

156 East First Street
New Richmond, WI 54017
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August 30, 2018

TO ALL PLAN COMMISSION MEMBERS:

Fred Horne	Michelle Scanlan
Jim Zajkowski	David Wilford
Mike Kastens	David Tyvoll
MaryKay Rice	

This is to notify you that there is a Plan Commission meeting scheduled for Tuesday, September 4, 2018 at 5:00 p.m. in the Council Chambers of the Civic Center, 156 East First Street, City of New Richmond, WI.

AGENDA:

- 1) Roll Call
- 2) Adoption of Agenda
- 3) Approval of the minutes from the previous meeting on August 7, 2018
- 4) Public Hearing to consider the following:
 - a) Petition for Attachment from Roger and Laurie Neumann for the following properties: 038-1109-95-000 consisting of 40 acres; 038-1141-40-000 consisting of 40 acres; 038-1141-30-050 consisting of 39 acres; 038-1141-10-001 consisting of 40 acres; 038-1138-10-002 consisting of 40 acres; 038-1138-10-000 consisting of 40 acres; 038-1138-10-001 consisting of 40 acres; 038-1110-30-000 consisting of 40 acres; 038-1110-10-000 consisting of 40 acres; 038-1106-50-001 consisting of 40 acres; 038-1106-50-000 consisting of 80 acres. Property is located north of Cty Hwy 64 and north of the Health Center property.
 - b) Petition for Attachment from Roger and Laurie Neumann for 038-1101-10-00 consisting of 17.67 acres; and 038-1101-20-000 consisting of 29.76 acres; 038-1101-10-400 consisting of 2.20 acres; and 038-1101-50-000 consisting of .27 acres. Property is located South of 200th Avenue abutting the airport property.
 - c) Petition for Attachment from St. Croix County for parcel #038-1141-30-075 for a cemetery located north of the Health Center property.
 - d) Petition for Attachment from Brett Neumann for the following properties: 038-1106-10-010 consisting of 20 acres; 038-1105-95-010 consisting of 20 acres; 0389-1108-10 consisting of 40 acres; 038-1108-20-000 consisting of 40 acres; 038-1108-30-000 consisting of 40 acres; and 038-1108-40-000 consisting of 40 acres. Property is located north of the Health Center property.

- e) **Petition for Attachment from City of New Richmond for 038-1110-20 Compost Site consisting of 40 acres. Located north of the Health Center property.**
- f) **Repeal Section 121-35 of the Zoning Ordinance establishing provisions for extra-territorial zoning.**
- g) **Amend Chapter 117, Article II to add provisions related to extra-territorial subdivision review.**
- 5) **Action on Public Hearing Agenda**
- 6) **Certified Survey Map from Michael Weiss for 412 Fox Way**
- 7) **Certified Survey Map from Ron Raedeke for 348-382 North Knowles Ave**
- * 8) ***Certified Survey Map from Todd Nehlich for 1086 170th Ave***
- 9) **Communications and Miscellaneous**
- 10) **Adjournment**

**Fred Horne
Mayor**

** Denotes Amended Agenda Item*

cc:

**The News
Mike Darrow
Bob Meyer
Craig Yehlik
Jeremiah Wendt
Weston Arndt**

**Northwest Cable
Nick Vivian
Dan Licht
Beth Thompson
Joel Enders**

**City Website
Mike Demulling
Jim VanderWyst
Rae Ann Ailts
Noah Wiedenfeld**

PLAN COMMISSION MEETING
AUGUST 7, 2018 - 5:00 P.M.

Members Present: Mike Kastens, Jim Zajkowski, Michelle Scanlan, David Wilford, and David Tyvoll

Members Absent: Fred Horne and MaryKay Rice

Others Present: Dan Licht, Beth Thompson and Tanya Batchelor

Jim Zajkowski called the meeting to order and roll call was taken.

Mike Kastens moved to adopt the agenda as presented, seconded by David Wilford and carried.

Jim Zajkowski moved to approve the minutes from May 15, 2018 and June 7, 2018, seconded by Mike Kastens and carried.

Public Hearing

Jim Zajkowski declared the Public Hearing open to discuss the following:

- a) Petition for Annexation from Roger and Laurie Neumann for the following properties: 038-1109-95-000 consisting of 40 acres; 038-1141-40-000 consisting of 40 acres; 038-1141-30-050 consisting of 39 acres; 038-1141-10-001 consisting of 40 acres; 038-1138-10-002 consisting of 40 acres; 038-1138-10-000 consisting of 40 acres; 038-1138-10-001 consisting of 40 acres; 038-1110-30-000 consisting of 40 acres; 038-1110-10-000 consisting of 40 acres; 038-1106-50-001 consisting of 40 acres; 038-1106-50-000 consisting of 80 acres. Property is located north of Cty Hwy 64 and north of the Health Center property.
- b) Petition for Annexation from Roger and Laurie Neumann for 038-1101-10-00 consisting of 17.67 acres; and 038-1101-20-000 consisting of 29.76 acres; 038-1101-10-400 consisting of 2.20 acres; and 038-1101-50-000 consisting of .27 acres. Property is located south of 200th Avenue abutting the airport property.
- c) Petition for Annexation from St. Croix County for parcel #038-1141-30-075 for a cemetery located north of the Health Center property.
- d) Petition for Annexation from Brett Neumann for the following properties: 038-1106-10-010 Consisting of 20 acres; 038-1105-95-010 consisting of 20 acres; 0389-1108-10 consisting of 40 acres; 038-1108-20-000 consisting of 40 acres; 038-1108-30-000 consisting of 40 acres; and 038-1108-40-000 consisting of 40 acres. Property is located north of the Health Center property.
- e) Petition for Annexation from City of New Richmond for 038-1110-20 Compost Site consisting of 40 acres. Located north of the Health Center property.

Dan Licht explained the property owners have petitioned the City to annex their property to the City. There is a Boundary Agreement with Star Prairie Township that allows this property to become annexed. A couple property owners in Star Prairie Township expressed their concern with the annexation and asked if this property is included with the 70% figure listed in the Boundary Agreement. Doug Rivard, former Star Prairie Town Chairman, explained that this property was part of the St. Croix County Health Center property at the time the Boundary Agreement was created and was not included in the 70% figure established. Discussion followed. The Development Review Committee has reviewed the annexation petitions and recommended approval with the following zoning:

038-1138-10-002	Roger & Laurie Neumann	Z3 Mixed Use Corridor
038-1138-10-001	Roger & Laurie Neumann	Z4 Med-High Density Residential

038-1138-10-000	Roger & Laurie Neumann	Z4 Med-High Density Residential
038-1141-30-050	Roger & Laurie Neumann	Z4 Med-High Density Residential
038-1141-10-000	Roger & Laurie Neumann	Z4 Med-High Density Residential
038-1141-10-001	Roger & Laurie Neumann	Z3 Mixed Use Corridor
038-1110-30-000	Roger & Laurie Neumann	Z2 Low Density Residential
038-1110-10-000	Roger & Laurie Neumann	Z2 Low Density Residential
038-1106-50-000	Roger & Laurie Neumann	Z2 Low Density Residential
038-1106-50-001	Roger & Laurie Neumann	Z2 Low Density Residential
038-1109-95-000	Roger & Laurie Neumann	Z2 Low Density Residential
038-1110-20-000	City of New Richmond	Z1 Institutional
038-1108-30-000	Brett Neumann LLC	Z2 Low Density Residential
038-1108-40-000	Brett Neumann LLC	Z2 Low Density Residential
038-1106-10-010	Brett Neumann LLC	Z2 Low Density Residential
038-1105-95-010	Brett Neumann LLC	Z2 Low Density Residential
038-1108-10-000	Brett Neumann LLC	Z2 Low Density Residential
038-1108-20-000	Brett Neumann LLC	Z2 Low Density Residential
038-1141-30-075	St. Croix County	Z4 Institutional

Dan Licht explained the property owned by Roger and Laurie Neumann located by the airport off Highway 65. The Development Review Committee recommended approval of this annexation with the following Zoning:

038-1101-50-000	Roger & Laurie Neumann	Z7 Industrial
038-1101-20-000	Roger & Laurie Neumann	Z7 Industrial
038-1101-10-000	Roger & Laurie Neumann	Z7 Industrial
038-1101-10-400	Roger & Laurie Neumann	Z7 Industrial

f) Petition for Annexation from Jeff Miller 026-1001-50-100 Located at 1749 140th Street and described as CSM 7/2014 consisting of 1.82 acres.

Dan Licht explained this property is located on 140th Street and the sewer is failing and needs to be replaced. The homeowners have petitioned to annex and hook up to City services.

Discussion followed.

g) Amend Section 121-9.B.15 to revise rear yard setbacks for decks within the Paperjack Creek Villas PUD.

Dan Licht explained that Jeremy Wilson had applied for a variance to allow him to build a deck. The variance was denied even though another property had received a variance for the same purpose in the same area in the last year. Staff went out and looked at the properties affected by the larger setback and they felt an amendment to the PUD would be appropriate to allow a 10-foot rear-yard setback.

h) Repeal Section 121-35 of the Zoning Ordinance establishing provisions for extra-territorial zoning.

i) Amend Chapter 117, Article II to add provisions related to extra-territorial subdivision review.

Jim Zajkowski declared the Public Hearing closed.

Jim Zajkowski moved to approve the annexation petitions from Star Prairie Township with the zoning as outlined above and in the July 25, 2018, planning report, seconded by Mike Kastens and carried.

Jim Zajkowski moved to approve the petition for annexation from Jeff and Lisa Miller from Richmond Township with Z2 Zoning District, seconded by David Tyvoll and carried.

Mike Kastens moved to approve an amendment to the Paperjack Creed PUD District allowing a 10-foot rear-yard setback for decks attached to the principal building, seconded by David Tyvoll and carried. David Wilford voted no.

Michelle Scanlan moved to table discussion regarding Amending Section 121-9.B.15, seconded by David Wilford and carried.

Michelle Scanlan moved to table discussion regarding Amending Chapter 117, Article II, seconded by Mike Kastens and carried.

David Wilford moved to adjourn the meeting, seconded by Michelle Scanlan and carried.

Meeting adjourned at 5:22 p.m.

Tanya Batchelor
City Clerk



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 13 August 2018

RE: New Richmond – Star Prairie Attachment Petitions

TPC FILE: 164.02

BACKGROUND

The City has received petitions from three property owners for attachment to the City of 22 parcels located in Star Prairie Township. Eighteen of parcels are located north of Highway 64 and east of 115th Street. The City is also proposing to attach a City owned parcel adjacent to these parcels petitioning for attachment. The other four parcels are located west of Highway 65, south of 200th Avenue adjacent to the New Richmond airport. Attachment petitions from Star Prairie Township are processed in accordance with the terms of the Cooperative Boundary Agreement dated 31 July 2012 and are subject to review by the Plan Commission and approval of the City Council.

Exhibits:

- Property summary
- Star Prairie Cooperative Plan Exhibit B
- Map of annexation parcels by owner
- Comprehensive Plan Future Land Use
- Proposed Zoning

ANALYSIS

Comprehensive Plan. The 2018 Comprehensive Plan guides the parcels at Highway 64 and 115th Street for mixed use corridor, medium-high density residential, low density residential and institutional land uses as shown on the attached map. The parcels at Highway 65 and 200th Avenue are guided for future business park uses. Attachment of the parcels provides for future orderly growth of planned urban development consistent with the Comprehensive Plan.

Zoning. Attachment of the parcels is to occur by adoption of an ordinance by the City Council that is subsequently recorded with the Secretary of State and St. Croix County Recorder with each parcel. The attachment will be effective upon the date after the annexation ordinance is published. Section 121-36.G of the Zoning Ordinance states that properties brought into the City are designated as Z1 District, unless otherwise approved by the City Council. Based on the future land uses guided by the 2018 Comprehensive Plan, City staff proposes designation of zoning districts to allow for the planned land uses. The proposed zoning district designation for each parcel is shown in the table and map attached to this report.

No application for development of the parcels petitioning for attachment has been received by the City. Future land use and development of the parcels petitioning for attachment will be in accordance with the provisions of the Zoning Ordinance, including Table 3 that identifies permitted and conditional uses. Approval of any future development or subdivision of the parcels petitioning for attachment will be considered in accordance with the provisions of the City's Zoning Ordinance and Subdivision Ordinance.

