NOTICE

A meeting of the City of Evansville Plan Commission will be held on the date and time stated below. Notice is further given that members of the City Council and Historic Preservation Commission may be in attendance. Requests for persons with disabilities who need assistance to participate in this meeting should be made by calling City Hall at (608)-882-2266 with as much notice as possible.

City of Evansville **Plan Commission** Regular Meeting City Hall, 31 S Madison St., Evansville, WI 53536 Tuesday, August 1st, 2023, 6:00 pm

AGENDA

- 1. Call to Order
- 2. Roll Call
- 3. Motion to Approve Agenda
- 4. Motion to waive the reading of the minutes from the July 6th, 2023 meeting and approve them as printed.
- 5. Civility Reminder
- 6. Citizen appearances other than agenda items listed
- 7. Action Items
 - A. Review and Recommended Motion of Land Division Application 2022-0292 for a Zero Lot Line Certified Survey Map on parcel 6-27-559.5051 (Lot 51, Westfield Meadows)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
 - B. Review and Recommended Motion of Land Division Application 2023-0199 for a two lot Certified Survey Map on parcel 6-20-119.1 in the Town of Union within the City's Extraterritorial Jurisdiction (14904 Bullard Road)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
 - C. Review and Recommended Motion of Land Division Application 2023-0200 for a lot line adjustment on parcel 6-20-340 in the Town of Union within the City's Extraterritorial Jurisdiction (8439 N Birdie Lane)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions

- D. Review and Recommended Motion of Land Division Application 2023-0226 for a finalsubdivision plat and development agreement on parcel 6-27-930 (Historic Standpipe Point)
 - 1. Staff Report and Applicant Comments
 - 2. Public Comment
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
- E. Review and Recommended Motion of Land Division Application 2023-0192 for preliminary plat on parcel 6-20-218B in the Town of Union within the City's Extraterritorial Jurisdiction (Conifer Hills, Fourth Addition)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
- F. Review and Recommended Motion of Annexation Application 2023-0194 to attach four parcels totaling 241.45 acres from the Town of Union to the City of Evansville
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Condition
- G. Review and Recommended Motion of Land Division Application 2023-0196 to combine six lots to create two lots (CHS Oilseed Processing)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
- H. Review and Recommended Motion of Rezoning Application 2023-0197 to rezone lands from agricultural to industrial use (CHS Oilseed Processing)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
- I. Review and Recommended Motion of Conditional Use Permit Application 2023-0193 for an Agricultural Service Use (CHS Oilseed Processing)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
- J. Review of Site Plan Use Application 2023-0195 for a Soybean Oilseed Processing Plant (CHS Oilseed Processing)
 - 1. Staff Report and Applicant Comments
 - 2. Public Comment

- 3. Plan Commissioner Questions and Comments
- 4. Motion with Conditions
- K. Motion to Approve Resolution 2023-18 Public Participation Plan
- L. Review and Recommended Motion of Comprehensive Plan Amendment Application 2023-0198 for an Agricultural Service Use (CHS Oilseed Processing)
 - 1. Staff Report and Applicant Comments
 - 2. Public Hearing
 - 3. Plan Commissioner Questions and Comments
 - 4. Motion with Conditions
- 8. Discussion Items
- 9. Community Development Report
- 10. Upcoming Meetings
 - A. Tuesday, September 5th, 2023 at 6:00pm
- 11. Motion to Adjourn

These minutes are not official until approved by the City of Evansville Plan Commission.

City of Evansville Plan Commission Regular Meeting Thursday July 6, 2023, 6:00 p.m.

MINUTES

1. Call to Order at 6:04pm.

2. Roll Call:

Members	Present/A bsent	Others Present
Mayor Dianne Duggan	Р	Colette Spranger (Community Dev. Director)
Alderperson Gene Lewis	Р	Jason Sergeant (City Administrator)
Alderperson Abbey Barnes	Р	Erika Young, Stacie Natter, Shawn Natter
Susan Becker	А	Joy Morrison, Matthew Poock, Jim Helgesen
John Gishnock	Р	Jeanette Jones, Jim Graham, James Otterstein,
Mike Scarmon	А	Jake Hamlin, Mark Fabel, Kari McGrath,
Eric Klar	А	Blase Strobl, Kori Reilly

3. <u>Motion to approve the agenda</u>, by Barnes, seconded by Gishnock. Approved unanimously

- 4. <u>Motion to waive the reading of the minutes from the June 6th, 2023 meeting and approve them as printed</u>, by Lewis, seconded by Gishnock. Approved unanimously.
- 5. Civility Reminder. Duggan noted the City's commitment to conducting meetings with cordiality.
- 6. Citizen appearances other than agenda items listed.
- 7. Action Items
- A. Review of Conditional Use Permit Application 2023-0130 for a Two-Family Residence on parcel 6-27-508.11 (Lot 11, South Gate Estates)

i. Staff Report

Applicant not present. Spranger reported on her findings after reviewing covenants and researching any stormwater plans that directly affected the lot. With regards to covenants, those are agreements between private parties and the City does and will not enforce them. She also shared that there were no stormwater reports that directly affected this lot, but were made for the entire southwest corner of Evansville and resulted in the creation of several stormwater ponds on Porter Road. She stated that she felt the numerous conditions on the motion were sufficient to offset any adverse impacts a two-unit dwelling would have on neighboring properties.

These minutes are not official until approved by the City of Evansville Plan Commission.

ii. Plan Commissioner Questions and Comments. None.

iii. Motion with Conditions

Motion to take the application off the table by Duggan, seconded by Gishnock.

Motion to approve the issuance of a Conditional Use Permit to construct a Two Family Dwelling per section 130-324 on parcel of land 6-27-508.11 (Tax ID 222 041011), finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a CUP set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

- 1. <u>Applicant fills out City of Evansville Floodplain application and receives a LOMR-F</u> for the property from FEMA.
- 2. <u>Further development and subdivision of parcel 6-27-508.11 is contingent on City sewer</u> and water mains being extended to Croft Road.
- 3. <u>Building plans, site grading, and stormwater management plan approved by City</u> <u>Engineer.</u>
- 4. Curb and gutter and sidewalk shall be built to city standards the entire length of the lot.
- 5. <u>Upon completion of construction of any residential buildings, three street trees shall be</u> <u>added.</u>
- 6. <u>Use cannot create a public nuisance as defined by local and state law.</u>
- 7. <u>Conditional Use Permit is recorded with the Rock County Register of Deeds.</u>

Motion by Barnes, seconded by Gishnock. Approved unanimously.

Erika Young and Shawn and Stacie Natter were present and stated they felt they were not properly noticed for the meeting tonight and thought they would be given time to speak. Spranger reiterated that the public hearing was held in June and that notice did not need to be resent after the issue was tabled. She did admit she had indicated she would try to renotify neighbors, but did not have time to prior to tonight's meeting. Young spoke for a few minutes about how she felt the Plan Commission had not properly considered the application given neighbor concerns. Gishnock spoke that the conditions listed as part of the permit go above and beyond what is typically asked of by land owners.

B. Review and Action of Site Plan Application 2023-0187 on parcel 6-27-958.3 (535 E Main St, Core Physical Therapy)

i. Review Staff Report and Applicant Comments

Applicants Blase Strobl and Kori Reilly were present. Spranger covered the report, noting minor changes requested by City Staff. The City has habitually asked for sidewalk connections to main entrances and a parking area adjacent to the sidewalk was shy of zoning requirements by just 1 foot. Applicants are supportive of making those changes. Spranger also noted that the B-1 zoning district also requires some kind of public neighborhood amenity. Administrator Sergeant shared an example that a dentist office within the B-1 put up a statue in its yard as public art. Applicants were encouraged to think of something similar for their own site.

- ii. Public Comment. None.
- iii. Plan Commissioner Questions and Comments. None.
- *iv.* <u>Motion to approve site plan application 2023-0187 for improvements and building</u> <u>expansion on parcel 6-27-958.3, finding that the proposed changes meet the</u>

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required standards and criteria set forth in Section 130-131 of the City of Evansville Zoning Ordinance, and are in the public interest, subject to the following conditions:

- 8. Adjust front yard pavement setback to 10' from sidewalk.
- 9. <u>Include pedestrian walkway from public sidewalk to main entrance. (Plans/location of</u> <u>walkway to be submitted to Community Development Director prior to installation.)</u>
- 10. <u>331 landscape points of plantings/trees/shrubs to be planted on site no later than one</u> year after occupancy permit issued for new addition.
- 11. <u>Dumpsters and/or trash receptables screened from view.</u>
- 12. <u>All exterior lighting is dark sky compliant.</u>
- 13. <u>Applicant applies for any appropriate building permits from the City building inspector</u> and/or the Wisconsin Department of Safety and Professional Services.
- 14. <u>Any major deviations from approved plans will require a resubmittal of application and possibly fees or enforcement action.</u>
- 15. <u>Applicant records the site plan with the Rock County Register of Deeds.</u>

Motion by Barnes, seconded by Lewis. Approved unanimously.

8. Discussion Items

- A. Conceptual Site Plan Care Closet. Spranger queried the Plan Commission on any thoughts they might have regarding proposed site plan changes at a very non-conforming site that hosts the community's food pantry. The Care Closet has been looking to make changes to their site but encountered a couple of hiccups as improvements to Liberty Street were made and sidewalks were added where there were none previously. Alderperson Joy Morrison was in attendance in support of proposed site plan changes. Discussion on planned uses clarified that the Care Closet was free to adjust their driveway aprons/access points along Liberty that had been installed the prior year.
- **B.** Conceptual Site Plan Potential Agribusiness User. Jim Graham and Jake Hamlin of CHS Oilseed Processing were present to discuss a conceptual site plan for their proposed plant. The presentation provided an overview of potential traffic impacts, traffic generation and control, potential nuisances and proposed mitigation, as well as other community benefits. They will return in August to begin review of their applications.

9. Community Development Report

A. Retrofit Sidewalks. Spranger provided some literature on responses to common complaints regarding adding sidewalks were there were none before, commenting that the Plan Commission had heard similar complaints at prior meetings.

10. Next Meeting Date:

A. Tuesday, August 1, 2023 at 6:00 p.m.

11. <u>Motion to Adjourn</u> by Duggan, seconded by Barnes Approved unanimously.

THE GROVE

APPLICATION FOR ZONING MAP AMENDMENT - STAFF REPORT

Application: LD-2022-0293

Applicant: RM Berg General Contractors

Parcel 6-27-559.5051

July 23, 2023

Prepared by: Colette Spranger, Community Development Director Direct questions and comments to: <u>colette.spranger@ci.evansville.wi.gov</u> or 608-882-2263

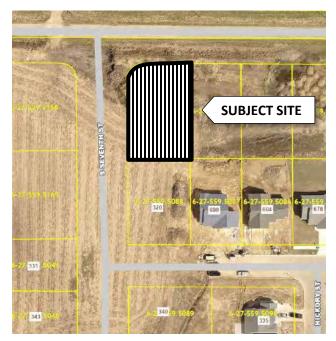


Figure 1 Approximate Location Map

Location: Lot 51, Westfield Meadows City of Evansville

Description of request: An application has been made to divide the lot along the shared wall of the duplex that is under construction. Plan Commission approved a rezone of this property to the R-2 zoning district in February 2023.

Existing Uses: The existing 0.33 acre parcel has a duplex under construction. In order for the landowner to sell each unit separately, the units must be legally divided. This requires a Certified Survey Map.

Existing Zoning: R-2 Residential District Two

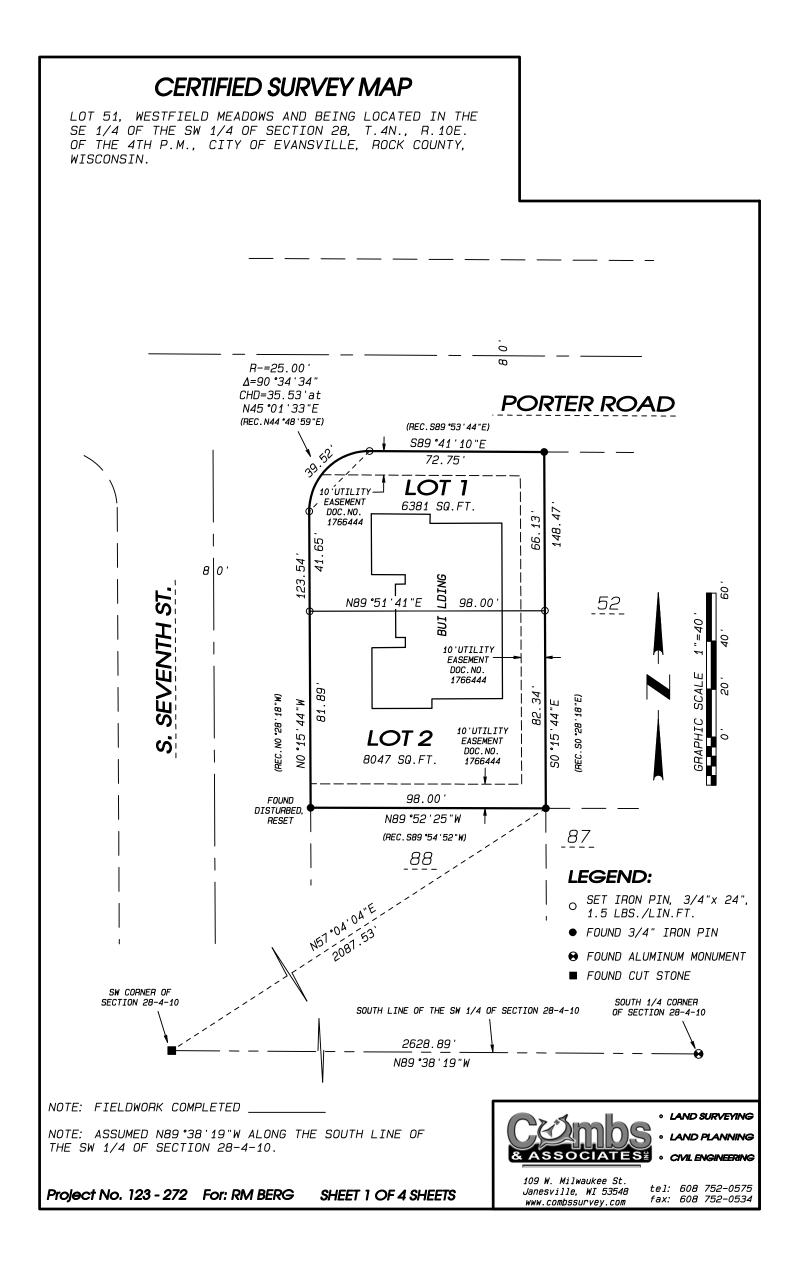
Proposed Land Division: The CSM will divide the parcel into two lots, using the common wall of the building as a lot line. This kind of land division is commonly referred to as a zero lot line CSM. Lot 1 is proposed to be 6,529 square feet (0.15 acres) and will include the dwelling unit with the address of 601 Porter Road. Lot 2 will contain the remaining 6,555 square feet (0.15 acres) and the dwelling unit addressed at 305 South Sixth Street. A joint cross-access and maintenance agreement has been submitted along with the land division application, as is required by Sec. 130-323(5) of the Municipal Code.

Consistency with the City of Evansville Comprehensive Plan and Municipal Code: The proposed land division and land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

Discussion at the Municipal Services Committee recommended that these applications be recommended by the Plan Commission for approval by Common Council, with the condition that the final CSM is recorded with the Rock County Register of Deeds.

Plan Commission Recommended Motion:

Motion for Common Council to approve a certified survey map to divide parcel 6-27-559.5051 into two lots for a two-family twin residence, located at Lot 51 Westfield Meadows, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the condition the final CSM and joint maintenance is recorded with Rock County Register of Deeds.





LAND DIVISION APPLICATION- STAFF REPORT

Application: LD-2023-0133 Applicant: Tennyson Farms (Ed Arnold)

Parcel 6-20-117.1

July 21, 2023

Prepared by: Colette Spranger, Community Development Director Direct questions and comments to: <u>colette.spranger@ci.evansville.wi.gov</u> or 608-882-2263



Figure 1 Approximate Location Map

Location: 14904 Bullard Road, Town of Union

Description of request: An application to create two parcels, Lot 1(10 acres) and Lot 2 (18.29 acres), from parent parcel 6-20-119.1 which currently measures 28.29 acres.

Existing Uses: This is the former site of Worthington Ag Parts. It is being converted into Big Barn Storage.

Staff Analysis of Request

This land division falls within the extraterritorial jurisdiction (ETJ) of the City of Evansville. Within this area, the City places limits on the size and number of land divisions. The intention is to preserve lands that may be suited to develop on City utility services in future years while preserve large tracts of land in the short term.

One of the exceptions to this rule is for land divisions creating no more than five lots with a minimum lot size of 10 acres. For all land divisions allowed under this exception, the subdivider must provide a preliminary plat or map for future replatting at higher density. No more than one land division created under this option may be created in a 20 year period for an original parcel or from contiguous parcels owned by the same landowner.

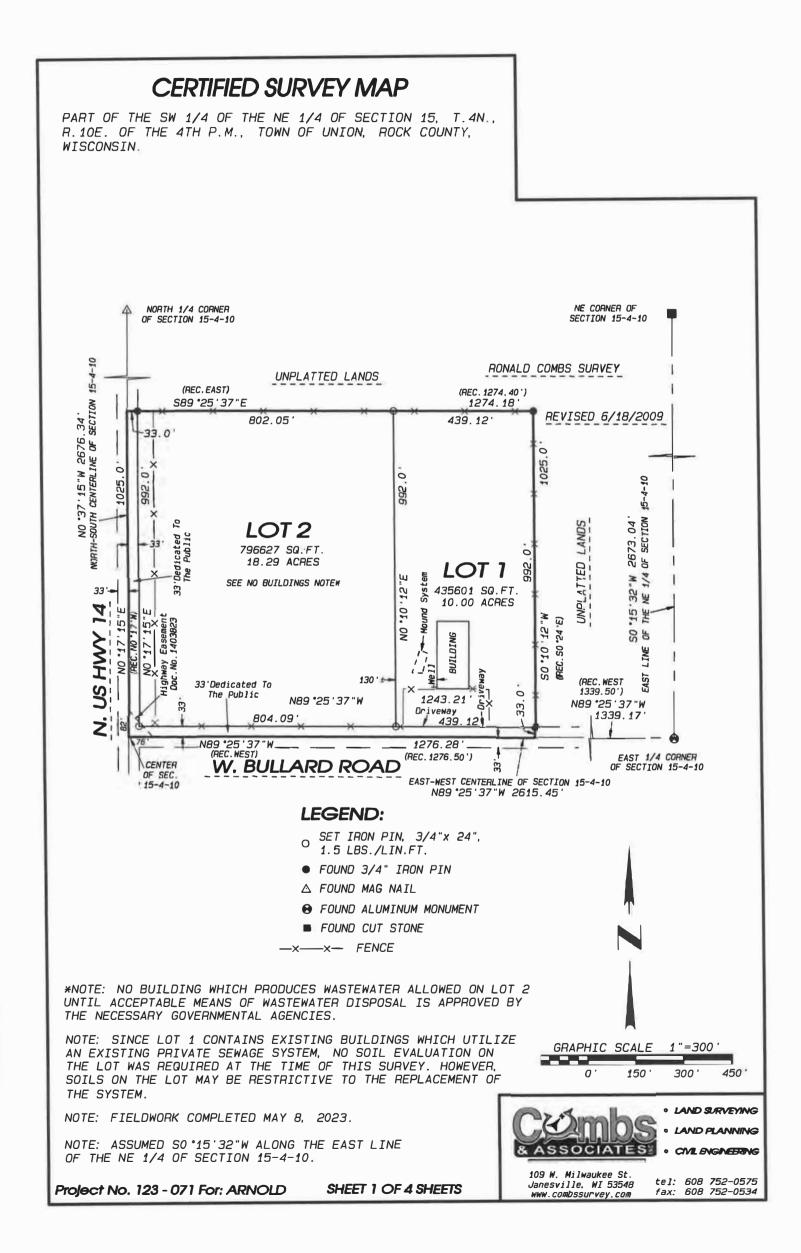
Lot 2 contains environmental constraints that are likely to constrain further subdivision, be it in the Town or the City. The applicant has provided a rough sketch outlining how Lot 1 could be further subdivided. This concept map will not be required to be following when further subdivision occurs. Its purpose is to show that further subdivision is possible.

The certified survey map and application submitted for Plan Commission review tonight meets the requirements set forth in Section 110-230(b)(3) of the Municipal Code.

Consistency with the City of Evansville Comprehensive Plan and Municipal Code: The proposed land division and land uses are thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposal complies with the requirements as set forth in the Land Division Ordinance.

<u>Plan Commission Recommended Motion:</u> Motion for Common Council to approve a certified survey map creating two lots from parent parcel 6-20-119.1 located at 14904 Bullard Road, Town of Union, finding that the application is in the public interest and meets the objectives contained within Sections 110-230 and 110-102(g) of city ordinances, with the following conditions:

- 1. The final certified survey map is recorded with Rock County Register of Deeds, along with the record of decision from the City outlining these conditions.
- 2. The applicant fulfills any other obligations set forth by the Town of Union and Rock County.
- 3. No further land division of these parcels occur prior to August 8, 2043 unless superseded by one or both of the following:
 - a. An update to Article VII of the City's Subdivision ordinance, last amended by Ordinance 2020-12; or
 - b. The Town of Union and City of Evansville enter a boundary agreement.





LAND DIVISION APPLICATION - STAFF REPORT

Applications: LD-2023-0200

Applicant: Andy Phillips

Parcels: 6-20-340

Location: 8439 N Birdie Lane, Town of Union

July 21, 2023

Prepared by: Colette Spranger, Community Development Director Direct questions and comments to: <u>colette.spranger@ci.evansville.wi.gov</u> or 608-882-2263



Figure 1 Location Map

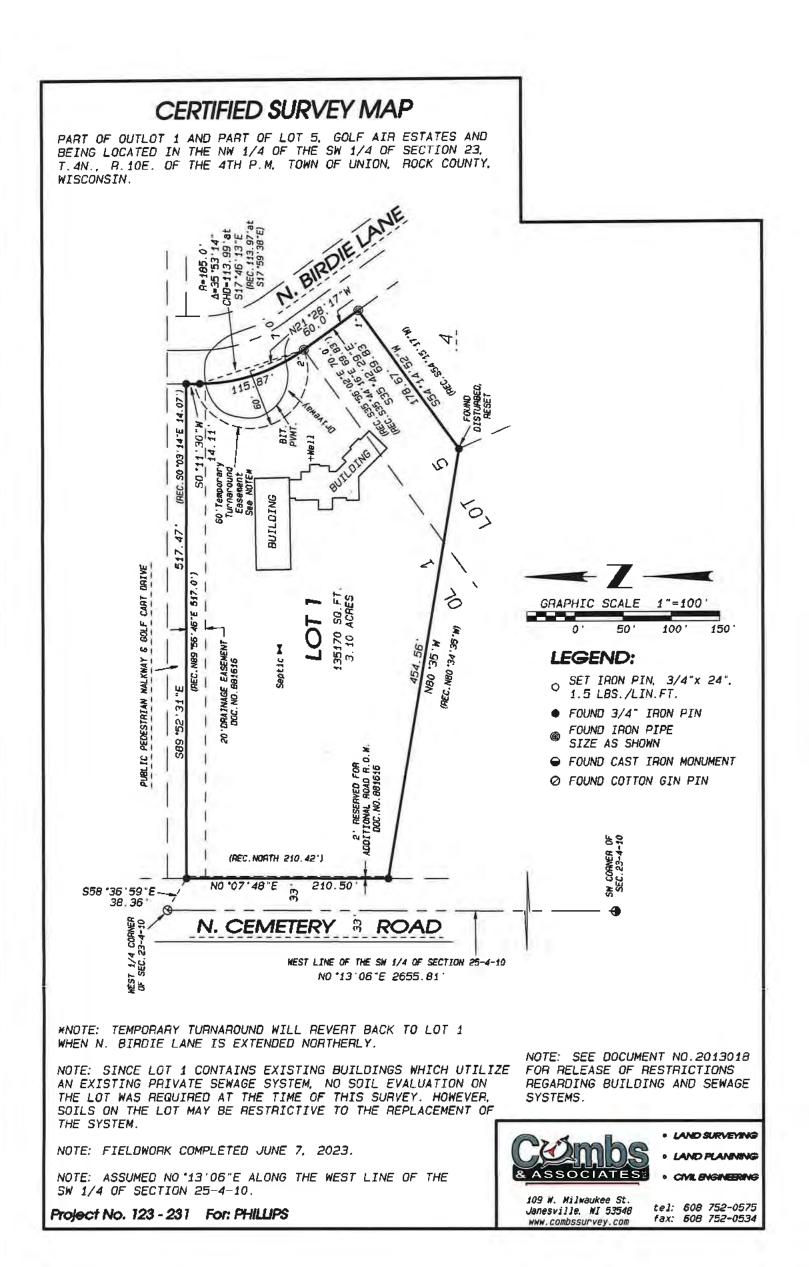
Description of request: The applicant is seeking to create a conforming lot from an existing outlot. No new lots will be created.

Existing and Proposed Uses: Residential. A dwelling unit has already been built on site.

Staff Analysis of Request: The lot in question was originally an outlot for Golf Air Estates, which was platted in the 1980s/1990s. The Town issued a building permit and the County issued a septic permit before it was discovered that the lot's legal description still classified it as an outlot. This certified survey map will bring the lot into conformity with the Town's zoning and land division ordinances. There is no land division occurring, thus there is no conflict between this request and Chapter 110 of the Municipal Code.

Staff Recommended Motion:

Motion to Recommend Common Council approve a Certified Survey Map for parcel 6-20-340 in the Town of Union and finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances with the condition the applicant files the final certified survey map with the Rock County Register of Deeds.



APPLICATION FOR PRELIMINARY LAND DIVISION – STAFF REPORT

Application: LD-2023-0192 Applicant: Grove Partners

Parcel 6-20-218.B

July 21, 2023

Prepared by: Colette Spranger, Community Development Director Direct questions and comments to: <u>colette.spranger@ci.evansville.wi.gov</u> or 608-882-2263

Location: Conifer Hills Subdivision, 7000 block of Territorial Road, Town of Union

Description of request: Grove Partners has resubmitted an application for a preliminary plat to create 17 residential lots and one outlot from a 37.8 acre parent parcel. The plat itself is unchanged from the one denied by Common Council in May 2023. The only difference is that this application has acknowledged and provided covenants associated with prior phases of the subdivision.

Existing Uses: The parcel is largely wooded and undeveloped and surrounded by residences on large (1+ acre) lots.

Proposed Land Division:

This land division falls within the extraterritorial jurisdiction (ETJ) of the City of Evansville and the 2035 boundary outlined in City's Smart Growth Comprehensive Plan.

In 1999, the State of Wisconsin passed Act 9 which became known as the State's "Smart Growth" law. This required all municipalities to prepare plans outlining the intended land uses within their jurisdiction. These "smart growth areas" were defined as <u>"an area that will enable</u> the development and redevelopment of lands with existing infrastructure and municipal, state and utility services, where practicable, or that will encourage efficient development patterns that are both contiguous to existing development and at densities that have relatively low municipal, state governmental and utility cost." This is the reasoning the City maintains when engaging in future land use planning that is both thoughtful and cost-effective.

The City has done some form of smart growth planning since 1986. It most recently adopted an update of its Comprehensive Plan in September 2022. The current future land use designation for parcel 6-20-218.B is for Open Space and Conservation. The parcel has been planned as such since 2015. This is a land use reserved for areas with environmental limitations that are likely to have limited development potential. The Comprehensive Plan states that within this land use category "[t]he Plan Commission will direct development away from lakes, creeks, wetlands, floodplains, areas of severe slope (i.e. more than 12%), hydric soils, and wildlife habitat." This future land use category does not completely impede future development, but provides a cautious approach to allowing it. Namely, as a result of "site specific analysis, including field surveys and soil borings...it may be determined that some of the mapped areas are in fact developable."

County and USDA soil maps indicate that soils in this location are likely hydric. Both conditions would be impediments to a landowner receiving permission to install private on-site wastewater



systems to service a home. For this reason, delaying development to parts of this plat until City sewer and water can be extended to this location may be the only way some of the proposed lots of this preliminary plat could be properly serviced.

The City's Transportation Plan Map indicates this to be a potential location for a primary local road connection between County Highway M and Territorial Road. There is a connecting roadway to Morningridge Estates to the south, but none to the west as indicated on the map.

Additionally, the City's Subdivision ordinance allows for certain land divisions within the extraterritorial jurisdiction. The application as submitted does not meet any of the exceptions outlined in the Subdivision ordinance, but changes could be made to the preliminary plat that would result in a final plat that could both allow housing development within the Town of Union and meet the City's own subdivision standards and the provisions of its Comprehensive Plan. Namely: a cluster land division creating no more than 7 lots. This is sometimes referred to as a conservation subdivision. The lots need to average less than 2 acres, be contiguous, and leave at least 10 acres per lot of undivided and undeveloped land in reserve for future development. In this case, Lots 24 through 30 of the plat could be developed. This would leave 30 acres undeveloped from the parent parcel. The current landowner also owns the 40+ acre parcel across Territorial Road, which would meet the requirement for 10 acres of open land preserved for each lot allowed to be developed.

In order to accomplish this, the following steps would need to be taken by the applicant:

- Site specific analysis to determine the developability of the land.
- A Comprehensive Plan Amendment application to adjust the future land use of the site.
- Redrawn preliminary plat showing land reserved for a future local road connecting Territorial Road and County Highway M.

Section 110-102(g) enumerates the considerations Plan Commission and Common Council must make when reviewing preliminary plat applications. Those objectives follow on page 3 of this report.

(a) General basis for plan commission's recommendation and city council's decision. The plan commission's recommendation and the city council's decision to approve, conditionally approve, or deny an application shall be based on whether the application, preliminary plat, environmental assessment and public hearing, plan commission recommendation, if applicable, or additional information demonstrates that the proposed land division meets the following objectives:

- 1. Compliance with the standards of this chapter and the Wisconsin Statutes 236.45(1);
- 2. Consistent with the city's zoning regulations;
- 3. Consistent with the city's comprehensive plan;
- 4. Consistent with the city's official map;
- 5. Consistent with the city's floodplain management regulations;
- 6. Consistent with any adopted neighborhood or small-area plan applicable to the territory of the land division;
- 7. Consistent with any covenants on the territory of the land division; and
- 8. In the public interest.

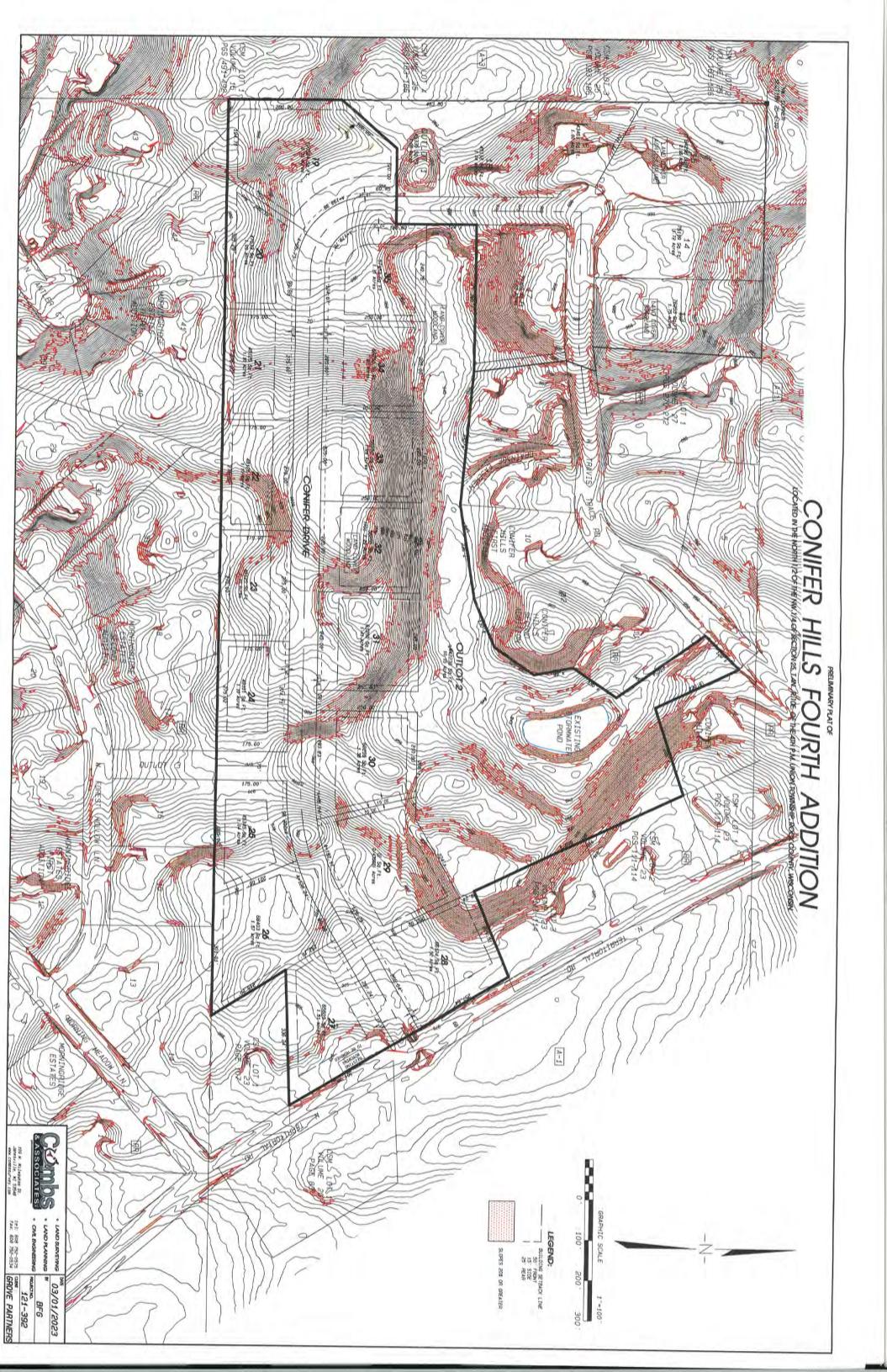
Specifically, the application does not meet objectives 1, 3, 4, 7, and as a result, 8. The City has no extraterritorial zoning jurisdiction within the Town of Union, so objective 2 does not apply, nor do objectives 5 or 6.

