

**Total** \$820.00

CHECK \$820.00

Check Number 1028

-----  
**Change due** \$0.00

Paid by: BLACKSTONE CREEK LLC

Thank you for your payment

CUSTOMER COPY



CERTIFIED SURVEY MAP NO.

BEING A REDMISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6749 AND OUTLOT 1 OF "THE GLEN AT BLACKSTONE CREEK", BEING A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

NOTES:

- ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-83/2011), IN WHICH THE SOUTH LINE OF THE S.E. 1/4 OF SECTION 21, TOWN 9 NORTH, RANGE 20 EAST, BEARS NORTH 89°55'08" EAST.
- WETLANDS SHOWN HEREON ARE PER HEARTLAND ECOLOGICAL GROUP INC. ASSURED DELINEATION AND REPORT DATED MARCH 27, 2024.
- PRIMARY ENVIRONMENTAL CORRIDOR SHOWN HEREON IS PER HEARTLAND ECOLOGICAL CROUP INC. REPORT AND MAP REFERENCED AND ATTACHED TO A SEWRPC CONCURRENCE LETTER DATED MARCH 7, 2025.
- SEE CERTIFIED SURVEY MAP NO. 6177 AND CERTIFIED SURVEY MAP NO. 6749 FOR EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS.

LEGEND:

- - INDICATES "Set" 0.750" O.D. by 18" long Reinforcing Bar weighing 1.502 lbs. per lineal foot.
- - INDICATES "Found" 1" Iron Pipe (Unless otherwise noted)
- - INDICATES "Found" Concrete Monument.

VICINITY MAP



X:\2023\23-038-1195 Blackstone Creek - Germantown Drawings\Survey\CSM\530CSM01-NEW.dwg

DRAFTED THIS 3rd DAY OF JULY, 2025  
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

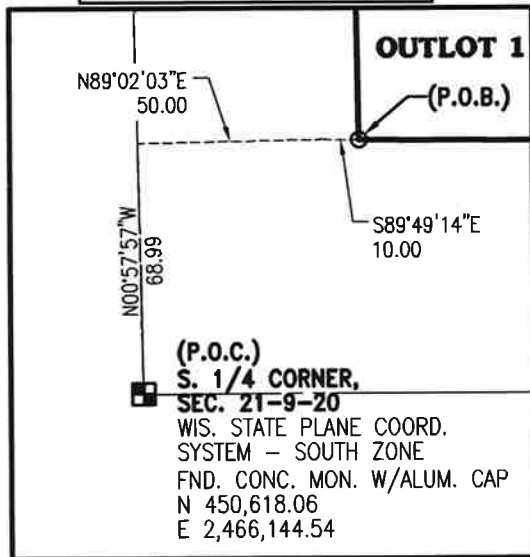
JOB NO. 23-038-1195-01  
SHEET 1 OF 8

# CERTIFIED SURVEY MAP NO.

BEING A REDMISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6749 AND OUTLOT 1 OF "THE GLEN AT BLACKSTONE CREEK", BEING A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

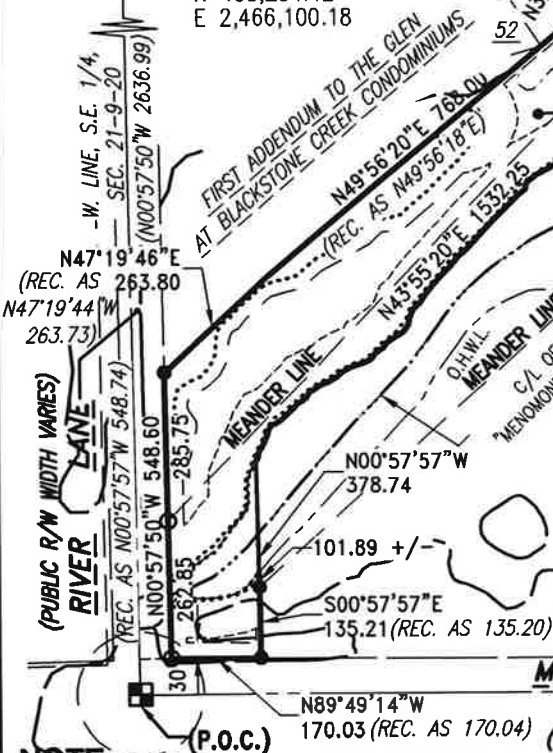
SECOND ADDENDUM TO THE GLEN  
AT BLACKSTONE CREEK CONDOMINIUMS

## LEADIN DETAIL



THE GLEN AT BLACKSTONE  
CREEK CONDOMINIUMS

CENTER,  
SEC. 21-9-20  
WIS. STATE PLANE COORD.  
SYSTEM - SOUTH ZONE  
FND. CONC. MON. W/BRASS  
N 453,254.42  
E 2,466,100.18



NOTE:  
SEE DETAIL  
ABOVE

DRAFTED THIS 3rd DAY OF JULY, 2025  
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

JOB NO. 23-038-1195-01  
SHEET 2 OF 8

# CERTIFIED SURVEY MAP NO.

BEING A REDMISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6749 AND OUTLOT 1 OF "THE GLEN AT BLACKSTONE CREEK", BEING A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

## NOTE:

ANY LAND BELOW THE ORDINARY HIGH WATER MARK OF A LAKE OR A NAVIGABLE STREAM IS SUBJECT TO THE PUBLIC TRUST IN NAVIGABLE WATERS THAT IS ESTABLISHED UNDER ARTICLE IX, SECTION 1, OF THE STATE CONSTITUTION.

## CURVE DATA:

A = 824.14' (REC. AS 824.15)  
R = 3106.58'  
DELTA = 15°12'00"  
CB = S72°28'48"E (REC. AS S72°28'41"E)  
CH = 821.73'

INDICATES 100-YR FLOODPLAIN

**LOT 2**  
5,821,036 S.F. +/-  
133.6326 Ac. +/-  
(TO O.H.W.L.)

POINT DEPICTED AS IRON PIPE PER C.S.M. #6177, UNDERWATER AT TIME OF SURVEY

**E. 1/4 CORNER, SEC. 21-9-20**  
WIS. STATE PLANE COORD. SYSTEM - SOUTH ZONE  
FND. CONC. MON.  
W/BRASS CAP  
N 453,280.32  
E 2,468,718.75

**OUTLOT 1**  
229,942 S.F.  
5.2787 Ac.  
(TO MEANDER LINE)  
352,225 S.F. +/-  
8.0860 Ac. +/-  
(TO O.H.W.L.)

**MAIN STREET**  
(PUBLIC R/W)

**NORTH**

SCALE: 1" = 400'



DRAFTED THIS 3rd DAY OF JULY, 2025  
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

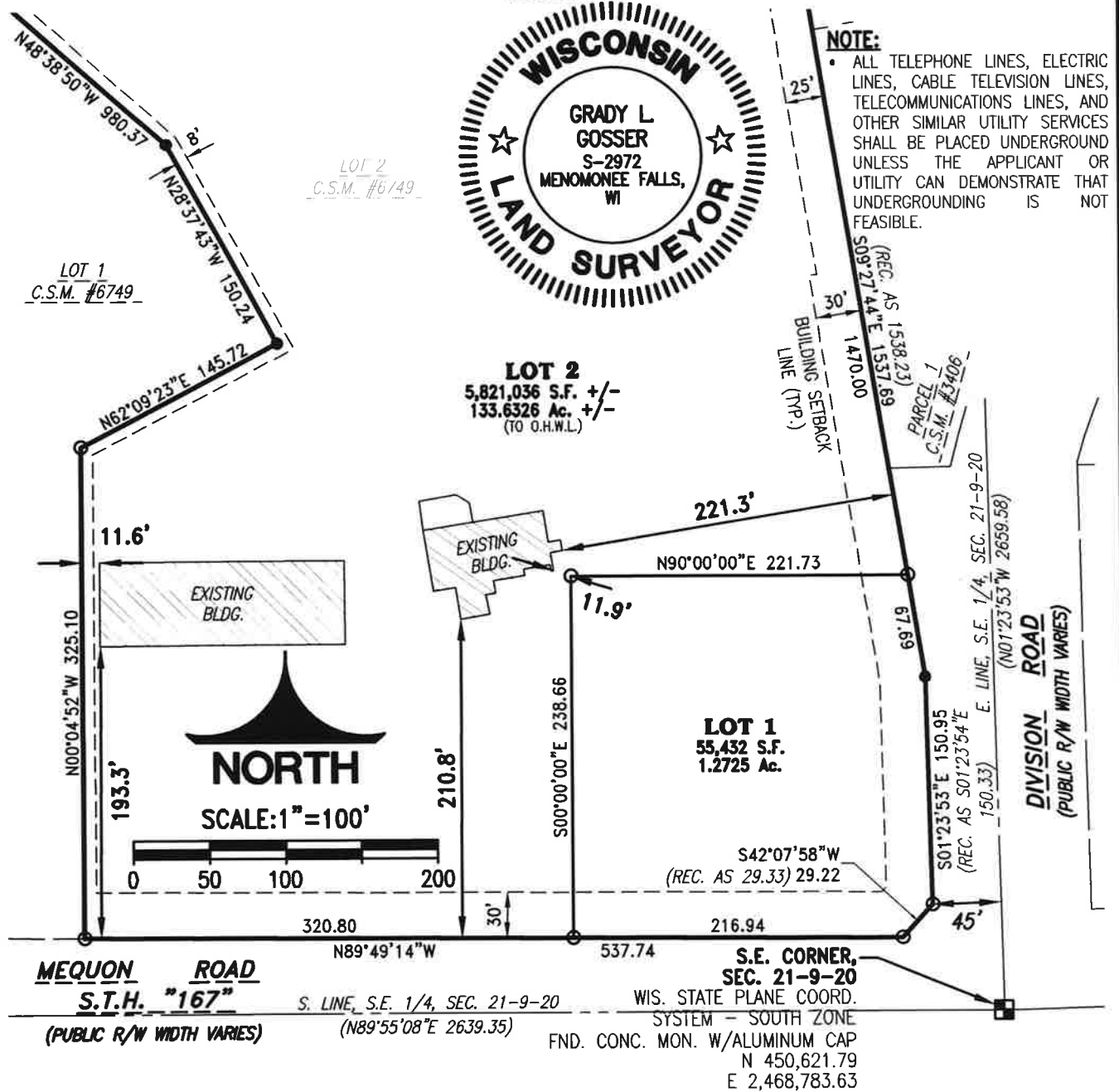
JOB NO. 23-038-1195-01  
SHEET 3 OF 8

X:\2023\23-038-1195 Blackstone Creek - Germantown\Drawings\Survey\CSM\530CSM01-NEW.dwg



**CERTIFIED SURVEY MAP NO.**

BEING A REDMISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6749 AND OUTLOT 1 OF "THE GLEN AT BLACKSTONE CREEK", BEING A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.



**PRESERVATION RESTRICTIONS:**

Those areas identified as WETLAND, FLOODPLAIN and PRIMARY ENVIRONMENTAL CORRIDOR on this Certified Survey Map shall be subject to the following restrictions:

1. Grading, filling and removal of topsoil or other earthen materials are prohibited, unless specifically authorized by the municipality in which this land is located and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
2. The removal or destruction of any vegetative cover, i.e., trees, shrubs, grasses, etc., is prohibited, except as may be used for a Recreational Trail and with the exception that dead, diseased, or dying vegetation may be removed, at the discretion of the landowner and with approval from the municipality in which this land is located. Silvicultural thinning, upon the recommendation of a forester or naturalist and with approval from the municipality in which this land is located. The removal of any vegetative cover that is necessitated to provide access or service to an approved residence or accessory building, shall be permitted only when the access or service cannot be located outside of the Wetland/Floodplain/Primary Environmental Corridor and with approval from the municipality in which this land is located.
3. Grazing by domesticated animals, i.e., horses, cows, etc, is prohibited within the Wetland and Floodplain area and shall be discouraged to the greatest extent possible within the Primary Environmental Corridor area.
4. The introduction of plant material not indigenous to the existing environment is prohibited.
5. Ponds may be permitted subject to the approval of the municipality in which they are located and, if applicable, the Wisconsin Department of Natural Resources and the Army Corps of Engineers.
6. The construction of buildings is prohibited.