Star Prairie Boundary Agreement. The Cooperative Agreement regarding future boundaries between the City and Star Prairie establishes an Urban Reserve Area that encompasses land that will be attached to the City. Lands outside of the Urban Reserve Area cannot be attached or annexed to the City. The parcels petitioning for attachment are all located within the Urban Reserve Area designated by the Cooperative Agreement.

Attachment of property within the Urban Reserve Area from Star Prairie Township to the City of New Richmond is outlined in Section 3 of the Cooperative Agreement.

- Section 3.2.1 of the Cooperative Agreement states that a property owner may petition to the City Clerk requesting attachment of their property from Star Prairie Township to the City of New Richmond.
- Section 3.6.1 of the Cooperative Agreement requires the City Clerk to provide written notice of the attachment request (including the petition) to Star Prairie Township. The required written notice was sent to Star Prairie Township on 10 August 2018.
- Section 3.6.2 of the Cooperative Agreement allows Star Prairie Township 30 days from receipt of the notice to respond with any objections to the proposed attachment.
- Section 3.8 of the Cooperative Agreement states that the attachment is to be enacted by adoption of an ordinance by the City Council.
- Section 3.2.1 of the Cooperative Agreement states that the City may accept the petition, accept the petition subject to conditions, or deny the petition.

- If the petition is accepted and the attachment ordinance adopted by the City Council, the annexation becomes effective upon publication of said ordinance in accordance with Section 3.9 of the Cooperative Agreement.

Section 3.3 of the Cooperative Agreement establishes an automatic trigger for attachment of the Urban Reserve Area to the City upon both of the following criteria being met:

1. Seventy percent of the land within the Urban Reserve Area has, in combination either:
 - a. Been attached to the City under Paragraphs 3.2, 3.4, or 3.5 [of the Cooperative Agreement], or
 - b. Been identified as Developed Parcels on the Parcel Spreadsheet [included as an exhibit to the Cooperative Agreement]; and
2. Forty years have passed from the effective date of [the Cooperative] Agreement.

The area of the parcels petitioning for attachment is 885.6 acres. Paragraph 3.3.4 of the Cooperative agreement establishes provisions for Special Parcels that are excluded from the calculation of 70 percent of the Urban Reserve Area required to be attached to the City to trigger the automatic attachment of the remaining township properties 40 years after the effective date of the Cooperative Agreement. The area of the Special Parcels is specified as being subtracted from both the area of parcels already attached to the City and the overall area of the Urban Reserve Area (the numerator and denominator of the equation). These Special Parcels include the parcels acquired by the Roger J. and Laurie M. Neumann Trust from St. Croix County identified on the attached table and maps as Parcels 1 to 10 with an area of 436.5 acres. The 1.0 acre parcel owned by St. Croix County identified as Parcel 19 and the 40 acre parcel owned by the City identified as Parcel 12 of the attachment are also designated as Special Parcels by the Cooperative Agreement. The other 410.1 acres of the attachment petitions would be used in the calculation of parcels annexed to the City in accordance with the terms of the Cooperative Agreement to meet the 70 percent requirement that must be met after September 2052 to effect automatic attachment of remaining township parcels.

RECOMMENDATION

The petitions for attachment of the parcels within Star Prairie Township to the City is consistent with the goals and policies of the 2018 Comprehensive Plan for future development. The proposed attachment also complies with the terms of the Star Prairie Cooperative Agreement. The Development Review Committee considered the annexation petition at their meeting on 19 July 2018 and recommends approval.

POSSIBLE ACTION

- A. Motion to recommend City Council **approval** of ordinance(s) attaching parcels owned by the Roger J and Laurie M Neumann Trust, Brett Neumann LLC, St. Croix County, and the City of New Richmond to the City of New Richmond
 - B. Motion to recommend the City Council **deny** the attachment petitions based on a finding that such action is not consistent with the policies of the Comprehensive Plan.
 - C. Motion to **table**.
- c. Michael Darrow, City Administrator
Nick Vivian, City Attorney
Jeremiah Wendt, Public Works Director

STAR PRAIRIE TOWNSHIP ATTACHMENT PETITIONS

Parcel	Parcel #	Owner	Acres	Future Land Use Plan	Proposed Zoning Map
Hwy. 64 /115 th St.	1	Roger J and Laurie M Neumann Trust	35.5	Mixed Use Corridor	Z3 District
	2	Roger J and Laurie M Neumann Trust	40.0	Medium-High Density Residential	Z4 District
	3	Roger J and Laurie M Neumann Trust	40.0	Medium-High Density Residential	Z4 District
	4	Roger J and Laurie M Neumann Trust	39.0	Medium-High Density Residential	Z4 District
	5	Roger J and Laurie M Neumann Trust	40.0	Medium-High Density Residential	Z4 District
	6	Roger J and Laurie M Neumann Trust	40.0	Mixed Use Corridor	Z3 District
	7	Roger J and Laurie M Neumann Trust	40.0	Low Density Residential	Z2 District
	8	Roger J and Laurie M Neumann Trust	40.0	Low Density Residential	Z2 District
	9	Roger J and Laurie M Neumann Trust	80.0	Low Density Residential	Z2 District
	10	Roger J and Laurie M Neumann Trust	40.0	Low Density Residential	Z2 District
	11	Roger J and Laurie M Neumann Trust	40.0	Low Density Residential	Z2 District
	12	City of New Richmond	40.0	Institutional	Z1 District
	13	Brett Neumann LLC	40.0	Low Density Residential	Z2 District
	14	Brett Neumann LLC	40.0	Low Density Residential	Z2 District
	15	Brett Neumann LLC	80.0	Low Density Residential	Z2 District
	16	Brett Neumann LLC	80.0	Low Density Residential	Z2 District
	17	Brett Neumann LLC	40.0	Low Density Residential	Z2 District
	18	Brett Neumann LLC	40.0	Low Density Residential	Z2 District
	19	St. Croix County	1.0	Institutional	Z4 District
Hwy. 65 /200 th Ave.	A	Roger J and Laurie M Neumann Living Trust	0.3	Industrial	Z7 District
	B	Roger J and Laurie M Neumann Living Trust	29.8	Industrial	Z7 District
	C	Roger J and Laurie M Neumann Living Trust	17.8	Industrial	Z7 District
	D	Roger J and Laurie M Neumann Living Trust	2.2	Industrial	Z7 District