Updated analysis for August 1, 2023 Plan Commission meeting

Covenants such as the ones submitted are agreements between private parties. The City cannot and will not enforce them; that is the job of the Architectural Control Committee outlined in the document. As a result, City staff stand by the original recommended motion to deny the application as it continues to violate the City's policies and regulations for land divisions in its Extraterritorial Jurisdiction, as detailed in Chapter 110 of the Municipal Code and its Comprehensive Plan.

Staff Recommended Motion

Motion to recommend Common Council deny application 2023-0192 for a preliminary plat on parcel 6-20-218.B, finding that the application is inconsistent with Chapter 110 of the Municipal Code and with the City of Evansville Comprehensive Plan.



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RECORDED

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K. RANDAL LEYES REGISTER OF DEEDS ROCK CO. WI 53545 DECLARATION OF PROTECTIVE COVENANTS

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FOR

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CONIFER HILLS

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Charles Rohloff 2538 N. Territorial Rd. Evansvilk, WI 53536

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DECLARATION OF PROTECTIVE COVENANTS FOR

CONIFER HILLS

Welcome to Conifer Hills, located on Historical Territorial Road. In the 1840's, this was the stagecoach road between Janesville and Madison. This land is located only one-half mile from the site of the "Old Bald Tavern", one of the original stops along the way. Abstracts from this farm date back to 1846. We, Charles and Dolores Rohloff, hope you enjoy what we have tried to accomplish here. The following covenants are developed for your living pleasure, whether its outdoor life or enjoying the beauty of your home and its surroundings.

1. COVENANTS AND RESTRICTIONS

It is intended that these restrictions shall be covenants running with the land and shall be for the benefit of the Plat of CONIFER HILLS subdivision more particularly described as follows:

Lots 1 through 4, Conifer Hills, Town of Union, Rock County, Wisconsin, also known as Lots 1, 2 and 3 of the Certified Survey Map recorded in the Rock County Register of Deeds Office on $\frac{2}{2}$, $\frac{2}{200}$, being a part of the SE 1/4 of the SW 1/4 of Section 24 and part of the NE 1/4 of Doc #1451902the NW 1/4 of Section 25, all in T.4N., R.10E. of the 4th P.M., Union Township, Rock County, Wisconsin, and Lot 1 of the Certified Survey Map recorded in the Rock County Register of Deeds Office on <u>Med. 21, 2000</u>, being part of the NW 1/4 of the NE 1/4 and part of the NE 1/4 of the NW 1/4 of Section 25, T.4N., R.10E. of the 4th P.M., Union Township, Rock County, Wisconsin,

> and future purchasers of lots contained in said subdivision. It is also hereby intended by these restrictions that the obligations and limits thereof shall bind all purchasers of lots in said subdivision, together with their heirs, successors and assigns.

2. **GENERAL PURPOSE**

The general purpose of these restrictions is to assure that Conifer Hills will become and remain an attractive, high quality residential community and to that end to preserve and maintain the natural beauty; to insure the best use and the most appropriate development and improvement of building sites within the property, to protect owners of building sites against such use of surrounding sites as may detract from the residential value of their property.

3. INTERPRETATION

It is inherent to protective covenants and restrictions that from time to time those covenants and restrictions are subject to interpretation. In those instances wherein an interpretation is required because there is no definitive rule to be followed, or because there is a question regarding an intangible concept such as, but not limited to, what constitutes harmonious architectural design, what is poor design or proportion and what is aesthetically pleasing, the matter shall be subject to the opinion of the Architectural Control Committee for the granting of a final approval.

Doc. # 1451901-

4. LOT USE

All lots shall be used only for single-family residential purposes and the construction of one single-family dwelling on each lot. One building site of two or more adjacent lots may be permitted subject to the Architectural Control Committee.

5. ARCHITECTURAL CONTROL COMMITTEE

The Architectural Control Committee of Conifer Hills is composed of:

Charles Rohloff, Territorial Road, Evansville, Wisconsin. Dolores Rohloff, Territorial Road, Evansville, Wisconsin. Third person to be named later by Charles and Dolores Rohloff.

A majority of the committee may designate a representative to act for it. In the event of death or resignation of any member of the committee, the remaining members shall have full authority to designate a successor.

The decision of any two members of the Committee shall be final and binding upon all parties. The Committee members shall not be entitled to compensation for services performed pursuant to this paragraph. The members of the Committee shall be appointed by the Developer, and the Developer shall be entitled to remove and replace members of Committee, at their sole discretion, as long as the Developer owns any vacant lot in the subdivision.

6. ARCHITECTURAL CONTROL

No building, outbuilding or other structure, swimming pool, fence, wall, Α. driveway, tennis court, light post, mail box, landscaping or other structure or improvement shall be constructed, erected, placed or altered on any lot in Conifer Hills without the approval of the Architectural Control Committee. For any undertaking requiring approval of the Architectural Control Committee, three sets of plans [including building construction plans, site plans, grading plans (where necessary) and landscaping plans] shall be submitted to the Architectural Control Committee. If and when plans are approved, two sets of the approved plans shall be signed, dated, and returned by the Architectural Control Committee to the lot owner as evidence of such approval, one copy of which shall be transmitted by the lot owner to the local building inspector, prior to obtaining the necessary permits. Any changes or revisions required by the Architectural Control Committee shall first be made to the plans by the owners before approval is given. Once the Architectural Control Committee's approval has been given, the plans shall be strictly adhered to by the lot owner.

- B. In passing upon the plans and specifications, the Committee may take into consideration the suitability of the proposed building or other structure or improvement, its design, elevation, color, color of materials to be used, construction materials, the harmony thereof with surrounding buildings, its proposed location, the view from other properties in the subdivision, and such other matters of terrain, environmental impact, aesthetics, and impact upon other lots in the subdivision as the Committee may deem appropriate. The Committee shall have the right to waive minor infractions or deviations from these restrictions in the case of hardship. Any action by the Committee shall be final and conclusive as to all persons then or thereafter owning lots covered by these restrictions.
- C. The Committee shall not be liable for actions taken or decisions made in good faith.

7. ARCHITECTURAL CONTROL COMMITTEE EXPENSES

Expenses incurred by the Architectural Control Committee in enforcing the terms of these restrictions, including reasonable attorneys fees, shall be assessed against the lot on which the violation occurred and, if not paid, shall constitute a lien equivalent to a mechanics lien.

8. DWELLINGS AND OTHER STRUCTURES

All structures (principal or accessory) shall be designed by a home designer, registered architect or equally qualified individual or firm. No two dwellings in the subdivision may be identical or contain only minor changes from an existing home in Conifer Hills to create a diverse group of residential designs and to avoid the monotony of duplication. It is also the specific criteria of design to assure that there is a compatibility of architectural styles amongst the various homes that are in close visual proximity to one another. Toward this end, the Architectural Control Committee will evaluate and approve use of a particular architectural style of home on any given lot in the Conifer Hills residential community. In making that evaluation, the Architectural Control Committee will consider the proposed residence in relation to the existing homes or previously approved homes that will be in close visual proximity of one another. The Architectural Control Committee, in its sole discretion, may grant conceptual approval for the use of a certain exterior design on any lot in the subdivision, and reserve the use of said design for said lot, prior to receiving the actual plans as required pursuant to Paragraph 6. Any such conceptual approval may be rescinded by the Architectural Control Committee at any time, at its sole option, upon not less than sixty (60) days written notice to the lot owner, if the lot owner fails to submit the full set of plans as required pursuant to Paragraph 6 above, prior to the expiration of said notice period.

9. CONSTRUCTION EQUIPMENT AND/OR VEHICLES

- A. All equipment used in clearing, excavating or construction, not rubber tired, shall only be loaded or unloaded within the boundary lines of each lot.
- B. No vehicles shall be continuously parked on the streets or roadways, but shall be kept on the driveway of the lot or private garage. It being the intention to prevent obstruction of the streets by continuous parking thereon.

10. CONSTRUCTION DEPOSIT

At the time of closing on a lot, a One Thousand Dollar (\$1,600.00) construction deposit shall be collected from the buyer and held in an escrow account by the Developer. These funds are to assure the compliance with Section 11(C) below of these covenants and restrictions dealing with contractor cleanup and use of the approved driveway. In the event that the owner is unable to obtain compliance of his contractors in these regards and cleanup or repair is necessary by the Developer, the necessary funds will be deducted from this escrow amount. In the event that no deductions are made or there is a balance remaining after any deduction, the balance in the escrow account shall be returned to the owner upon completion and first occupancy of the residence.

11. COMMENCEMENT OF AND COMPLETION OF CONSTRUCTION

- A. Before any construction shall be commenced on any lot, the driveway shall be rough graded in a horizontal location and with a vertical alignment as approved by the Architectural Control Committee. All access to and from the home site construction area by material suppliers, contractors and other individuals shall be by this driveway location and no other means or way. This covenant is primarily for the protection of natural amenities of the site.
- B. Any construction commenced shall be completed within a one year period and shall be ready for occupancy within that period. No building shall be occupied or used until the same is completed. Also, within one year of occupancy, the owner of such lot shall landscape any area disturbed by construction, and shall complete all landscaping in accordance with the plans and specifications approved by the Architectural Control Committee.
- C. During the time of construction, the lot owner shall be responsible to see that his contractor maintains a constant cleanup of all scraps, paper or other waste materials, and that all access to the site is through the approved driveway, and by no other means or way. In the event that the owner or his contractor shall fail in this responsibility, the Developer shall have the right to perform the

necessary cleanup and/or make the necessary repairs and to make an appropriate deduction of money from the construction deposit to cover the expense incurred by the Developer. The burning of rubbish or trash within Conifer Hills is prohibited.

D. During any earth moving activities for structures, septic systems, and/or appurtenant structures, erosion control practices shall be installed to prevent sedimentation into storm water drainage easement. No soil or black dirt shall be sold or removed from the site without prior approval of the Architectural Control Committee.

12. ZONING AND BUILDING RESTRICTIONS

The Developer, its successors and assigns, and all parties hereafter having an interest in the property, are subject to all rules, codes, regulations and ordinances of the Town of Union, Rock County, the State of Wisconsin and the Federal Government, and the same may be more restrictive than these restrictions. In the event there is a conflict between the requirements of these restrictions and any provision of any Town, County, State or Federal law or regulation, the more restrictive provisions shall apply.

13. BUILDINGS

A. MINIMUM SQUARE FOOTAGE REQUIREMENTS

- i. One story houses shall have a minimum square footage of living space of not less than 1,700 square feet.
- ii. One and one-half story houses shall have a minimum square footage of living space of not less than 1,900 square feet, with not less than 1,200 square feet of living space on the first floor.
- iii. Two story houses shall have a minimum square footage of living space of not less than 2,100 square feet, with not less than 1,200 square feet of living space on the first floor.
- iv. Split-level houses (three or more levels) shall have a minimum square footage of living space of not less than 1,400 square feet on the upper two levels.
- v. Bi-level houses shall have a minimum square footage of living space of not less than 1,400 square feet on the upper level.

- vi. Roof pitch shall be six twelve or greater.
- B. Living space is determined by the outside dimensions (exclusive of garages, porches, patios, breezeways and similar additions) of the exterior walls. The minimum square footage shall be determined as of the time of initial construction, and shall not consider or include unfinished areas or future additions or basements.
- C. The Architectural Control Committee, in its sole discretion, may reduce the minimum square footage requirements for any house on any lot by not more than ten percent (10%), however, in no event shall the Architectural Control Committee reduce the minimum square footage requirements for any house below the minimum standards of the Town of Union.
- D. The exterior siding of all dwellings shall consist of not less than 50 percent brick, lannon stone, cultured stone, masonry, or similar material. In addition to the foregoing, the Architectural Control Committee, in its sole discretion, may permit the use of double-4 or double-5 metal or vinyl or cedar siding on the remaining 50 percent, if the architectural integrity of the home is not adversely affected by the use of such siding. In no event shall the exterior of any dwelling consist of other types of metal or vinyl siding, or of artificial stone, artificial brick or composite wood. No exposed concrete or concrete block shall be permitted on any house. Where block or concrete would otherwise be exposed, it must be covered by the house siding or brick. The roofing of all dwellings shall consist of wood, tile or fully dimensional asphalt shingles. In no event shall conventional asphalt shingles be permitted.

14. DRIVEWAYS

The owner of each lot shall, within one year of completion of the home, install a paved driveway. The installation of headwalls at the ends of culverts is prohibited. There shall be installed across the proposed driveway a culvert conforming as to size, length and type of material with the minimum standards specified by the County of Rock. Drainage ditches paralleling roads shall not be obstructed or altered insofar as their course or carrying capacity are concerned by such driveways.

15. HEIGHT OF GRADE

No owner of any lot, nor any person or persons claiming under him, shall or will at any time alter the grade of any lot from that which is naturally occurring on that lot at the time the site development improvements have been completed by the Developer, unless and until he shall first obtain the written approval of the Architectural Control Committee for such grade alterations. In order to obtain this

approval, it shall first be necessary for the lot owner, at his expense, to have prepared a grading plan which shows in detail the area to be regraded, the existing and proposed topography, analyzes the effects on site drainage, and is a plan which does not unreasonably affect an adjacent property owner as regards drainage or their viewing of unreasonable slope treatment.

16. GARAGES

All residences shall include an attached three car garage. Should additional space be needed, one may add to the length of one or more of the three bays. All garages shall be equipped with automatic garage door openers for all overhead doors. Garage doors are to be located so as to avoid a front or street exposure orientation.

17. TEMPORARY STRUCTURES

No structures of a temporary character, such as a motorhome, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence whether temporary or permanently.

18. BUILDING SETBACKS

It is one of the intentions of the covenants and restrictions to create a completed community whose site plan is varied and well integrated to the overall site surroundings as well as the specific lot.

Therefore, the minimum building offsets (unless otherwise noted on recorded plat) are:

- 50 feet from all street property lines,
- 25 feet from all side property lines,
- 50 feet from all rear property lines, and
- 100 feet from centerline of Territorial Road,

such site plan for each lot will be reviewed with respect to achieving the above goals and avoiding monotony or noticeable similar placement of homes to those existing or previously approved. In achieving these goals, offsets greater than those specified above may be required by the Architectural Control Committee. Further, the Architectural Control Committee, in its sole discretion, may alter the offsets to the minimum allowed by the Town of Union if it determines, in its sole discretion, that terrain conditions so require.

19. STORAGE BUILDING

Each house shall contain sufficient garage space, have a grade entrance to the basement, or have "Bilko" type stairs to the basement for storage space to curtail the need for the construction of accessory storage buildings, which are detached from the residence. If an outbuilding is permitted, it shall be of the same materials and architectural design of the residence structure, and shall always be kept in the same color scheme of the residence structure.

A storage structure may be permitted or denied at the sole discretion of the Architectural Control Committee. Building size not over 12 feet by 12 feet by 10 foot high. The door is to be located as to avoid a front or street exposure orientation. Any such building shall be constructed on a concrete slab.

20. WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS

No lot shall be occupied until a water well and water system plus a sewage disposal system is located, constructed and equipped, and home built there by the purchaser of the lot, or the purchaser's successors in interest without expense to the seller in accordance with the requirements, standards and recommendations of the Rock County Department of Health and any other controlling public authority. Approvals of such systems shall be obtained from such authorities.

21. SWIMMING POOL

No above ground swimming pools approved, inground pools shall meet all government building code regulations.

22. UTILITIES

- A. Any fuel oil tanks or gas tanks required for home heating and/or cooking (if outside the residence) shall be located behind the residence immediately adjacent to the residence and screened from public view and will conform to governmental guidelines and requirements.
- B. All lots shall be provided with electric, natural gas, cable television and telephone service by means of underground installation only. No residence or other building or structure on any lot shall be serviced by the use of any secondary overhead service wires. All costs and expenses involved in installing underground utility service connections on any lot between the utility companies' secondary pedestals and the buildings on any lots shall be paid by the property owner of said lot. Ten foot easements for installation and maintenance of utilities are reserved on side of or rear of lot lines with right of ingress and egress given.

23. PRESERVATION OF TREES

- A. Tree removal is only permitted to allow for site preparation for the erection of primary dwellings, accessory buildings and other structures and landscaping. Except for hazardous limbs and trees or diseased tree, no existing trees shall be cut or removed from any parcel without prior approval of the Architectural Control Committee. All other trees whether dead or alive shall be considered wildlife refuge and shall not be removed.
- B. The introduction or removal of any plant life or inanimate object from the designated wild environmental area is strictly prohibited without consent of governing powers.
- C. Firewood is not to be taken from the woods. An annual review of the woods by the Architectural Control Committee will determine availability of firewood.
- D. A County or State Forester will review the woods at least once every five years as to its health and care, years being those ending with 0 or 5.

24. WILDLIFE PROTECTION

All hunting, trapping or killing of wildlife is prohibited within Conifer Hills. Should a species of wildlife become overly abundant or create a nuisance, then wildlife authorities will be contacted to help relieve the problem.

25. TRESPASS

It is intended that all owners within Conifer Hills respect, agree to, understand and protect the private property rights of all area neighbors, land owners, adjoining farmers and further agree to comply with the rules and restrictions of the Town of Union and other governing bodies.

26. FENCES

It is the intention to preserve the open natural feeling of Conifer Hills environment. Therefore, no fences shall be erected or maintained on said premises, unless required by any statute, code, regulation or ordinance in which case the fence shall not exceed the height required by such statute, code, regulation or ordinance or unless approved in writing in advance by the Architectural Control Committee.

27. LAWN AND YARD

In addition to the normal maintenance and moving of lawn areas on a lot, the owner of each lot shall also maintain the lawn and yard area to the shoulder of the public roadway. In addition to mowing, the lot owner shall keep this area free of debris and in all other ways properly maintained. Any portion of a lot that is already wooded shall remain in its natural state. See Section 23, Preservation of Trees.

28. WEEDS

Pending the improvement of said lot with a dwelling, weeds shall be cut at all times by owner thereof.

29. MAILBOXES.

Mailboxes shall be of a uniform design.

30. GARBAGE AND REFUSE DISPOSAL

The burning of rubbish or trash within Conifer Hills is prohibited. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. Same shall not be kept except in sanitary containers. All equipment for the storage or disposal of such materials shall be kept in a clean and sanitary condition and in an inconspicuous place. Each lot owner shall arrange for garbage and rubbish pickup and removal.

31. ANIMALS AND LIVESTOCK AND POULTRY

No livestock shall be kept or maintained on said property or any portions thereof, nor shall any chickens, or other poultry or bees be maintained thereon. This provision shall not be construed to prohibit the usual household pets, except that commercial animal boarding, kenneling and treatment for animals shall not be permitted whether for fee or not nor shall there be permitted an excessive number of household pets. Not more than two (2) domestic animals of over twenty-five (25) pounds each may be kept on any lot. All animals must be housed within the principle structure. Pets are to be accompanied by and under the control of the owner, and shall not run at large. Your pet feces are to be removed from any walking trail. The removal is the responsibility of the owner wherever located.

32. NUISANCES

No noxious or offensive trade, hobby or any activity may be carried out on property which will become a nuisance to the subdivision. No loud or unreasonable noise will

be permitted. The operation of any motorbike, go-cart, snowmobile or other motorized device within the subdivision shall be deemed a nuisance if the sound generated therefrom is an annoyance to neighbors.

33. BUSINESS

No business or commercial use shall be allowed to operate on said premises as the subdivision is designed solely for single family residential purposes only. A home office shall be allowed so long as customers or clients do not visit the premises.

34. VEHICLES

No outside storage of vehicles, boats, motorcycles, snowmobiles, trucks, trailers, motorhomes, tractors or other paraphernalia shall be permitted on any lot. Any such storage on any lot shall be in permanent buildings which have been constructed with the approval of the Architectural Control Committee. However, this restriction shall not apply during the period of construction of any residence, or except two weeks each year. Off-road use of All-Terrain vehicles, minibikes, snowmobiles or other motorized vehicles shall be strictly prohibited within Conifer Hills. A handicapped motorized chair is permitted with Architectural Control Committee approval.

35. SIGNS

No sign of any kind shall be displayed to the public view on any lot except one sign not more than two square feet in size identifying the property of the owner, one sign not more than five square feet in size advertising the property for sale or rent, a sign used by a builder to advertise a residence for sale, but only during the construction and sales period, or such signs as may be used by the Developer in conjunction with initial lot sales in the subdivision. No sign of any kind shall be displayed to the public view on any outlot without the express consent of the Architectural Control Committee. A garage sale sign not more than two square feet may be used, but not more than one week every six months.

36. MAINTENANCE AND CARE OF GROUNDS

It is contemplated that a property owners association will be formed when 75% of the lots are sold. Immediately after the formation of the Homeowners Association, the owner (grantors), their heirs, successors and assigns shall deed the fee simple title in the nature area to the Homeowners Association. The annual assessments levied by the Association shall be used for maintenance upkeep and repair of the nature area and landscaped areas. The Association shall purchase liability insurance, insuring the Association against any and all liability to the public, to any owner, or to the invitee or guests of any owner. Policy limits may be set and changed by the Association.

37. SEVERABILITY

Invalidity of any provision of this Declaration, regardless of how determined, shall in no way affect any of the other provisions, which shall remain in full force and effect.

38. ENFORCEMENT

The restrictions and covenants herein contained may be enforced by the Developer, by the Owner's Association created pursuant to the provisions of this Declaration of Restrictions, and/or by any lot owner in the subdivision, by proceedings at law or in equity against any person or persons violating or attempting to violate same. The proceedings may seek to recover damages and/or demand compliance. No enforcement action with respect to the construction, placement or alteration of any structure or improvement on any lot shall be commenced more than one (1) year after the completion of the construction, placement or alteration of such structure or improvement. The provisions of these covenants may be amended by the developer from time to time.

39. FUTURE SALE OF PROPERTY

Each new owner shall be given a copy of these Covenants, and shall be discussed with them prior to sale closing.

40. TERM AND AMENDMENT

- A. All of the restrictions, protections and covenants herein contained shall remain in full force and effect for a period of twenty (20) years from the date hereof and for successive periods of ten (10) years thereafter unless a written amendment is adopted by twenty-five percent (25%) of the lot owners to amend such restrictions in whole or in part.
- B. The restrictions, protections and covenants herein contained may be enforced by any owner or owners of land by action brought for that purpose, and judgment in such action shall provide for the removal of any building erected in violation of any of the provisions hereof and for the abatement of any violation. In any such action wherein judgment is granted adjudging a violation of the terms and provisions of the declaration, such judgment shall include provision for the expense of enforcement of this declaration, including reasonable attorney's fee in addition to taxable costs.
- C. The restrictions, protections and covenants herein contained shall be in addition to any restrictions and conditions now or hereafter imposed upon such property by any municipal or county zoning ordinance.

Dated at Edgerton, Wisconsin, by the owners this 12 day of Filling, 2000.

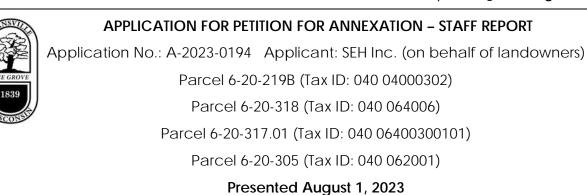
2a Charles A. Rohloff, Developer

Dolores Rohloff, Developer

AUTHENTICATION

Signatures of Charles A. Rohloff and Dolores Rohloff authenticated this 12 day of ______, 2080._____ Jeffrey 7 Roethe TITLE? MEMBER STATE BAR OF WI

Prepard by Joffrey T. Roethe



Prepared by: Colette Spranger, Community Development Director Direct questions and comments to: colette.spranger@ci.evansville.wi.gov or 608-882-2263



Figure 1 Location Map

Concurrent Applications:

- Land Division LD-2023-0196: Reconfigures the six lots listed above to two lots. This site will sit on Lot 1 of that CSM.
- Rezoning RZ-2023-0197: rezones lands in Lot 1 to I-2 Heavy Industrial
- **Comprehensive Plan Amendment CP-2023-0198**: Adjusts future land use map to reflect new lot boundaries and expands industrial land uses further north. Potentially will address Transportation Plan Map and its potential connections.
- Conditional Use Permit CUP-2023-0193: allows for an Agricultural Service Use in the I-2 Heavy Industrial zoning district
- Site Plan 2023-0195: Site layout and design for buildings and infrastructure for soybean oilseed processing plant

Description of request: The applicant has submitted on behalf of the current landowners an annexation petition to bring in approximately 241.45 acres (10,517,678 square feet) from the Town of Union into the City of Evansville. The subject properties are generally located south of US Highway 14, west of Weary Road, and east of County Highway M as depicted in the map above. The lands are under contract between three separate owners and CHS Oilseed Processing. <u>The success of the five applications described above is contingent on approval of this annexation.</u>

Staff Analysis of Request: Approval of this annexation would enable a large industrial user to obtain approvals to build a soybean processing facility on site. This user has land control contracts with each of the owners of the current parcels. An annexation agreement will be in place and finalized at a later Common Council meeting regarding existing features on site and future taxes owed to the Town of Union. Some specific comments:

- 1. Consistency with Comprehensive Plan: The proposed annexation is largely consistent with the City's future land use map, which plans for the properties under discussion to be part of the City of Evansville and in industrial and mixed uses. Upon annexation and land control, the user intends to combine lots and readjust land uses to align with lot lines. See application CP-2023-0198 or Ordinance 2023-10 for more detail.
- 2. Environmental constraints: None identified.
- 3. Man-made constraints: The ALTA/NSPS land title survey submitted with the application indicates that none of the subject properties contain underground storage tanks or contaminated soils, or buried waste that would hinder development.
 - a. Parcel 6-20-317.01 contains an outbuilding and driveway adjacent to a residential parcel that is staying in the Town.
 - b. Parcel 6-20-305 contains a silo, two grain bins, four outbuildings, and a dwelling unit.
- 4. Septic systems and wells: Per the ALTA:
 - a. Parcel 6-20-219B: No septic system on site, but one well in use for irrigation.
 - b. Parcel 6-20-318: No private septic system or well on site
 - c. Parcel 6-20-317.01: No private septic system or well on site.
 - d. Parcel 6-20-305: Private septic system and well are on site to serve the dwelling unit.
- 5. Payment to Town of Union: The subject properties are currently located in the Town of Union. Pursuant to State law, the City must pay the Town the property taxes that would have been paid over the next five years. It is estimated that this amount is \$4,317.10. The applicant will pay this amount to the City to cover this expense as a condition of annexation.
- 6. Proposed zoning: The parcel is proposed to be zoned I-2 Heavy Industrial. See Application RZ-2023-0197 or Ordinance 2023-09.

Staff Report - Page 3 of 3 Agenda Item **7F**

7. Wisconsin Department of Administration: Consistent with State law, the petition must be forwarded to the Department of Administration (DOA) for its review. This is in progress.

Site Plan Summary: Planning staff feels the proposed annexation complies with state law, city ordinances and Comprehensive Plan. At the time of writing, the City was still waiting on DOA approval. Staff recommends approval of the annexation and annexation agreement with conditions.

Staff recommended motion: Finding the annexation is consistent with the Comprehensive Plan, The Plan Commission recommends Common Council approval of Ordinance 2023-08 and the annexation agreement, annexing territory to the City of Evansville, with the following conditions:

- 1. The applicant signs and accepts the Annexation agreement.
- 2. Remove all dwellings, buildings, structures, private septic systems and wells unless otherwise agreed to through a development agreement with the City.
- 3. Back taxes for the Town of Union are reimbursed per Annexation agreement.
- 4. DOA reviews and deems annexation to be in the public interest.

CITY OF EVANSVILLE ORDINANCE # 2023-08

AN ORDINANCE ANNEXING TERRITORY FROM THE TOWN OF UNION TO THE CITY OF EVANSVILLE, WISCONSIN (Parcels 6-20-219B, 6-20-318, 6-20-317-01, and 6-20-305, generally located south of US Highway 14, west of Weary Road, east of County Highway M, and north of the Union Pacific Railroad)

The Common Council of the City of Evansville, Rock County, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. In accordance with Sec. 66.0217(3)(a) of the Wisconsin Statutes and the Petition of Property Owners for Direct Annexation filed with the City Clerk on July 7, 2023, and the findings of the Common Council that such annexation is in the best interest of the City and all necessary notices having been given and the Department of Administration not stating the proposed annexation to be against public interest, and the plan commission having reviewed and recommended for approval the temporary zoning district classifications, the following described territory located in the Town of Union, Rock County, Wisconsin, with boundaries contiguous to the City as shown on the attached scale map, is hereby annexed to the City of Evansville, Rock County, Wisconsin, to wit:

Being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 35, and part of the Northeast 1/4, Southwest 1/4, Southeast 1/4 and Northeast 1/4 of the Southwest 1/4, and the Southwest 1/4 of the Southeast 1/4 of Section 25, and part of Northwest 1/4, Southwest 1/4, Southeast 1/4, and Northeast 1/4 of the Northwest 1/4, and the Northwest 1/4, and Southwest 1/4 of the Northwest 1/4, and the Northwest 1/4 of the Southwest 1/4, and the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4, and the Northwest 1/4 of the Southwest 1/4 of Section 36, all in Township 4 North, Range 10 East, in the Town of Union, Rock County, Wisconsin, more particularly described as follows:

Beginning at the Southwest corner of the Southwest 1/4 of Section 25; thence North 89°37'04" East, along the South line of said Southwest 1/4, a distance of 764.96 feet; thence North 00°22'56" West, 667.28 feet; thence North 15°59'42" East, 910.64 feet so the Southerly Right of Way of U.S.H. "14"; thence the next 3 courses along said Southerly Right of Way; Thence South 73°04'38" East, 764.19 feet; Thence South 72°49'26" East, 810.96 feet; Thence South 59°09'18" East, 121.30 feet to the intersection of the Southerly Right of Way of U.S.H. "14" and North Weary Road; Thence South 00°37'46" East, along the Westerly Right of Way of said North Weary Road 82.77 feet; thence South 72°15'52" East, 34.76 feet to the Centerline of North Weary Road; thence South 00°42'02" East, along said centerline 912.28 feet to the South line of the Southeast 1/4 of Section 25; thence South 89°16'27" West, along said South line 47.19 feet to the South 1/4 Corner of said Section 25; Thence South 00°48'03" East, along the North / South Centerline of Section 36, a distance of 1077.57 feet to a point on the North line of Lot 1, of Certified Survey Map No. 20-88; thence South 88°58'16" West, along said North line 256.26 feet to the Northwest corner of said Lot 1; thence South 01°28'35" East, along the West line of said Lot 1, a distance of 170.00 feet to the Southeast corner of said Lot 1; thence North 88°58'20" East, along the South line of said Lot 1, a distance of 254.26 feet to the Center North / South line of said Section 36; thence South 00°48'03" East, along said North / South line, a distance of 78.13 feet; thence North 89°17'15" East, 42.52 feet to the Center line of North Weary Road; thence the next two courses along said Center line of North Weary Road; thence South 00°26'07" East, 275.00 feet; thence South 00°13'59" East, 157.95 feet; thence South 89°11'57"

West, along the North line of CSM 39-5, a distance of 241.48 feet to the Northwest corner of said CSM 39-5; thence South 00°48'03" East, along the West line of said CSM 260.00 feet to the Southwest corner of said CSM; thence North 89°11'57" East, along the South line of said CSM, a distance of 240.00 feet to the Center line of North Weary Road; thence South 00°30'41" East, along said Center line 206.15 feet; thence South 89°11'57" West, 234.68 feet; thence South 00°48'03" East, 264.00 feet; thence North 89°11'57" East, 233.35 feet to the Center line of North Weary Road; South 00°30'41" East, along said Center line 397.53 feet; thence North 69°07'27" West, along the Northeasterly Right of Way of Union Pacific Railroad, 4251.66 feet to said Railroad's Northeasterly Right of Way intersection with the Easterly Right of Way of C.T.H. "M"; thence North 00°20'55" East, along said Easterly Right of Way 1339.74 feet to the South line of the Southeast 1/4 of Section 26; thence North 89°23'49" East, along said South line a distance of 1271.36 feet to the Point of Beginning.

Said lands contain 10,517,678 square feet, 241.45 acres more or less.

SECTION 2. Population of Territory. At the time the annexation petition was submitted to the city, the population of the territory was 1.

SECTION 3. Payments to Town of Union. Pursuant to Sec. 66.0217(14)(a) of the Wisconsin Statutes, the City of Evansville agrees to pay annually to the Town of Union, for five (5) years, an amount equal to the amount of property taxes levied by the Town of Union on the annexed territory, as shown by the tax roll, in the year in which the annexation is final. The City of Evansville intends to recover such payments from the property owner consistent with the annexation agreement with the City.

SECTION 4. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be part of the City of Evansville for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Evansville and shall be exempt from further taxation and assessment by the Town of Union.

SECTION 5. Zoning Classification. Upon recommendation of the plan commission, the territory annexed to the City is temporarily designated as Agricultural until such time as a permanent zoning designation is made consistent with the City's comprehensive plan.

SECTION 6. Election District Designation. The territory annexed by this ordinance is hereby made part of Ward 8, Aldermanic District 4 subject to the ordinances and rules and regulations regarding such wards and districts.