DRAFTED THIS 3rd DAY OF JULY, 2025  
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

JOB NO. 23-038-1195-01  
SHEET 4 OF 8

**CERTIFIED SURVEY MAP NO.**

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6749 AND OUTLOT 1 OF "THE GLEN AT BLACKSTONE CREEK", BEING A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

**SURVEYOR'S CERTIFICATE:**

[illegible]

I, Grady L. Gosser, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped a redivision of Lot 2 of Certified Survey Map No. 6749 and Outlot 1 of "The Glen at Blackstone Creek", being a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 and the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 21 and a part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 22, all being in Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin.

Said Parcel contains 6,228,693 Square Feet (or 142.9911 Acres) of land, more or less to the Ordinary High Water Line of the "Menomonee River".

That I have made such survey, land division and map by the direction of **Blackstone Creek, LLC** and **Romano & Schmidt, LLC**, owners of said lands.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and Chapter 18 of the Village of Germantown Subdivision Control Ordinance in surveying, dividing and mapping the same.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Grady L. Gosser, P.L.S.  
Professional Land Surveyor, S-2972  
**TRIO ENGINEERING, LLC**  
4100 N. Calhoun Road, Suite 300  
Brookfield, WI 53005  
Phone: (262)790-1480 Fax: (262)790-1481

DRAFTED THIS 3rd DAY OF JULY, 2025  
THIS INSTRUMENT WAS DRAFTED BY GRADY L. GOSSER, S-2972

Job. No. 23-038-1195-01  
SHEET 5 OF 8

X:\2023\23-038-1195 Blackstone Creek - Germantown Documents\Survey 530-Certified Survey Map\CSM.doc

**CERTIFIED SURVEY MAP NO.**

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6749 AND OUTLOT 1 OF "THE GLEN AT BLACKSTONE CREEK", BEING A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

**LOT 2 CORPORATE OWNER'S CERTIFICATE:**

**BLACKSTONE CREEK, LLC**, a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation has caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 18 of the Germantown Subdivision Control Ordinance, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**BLACKSTONE CREEK, LLC**

\_\_\_\_\_  
Corey Kincaid, Manager

STATE OF WISCONSIN            )  
                                              ) ss  
COUNTY OF                    )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Corey Kincaid, Manager of the above named Limited Liability Company, to me known to be the person who executed the foregoing instrument, and to me known to be such Manager of said Limited Liability Company, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Limited Liability Company, by its authority.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, WI  
My commission expires: \_\_\_\_\_



**CERTIFIED SURVEY MAP NO.**

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6749 AND OUTLOT 1 OF "THE GLEN AT BLACKSTONE CREEK", BEING A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

**OUTLOT 1 CORPORATE OWNER'S CERTIFICATE:**

**ROMANO & SCHMIDT, LLC**, a Corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said Corporation has caused the land described on this map to be surveyed, divided and mapped as represented on this map in accordance with the provisions of Chapter 236 of the Wisconsin Statutes and Chapter 18 of the Germantown Subdivision Control Ordinance, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

**ROMANO & SCHMIDT, LLC**

\_\_\_\_\_  
Troy Schmidt, Partner

STATE OF WISCONSIN        )  
                                          ) ss  
COUNTY OF                 )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, Troy Schmidt, Partner of the above named Limited Liability Company, to me known to be the person who executed the foregoing instrument, and to me known to be such Partner of said Limited Liability Company, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Limited Liability Company, by its authority.

\_\_\_\_\_  
Print Name: \_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, WI  
My commission expires: \_\_\_\_\_

**CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 6749 AND OUTLOT 1 OF "THE GLEN AT BLACKSTONE CREEK", BEING A PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND A PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

**VILLAGE OF GERMANTOWN PLANNING COMMISSION APPROVAL:**

This Certified Survey Map is hereby approved by the Planning Commission of the Village of Germantown on this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Robert A. Soderberg, Chairman

\_\_\_\_\_  
Deborah J. Remich, Secretary

**VILLAGE OF GERMANTOWN BOARD APPROVAL:**

This Certified Survey Map, being a division of Lot 2 of Certified Survey Map No. 6749 and Outlot 1 of "The Glen at Blackstone Creek", being a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northeast 1/4 and the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 21 and a part of the Northwest 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 22, all being in Town 9 North, Range 20 East, in the Village of Germantown, Washington County, Wisconsin, having been approved by the Planning Commission being the same, is hereby approved by the Village Board of Trustees of the Village of Germantown on this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Robert A. Soderberg, Village President

\_\_\_\_\_  
Donna Ott, Village Clerk



Fee must accompany application  
\$2,900 with public improvements  
X \$1,960 no public improvements

Paid July 7 Date 07/07/25  
CHK #1027

## CERTIFIED SURVEY MAP APPLICATION

Pursuant to Section 18.06 of the Municipal Code

Please read and complete this application carefully. **All applications must be signed and dated.**

### 1 APPLICANT OR AGENT

Jim Sedgwick

Heimat Capital LLC

12075 N Corporate Parkway, Ste 250

Mequon, WI 53092

Phone ( 414 ) 303-4691

Fax ( ) na

E-Mail [jim.sedgwick@theheimatgroup.com](mailto:jim.sedgwick@theheimatgroup.com)

### PROPERTY OWNER

Blackstone Creek LLC

Attn Corey Kincaid, Member

c/o Heimat Capital LLC

Phone ( )

### PROPERTY ADDRESS OR GENERAL LOCATION

N112W17300 Mequon Rd, Germantown, WI 53022

### TAX KEY NUMBER

GTNV 211979

### 3 PURPOSE OF LAND SPLIT

Create a new legal parcel for sale and development

Will the land split require rezoning?

Yes, PDD amendment

From

To

### 4 READ AND INITIAL THE FOLLOWING:

CK CS I understand that the Certified Survey Map is not valid until recorded at the Washington County Register of Deeds. The Village will record the document and charge the applicant all applicable recording fees.

CK CS I understand that the Map will not be placed on the Village Board agenda until all the technical corrections to the CSM are made, the payment of any outstanding impact fees are paid to the Village Clerk's Department, and the original signed and stamped copy of the Map is submitted on the proper paper.

CK CS I understand that parcels created outside the Sewer Service Area will require a soil test. I also understand that all properties abutting a State Highway will require DOT approval and I will be responsible for securing such approval prior to recording.

CK CS I understand all delinquent property taxes on any of the properties involved shall be paid prior to recording.

### 5 SIGNATURES -- ALL APPLICATIONS MUST BE SIGNED BY OWNER!

Applicant

Date

Owner

Date



# Village of



## Germantown

Village of Germantown  
Clerk Treasurer  
N112W17001 MEQUON ROAD  
Germantown, WI 53022  
(262) 250-4700  
Welcome

07/08/2025 11:33AM PRAVINA P  
000932-0019  
Payment effective date 07/08/2025

### MISCELLANEOUS

ZONING FEES (GENZON)

2025 GENZON

1 @ \$1960.00 \$1,960.00

-----  
\$1,960.00

**Subtotal** \$1,960.00

**Total** \$1,960.00

CHECK \$1,960.00

Check Number 1027

-----  
**Change due** \$0.00

Paid by: BLACKSTONE CREEK LLC

Thank you for your payment

CUSTOMER COPY

**To:** Kevin Driscoll, Village Engineer

**CC:** Jeff Retzlaff Village Planner

**From:** Bob Beilfuss, PLS

**Date:** August 15, 2025

**Re:** Culvers-Blackstone CSM

Kevin,

Here is my review comments for the CSM received 7/30/2025.

### **Certified Survey Map**

**Applicant or Owner: Jim Sedgwick**

Address: N112 W17300 Mequon Road, Germantown WI. 53022

Tax Key No. GNTV 211979

**Land Surveyor/Firm: Grady L. Gosser, PLS – Trio Engineering**

1. On all sheets, the Professional Land Surveyor's signature is missing.
2. The Professional Land Surveyor's seal is missing from sheets 5 through 8.
3. There is a access restriction (shown on previous CSM's) along Mequon Road and a portion of Division Road that is not shown or dimentioned on this submittal and needs to be added. As does the 50' access point. Should the existing driveway not be located within the 50' access point, then either the drive needs to be relocated or the access point will need to be relocated. These options need to be approved by the agency that required the access restriction originally. Research will need to be done to see which agency required the restriction. It could be the Village or the Wisconsin Department of Transportation.
4. There is a 20' sanitary sewer and water main easement along the Mequon Road per Document No. 1427147 that was recorded separately from the previous CSM's and is not shown on those previous CSM. This easement needs to be added to this submittal.
5. The building setbacks and dimensions are missing from the west and north boundary lines of proposed Lot 1 and needs to be added to this submittal.
6. The north access drive from Division Road to serve proposed Lot 1 is located on proposed Lot 2 and either the north line of Lot 1 needs to be relocated to the north, so that the new drive is located on Lot 1 or a shared driveway easement between proposed Lot 1 and proposed Lot 2, centered on said north boundary line, with terms and conditions of the easement, needs to be created.

*Professional Land Surveying and Mapping Services*  
W174 N9467 Joper Road, Menomonee Falls, Wisconsin, 53051  
262-250-8003 office [pointlandsurveying@gmail.com](mailto:pointlandsurveying@gmail.com) email

---

7. No further review comments.

### **Document Approval and Recording**

For this CSM to be approved by the Village Board and recorded at the Washington County Register of Deeds, the document must be provided to the Village Clerk's office in a completed format including all original signatures of the owner and lending institution, original seals of the professional land surveyor on the recordable media the Wednesday prior to the scheduled Village Board meeting.

This includes the CADD file.

Any documents or digital files not submitted by the due date or contain outstanding technical review comments that have not be addressed, will be moved to the next scheduled Village Board meeting agenda.

### **Document Submittals and Data Conversion**

As of October 2005, the Village of Germantown requires a digital copy of all Certified Survey Maps, Condominium Plats and Subdivision Plats in addition to the documents as required by Wisconsin Statute and Village Ordinances as part of the land division approval.

The digital mapping should be prepared using the NAD83 Datum (2011 Adjustment)

### **Prior to Recording the Certified Survey Map or Subdivision Plat**

The professional land surveyor is responsible for submitting a copy of the AutoCAD drawing file (.dwg) of the document in Version 2024 via email to the Village Surveyor for mapping purposes.

All digital professional land surveyor seals and signatures will be purged from the digital copy prior to submittal.

Sincerely,  
Point Land Surveying & Mapping

*Bob Beilfuss*

Bob Beilfuss, P.L.S.  
Principle



## NOTICE OF PUBLIC HEARING VILLAGE OF GERMANTOWN

NOTICE is hereby given that a Public Hearing will be held before the Village of Germantown Plan Commission at the Germantown Village Hall located at N112W17001 Mequon Road, Germantown, Wisconsin and virtually through the WebEx platform on the following date and at the time noted below (or soon thereafter):

DATE: Monday, October 13th, 2025  
TIME: 6:30pm or later

The purpose of said hearing is to hear any and all parties, their attorneys or agents, for or against the following regarding the Blackstone Creek Planned Development District (PDD): (1) a rezoning application to rezone portions of the following described parcel from the Rd-2: One & Two-Family Zoning District to the Rm-3: Multi-Family Zoning District and the B-2: Community Business District within the Blackstone Creek PDD; and (2) amendments to the Blackstone Creek PDD General Development Plan and Conditions and Restrictions that would allow the development of a mixed-use development comprised of commercial retail and approximately 205 multi-family dwelling units:

Applicant: Jim Sedgwick/Heimat Capital LLC, Agent for Blackstone Creek LLC, Property Owners  
Property: N112 W17300 Mequon Road; Tax Parcel GTNV 211-979

### Property Description:

LOT TWO (2) OF CERTIFIED SURVEY MAP NO. 6749, RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR WASHINGTON COUNTY, WISCONSIN ON MARCH 31, 2017, IN VOLUME 52 OF CERTIFIED SURVEY MAPS, PAGES 41-52, AS DOCUMENT NO. 1427138, SAID CERTIFIED SURVEY MAP BEING A DIVISION OF LOTS 2 AND 3 IN CERTIFIED SURVEY MAP NO. 6177, AND LANDS LOCATED BEING A PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4, NORTHWEST 1/4 & SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4, SOUTHEAST 1/4, NORTHWEST 1/4 & SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 21 AND PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 22, ALL BEING IN TOWN 9 NORTH, RANGE 20 EAST, IN THE VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISCONSIN.