EXHIBIT B

Star Prairie / New Richmond Boundary Agreement BASE MAP

Legend

— Proposed Boundary Agreement

▭ Parcels Within Boundary Agreement

CHECK

▭ Developed

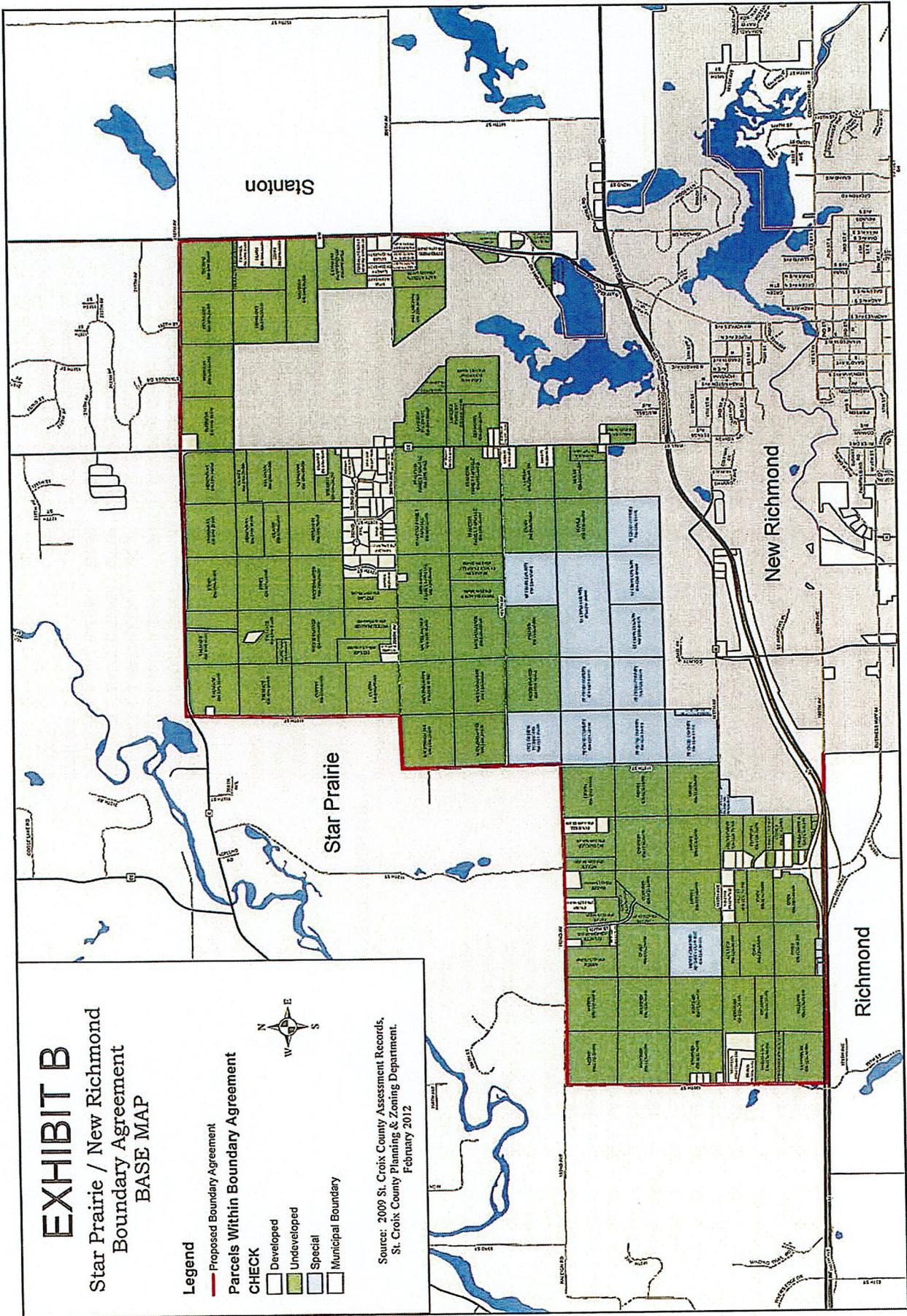
▭ Undeveloped

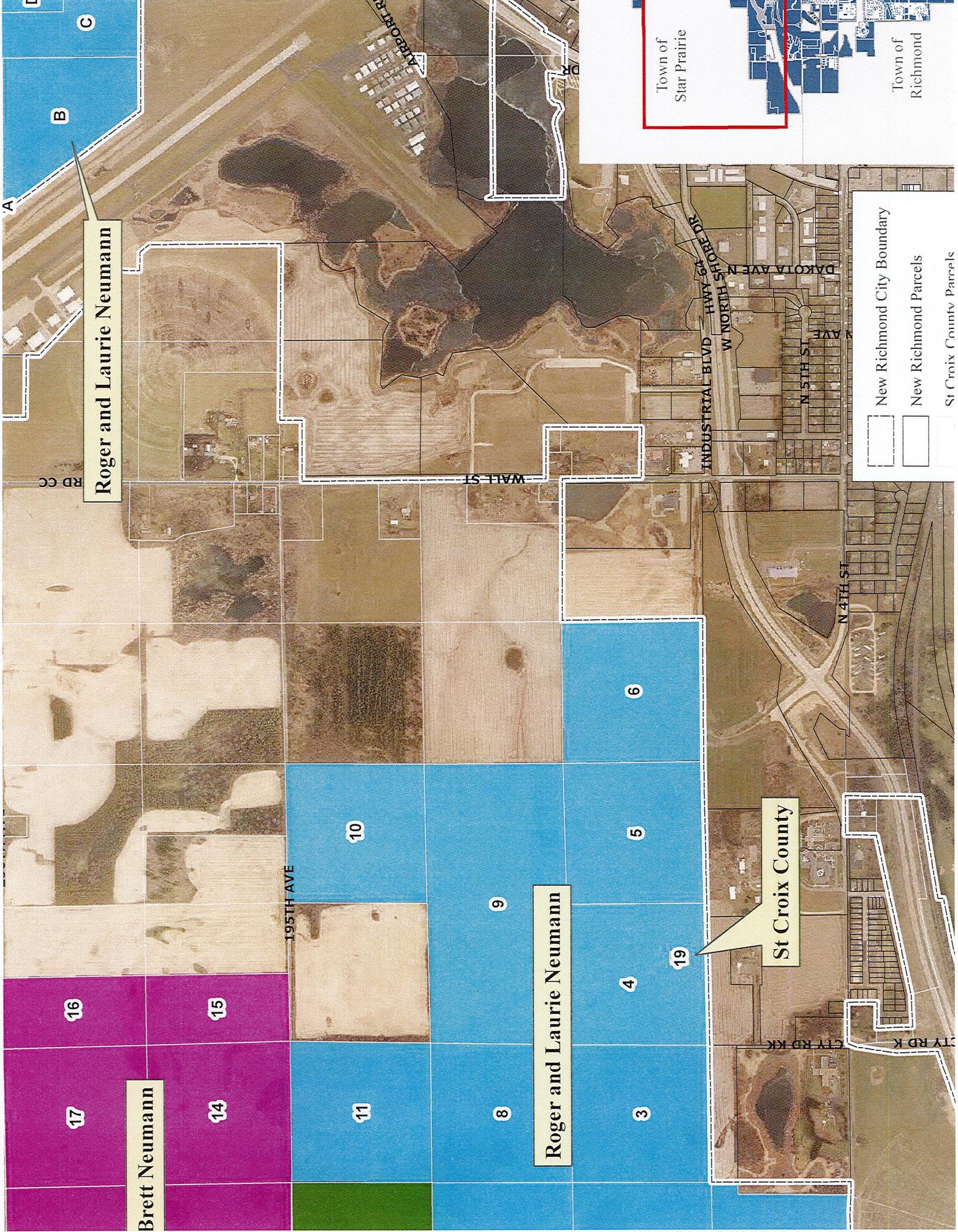
▭ Special

▭ Municipal Boundary



Source: 2009 St. Croix County Assessment Records,
St. Croix County Planning & Zoning Department,
February 2012





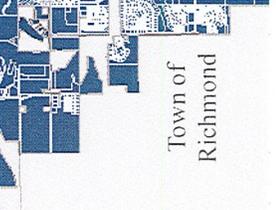
Roger and Laurie Neumann

Brett Neumann

Roger and Laurie Neumann

St Croix County

-  New Richmond City Boundary
-  New Richmond Parcels
-  St Croix County Parcels



A
B
C

RD CC

195TH AVE

WALL ST

INDUSTRIAL BLVD HWY 94

W NOKIJI S FLORE DR

DAKOTA AVE N

N 5TH ST

N 4TH ST

16

15

10

6

17

14

11

9

5

19

Roger and Laurie Neumann

8

4

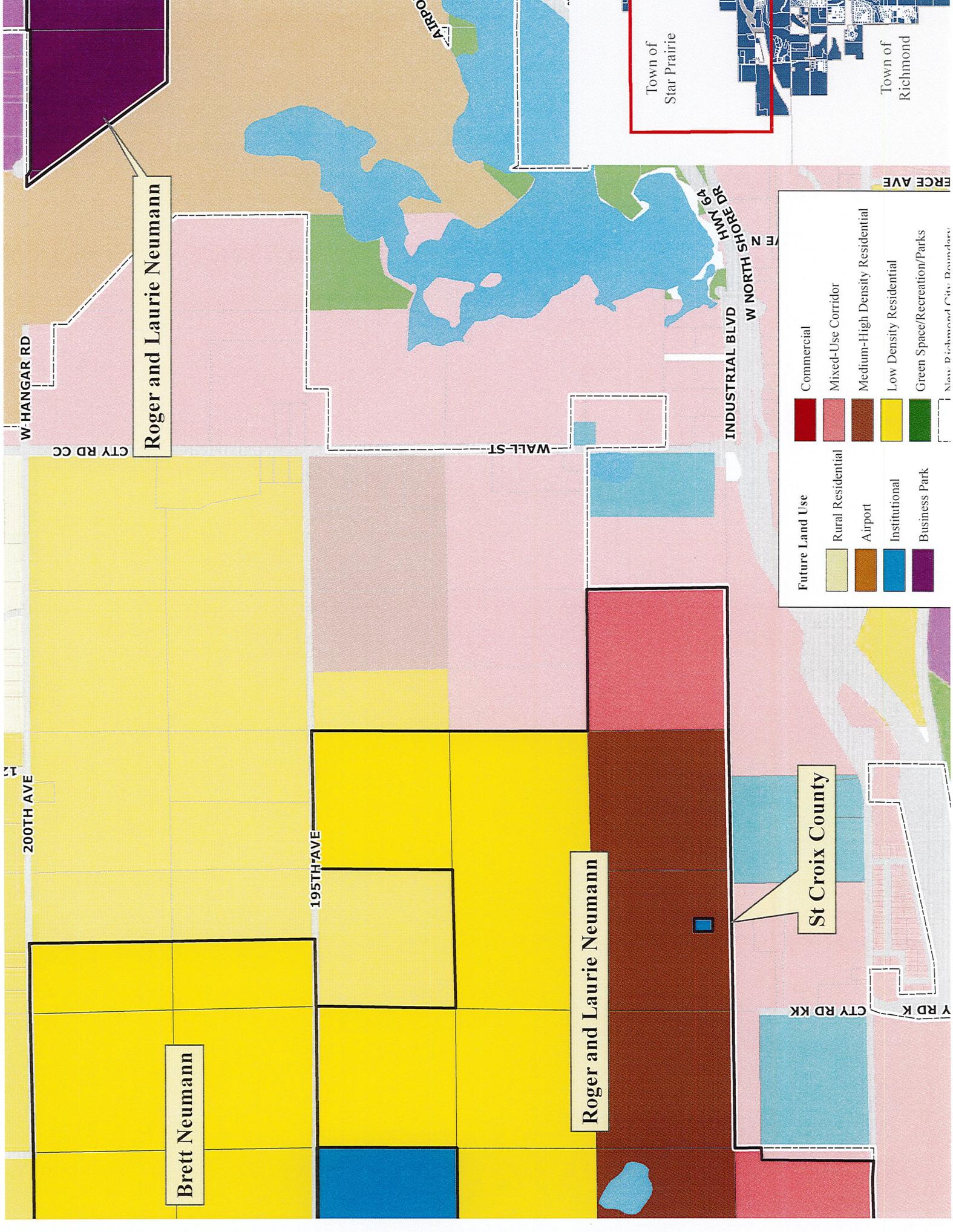
3

CITY RD KK

CITY RD K

Town of Star Prairie

Town of Richmond



W HANGAR RD
CTY RD CC

Roger and Laurie Neumann

200TH AVE
195TH AVE

Brett Neumann

Roger and Laurie Neumann

St Croix County

Town of Star Prairie

Town of Richmond

Future Land Use	
	Commercial
	Mixed-Use Corridor
	Medium-High Density Residential
	Low Density Residential
	Green Space/Recreation/Parks
	Rural Residential
	Airport
	Institutional
	Business Park

Next: Richmond City Boundaries

ERCE AVE

INDUSTRIAL BLVD

W NORTH SHORE DR

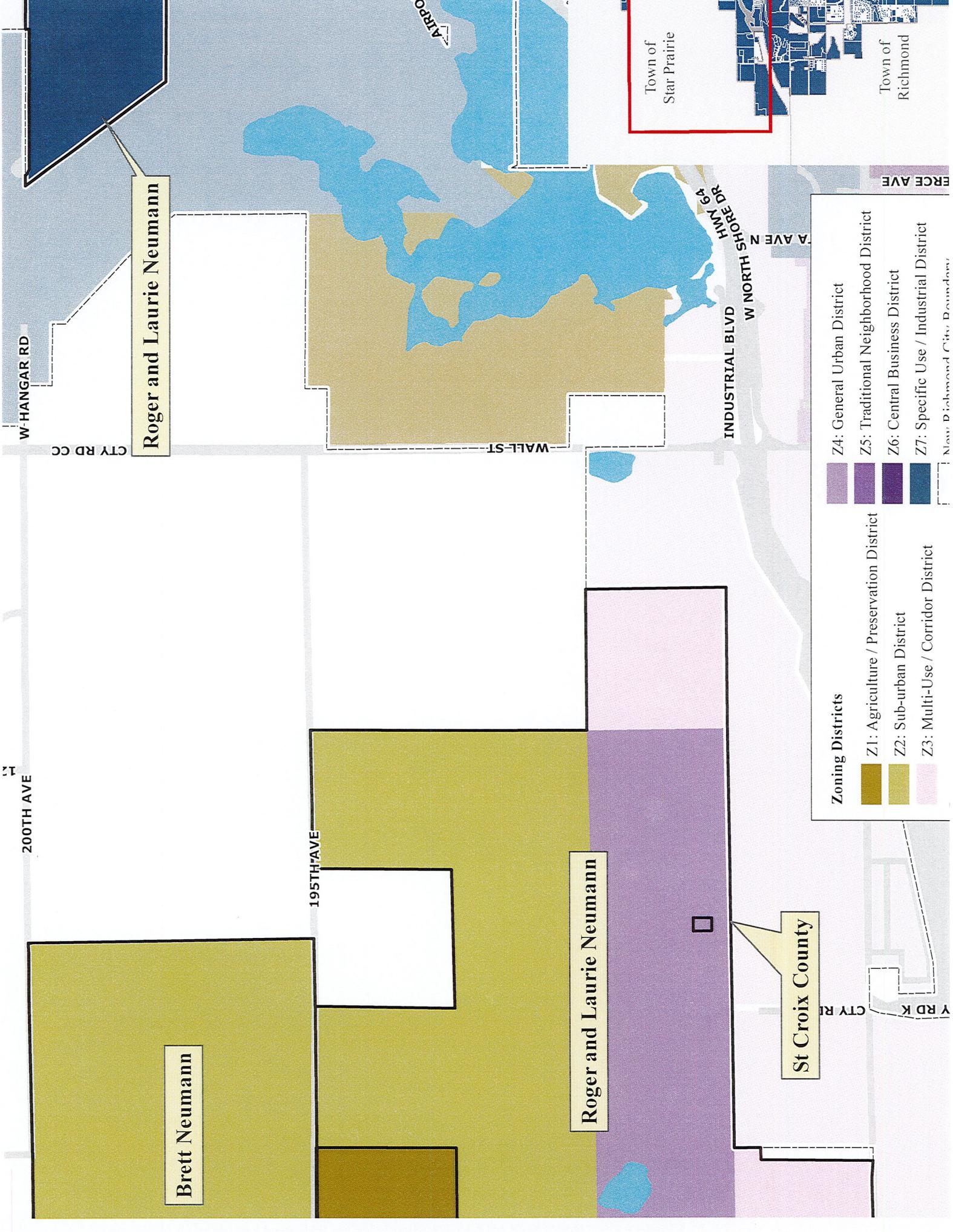
Hwy 64

WALL ST

AIRPOR

CTY RD KK

Y RD K



200TH AVE

195TH AVE

Brett Neumann

Roger and Laurie Neumann

Roger and Laurie Neumann

St Croix County

Zoning Districts

- Z1: Agriculture / Preservation District
- Z2: Sub-urban District
- Z3: Multi-Use / Corridor District
- Z4: General Urban District
- Z5: Traditional Neighborhood District
- Z6: Central Business District
- Z7: Specific Use / Industrial District

Map of Richmond City Boundaries

Town of Star Prairie

Town of Richmond

INDUSTRIAL BLVD

W NORTH SHORE DR HWY 64

ERCE AVE

W HANGAR RD

CTY RD CC

WALL ST

AIRPORT



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 23 August 2018

RE: New Richmond – Extra Territorial Jurisdiction Plat Review

TPC FILE: 164.01

BACKGROUND

The City of New Richmond has established provisions regulating subdivisions within an extra territorial jurisdiction extending 1.5 miles of the City's current boundary as Section 121-35 of the Zoning Ordinance. A recent Wisconsin Court of Appeals decision has significantly restricted the City's authority for review of subdivisions within the extra territorial jurisdiction. In order to comply with the legal requirements of the Court of Appeals decision in *Lake Delavan Property Company, LLC v. City of Delavan*, it is necessary for the City to amend the Zoning Ordinance and Subdivision Ordinance. These amendments to the Zoning Ordinance and Subdivision Ordinance are subject to Plan Commission review and approval by the City Council.