SECTION 7. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of the ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 8. Effective Date. This ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 12th day of September, 2023

Dianne Duggan, Mayor

ATTEST:

Leah Hurtley, City Clerk

 Introduced:
 08/01/2023

 Notices published:
 07/12/2023 and 07/19/2023

 Public hearing held:
 08/01/2023

 Adopted:
 08/XX/2023

 Published:
 08/XX/2023

Sponsors: This is a citizen-initiated ordinance. Drafted on July 21, 2023 by Colette Spranger, Community Development Director

Annexation Agreement with CHS Oilseed Processing LLC and the City of Evansville, Rock County, Wisconsin

THIS AGREEMENT is entered into between the City of Evansville (City), a Wisconsin municipal corporation, and CHS Oilseed Processing LLC (Developer), regarding annexation of the following described lands (subject property):

Being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 35, and part of the Northeast 1/4, Southwest 1/4, Southeast 1/4 and Northeast 1/4 of the Southwest 1/4, and the Southwest 1/4 of the Southeast 1/4 of Section 25, and part of Northwest 1/4, Southwest 1/4, Southeast 1/4, and Northeast 1/4 of the Northwest 1/4, and the Northwest 1/4, and Southwest 1/4 of the Northwest 1/4, and the Northwest 1/4 of the Southwest 1/4, and the Northwest 1/4 of the Southwest 1/4, and the Northwest 1/4 of the Southwest 1/4 of Section 36, all in Township 4 North, Range 10 East, in the Town of Union, Rock County, Wisconsin, more particularly described as follows:

Beginning at the Southwest corner of the Southwest 1/4 of Section 25; thence North 89°37'04" East, along the South line of said Southwest 1/4, a distance of 764.96 feet; thence North 00°22'56" West, 667.28 feet; thence North 15°59'42" East, 910.64 feet so the Southerly Right of Way of U.S.H. "14"; thence the next 3 courses along said Southerly Right of Way; Thence South 73°04'38" East, 764.19 feet; Thence South 72°49'26" East, 810.96 feet; Thence South 59°09'18" East, 121.30 feet to the intersection of the Southerly Right of Way of U.S.H. "14" and North Weary Road; Thence South 00°37'46" East, along the Westerly Right of Way of said North Weary Road 82.77 feet; thence South 72°15'52" East, 34.76 feet to the Centerline of North Weary Road; thence South 00°42'02" East, along said centerline 912.28 feet to the South line of the Southeast 1/4 of Section 25; thence South 89°16'27" West, along said South line 47.19 feet to the South 1/4 Corner of said Section 25; Thence South 00°48'03" East, along the North / South Centerline of Section 36, a distance of 1077.57 feet to a point on the North line of Lot 1, of Certified Survey Map No. 20-88; thence South 88°58'16" West, along said North line 256.26 feet to the Northwest corner of said Lot 1; thence South 01°28'35" East, along the West line of said Lot 1, a distance of 170.00 feet to the Southeast corner of said Lot 1; thence North 88°58'20" East, along the South line of said Lot 1, a distance of 254.26 feet to the Center North / South line of said Section 36; thence South 00°48'03" East, along said North / South line, a distance of 78.13 feet; thence North 89°17'15" East, 42.52 feet to the Center line of North Weary Road; thence the next two courses along said Center line of North Weary Road; thence South 00°26'07" East, 275.00 feet; thence South 00°13'59" East, 157.95 feet; thence South 89°11'57" West, along the North line of CSM 39-5, a distance of 241.48 feet to the Northwest corner of said CSM 39-5; thence South 00°48'03" East, along the West line of said CSM 260.00 feet to the Southwest corner of said CSM; thence North 89°11'57" East, along the South line of said CSM, a distance of 240.00 feet to the Center line of North Weary Road; thence South 00°30'41" East, along said Center line 206.15 feet; thence South 89°11'57" West, 234.68 feet; thence South 00°48'03" East, 264.00 feet; thence North 89°11'57" East, 233.35 feet to the Center line of North Weary Road; South 00°30'41" East, along said Center line 397.53 feet; thence North 69°07'27" West, along the Northeasterly Right of Way of Union Pacific Railroad, 4251.66 feet

to said Railroad's Northeasterly Right of Way intersection with the Easterly Right of Way of C.T.H. "M"; thence North 00°20'55" East, along said Easterly Right of Way 1339.74 feet to the South line of the Southeast 1/4 of Section 26; thence North 89°23'49" East, along said South line a distance of 1271.36 feet to the Point of Beginning.

Said lands contain 10,517,678 square feet, 241.45 acres more or less.

WHEREAS, the Developer wishes to annex the subject property into the City; and

WHEREAS, the Developer has entered into a letter of intent to purchase said lands from current land owners, listed as follows

- a. Parcel 6-20-219B (54.246 acres) and Parcel 6-20-318 (65 acres), owned by Whilden R. Hughes, dba Wil-Hu Acres LLC.
- b. Parcel 6-20-317.01 (74.78 acres), owned by Brian and Renee Bjugstad
- c. Parcel 6-20-305 (47.37 acres), owned by Donald Templeton dba as Templeton Farms

WHEREAS, those landowners have agreed to cede control of land until such a time that purchase is finalized;

NOW, THEREFORE, the parties agree that this agreement is binding on the Developer and all successors in interest as follows:

- The Developer agrees to pay for the actual amount of \$4,317.10 in taxes that are to be paid to the Town of Union over the next five-year period as provided for in 66.0217(14)(a) of the Wisconsin Statutes. The Developer shall pay the \$4,317.10 in a lump sum upon annexation into the City.
- 2. A timeline and plan for upgrades, costs, and connections to City sanitary, water, and other utilities to be detailed and agreed upon by separate agreement between the City and Developer.
- 3. Within two months of connecting to the City's sanitary sewer system, , unless otherwise identified in development agreement, the Developer agrees to abandon any existing septic systems consistent with the requirements of SPS 383.33 of Wisconsin Administrative Code, and other state and federal laws that may apply.
- 4. Within two months of connecting to the City's water system, the Developer agrees to remove from service and seal any existing wells, as per NR 812.26 of Wisconsin Administrative Code, unless otherwise identified in development agreement.
- 5. The Developer agrees to reimburse the City for any costs incurred by the City for engineering, inspection, planning, legal, and administrative expenses in connection with this annexation and development.

IN WITNESS THEREOF, the parties have executed this Agreement on the ____ day of ____, 2023.

City of Evansville

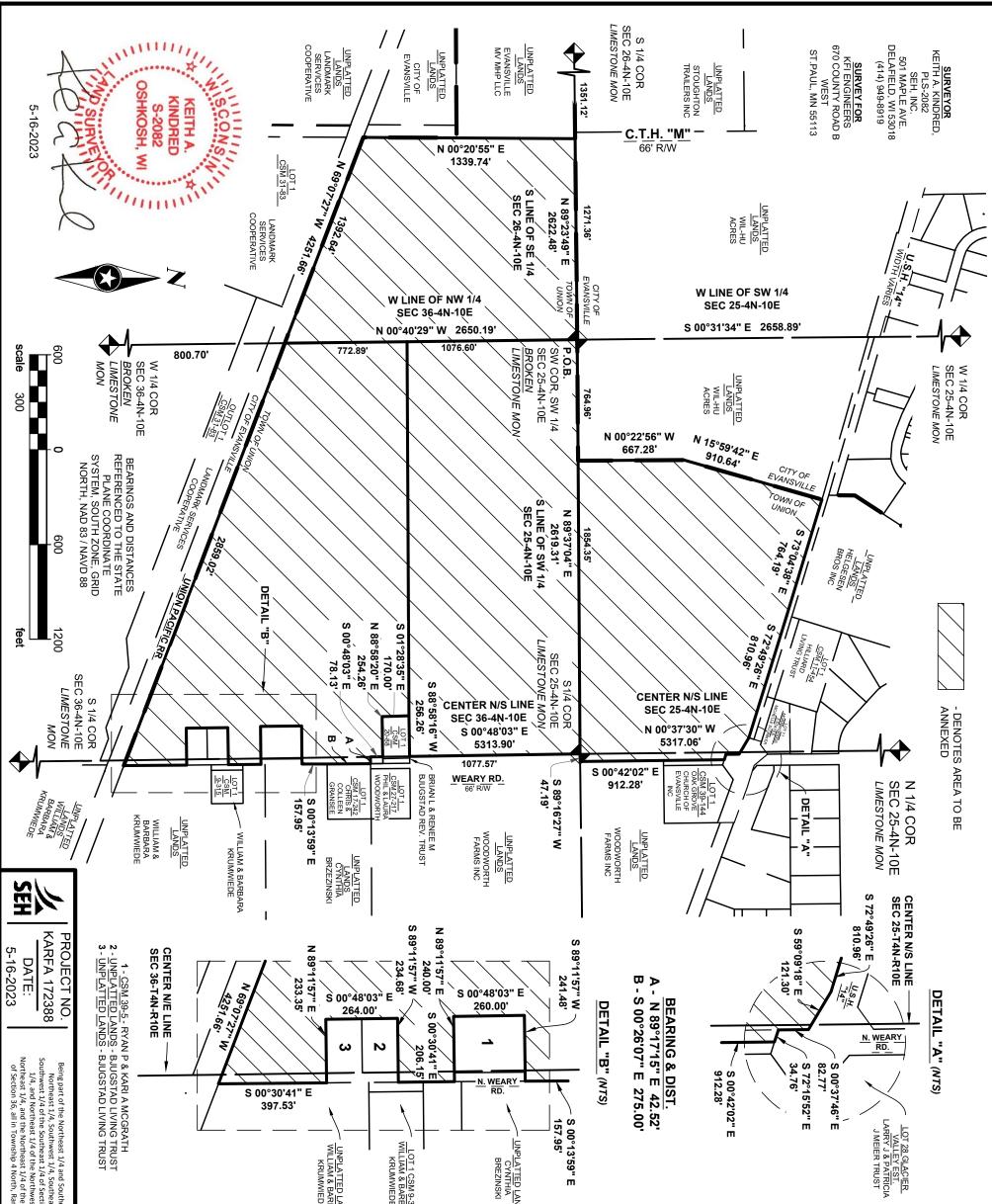
Developer

Dianne Duggan, Mayor

Jim Graham, CHS Oilseed Processing

ATTEST:_____

Leah Hurtley, City Clerk



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LEGAL DESCRIPTION

Section 25, and part of Northwest 1/4, Southwest 1/4, Southwest 1/4, and the Southwest 1/4 of the Southeast 1/4 of Being part of the Northeast 1/4 and Southeast 1/4 of the County, Wisconsin, more particularly described as follows: Northwest 1/4 of the Southeast 1/4 of Section 36, all in and the Northeast 1/4 of the Southwest 1/4, and the the Northwest 1/4, and Southwest 1/4 of the Northeast 1/4, Southeast 1/4, and Northeast 1/4 of the Northwest 1/4, and Southwest 1/4, Southeast 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 35, and part of the Northeast 1/4, Township 4 North, Range 10 East, in the Town of Union, Rock

- <u>UNPLATTED LANDS</u> WILLIAM & BARBARA KRUMWIEDE Said lands contain 10,517,678 square feet, 241.45 acres more 1339.74 feet to the South line of the Southeast 1/4 of Section thence North 00°20'55" East, along said Easterly Right of Way Railroad, 4251.66 feet to said Railroad's Northeasterly Right of South 89°11'57" West, 234.68 feet; thence South 00°48'03" East, 264.00 feet; thence North 89°11'57" East, 233.35 feet to 00°30'41" East, along said Center line 206.15 feet; thence feet to the Center line of North Weary Road; thence South 00°48'03" East, along the West line of said CSM 260.00 feet to the Southwest corner of said CSM; thence North 89°11'57" feet to the Northwest corner of said CSM 39-5; thence South West, along the North line of CSM 39-5, a distance of 241.48 thence the next two courses along said Center line of North Weary Road; thence South 00°26'07" East, 275.00 feet; thence East, 42.52 feet to the Center line of North Weary Road; /South line, a distance of 78.13 feet; thence North 89°17'15" said Section 36; thence South 00°48'03" East, along said North a distance of 254.26 feet to the Center North / South line of thence North 88°58'20" East, along the South line of said Lot 1, distance of 170.00 feet to the Southeast corner of said Lot 1; South 01°28'35" East, along the West line of said Lot 1, a 256.26 feet to the Northwest corner of said Lot 1; thence 20-88; thence South 88°58'16" West, along said North line point on the North line of Lot 1, of Certified Survey Map No South Centerline of Section 36, a distance of 1077.57 feet to a East, along said centerline 912.28 feet to the South line of the of U.S.H. "14" and North Weary Road; Thence South 00°37'46" 910.64 feet so the Southerly Right of Way of U.S.H. "14" 00°22'56" West, 667.28 feet; thence North 15°59'42" East, of said Southwest 1/4, a distance of 764.96 feet; thence North Section 25; thence North 89°37'04" East, along the South line Beginning at the Southwest corner of the Southwest 1/4 of distance of 1271.36 feet to the Point of Beginning. 26; thence North 89°23'49" East, along said South line a Way intersection with the Easterly Right of Way of C.T.H. "M"; West, along the Northeasterly Right of Way of Union Pacific along said Center line 397.53 feet; thence North 69°07'27" the Center line of North Weary Road; South 00°30'41" East, East, along the South line of said CSM, a distance of 240.00 South 00°13'59" East, 157.95 feet; thence South 89°11'57" Section 25; Thence South 00°48'03" East, along the North , along said South line 47.19 feet to the South 1/4 Corner of said Southeast 1/4 of Section 25; thence South 89°16'27" West, the Centerline of North Weary Road; thence South 00°42'02" Road 82.77 feet; thence South 72°15'52" East, 34.76 feet to East, along the Westerly Right of Way of said North Weary 121.30 feet to the intersection of the Southerly Right of Way 72°49'26" East, 810.96 feet; Thence South 59°09'18" East, Thence South 73°04'38" East, 764.19 feet; Thence South thence the next 3 courses along said Southerly Right of Way;

LOT 1 CSM 9-315 WILLIAM & BARBARA

KRUMWIEDE

UNPLATTED LANDS CYNTHIA

BREZINSKI

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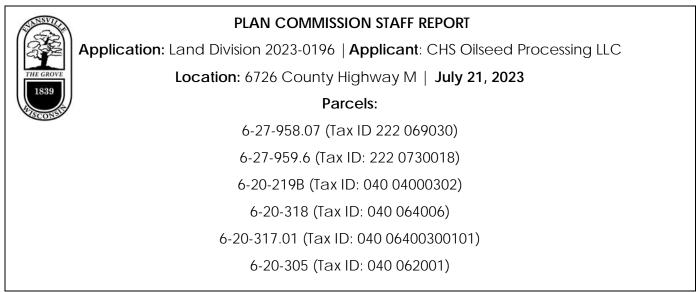
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Being part of the Northeast 1/4 and Southeast 1/4 of the Northeast 1/4 of Section 35, and part of the Northeast 1/4, Southwest 1/4, Southwest 1/4, Southwest 1/4, and Northeast 1/4 of the Southwest 1/4, and the Southwest 1/4 of the Southeast 1/4 of Section 25, and part of Northwest 1/4, Southwest 1/4, Southwest 1/4, Southwest 1/4, and the Northwest 1/4, and Southwest 1/4 of the Northwest 1/4, and the Northwest 1/4, and the Northwest 1/4 of the Southwest 1/4 of the Southwest 1/4 of the Southwest 1/4, and the Northwest 1/4, and the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4, and the Northwest 1/4, and the Northwest 1/4 of the Southeast 1/4 of the Southwest 1/4, and the Northwest 1/4 of the Southeast 1/4 of Section 36, all in Township 4 North, Range 10 East, in the Town of Union, Rock County, Wisconsin, more particularly described as follows:

Beginning at the Southwest corner of the Southwest 1/4 of Section 25; thence North 89°37'04" East, along the South line of said Southwest 1/4, a distance of 764.96 feet; thence North 00°22'56" West, 667.28 feet; thence North 15°59'42" East, 910.64 feet so the Southerly Right of Way of U.S.H. "14"; thence the next 3 courses along said Southerly Right of Way; Thence South 73°04'38" East, 764.19 feet; Thence South 72°49'26" East, 810.96 feet; Thence South 59°09'18" East, 121.30 feet to the intersection of the Southerly Right of Way of U.S.H. "14" and North Weary Road; Thence South 00°37'46" East, along the Westerly Right of Way of said North Weary Road 82.77 feet; thence South 72°15'52" East, 34.76 feet to the Centerline of North Weary Road; thence South 00°42'02" East, along said centerline 912.28 feet to the South line of the Southeast 1/4 of Section 25; thence South 89°16'27" West, along said South line 47.19 feet to the South 1/4 Corner of said Section 25; Thence South 00°48'03" East, along the North / South Centerline of Section 36, a distance of 1077.57 feet to a point on the North line of Lot 1, of Certified Survey Map No. 20-88; thence South 88°58'16" West, along said North line 256.26 feet to the Northwest corner of said Lot 1; thence South 01°28'35" East, along the West line of said Lot 1, a distance of 170.00 feet to the Southeast corner of said Lot 1; thence North 88°58'20" East, along the South line of said Lot 1, a distance of 254.26 feet to the Center North / South line of said Section 36; thence South 00°48'03" East, along said North / South line, a distance of 78.13 feet; thence North 89°17'15" East, 42.52 feet to the Center line of North Weary Road; thence the next two courses along said Center line of North Weary Road; thence South 00°26'07" East, 275.00 feet; thence South 00°13'59" East, 157.95 feet; thence South 89°11'57" West, along the North line of CSM 39-5, a distance of 241.48 feet to the Northwest corner of said CSM 39-5; thence South 00°48'03" East, along the West line of said CSM 260.00 feet to the Southwest corner of said CSM; thence North 89°11'57" East, along the South line of said CSM, a distance of 240.00 feet to the Center line of North Weary Road; thence South 00°30'41" East, along said Center line 206.15 feet; thence South 89°11'57" West, 234.68 feet; thence South 00°48'03" East, 264.00 feet; thence North 89°11'57" East, 233.35 feet to the Center line of North Weary Road; South 00°30'41" East, along said Center line 397.53 feet; thence North 69°07'27" West, along the Northeasterly Right of Way of Union Pacific Railroad, 4251.66 feet to said Railroad's Northeasterly Right of Way intersection with the Easterly Right of Way of C.T.H. "M"; thence North 00°20'55" East, along said Easterly Right of Way 1339.74 feet to the South line of the Southeast 1/4 of Section 26; thence North 89°23′49″ East, along said South line a distance of 1271.36 feet to the Point of Beginning.

Said lands contain 10,517,678 square feet, 241.45 acres more or less.



Prepared by: Colette Spranger, Community Development Director Direct questions and comments to: <u>colette.spranger@ci.evansville.wi.gov</u> or 608-882-2263



Figure 1 Location Map **Concurrent Applications**

- Annexation 2023-0194: brings four parcels totaling 241.45 acres from the Town of Union into the City.
- **Rezoning 2023-0197:** rezones lands in Lot 1 to I-2 Heavy Industrial
- **Comprehensive Plan Amendment 2023-0198**: Adjusts future land use map to reflect new lot boundaries and expands industrial land uses further north. Potentially will address Transportation Plan Map and its potential connections.
- Conditional Use Permit 2023-0193: allows for an Agricultural Service Use in the I-2 Heavy Industrial zoning district
- Site Plan 2023-0195: Site layout and design for buildings and infrastructure for soybean oilseed processing plant

Location: 6726 County Highway M (subject to change)

Description of request: An application to combine six parcels (cumulatively totaling 337.09 acres), adjust lot lines, and create two parcels: Lot 1 (311.49 acres) and Lot 2 (23.90 acres). See note below regarding acreage.

Existing Uses: All parcels are largely in agricultural use. There are private wells located on parcel 6-27-959.6 and 6-20-219B, which are in use for irrigation. Parcel 6-20-305 contains a dwelling unit (plus private well and septic) and several outbuildings. Parcel 6-20-317.01 contains an outbuilding. A development agreement between the City and Developer will outline the continued uses of those buildings and continuation of private wells and septic systems.

Existing Zoning: Parcels 6-27-958.07 and 6-27-959.6 are zoned in the City for A Agriculture. Parcels 6-20-219B, 6-20-318, 6-20-317.01, and 6-20-305 are zoned in the Town for A-1 Farmland Preservation.

Proposed Land Division: The six existing parcels total 337.09 acres. When combined, the applicant intends to have two parcels, Lot 1 (311.49 acres) and Lot 2 (23.90 acres).

Lot 1 is under consideration for rezoning. Lot 1 meets the bulk, lot dimensions, and intensity requirements for the I-2 zoning district. There is no maximum lot size for the I-2 zoning district.

Lot 2 will remain zoned A Agriculture until a plan for further development is proposed.

Staff Comments

- The land division and rezoning will only be valid following annexation.
- Parcel 6-20-305 extends to the centerline of County Highway M. It is divided from the rest of the parcel by a narrow tax parcel, 6-20-305.01, which is owned by the City for utility purposes. (n.b. On the ALTA survey dated 5-9-2023, this parcel is listed as D-1 or Document 1810804.) The City and applicant should work together to address this issue. Lot 2 should extend to the centerline of County Highway M in this location. See images below:

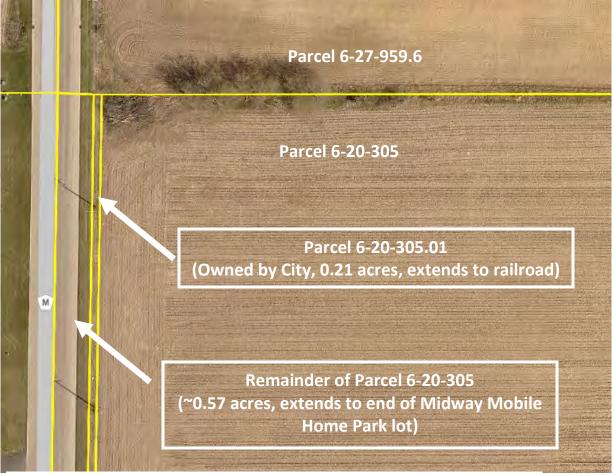


Figure 2 Parcel 6-20-305 divided by City easement strip

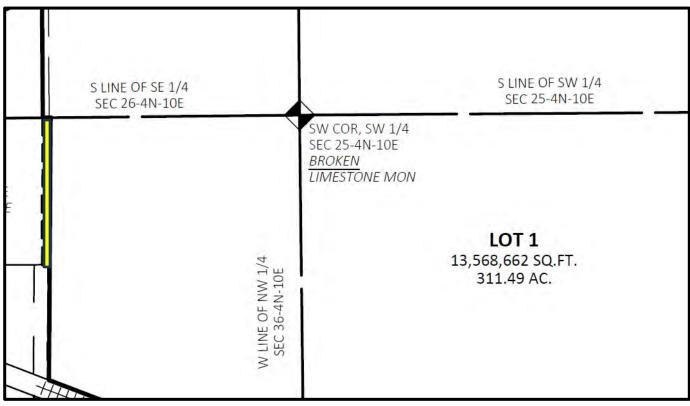
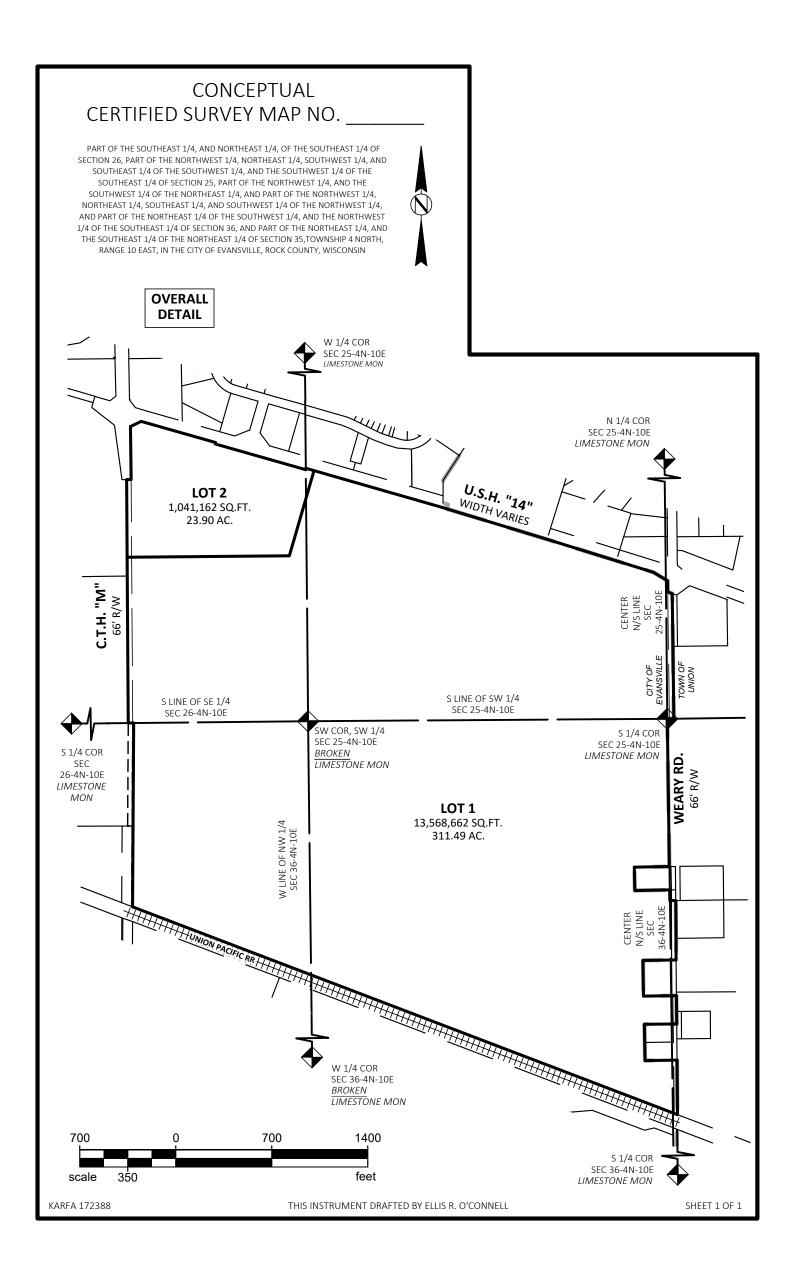


Figure 3 Area highlighted in yellow on Preliminary CSM inset

Consistency with the City of Evansville Comprehensive Plan and Municipal Code: The proposed land division is thoroughly consistent with the Future Land Use Map of the Comprehensive Plan. The proposed land use will involve an amendment to the Comprehensive Plan Future Land Use Map, which will extend lands planned for industrial and readjust the lot lines to reflect this land division. The proposal complies with the design standards and environmental considerations as set forth in the Land Division and Zoning Ordinances.

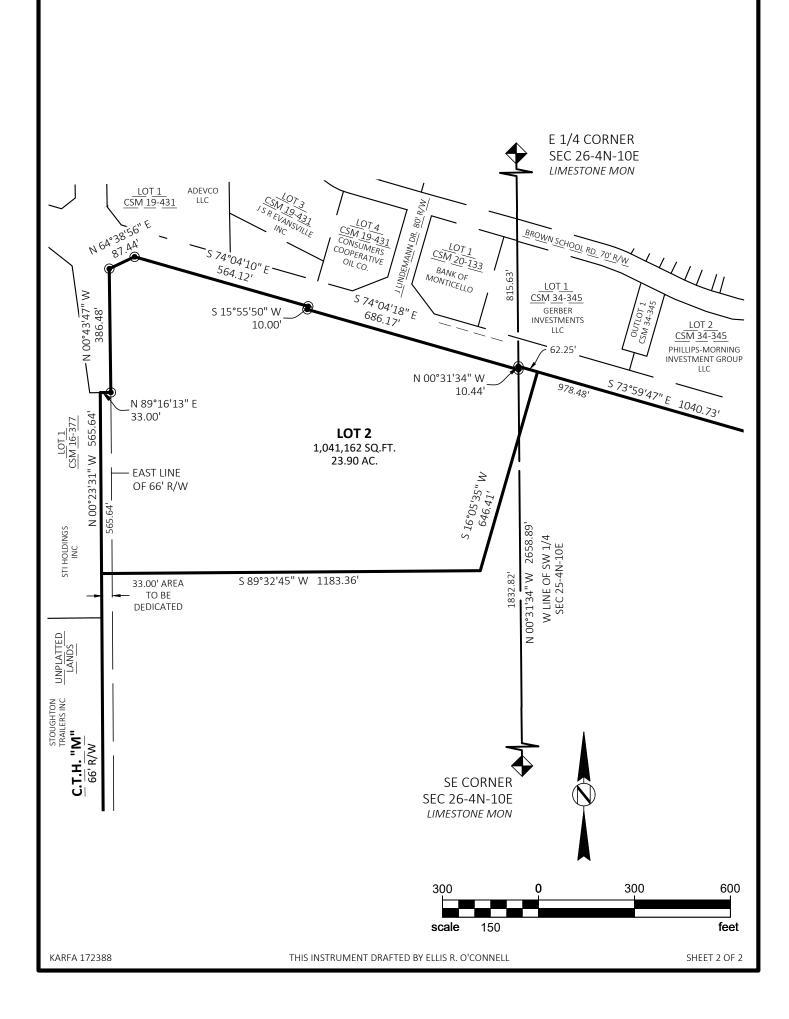
<u>Plan Commission Recommended Motion:</u> Motion to recommend Common Council approve the concept/preliminary certified survey map for parcels that include 6-27-958.07, 6-27-959.6, 6-20-219B, 6-20-318, 6-20-317.01, and 6-20-305, finding that the application is in the public interest and meets the objectives contained within Section 110-102(g) of city ordinances, with the following conditions:

- 1) Common Council approves Annexation Ordinance 2023-08.
- 2) Final Certified Survey Map adjusted to include corrected road right of way parcels, utility easements, or out lots as directed by the City.
- 3) The Final Certified Survey Map is approved by the City and recorded with Rock County Register of Deeds.





PART OF THE SOUTHEAST 1/4, AND NORTHEAST 1/4, OF THE SOUTHEAST 1/4 OF SECTION 26, PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4, AND SOUTHEAST 1/4, AND SOUTHEAST 1/4, OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4, OF THE NORTHWEST 1/4, AND THE SOUTHWEST 1/4, OF THE NORTHEAST 1/4, AND PART OF THE NORTHWEST 1/4, AND PART OF THE NORTHWEST 1/4, AND PART OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, AND SOUTHWEST 1/4, AND PART OF THE NORTHWEST 1/4, AND PART OF THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, AND THE SOUTHWEST 1/4, OF THE SOUTHWEST 1/4, OF SECTION 36, AND PART OF THE NORTHWEST 1/4, AND THE SOUTHEAST 1/4 OF SECTION 36, AND PART OF THE NORTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, AND PART OF THE NORTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, AND PART OF THE NORTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 10 EAST, IN THE CITY OF EVANSVILLE, ROCK COUNTY, WISCONSIN





PLAN COMMISSION STAFF REPORT

Application: Rezoning 2023-0197 | Applicant: CHS Oilseed Processing LLC

Location: 6726 County Highway M | July 21, 2023

Current Parcels:

6-27-958.07 (Tax ID 222 069030)

6-27-959.6 (Tax ID: 222 0730018)

6-20-219B (Tax ID: 040 04000302)

6-20-318 (Tax ID: 040 064006)

6-20-317.01 (Tax ID: 040 06400300101)

6-20-305 (Tax ID: 040 062001)

(To be combined and redivided by pending CSM)

Prepared by: Colette Spranger, Community Development Director

Direct questions and comments to: <u>colette.spranger@ci.evansville.wi.gov</u> or 608-882-2263

Concurrent Applications:

- Annexation 2023-0194: brings 241.45 acres of Town lands into the City
- Land Division 2023-0196: Reconfigures the six lots listed above to two lots. This site will sit on Lot 1 of that CSM.
- **Comprehensive Plan Amendment 2023-0198**: Adjusts future land use map to reflect new lot boundaries and expands industrial land uses further north. Potentially will address Transportation Plan Map and its potential connections.
- Conditional Use Permit 2023-0193: allows for an Agricultural Service Use in the I-2 Heavy Industrial zoning district
- Site Plan 2023-0195: Site layout and design for buildings and infrastructure for soybean oilseed processing plant

Location: 6726 County Highway M (subject to change)

Description of request: An application to rezone Lot 1(311.49 acres) as proposed in Land Division Application 2023-0196 has been submitted for consideration by the Plan Commission. This rezone is contingent on successful annexation of Town parcels and approval and recording of the land division by the applicant.

Existing and Proposed Zoning: The parcels comprising the proposed Lot 1 include parts of all six existing parcels. Parcels 6-27-958.07 and 6-27-959.6 are zoned in the City for A Agriculture. Parcels 6-20-219B, 6-20-318, 6-20-317.01, and 6-20-305 are zoned in the Town for A-1 Farmland Preservation. Zoning for Lot 1 is proposed for the City's I-2 Heavy Industrial district. Lot 2 is comprised of lands currently within the City and will remain zoned in the City's A Agriculture district.

Staff Report - Page 2 of 2 Agenda Item **7H**

Consistency with the City of Evansville Comprehensive Plan and Municipal Code: The proposed land uses are largely consistent with the Future Land Use Map of the Comprehensive Plan. An application to amend the Comprehensive Plan has been submitted by the applicant. See Application CP-2023-0198

<u>Staff Recommended Motion</u>: Motion to recommend that Common Council approve Ordinance 2023-10, Rezoning 311.49 acres of Territory from Agriculture (A) to Heavy Industrial (I-2) subject to the following conditions:

- 1. Common Council Approves Ordinance 2023-08.
- 2. Common Council Approves Ordinance 2023-09.
- 3. Common Council Approves Land Division Application 2023-0196.
- 4. Applicant records certified survey map with Rock County Register of Deeds.

CITY OF EVANSVILLE ORDINANCE # 2023-10

An Ordinance Rezoning 311.49 acres of Territory from Agriculture (A) to Heavy Industrial (I-2)

The Common Council of the City of Evansville, Rock County, Wisconsin, do ordain as follows:

SECTION 1. Zoning Classification. In accordance with Section 130-171 to 130-176,

Evansville Municipal Code, Section 62.23(7)(d)2 of the Wisconsin State Statutes and upon recommendation of the Plan Commission and the findings of the Common Council that such zoning district change is in the best interest of the City, and all necessary notices having been given, and the required public hearing having been held, and the Plan Commission having made its recommendation of approval in writing to the Common Council, the zoning classification of parcel 6-27-958.07 on County Highway M is changed from Agricultural (A) to Heavy Industrial (I-2). The area to be rezoned is indicated on the maps below:



SECTION 2. <u>Zoning Map Amendment.</u> The official zoning map, City of Evansville, Wisconsin, is hereby amended to show the territory described in Section 1 as Heavy Industrial (I-2).