A copy of the application and a map showing the property described above are on file at the Community Development Department-Planning & Zoning Services office in the Germantown Village Hall and can be viewed on our website by following this link:

<https://www.germantownwi.gov/589/Proposed-Development-Projects>

Citizens wishing to submit any public comments should do so by sending them by email to: [comments@germantownwi.gov](mailto:comments@germantownwi.gov) no later than 4:00pm on the meeting date listed above.

Donna Ott, Village Clerk  
Dated this 17<sup>th</sup> day of September 2025

To Be Published On: September 24<sup>th</sup> & October 1<sup>st</sup>, 2025

**Community Development Department**

Jeffrey W. Retzlaff, AICP, Community Development Director  
N112W17001 Mequon Road, PO Box 337  
Germantown, WI 53022-0337  
(262) 250-4735  
[www.germantownwi.gov](http://www.germantownwi.gov)

September 2025

## NOTICE OF PUBLIC HEARING

You are receiving this notice because our records indicate that you are the owner and/or occupant of property located in the vicinity of the 143-acre property located at N112W17300 Mequon Road (known as the "Blackstone Creek Golf Club" property). As stated in the attached notice, Jim Sedgwick, agent for Blackstone Creek LLC, property owner, is requesting a series of approvals affecting the Blackstone Creek Golf Club property and the Planned Development District (PDD) within which it is located, including: (1) rezoning a portion of the property from the current Rd-2: One & Two-Family Zoning District to the Rm-3: Multi-Family Zoning District within the Blackstone Creek PDD; (2) amending the Blackstone Creek PDD General Development Plan and list of Conditions and Restrictions that would allow the development of a mixed-use development comprised of commercial and residential land uses including 205 multi-family dwelling units; and (3) dividing a 1.27-acre parcel nearest to the Division Road @ Mequon Road intersection for the development of a Culver's fast-food/sit-down restaurant.

A public hearing of the rezoning application and proposal to amend the PDD for the proposed development will be held before the Village Plan Commission on **October 13th, 2025 at 6:30pm** in the Village Hall Board Room. A copy of the official public hearing notice is on the backside of this letter.

At that time, the Plan Commission will review and discuss the application and supporting information about the proposal. Village staff will report their evaluation of the proposal, discuss Village plans, policies, code requirements, and make a recommendation to the Plan Commission to approve or deny the proposal. During the public hearing, members of the public will be asked to share their comments and any other information about the proposal that they feel the Plan Commission and Village Board should consider before deciding to approve or deny the requested approvals. Once the public hearing is closed the Plan Commission will consider the public comments and other information received before making a formal recommendation to the Village Board.

At a future meeting (on a date to be determined), the Village Board will consider the proposal and requested approvals, the Village staff report & recommendation, public hearing comments received, and the Plan Commission recommendation before making a final decision to approve or deny the requested approvals.

You are invited to attend both the Plan Commission Public Hearing and Village Board meeting regarding the proposal and application. If you are unable to attend, you can provide written feedback sent by letter or email addressed to the Community Development Department or to your Village Trustee no later than 4pm on October 13th. Please visit the Village's website for Trustee contact information: [www.germantownwi.gov](http://www.germantownwi.gov)

Finally, as listed on the bottom of the enclosed notice, you can inspect the application, and all supporting information submitted for this proposal by visiting the "Proposed Development Projects" webpage on the Community Development Department Page on the Village's website.



## Engineering Department Memorandum

**To: Jeff Retzlaff, AICP, Planning Director/Zoning Administrator**

**From: Kevin Driscoll, Village Engineer**

**Date: August 27, 2025**

**Re: Culvers – Storm Water Management Review**

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**Items Reviewed:**

1. Stormwater Management Plan

Dated: 07-07-2025

**General Comments:**

1. Please respond to each item below. **A written response addressing each item shall be included in your submittal.**
2. The submitted plans have been reviewed for general conformance with State and Village design guidelines. Additional comments could arise as a result of the plan completion and modifications. The items listed below will need to be fully resolved before the Engineering Dept. can recommend a formal approval of the plans and permit for construction.
3. This project will require a WRAPP/NOI from the DNR. Please submit a copy of the approved permit prior to final approval.
4. The project will require DSPS plumbing and infiltration system review and approval. Please provide a copy of the DSPS approval prior to engineering approval
5. As-builts prepared to Village standards shall be prepared and provided to the Village post-construction (for all applicable items).
6. A professional engineer's original seal is to be affixed, signed and dated on the final set of construction plans.

**Stormwater Management Plan:**

1. Clarify what pavement area was used for the new pavement area. New driveways into the site located outside the property line shall be included as new parking and roadway area.
2. Provide soil borings demonstrating the native soil infiltration rate of 0.13 in/hr is appropriate for the on-site soils.
3. Adjust stone voids to 33% as recommended by the DNR or provide documentation supporting 40% voids in the stone proposed for use.
4. Provide additional information on how the outlet from the isolator row is being modeled. Its not clear where the weir 1.5' above the bottom is and why the 12" outlet pipe isn't included in the model.
5. Provide information on how water tributary to STM INL #2 will be treated by the isolator



row. Is the 15" outlet invert intended to be higher than the 12" inlet pipe as shown on the plans?

6. Provide information on the 6" NE out of STM MH#1. Is this a draintile that will reduce infiltration of the isolator row? If so it should be included in the SLAMM model.

**Transportation:**

1. Provide Traffic Impact Analysis.
2. Complete Driveway permit.
3. Extend sidewalk to connect to Mequon Road. Extend sidewalk along Division Road.

**Sanitary:**

1. Sanitary is available along Mequon Road in easement.
2. Complete Plumbing permit
3. Provide projected volumes based on similar sites for impact fee calculation.

**Water:**

1. Water is available along Mequon Road in easement.
2. Complete Plumbing permit
3. Provide projected volumes based on similar sites for impact fee calculation.



# Assured Wetland Delineation & Environmental Corridor Delineation Report

## **Blackstone Creek Golf Course**

Village of Germantown, Washington County, Wisconsin

March 27, 2024

Project Number: 20231043

## **Blackstone Creek Golf Course**

Village of Germantown, Washington County, Wisconsin

March 27, 2024

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### **Prepared for:**

Mr. Jim Sedgwick

Blackstone Creek, LLC

5150 N. Port Washington Rd. #115

Glendale, WI 53217

### **Prepared by:**

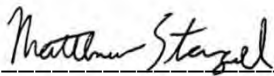
Heartland Ecological Group, Inc.

506 Springdale Street

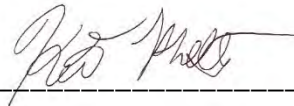
Mount Horeb, WI 53572

608-490-2450

[www.heartlandecological.com](http://www.heartlandecological.com)



Matthew Stangel, Senior Scientist



Keith Phelps, Environmental Scientist



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## 1.0 Introduction

Heartland Ecological Group, Inc. (“Heartland”) completed an assured wetland determination and delineation on the Blackstone Creek Golf Course site on July 31, August 1, and August 2, 2023, at the request of Blackstone Creek, LLC. Primary Environmental Corridor (PEC) was also refined and field delineated. Wetland delineation fieldwork was completed by Matt Stangel, an assured delineator qualified via the Wisconsin Department of Natural Resources’ (WDNR’s) Wetland Delineation Assurance Program and Keith Phelps, both of Heartland (Appendix E, Qualifications). Primary Environmental Corridor fieldwork was also completed by Matt Stangel and Keith Phelps. The 164.44-acre site (the “Study Area”) is northeast of the intersection of Mequon Road and River Lane, in Sections 21 & 22, T9N, R20E, Village of Germantown, Washington County, WI (Figure 1, Appendix A). The purpose of the wetland and environmental corridor delineation was to determine the location and extent of wetlands, waterways, water bodies, and PEC within the Study Area.

Sixteen (16) wetland areas totaling approximately 31.97 acres were delineated and mapped within the Study Area (Figure 6, Appendix A). One PEC area totaling approximately 118.84 acres was also identified and mapped. One (1) waterway, the Menomonee River, which was historically widened/excavated, traverses the central portion of the Study Area. Additionally, twelve (12) historically excavated ponds were identified within the Study Area.

Wetlands, waterways, and water bodies discussed in this report may be subject to federal regulation under the jurisdiction of the U.S. Army Corps of Engineers (USACE), state regulation under the jurisdiction of the WDNR, and local zoning authorities. PEC is a designation created by Southeastern Wisconsin Regional Planning Commission (SEWRPC) that is adopted by local municipalities, townships, and counties. The municipalities have jurisdiction over environmental corridors such as PEC under the oversight of SEWRPC and WDNR. Heartland recommends this report be submitted to local authorities, the USACE, and SEWRPC (via the Village of Germantown) for final jurisdictional review and concurrence.



## 2.0 Methods

### 2.1 Wetlands

Wetlands were determined and delineated using the criteria and methods described in the USACE Wetlands Delineation Manual, T.R. Y-87-1 ("1987 Corps Manual") and the applicable *Regional Supplement to the Corps of Engineers Wetland Delineation Manual*. In addition, the *Guidance for Submittal of Delineation Reports to the St. Paul District USACE and the WDNR* (WDNR, 2015) was followed in completing the wetland delineation and report.

Determinations and delineations utilized available resources including the U.S. Geological Survey's (USGS) *WI 7.5 Minute Series (Topographic) Map* (Figure 2, Appendix A), the U.S. Department of Agriculture (USDA) Natural Resource Conservation Service's (NRCS) Soil Survey Geographic Database (SSURGO) *Web Soil Survey* (Figure 3, Appendix A), the WDNR's *Wetland Indicator* data layer (Figure 4, Appendix A), the WDNR's *Wisconsin Wetland Inventory* data layer (Figure 5, Appendix A), the WDNR's *24k Hydro Flowlines (Rivers and Streams)* data layer (Figure 2 and 5, Appendix A), the WDNR's *Color-Stretch LiDAR and Hillshade Image Service Layer* (Figure 6, Appendix A), and aerial imagery available through the USDA Farm Service Agency's (FSA) National Agriculture Imagery Program (NAIP) and Washington County's Land Information Office.

Wetland determinations were completed on-site at sample points, often along transects, using the three (3) criteria (vegetation, soil, and hydrology) approach per the 1987 Corps Manual and the Regional Supplement. Procedures in these sources were followed to demonstrate that, under normal circumstances, wetlands were present or not present based on a predominance of hydrophytic vegetation, hydric soils, and wetland hydrology.

Recent weather conditions influence the visibility or presence of certain wetland hydrology indicators. An assessment of recent precipitation patterns helps to determine if climatic/hydrologic conditions were typical when the field investigation was completed. Therefore, a review of antecedent precipitation in the 90 days leading up to the field investigation was completed. Using an Antecedent Precipitation Tool (APT) analysis developed by the USACE (Deters & Gutenson 2021), the amount of precipitation over these 90 days was compared to averages and standard deviation thresholds observed over the past 30 years to generally represent if conditions encountered during the investigation were





normal, wet, or dry. Recent precipitation events in the weeks prior to the investigation were also considered while interpreting wetland hydrology indicators. Additionally, the Palmer Drought Severity Index was checked for long-term drought or moist conditions (NOAA, 2018).