Exhibits:

- Draft ordinance amendment

ANALYSIS

Section 121-35 of the Zoning Ordinance establishes a review procedure and requirements for subdivision of properties within the City's extra territorial jurisdiction. Section 121-35 of the Zoning Ordinance includes specific standards requiring that any subdivision resulting in creation of new lots provide for a minimum lot area of 35 acres except under defined circumstances. The intent of the 35 acre minimum lot area requirement is to ensure that subdivisions within the City's extra territorial jurisdiction does not result in a fragmented pattern of rural development that cannot be adequately served by public services and infrastructure or that will create physical barriers to future expansion of urban development through annexation/attachment to the City.

The Court of Appeals ruled in *Lake Delavan Property Company, LLC v. City of Delavan* that cities are not authorized by Wisconsin Statutes for extra territorial jurisdiction plat review from imposing zoning regulations. Extra territorial jurisdiction review of subdivisions is limited to the criteria for compliance with adopted Comprehensive Plans (including transportation and utility system plans), impact on the environment, and adequate provision of public services necessary to support the proposed development. A City may only impose zoning regulations, which would include provisions related to use, lot requirements, setbacks, etc., through a cooperative agreement with the adjacent township. The Boundary Agreement between the City and Star Prairie Township is an example of how a City is allowed to impose zoning regulations within extra territorial jurisdictions.

The City of Delavan's extra territorial jurisdiction regulations established a minimum density of one dwelling unit per 35 acres and minimum lot area of 1 acre for any new lot subdivided within the extra territorial jurisdiction. The Court of Appeals found that the City of Delavan's density regulation was a zoning restriction that could only be imposed through a cooperative agreement with the town. The City's current 35 acre minimum lot area requirement established by Section 121-35 of the Zoning Ordinance is similar in effect to the City of Delavan density provision.

City staff (including the City Attorney) have concluded that the City's existing extra territorial jurisdiction provisions are in conflict with the *Lake Delavan Property Company, LLC v. City of Delavan* decision and must be amended. City staff has drafted the proposed amendment attached hereto to repeal Section 121-35 of the Zoning Ordinance. New language is to be added to the Subdivision Ordinance that would establish review procedures for subdivisions within the City's extra territorial jurisdiction. Subdivisions within the extra territorial jurisdiction would be subject to review by the Plan Commission and approval of the City Council to ensure that the development complies with environmental regulations, has adequate provision for access, sanitary sewer and water service, and stormwater management. The criteria to be adopted as part of the Subdivision Ordinance would also allow the City to preserve future transportation and utility corridors for urban development upon attachment/annexation of the area surrounding the parcel to be subdivided. The proposed process and criteria for subdivision review within the extra territorial jurisdiction, outside of Star Prairie Township, is consistent with the provisions of Wisconsin Statutes and the Court of Appeals decision in *Lake Delavan Property Company, LLC v. City of Delavan*.

RECOMMENDATION

The City's current requirements for extra territorial jurisdiction plat review are inconsistent with the Court of Appeals decision in *Lake Delavan Property Company, LLC v. City of Delavan*. The proposed amendment drafted by City staff would establish new criteria for consideration of extra territorial jurisdiction plat review that allows the City the ability to ensure that subdivisions within surrounding rural areas are not premature in terms of impacts to the environment or provision of infrastructure to the extent allowed by current law. City staff recommends approval of the proposed ordinance amendment.

POSSIBLE ACTIONS

- A. Motion to recommend City Council **approval** of an Ordinance amending the City Code regarding extra territorial jurisdiction plat review as presented.

- B. Motion to **table**.

- c. Michael Darrow, City Administrator
Nick Vivian, City Attorney

ORDINANCE # ____

THE COMMON COUNCIL OF THE CITY OF NEW RICHMOND DOES ORDAIN AS FOLLOWS:

Section 1. Section 117 of the City Code is hereby amended to include the following provisions:

Sec. 117-22A. Extra Territorial Jurisdiction Subdivisions:

A. Application required.

1. No land shall be divided within the 1-1/2 mile extra territorial jurisdiction plat approval area established in accordance with Wisconsin Statutes 236 without first filing an application and subdivision plat or certified survey map with the City for approval with a fee as prescribed by resolution and gaining such approval and complying with all stipulations of approval by the City.
2. The following shall be exempt from the review provisions for extra territorial jurisdiction subdivisions established by this section:
 - a. A request for a land division a portion of a lot where the division is to permit the adding of a parcel of land to an abutting lot so that no additional lots are created and both new lots conform to the applicable zoning ordinance lot size minimum standards.
 - b. A request to combine 2 existing lots of record in to a single lot.
 - c. A request for land division that is located within an area where the City and town have entered into an intergovernmental agreement or a joint extra territorial zoning committee is formed that adopts an extraterritorial zoning plan that allows land divisions creating new parcels subject to such agreement, plan, procedures, and standards.

B. Procedure. The application shall be processed in accordance with the applicable procedures established for a subdivision plat or certified survey map as required by this Chapter.

C. Required information. The application shall include the written and graphic materials required to be submitted for consideration of a subdivision plat or certified survey map as applicable and as required by this Chapter.

D. Performance Standards. A parcel will qualify for subdivision to allow a more intensive land use only when the City Council finds that the subdivider has demonstrated that following criteria have been satisfied:

1. Consistency with Comprehensive Plan: A proposed subdivision shall be consistent with the goals, policies, and recommendations of the Comprehensive Plan regarding planned public street or utility corridors or constitute an infilling of development.
2. Adequate Waste Disposal Systems: A proposed subdivision shall be deemed to have adequate waste disposal systems if there is adequate on-site sewer capacity potential to support the subdivision if constructed to the maximum permissible density.
3. Adequate Water Supply: A proposed subdivision shall be deemed to have an adequate water supply if there is adequate sources of water, either from public systems or private wells, to serve the proposed subdivision if constructed to its maximum permissible density allowed by the Comprehensive Plan without causing an unreasonable depreciation of existing water supplies for surrounding areas.
4. Adequate Stormwater Management: A proposed subdivision shall provide for adequate management and treatment of stormwater runoff if:
 - a. Surface or subsurface water retention and runoff is such that it does not constitute a danger to the structural security of structures within the proposed development.
 - b. Structures within the proposed subdivision will not result in pollution of water sources from erosion and siltation.
 - c. Site grading will not cause harmful and irreparable damage from erosion and siltation on downhill or downstream land.
 - d. The proposed subdivision complies with the provisions of the 1991 Wetland Conservation Act.
 - e. Factors to be considered in making these determinations may include: average rainfall for the area; the relation of the land to the floodplain; the nature of soils and subsoils and their ability to

adequately support surface water runoff and waste disposal systems; the slope of the land and its effect on effluents; and the presence of streams as related to effluent disposal.

5. Adequate Streets: A proposed subdivision shall be deemed to have adequate streets to serve the subdivision when:
 - a. Streets that access the proposed subdivision are of such a width, grade, stability, vertical and horizontal alignment, site distance and surface condition that an increase in traffic volume generated by the proposed subdivision will not create a hazard to public safety and general welfare, not aggravate an already hazardous condition, and when, with due regard to the advice of St. Croix County and/or the Wisconsin Department of Transportation, said streets are appropriate for the intended use.
 - b. The traffic volume generated by the proposed subdivision would not create unreasonable congestion or unsafe conditions on streets existing at the time of the application or proposed for completion within the next two (2) years.
 6. Adequate Public Service Capacity: A proposed subdivision shall be determined to have necessary public service capacity when recreational facilities, police protection, fire protection, and other public facilities that must be provided at public expenses can reasonably be provided for within the next two (2) years.
 7. Consistency with the Capital Improvement Plan: A proposed development shall be deemed consistent with the Capital Improvement Plans when improvements and/or services necessary to accommodate the proposed subdivision have been programmed in the town, City, St. Croix County, or other regional capital improvement plans, or that a revision to capital improvement programs can be accommodated.
- E. Deed Restriction. A deed restriction shall be recorded with the properties involved in the land division to prohibit further subdivision of additional lots unless allowed in compliance with the provisions of this section.

Section 2. Section 121-35 of the City Code is hereby repealed in its entirety.

This ordinance shall take effect immediately upon its passage and publication as provided by law.

Passed and approved:
Published and effective:

CITY OF NEW RICHMOND

By: _____
Fred Horne, Mayor

ATTEST: _____
Tanya Batchelor, City Clerk



CITY OF NEW RICHMOND
THE CITY BEAUTIFUL

City of New Richmond
156 East First Street ❖ New Richmond, WI 54017
Phone: (715) 246-4268 ❖ Fax: (715) 246-7129

CITY ORDINANCE SECTION 117 & 121
www.newrichmondwi.gov

- SITE PLAN/STORM WATER REVIEW FEE: \$250.00 ESCROW: \$1,500.00
- CONCEPT PLAN FEE: \$150.00 ESCROW: \$1,500.00
- CERTIFIED SURVEY MAP FEE: \$200.00 ESCROW: \$1,500.00
- AMENDED CERTIFIED SURVEY FEE: \$200.00 ESCROW: \$1,500.00

Application fees should be made payable to City of New Richmond upon submittal of completed application. Escrow funds will be drawn to cover project-related costs. Additional funds may be required; surplus funds will be returned.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: _____
 Last name: Weiss First name: Michael and Michele
 Address: 412 Fox Way City/State/Zip: New Richmond, WI 54017
 Phone number: 715-222-4055 Email address: _____

2. Applicant Information: (if different from above)

Company name: _____
 Last name: _____ First name: _____
 Address: _____ City/State/Zip: _____
 Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

412 Fox Way otherwise known as lots 9 and Lot 10

4. Zoning Designation: R-1

5. Statement of Intent: Briefly describe what will be done on or with the property: Adjoining
property line of lots 9 and 10 to be moved easterly on lot 10 to gain property on lot 9 per attached
CSM and vacation of drainage and utility easement.

6. Additional Required Information:

- a. **Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
- b. **Consultant Fees:** Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City's review of an application (e.g., traffic study analysis), the applicant shall be responsible for paying the entirety of those costs.
- c. **Other Information:** In addition to a full size site plan and an 11" x 17" copy, topographic survey, landscape plan, grading and drainage plan, exterior building elevation drawings, and other information may also be required if deemed necessary by City Staff. Please refer to Sec. 121-31 for further information on Site Plans.

7. **Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: Michelle Weiss

Date: 8/9/2018

Applicant: Michelle Weiss

Date: 8/9/2018

Fee Paid: _____

Date: _____

Receipt # _____

Escrow Paid: _____

Date: _____

Receipt # _____



Zoning change applications must be received by the first Thursday of each month; applications received after this date cannot be heard at the Planning Commission meeting the following month.



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 23 August 2018

RE: New Richmond – Weiss CSM

TPC FILE: 164.02

BACKGROUND

Michael and Michelle Weiss own Lots 9 and 10, Block 4 Fox Run Second Addition located at 412 Fox Way. Lot 9 is developed with a single family dwelling occupied by the property owner. Lot 10 is undeveloped except for encroachment of a sport court, fire pit and storage shed accessory to the single family dwelling on Lot 9. The property owners are selling Lot 9 and will retain ownership of Lot 10. The property owners have submitted a Certified Survey Map (CSM) to adjust the lot line between Lot 9 and Lot 10 such that all of the accessory uses are within the lot with the single family dwelling. Applications for approval of a CSM are subject to review by the Plan Commission and approval of the City Council in accordance with Section 117-20 of the Subdivision Ordinance.

Exhibits:

- Site location maps
- Site photos
- Proposed CSM
- Concept plans for Lot 2

ANALYSIS

Comprehensive Plan. The Comprehensive Plan guides the lots for low density residential uses. The existing single family dwelling on Lot 9 (proposed Lot 1) and potential construction of a residential dwelling on Lot 10 (proposed Lot 2) is consistent with the objectives of the Comprehensive Plan.