SECTION 3. <u>Severability.</u> If any provision of this Ordinance is invalid or unconstitutional, or if the application of the Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 4. <u>Effective Date.</u> This Ordinance shall take effect upon its passage and publication as provided by law.

Passed and adopted this 12th day of September, 2023

Dianne Duggan, Mayor

ATTEST:

Leah Hurtley, City Clerk

 Introduced:
 08/08/2023

 Notices published:
 07/12/2023 and 07/19/2023

 Public hearing held:
 08/01/2023

 Adopted:
 09/12/2023

 Published:
 08/XX/2023

Sponsors: This is an applicant-initiated ordinance. Drafted on July 21, 2023 by Colette Spranger, Community Development Director

	CONDITIONAL USE PERMIT – PLAN COMMISSION STAFF REPORT		
32	Applicant: CHS Oilseed Processing LLC		
THE GROVE	Location: 6726 County Highway M July 21, 2023		
Current Parcels:			
	6-27-958.07 (Tax ID 222 069030)		
6-27-959.6 (Tax ID: 222 0730018)			
6-20-219B (Tax ID: 040 04000302)			
6-20-318 (Tax ID: 040 064006)			
6-20-317.01 (Tax ID: 040 06400300101)			
	6-20-305 (Tax ID: 040 062001)		

Concurrent Applications

- Annexation 2023-0194: brings Town lands into the City
- Land Division 2023-0196: Reconfigures the six lots listed above to two lots. This site will sit on Lot 1 of that CSM.
- **Rezoning 2023-0197**: rezones lands in Lot 1 to I-2 Heavy Industrial
- **Comprehensive Plan Amendment 2023-0198**: Adjusts future land use map to reflect new lot boundaries and expands industrial land uses further north. Potentially will address Transportation Plan Map and its potential connections.
- Site Plan 2023-0195: Site layout and design for buildings and infrastructure for soybean oilseed processing plant

Description of request: The applicant is requesting conditional use permit approval for an Agricultural Service Use on a ~316 acre site on Evansville's east side for a soybean processing and oil refinery with railyard.

Agricultural services uses are conditional uses within the I-2 Heavy Industrial zoning district.

This application will only be valid upon approval of annexation, land division, rezoning, and site plan applications for the same site. The applicant is also requesting an amendment to the City's Comprehensive Plan to reflect the extension of its industrial site into land previously planned for mixed uses.

Proposed zoning district: I-2 Heavy Industrial

Staff Summary

The proposed use is larger and more intensive than what the City originally had in mind regarding future industrial uses in this area. The applicant has worked with city staff to identify and ameliorate potential adverse impacts related to the intensity of the use. Chiefly, the location of the plant on the site is set back generously from existing development in the area. Agricultural industries are specifically identified in the City's Comprehensive Plan as a desirable industry to bring to Evansville. The positive impacts on the community are numerous: it will grow and diversify the city's tax base, it provides regional benefit to area farmers, it will provide quality jobs, etc. While accommodating a large industrial user of this size comes with its own set of challenges for a small city like Evansville, staff is of the opinion that the opportunities that such a use brings outweigh the potential impacts.

Staff is also aware that the proposed timeline for construction and operation for the plant exceeds the limits set in the Municipal Code. For this reason, staff is recommending a motion that automatically grants an extension of construction start and plant operation start by one year each.

Recommended Motion with Conditions

Motion to approve a conditional use permit for an Agricultural Service Use to operate a soybean processing facility per section 130-344 and extend construction initiation time frame to 730 days and operational use time frame to 1,095 days per Section 130-109, on parcel 6-27-958.07 finding that the benefits of the use outweigh any potential adverse impacts, and that the proposed use is consistent with the required standards and criteria for issuance of a conditional use permit set forth in Section 130-104(3)(a) through (e) of the Zoning Ordinance, subject to the following conditions:

- 1) Ordinance 2023-08 (Annexation) approved and signed by mayor
- 2) Ordinance 2023-09 (Comprehensive Plan Amendment) approved and signed by Mayor.
- 3) Ordinance 2023-10 (Rezoning) approved and signed by mayor.
- 4) Common Council Approves Land Division Application 2023-0196.
- 5) Applicant records certified survey map with Rock County Register of Deeds.
- 6) Site Plan Application 2023-0195 approved by Plan Commission.
- 7) The business operator shall obtain and maintain all City, state, county, and federal permits and licenses as may be required.
- 8) Any substantial changes to the business model shall require a review of the existing conditional use permit.
- 9) Use cannot create a public nuisance as defined by local and state law.
- 10) The Conditional Use Permit is recorded with the Rock County Register of Deeds.

Conditional Use Permits Criteria Evaluation

Specific conditions for Agricultural Service Uses (Sec. 130-344) are as follows:

	Regulation	Met?
а.	Such uses shall not be located in, or adjacent to, an existing	
	or platted residential subdivision.	
b.	All buildings, structures, outdoor storage areas, and outdoor	
	animal containments shall be located a minimum of 100	
	feet from all lot lines.	
C.	If within the A-1 district, such uses shall be located in an area	n/a
	that is planned to remain commercially viable for	
	agricultural land uses.	
d.	Such uses shall comply with article II, division 4 of this chapter,	See below
	pertaining to standards and procedures applicable to all	
	conditional uses.	

Section 130-131 (Article II, Division 4) of the Municipal Code, includes factors for evaluating conditional use permits.

Criteria	Staff Comment
Consistency of the use with the comprehensive plan. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the city's master plan, this chapter, and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the city?	The land adjacent to the Union Pacific rail line in this location has long been planned by the City for industrial use. What was not anticipated was how much space would be required for the user to satisfy other standards, namely air permit regulations. Because of that, the applicant has also submitted an application to amend the City's Comprehensive Plan. The purpose will be to adjust the property lines to reflect the proposed land division and to reclassify lands associated with the plant from mixed use to industrial.

Criteria	Staff Comment
Consistency with the City's zoning code, or any other plan, program, or ordinance. How is the proposed conditional use (in its specific location) in harmony with the purposes, goals, objectives, policies and standards of the city's master plan, this chapter, and any other plan, program, or ordinance adopted or under consideration pursuant to official notice by the city?	A separate rezoning application has been submitted by the applicant for industrial use. Staff find that the proposed use meets the standards outlined for the I-2 Heavy Industrial zoning district. The Economic Development element of the City's Comprehensive Plan identified agricultural processing facilities as a complementary industry desired for new or expanded business within the City. The same element also stated a desire for expanding industrial opportunities that capitalized on providing quality jobs for residents, making an asset of the City's agricultural surroundings, and utilization of the railroad.

Criteria	Staff Comment
proposed conditional use, in its proposed location and as depicted on the required site plan (see section 130- 103(a)(5)) result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now	A traffic study provided by the applicant assesses the potential impact of the user on nearby roadways and intersections. The conclusion of that report is that the main intersection near the plant USH 14 and CTH M, will continue to operate a at a Level of Service (LOS) rating of B, representing a stable operation where delays are between 10 and 20 seconds. The intersection of USH 14 and Weary Road remains LOS A, the highest level of service that can be achieved in a traffic study.
general weirare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this chapter, the master plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the city or other governmental agency having jurisdiction to guide development?	The anticipated daily traffic generated by the facility is around 500 vehicles – mostly semi- trucks – per day. Users will be able to access the site 24 hours a day. The majority of traffic is expected to occur on weekdays during business hours. During a typical weekday hour, the development is anticipated to generate 90 truck trips (45 entering, 45 exiting.)
junsaiction to guide development:	Other potential nuisances identified by the applicant include particulate emissions and hexane storage. The applicant will also be subject to DNR regulations. The effects of these regulation is that the plant's boundary is determined based on distance from its smokestacks.
	The fire department has commented on the site plan and has not stated any objections.
	Odor, noise, and vibration are other potential nuisances. See the staff report for Site Plan Application 2023-0195.
Appropriateness of use. Does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?	This is an appropriate location for a heavy industrial user. The active rail line along the site's southern boundary has long been identified by the City as a marketable asset to attract potential industrial user.

Criteria	Staff Comment
Utilities and public services. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?	The applicant is actively working with City staff to identify appropriate improvements to City utilities in order to mitigate undue burden on system capacity and other users. Improvements or expansions will be required for water, wastewater, natural gas, and electric services. The City will not be directly paying for improvements to these services due to the additional needs of the applicant. The intention is to utilize a tax increment district (TID) to generate revenue to cover the costs associated with improvements to utilities and public services.
Plan Commission Decision. Do the potential public benefits of the proposed conditional use outweigh any and all potential adverse impacts of the proposed conditional use (as identified in subsections (3)ae of this section), after taking into consideration the applicant's proposal and any requirements recommended by the applicant to ameliorate such impacts?	The applicant has thoughtfully and thoroughly identified the potential adverse impacts near the site and on the community as a whole. The applicant has also shown a willingness to address and offer suggestions or solutions to most of those impacts.



PLAN COMMISSION STAFF REPORT

Application: Site Plan 2023-0195 | Applicant: CHS Oilseed Processing LLC

Location: 6726 County Highway M | July 21, 2023

Parcels:

6-27-958.07 (Tax ID 222 069030)

6-27-959.6 (Tax ID: 222 0730018)

6-20-219B (Tax ID: 040 04000302)

6-20-318 (Tax ID: 040 064006)

6-20-317.01 (Tax ID: 040 06400300101)

6-20-305 (Tax ID: 040 062001)

Prepared by: Colette Spranger, Community Development Director Direct questions and comments to: <u>colette.spranger@ci.evansville.wi.gov</u> or 608-882-2263

Concurrent Applications:

- Annexation 2023-0194: brings Town lands into the City
- Land Division 2023-0196: Reconfigures the six lots listed above to two lots. This site will sit on Lot 1 of that CSM.
- Rezoning 2023-0197: rezones lands in Lot 1 to I-2 Heavy Industrial
- **Comprehensive Plan Amendment 2023-0198**: Adjusts future land use map to reflect new lot boundaries and expands industrial land uses further north. Potentially will address Transportation Plan Map and its potential connections.
- Conditional Use Permit 2023-0193: allows for an Agricultural Service Use in the I-2 Heavy Industrial zoning district
- Site Plan 2023-0195: Site layout and design for buildings and infrastructure for soybean oilseed processing plant

Description of requests: The applicant is requesting site plan approval and a conditional use permit on a ~316 acre site on Evansville's east side for a soybean crush and oil refinery with railyard. This operation requires a conditional use permit for Agricultural Service Use.

The applicant has submitted five other applications for review and approval. Nearly all of these applications will be dependent on one another.

Proposed zoning district: I-2 Heavy Industrial

Staff Analysis of Request:

The applicants have submitted a site plan that depicts locations of the proposed processing plant, refinery, and associated buildings on the acreage. City staff are working with the applicant and understand that the engineering and design elements of this project is still underway and may be subject to change. Construction is anticipated to begin in 2024 with the goal of being operational by 2026.

Overall, the site layout features the 3-loop rail track with switches that will allow for once daily rail service. The processing plant itself is location adjacent to the loop track and is positioned in the center of the lot. This layout of the site is strategic and necessary; the applicant is obtaining an air permit from the Wisconsin Department of Natural Resources and such a buffer between the plant and its neighboring properties is required.

The facility will also be designed and built to standards set by the National Fire Protection Association, International Building Code, Environmental Protection Agency and other state and federal agencies.

When possible, the applicant intends to allow for cultivation on undeveloped lands on the site, including those within the loop track area.

Overall Comments

I-2 Zoning District Compliance

What has been submitted appears fully compliant with the lot intensity and bulk requirements of the I-2 Heavy Industrial zoning district.

Utility Easement Requested

Currently there are no public utilities available east of County Highway M and south of US Highway 14. Staff is requesting an easement along the northern edge of the property in order to run sanitary, water, and stormwater mains further east when those lands are ripe for development. This would keep City utilities out of the US Highway 14 right-of-way, which is controlled by the State Department of Transportation in this location.

Pedestrian Connections

As part of the comprehensive plan amendment, changes will need to be made on the City's transportation plan map. Prior visioning for this area assumed a development pattern dependent on a connecting road network. Air permit regulations are likely to prohibit the construction of an access or frontage road along US Highway 14. Pedestrian connections currently end at the Main Street/County Road M intersection. City regulations require the construction of public sidewalks in the right of ways adjoining a parcel. A bike/pedestrian trail could be extended along the requested utility easement in order to provide a walkable connection for future development.

Landscaping

All site plans approved by the City are subject to the landscape regulations outlined in the Zoning Code. Those regulations would result in a requirement of 60,000 landscape points. This could be interpreted as 1,200 2-inch caliper trees.

The city's landscape regulations also provide exceptions to those requirements given that the site plan otherwise meets the intent of the landscape regulations, which are enumerated in Sec. 130-262 of the municipal code. The exceptions would allow for fees to be paid equivalent to the value of landscape points, with the intention of providing offsite plantings elsewhere in the City. *Some* landscaping will still be required on site.

The current site plan shows some landscaping around the main building of the processing plant. This will be far from view and the applicant is welcome to install it, if desired.

The City's preference for landscaped areas would be near the entrance and exits of the plant, around the gas meters, electric station, and other utility areas. The goal of the landscaping would be to screen these elements from view along the roadway. If an agreement for a bike/pedestrian trail can be reached, some amount of landscaping adjacent to this use could double as an amenity and provide streetscape beautification for one of the main entrances to Evansville. Modest amounts of berming are also an option along this corridor.

Landscaping can also act as a buffer between this site and future development anticipated at the corner property at the US Highway 14 and County Highway M intersection.

Another preferred area for landscaping would be along County Highway M, which would act as a buffer to shield the view and absorb potential noises, of the loop rail track, which will be in constant use when the plant is operational. This would be a benefit to residents of the mobile home park.

Staff understands landscaping will require ongoing discussion and negotiation. Final decisions regarding landscaping, including timing, placement, and amount, will be detailed in a development agreement.

Fencing

The air permit requires a fence to delineate the extent of the area that DNR has deemed undevelopable due to proximity of the venting stacks. Staff understands the applicant intends to install a non-barbed 3-wire fence along this perimeter that is around 5 feet high. (Barbed wire fences are not permitted per zoning code.) This is compliant with the zoning code. Industrially zoned properties are allowed to have fence heights up to 8 feet on all sides of the lot. Additional discussions regarding fence location and appearance are expected as air permit and landscaping plans are finalized.

Elevations

Once available and finalized, the applicant will be required to submit building elevations.

Photometric Plan

Given the 24/7 nature of this operation, staff would like to see and comment on a photometric (lighting) plan for the site. The goal will be to reduce glare and prevent light pollution off-site. Per Section 130-1302(f), no parking area lighting shall exceed three foot-candles from any lot line.

Plan Commission Motion

No motion recommended until September meeting. This will give the applicant time to respond to suggestions generated by the July 31st neighborhood meeting, this Plan Commission meeting, and Common Council.

Draft Motion and Possible Conditions (subject to change)

Motion to approve site plan application 2023-0195 for improvements and construction of a soybean oilseed processing facility on a new parcel created per Application LD-2023-0196 finding that the proposed changes meet the required standards and criteria set forth in Section 130-131 of the City of Evansville Zoning Ordinance, and are in the public interest, subject to the following conditions:

- 1. Ordinance 2023-08 (Annexation) approved and signed by mayor
- 2. Ordinance 2023-09 (Comprehensive Plan Amendment) approved and signed by mayor.
- 3. Ordinance 2023-10 (Rezoning) approved and signed by mayor.
- 4. Common Council approves Land Division Application 2023-0196.
- 5. Applicant records certified survey map with Rock County Register of Deeds.
- 6. Plan Commission approves Conditional Use Permit Application 2023-0193.
- 7. Applicant records conditional use permit with Rock County Register of Deeds.
- 8. On and offsite improvements to City utilities and facilities, including but not limited to water, electric, wastewater, stormwater, transportation infrastructure, and landscaping/visual improvements are planned, documented, and mutually agreed upon by City and applicant through a development agreement.
- 9. Applicant signs development agreement within a week of site plan approval.
- 10. Any aviation lighting requirements are the responsibility of the applicant.
- 11. Any lighting on site is dark sky compliant and reduces glare and unnecessary light pollution.
- 12. Remove all outbuilding, dwellings, private septic systems, and private wells unless otherwise agreed to in a separate development agreement.
- 13. Significant changes to this site plan, including but not limited to building layout and proposed uses is subject to further review and approval by Plan Commission.
- 14. The business operator shall obtain and maintain all City, state, county, and federal permits and licenses as may be required.

Chapter 130 Review Criteria and Standards

The following section compares the site plan with the basic provisions of the base zoning district and other considerations of how the site functions, both internally and within its environs.

Site Plan Criteria Evaluation

Section 130-131 of the Municipal Code, includes factors for evaluating site plans.

Criteria	Staff Comment	
1. Site Design and Physical Characteristics	 Site layout is largely dependent on buffers required by the a permit and design of the looped rail track. The site's appearance is similar to that of the Alcivia/Landmark facility south of the Union Pacific railway. City staff have expressed a desire to maintain a visually pleasing corridor along USH 14. This may be achieved through modest landscaping, berming, and other screening techniques as required by the landscape regulations. 	
2. Site location relative to public road network	 Site has frontage along USH 14, County Highway M, and Weary Road. Two one-way access points are proposed along County Highway M and provide a loop for inbound and outbound trucks. No improvements or access is anticipated along Weary Road. 	
3. Land Use	 Comprehensive Plan Future Land Use Category: mixture of Light Industrial, Heavy Industrial, and Mixed Use. A separate comprehensive plan amendment application is being discussed at this same meeting. Proposed land uses are largely consistent with what the City envisioned for this area. Industrial users were anticipated, but the size and scale of this plant is larger and more intense than any prior concept. Undeveloped land on the site outside of impervious and landscape areas is likely to be put in cultivation. 	
4. Traffic Generation	 A traffic study performed for the site anticipates no major changes needed at the intersection of County Highway M and USH 14. The traffic study is further discussed in the corresponding Conditional Use Application CUP-2023-0193. The applicants have been sensitive to how they can limit heavy truck traffic coming from the west, noting that parts of East Main Street are predominantly residential 	

Criteria	Staff Comment			
	 City staff are contacting state and county departments of transportation to inquire if signage directing truck traffic could be placed at strategic points along the preferred truck routes. The applicants are open to developing a preferred truck route that is communicated to users of the site. Site will be open 24/7, but applicants state that the bulk of traffic will arrive between business hours Monday through Friday. 			
5. Community Effects	 The proposed use has the possibility to significantly increase the City's tax base. Applicant states ~90 full time jobs would be generated by the plant 			
6. Other Relevant Factors	The use provides benefits beyond Evansville and would be a welcome asset for the state's agricultural community.			

Zoning District Requirements (Ch 130, Article VIII, Division 23)				
Sec. 130-1187. Requirements for non	- I-2 Heavy Industrial	CHS Oilseed Processing	Met?	
residentials uses.				
1. Non-Residential Intensity				
a. Max # of Floors	4	1		
b. Min Landscape Surface Ratio	15%	89.1%		
c. Max floor area ratio	1.00	0.042		
d. Min lot area	9,000 sq ft	316 acres		
e. Max building size	n/a	2,750 sq feet		
2. Nonresidential bulk/lot dimensions				
a. Min lot area	9,000 sq ft	316 acres		
b. Min lot width	75 feet	ОК		
c. Min street frontage	50 feet	ОК		
3. Minimum setbacks and building				
separation				
a. Building to Front Lot Line	5 feet	ОК		
Building to Street Side Lot Line	25 feet			
Either of above next to ROW of 100+ feet	40 feet			
b. Building to resident. side lot line	50 feet	ОК		
c. Building to resident. rear lot line	30 feet	ОК		
d. Building to nonres. side lot line	20 feet	ОК		
e. Building to nonres. rear lot line	30 feet	OK		
f. Min paved surface setback- Side/rear	5 feet	ОК		

Zo	Zoning District Requirements (Ch 130, Article VIII, Division 23)				
Se	c. 130-1187. Requirements for non-	I-2 Heavy Industrial	CHS Oilseed Processing	Met?	
res	identials uses.				
	Min paved surface setback -Street	10 feet	OK		
	g. Min building separation	40 feet	ОК		
4.	4. Minimum setbacks and building separation for Agricultural Service Use				
	a. All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of 100 feet from all lot lines.		ОК		
	 b. Minimum paved surface setback: 5 feet from side or rear lot line; ten feet from street lot line 		ОК		
	c. Minimum building separation: 40 feet. OK		ОК		
5.	Max Building Height (Agricultural Service Use)	210 feet	200 feet		

Key:

Green = compliant

Yellow = legal but may require further inspection

Red = non-compliant

"OK" denotes a condition that is currently existing and/or conforming the zoning district.

Other Relevant Zoning Code Standards

Landscape Regulations (Article IV, Ch. 130)	
40 points per 1,000 sq ft of new impervious surface 1,600,000 sq ft impervious surface ÷ 1,000 square feet	
Total Landscape Points Needed	16,000 points

Performance Standards (Article III, Ch. 130)

No concerns regarding this site plan causing nuisances or adverse impacts related to air pollution, fire/explosive hazards, glare/heat, liquid/solid wastes, noise, odors, radioactivity, electrical disturbances, vibration, or water quality.

Air Pollution. The applicant is working with the Department of Natural Resources to obtain an air permit to control for particulate matter generated by the processing plant. City staff are requesting the results of the DNR's findings to be shared once the review is complete. One of the requirements of the permit is that the plant's venting stacks be appropriately set back from neighboring properties. A fence will be required on site to delineate where development is prohibited in order to comply with the air permit setback.

Fire/Explosive Hazards, Glare/Heat. Zoning staff provided the fire chief with site plans and other materials for review. In response, the fire chief contacted the City of Fairmont, Minnesota, where a similar processing facility is operated by the applicant. As of July 21 2023, no immediate concerns were expressed by the fire chief regarding the department's ability to serve the site in case of emergency. Police, fire, and EMS chiefs are also meeting with the applicant prior to site plan review on August 1, 2023.

Written opinions will be sought from the fire, EMS, and police chiefs prior to final site plan approval.

Noise, Odor. Some City staff and elected officials visited a CHS processing plant in Mankato, Minnesota. Their comments on odor were that it was slight, not unpleasant or acrid, and only detectable when on site. Noise generated by the plant was not excessive and also not detected off site. The proposed site location in Evansville provides a generous buffer between the plant and other properties which will mitigate these potential nuisances.

Radioactivity. Not a concern or impact associated with the proposed use.

Liquid/Solid Wastes, Electric Disturbances, Water Quality. The City and applicant are working closely with consultants to anticipate the improvements and capacity needed to serve the processing plant without major financial contributions or other use impacts on existing utility users. This is an ongoing discussion and details regarding needed improvements both on and off site will be outlined in a separate development agreement.

Signs

(Article X, Ch. 130)

Any new signs -- wall signs, monument signs, or similar -- will require a separate sign permit.

Parking

(Article XI, Ch. 130)

Loading Spaces. Required to allow for the loading and unloading of vehicles off the public rightof-way.

Plans show extensive staging area for a number of trucks that is large enough to keep trucks from backing up within the public right-of-way while dropping off grain.

1 parking stall per 1,000 sq feet of gross floor area is required.

The office/maintenance areas are 25,000 square feet. Therefore, 25 stalls would be required. Plan shows 60 spaces.

3 Accessible parking stall required per 51 to 75 total parking spaces on site.

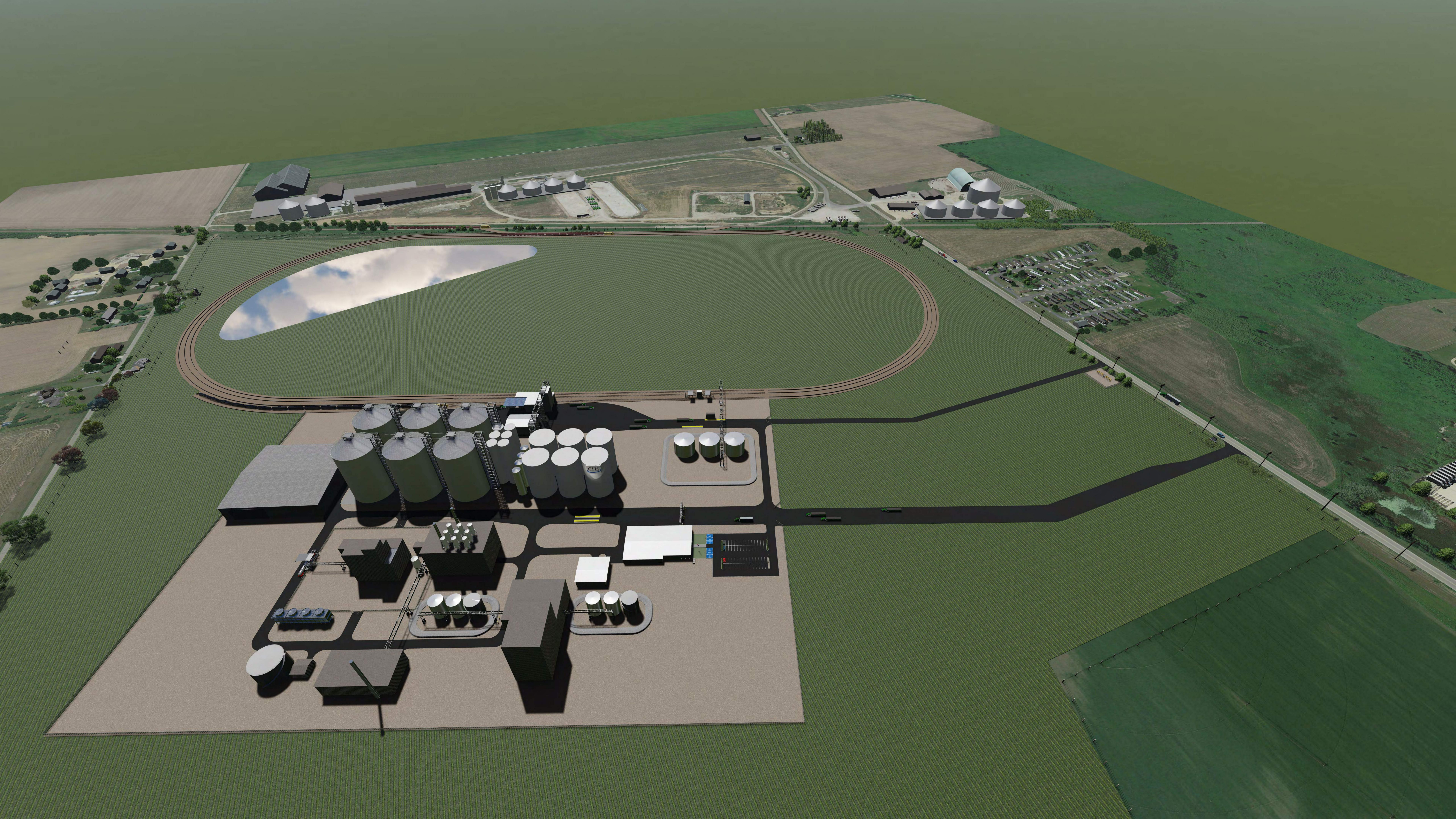
Plans show 4 accessible stalls.

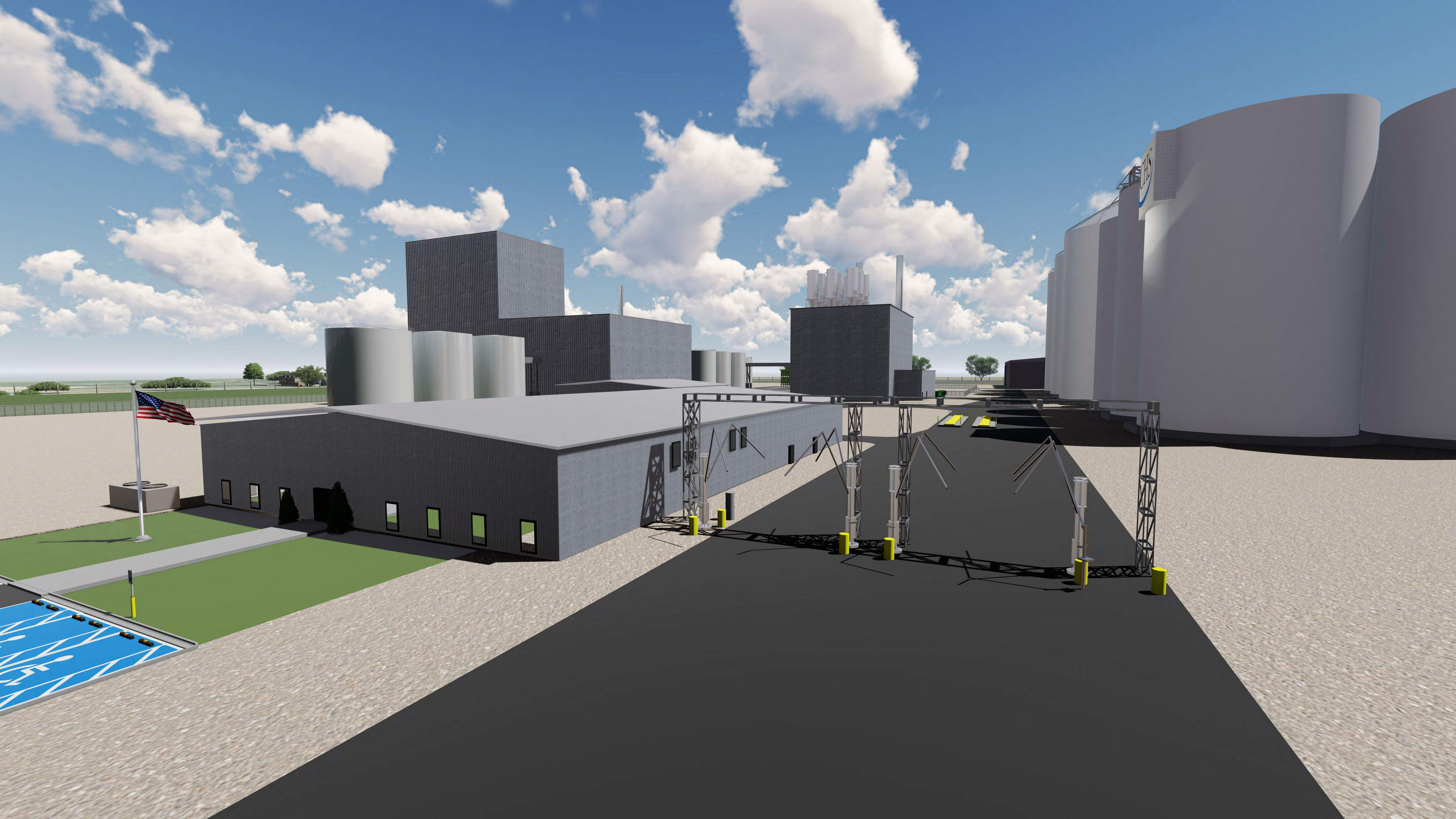














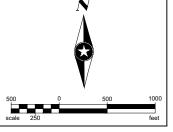




PROJECT NO. KARFA-171784 DATE: 6/28/23

LOCATION MAP PROJECT ORANGE EVANSVILLE, WISCONSIN

FIGURE NO. 1





ALTA/NSPS LAND TITLE SURVEY

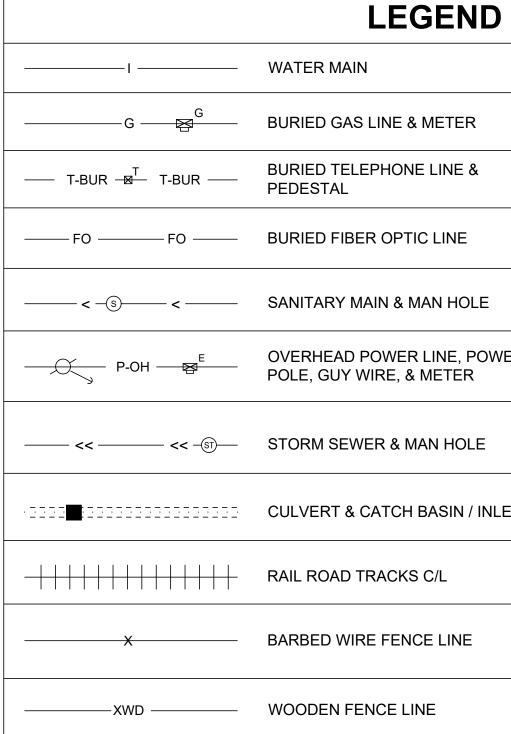


TABLE "A"

1. MONUMENTS FOUND OR PLACED AT ALL MAJOR CORNERS OF SUBJECT PROPERTY

2. ADDRESS(S) OF SUBJECT PROPERTY: (SOME PARCELS DO NOT HAVE ADDRESSES) 781 E. MAIN ST., EVANSVILLE, WI

6727 N WEARY RD.,
6741 N WEARY RD.,
6623 N WEARY RD.,
6537 N WEARY RD.,
6527 N WEARY RD.,
6726 N CNTY. RD. "M
UNION, WI

3. SUBJECT PARCEL FALLS ENTIRELY WITHIN UNSHADED AREA OF MINIMAL FLOODING PER FLOOD INSURANCE RATE MAP, PANEL NUMBER 55105C0019E, EFFECTIVE DATE 9-16-2015.