The uppermost wetland boundary and sample points were identified and marked with wetland flagging and located with a Global Navigation Satellite System (GNSS) receiver capable of sub-meter accuracy. In some cases, wetland flagging was not utilized to mark the boundary and the location was only recorded with a GNSS receiver, particularly in actively managed golf course areas. The GNSS data was then used to map the wetlands using ESRI ArcGIS Pro™ software.

## 2.2 Environmental Corridors

Per the SEWRPC Planned Environmental Corridors and 2010 Environmental Corridors (Corridors) mapping, corridor areas are located within the Study Area. Because the Corridor boundaries may need adjustment due to changing site conditions over time, a field inspection is often needed to refine them. Field work was completed by Matt Stangel and Keith Phelps of Heartland on July 31, 2023.

The initial steps in the Corridor delineation refinement process included a review of the following documents:

- NRCS Web Soil Survey
- USGS 7.5-minute Wisconsin quadrangle map and available topographic maps
- WWI Mapping
- SEWRPC Mapping and Reports

These documents provide information on where Corridors have been previously identified and identify areas that possess a high likelihood of containing Corridors. These initially identified areas were then visited to make on-site determinations, and where necessary, complete delineations of the Corridor boundary.

Heartland conducted a field review and applied the definitions, criteria, and guidelines outlined in “Refining the Delineation of Environmental Corridors in Southeastern Wisconsin” (Rubin and Emmerich, 2000). Field conditions were compared with aerial photography to assess changes in land use and/or vegetative cover. SEWRPC has identified the various



Corridor areas within southeastern Wisconsin by aerial photographic interpretation and, in many instances, field review. The following are definitions for these terms:

- Primary environmental corridor (PEC) contains concentrations of the most significant natural resources. They are at least 400 acres in size, at least two (2) miles long and at least 200 feet wide.
- Secondary environmental corridor (SEC) contains significant but smaller concentrations of natural resources. They are at least 100 acres in size and at least one (1) mile long, unless serving to link PEC's.
- Isolated natural resource areas (INRA) contain significant remaining resources apart from environmental corridors. They are at least five (5) acres in size and 200 feet wide.

The field inspection included a preliminary reconnaissance of the Study Area to determine the general topography, plant communities, and to confirm the presence of various resource features.

- 1) A meander survey was conducted in the northern woodland area of the PEC and all known plants were identified to the species level.
- 2) If soil limitations were part of the criteria, soil types were confirmed during the field inspection.
- 3) Changes in wildlife habitat and/or Corridor were recorded in field notes.
- 4) Heartland identified all key natural resource base elements present within the Study Area in accordance with definitions in Rubin & Emmerich (2000) including:
  - Lakes, rivers, and streams
  - Wetlands
  - Prairie remnants
  - Rugged terrain and steep slopes
  - Poorly drained and organic soil
  - Potential outdoor recreation sites
  - Historic sites and structures
  - Undeveloped shorelands and flood lands
  - Woodlands
  - Wildlife habitat
  - Unique landforms
  - Existing outdoor recreation sites
  - Significant open spaces
  - Outstanding scenic areas and vistas

Point values of each natural resource base element were then summed, and those areas with 10 or more points, and that met the minimum size and width requirements, were



identified as corridor. Setbacks from key features (e.g. navigable waterways) were also included.

Heartland then located the Corridor boundary in the Study Area mostly by finding the outer drip line of the tree canopy of woodlands. Woodlands are comprised of trees with at least a four-inch diameter at breast height (dbh), having a minimum density of 17 trees per acre, and producing greater than 50% canopy cover. Wetlands, woodlands, floodplain, and wildlife habitat elements were included in the Corridor.

## 3.0 Results and Discussion

### 3.1 Desktop Review

#### Climatic Conditions

According to the APT analysis (Deters & Gutenson 2021) using the previous 90 days of precipitation data, conditions encountered at the time of the fieldwork were expected to be drier than normal for the time of year (Appendix B). The Palmer Drought Severity Index was checked as part of the APT analysis, and the long-term conditions at the time of the fieldwork were in the mild drought range. Fieldwork was completed within the dry-season based on long-term regional hydrology data utilized in the WebWIMP Climatic Water Balance and computed as part of the APT analysis.

#### General Topography and Land Use

The topography within the Study Area was relatively flat as much of the Study Area is located within the historic 100-year flood plain of the Menomonee River. A relatively steep slope is located on the south side of the Study Area, and indications of historic grading for golf course construction and management are present within the golf course area (e.g. tee boxes, berms, drainage swales, and artificial ponds). A topographic high of approximately 886 feet above mean sea level (msl) is present near the clubhouse building and parking lot on the south side of the Study Area, and a topographic low of approximately 842 feet above msl is present within the Menomonee River, which bisects the center of the Study Area from north to south (Figures 2 and 6, Appendix A). Land uses within the Study Area is primarily an active golf course with an area of undeveloped woodland present on the north side and the Village of Germantown's Residential Yard Waste Facility in the north-central portion of





the Study Area. Surrounding areas are primarily residential with some commercial and undeveloped areas also present.

### Soil Mapping

Soils mapped by the NRCS Soil Survey within the Study Area, and their hydric status are summarized in Table 1. Wetlands identified during the field investigation are located primarily within areas mapped as hydric or partially hydric soils including wetland indicator soils (Figures 3 and 4, Appendix A).

Table 1. Summary of NRCS Mapped Soils within the Study Area

| <b>Soil symbol: Soil Unit Name</b>       | <b>Soil Unit Component</b> | <b>Soil Unit Component Percentage</b> | <b>Landform</b>   | <b>Hydric status</b> |
|------------------------------------------|----------------------------|---------------------------------------|-------------------|----------------------|
| FaA: Fabius loam, 1-3% slopes            | Fabius                     | 90                                    | Flats             | No                   |
|                                          | Sebewa                     | 10                                    | Depressions       | Yes                  |
| HmB2: Hochheim loam, 2-6% slopes, eroded | Hochheim-Eroded            | 80-91                                 | Drumlins          | No                   |
|                                          | Theresa-Eroded             | 6-12                                  | Till plains       | No                   |
|                                          | Lamartine                  | 3-8                                   | Drumlins          | No                   |
| Hu: Houghton mucky peat, 0-2% slopes     | Houghton-Mucky peat        | 85-95                                 | Depressions       | Yes                  |
|                                          | Houghton-Ponded            | 3-7                                   | Depressions       | Yes                  |
|                                          | Adrian                     | 1-5                                   | Lakebeds (relict) | Yes                  |
|                                          | Palms-Mucky peat           | 1-3                                   | Interdrumlins     | Yes                  |
| KwB: Knowles silt loam, 2-6% slopes      | Knowles                    | 85-95                                 | Ground moraines   | No                   |
|                                          | Dodge                      | 3-6                                   | Ground moraines   | No                   |
|                                          | Lamartine                  | 1-5                                   | Ground moraines   | No                   |
|                                          | Ritchey                    | 1-4                                   | Ground moraines   | No                   |
| MgA: Martinton silt loam, 1-3% slopes    | Martinton                  | 86-95                                 | Drainageways      | No                   |
|                                          | Pella                      | 5-14                                  | Depressions       | Yes                  |
| MmA: Matherton silt loam, 1-3% slopes    | Matherton                  | 85-95                                 | Drainageways      | No                   |
|                                          | Pella                      | 3-8                                   | Depressions       | Yes                  |
|                                          | Colwood                    | 2-7                                   | Depressions       | Yes                  |
| Pc: Palms mucky peat, 0-2% slopes        | Palms-Mucky peat           | 80-95                                 | Interdrumlins     | Yes                  |
|                                          | Houghton-Mucky peat        | 3-15                                  | Depressions       | Yes                  |



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| Soil symbol: Soil Unit Name                                  | Soil Unit Component             | Soil Unit Component Percentage | Landform                       | Hydric status |
|--------------------------------------------------------------|---------------------------------|--------------------------------|--------------------------------|---------------|
|                                                              | Adrian                          | 2-5                            | Interdrumlins                  | Yes           |
| Ph: Pella silt loam, 0-2% slopes                             | Pella                           | 80-91                          | Drainageways                   | Yes           |
|                                                              | Kendall                         | 5-9                            | Drainageways                   | No            |
|                                                              | Lamartine                       | 4-8                            | Drainageways                   | No            |
|                                                              | Palms-Muck                      | 1-3                            | Depressions                    | Yes           |
| RkB: Ritchey silt loam, 2-6% slopes                          | Ritchey                         | 100                            | Bluffs                         | No            |
| RkC2: Ritchey silt loam, 6-12% slopes, eroded                | Ritchey                         | 100                            | Bluffs                         | No            |
| SeB: St. Charles silt loam, gravelly substratum, 2-6% slopes | St. Charles-Gravelly substratum | 80-90                          | Outwash plains                 | No            |
|                                                              | Fox                             | 7-13                           | Outwash plains                 | No            |
|                                                              | Mayville                        | 3-7                            | Outwash plains                 | No            |
| Sm: Sebewa silt loam, 0-2% slopes                            | Sebewa                          | 80-95                          | Depressions                    | Yes           |
|                                                              | Adrian                          | 3-12                           | Lakebeds (relict)              | Yes           |
|                                                              | Ionia                           | 1-5                            | Rises                          | No            |
|                                                              | Fox                             | 0-3                            | Rises                          | No            |
| ThB2: Theresa silt loam, 2-6% slopes, eroded                 | Theresa-Eroded                  | 80-90                          | Drumlins                       | No            |
|                                                              | Hochheim-Eroded                 | 9-15                           | Drumlins                       | No            |
|                                                              | Lamartine                       | 1-5                            | Drumlins                       | No            |
| VsA: Virgil silt loam, gravelly substratum, 0-3% slopes      | Virgil-Gravelly substratum      | 85-95                          | Drainageways on outwash plains | No            |
|                                                              | Sebewa                          | 2-5                            | Depressions on outwash plains  | Yes           |
|                                                              | Drummer-Drained                 | 2-6                            | Depressions on outwash plains  | Yes           |
|                                                              | Sable                           | 1-4                            | Depressions on outwash plains  | Yes           |
| W: Water                                                     | Water                           | 100                            | —                              | No            |



### Wetland Mapping

The Wisconsin Wetlands Inventory (WWI) mapping (Figure 5, Appendix A) depicts 20 wetland areas within the Study Area: four (4) forested (T3K) wetlands, one (1) scrub/shrub, emergent/wet meadow (S3/E2K) and 15 open water wetlands (W0Hx). Additionally, one (1) WWI point is located in the central portion of the Study Area.

### Waterway and Water Body Mapping

The WDNR's Rivers and Streams data layer (Figure 5, Appendix A) depicts 13 waterbodies and two (2) waterways within the Study Area. The waterways consist of the Menomonee River which bisects the Study Area from north to south, and one (1) short, unnamed tributary to the Menomonee River which extends approximately 550 feet east of the Menomonee River in the central portion of the Study Area.

### Previous Delineations and Landowner Contacts

Heartland is aware of one (1) previous wetland delineation completed by Stantec in November 2019, which included two (2) small portions of Heartland's Study Area (Appendix H).

### Aerial Photography

Available NAIP imagery of the Study Area from the period of 2005-2022 (Appendix F) was reviewed for evidence of wetland signatures and to gain insight into the site's recent history. The site has been unchanged and has been used as a golf course and a municipal yard waste facility throughout the review period. A residential development was constructed immediately west of the Study Area beginning in 2008.

## 3.2 Field Review

A total of 16 wetlands were identified and delineated within the Study Area. Wetland determination data sheets (Appendix C) were completed at 55 sample points that were representative of the wetland and upland conditions near the boundary and where potential wetlands may be present based on the desktop review and field reconnaissance. Appendix D provides photographs, typically at the sample point locations of the wetlands and adjacent uplands. The wetland boundary and sample point locations are shown on Figure 7 (Appendix A) and the wetlands are summarized in Table 2 and detailed in the following sections.