Zoning. The subject site is zoned Z2 District. The Z2 District allows for the existing single family dwellings as a permitted use. The sport court, fire pit and storage shed are permitted accessory uses. To be allowed as accessory uses, the sport court, fire pit, and storage shed must be on the same lot as the principal use and in compliance with required setbacks. The proposed CSM to adjust the common lot line between proposed Lot 1 and Lot 2 will place the accessory structures within the same lot as the principal single family dwelling as required by the Zoning Ordinance. Lot 2 may be developed in the future with a single family dwelling as a permitted use allowed within the Z2 District.

Surrounding Uses. The subject site is surrounded by the existing and planned land uses guided for low density residential uses and zoned Z2 District. The proposed CSM will not affect the compatibility of development of the two lots with surrounding properties based on compliance with the provisions of the Zoning Ordinance and Subdivision Ordinance.

Lot Occupation. Table 5.a of the Zoning Ordinance establishes requirements for lots within the Z2 District.

- The minimum lot width required within the Z2 District is 80 feet measured at the front setback line of 25 feet. Both proposed Lot 1 and proposed Lot 2 as shown on the CSM exceed 80 feet in width along front lot line abutting Fox Way.
- The maximum lot coverage allowed within the Z2 District is 40 percent. The lot coverage of the single family dwelling, detached accessory structures, and impervious surfaces within the area of proposed Lot 1 is approximately 26 percent of the lot area and complies with the Zoning Ordinance. The area of proposed Lot 2 is 22,579 and has sufficient area to allow for development of a single family dwelling and impervious surfaces in compliance with the Zoning Ordinance.

Setbacks. Table 5.c and d establishes the following setbacks applicable to proposed Lot 1 and proposed Lot 2:

	Yard	Minimum Setback
Principal Use	Primary Front	25ft.
	Secondary Front	20ft.
	Interior Side	5ft.
	Rear	20ft.
Accessory Uses	Primary Front	25ft.
	Secondary Front	20ft.
	Interior Side	5ft.
	Rear	5ft.

The existing single family dwelling on proposed Lot 1 complies with the minimum setbacks required within the Z2 District. The accessory uses shown on the CSM within proposed Lot 1 also comply with the required minimum setbacks, except the storage shed that must be moved +/- 4 feet to the east to provide a 5 foot side yard setback. The location shown on the CSM is also the proposed location of the firepit, which must be relocated from its current site 5 feet to the east. City staff must verify in the field that the storage shed and fire pit have been relocated to comply with setback requirements prior to recording of the CSM. The CSM also shows that the play area encroaches upon Outlot 9, Fox Run. This encroachment is a private matter between the property owner and owner of Outlot 9 not related to the CSM.

The property owner has also provided example house plans and site plans for construction of a single family dwelling on proposed Lot 2. City staff requested this information to verify that proposed Lot 2 would have a building envelope adequate to allow for construction of a single family dwelling in compliance with required minimum setbacks after recording of the CSM. The house plans are characteristic of the neighborhood and the site plans comply with required minimum setbacks.

Access. The existing single family dwelling that will be within proposed Lot 1 has a driveway to Fox Way, which is not affected by the proposed CSM. Proposed Lot 2 has frontage to both Fox Way and Beaver Way. Construction of Beaver Way is not complete as the roadway is not paved. Construction of a single family dwelling upon proposed Lot 2 will be required to use a driveway from Fox Way if Beaver Way is not completed prior to application for a building permit. A driveway to Fox Way must be setback a minimum of 5 feet from the interior side lot line and 20 feet from the intersection of Fox Way and Beaver Way as required by Table 5.c of the Zoning Ordinance.

Utilities. The existing single family dwelling that will be within proposed Lot 1 is connected to sewer and water utilities. Future construction of a single family dwelling upon proposed Lot 2 will also be connected to sewer and water utilities via existing connections provided for with the initial plat of Fox Run Second Addition. The proposed CSM has no effect upon utilities.

Grading. No grading plan has been submitted. There had been private drain tile within the ground between the existing lots to manage stormwater runoff within the area of the two lots. The property owner made changes to the grading of the yards between the two site and has removed the private drain tile. The CSM does not otherwise affect grading of the two lots.

Easements. There is a drainage and utility easement overlaying the side lot line between existing Lot 9 and existing Lot 10. With the adjustment of this lot line to the east on the proposed CSM, the drainage and utility easement will no longer overlay the property line. The proposed CSM provides for dedication of a new drainage and utility easement overlaying the new side lot line 5 feet each side as required by Section 117-41.C of the Subdivision Ordinance. The existing drainage and utility easement no longer serves a public purpose. The City Attorney has drafted a vacation agreement to be executed by the City and property owner and recorded with the CSM to remove the existing drainage and utility easement.

RECOMMENDATION

The Development Review Committee considered the proposed CSM at their meeting on 19 August 2018 and recommends approval of the application as outlined below.

POSSIBLE ACTIONS

- A. Motion to recommend City Council approval of a CSM and vacation agreement for Michael and Michelle Weiss, subject to the following conditions:
 - 1. City staff shall verify that the storage shed and fire pit have been relocated to comply within minimum setback requirements of the Z2 District prior to recording of the CSM.
 - 2. Construction upon Lot 2 prior to completion of construction for Beaver Way shall require use of a driveway to Fox Way in compliance with the provisions of the Zoning Ordinance.
- B. Motion to **deny** the applications based on a finding that the request does not comply with the Zoning Ordinance and/or Subdivision Ordinance.
- C. Motion to **table** for further discussion.
- c. Michael Darrow, City Administrator
Jeremiah Wendt, Public Works Director
Nick Vivian, City Attorney



DISCLAIMER: The user of this map is advised to be responsible for the accuracy and reliability of the information shown on this map.

Scale: 1:5000

HAMROCK LN

64

K







CERTIFIED SURVEY MAP

LOCATED IN THE NW1/4 OF THE SW1/4 AND THE SW1/4 OF THE SW1/4 OF SECTION 32,
T31N, R17W, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN; BEING LOT 9 OF
THE PLAT OF FOX RUN AND LOT 10 OF THE PLAT OF FOX RUN SECOND ADDITION.

OWNERS

MICHAEL AND MICHELE WEISS
412 FOX WAY
NEW RICHMOND, WI 54017

SURVEYOR

EDWIN C FLANUM
NORTHLAND SURVEYING, INC.
P.O. BOX 152
AMERY, WI 54001

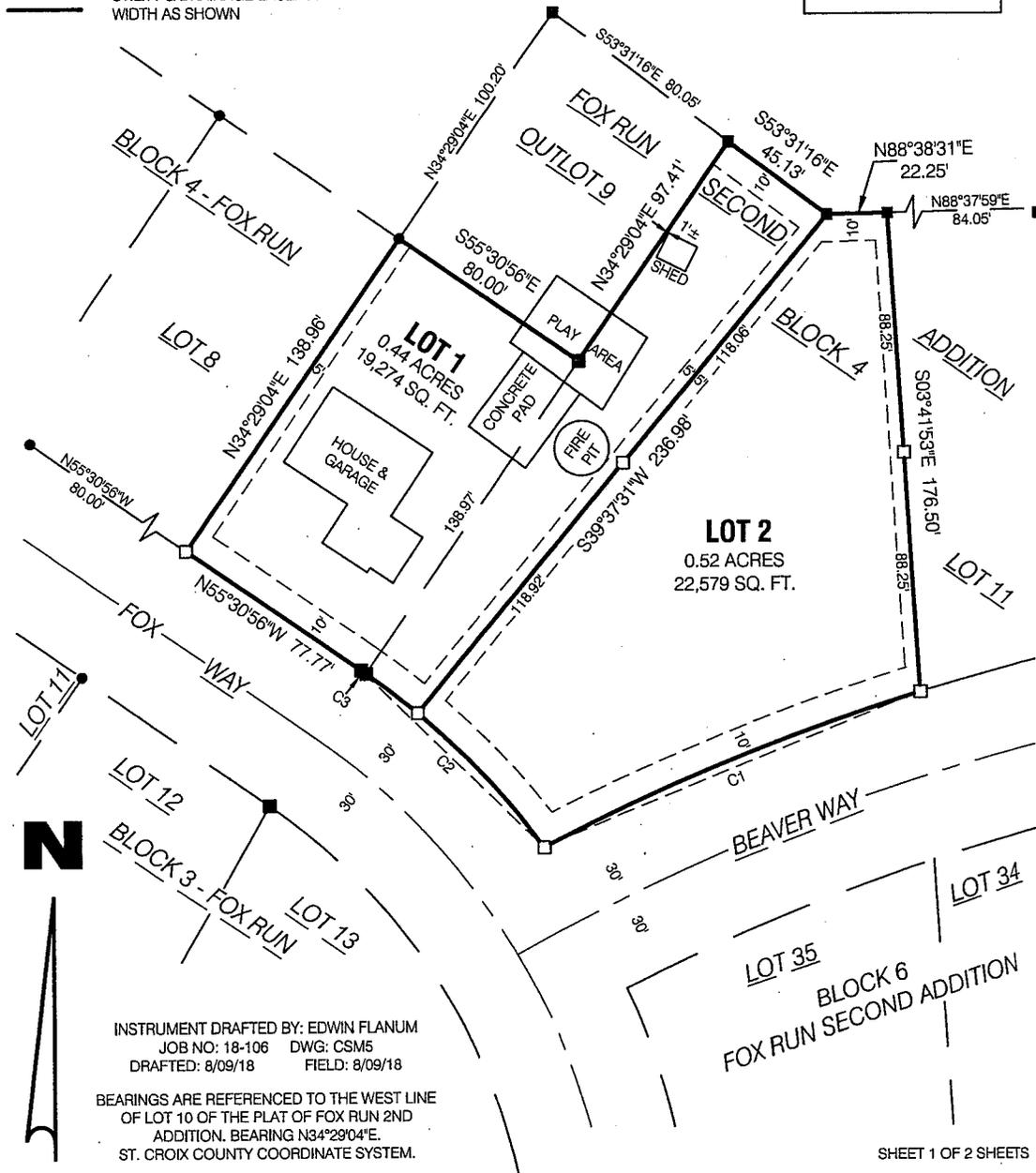
LEGEND

- 3/4" X 18" IRON REBAR SET WEIGHING 1.50 LBS. PER LINEAR FOOT
- 1 1/4" IRON REBAR FOUND
- 3/4" IRON REBAR FOUND
- 1" IRON PIPE FOUND
- UTILITY & DRAINAGE EASEMENT WIDTH AS SHOWN

SCALE IN FEET 1" = 50'



SETBACKS:
PRINCIPAL FRONT: 25'
SECONDARY FRONT: 20'
SIDE YARD: 5'
REAR YARD: 5'



CERTIFIED SURVEY MAP

LOCATED IN THE NW1/4 OF THE SW1/4 AND THE SW1/4 OF THE SW1/4 OF SECTION 32,
T31N, R17W, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN; BEING LOT 9 OF
THE PLAT OF FOX RUN AND LOT 10 OF THE PLAT OF FOX RUN SECOND ADDITION.

OWNERS

MICHAEL AND MICHELE WEISS
412 FOX WAY
NEW RICHMOND, WI 54017

SURVEYOR

EDWIN C FLANUM
NORTHLAND SURVEYING, INC.
P.O. BOX 152
AMERY, WI 54001

SURVEYOR'S CERTIFICATE

I, Edwin C. Flanum, Professional Wisconsin Land Surveyor, hereby certify that by the direction of the Michael Weiss, I have surveyed, mapped and described the parcel of land which is represented by this Certified Survey Map; that the exterior boundary of the parcel of land surveyed and mapped is described as follows:

Lot 9, Block 4 of the Plat of Fox Run and Lot 10, Block 4 of the Plat of Fox Run Second Addition, recorded at the St. Croix County Register of Deeds Office. Located in the NW1/4 of the SW1/4 and the SW1/4 of the SW1/4 of Section 32, T31N, R17W, City of New Richmond, St. Croix County, Wisconsin.

Described parcel contains 0.96 acres (41,853 Sq. Ft.). Parcel is subject to all easements, restrictions, and covenants of record.