4. GROSS LAND AREA 14,779,739 SQUARE FEET, 339.3 ACRES

5. TOPOGRAPHIC CONTOURS AT 1' INTERVALS SHOWN HEREIN, GENERATED FROM FIELD WORK ON NAVD88

8. ALL SUBSTANTIAL FEATURES OBSERVED ON SUBJECT PROPERTY AT THE TIME OF FIELD WORK ARE AS GRAPHICALLY ON MAP 11(b). BURIED UTILITIES SHOWN HEREIN AS FIELD LOCATED BY DIGGERS HOTLINE, TICKET NO.(S) 20231102153, 20231102155, 20231102181, 20231102187, 20231102205

13. NAMES OF ADJOINING LAND OWNERS, AS LISTED ON ROCK COUNTY GIS, ARE AS SHOWN HEREIN

15. AERIAL IMAGERY SHOWN HEREIN FROM STATE CARTOGRAPHERS OFFICE, DATED 2020

16. NO RECENT EARTH WORK OBSERVED ON SUBJECT PROPERTY AT THE TIME OF FIELD WORK

17. NO PROPOSED ROAD WORK TO TAKE PLACE ON C.T.H. "M", PER ROCK COUNTY PUBLIC WORKS IN A EMAIL CONVERSATION ON 3-31-2023. NO PROPOSED ROAD WORK TO TAKE PLACE ON S.T.H. "14", PER WIDOT IN A EMAIL CONVERSATION ON 4-4-2023 THE TOWN OF UNION HAS PLANNED DITCHING/DRAINAGE, PATCHING, AND SEALCOATING ON WEARY RD. IN THE TOWN OF UNION'S 5-YEAR PLAN, PER EMAIL CONVERSATION ON 4-3-2023.

To: Those who Purchase the Property

First American Title Insurance Company National Commercial Services Oscar L. Bjugstad and Norma J. Bjugstad, trustees, or their successors in trust

Brian L. Bjugstad and Renee M. Bjugstad, as trustee of the Brian L. Bjugstad and Renee M. Bjugstad Revocable Trust WIL-HU Acres LLC, a Wisconsin Limited Liability Company

Woodworth Farms, Inc., a Wisconsin Corporation City of Evansville

Ryan P. McGrath and Kari A. McGarth

Templeton Farms, 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/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 8, 11(b), 13, 15, 16, and 17 of Table A thereof. The field work was completed on 4-26-2023.

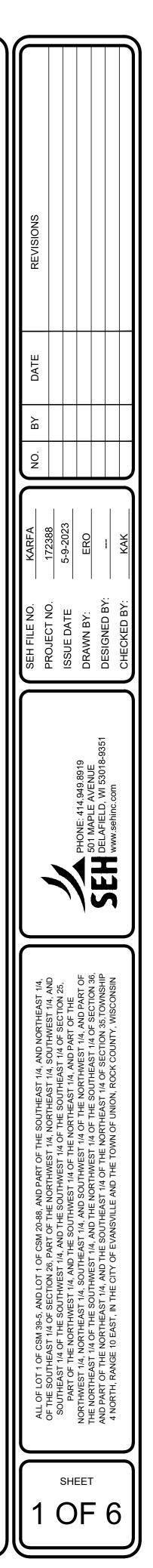
DATED THIS ______ DAY OF ______,2023.

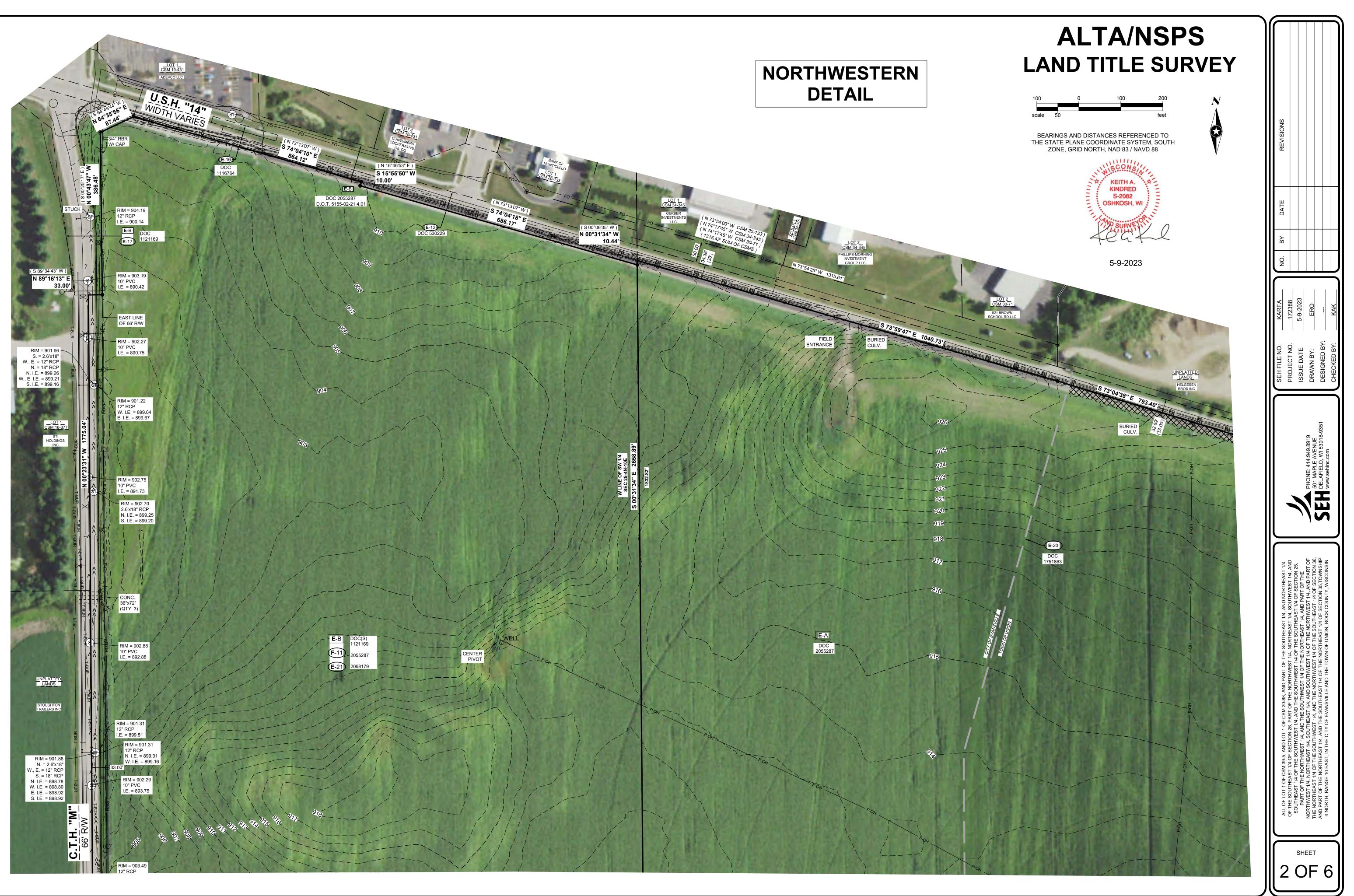


KEITH A. KINDRED, PLS 2082

	�	SECTION CORNER MONUMENT FOUND AS DESCRIBED
ER	۲	3/4" IRON PIPE FOUND (UNLESS OTHERWISE STATED)
E &	•	11/16" OD, 18" LGTH, REBAR SET (UNLESS OTHERWISE STATED)
IE	(XXXX)	RECORDED AS / DEEDED AS
	A-A	PARCEL - SUBPARCEL
IOLE	A -13	PARCEL - EXCEPTION
, POWER	×	VENT PIPE
ER	*	CONIFEROUS TREE
	\odot	DECIDUOUS TREE
OLE	\boxtimes	GATE VALVE
	_нн	HANDHOLE
N / INLET	\	LIGHT
	0	MISC. MANHOLE
	\boxtimes	MISC. PEDESTAL
	٥P	POST
		SIGN
NE	8	RAILROAD SIGNAL
	•	RAILROAD SWITCHSTAND
	S ⊠	TRAFFIC BOX
	OWELL	WELL

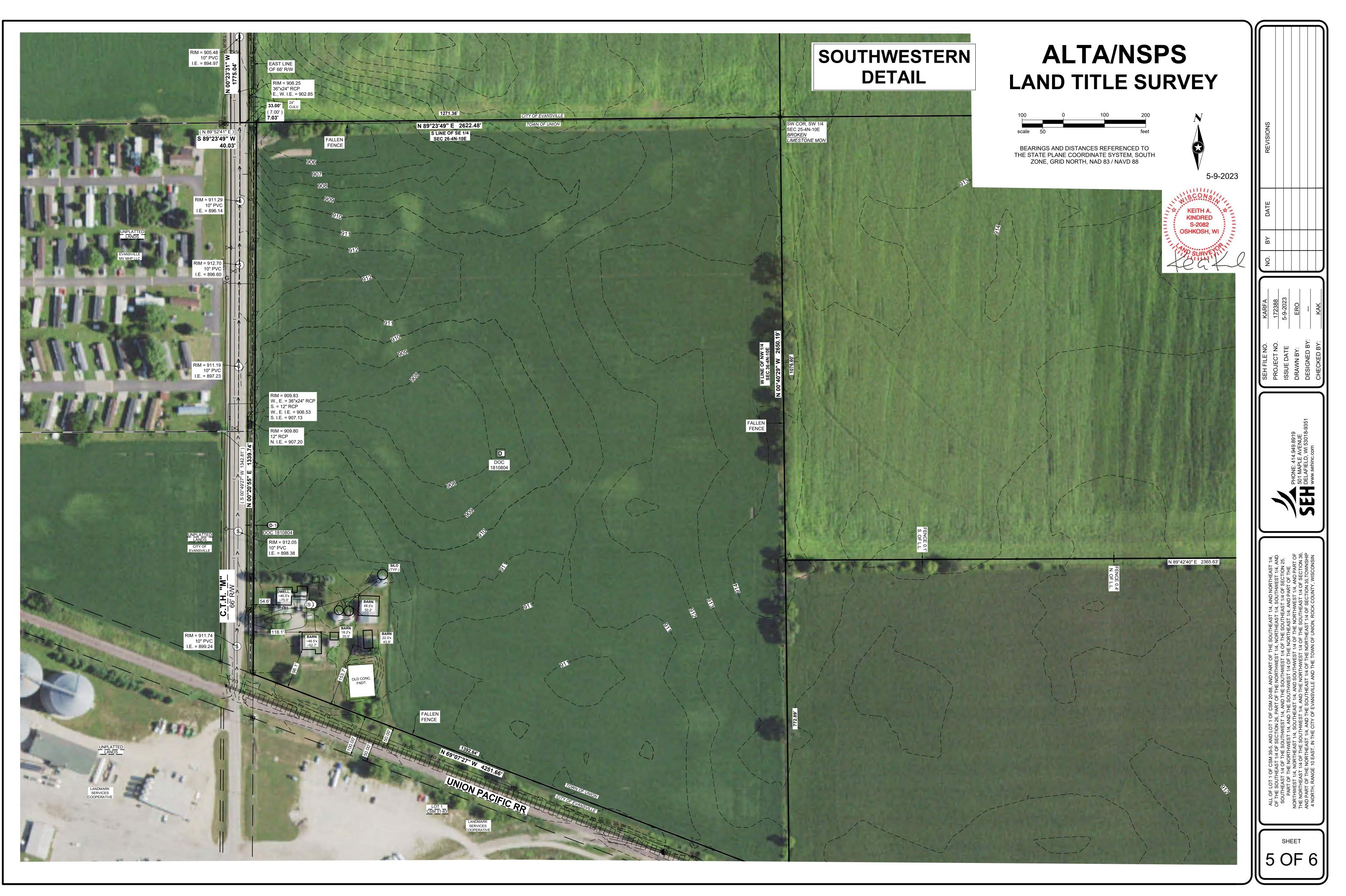












X:\K0\K\KARFA\172388\9-SURVEY\92-CAD\10-C3D\KARFA 172388 ALTA.DV

LEGAL DESCRIPTION(S)

BJUGSTAD LIVING TRUST: (A)

COMMITMENT NO: NCS-1G8KWI02-MPLS

PARCEL A-A

A PARCEL OF LAND IN THE NORTHWEST 1/4, SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST, TOWN OF UNION, ROCK COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT AN IRON STAKE WHICH IS 2,224.85 FEET DUE SOUTH (ASSUMED) ALONG THE CENTER SECTION LINE FROM THE GOVERNMENT STONE MARKING THE NORTHEAST CORNER OF THE SAID NORTHWEST 1/4, SECTION 36; THENCE WEST FOR 198.0 FEET; THENCE SOUTH FOR 264.0 FEET; THENCE EAST FOR 198.0 FEET; THENCE NORTH ALONG THE CENTER SECTION LINE FOR 264.0 FEET TO THE POINT OF BEGINNING. SHOWN ON MAP EXCEPTING THEREFROM: A PARCEL OF LAND IN THE NORTHWEST 1/4, SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST, TOWN OF UNION, ROCK COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHICH IS 2356.85 FEET DUE SOUTH (ASSUMED) ALONG THE CENTER SECTION LINE FROM THE GOVERNMENT STONE MARKING THE NORTHEAST CORNER OF THE SAID NORTHWEST 1/4, SECTION 36: THENCE WEST FOR 198.0 FEET: THENCE SOUTH FOR 132 FEET: THENCE EAST FOR 198.0 FEET: THENCE NORTH ALONG THE CENTER SECTION FOR 132 FEET TO THE POINT OF BEGINNING. SHOWN ON MAP AS PARCEL A-B

PARCEL A-B

A PARCEL OF LAND IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST OF THE 4TH P.M., TOWN OF UNION, ROCK COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT WHICH IS 2356.85 FEET DUE SOUTH (ASSUMED) ALONG THE CENTER SECTION LINE FROM THE GOVERNMENT STONE MARKING THE NORTHEAST CORNER OF SAID NORTHWEST 1/4. SECTION 36; THENCE WEST FOR 198.0 FEET; THENCE SOUTH FOR 132 FEET; THENCE EAST FOR 198.0 FEET; THENCE NORTH ALONG THE CENTER SECTION LINE FOR 132 FEET TO THE POINT OF BEGINNING. SHOWN ON MAP.

BRIAN L & RENEE M BJUGSTAD REVOCABLE TRUST: (B)

COMMITMENT NO: NCS-1G8KWI03-MPLS

PARCEL **B**-A

LOT 1 OF CERTIFIED SURVEY MAP RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR ROCK COUNTY, WISCONSIN ON APRIL 07, 1997, IN VOLUME 20, PAGES 88-90 AS DOCUMENT NO. 1325284, SAID CERTIFIED SURVEY MAP BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36. TOWNSHIP 04 NORTH. RANGE 10 EAST OF THE 4TH P.M., UNION TOWNSHIP, ROCK COUNTY, WISCONSIN. SHOWN ON MAP.

PARCEL **B**-B

ALL THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST OF THE 4TH P.M., TOWN OF UNION, ROCK COUNTY, WISCONSIN, WHICH LIES NORTHERLY OF A LINE DRAWN PARALLEL WITH AND DISTANT 50 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES FROM THE CENTER LINE OF THE MAIN TRACT OF THE CHICAGO AND NORTHWESTERN RAILWAY CO. SHOWN ON ΜΔΡ

ALL THAT PART OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 4 NORTH, RANGE 10 EAST, TOWN OF UNION, ROCK COUNTY, WISCONSIN, WHICH LIES NORTH OF THE C & NW RAILWAY COMPANY'S RIGHT OF WAY, EXCEPTING THEREFROM THE FOLLOWING: COMMENCING AT AN IRON STAKE WHICH IS 2,224.85 FEET DUE SOUTH ALONG THE CENTER SECTION LINE FROM THE GOVERNMENT STONE MARKING THE NORTHEAST CORNER OF THE SAID NORTH WEST QUARTER. SECTION 36: THENCE WEST FOR 198.0 FEET: THENCE, SOUTH FOR 264.0 FEET: THENCE, EAST FOR 198.0 FEET: THENCE, NORTH ALONG THE CENTER SECTION LINE FOR 264.0 FEET TO THE POINT OF BEGINNING. SHOWN ON MAP AS PARCEL A-A.

ALSO THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 36, TOWN 4 NORTH, RANGE 10 EAST, TOWN OF UNION, ROCK COUNTY, WISCONSIN, AND A STRIP OF LAND 15 RODS IN WIDTH THROUGHOUT TAKEN OFF FROM THE SOUTH SIDE OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SAID SECTION 36; EXCEPTING FROM THE FIRST DESCRIBED TRACT THE RIGHT OF WAY OF THE C & NW RAILWAY COMPANY. ALSO, ALL THAT PART OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WEST OF THE CENTERLINE OF NORTH WEARY ROAD; THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST, BEING IN THE TOWN OF UNION, ROCK COUNTY, WISCONSIN; EXCEPTING THEREFROM LOT 1 OF CERTIFIED SURVEY MAP RECORDED MAY 6, 1994 IN THE OFFICE OF THE REGISTER OF DEEDS FOR ROCK COUNTY, WISCONSIN, IN VOLUME 17 OF CERTIFIED SURVEY MAPS ON PAGE 242 AS DOCUMENT NO. 1232627, BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST, TOWN OF UNION, ROCK COUNTY, WISCONSIN. SHOWN ON MAP.

ALSO, ALL THAT PART OF THE FOLLOWING DESCRIBED PROPERTY LOCATED WEST OF THE CENTERLINE OF NORTH WEARY ROAD AND NORTH OF THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD: THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4; ALSO THE SOUTHEAST 1/4, ALL IN SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST, TOWN OF UNION, ROCK COUNTY, WISCONSIN; EXCEPTING THEREFROM LOT 1 OF CERTIFIED SURVEY MAP RECORDED JUNE 3, 1980 AS DOCUMENT NO. 924289, IN VOLUME 9 OF CERTIFIED SURVEY MAPS, PAGE 315, (PARCEL C) IN THE OFFICE OF THE REGISTER OF DEEDS FOR ROCK COUNTY, WISCONSIN, BEING PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST, OF THE 4TH P.M., TOWN OF UNION, ROCK COUNTY, WISCONSIN. SHOWN ON MAP.

EXCEPTING THEREFROM LOT 1 OF A CERTIFIED SURVEY MAP RECORDED IN VOLUME 39, PAGES 5-8 AS DOCUMENT NO. 2102820, BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST, OF THE 4TH P.M., TOWN OF UNION, ROCK COUNTY, WISCONSIN. SHOWN ON MAP AS PARCEL C. FURTHER EXCEPTING THEREFROM LOT 1 OF A CERTIFIED SURVEY MAP RECORDED IN VOLUME 20, PAGES 88-90 AS DOCUMENT NO. 1325284, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST, OF THE 4TH P.M., TOWN OF UNION, ROCK COUNTY, WISCONSIN. SHOWN ON MAP AS PARCEL B-A.

RYAN P & KARI A MCGRATH: (C)

COMMITMENT NO: NCS-1G8KWI05-MPLS

LOT ONE (1) OF CERTIFIED SURVEY MAP RECORDED IN THE OFFICE OF THE REGISTER OF DEEDS FOR ROCK COUNTY, WISCONSIN ON MAY 10, 2018, IN VOLUME 39 OF CERTIFIED SURVEY MAPS, PAGES 5-8 AS DOCUMENT NO. 2102820, SAID CERTIFIED SURVEY MAP BEING A PART OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 36. TOWNSHIP 4 NORTH. RANGE 10 EAST OF THE 4TH P.M., IN THE TOWN OF UNION, ROCK COUNTY, WISCONSIN. SHOWN ON MAP.

TEMPLETON FARMS LLC: (D)

COMMITMENT NO: NCS-1G8KWI01-MPLS

ALL THAT PART OF THE NORTH 3/4 OF THE NORTHEAST 1/4 OF SECTION 35. TOWNSHIP 4 NORTH, RANGE 10 EAST OF THE 4TH P.M., TOWN OF UNION AND CITY OF EVANSVILLE, COUNTY OF ROCK AND STATE OF WISCONSIN, LYING NORTH OF THE CHICAGO & NORTHWESTERN RAILWAY COMPANY'S NORTHERLY RIGHT-OF-WAY LINE:

EXCEPTING THEREFROM. THAT PART THEREOF DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SAID SECTION 35; THENCE EAST 24 RODS AND 10 FEET; THENCE SOUTH 29 RODS AND 13 FEET: THENCE WEST 24 RODS AND 10 FEET: THENCE NORTH 29 RODS AND 13 FEET TO THE PLACE OF BEGINNING:

FURTHER EXCEPTING THEREFROM, THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT A CUT STONE MONUMENT FOUND AT THE NORTH 1/4 CORNER OF SAID SECTION 35; THENCE EAST (ASSUMED BEARING), ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION, 477.60 FEET TO AN IRON PIPE MONUMENT SET AT THE PLACE OF BEGINNING FOR THE LAND TO BE HEREIN DESCRIBED; THENCE CONTINUING EAST, ALONG SAID NORTH LINE, 834.00 FEET TO AN IRON PIPE MONUMENT SET AT THE NORTHEAST CORNER OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 0°57' WEST, ALONG OR NEAR THE CENTERLINE OF C.T.H. "M" AS TRAVELED, 750.00 FEET TO AN IRON PIPE MONUMENT; THENCE WEST, PARALLEL TO SAID NORTH LINE, 909.55 FEET TO AN IRON PIPE MONUMENT; THENCE NORTH 6°41'30" EAST 755.04 FEET TO THE PLACE OF BEGINNING;

FURTHER EXCEPTING THEREFROM, THAT PART THEREOF DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 35; THENCE EAST (ASSUMED BEARING), ALONG THE NORTH LINE OF THE NORTHEAST 1/4 OF SAID SECTION, 477.60 FEET TO AN IRON PIPE MONUMENT FOUND AT THE NORTHWEST CORNER OF AN EXISTING 15.007 ACRE TRACT, ALSO BEING AT THE PLACE OF BEGINNING FOR THE LAND TO BE HEREIN DESCRIBED; THENCE SOUTH 6°41'30" WEST, ALONG THE WEST LINE OF SAID TRACT, 494.87 FEET TO AN IRON PIN MONUMENT; THENCE WESTERLY, PARALLEL WITH SAID NORTH LINE, 14 FEET, MORE OR LESS, TO THE BRUNSELL TRACT; THENCE NORTHERLY, ALONG THE EAST LINE OF SAID TRACT, 491.5 FEET TO SAID NORTH LINE; THENCE EAST (ASSUMED), ALONG SAID NORTH LINE, 57.67 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING;

FURTHER EXCEPTING THEREFROM, ALL THAT PART THEREOF CONVEYED TO THE CITY OF EVANSVILLE BY A QUIT CLAIM DEED DATED OCTOBER 16, 2007, RECORDED OCTOBER 23, 2007, AS DOCUMENT NO. 1810804, IN THE OFFICE OF THE REGISTER OF DEEDS FOR ROCK COUNTY, WISCONSIN, SHOWN ON MAP

FURTHER EXCEPTING THEREFROM THAT PORTION AS DESCRIBED IN WARRANTY DEED TO THE CITY OF EVANSVILLE RECORDED ON APRIL 13, 2017 AS DOCUMENT NO. 2075654 AS CORRECTED IN CORRECTION INSTRUMENT RECORDED ON _____, 2023 AS DOCUMENT NO. ____

WIL-HU ACRES LLC (E) (NORTH 3 PARCELS)

COMMITMENT NO: NCS-1G8KWI06-MPLS PARCEL E-A

THE SW 1/4 OF SECTION 25, T.4N., R.10E., TOWNSHIP OF UNION AND CITY OF EVANSVILLE, COUNTY OF ROCK, STATE OF WISCONSIN, LYING SOUTH OF US. HIGHWAY 14. EXCEPTING LAND CONVEYED TO THE STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION RECORDED JUNE 29, 2016 AS DOCUMENT NO. 2055287. SHOWN ON MAP. PARCEL E-B

THE E 1/2 OF THE SE 1/4 OF SECTION 26, T.4N., R.10E., CITY OF EVANSVILLE, COUNTY OF ROCK, STATE OF WISCONSIN, LYING SOUTH OF US. HIGHWAY 14. EXCEPTING LAND CONVEYED TO ROCK COUNTY IN WARRANTY DEED RECORDED OCTOBER 12, 1990 AS DOCUMENT NO. 1121169.

AND ALSO EXCEPTING LAND CONVEYED TO THE STATE OF WISCONSIN, DEPARTMENT OF TRANSPORTATION RECORDED JUNE 29, 2016 AS DOCUMENT NO. 2055287. SHOWN ON MAP. PARCEL E-C

PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 25, T.4N., R.10E., CITY OF EVANSVILLE, COUNTY OF ROCK, STATE OF WISCONSIN, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 25; THENCE N.00°07'59"W., ALONG THE WEST LINE OF SAID SW 1/4 OF THE SE 1/4, 1040.44 FEET TO THE INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY OF UNITED STATES HIGHWAY "14"; THENCE S.72°24'20"E., ALONG SAID SOUTHERLY RIGHT-OF-WAY, 48.27 FEET TO THE INTERSECTION WITH THE CENTERLINE OF NORTH WEARY ROAD; THENCE S.00°12'02"E., ALONG SAID CENTERLINE, 1025.96 FEET TO THE SOUTH LINE OF SAID SW 1/4 OF THE SE 1/4; THENCE N.89°52'12"W., ALONG SAID SOUTH LINE, 47.19 FEET TO THE POINT OF BEGINNING. SHOWN ON MAP.

WIL-HU ACRES LLC (F)

COMMITMENT NO: NCS-1G8KWI04-MPLS

THE NORTH 13/16 OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF SECTION 36, TOWNSHIP 4 NORTH, RANGE 10 EAST, IN THE TOWN OF UNION, ROCK COUNTY, WISCONSIN.

ALTA/NSPS LAND TITLE SURVEY

EXCEPTION(S)

BJUGSTAD LIVING TRUST: (A)

COMMITMENT NO: NCS-1G8KWI02-MPLS

11. Covenants, Conditions and Restrictions as set forth in Warranty Deed to Revocable Living Trust recorded in July 01, 2008 as Document 1835507 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent of such covenants, conditions or restrictions violate 42 USC 2604(c). SHOWN ON MAP AS PARCEL A-B.

12. Covenants, Conditions and Restrictions as set forth in Warranty Deed to Revocable Living Trust recorded in July 01, 2008 as Document 1835508 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent of such covenants, conditions or restrictions violate 42 USC 2604(c). SHOWN ON MAP AS PARCEL A-A.

BRIAN L & RENEE M BJUGSTAD REVOCABLE TRUST: (B)

COMMITMENT NO: NCS-1G8KWI03-MPLS 12. Easements, dedications, reservations, provisions, relinquishments, recitals, certificates, and any other matters as provided for or delineated on Certified Survey Map No. recorded April 07, 1997 in Volume 20, Page 88 as Document No. 1325284 referenced in the legal description contained herein. Reference is hereby made to said plat for particulars. CSM DEPICTS NO EASEMENTS AND SHOWN ON MAP AS PARCEL B-A

RYAN P & KARI A MCGRATH: (C)

COMMITMENT NO: NCS-1G8KWI05-MPLS

10. Easements, dedications, reservations, provisions, relinquishments, recitals, certificates, and any other matters as provided for or delineated on Certified Survey Map recorded on May 10, 2018 in Volume 39 of Certified Survey Maps, Pages 5-8 as Document No. 2102820 referenced in the legal description contained herein. Reference is hereby made to said plat for particulars. - CSM DEPICTS NO EASEMENTS AND SHOWN ON MAP AS PARCEL C

TEMPLETON FARMS LLC: (D)

COMMITMENT NO: NCS-1G8KWI01-MPLS

- SCHEDULE B EXCEPTIONS NOT GRAPHICALLY DEPICTABLE - DOC 1810804 (D-1) - SHOWN ON MAP (FROM LEGAL DESCRIPTION)

WIL-HU ACRES LLC (E) (NORTH 3 PARCELS)

COMMITMENT NO: NCS-1G8KWI06-MPLS 12. (E-12) Utility Easement to Wisconsin Telephone Company, its successors and assigns, dated March 13, 1952, recorded/filed May 14, 1952 in Volume 46 of Misc., Page 247 as Document No. 530229.

(Affects Parcel B). SHOWN ON MAP. 13. (E-13) Utility Easement to Wisconsin Power and Light Company, a Wisconsin corporation, dated November 01, 1973, recorded/filed December 18, 1973 in Volume 499 of Records, Page 465 as Document No. 809047. NOT LOCATED ON SUBJECT PROPERTY.

14. (E-14) Utility Easement to Wisconsin Power and Light Company, a Wisconsin corporation, dated November 01, 1973, recorded/filed December 18, 1973 in Volume 499 of Records, Page 467 as Document No. 809048. NOT LOCATED ON SUBJECT PROPERTY.

(Affects Parcel A & C) 15. (E-15) Limitations imposed upon ingress to and egress from the above described premises to North County Line-Janesville Road, U.S. Highway 14 including ramps and connection roads on the right of way thereof, as set forth in a finding, determination and declaration by the State Highway Commission of Wisconsin, Recorded: December 20, 1977 Volume 679 of records, Page 98, Document. No. 878843 wherein said highway is designated a controlled-access highway under the provisions of Section 84.25 of the Wisconsin Statues. RESTRICTS ACCESS TO S.T.H. "14". Authorization for Access to or Across a Controlled-Access Highway and Dedication of Lands recorded on December 23, 1980, Card #65, Images #898-899 as Document No. 933756. RELEASES RESTRICTIONS ON ACCESS TO S.T.H. "14".

Authorization for Access to or Across a Controlled-Access Highway recorded March 06, 2012 as Document No. 1941696. RELEASES RESTRICTIONS ON ACCESS TO S.T.H. "14". 16. (E-16) Terms, conditions, restrictions and provisions relating to the use and maintenance of the Permanent Limited Easement recorded on July 31, 1990, Card #445, Images #247-250, as Document No. 1116764. (Affects Parcel B) SHOWN ON MAP. WITHIN RIGHT OF WAY OF U.S.H "14".

17. (E-17) Covenants, Conditions and Restrictions as set forth in Warranty Deed recorded in October 12, 1990, Card #454, Images #44-45 as Document No. 1121169 of Official Records, but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c). (Affects Parcel B) SHOWN ON MAP.

18. (E-18) City of Evansville Ordinance # 2000-14, an Ordinance Annexing Territory to the City of Evansville recorded on January 18, 2001 as Document No. 1480488. (Affects Parcel B) NOT LOCATED ON SUBJECT PROPERTY.

19. (E-19) City of Evansville Ordinance # 2003-1, an Ordinance Annexing Territory to the City of Evansville, Wisconsin, and Rezoning From Agricultural One (A-1) To Residential Two (R-2), Residential Three (R-3), and Regional Business District Four (B-4) recorded May 21, 2003 as Document No. 1608509. NOT LOCATED ON SUBJECT PROPERTY. 20. (E-20) City of Evansville Ordinance # 2006-3, an Ordinance Annexing Territory to the City of Evansville, Wisconsin (D & D Development Property) recorded May 25, 2006 as Document No. 1751863. SHOWN ON

21. (E-21) Terms, conditions, restrictions and provisions relating to the use and maintenance of the Easement Agreement for Application of Nutrients recorded on December 16, 2016, as Document No. 2068179. NOT SURVEY RELATED.

WIL-HU ACRES LLC (F)

COMMITMENT NO: NCS-1G8KWI04-MPLS

10. (F-10) Limitations imposed upon ingress to and egress from the above described premises to U.S. Highway 14 including ramps and connection roads on the right of way thereof, as set forth in a finding, determination and declaration by the State Highway Commission of Wisconsin, Recorded: December 20, 1977 in Volume 679 of records, Page 98, Document No. 878843 (THIS DOCUMENT RESTRICTS S.T.H."14" ACCESS AS SHOWN) wherein said highway is designated a controlled-access highway under the provisions of Section 84.25 of the Wisconsin Statues. Authorization for Access To or Across a Controlled-Access Highway recorded on March 06, 2012 as Document No. 1941696 (THIS DOCUMENT REMOVES THE RESTRICTIONS SET FORTH IN 878843 FOR ACCESS TO S.T.H."14" ACCESS) . DOC 878843 SHOWN ON MAP.

11. (F-11) Easement Agreement upon the terms, conditions and provisions contained therein:

Dated: August 17, 2016 Parties: Whilden R. Hughes and Judith A. Hughes and Pinnacle Dairy, LLC, a Wisconsin limited liability company

Recorded: December 16, 2016

Instrument: 2068179. SHOWN ON MAP.