Table 2. Summary of Wetlands Identified within the Study Area

| Wetland ID | Wetland Description                  | *Surface Water Connections                                                                                              | *NR151 Protective Area          | Acreage (on-site) |
|------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------------|
| W-1        | Wet Meadow/Shrub Carr/Hardwood Swamp | Contiguous with Menomonee River                                                                                         | Moderately susceptible, 50 feet | 26.19             |
| W-2A       | Wet Meadow                           | Potentially isolated; On fringe of historically excavated pond (Pond 3)                                                 | Less susceptible, 10-30 feet    | 0.03              |
| W-2B       | Wet Meadow                           | Potentially isolated; On fringe of historically excavated pond (Pond 4)                                                 | Less susceptible, 10-30 feet    | 0.03              |
| W-3        | Hardwood Swamp                       | Likely contiguous with Menomonee River; On fringe of historically excavated pond (Pond 5); Culvert connection to Pond 5 | Moderately susceptible, 50 feet | 1.25              |
| W-4        | Hardwood Swamp                       | On fringe of historically excavated pond (Pond 6); Culvert connection to Pond 5                                         | Moderately susceptible, 50 feet | 0.49              |
| W-5        | Hardwood Swamp                       | Potential surface connection to Menomonee River                                                                         | Moderately susceptible, 50 feet | 1.40              |
| W-6A       | Wet Meadow                           | Surface connection to Menomonee River                                                                                   | Less susceptible, 10-30 feet    | 0.21              |
| W-6B       | Wet Meadow                           | Surface connection to Menomonee River via culvert connection to W-6A                                                    | Less susceptible, 10-30 feet    | 0.12              |
| W-6C       | Hardwood Swamp/Wet Meadow            | Surface connection to Menomonee River via culvert connections to W-6 segments                                           | Moderately susceptible, 50 feet | 1.58              |
| W-6D       | Hardwood Swamp                       | Surface connection to Menomonee River via culvert connections to W-6 segments                                           | Moderately susceptible, 50 feet | 0.03              |
| W-7        | Wet Meadow                           | Surface connection to Menomonee River via culvert connection to W-1                                                     | Less susceptible, 10-30 feet    | 0.07              |
| W-8        | Wet Meadow/Shrub Carr                | Potentially isolated; On fringe of historically excavated pond (Pond 7)                                                 | Moderately susceptible, 50 feet | 0.14              |



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| Wetland ID                                                                                                                                                                                                                                                                                                   | Wetland Description   | *Surface Water Connections                                                                | *NR151 Protective Area          | Acreage (on-site) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------|---------------------------------|-------------------|
| W-9A                                                                                                                                                                                                                                                                                                         | Wet Meadow/Shrub Carr | Likely contiguous with Menomonee River; On fringe of historically excavated pond (Pond 8) | Less susceptible, 10-30 feet    | 0.11              |
| W-9B                                                                                                                                                                                                                                                                                                         | Wet Meadow            | Likely contiguous with Menomonee River via culvert connection to Pond 8                   | Less susceptible, 10-30 feet    | 0.02              |
| W-10                                                                                                                                                                                                                                                                                                         | Wet Meadow            | Potentially isolated; On fringe of historically excavated pond (Pond 10)                  | Moderately susceptible, 50 feet | 0.04              |
| AW-1                                                                                                                                                                                                                                                                                                         | Wet Meadow            | Potentially isolated; on fringe of excavated stormwater pond                              | Less susceptible, 10-30 feet    | 0.26              |
| *Classification based on Heartland's professional opinion. Jurisdictional authority of wetland and waterway protective areas under NR 151 lies with the WDNR. Local zoning authorities may have additional restrictions. USACE has authority for determining federal jurisdiction of wetlands and waterways. |                       |                                                                                           |                                 | <b>31.97</b>      |

### Wetland 1 & 7 (W-1 & W-7)

Wetland W-1 (W-1) is a complex of wet meadow, shrub carr, and hardwood swamp which is contiguous with the Menomonee River and bisects the Study Area from north to south. Much of the wetland consists of a wet meadow fringe located along the banks of the Menomonee River which was historically widened. The greatest portion of hardwood swamp occurs in the northern portion of the Study Area, while several other areas where W-1 deviates from the course of the Menomonee River tend to contain complexes of wet meadow, shrub carr, and hardwood swamp. Some portions of W-1 are frequently mowed and managed as part of a golf course. Three (3) historically excavated ponds (Pond 1, Pond 9, & Pond 11) were identified completely within the boundaries of W-1. Wetland W-7 (W-7) is a relatively small drainage swale which is connected to W-1 through a short culvert. W-7 consists of wet meadow and is frequently mowed and maintained for golf course use.

Dominant vegetation observed in W-1 included green ash (*Fraxinus pennsylvanica*, FACW), boxelder (*Acer negundo*, FAC), crack willow (*Salix x fragilis*, FAC), peachleaf willow (*Salix amygdaloides*, FACW), silver maple (*Acer saccharinum*, FACW), common buckthorn (*Rhamnus cathartica*, FAC), red-osier dogwood (*Cornus alba*, FACW), silky dogwood (*Cornus amomum*, FACW), Indian hemp (*Apocynum cannabinum*, FAC), Kentucky bluegrass (*Poa*



*pratensis*, FACU), grass-leaved goldenrod (*Euthamia graminifolia*, FAC), dark green bulrush (*Scirpus atrovirens*, OBL), fowl manna grass (*Glyceria striata*, OBL), Bebb's sedge (*Carex bebbii*, OBL), swamp milkweed (*Asclepias incarnata*, OBL), reed canary grass (*Phalaris arundinacea*, FACW), stinging nettle (*Urtica dioica*, FAC), yellow nutsedge (*Cyperus esculentus*, FACW), lady's thumb (*Persicaria maculosa*, FAC), orange jewelweed (*Impatiens capensis*, FACW), broadleaf arrowhead (*Sagittaria latifolia*, OBL), and riverbank grape (*Vitis riparia*, FAC).

Dominant vegetation observed in W-7 included spotted lady's thumb and planted Kentucky bluegrass.

The Depleted Below Dark Surface (A11), Depleted Matrix (F3), and Redox Dark Surface (F6) hydric soil indicators were observed at various sample points throughout W-1 and W-7. Therefore, the hydric soil criterion was met throughout W-1 and W-7.

The primary wetland hydrology indicators of High Water Table (A2) and Saturation (A3) were observed within W-1, while no primary wetland hydrology indicators were observed in W-7. The secondary wetland hydrology indicators of Geomorphic Position (D2) and a positive FAC-Neutral Test (D5) were noted in W-1, while secondary indicators of Saturation Visible on Aerial Imagery (C9), Stunted or Stressed Plants (D1), and Geomorphic Position were noted in W-7.

The boundaries of W-1 and W-7 correlated mostly with a poorly to moderately-defined topographic break that correlated with gradients of hydric soils, hydrophytic vegetation, and hydrology indicators.

#### Wetland 2A, 2B, 8 & 10 (W-2A, W-2B, W-8 & W-10)

Wetlands W-2A, W-2B, W-8, and W-10 are wet meadow wetlands, with some smaller elements of shrub carr, located on the fringes of historically excavated ponds (Pond 3, Pond 4, Pond 7, and Pond 10); all of which appear isolated on the landscape.

Dominant vegetation observed in W-2A, W-2B, W-8 and W-10 included green ash, sandbar willow (*Salix interior*, FACW), reed canary grass, common spikerush (*Eleocharis palustris*, OBL), lady's thumb, and swamp milkweed. Therefore, the hydrophytic vegetation criteria was met.





The Depleted Below Dark Surface (A11), Depleted Matrix (F3), and Redox Dark Surface (F6) hydric soil indicators were observed at various sample points throughout W-2A, W-2B, W-8, and W-10. Therefore, the hydric soil criterion was met throughout these wetlands.

The primary wetland hydrology indicators of Saturation (A3), Drift Deposits (B3), and Algal Mat or Crust (B4) were observed within W-2A, W-2B, W-8, and W-10, while secondary wetland hydrology indicators of Geomorphic Position (D2) and a positive FAC-Neutral Test (D5) were noted.

The boundaries of W-2A, W-2B, W-8, and W-10 coincided mostly with a well-defined topographic break that likely correlated with the extent of historic excavation.

#### Wetland 3, 4, and 5 (W-3, W-4, & W-5)

Wetlands W-3, W-4, and W-5 are predominantly hardwood swamp wetlands located near each other in the east-central portion of the Study Area. Two (2) historically excavated ponds (Pond 5 and Pond 6) were noted entirely within W-3 and W-4 respectively, and a culvert was noted connecting W-3 and W-4. Some elements of wet meadow exist along the fringes of these ponds.

Dominant vegetation observed in W-3, W-4, and W-5 included silver maple, American elm (*Ulmus americana*, FACW), green ash, clearweed (*Pilea pumila*, FACW), common buckthorn, bittersweet night-shade (*Solanum dulcamara*, FAC), riverbank grape, orange jewelweed, wild black currant (*Ribes americanum*, FACW), and Virginia creeper (*Parthenocissus quinquefolia*, FACU). Therefore, the hydrophytic vegetation criterion was met.

The Thick Dark Surface (A12) and Redox Dark Surface (F6) hydric soil indicators were observed at various sample points throughout W-3, W-4, and W-5. Therefore, the hydric soil criterion was met throughout these wetlands.

The primary wetland hydrology indicator of Drift Deposits (B3) was observed within W-3, W-4, and W-5, while secondary wetland hydrology indicators of Geomorphic Position (D2) and a positive FAC-Neutral Test (D5) were noted.



The boundaries of W-3, W-4, and W-5 correlated mostly with a poorly to moderately-defined topographic break.

#### Wetland 6A, 6B, 6C and 6D (W-6A, W-6B, W-6C, & W-6D)

Wetlands W-6A, W-6B, W-6C and W-6D are a series of wet meadow drainage swales, interconnected by culverts, and draining down to the Menomonee River occurring in the northern portion of the Study Area. W-6C and W-6D also contain hardwood swamp which drains down to the wet meadow drainage swales.

Dominant vegetation observed in the wet meadow portion of the W-6 wetland complex was reed canary grass, while the hardwood swamp portions were dominated by American elm, silver maple, boxelder, common buckthorn, green ash, and orange jewelweed. Therefore, the hydrophytic vegetation criterion was met.

The Depleted Below Dark Surface (A11), Depleted Matrix (F3), and Redox Dark Surface (F6) hydric soil indicators were observed at various sample points throughout W-6A, W-6B, W-6C, and W-6D. Therefore, the hydric soil criterion was met throughout these wetlands.

The primary wetland hydrology indicator of Drift Deposits (B3) and Sparsely Vegetated Concave Surface (B8) were observed within the hardwood swamp portions of the W-6 wetland complex, while secondary wetland hydrology indicators of Geomorphic Position (D2) and a positive FAC-Neutral Test (D5) were noted throughout the W-6 wetland complex.

The boundaries of W-6A, W-6B, W-6C, and W-6D correlated mostly with a moderately-defined topographic break.

#### Wetland 9A and 9B (W-9A & W-9B)

Wetlands W-9A and W-9B are predominantly wet meadow, with some smaller elements of shrub carr. These wetlands are located on the fringe of a historically excavated pond (Pond 8) which is separated from the Menomonee River by a berm.

Dominant vegetation observed in W-9A and W-9B included barnyard grass (*Echinochloa crus-galli*, FAC), lady's thumb, and reed canary grass. Therefore, the hydrophytic vegetation criteria was met.

The Depleted Matrix (F3) and Redox Depressions (F8) hydric soil indicators were observed within W-9A and W-9B. Auger refusal was met at seven inches depth due to rock, likely due



to the constructed nature of Pond 8. The hydric soil criterion was met based on the observation of the hydric soil indicators.