I, also certify that this Certified Survey Map is a correct representation to scale of the exterior boundary surveyed and described; that I have fully complied with the current provisions of Chapter 236.34 of the Wisconsin Statutes, the Land Subdivision Ordinance of the County of St. Croix, and the City of New Richmond Subdivision Ordinance in surveying and mapping same.

Edwin C. Flanum, P.L.S. #2487

Date

Exemption verified under Section 117-10.A.2 of the City Code of the City of new Richmond

By _____
Zoning Administrator

Date _____

CURVE	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH	ARC LENGTH	TANGENT-IN	TANGENT-OUT
C1	830.00'	10°19'45"	S67°56'09.5"W	149.43'	149.63'	S73°06'02"W	S62°46'17"W
C2	280.00'	19°12'20"	N45°54'46"W	93.42'	93.85'	N36°18'36"W	N55°30'56"W
C2	280.00'	18°44'56"	N45°41'04"W	91.22'	91.62'	N36°18'36"W	N55°03'32"W
C3	280.00'	0°27'24"	N55°17'14"W	2.23'	2.23'	N55°03'32"W	N55°30'56"W

CERTIFIED SURVEY MAP

LOCATED IN THE NW1/4 OF THE SW1/4 AND THE SW1/4 OF THE SW1/4 OF SECTION 32,
T31N, R17W, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN; BEING LOT 9 OF
THE PLAT OF FOX RUN AND LOT 10 OF THE PLAT OF FOX RUN SECOND ADDITION.

OWNERS

MICHAEL AND MICHELE WEISS
412 FOX WAY
NEW RICHMOND, WI 54017

SURVEYOR

EDWIN C FLANUM
NORTHLAND SURVEYING, INC.
P.O. BOX 152
AMERY, WI 54001

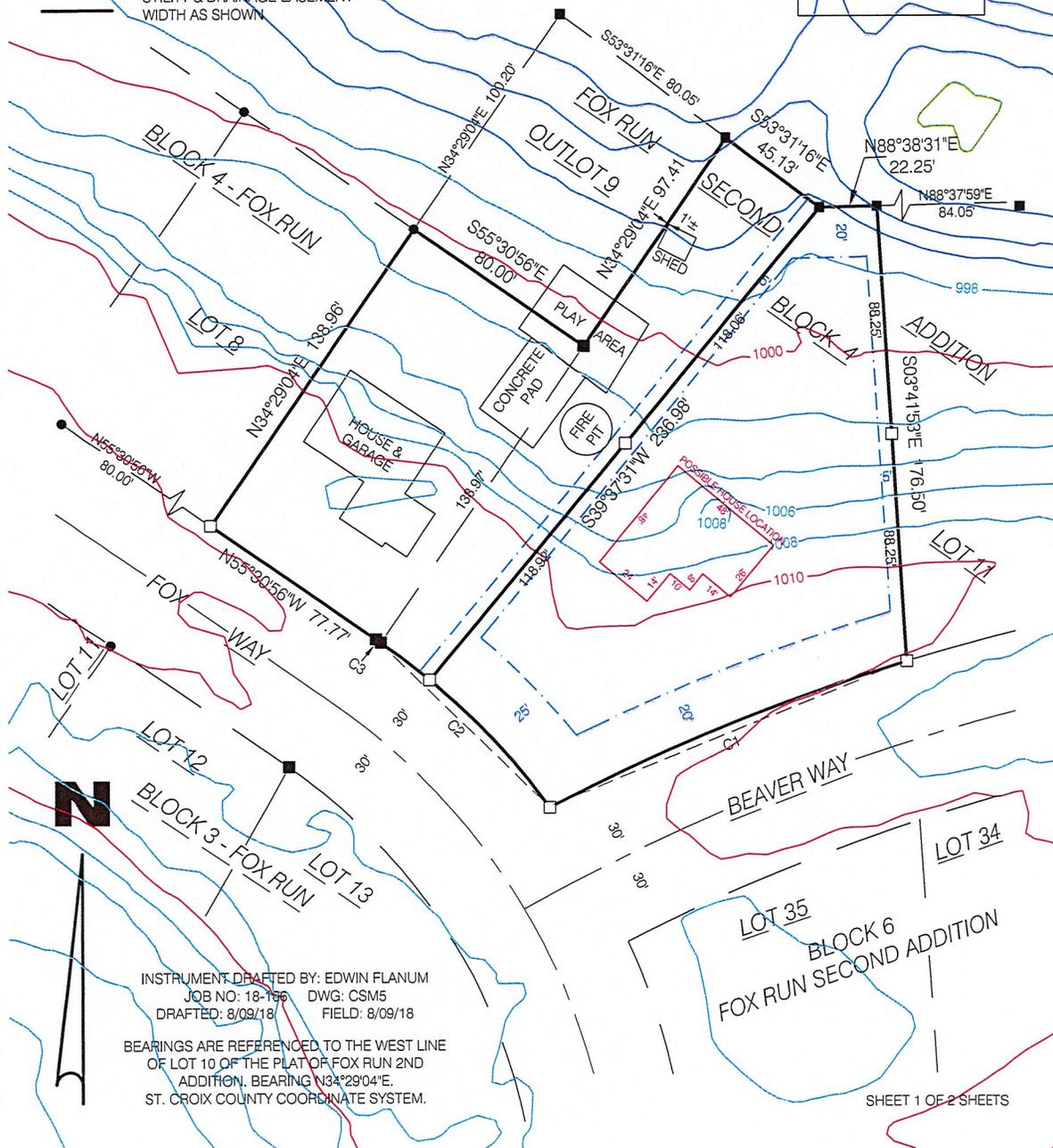
LEGEND

- 3/4" X 18" IRON REBAR SET WEIGHING 1.50 LBS. PER LINEAR FOOT
- 1 1/4" IRON REBAR FOUND
- 3/4" IRON REBAR FOUND
- 1" IRON PIPE FOUND
- UTILITY & DRAINAGE EASEMENT WIDTH AS SHOWN

SCALE IN FEET 1" = 50'

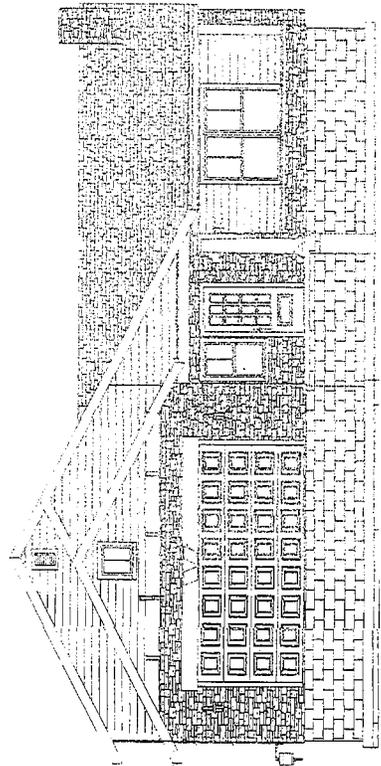


SETBACKS:
PRINCIPAL FRONT: 25'
SECONDARY FRONT: 20'
SIDE YARD: 5'
REAR YARD: 5'

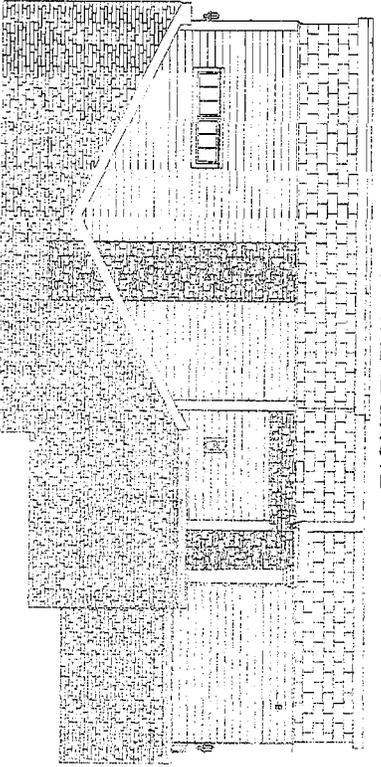


INSTRUMENT DRAFTED BY: EDWIN FLANUM
JOB NO: 18-156 DWG: CSM5
DRAFTED: 8/09/18 FIELD: 8/09/18

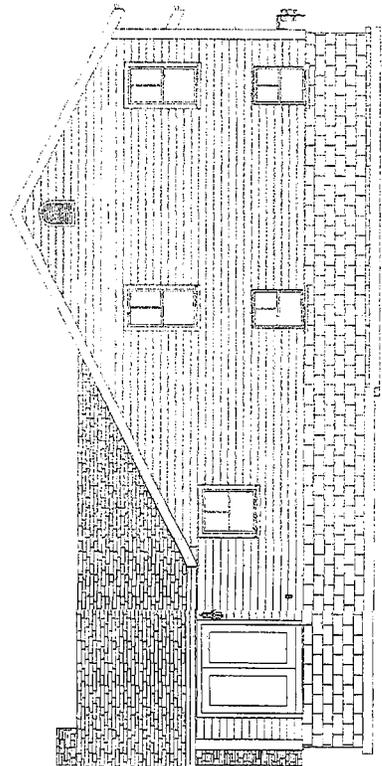
BEARINGS ARE REFERENCED TO THE WEST LINE
OF LOT 10 OF THE PLAT OF FOX RUN 2ND
ADDITION, BEARING N34°29'04"E.
ST. CROIX COUNTY COORDINATE SYSTEM.



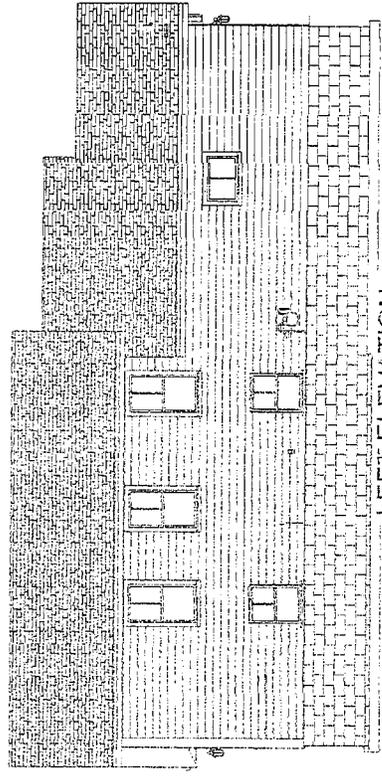
FRONT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



REAR ELEVATION
1/8" = 1'-0"



LEFT ELEVATION
1/8" = 1'-0"

ALL COPYRIGHTS RESERVED
BY SCOTT COUNTER
HOME TEC DESIGNERS &
BUILDERS, INC.