5-9-2023



Owner:



OILSEED PROCESSING & REFINING

5500 Cenex Drive Inver Grove Heights, Minnesota 55077

Mechanical Engineer:



670 County Road B West St. Paul, Minnesota 55113 Tel: (651) 771-0880 Fax: (651) 771-0878 Email: kfi@kfi-eng.com

Civil Engineer:

SEH

SEH, Inc. 2351 Connecticut Ave, Suite 300 Sartell, MN 56377 Tel. (320) 229-4300

Developer:



McGough 2737 FAIRVIEW AVENUE NORTH ST. PAUL, MINNESOTA 55113 Tel. (651) 633-5050 Fax (651) 633-5673

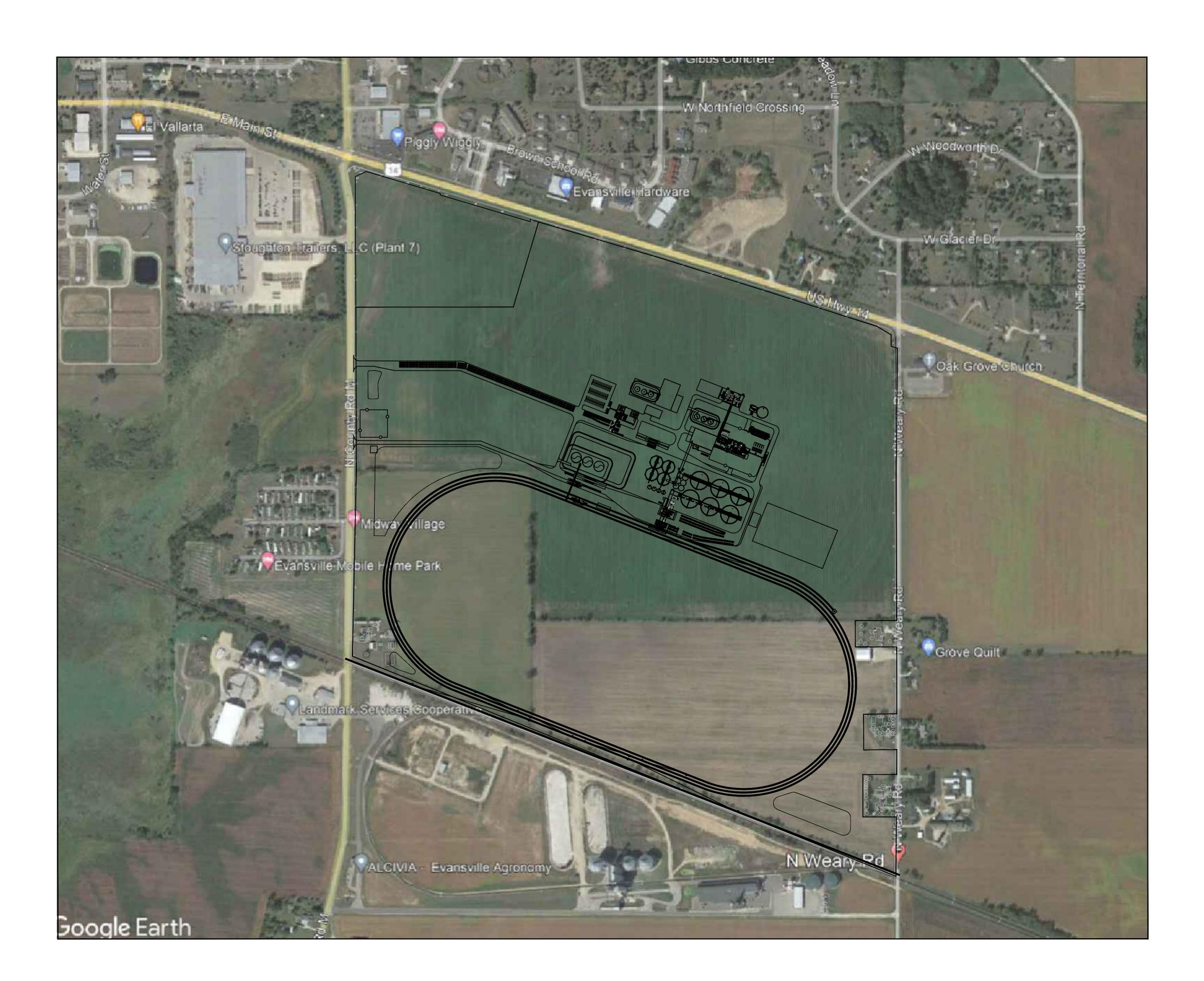
GAR-9000 1"=400'-0"



OILSEED PROCESSING & REFINING

PROJECT ORANGE EVANSVILLE, WISCONSIN

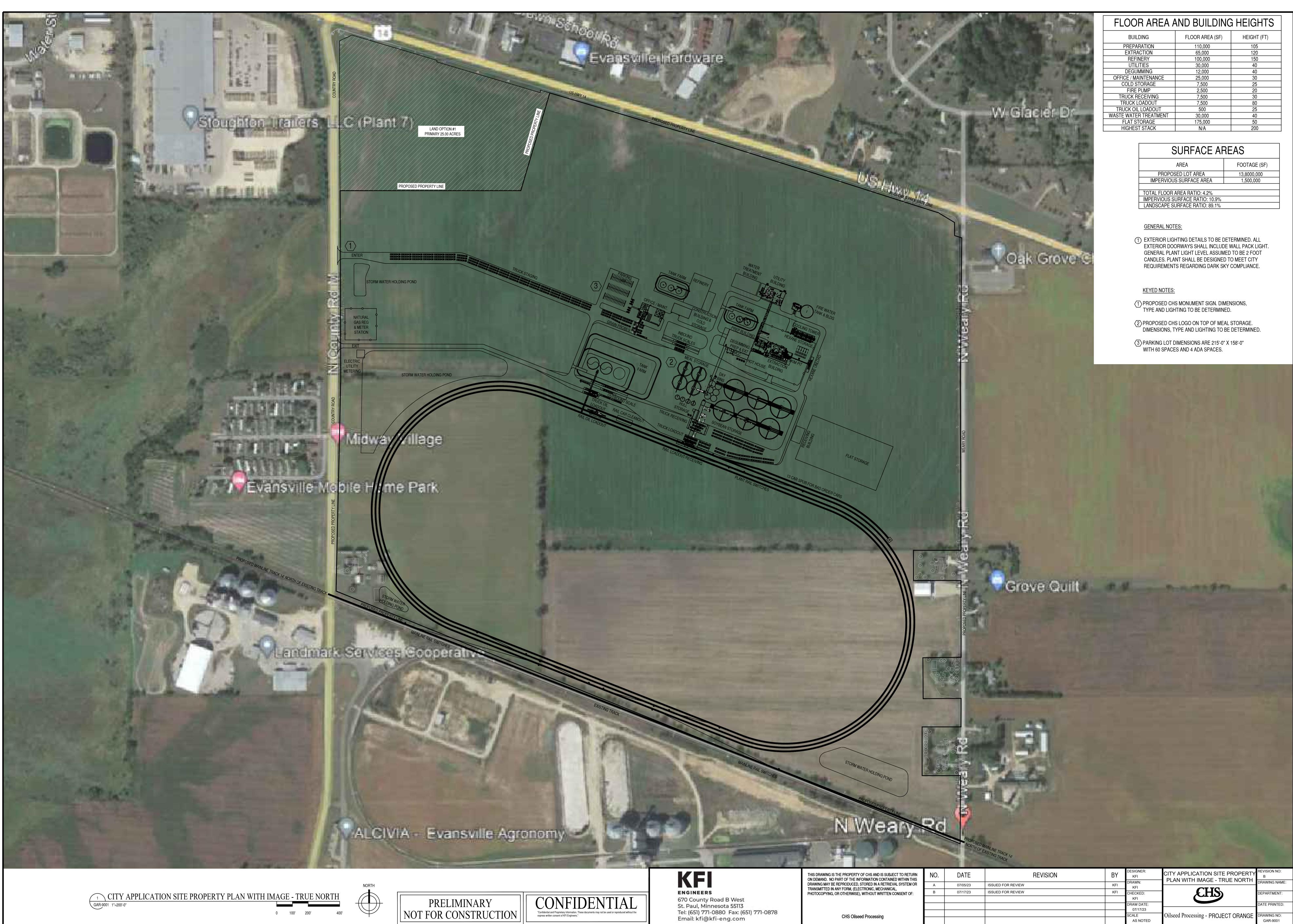
Project Information Sheet



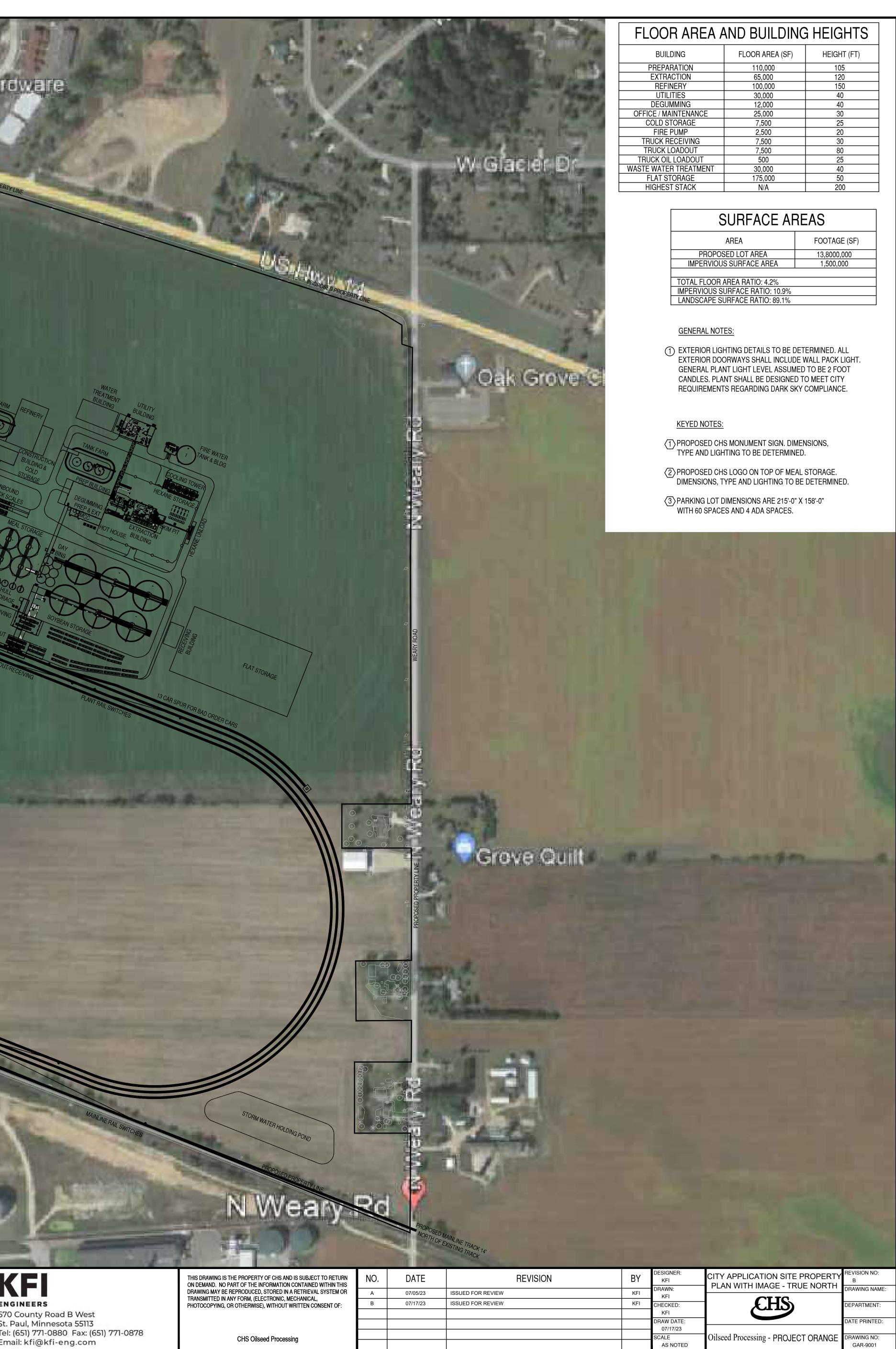
NORTH CITY APPLICATION TITLE SHEET PROJECT LOCATION - TRUE NORTH KFI 0 100' 200' 400' ENGINEERS 670 County Road B West St. Paul, Minnesota 55113 Tel: (651) 771-0880 Fax: (651) 771-0878 Email: kfi@kfi-eng.com CONFIDENTIAL PRELIMINARY NOT FOR CONSTRUCTION "Confidential and Proprietary Information. These documents may not be used or reproduced without the express written consent of KFI Engineers."

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	PHOTOCOPYING, OR OTHERWISE), WITHOUT WRITTEN CONSENT OF:	В	07/17/23	ISSUED FOR REVIEW	KFI	CHECKED:	
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78						07/17/23	0:
	CHS Oilseed Processing					SCALE AS NOTED	Oi

CITY APPLICATION TITLE SHEET PROJECT LOCATION - TRUE NORTH	REVISION NO: B DRAWING NAME:	
Oilseed Processing - PROJECT ORANGE	DEPARTMENT: DATE PRINTED: DRAWING NO: GAR-9000	



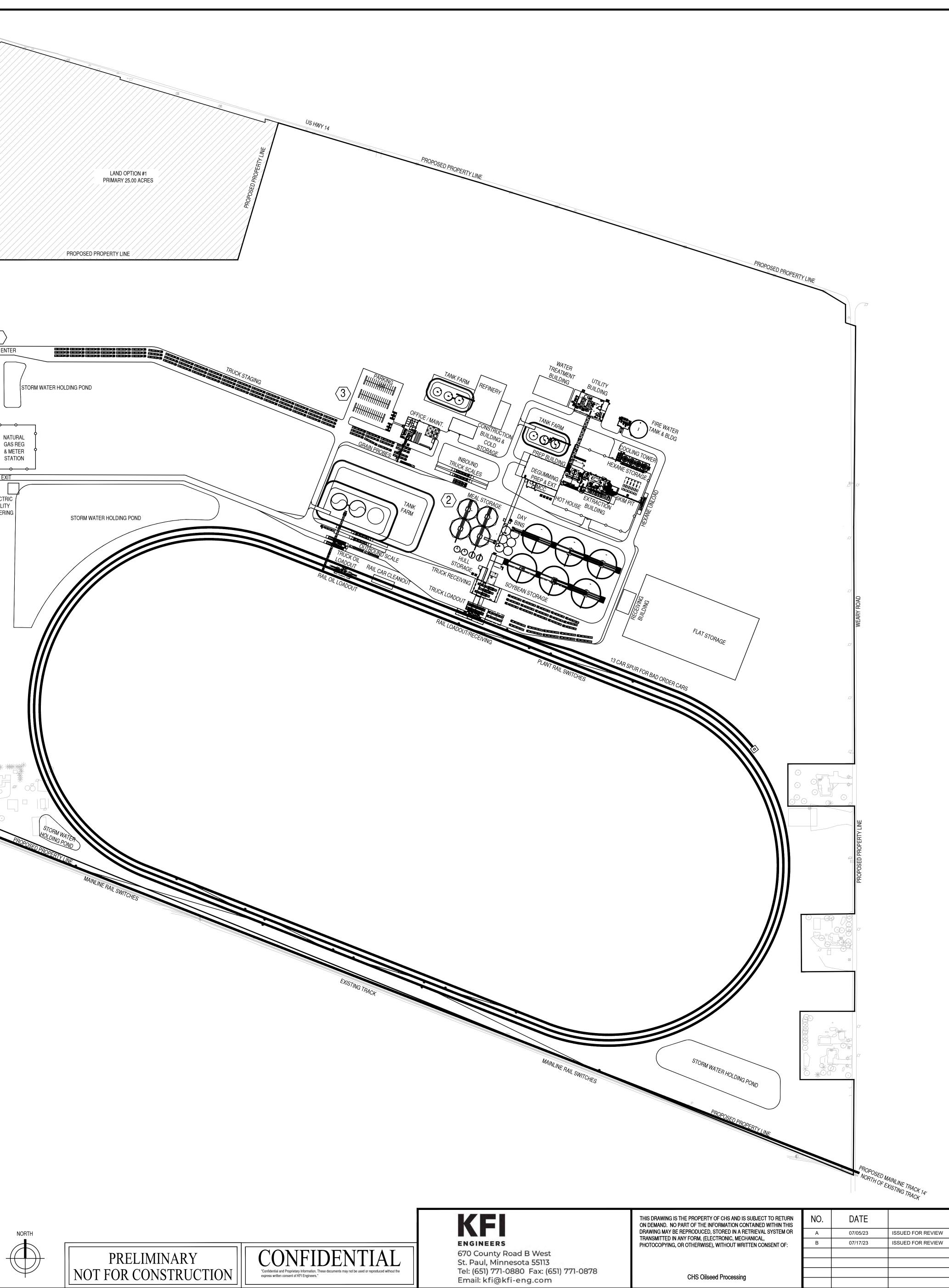


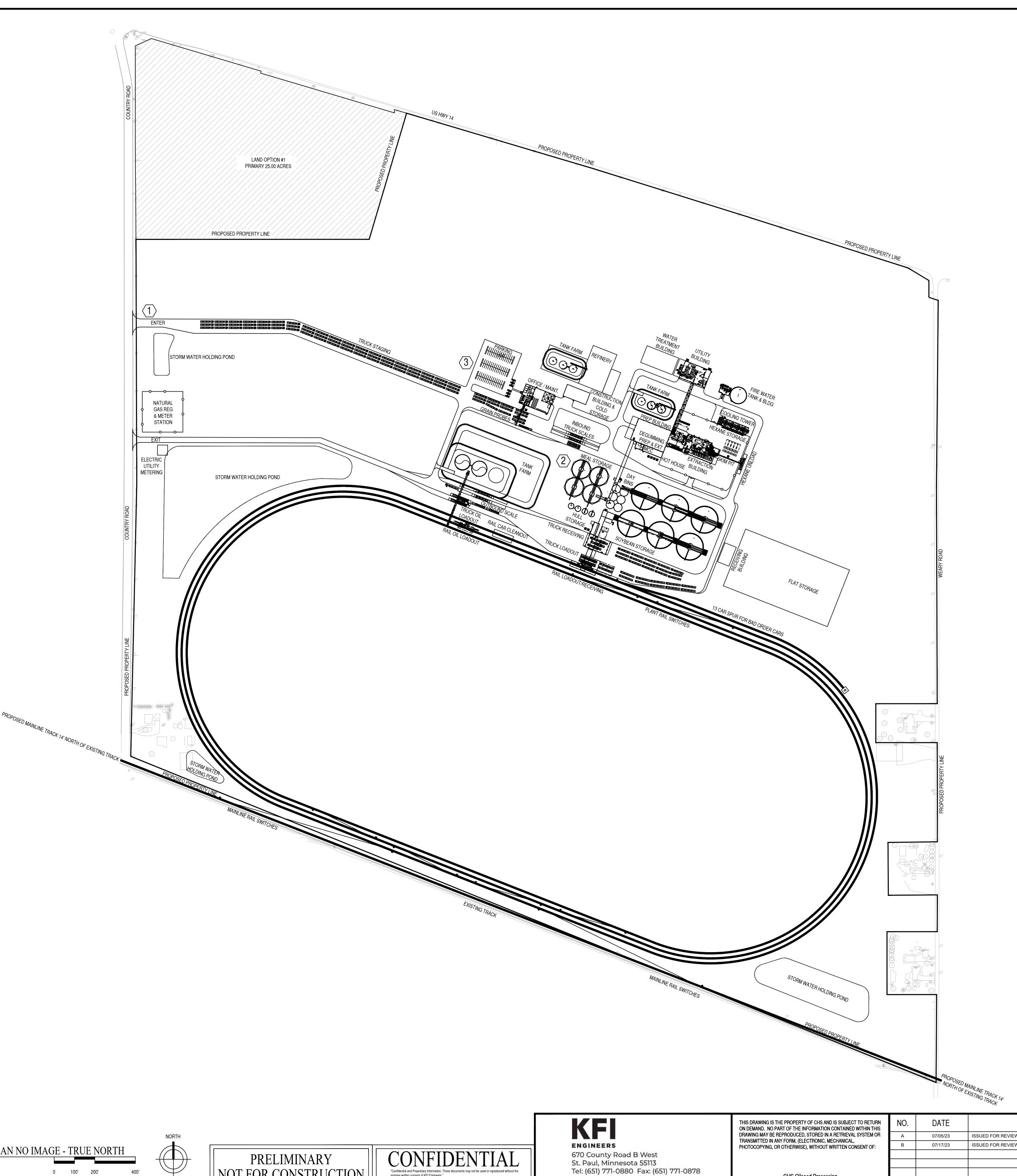


4 <i>F</i>	A AND BUILDING HEIGHTS				
	FLOOR AREA (SF)	HEIGHT (FT)			
	110,000	105			
	65,000	120			
	100,000	150			
	30,000	40			
	12,000	40			
	25,000	30			
	7,500	25			
	2,500	20			
	7,500	30			
	7,500	80			
	500	25			
T	30,000	40			
	175,000	50			
	N/A	200			

SURFACE AREAS					
AREA	FOOTAGE (SF)				
POSED LOT AREA	13,8000,000				
IOUS SURFACE AREA	1,500,000				
OB AREA BATIO: 4.2%					







FLOOR AREA BUILDING PREPARATION EXTRACTION REFINERY UTILITIES DEGUMMING OFFICE / MAINTENANCE COLD STORAGE FIRE PUMP TRUCK RECEIVING TRUCK LOADOUT TRUCK OIL LOADOUT WASTE WATER TREATMENT FLAT STORAGE HIGHEST STACK

GENERAL NOTES:

PR IMPERV

KEYED NOTES:

	THIS DRAWING IS THE PROPERTY OF CHS AND IS SUBJECT TO RETURN ON DEMAND. NO PART OF THE INFORMATION CONTAINED WITHIN THIS	NO.	DATE	REVISION	BY	DESIGNER: KFI DRAWN:	CITY APPLICATION SITE PROPERTY PLAN NO IMAGE - TRUE NORTH	REVISION NO: B DRAWING NAME:
	DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM, (ELECTRONIC, MECHANICAL, DUOTOCODYING, OR OTHERWISE), WITHOUT WRITTEN CONSENT OF	A B	07/05/23	ISSUED FOR REVIEW	KFI KFI	KFI CHECKED:	CLIC	DEPARTMENT:
	PHOTOCOPYING, OR OTHERWISE), WITHOUT WRITTEN CONSENT OF:					KFI		
8						DRAW DATE: 07/17/23		DATE PRINTED:
0	CHS Oilseed Processing					SCALE AS NOTED	Oilseed Processing - PROJECT ORANGE	DRAWING NO: GAR-9002

A AND BUILDING HEIGHTS						
	FLOOR AREA (SF)	HEIGHT (FT)				
	110,000	105				
	65,000	120				
	100,000	150				
	30,000	40				
	12,000	40				
	25,000	30				
	7,500	25				
	2,500	20				
	7,500	30				
	7,500	80				
	500	25				
T	30,000	40				
175,000		50				
	N/A	200				

SURFACE AREAS				
AREA	FOOTAGE (SF)			
POSED LOT AREA	13,8000,000			

PROPOSED LOT AREA	13,8000,000
IMPERVIOUS SURFACE AREA	1,500,000
TOTAL FLOOR AREA RATIO: 4.2%	
IMPERVIOUS SURFACE RATIO: 10.9%	

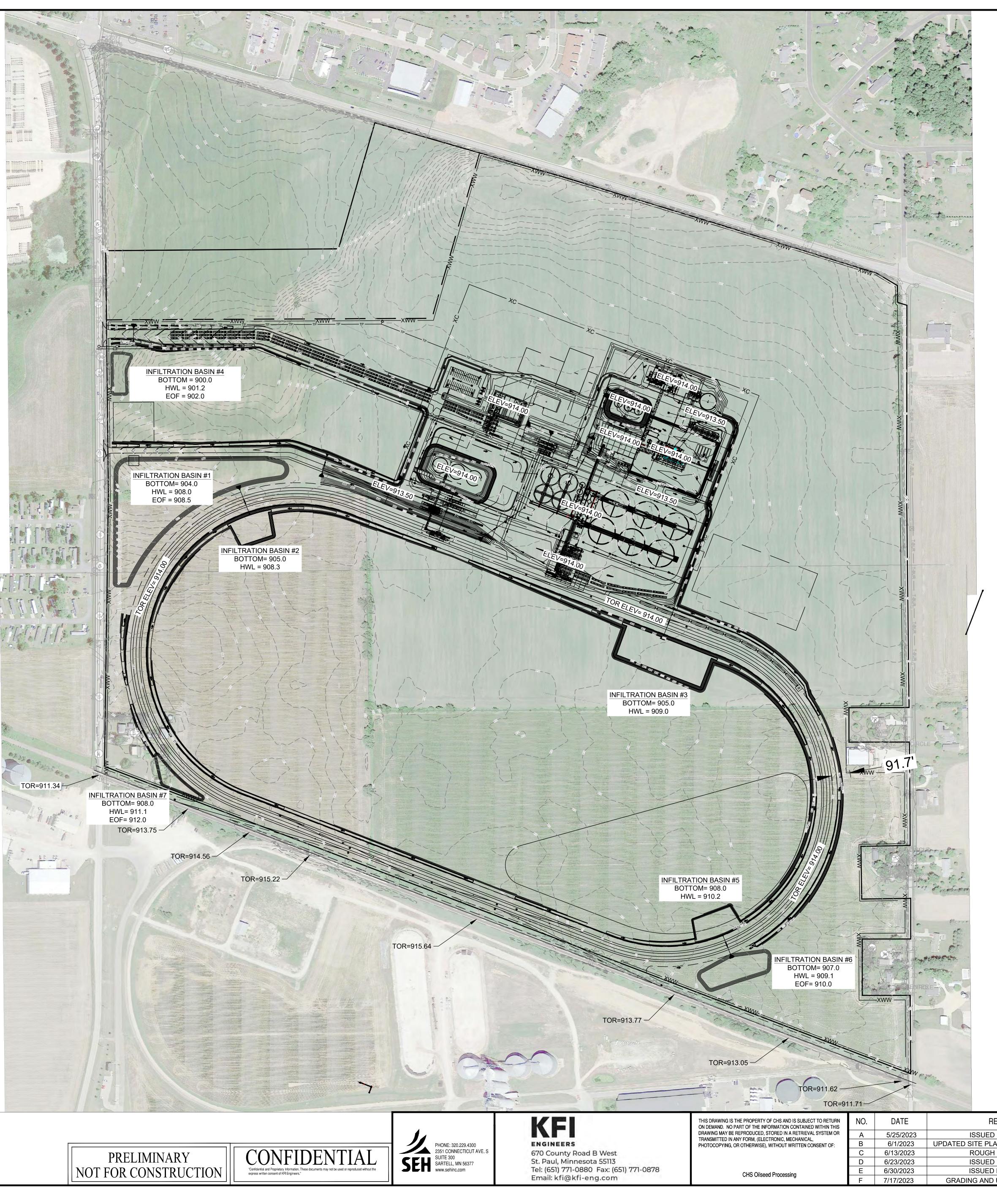
LANDSCAPE SURFACE RATIO: 89.1%

1 EXTERIOR LIGHTING DETAILS TO BE DETERMINED. ALL EXTERIOR DOORWAYS SHALL INCLUDE WALL PACK LIGHT. GENERAL PLANT LIGHT LEVEL ASSUMED TO BE 2 FOOT CANDLES. PLANT SHALL BE DESIGNED TO MEET CITY REQUIREMENTS REGARDING DARK SKY COMPLIANCE.

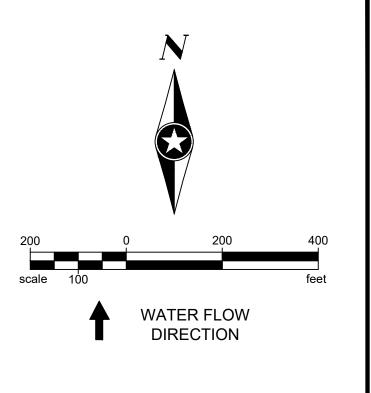
(1) PROPOSED CHS MONUMENT SIGN. DIMENSIONS, TYPE AND LIGHTING TO BE DETERMINED.

PROPOSED CHS LOGO ON TOP OF MEAL STORAGE. DIMENSIONS, TYPE AND LIGHTING TO BE DETERMINED.

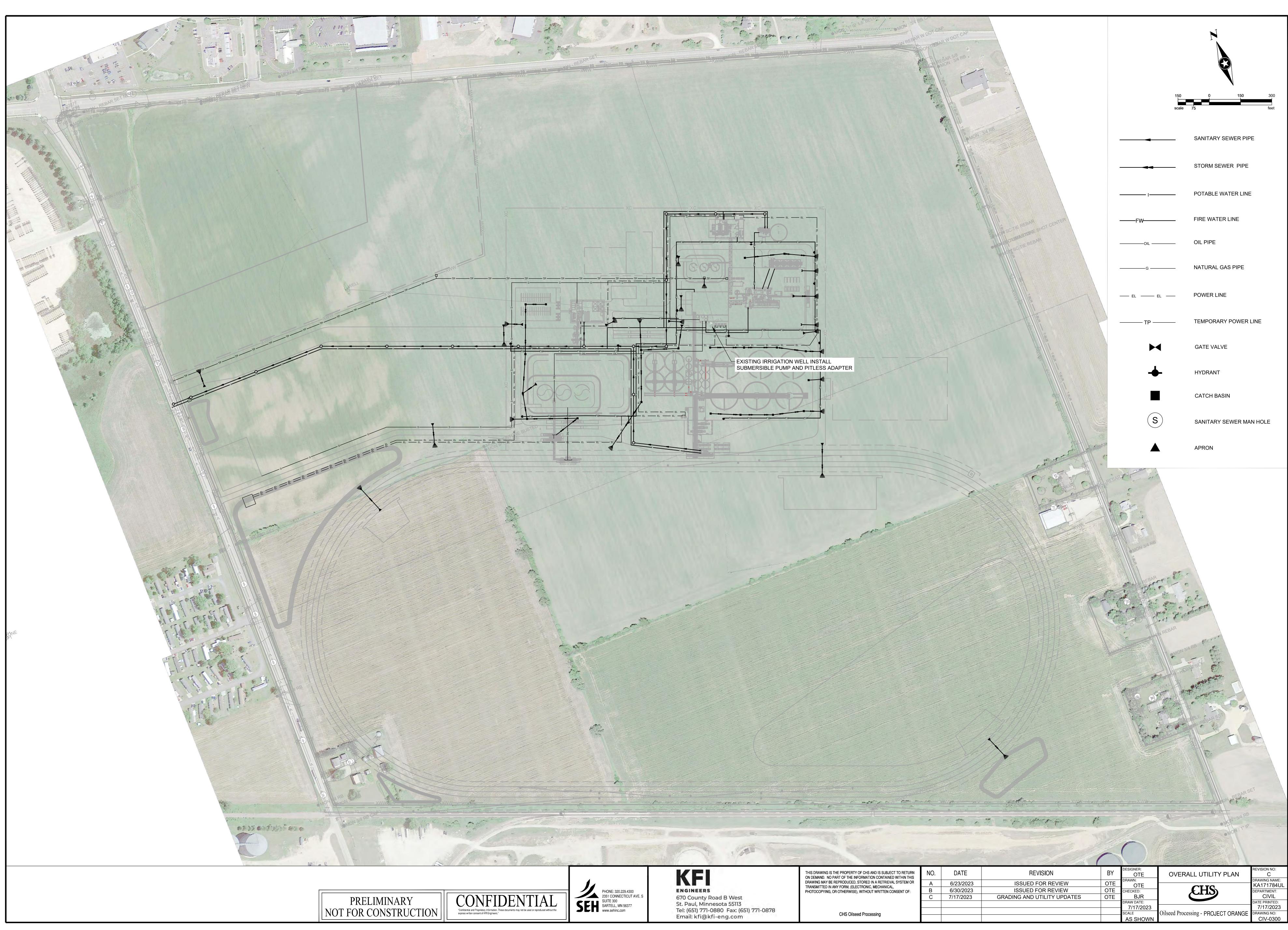
ARKING LOT DIMENSIONS ARE 215'-0" X 158'-0" WITH 60 SPACES AND 4 ADA SPACES.