The primary wetland hydrology indicators of High Water Table (A2) and Saturation (A3), were observed within W-9A and W-9B, while secondary wetland hydrology indicators of Geomorphic Position (D2) and a positive FAC-Neutral Test (D5) were also noted. Surface water dominated the interior of W-9A / Pond 8.

The boundaries of W-9A and W-9B correlated mostly with a well-defined topographic break that likely correlated with the limits of extent of historic excavation.

#### Artificial Wetland 1 (AW-1)

Wetland AW-1 is a wet meadow located on the fringe of an excavated storm water basin on the west edge of the Study Area. A stormwater pond (Storm Pond 1) was observed completely within the boundaries of AW-1. Based on aerial photography, Storm Pond 1 and AW-1 appear to have been constructed in conjunction with the residential development west of the Study Area, which began construction in 2008.

Dominant vegetation observed in AW-1 included lady's thumb and common spikerush. Therefore, the hydrophytic vegetation criterion was met.

The Redox Dark Surface hydric soil indicator was observed within AW-1. Therefore, the hydric soil criterion was met.

Although no primary wetland hydrology indicators were noted at the sample point within AW-1, the secondary wetland hydrology indicators of Geomorphic Position (D2) and a positive FAC-Neutral Test (D5) were noted. Therefore, the wetland hydrology criterion was satisfied. Surface water was present within the interior of AW-1 within Storm Pond 1.

The boundaries of AW-1 correlated mostly with a well-defined topographic break that likely coincided with the extent of historic excavation.

#### Waterways/Waterbodies

The Menomonee River traversed the central part of the Study Area and its approximate ordinary high-water mark (OHWM) was mapped. The Menomonee River was historically widened when the golf course was constructed. Additionally, the approximate ordinary high-water mark of eleven (11) historically excavated ponds were mapped throughout the Study Area. These ponds all appear to have been constructed between 1970 and 1985.





Furthermore, one (1) stormwater pond (Storm Pond 1) was mapped on the western edge of the Study Area. Storm Pond 1 appears to have been excavated around 2008.

### 3.3 Environmental Corridor

Primary environmental corridor (PEC) comprised of wetlands, woodlands, and floodplain is located throughout much of the Study Area (Figure 8, Appendix A). The PEC area is identified most recently on the Planned Environmental Corridors layer per SEWRPC's Regional Map Server online mapping (Appendix G). Correspondence with SEWRPC staff indicates that the PEC has not been previously field delineated on this Property. In 2023, Heartland refined the PEC boundary in the Study Area based on SEWRPC's guidance (Rubin & and Emmerich, 2000). The PEC boundary in the Study Area was determined mostly by the mapped FEMA 1% probability Annual Floodplain. In some shorter sections, the PEC boundary was mapped along the 75 foot setback from the OHWM of the Menomonee River, and in one short section in the northwest corner of the Study Area, the PEC boundary followed the woodland dripline.

PEC in the Study Area contains all of the on-site wetlands aside from W-6D and AW-1. The PEC and wetland boundaries are generally not coincident as the wetlands generally occur completely within the floodplain boundary. Much of the PEC area outside of the delineated wetlands is in active use as a golf course. One relatively large, wooded area is present on the north side of the Study Area. Dominant canopy trees in the woodland area included boxelder and silver maple. Many dead green ash trees were also present and appeared to be formerly dominant. The ground layer within the woodland area of the PEC was dominated by common buckthorn seedlings, wild black currant, white avens, reed canary grass, stinging nettle, clearweed, and fowl manna grass. A list of plant species observed in the PEC is included in Appendix G.



### 3.3 Other Considerations

This report is limited to the identification and delineation of wetlands and PEC within the Study Area. Other regulated environmental resources that result in land use restrictions may be present within the Study Area that were not evaluated by Heartland (e.g., navigable waterways, updated floodplain, cultural resources, and threatened or endangered species).

Wisconsin Act 183 provides exemptions to permitting requirements for certain nonfederal wetlands. Nonfederal wetlands are wetlands that are not subject to federal jurisdiction. Exemptions apply to projects in urban areas with wetland impacts up to 1-acre per parcel. An urban area is defined as an incorporated area; an area within ½ mile of an incorporated area; or an area served by a sewerage system. Exemptions for nonfederal wetlands also apply to projects in rural areas with wetland impacts up to three (3) acres per parcel. Exemptions in rural areas only apply to structures with an agricultural purpose such as buildings, roads, and driveways. The determination of federal and nonfederal wetlands MUST be made by the USACE through an Approved Jurisdictional Determination (AJD). This report may be submitted to the USACE to assist with their determination.

Wis. Adm. Code NR 151 ("NR 151") requires that a "protective area" (buffer) be determined from the Ordinary High-Water Mark (OHWM) of lakes, streams and rivers, or at the delineated boundary of wetlands. Per NR 151.12, the protective area width for "less susceptible" wetlands is determined by using 10% of the average wetland width, no less than 10 feet or more than 30 feet. "Moderately susceptible" wetlands, lakes, and perennial and intermittent streams identified on recent mapping require a protective area width of 50 feet; while "highly susceptible wetlands" are associated with outstanding or exceptional resource waters in areas of special natural resource interest and require protective area width of 75 feet. Table 2 above lists the potential wetland buffers per NR 151 for each wetland identified based on Heartland's professional opinion. Please note that jurisdictional authority on wetland and waterway protective areas under NR 151 lies with the WDNR. Local zoning authorities and regional planning organizations may have additional land use restrictions within or adjacent to wetlands.



## 4.0 Conclusion

Heartland completed an assured wetland determination and delineation within the Blackstone Creek Golf Course site on July 31, August 1, and August 2, 2023, at the request of Blackstone Creek, LLC. A SEWRPC-designated PEC area was also refined, and field delineated on July 31, 2023. Wetland and PEC delineation fieldwork was completed by Matt Stangel, an assured delineator qualified via the WDNR Wetland Delineation Assurance Program and Keith Phelps, both of Heartland (Appendix E). The Study Area lies in Section 21 & 22, T9N, R20E, Village of Germantown, Washington County, WI (Figure 1, Appendix A).

Sixteen (16) wetland areas and one PEC area were delineated and mapped within the 164.44-acre Study Area (Figure 6, Appendix A). The wetlands, which may be classified as wet meadow, shrub carr, and hardwood swamp total approximately 31.97 acres within the Study Area. The approximate OHWM of the Menomonee River, eleven (11) historically excavated ponds, and one (1) stormwater pond was also mapped within the Study Area. The Menomonee River was historically excavated / widened in its segment within the Study Area.

Wetlands, waterways, and water bodies discussed in this report may be subject to federal regulation under the jurisdiction of the USACE, state regulation under the jurisdiction of the WDNR, and the local zoning authority. Heartland recommends this report be submitted to the USACE for final jurisdictional review and concurrence. Review by local authorities may be necessary for determination of any applicable zoning and setback restrictions.

Heartland recommends that all applicable regulatory agency reviews and permits are obtained prior to beginning work within the Study Area or within or adjacent to wetlands or waterways. Heartland can assist with evaluating the need for additional environmental reviews, surveys, or regulatory agency coordination in consideration of the proposed activity and land use as requested but is outside of the scope of the wetland delineation.

Experienced and qualified professionals completed the wetland determination and delineation using standard practices and professional judgment. Wetland boundaries may be affected by conditions present within the Study Area at the time of the fieldwork. All final decisions on wetlands and their boundaries are made by the USACE, the WDNR, and/or sometimes a local unit of government. Wetland determination and boundary reviews by





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regulatory agencies may result in modifications to the findings presented to the Client. These modifications may result from varying conditions between the time the wetland delineation was completed and the time of the review. Factors that may influence the findings may include but not limited to precipitation patterns, drainage modifications, changes or modification to vegetation, and the time of year.



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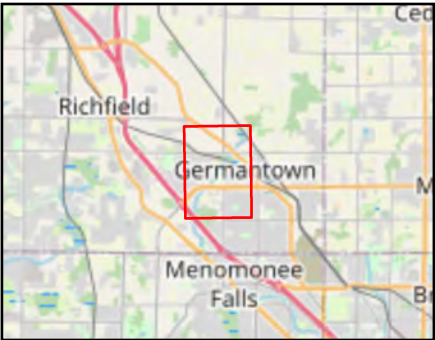
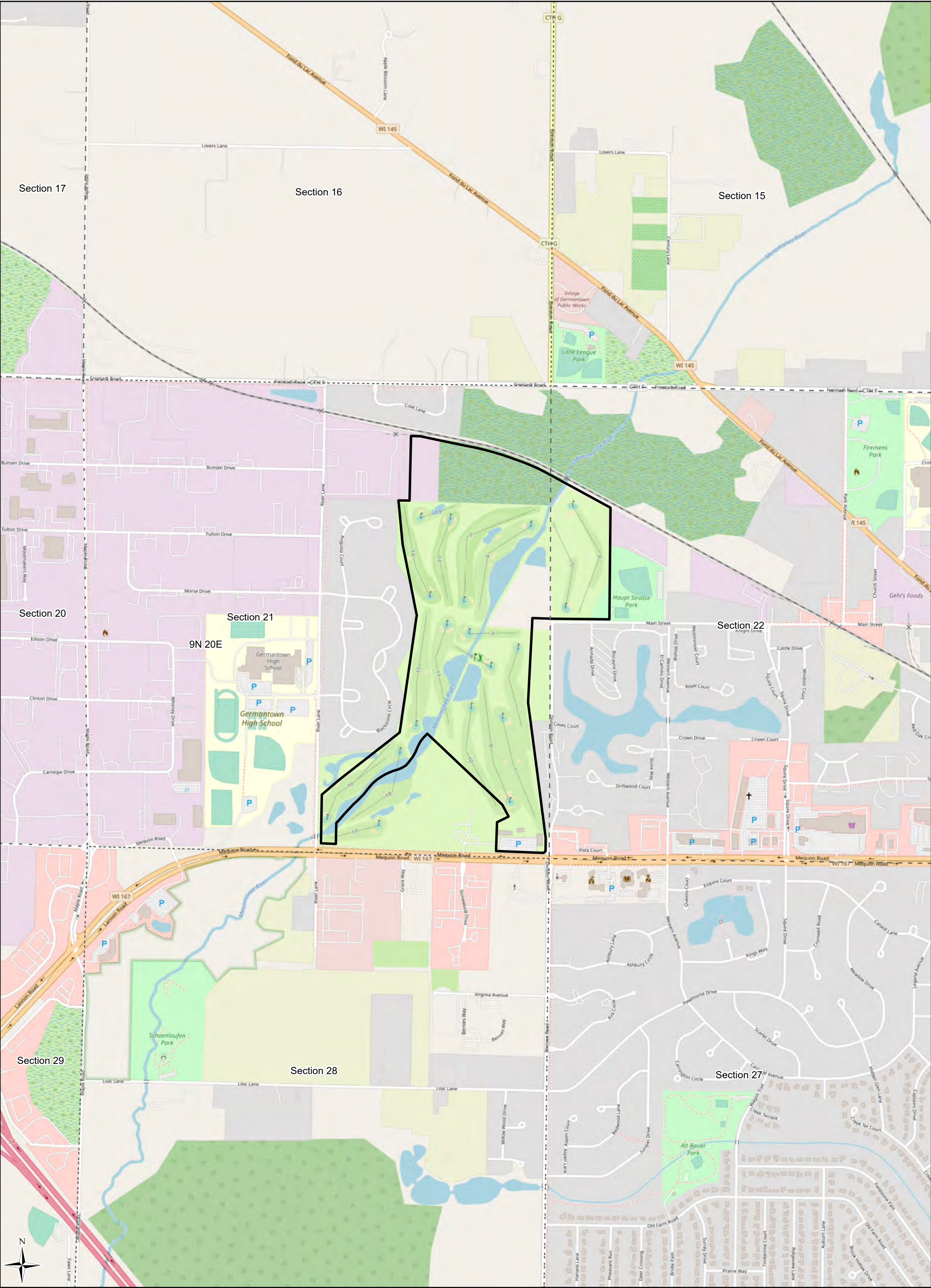