DESIGN BY:
Scott
Counter
18
February
2015

FOR:
Street
City

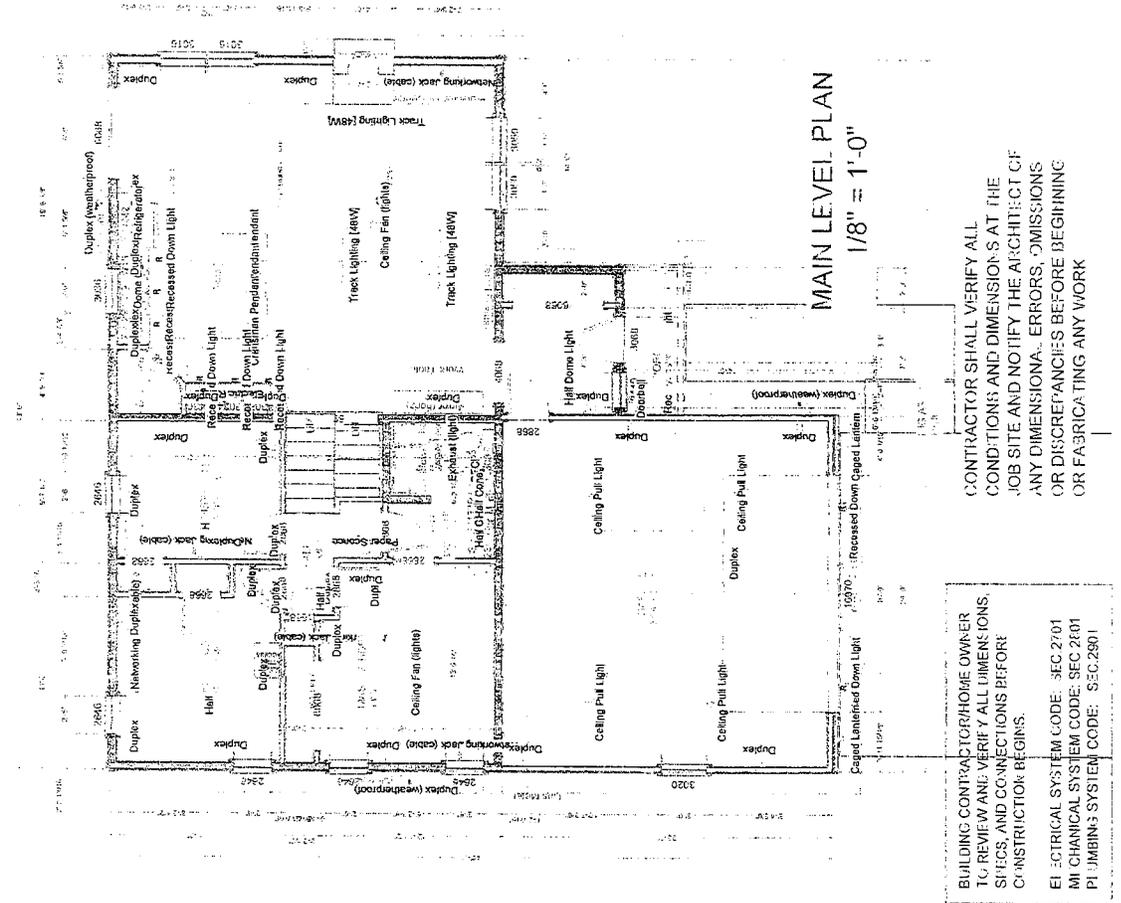
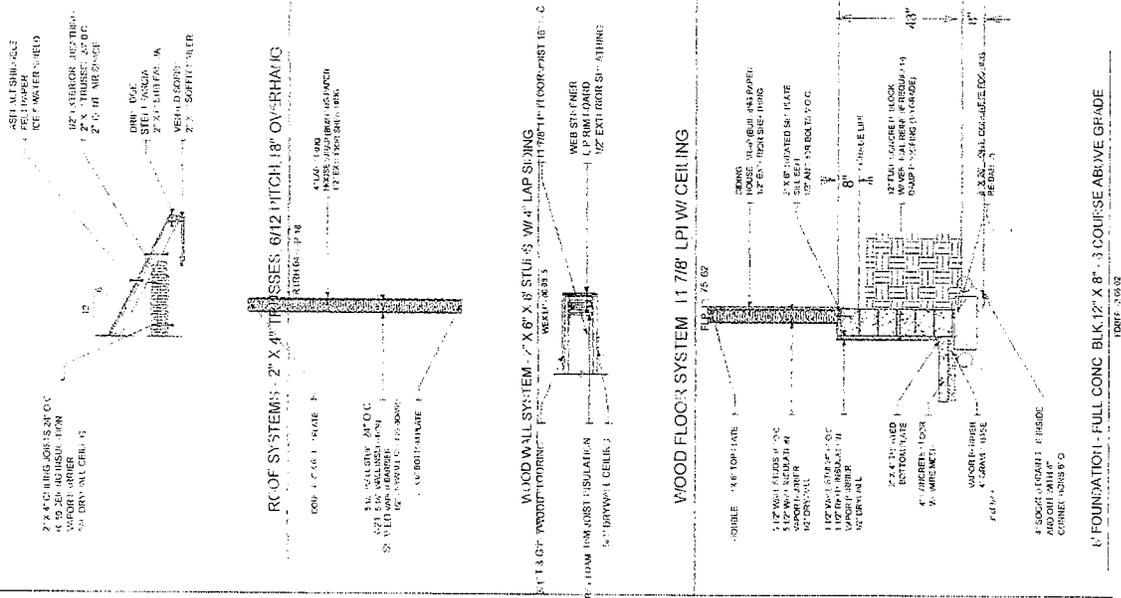
TRI-LEVEL 18 FEB 2015

P.O. BOX 48
New Richmond, WI 54017
715-246-4343
www.hometecbuilders.com



2

FOR: City
 Street
 February 18, 2015
 DESIGN BY: TRILEVEL 18 FEB 2015



MAIN LEVEL PLAN
 1/8" = 1'-0"

CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE ARCHITECT OF ANY DIMENSIONAL ERRORS, OMISSIONS OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK

BUILDING CONTRACTOR/HOME OWNER TO REVIEW AND VERIFY ALL DIMENSIONS, SPACES, AND CONNECTIONS BEFORE CONSTRUCTION BEGINS.
 ELECTRICAL SYSTEM CODE: SEC 2701
 MECHANICAL SYSTEM CODE: SEC 2701
 PLUMBING SYSTEM CODE: SEC 2801



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- CERTIFIED SURVEY MAP FEE: \$200.00 ESCROW: \$1,500.00
- AMENDED CERTIFIED SURVEY FEE: \$200.00 ESCROW: \$1,500.00

Application fees should be made payable to City of New Richmond upon submittal of completed application. Escrow funds will be drawn to cover project-related costs. Additional funds may be required; surplus funds will be returned.

Please complete the application by typing or printing in ink. Use additional paper if necessary.

1. Property Owner Information:

Company name: _____
 Last name: Ronald Raedcke First name: Ronald
 Address: 3936 River Rd S City/State/Zip: Afton, MN 55001
 Phone number: 651-260-0286 Email address: ronski61@gmail.com

2. Applicant Information: (if different from above)

Company name: _____
 Last name: _____ First name: _____
 Address: _____ City/State/Zip: _____
 Phone number: _____ Email address: _____

3. Address(es) of Property Involved: (if different from above)

382-358-348 Knowles AVE

4. Zoning Designation: _____

5. Statement of Intent: Briefly describe what will be done on or with the property: _____

Build 2 Duplexes That are attached

6. Additional Required Information:

- a. **Legal Description and PIN:** Provide the Parcel Identification Number(s) and the complete legal description(s) of the property involved.
- b. **Consultant Fees:** Whenever third party consultants are utilized in the preparation of application materials (e.g., a traffic study) or the City's review of an application (e.g., traffic study analysis), the applicant shall be responsible for paying the entirety of those costs.
- c. **Other Information:** In addition to a full size site plan and an 11" x 17" copy, topographic survey, landscape plan, grading and drainage plan, exterior building elevation drawings, and other information may also be required if deemed necessary by City Staff. Please refer to Sec. 121-31 for further information on Site Plans.

7. **Signature(s):** By signing below, you attest that the information above and attached is true and correct to the best of your knowledge.

Property Owner: 

Date: 8-17-18

Applicant: _____

Date: _____

Fee Paid: \$ 250

Date: 8/17/18

Receipt # 67951

Escrow Paid: \$ 1500

Date: 8/17/18

Receipt # 67951

RECEIVED
AUG 17 2018
BY: J.B.

Zoning change applications must be received by the first Thursday of each month; applications received after this date cannot be heard at the Planning Commission meeting the following month.



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 21 August 2018

RE: New Richmond - Raedeke CSM

TPC FILE: 164.02

BACKGROUND

Mr. Ronald A. Raedeke has submitted plans for redevelopment of three lots located at 348, 358, and 362 N. Knowles Avenue. The properties are currently developed with three structures, one on each lot. The north two structures are proposed to be removed and a four-unit row townhouse building constructed. The existing structure at 348 N. Knowles Avenue would remain with 4 apartment dwelling units. The property owner has submitted an application for a Certified Survey Map to combine the three properties into one lot. Applications for approval of a CSM are subject to review by the Plan Commission and approval of the City Council in accordance with Section 117-20 of the Subdivision Ordinance.

Exhibits:

- Site Location
- CSM

ANALYSIS

Applications. Redevelopment of the properties as proposed requires the applications listed below. Recording of the CSM will be conditioned upon approval of the zoning applications by the Plan Commission required to allow the existing and proposed multiple principal buildings within one lot as required by Section 121-49.C of the Zoning Ordinance.

- Site plan review for townhouse and multiple family buildings within the Z6 District.

- Conditional use permit for multiple principal buildings on one lot.
- Certified Survey Map (CSM) to combine the three lots into one parcel and dedicate the Willow River corridor as an outlot.

Comprehensive Plan. The City has adopted a Comprehensive Plan that includes a northside design study, where the subject site is located. The northside design study anticipates an area developed with a mix of commercial and residential uses within buildings oriented towards Knowles Avenue and a natural corridor along the Willow River. The proposed redevelopment plan for the subject site, including combination of the existing parcels into one lot, is consistent with the concept plans developed for the northside area.

Zoning. The subject site is zoned Z6, Central Business District. The Z6 District allows for multiple story mixed and single use commercial and residential buildings in an urban form with vehicle and pedestrian connections. The proposed townhouse and multiple family buildings are allowed uses within the Z6 District subject to site plan review by the Planning Commission in accordance with Section 121-31 of the Zoning Ordinance. The proposed configuration of the buildings shown on the concept plan with two principal buildings on one lot is allowed subject with a conditional use permit subject to approval by the Planning Commission.

Lot Requirements. There is no minimum lot area or width requirement within the Z6 District. Lot coverage is allowed to be 100 percent of the lot within the Z6 District. Setbacks that apply to the subject site are shown below.

Building			Parking		Willow River
Knowles	North/ South	East	North/ South	East	OHWL
0ft. min 5ft. max	0ft.	0ft.	5ft.	10ft.	75ft.

Park Dedication. Outlot 1 is to be deeded to the City for the planned public corridor along the Willow River as required by Section 117-43 of the Subdivision Ordinance for park dedication.

Easements. Section 117-41 of the Subdivision Ordinance requires dedication of drainage and utility easements. Dedication of drainage and utility easements at the perimeter of the proposed lot is not required due to the allowance of zero lot line setbacks within the Z6 District. The drainage and utility easements shown on the CSM are subject to review and approval by the Public Works Director.

Utility Plan. Sanitary sewer, water, and electric services are located adjacent to the property. The developer has submitted a utility plan for the subject site. All utility issues are subject to review and approval of the Public Works Director.

Grading Plan. Development of the subject site requires preparation of a grading, drainage, and erosion control plan. The grading plan must provide for storm water rate control and water quality treatment. All grading, drainage, and utility issues are subject to review and approval of the Public Works Director.

RECOMMENDATION

The Development Review Committee considered the proposed CSM at its meeting on 19 August 2018 and recommends approval of the application as outlined below.