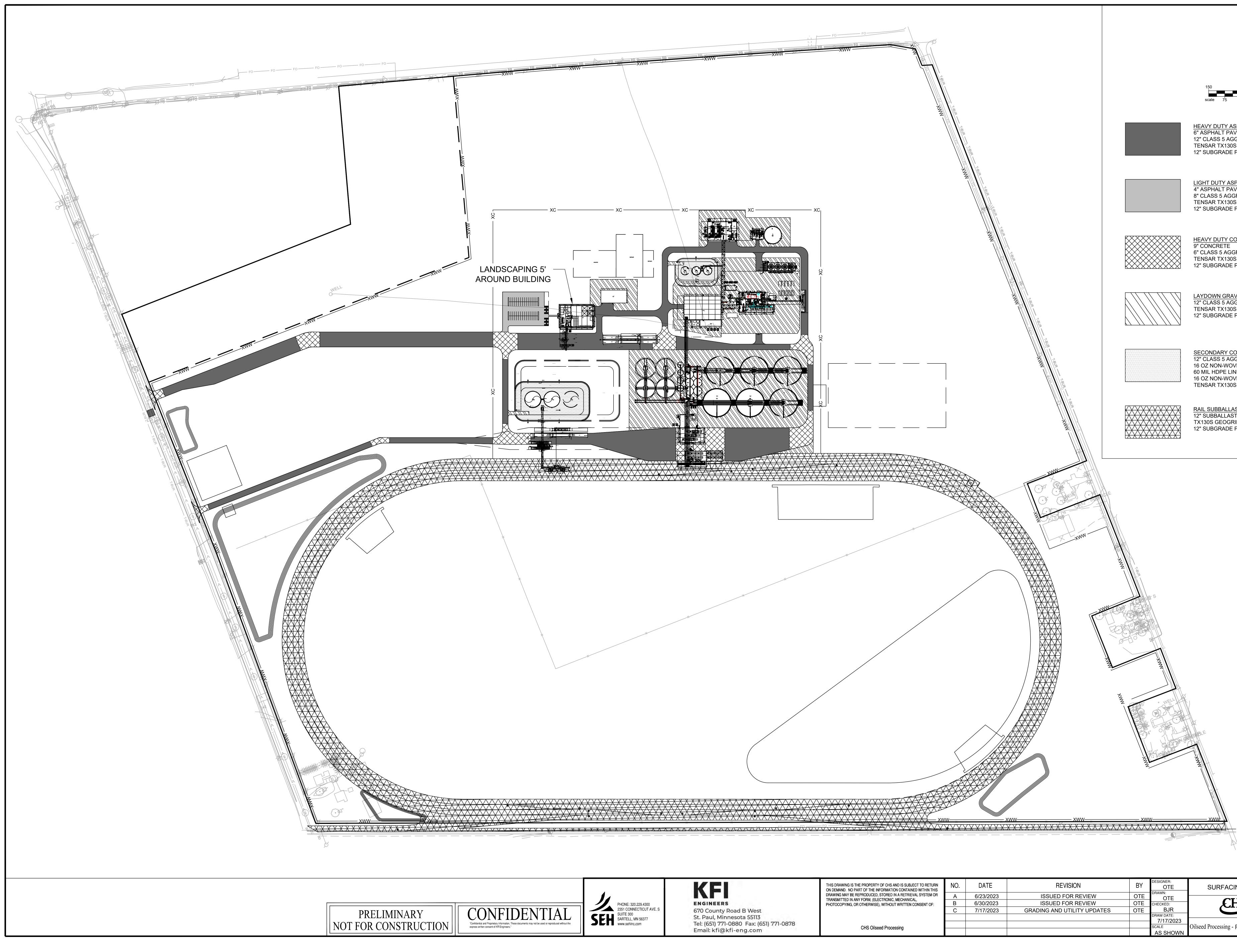


THIS DRAWING IS THE PROPERTY OF CHS AND IS SUBJECT TO RETURN ON DEMAND. NO PART OF THE INFORMATION CONTAINED WITHIN THIS	NO.	DATE	REVISION	BY	DESIGNER: OTE	
DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM (FLECTRONIC, MECHANICAL	А	5/25/2023	ISSUED FOR REVIEW	MJW		
TRANSMITTED IN ANY FORM, (ELECTRONIC, MECHANICAL, PHOTOCOPYING, OR OTHERWISE), WITHOUT WRITTEN CONSENT OF:	В	6/1/2023	UPDATED SITE PLAN AND DRAINAGE PLAN	MJW	CHECKED:	
	С	6/13/2023	ROUGH POND SIZING	MJW	BJR	
	D	6/23/2023	ISSUED FOR REVIEW	OTE	DRAW DATE: 7/17/2023	
CHS Oilseed Processing	Е	6/30/2023	ISSUED FOR REVIEW	OTE	SCALE	Oi
Chiseed Flocessing	F	7/17/2023	GRADING AND UTILITY UPDATES	OTE	AS SHOWN	



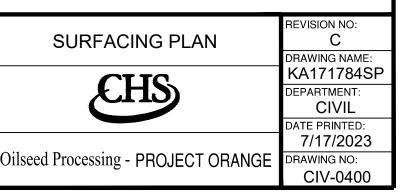
OVERALL GRADING PLAN	REVISION NO: F		
	DRAWING NAME:		
CITC	KA171784GP DEPARTMENT: CIVIL		
EHS			
	DATE PRINTED:		
ilseed Processing - PROJECT ORANGE	7/17/2023		
	DRAWING NO:		
č	CIV-0200		

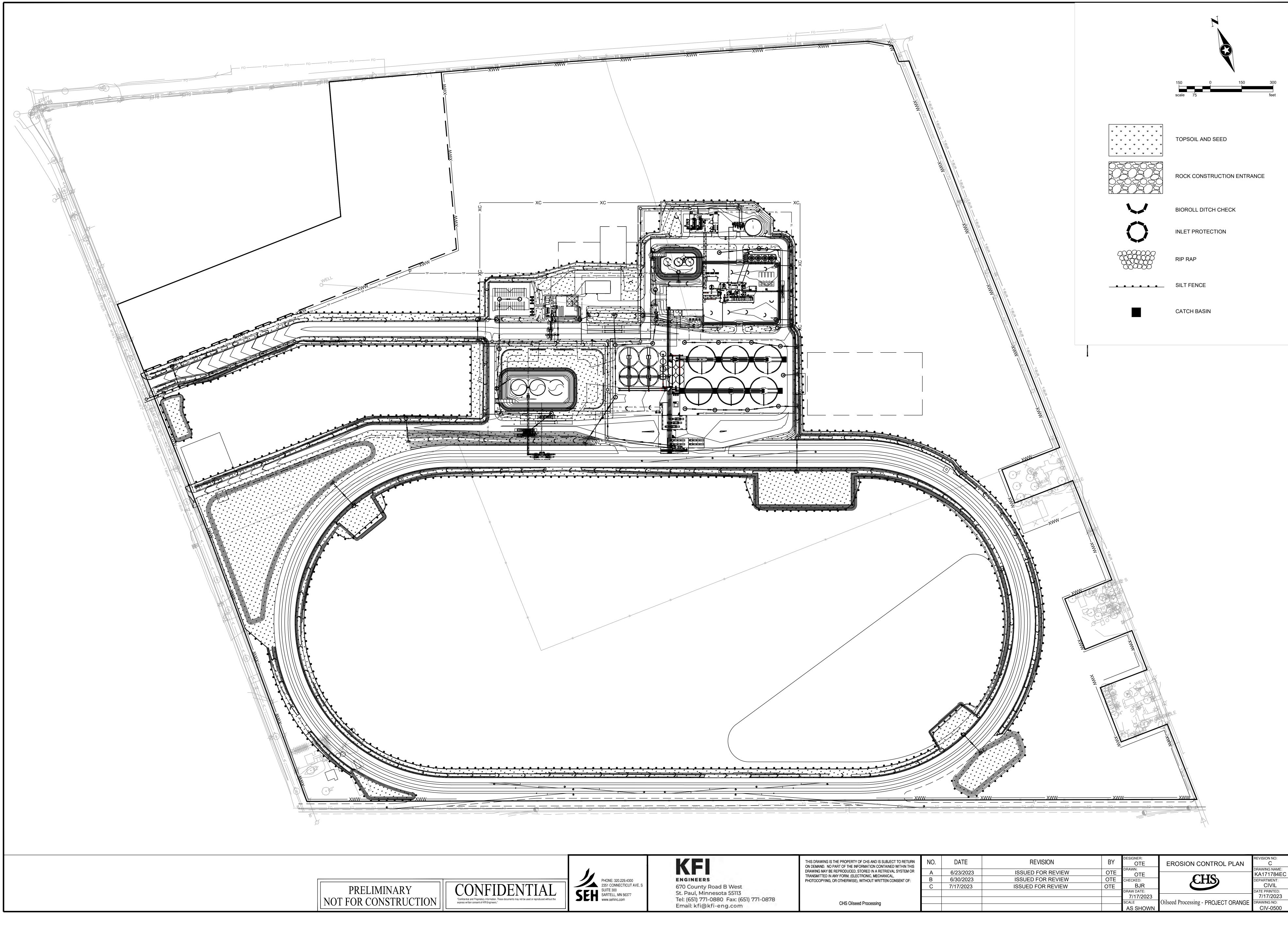




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	TRANSMITTED IN ANY FORM, (ELECTRONIC, MECHANICAL, PHOTOCOPYING, OR OTHERWISE), WITHOUT WRITTEN CONSENT OF:	В	6/30/2023	ISSUED FOR REVIEW	OTE	CHECKED:	
		С	7/17/2023	GRADING AND UTILITY UPDATES	OTE	BJR	
						DRAW DATE:	<u> </u>
8						7/17/2023	
0	CHS Oilseed Processing					SCALE	Oils
	•					AS SHOWN	

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	150 300
scale 75	feet
<u>HEAVY DUTY ASPHALT</u> 6" ASPHALT PAVEMENT, PO 12" CLASS 5 AGGREGATE E TENSAR TX130S GEOGRID 12" SUBGRADE PREP	BASE
LIGHT DUTY ASPHALT 4" ASPHALT PAVEMENT, PO 8" CLASS 5 AGGREGATE BA TENSAR TX130S GEOGRID 12" SUBGRADE PREP	ASE
HEAVY DUTY CONCRETE 9" CONCRETE 6" CLASS 5 AGGREGATE B/ TENSAR TX130S GEOGRID 12" SUBGRADE PREP	
<u>LAYDOWN GRAVEL</u> 12" CLASS 5 AGGREGATE E TENSAR TX130S GEOGRID 12" SUBGRADE PREP	
SECONDARY CONTAINMEN 12" CLASS 5 AGGREGATE E 16 OZ NON-WOVEN GEOTE 60 MIL HDPE LINER 16 OZ NON-WOVEN GEOTE TENSAR TX130S GEOGRID	BASE XTILE FACRIC
RAIL SUBBALLAST SECTION 12" SUBBALLAST TX130S GEOGRID 12" SUBGRADE PREP	N
The XMMM	





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	DRAWING MAY BE REPRODUCED, STORED IN A RETRIEVAL SYSTEM OR TRANSMITTED IN ANY FORM (FLECTRONIC MECHANICAL	А	6/23/2023	ISSUED FOR REVIEW	OTE	DRAWN: OTE	
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		С	7/17/2023	ISSUED FOR REVIEW	OTE	BJR	
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78	CHS Oilseed Processing						Oil
	Chio Chiseed Flücessing					AS SHOWN	

N	
	300
scale 7 ['] 5	feet
TOPSOIL AND SEED	
ROCK CONSTRUCTION ENTRANCE	
BIOROLL DITCH CHECK	
INLET PROTECTION	
RIP RAP	
SILT FENCE	
CATCH BASIN	

TECHNICAL MEMO



Date:	7/5/2023
Project:	CHS Project Orange
KFI Project Number:	22-0216
Submitted by:	REB
Subject:	Site Plan Application Exhibit: List of Codes and Standards <i>Evansville, WI</i>

CHS Project Orange shall adhere to the Codes and Standards established by the following list of agencies. The following list is not meant to be all-inclusive, but representative of the typical codes and standards for this type of facility:

- 1. American Society of Mechanical Engineers (ASME)
 - a. B31.3 Process Piping
 - b. B36.10 Welded and Seamless Wrought Steel Pipe
 - c. B36.19 Stainless Steel Pipe
 - d. STS-1 Steel Stacks
 - e. Boiler and Pressure Vessel Codes
- 2. National Fire Protection Agency (NFPA)
 - a. NFPA 36 Standard for Solvent Extraction Plants
 - b. NFPA 70 National Electrical Code
 - c. NFPA 72 Fire Alarms
- 3. International Building Code (IBC)
- 4. Industrial Duct Construction Standards Metal and Flexible Ducts (SMACNA)
- 5. Underwriters Laboratories (UL)
- 6. American Welding Society (AWS)
 - a. D1.1 Structural Welding Code Steel
- 7. American Society for Testing Material (ASTM)
- 8. American National Standards Institute (ANSI)
- 9. American Water Works Association (AWWA) Standards and Manuals of Practice
- 10. American Petroleum Institute (API)
 - a. Std 650 Welded Tanks for Oil Storage
- 11. Manufacturers Standardization Society (MSS) Standard Practices
- 12. Occupational Safety and Health Administration Standards (OSHA)
- 13. Gas Utility Company Requirements
- 14. Institute of Electrical and Electronics Engineers (IEEE)
 - a. IEEE 519 Harmonic Control
 - b. IEEE 1584 Arc-Flash Calculations
- 15. American Institute of Steel Construction (AISC)
- 16. American Society of Civil Engineers (ASCE)
- 17. State of Wisconsin regulatory requirements
 - a. Wisconsin Department of Natural Resources (DNR)

200	N/A	HIGHEST STACK
50	175,000	FLAT STORAGE
40	30,000	WASTE WATER TREATMENT
25	500	TRUCK OIL LOADOUT
80	7,500	TRUCK LOADOUT
30	7,500	TRUCK RECEIVING
20	2,500	FIRE PUMP
25	7,500	COLD STORAGE
30	25,000	OFFICE / MAINTENANCE
40	12,000	DEGUMMING
40	30,000	UTILITIES
150	100,000	REFINERY
120	65,000	EXTRACTION
105	110,000	PREPARATION
HEIGHT (FT)	FLOOR AREA (SF)	BUILDING
HEIGHTS	AND BUILDING	FLOOR AREA AND BUILDING HEIGHTS

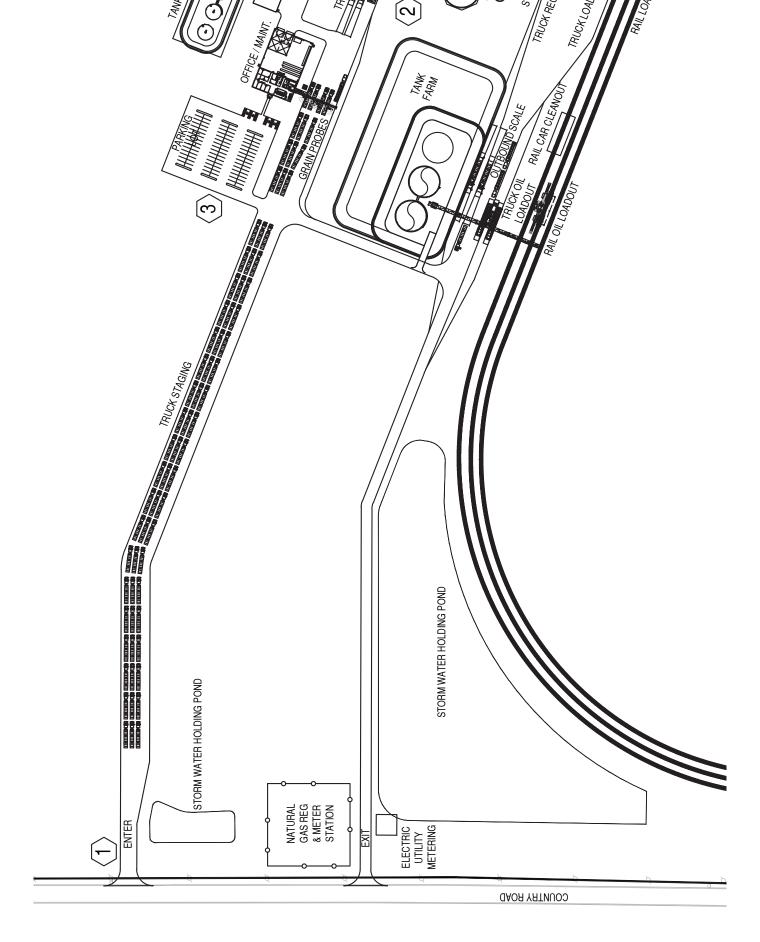
SURFACE AREAS	REAS
AREA	FOOTAGE (SF)
PROPOSED LOT AREA	13,8000,000
IMPERVIOUS SURFACE AREA	1,500,000
TOTAL FLOOR AREA RATIO: 4.2%	
IMPERVIOUS SURFACE RATIO: 10.9%	
LANDSCAPE SURFACE RATIO: 89.1%	

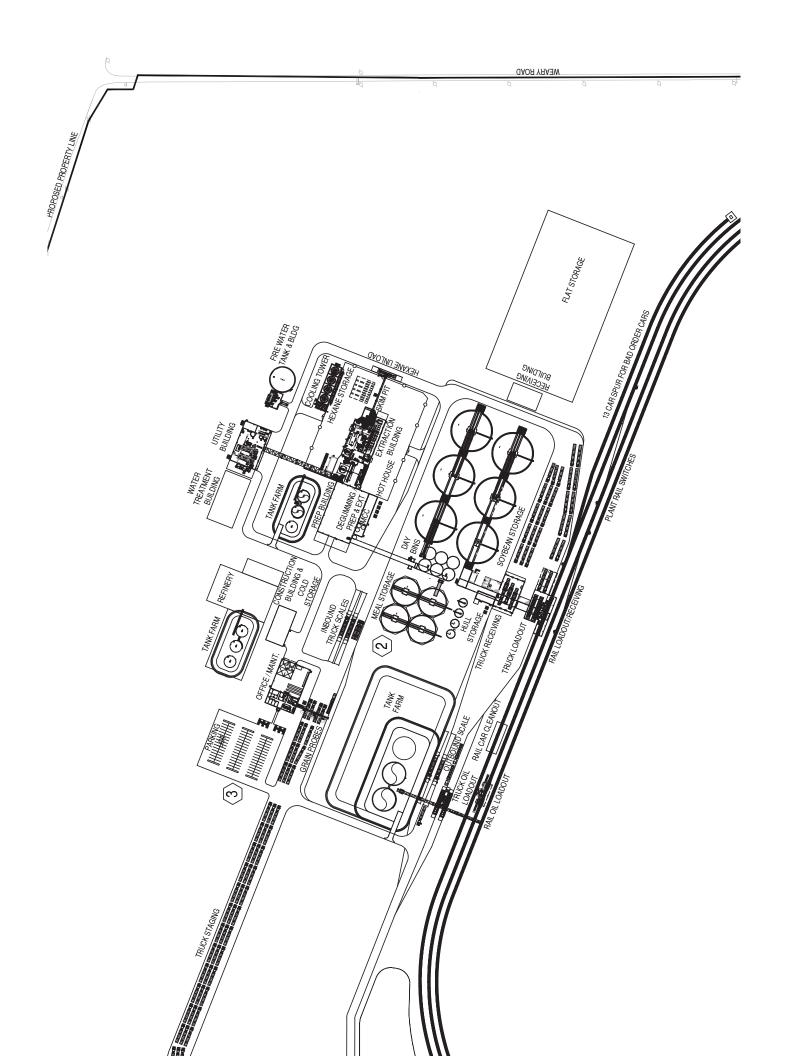
GENERAL NOTES:

(1) EXTERIOR LIGHTING DETAILS TO BE DETERMINED. ALL EXTERIOR DOORWAYS SHALL INCLUDE WALL PACK LIGHT. GENERAL PLANT LIGHT LEVEL ASSUMED TO BE 2 FOOT CANDLES. PLANT SHALL BE DESIGNED TO MEET CITY REQUIREMENTS REGARDING DARK SKY COMPLIANCE.

KEYED NOTES:

- TYPE AND LIGHTING TO BE DETERMINED.
- (2) PROPOSED CHS LOGO ON TOP OF MEAL STORAGE. DIMENSIONS, TYPE AND LIGHTING TO BE DETERMINED.
- (3) PARKING LOT DIMENSIONS ARE 215'-0" X 158'-0" WITH 60 SPACES AND 4 ADA SPACES.







MEMORANDUM

TO:	Ross Baker, Senior Mechanical Engineer
	KFI Engineers

FROM: Josh Woller, PE (Lic. WI, IL, IN)

DATE: July 13, 2023

RE: Project Orange Traffic Study SEH No. 171784 14.00

KFI Engineers is developing plans for a processing plant located in the SE portion of the City of Evansville, WI. The site is located on CTH M, South of USH 14. The main purpose of the site is to serve as a processing center. Currently, site preparation work is anticipated to begin in 2024, and it is anticipated the agricultural processing plant will be fully operational by mid-2026.

Due to the anticipated increase in both passenger car and heavy truck traffic a traffic study has been conducted to review existing and proposed traffic operations. The traffic study includes data collection, evaluation of existing traffic operations, and evaluation of build traffic (operations) with the addition of the proposed site and access points.

The site is proposed to have two access points on CTH M north of Gunter Drive. The northern driveway will serve as a site entrance and the southern driveway will serve as a site exit.

See Figure 1 for a Project Location Map and Proposed Site Plan.

Study Area / Data Collection

In general, the overall study area includes USH 14, CTH M, and Weary Road. In order to analyze traffic operations turning movement counts were collected at the two (2) intersections throughout the study area. Per typical industry procedures, SEH utilized video camera equipment to collect and process 13-hour turning movement count data on Thursday, April 6, 2023, and Thursday, April 13, 2023, at the study intersections:

- 1. USH 14 & CTH M (Traffic Signal)
- 2. USH 14 & Weary Road (Two-way Stop Control)

The AM and PM peak hours varied slightly between intersections, but in general 7:00-8:00 AM and 3:45-4:45 PM captures the peak periods. Due to the PM peak hour traffic counts being higher the analysis in this memo focuses on the PM peak. See Figure 2 – Existing Traffic Counts for a summary of the traffic counts as well as a location of each count.

Evaluation of Existing Conditions

The study area intersections were analyzed using procedures set forth in the *Highway Capacity Manual* 6th *Edition (HCM)*. The *Highway Capacity Manual* is published by the Transportation Research Board and is the accepted procedure for analyzing intersection operations. Level of service (LOS) is the metric by

Engineers | Architects | Planners | Scientists

Project Orange Traffic Study July 13, 2023 Page 2

which roadway operations are defined based on the delay/congestion experienced by users of the facility. LOS ranges from LOS A, little to no delay/congestion, to LOS F, significant delay/congestion. Generally, a LOS D or better indicates acceptable operating conditions during a peak hour. Descriptions of the various levels of service are as follows:

- LOS A is the highest level of service that can be achieved. Under this condition, intersection approaches appear quite open, turning movements are easily made, and nearly all drivers find freedom of operation. At signalized and unsignalized intersections, average delays are less than 10 seconds.
- LOS B represents stable operation. At signalized intersections, average vehicle delays are 10 to 20 seconds. At unsignalized intersections, average delays are 10 to 15 seconds.
- LOS C still represents stable operation, but periodic backups of a few vehicles may develop behind turning vehicles. Most drivers begin to feel restricted, but not objectionably so. At signalized intersections, average vehicle delays are 20 to 35 seconds. At unsignalized intersections, average delays are 15 to 25 seconds.
- LOS D represents increasing traffic restrictions as the intersection approaches instability. Delays to approaching vehicles may be substantial during short peaks within the peak period, but periodic clearance of long lines occurs, thus preventing excessive backups. At signalized intersections, average vehicle delays are 35 to 55 seconds. At unsignalized intersections, average delays are 25 to 35 seconds.
- LOS E represents the capacity of the intersection. At signalized intersections, average vehicle delays are 55 to 80 seconds. At unsignalized intersections, average delays are 35 to 50 seconds.
- LOS F represents jammed conditions where the intersection is over capacity and acceptable gaps for unsignalized intersections in the mainline traffic flow are minimal. At signalized intersections, average vehicle delays exceed 80 seconds. At unsignalized intersections, average delays exceed 50 seconds.

The existing traffic operations capacity analysis is based on the existing geometrics, turning movement counts, and the existing traffic control. Table 1 summarizes the weekday AM and PM peak hour traffic operating conditions for the existing traffic. All intersection movements currently operate at LOS C or better, and overall, all intersections operate at LOS B or better. Synchro / HCM outputs are included in Attachment A.

It should be noted that the EB bypass lane at Weary Road was modeled as a short-left turn lane to best imitate actual operations.

						Level of S	Service (E)elay sec/veh)			
Intersection	Traffic Control	Peak Hour	Eastbound		v	Vestbound	N	orthbound	S	outhbound	Overall
			Left Thru Right		Left Thru Right		Left Thru Right		Left Thru Right		Intersection
Node 6: USH 14 & CTH M	Traffic Signal Control	PM	A (9.2)	A (6.8)	B (13.1)	B (16.2)	C (20.7)	B (18.4)	C (20.5)	B (18.8)	B (13.8)
Node 3: USH 14 & Weary Road	Two- way Stop Control	PM	A (8.1)	A (0.0)	A (8.4)	A (0.0)		B (14.4)		C (16.5)	A (0.8)

Table 1Existing Conditions LOS, by Movement

Project Orange Traffic Study July 13, 2023 Page 3

Site Traffic Forecasting

To address any potential future traffic impacts at the study area intersections, it is necessary to identify the hourly volume of traffic generated by the anticipated development. The traffic volumes expected to be generated are based on the size and type of the proposed use. Due to the uniqueness of the site, the anticipated number of trips and shift information was provided by KFI Engineers based on the operations of similar facilities.

Trip Generation

In order to examine a worst-case scenario analysis maximum anticipated peaks from the development were added to the existing peak periods. As noted, expected peak hour trips were provided by KFI Engineers. See Figure 3 for a summary of trips.

For final build operations a typical week, the development is anticipated to generate 3,036 truck per week with 95% of these trucks operating between Monday and Friday. Furthermore 95% of those trips are expected to occur over a 12-hour period with those trips being evenly distributed over that time. The remaining 5% of trips will occur during off-peak times. During a typical weekday hour, the development is anticipated to generate 90 truck trips (45 entering / 45 exiting).

Employee counts at the facility are expected to be minimal and the proposed shift changes at 6:00 AM and 6:00 PM do not align with the current roadway peak hours. For the purpose of this study, it is assumed that 40 employees (20 entering / 20 exiting) will be generated at shift changes, but since they are outside of the existing roadway peaks they were not included in the analysis.

Mode Split

The development area currently has no pedestrian accommodations and is in a rural area. Given this, no reduction in the number of vehicle trips to include walking and bicycle trips was applied.

Linked and Pass-by Trip Traffic

Due to the development type no reductions were applied for Linked Trips or Pass-by Trips.

Trip Distribution

Trip distribution was based on the existing traffic patterns, the proposed land use, and the location of population centers, as well as site access. Trips were assigned to the study area roadways in accordance with the following trip distribution:

- 33.3% to/from east on USH 14
- 33.3% to/from west on USH 14
- 33.3% to/from south on CTH M

Trip Assignment

Traffic generated by Project Orange was assigned to the existing roadway system based on the trip generation and distribution above for each access alternative that was discussed above. New development trips were assigned and reflect the above directional distributions. The new development trips are shown in Figure 3. The existing traffic volumes and site generated traffic were added together to generate the build total traffic volumes, which are included in Figure 4.

Build Conditions

The total build traffic (including Project Orange generated traffic) PM peak hour operating conditions based on the existing transportation system are summarized in Tables 2 below. The total traffic analysis was completed using existing intersection configurations and traffic control.

Project Orange Traffic Study July 13, 2023 Page 4

As can be seen in Table 2, under normal typical weekday operating conditions, access alternative 1, all intersection movements continue to operate at LOS C or better. Overall, all intersections continue to operate at LOS B.

r			. <u>g</u>		- (Alternative	.,	, 				
							Level of S	Service (E	Delay sec/vel	า)			
Intersection	Traffic Control	Peak Hour	Eastbound			v	Vestbound	N	orthbound		So	outhbound	Overall
			Left	Thru	Right	Left	Thru Right	Left	Thru Ri	ght	Left	Thru Right	Intersection
Node 6: USH 14 & CTH M	Traffic Signal Control	PM	A (9.6)	(A 7.3)	B (13.9)	B (16.8)	C (20.8)	B (18.4)		C (20.7)	B (18.2)	B (14.2)
Node 3: USH 14 & Weary Road	Two- way Stop Control	PM	A A A A B (8.1) (0.0) (8.5) (0.0) (14.8)				C (17.2)	A (0.7)					
Node 9: CTH M & Project Orange West Driveway (Exit)	Two- way Stop Control	PM					B (10.9)		A (0.0)		A (0.0)	A (0.0)	A (1.4)
Node 10: CTH M & Project Orange West Driveway (Entrance)	Two- way Stop Control	PM					A (0.0)	A (0.0)		A (7.6)	A (0.0)	A (0.6)	

 Table 2

 Existing Conditions (Build Traffic – Alternative 1) LOS, by Movement

Conclusion

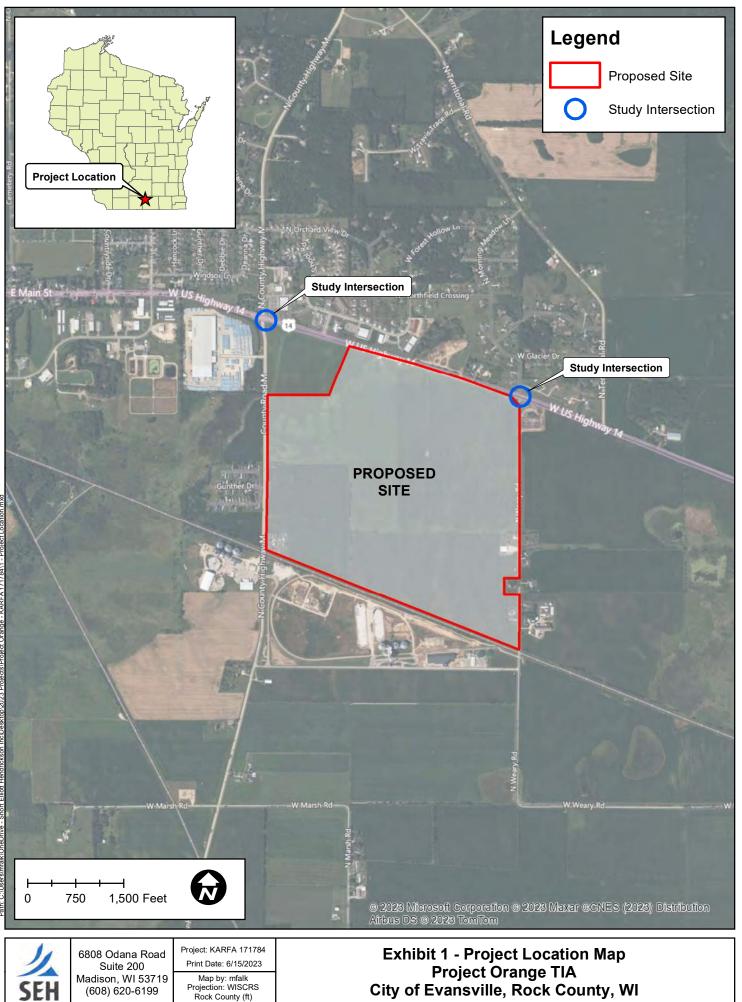
Final Operations

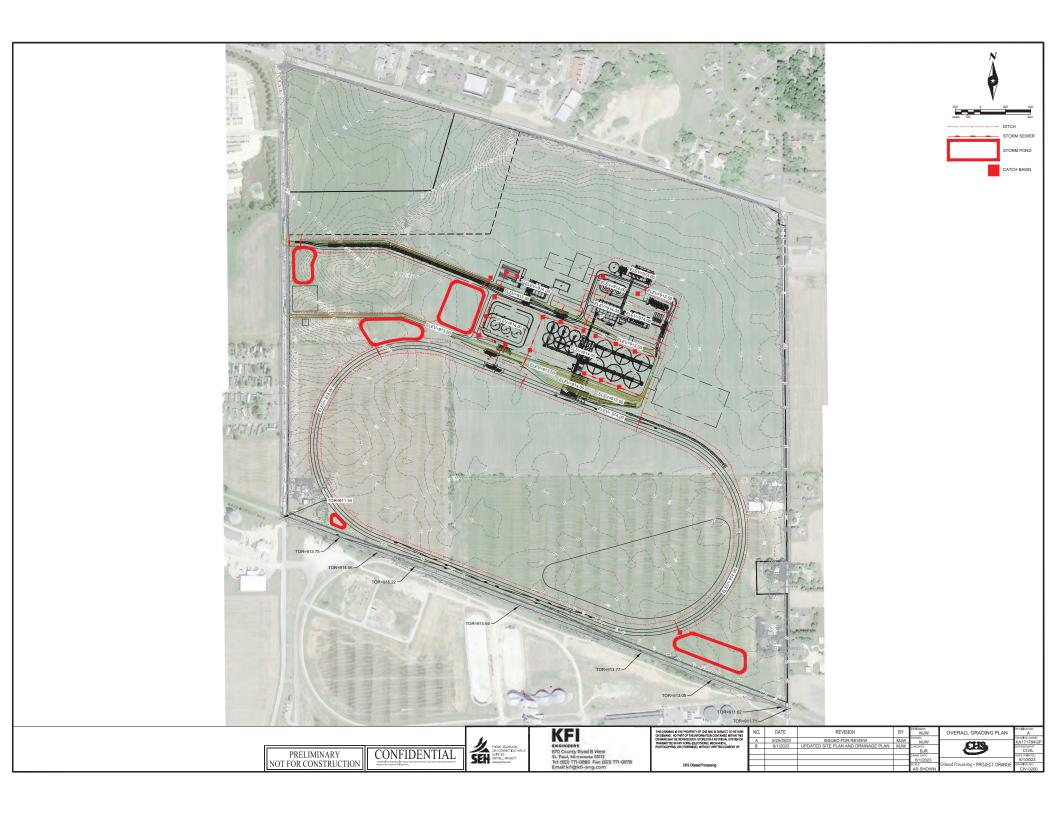
Based on the current site plan layout and build operations all study intersections will continue to operate with acceptable LOS with the addition of Project Orange traffic with no additional roadway improvements needed.