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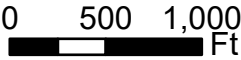
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## Appendix A | Figures





- Study Area (164.44 ac)
- Township
- Section



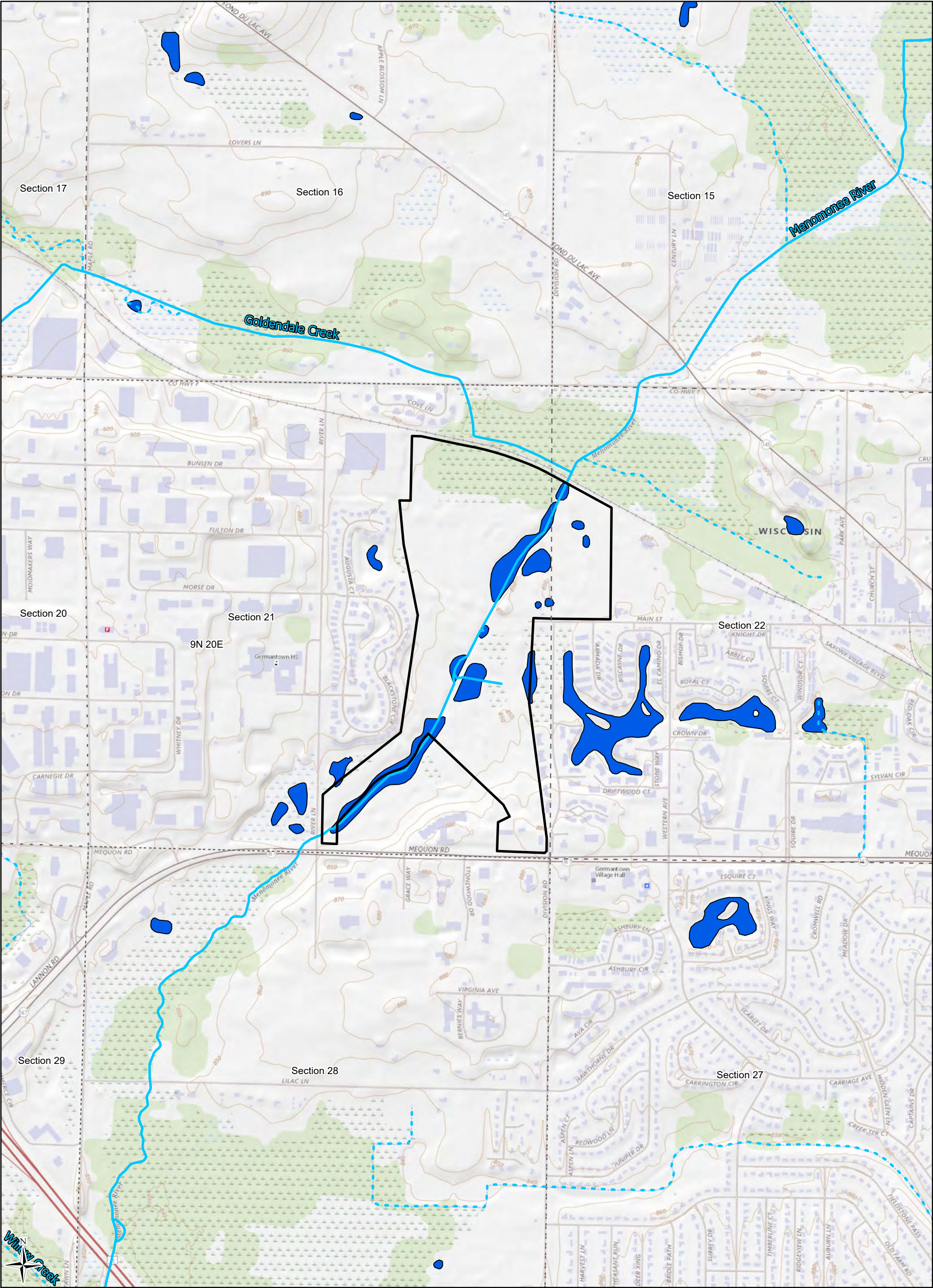
**Heartland**  
ECOLOGICAL GROUP INC

**Figure 1. Project Location**  
Blackstone Creek Golf Course  
Project #20231043  
T9N, R20E, S21, 22  
V Germantown, Washington Co

OpenStreetMap  
ESRI

LRR: NCNE





- Study Area (164.44 ac)
- Township
- Section
- Perennial Streams
- Intermittent Streams
- Waterbodies

0 500 1,000 Ft

**Heartland**  
ECOLOGICAL GROUP INC

Figure 2. USGS Topography  
Blackstone Creek Golf Course  
Project #20231043  
T9N, R20E, S21, 22  
V Germantown, Washington Co

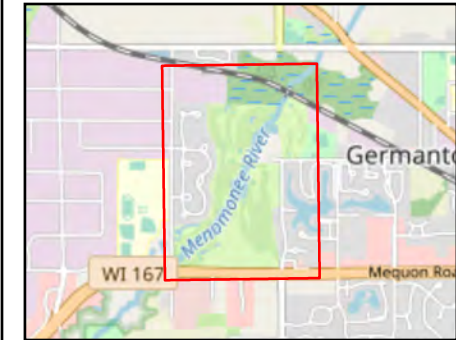
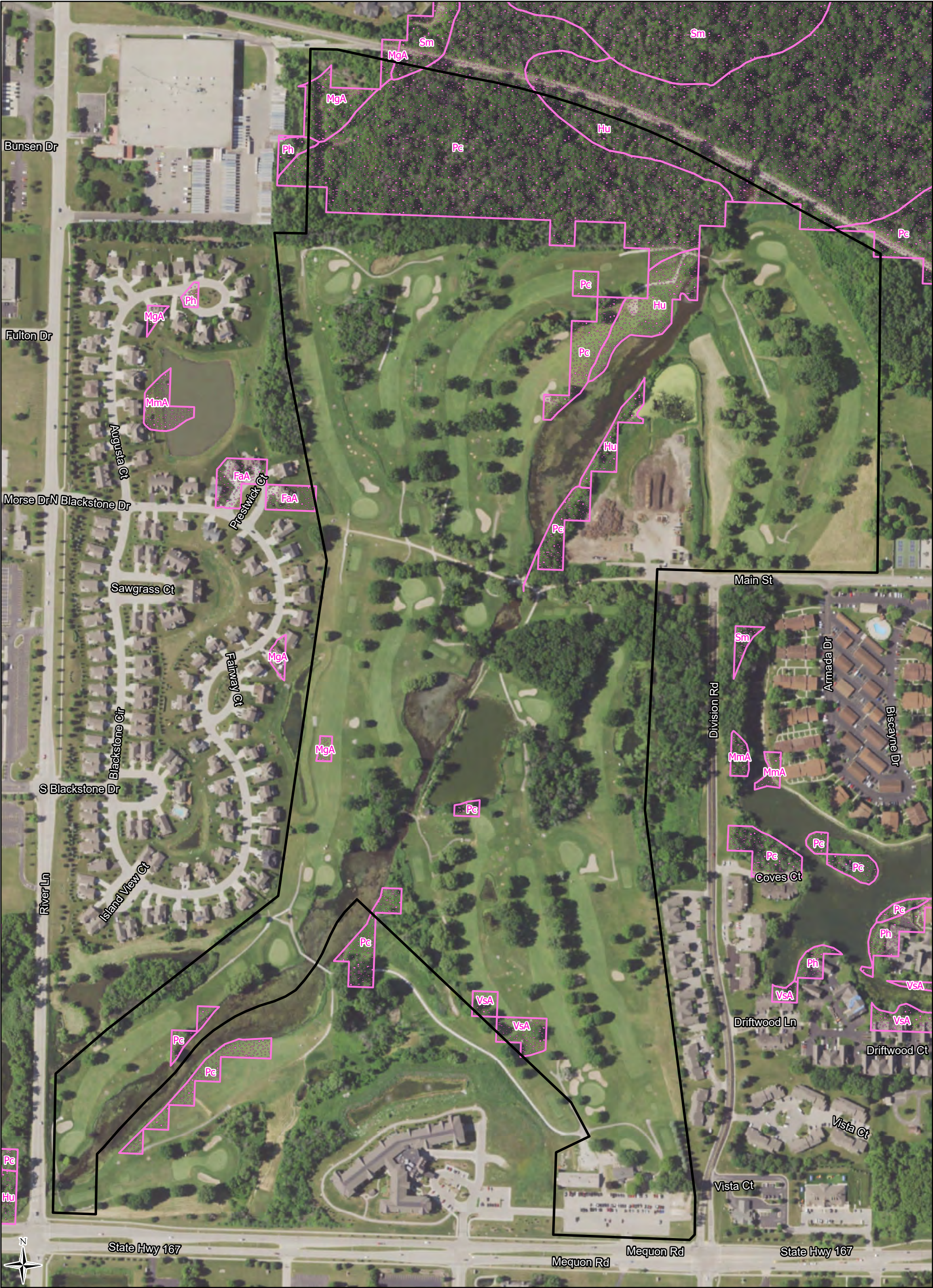
USGSTopo  
USGS

LRR: NCNE









Study Area (164.44 ac)  
SWDV Wetland Indicators



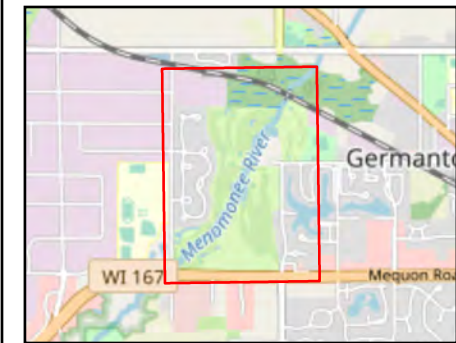
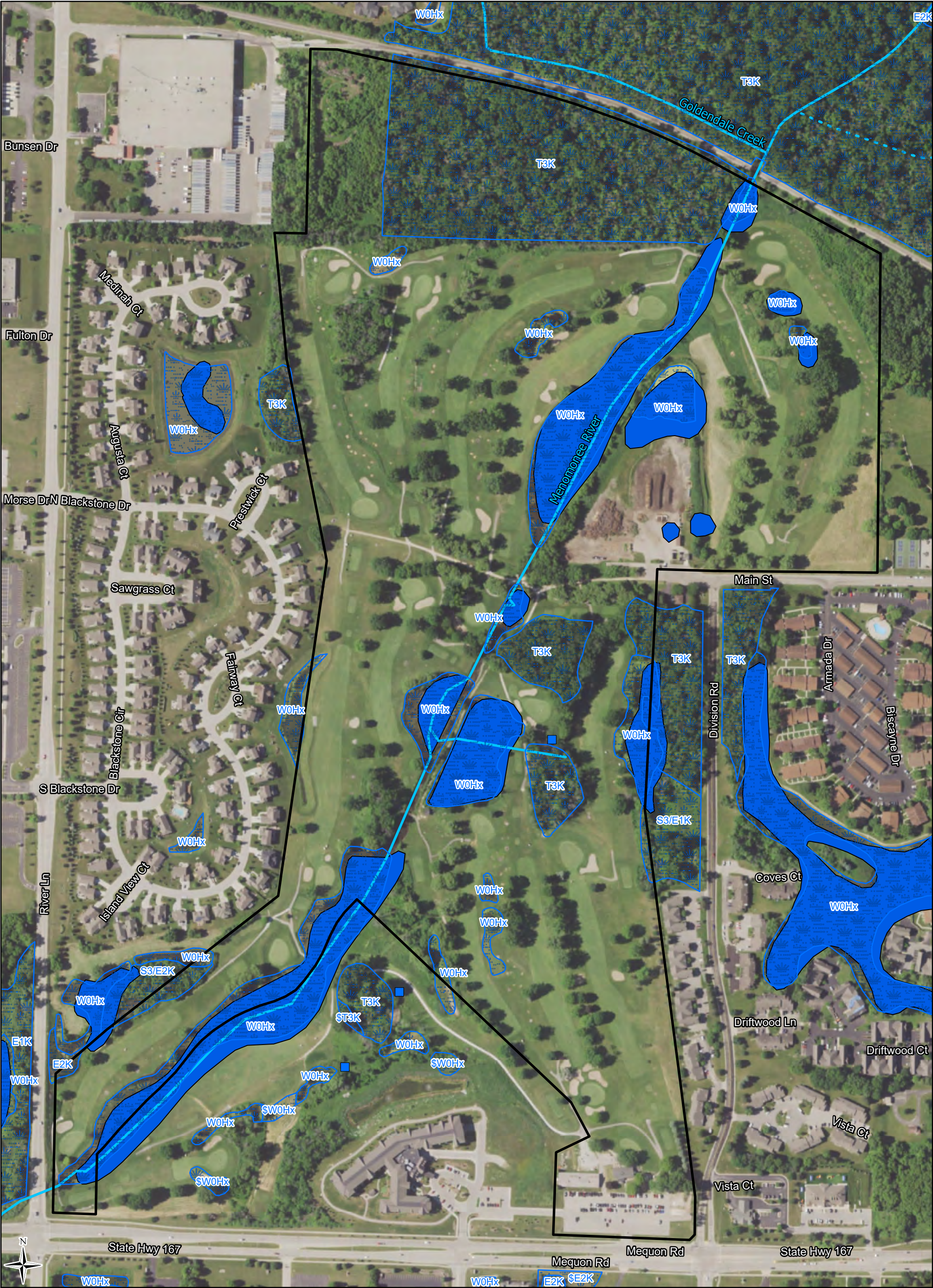
**Heartland**  
ECOLOGICAL GROUP INC