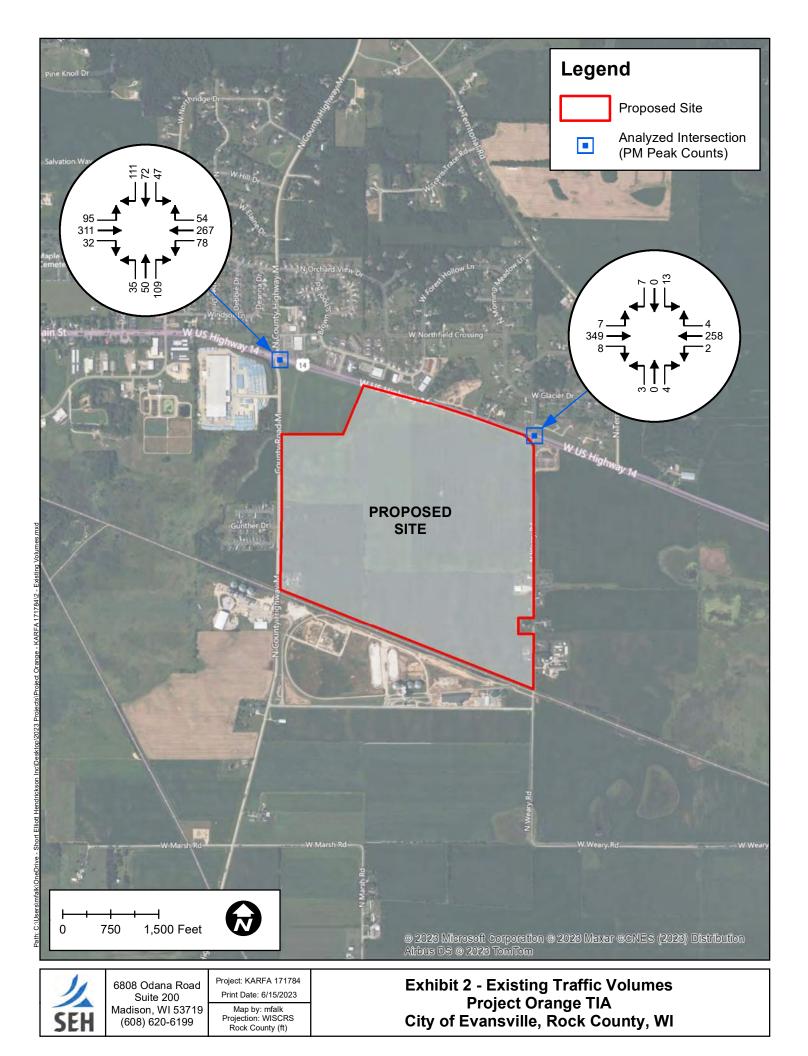
jmw

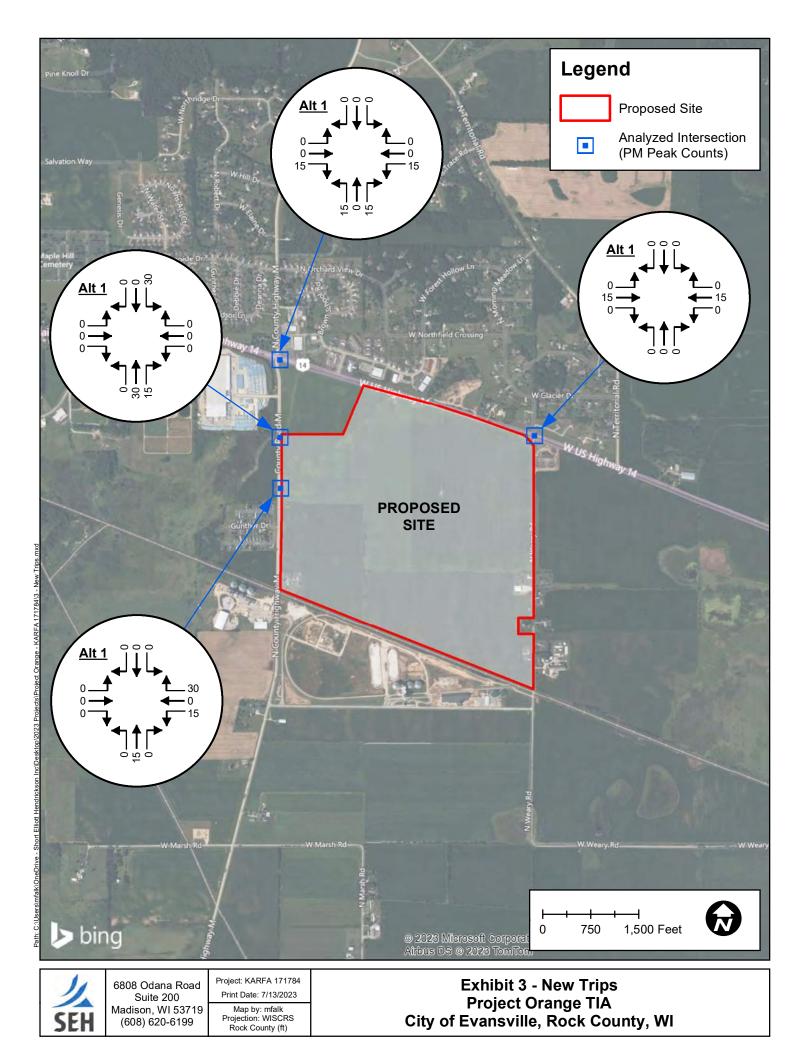
Figure 1 – Project Location Map / Site Plan Figure 2 – Existing Traffic Counts Figure 3 – New Trips Figure 4 – Build Traffic Attachment A – Synchro Operational Outputs

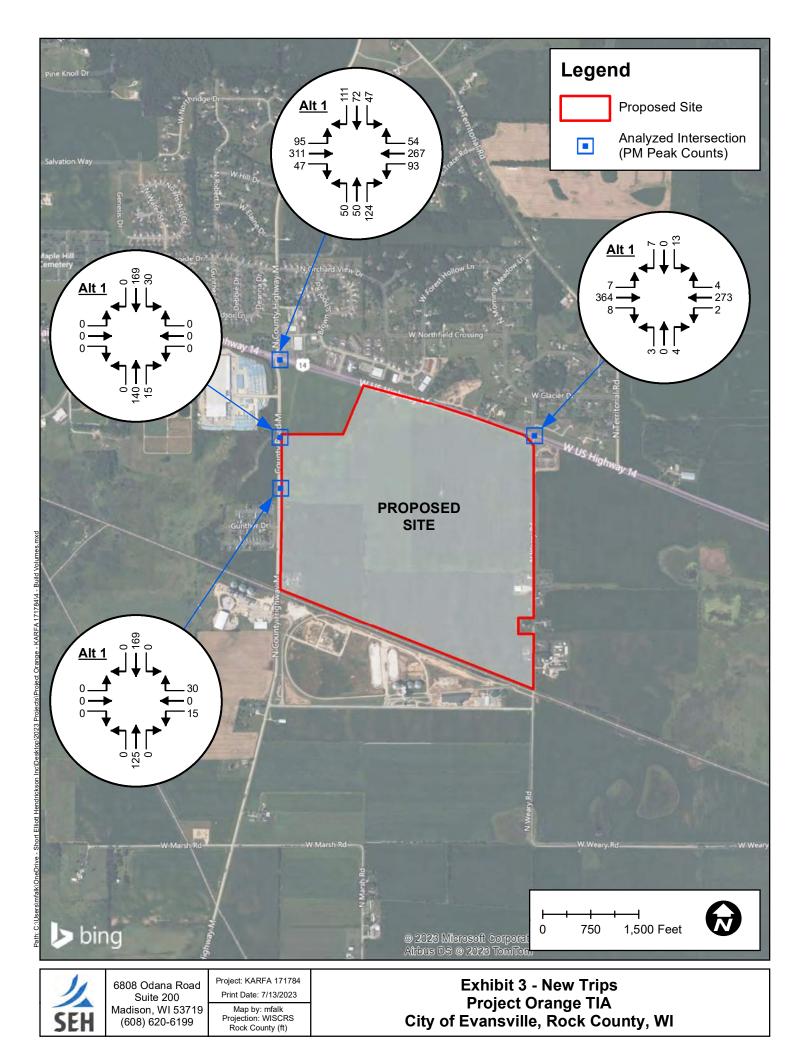
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ATTACHMENT A - SYNCHRO OPERATIONAL OUTPUTS

0.8

Intersection

Int Delay, s/veh

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations	5	1	LDIX	TIDE .	<u>اور ا</u>	1	NDL	4	HBR	ODL	4	ODIN	
Traffic Vol, veh/h	7	349	8	2	258	4	3	0	4	13	0	7	
Future Vol, veh/h	7	349	8	2	258	4	3	0	4	13	0	7	
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0	
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop	
RT Channelized	-	-	None	-	-	None	-	-	None	-	-	None	
Storage Length	100	-	-	-	-	100	-	-	-	-	-	-	
Veh in Median Storage,	# -	0	-	-	0	-	-	0	-	-	0	-	
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-	
Peak Hour Factor	74	74	74	74	74	74	74	74	74	74	74	74	
Heavy Vehicles, %	5	5	5	6	6	6	0	0	0	7	7	7	
Mvmt Flow	9	472	11	3	349	5	4	0	5	18	0	9	

Major/Minor	Major1		1	Major2			Vinor1			Minor2		
Conflicting Flow All	354	0	0	483	0	0	858	856	478	853	856	
Stage 1	-	-	-	-	-	-	496	496	-	355	355	
Stage 2	-	-	-	-	-	-	362	360	-	498	501	
Critical Hdwy	4.15	-	-	4.16	-	-	7.1	6.5	6.2	7.17	6.57	6.2
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.17	5.57	
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.17	5.57	-
Follow-up Hdwy	2.245	-	-	2.254	-	-	3.5	4	3.3	3.563	4.063	3.363
Pot Cap-1 Maneuver	1188	-	-	1059	-	-	279	297	591	274	290	683
Stage 1	-	-	-	-	-	-	559	549	-	652	621	-
Stage 2	-	-	-	-	-	-	661	630	-	545	534	-
Platoon blocked, %		-	-		-	-						
Mov Cap-1 Maneuver	1188	-	-	1059	-	-	273	293	591	269	287	683
Mov Cap-2 Maneuver	-	-	-	-	-	-	273	293	-	269	287	-
Stage 1	-	-	-	-	-	-	555	545	-	647	619	-
Stage 2	-	-	-	-	-	-	649	627	-	536	530	-
Ŭ												
Approach	EB			WB			NB			SB		
HCM Control Delay, s	0.2			0.1			14.4			16.5		
HCM LOS	0.2			0.1			В			C		
							2			0		
Minor Lane/Major Mvn	nt N	VBLn1	EBL	EBT	EBR	WBL	WBT	WBR	SBLn1			
Capacity (veh/h)		394	1188	-	-	1059	-	-	341			
HCM Lane V/C Ratio		0.024	0.008	-	-	0.003	-	-	0.079			
		4 4 4	0.1			0.4	0		4/ 5			

HCM Control Delay (s)	14.4	8.1	-	-	8.4	0	-	16.5	
HCM Lane LOS	В	А	-	-	Α	А	-	С	
HCM 95th %tile Q(veh)	0.1	0	-	-	0	-	-	0.3	

HCM 6th Signalized Intersection Summary 6: CTH M & USH 14

05/04/2023

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	<u>۲</u>	eî 👘		<u>۲</u>	ef 👘		<u>۲</u>	ef 👘		ሻ	eî 👘	
Traffic Volume (veh/h)	95	311	32	78	267	54	35	50	109	47	72	111
Future Volume (veh/h)	95	311	32	78	267	54	35	50	109	47	72	111
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1856	1856	1856	1841	1841	1841	1796	1796	1796	1885	1885	1885
Adj Flow Rate, veh/h	109	357	37	90	307	62	40	57	125	54	83	128
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
Percent Heavy Veh, %	3	3	3	4	4	4	7	7	7	1	1	1
Cap, veh/h	471	895	93	447	457	92	261	106	234	283	142	219
Arrive On Green	0.11	0.54	0.54	0.31	0.31	0.31	0.21	0.21	0.21	0.21	0.21	0.21
Sat Flow, veh/h	1767	1653	171	974	1486	300	1124	501	1098	1211	669	1031
Grp Volume(v), veh/h	109	0	394	90	0	369	40	0	182	54	0	211
Grp Sat Flow(s),veh/h/ln	1767	0	1825	974	0	1787	1124	0	1599	1211	0	1700
Q Serve(g_s), s	1.7	0.0	6.2	3.4	0.0	8.8	1.6	0.0	4.9	2.0	0.0	5.4
Cycle Q Clear(g_c), s	1.7	0.0	6.2	3.4	0.0	8.8	7.1	0.0	4.9	7.0	0.0	5.4
Prop In Lane	1.00	0	0.09	1.00	0	0.17	1.00	0	0.69	1.00	0	0.61
Lane Grp Cap(c), veh/h	471	0	988	447	0	549	261	0	340	283	0	361
V/C Ratio(X)	0.23	0.00	0.40	0.20	0.00	0.67	0.15	0.00	0.54	0.19	0.00	0.58
Avail Cap(c_a), veh/h	1000	0	1683	1047	0	1648	829	0	1147	894	0	1220
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00 1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00 8.9	0.00 0.0	1.00 6.5	1.00 12.9	0.00 0.0	14.7	1.00 20.4	0.00 0.0	1.00 17.1	1.00 20.1	0.00 0.0	1.00 17.3
Uniform Delay (d), s/veh Incr Delay (d2), s/veh	0.9	0.0	0.3	0.2	0.0	14.7	0.3	0.0	1.3	0.3	0.0	17.5
Initial Q Delay(d3), s/veh	0.2	0.0	0.3	0.2	0.0	0.0	0.3	0.0	0.0	0.3	0.0	0.0
%ile BackOfQ(50%),veh/ln	0.0	0.0	1.7	0.0	0.0	3.2	0.0	0.0	1.7	0.0	0.0	2.0
Unsig. Movement Delay, s/veh		0.0	1.7	0.7	0.0	J.Z	0.4	0.0	1.7	0.5	0.0	2.0
LnGrp Delay(d),s/veh	9.2	0.0	6.8	13.1	0.0	16.2	20.7	0.0	18.4	20.5	0.0	18.8
LIGIP Delay(d), siven	A	A	A	B	A	B	20.7 C	A O.U	но.4 В	20.3 C	A	B
Approach Vol, veh/h	<u></u>	503	<u></u>	D	459	<u> </u>	0	222	D	0	265	
Approach Delay, s/veh		7.3			15.6			18.8			19.1	
Approach LOS		A			B			B			B	
					U						D	
Timer - Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	11.4	21.0		16.4		32.4		16.4				
Change Period (Y+Rc), s	6.0	6.0		6.0		6.0		6.0				
Max Green Setting (Gmax), s	20.0	45.0		35.0		45.0		35.0				
Max Q Clear Time (g_c+I1), s	3.7	10.8		9.0		8.2		9.1				
Green Ext Time (p_c), s	0.2	3.0		1.4		2.7		1.2				
Intersection Summary												
HCM 6th Ctrl Delay			13.8									
HCM 6th LOS			В									

0.7

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I	nt	$\cap r$	CC	NCT.	inn
I			35		ion

Int Delay, s/veh

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	۲.	4			સં	1		4			4	-
Traffic Vol, veh/h	7	364	8	2	273	4	3	0	4	13	0	7
Future Vol, veh/h	7	364	8	2	273	4	3	0	4	13	0	7
Conflicting Peds, #/hr	0	0	0	0	0	0	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Free	Free	Stop	Stop	Stop	Stop	Stop	Stop
RT Channelized	-	-	None									
Storage Length	100	-	-	-	-	100	-	-	-	-	-	-
Veh in Median Storage,	# -	0	-	-	0	-	-	0	-	-	0	-
Grade, %	-	0	-	-	0	-	-	0	-	-	0	-
Peak Hour Factor	74	74	74	74	74	74	74	74	74	74	74	74
Heavy Vehicles, %	5	5	5	6	6	6	0	0	0	7	7	7
Mvmt Flow	9	492	11	3	369	5	4	0	5	18	0	9

Major/Minor	Major1		ſ	Major2		ſ	Minor1		[Vinor2			
Conflicting Flow All	374	0	0	503	0	0	898	896	498	893	896	369	
Stage 1	-	-	-	-	-	-	516	516	-	375	375	-	
Stage 2	-	-	-	-	-	-	382	380	-	518	521	-	
Critical Hdwy	4.15	-	-	4.16	-	-	7.1	6.5	6.2	7.17	6.57	6.27	
Critical Hdwy Stg 1	-	-	-	-	-	-	6.1	5.5	-	6.17	5.57	-	
Critical Hdwy Stg 2	-	-	-	-	-	-	6.1	5.5	-	6.17	5.57	-	
Follow-up Hdwy	2.245	-	-	2.254	-	-	3.5	4	3.3	3.563	4.063	3.363	
Pot Cap-1 Maneuver	1168	-	-	1041	-	-	262	282	576	257	274	666	
Stage 1	-	-	-	-	-	-	546	538	-	636	608	-	
Stage 2	-	-	-	-	-	-	645	617	-	531	523	-	
Platoon blocked, %		-	-		-	-							
Mov Cap-1 Maneuver	1168	-	-	1041	-	-	256	279	576	252	271	666	
Mov Cap-2 Maneuver	-	-	-	-	-	-	256	279	-	252	271	-	
Stage 1	-	-	-	-	-	-	542	534	-	631	606	-	
Stage 2	-	-	-	-	-	-	633	615	-	522	519	-	
Approach	EB			WB			NB			SB			
HCM Control Delay, s	0.1			0.1			14.8			17.2			
HCM LOS							В			С			
Minor Lane/Major Mvn	nt	NBLn1	EBL	EBT	EBR	WBL	WBT	WBR 3	SBLn1				
Capacity (veh/h)		375	1168	-	-	1041	-	-	322				
HCM Lane V/C Ratio		0.025	0.008	-	-	0.003	-	-	0.084				
HCM Control Delay (s))	14.8	8.1	-	-	8.5	0	-	17.2				

HCM Lane LOS В С А А А ---HCM 95th %tile Q(veh) 0.1 0 0 0.3 --_ -

Project Orange - Existing Conditions (PM) Existing Conditions PM Peak - Alternative 1 10:12 am 05/02/2023 Existing Cosyditions 11 Report SEH

HCM 6th Signalized Intersection Summary 6: CTH M & USH 14

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Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	٦.	ef 👘		٦.	4		<u> </u>	ef 👘		- ሽ	4	
Traffic Volume (veh/h)	95	311	47	93	267	54	50	50	124	47	72	111
Future Volume (veh/h)	95	311	47	93	267	54	50	50	124	47	72	111
Initial Q (Qb), veh	0	0	0	0	0	0	0	0	0	0	0	0
Ped-Bike Adj(A_pbT)	1.00		1.00	1.00		1.00	1.00		1.00	1.00		1.00
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Work Zone On Approach		No			No			No			No	
Adj Sat Flow, veh/h/ln	1856	1856	1856	1841	1841	1841	1796	1796	1796	1885	1885	1885
Adj Flow Rate, veh/h	109	357	54	107	307	62	57	57	143	54	83	128
Peak Hour Factor	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87	0.87
Percent Heavy Veh, %	3	3	3	4	4	4	7	7	7	1	1	1
Cap, veh/h	460	839	127	435	449	91	275	102	257	281	151	233
Arrive On Green	0.11	0.53	0.53	0.30	0.30	0.30	0.23	0.23	0.23	0.23	0.23	0.23
Sat Flow, veh/h	1767	1575	238	959	1486	300	1124	454	1138	1192	669	1031
Grp Volume(v), veh/h	109	0	411	107	0	369	57	0	200	54	0	211
Grp Sat Flow(s),veh/h/ln	1767	0	1813	959	0	1787	1124	0	1591	1192	0	1700
Q Serve(g_s), s	1.8	0.0	6.8	4.3	0.0	9.0	2.3	0.0	5.5	2.1	0.0	5.4
Cycle Q Clear(g_c), s	1.8	0.0	6.8	4.3	0.0	9.0	7.8	0.0	5.5	7.6	0.0	5.4
Prop In Lane	1.00	0	0.13	1.00	0	0.17	1.00	0	0.71	1.00	0	0.61
Lane Grp Cap(c), veh/h	460	0	966	435	0	540	275	0	359	281	0	383
V/C Ratio(X)	0.24	0.00	0.43	0.25	0.00	0.68	0.21	0.00	0.56	0.19	0.00	0.55
Avail Cap(c_a), veh/h	978	0	1643	1015	0	1620	814	0	1122	853	0	1198
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Upstream Filter(I)	1.00	0.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00	1.00	0.00	1.00
Uniform Delay (d), s/veh	9.3	0.0	7.0	13.6	0.0	15.2	20.4	0.0	17.0	20.4	0.0	17.0
Incr Delay (d2), s/veh	0.3	0.0	0.3	0.3	0.0	1.5	0.4	0.0	1.4	0.3	0.0	1.2
Initial Q Delay(d3),s/veh	0.0 0.6	0.0	0.0	0.0	0.0 0.0	0.0	0.0	0.0	0.0	0.0 0.5	0.0	0.0
%ile BackOfQ(50%),veh/In		0.0	2.0	0.8	0.0	3.4	0.6	0.0	1.9	0.5	0.0	2.0
Unsig. Movement Delay, s/veh	9.6	0.0	7.3	13.9	0.0	16.8	20.8	0.0	18.4	20.7	0.0	18.2
LnGrp Delay(d),s/veh LnGrp LOS		0.0 A	7.5 A	13.9 B	0.0 A	10.0 B	20.8 C	0.0 A	10.4 B	20.7 C	0.0 A	10.2 B
Approach Vol, veh/h	A	520	A	D	476	D	C	257	D	C	265	D
		520 7.8			470			257 18.9			205 18.7	
Approach Delay, s/veh		•			D			D			18.7 B	
Approach LOS		A			В			В			D	
Timer - Assigned Phs	1	2		4		6		8				
Phs Duration (G+Y+Rc), s	11.4	21.0		17.2		32.4		17.2				
Change Period (Y+Rc), s	6.0	6.0		6.0		6.0		6.0				
Max Green Setting (Gmax), s	20.0	45.0		35.0		45.0		35.0				
Max Q Clear Time (g_c+I1), s	3.8	11.0		9.6		8.8		9.8				
Green Ext Time (p_c), s	0.2	3.1		1.4		2.9		1.4				
Intersection Summary												
HCM 6th Ctrl Delay			14.2									
HCM 6th LOS			В									

Project Orange - Existing Conditions (PM) Existing Conditions PM Peak - Alternative 1 10:12 am 05/02/2023 Existing Cossiditations 11 Report SEH Page 2

Intersection

Int Delay, s/veh	1.4						
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations	Y		et –			÷	
Traffic Vol, veh/h	15	30	125	0	0	169	ł
Future Vol, veh/h	15	30	125	0	0	169	ł
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	:
RT Channelized	-	None	-	None	-	None	•
Storage Length	0	-	-	-	-	-	
Veh in Median Storage	e, # 0	-	0	-	-	0	1
Grade, %	0	-	0	-	-	0	1
Peak Hour Factor	85	85	85	85	85	85	
Heavy Vehicles, %	66	66	20	20	20	20	I
Mvmt Flow	18	35	147	0	0	199	

Major/Minor	Minor1	Ν	1ajor1	Ν	/lajor2	
Conflicting Flow All	346	147	0	0	147	0
Stage 1	147	-	-	-	-	-
Stage 2	199	-	-	-	-	-
Critical Hdwy	7.06	6.86	-	-	4.3	-
Critical Hdwy Stg 1	6.06	-	-	-	-	-
Critical Hdwy Stg 2	6.06	-	-	-	-	-
Follow-up Hdwy	4.094	3.894	-	-	2.38	-
Pot Cap-1 Maneuver	540	756	-	-	1332	-
Stage 1	746	-	-	-	-	-
Stage 2	703	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver	540	756	-	-	1332	-
Mov Cap-2 Maneuver	540	-	-	-	-	-
Stage 1	746	-	-	-	-	-
Stage 2	703	-	-	-	-	-
Approach	WB		NB		SB	

Approach	WB	NR	SR	
HCM Control Delay, s	10.9	0	0	
HCM LOS	В			

Minor Lane/Major Mvmt	NBT	NBRWBLn1	SBL	SBT	
Capacity (veh/h)	-	- 667	1332	-	
HCM Lane V/C Ratio	-	- 0.079	-	-	
HCM Control Delay (s)	-	- 10.9	0	-	
HCM Lane LOS	-	- B	А	-	
HCM 95th %tile Q(veh)	-	- 0.3	0	-	

Project Orange - Existing Conditions (PM) Existing Conditions PM Peak - Alternative 1 10:12 am 05/02/2023 Existing Considerations 11 Report SEH Page 3

Intersection

Int Delay, s/veh	0.6						
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations	Y		et –			با	•
Traffic Vol, veh/h	0	0	140	15	30	169	ł
Future Vol, veh/h	0	0	140	15	30	169	ł
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	:
RT Channelized	-	None	-	None	-	None	•
Storage Length	0	-	-	-	-	-	
Veh in Median Storage	e, # 0	-	0	-	-	0	
Grade, %	0	-	0	-	-	0	I
Peak Hour Factor	92	92	92	92	92	92	
Heavy Vehicles, %	2	2	2	2	2	2	
Mvmt Flow	0	0	152	16	33	184	

Major/Minor	Minor1	Ν	lajor1	Ν	lajor2	
Conflicting Flow All	410	160	0	0	168	0
Stage 1	160	-	-	-	-	-
Stage 2	250	-	-	-	-	-
Critical Hdwy	6.42	6.22	-	-	4.12	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	-	-	2.218	-
Pot Cap-1 Maneuver	598	885	-	-	1410	-
Stage 1	869	-	-	-	-	-
Stage 2	792	-	-	-	-	-
Platoon blocked, %			-	-		-
Mov Cap-1 Maneuver		885	-	-	1410	-
Mov Cap-2 Maneuver	582	-	-	-	-	-
Stage 1	869	-	-	-	-	-
Stage 2	771	-	-	-	-	-
Approach	WB		NB		SB	

Approach	WB	NB	SB
HCM Control Delay, s	0	0	1.1
HCM LOS	А		

Minor Lane/Major Mvmt	NBT	NBRWE	3Ln1	SBL	SBT
Capacity (veh/h)	-	-	-	1410	-
HCM Lane V/C Ratio	-	-	-	0.023	-
HCM Control Delay (s)	-	-	0	7.6	0
HCM Lane LOS	-	-	Α	А	А
HCM 95th %tile Q(veh)	-	-	-	0.1	-

Project Orange - Existing Conditions (PM) Existing Conditions PM Peak - Alternative 1 10:12 am 05/02/2023 Existing Considerations 11 Report SEH Page 4

CITY OF EVANSVILLE RESOLUTION #2023-18

A Resolution for A Public Input Process and Recommendation for Amendment of the City of Evansville, WI Smart Growth Comprehensive Plan

The Plan Commission along with the Common Council of the City of Evansville, Rock County, Wisconsin, do hereby resolve as follows:

SECTION 1. The City of Evansville, Wisconsin, adopted the *City of Evansville, WI Smart Growth Comprehensive Plan* in June of 2005, and most recently updated in September of 2022 in compliance with Wisc. Stats. s 66.1001(1)(a) and 66.1001(2.)

SECTION 2. City staff, working under the direction of the Plan Commission, has prepared a proposed amendment to *City of Evansville, WI Smart Growth Comprehensive Plan*.

SECTION 3. The Plan Commission along with the Common Council will follow a process to gather public input through a public hearing conducted by the Plan Commission.

SECTION 4. The Plan Commission will conduct a public hearing in compliance with Wisc. Stats. s.66.1001(4)(d), regarding the proposed *City of Evansville*, *WI Smart Growth Comprehensive Plan* Amendment.

SECTION 5. The proposed amendment is found by city staff to be consistent with the remaining sections of the adopted *City of Evansville, WI Smart Growth Comprehensive Plan.*

SECTION 6. The proposed amendment, together with the adopted *City of Evansville, WI Smart Growth Comprehensive Plan*, contain all of the elements set forth in Wisc. Stats. 66.1001(2)

SECTION 7. The Plan Commission hereby approves a Resolution recommending that the Common Council adopt the Public Input Plan. Following a public hearing and final approval of Application CP-2023-0198, Plan Commission recommends Common Council, through an ordinance, amend the *City of Evansville, WI Smart Growth Comprehensive Plan*.

SECTION 8. The Common Council hereby approves a Resolution describing a public input process to gather public comments through a public hearing conducted by the Plan Commission and acknowledges Plan Commission's recommendation.

Passed and approved this 1st day of August, 2023.

Dianne Duggan, Mayor and Plan Commission Chair

ATTEST:

Leah Hurtley, Clerk Published X/X/2023



PLAN COMMISSION STAFF REPORT

Application: Comprehensive Plan Amendment 2023-0198

Applicant: CHS Oilseed Processing LLC

Location: 6726 County Highway M | July 21, 2023

Parcels:

6-27-958.07 (Tax ID 222 069030)

6-27-959.6 (Tax ID: 222 0730018)

6-20-219B (Tax ID: 040 04000302)

6-20-318 (Tax ID: 040 064006)

6-20-317.01 (Tax ID: 040 06400300101)

6-20-305 (Tax ID: 040 062001)

Prepared by: Colette Spranger, Community Development Director

Concurrent Applications

- Annexation 2023-0194: brings Town lands into the City
- Land Division 2023-0196: Reconfigures the six lots listed above to two lots. This site will sit on Lot 1 of that CSM.
- Rezoning 2023-0197: rezones lands in Lot 1 to I-2 Heavy Industrial
- **Comprehensive Plan Amendment 2023-0198**: Adjusts future land use map to reflect new lot boundaries and expands industrial land uses further north. Potentially will address Transportation Plan Map and its potential connections.
- Conditional Use Permit 2023-0193: allows for an Agricultural Service Use in the I-2 Heavy Industrial zoning district
- Site Plan 2023-0195: Site layout and design for buildings and infrastructure for soybean oilseed processing plant

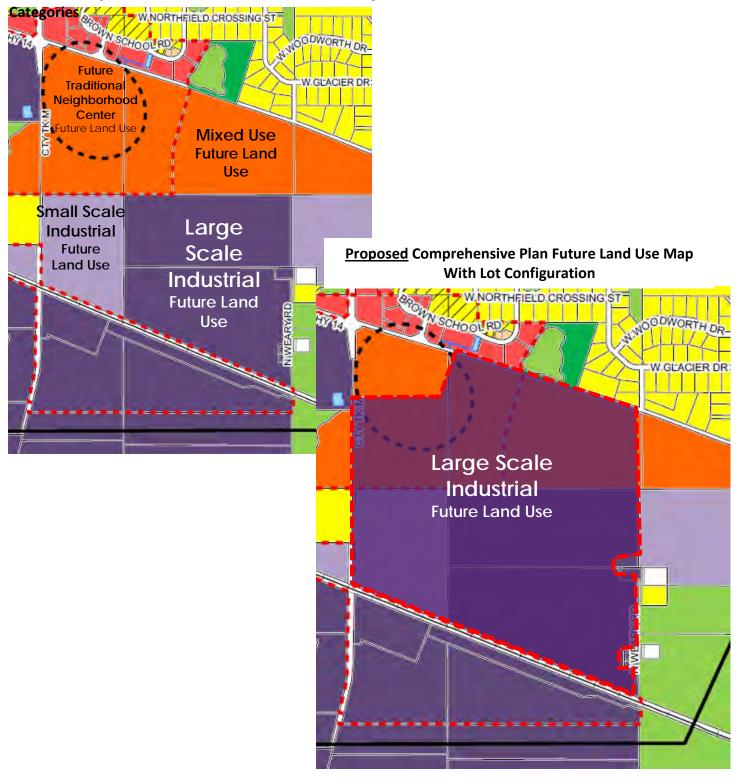
Description of request: The applicant has made an application to change the future land use designation of proposed Lot 1 from a mixture of "Small Scale Industrial" and "Mixed Use" to "Large Scale Industrial. The parcels are currently zoned for agriculture and are awaiting annexation and land division approval before a Comprehensive Plan amendment can be formalized.

Staff Analysis of Request: Development is ripe for this area of the City. This change of future land use designation will solidify plans for proposed development. The attached ordinance recommends approval of the application and includes a condition that the northernmost 20 feet of the parcel be set aside for an easement to accommodate a possible future bike/ped path and city utilities. The excerpt below is from the Comprehensive Plan and summarized the proposed mixed use future land use designation:

Staff did not receive any comments before the date of this report to share with the commission or use as a basis to modify this report or recommendation. However, it is understood some

concern is present regarding possible uses on the parcel. Plan Commission may entertain adding conditions to the motion to approve limiting types of land uses on the parcel.

Staff recommendation: Plan Commission recommends that Common Council approve Ordinance 2023-09.



Current Comprehensive Plan Future Land Use Map

CITY OF EVANSVILLE ORDINANCE 2023-09

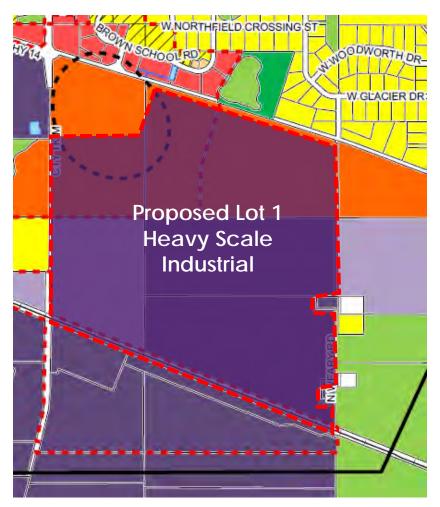
AMENDING THE FUTURE LAND USE MAP AND TRANSPORTATION PLAN MAP OF THE SMART GROWTH COMPREHENSIVE PLAN OF THE CITY OF EVANSVILLE, WISCONSIN IN RESPONSE TO COMPREHENSIVE PLAN AMENDMENT APPLICATION 2023-0198

The Common Council of the City of Evansville, Rock County, Wisconsin, do ordain as follows:

SECTION 1. The City of Evansville, Wisconsin, has adopted a comprehensive plan as defined in Sections 66.1001(1)(a) and 66.1001(2), Wis. Stats.

SECTION 2. CHS Oilseed Processing LLC has submitted applications to annex Town of Union lands and combine and adjust lot lines in the southeast of Evansville, generally located south of US Highway 14, west of Weary Road, north of the Union Pacific Railroad, and east of County Highway M.

SECTION 3. CHS Oilseed Processing LLC has submitted an application to change the future land use designation of proposed Lot 1 in the City of Evansville from "Small Scale Industrial" and "Mixed Use" to "Large Scale Industrial." to reflect the changes approved through the applications described in Section 2.



Agenda Item 7L

SECTION 4. The Plan Commission reviewed the applications described in Sections 2 and 3 on August 1, 2023 and, by unanimous vote of the entire commission, has recommended Ordinance 2023-08 and Ordinance 2023-09 be approved by Common Council with a condition the northernmost 20' of the parcel be set aside for an easement to allow a future pedestrian walkway.

SECTION 5. The Evansville Plan Commission held a public hearing on August 1, 2023, in compliance with the requirements of Section 66.1001(d)(4), Wis. Stats., regarding the proposed amendment of the comprehensive plan.

SECTION 6. This amendment is consistent with the remaining sections of the city's adopted comprehensive plan.

SECTION 7. The Common Council hereby amends the comprehensive plan as described in Section 3.

SECTION 8. This ordinance is contingent on Common Council approval of Ordinance 2023-08 and Land Division Application 2023-0196.

SECTION 7. The city clerk/treasurer shall send a copy of this ordinance to neighboring jurisdictions and state agencies per Sections 66.1001 of Wis. Stats 10.

Passed and adopted this 12th day of September, 2023

Dianne Duggan, Mayor

ATTEST:

Leah Hurtley, Clerk

 Introduced:
 08/08/2023

 Notices published:
 07/12/2023 and 07/19/2023

 Public hearing held:
 08/01/2023

 Adopted:
 09/12/2023

 Published:
 09/XX/2023

Sponsors: This is an applicant-initiated ordinance. Drafted on July 21, 2023 by Colette Spranger, Community Development Director