Figure 4. SWDV  
Wetland Indicators  
Blackstone Creek Golf Course  
Project #20231043  
T9N, R20E, S21, 22  
V Germantown, Washington Co

2022 NAIP  
WDNR

LRR: NCNE





- Study Area (164.44 ac)
- WWI Wetland Polygons
- WWI Wetland Points
- Perennial Streams
- Intermittent Streams
- Waterbodies

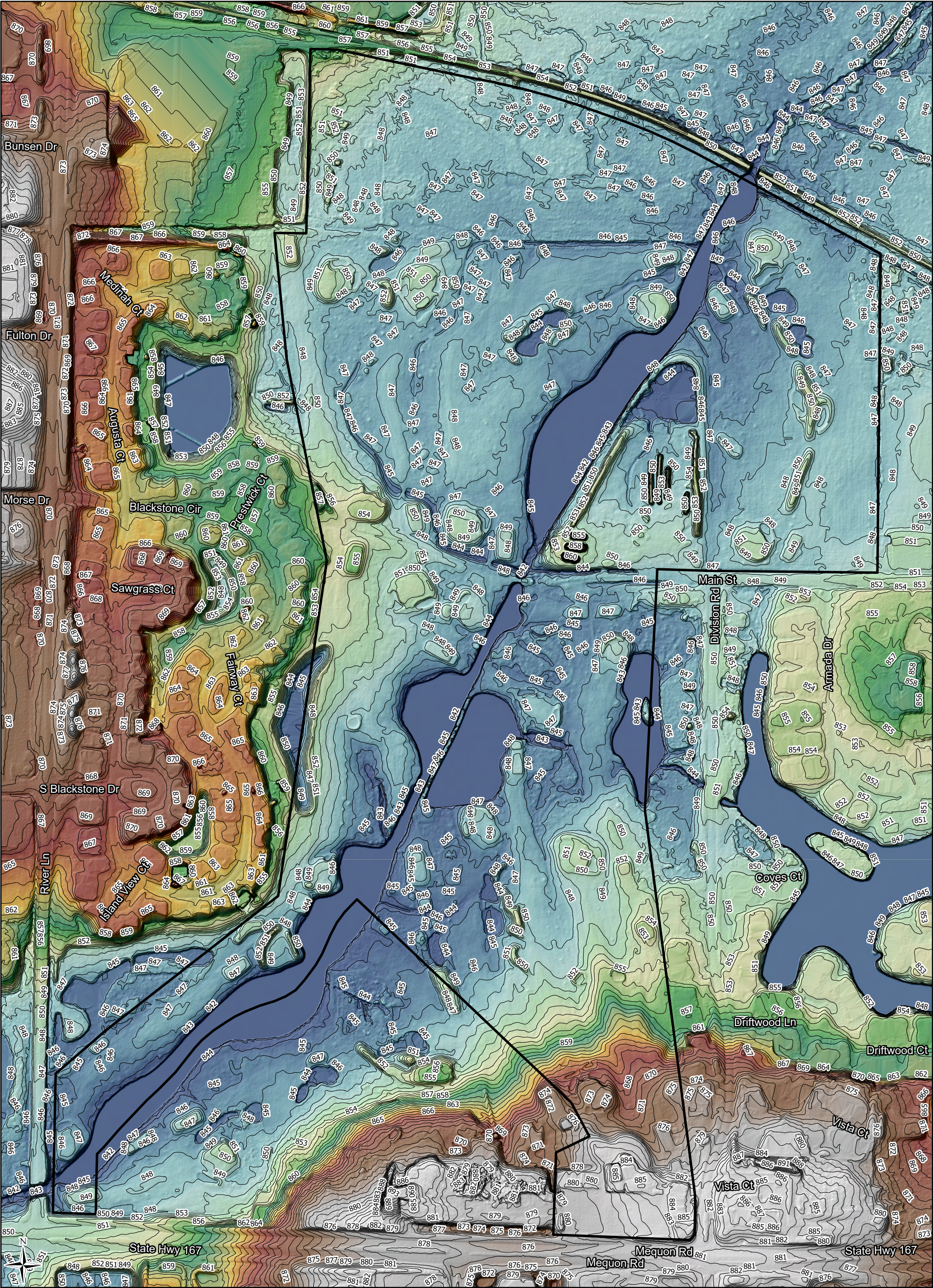


**Heartland**  
ECOLOGICAL GROUP INC

Figure 5. Wisconsin Wetland Inventory  
Blackstone Creek Golf Course  
Project #20231043  
T9N, R20E, S21, 22  
V Germantown, Washington Co

2022 NAIP  
WDNR, USGS  
LRR: NCNE

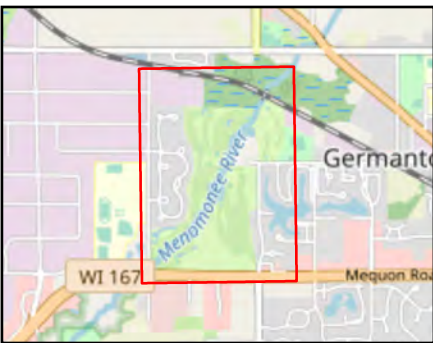




Study Area (164.44 ac)

Washington Co 1' Contours

0 350 Ft



**Heartland**  
ECOLOGICAL GROUP INC

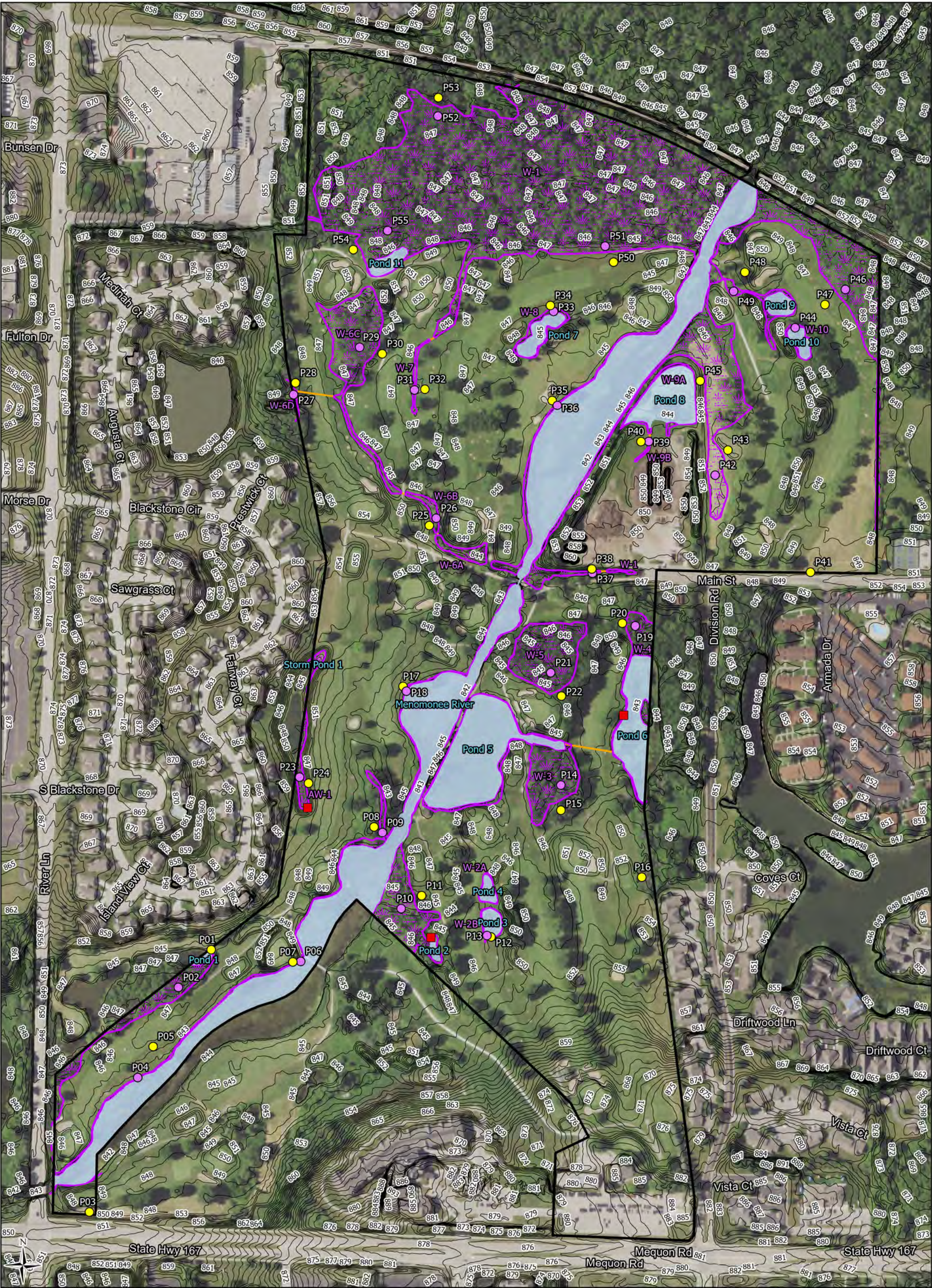
Figure 6. Color-Stretch  
Digital Elevation Model

Blackstone Creek Golf Course  
Project #20231043  
T9N, R20E, S21, 22  
V Germantown, Washington Co

2022 NAIP  
Washington Co, HEG LRR: NCNE

Figure Created: 8/7/2023





- Study Area (164.44 ac)

Field Delineated Wetland (31.97 ac)

Waterway/Waterbody (17.48 ac)

Culvert

Off-site Wetland Boundary
- Washington Co 1' Contours

Tile Outlet

Sample Points

Upland

Wetland



Figure 7. Field Delineated Wetlands  
Blackstone Creek Golf Course  
Project #20231043  
T9N, R20E, S21, 22  
V Germantown, Washington Co

2022 NAIP  
Washington Co, HEG LRR: NCNE

Figure Created: 3/26/2024