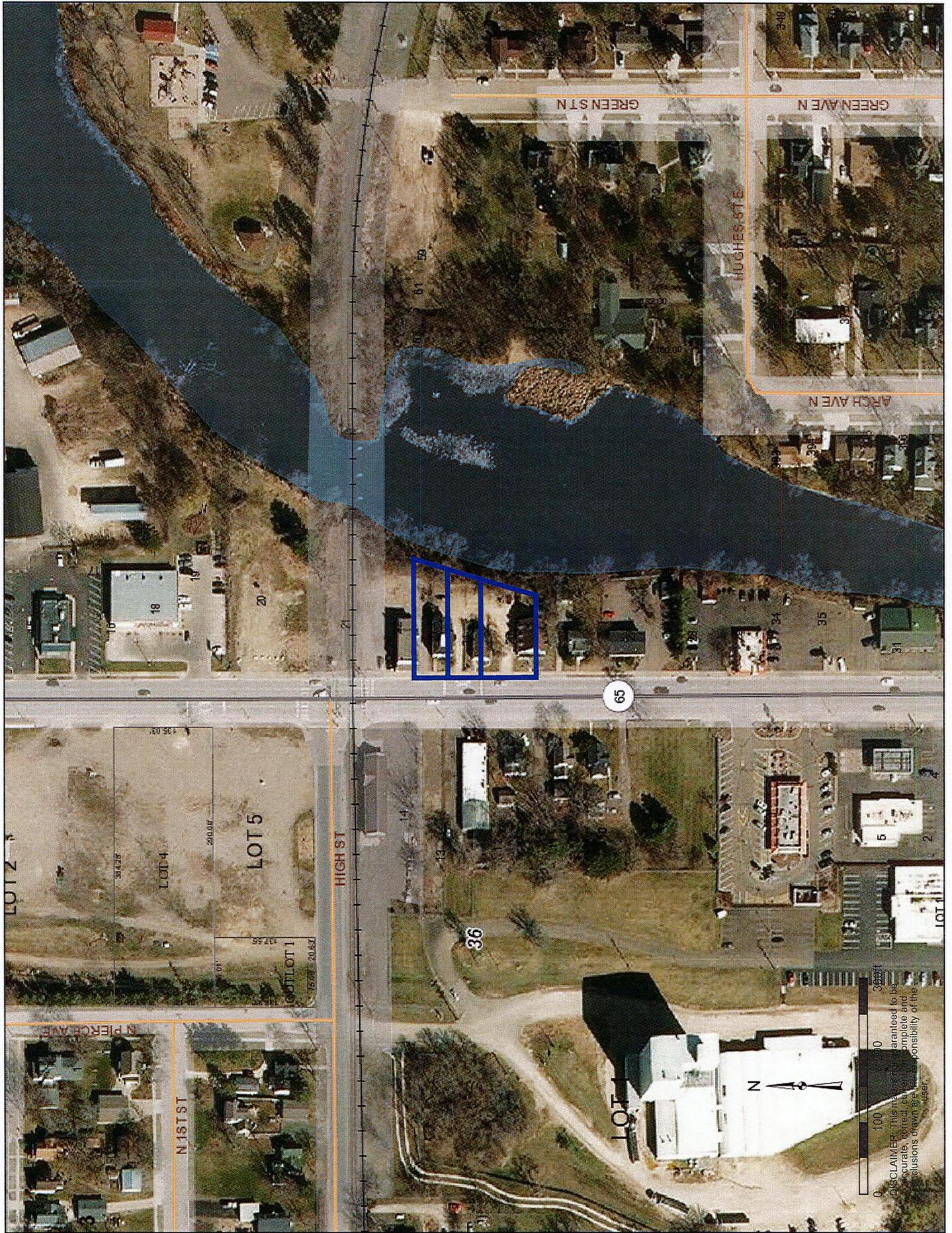
POSSIBLE ACTION

- A. Motion to recommend City Council approval of a CSM and vacation agreement for Ronald Raedke, subject to the following conditions:
 - 1. Approval of the CSM shall be contingent upon approval of a conditional use permit allowing more than one principal building within the proposed lot.
 - 2. Outlot 1 is to be deeded to the City as required by Section 117-43 of the Subdivision Ordinance for park dedication.
 - 3. All utility issues are subject to review and approval of the Public Works Director.
 - 4. All grading, drainage, and erosion control issues are subject to review and approval of the Public Works Director.
 - 5. All drainage and utility easements as required by Section 117-41 of the Subdivision Ordinance are subject to review and approval of the Public Works Director.

- B. Motion to **deny** the applications based on a finding that the request does not comply with the Zoning Ordinance and/or Subdivision Ordinance.

- C. Motion to **table** for further discussion.

- c. Michael Darrow, City Administrator
Jeremiah Wendt, Public Works Director
Nick Vivian, City Attorney



0 100 200 300ft
DISCLAIMER: This map is not guaranteed to be accurate, correct, or complete and the user assumes all responsibility of the information shown on this map.



22

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24

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36

N

0 20 40 60ft

This map is not accurate
to the ground. It is for
information only. It is
not to be used for
any other purpose.

CERTIFIED SURVEY MAP

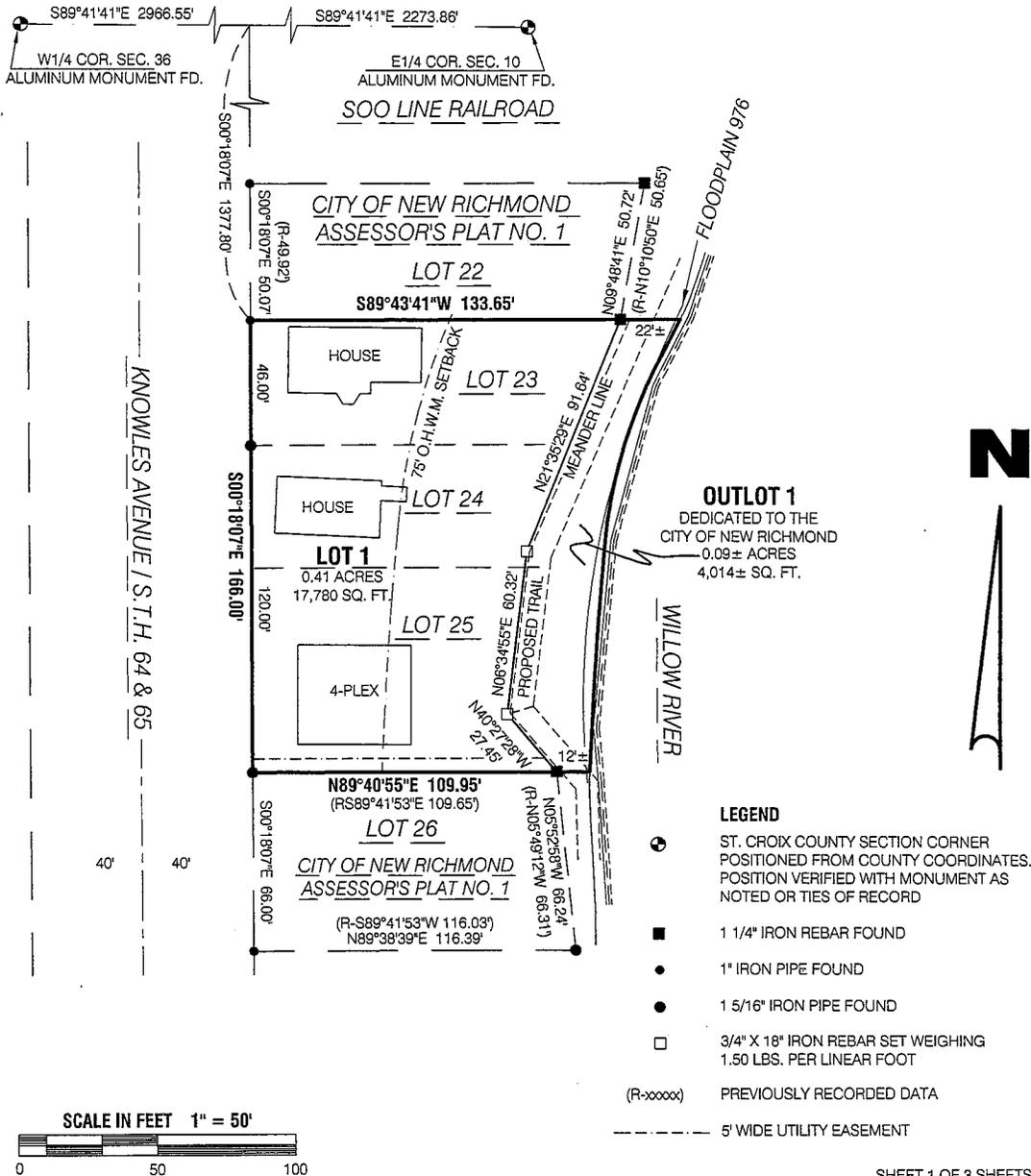
LOCATED IN PART OF THE SW1/4 OF THE SE1/4 OF SECTION 36, T31N, R18W, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN; BEING LOTS 23, 24 & 25 OF THE CITY OF NEW RICHMOND ASSESSOR'S PLAT NO. 1.

OWNERS
RONALD RAEDEKE
P.O. BOX 23
MARINE, MN 55407

SURVEYOR
EDWIN C FLANUM
NORTHLAND SURVEYING, INC.
P.O. BOX 152
AMERY, WI 54001

THIS INSTRUMENT DRAFTED BY EDWIN FLANUM
JOB #18-41 DWG-CSM3
DRAFTED: 6/07/18 - FIELD: 6/06/18

BEARINGS ARE REFERENCED TO THE EAST-WEST
1/4 LINE, SECTION 36, BEARING S89°41'41"E.
ST. CROIX COUNTY COORDINATE SYSTEM



CERTIFIED SURVEY MAP

LOCATED IN PART OF THE SW1/4 OF THE SE1/4 OF SECTION 36, T31N, R18W, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN;
BEING LOTS 23, 24 & 25 OF THE CITY OF NEW RICHMOND ASSESSOR'S PLAT NO. 1.

OWNERS

RONALD RAEDEKE
P.O. BOX 23
MARINE, MN 55407

SURVEYOR

EDWIN C FLANUM
NORTHLAND SURVEYING, INC.
P.O. BOX 152
AMERY, WI 54001

OWNERS CERTIFICATE OF DEDICATION

As owner, I hereby certify that I caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on the Certified Survey Map. I also certify that this Certified Survey Map is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: (City of New Richmond).

WITNESS the hand and seal of said owner(s) this _____ day of _____, 20__.

In presence of:

OWNERS

Ronald Raedeke

State of Wisconsin)
County of St. Croix)

Personally came before me this _____ day of _____, 20__, the above named, Ronald Raedeke to me known to be the same person who executed the foregoing instrument and acknowledged the same.

Notary Public, _____, Wisconsin.
My commission expires _____.

CERTIFIED SURVEY MAP

LOCATED IN PART OF THE SW1/4 OF THE SE1/4 OF SECTION 36, T31N, R18W, CITY OF NEW RICHMOND, ST. CROIX COUNTY, WISCONSIN;
BEING LOTS 23, 24 & 25 OF THE CITY OF NEW RICHMOND ASSESSOR'S PLAT NO. 1.

OWNERS

RONALD RAEDEKE
P.O. BOX 23
MARINE, MN 55407

SURVEYOR

EDWIN C FLANUM
NORTHLAND SURVEYING, INC.
P.O. BOX 152
AMERY, WI 54001

SURVEYOR'S CERTIFICATE

I, Edwin C. Flanum, Professional Wisconsin Land Surveyor, hereby certify that by the direction of Ronald Raedeke, I have surveyed, mapped and described the parcel of land which is represented by this Certified Survey Map; that the exterior boundary of the parcel of land surveyed and mapped is described as follows:

Lot 23, Lot 24 and Lot 25 of the City of New Richmond Assessor's Plat No. 1. Located in part of the SW1/4 of the SE1/4 of Section 36, T31N, R18W, City of New Richmond, St. Croix County, Wisconsin.

Described parcel contains 0.50 acres more or less (21,794± Sq. Ft.). Parcel is subject to all easements, restrictions, and covenants of record.

I, also certify that this Certified Survey Map is a correct representation to scale of the exterior boundary surveyed and described; that I have fully complied with the current provisions of Chapter 236.34 of the Wisconsin Statutes, the Land Subdivision Ordinance of the County of St. Croix, and the City of New Richmond Subdivision Ordinance in surveying and mapping same.

Edwin C. Flanum, P.L.S. #2487

Date

Common Council Approval Certificate

Resolved, that this Certified Survey Map in the City of New Richmond, St. Croix County, owner, is hereby approved by the common council.

Date approved: _____ Signed: _____, Frederick Horne, Mayor

Date signed: _____ Signed: _____, Frederick Horne, Mayor

Clerk's Certificate

I hereby certify that the foregoing is a copy of a resolution adopted by the common council of the City of New Richmond.

Tanya Batchelor, Clerk

Date

ADDENDUM TO QUIT CLAIM DEED

St. Croix County, Wisconsin

- A. North 45 feet of South 120 feet of lot 5, Clapp, Cragin, Gibson and Ismon's Addition to City of New Richmond, being Lot 24, City of New Richmond Assessor's Plat No. 1, in Section 36-31-18, St. Croix County, Wisconsin.

(Address: 358 Knowles Avenue, New Richmond, Wisconsin, PIN 261-1014-20-000)
- B. South 75 feet of Lot 5, Clapp, Cragin, Gibson and Ismon's Addition to City of New Richmond, being Lot 25, City of New Richmond Assessor's Plat No. 1, in Section 36-31-18, St. Croix County, Wisconsin.

(Address: 348 Knowles Avenue, New Richmond, Wisconsin, PIN 261-1014-30-000)
- C. North 46 feet of South 166 feet of Lot 5, Clapp, Cragin, Gibson and Ismon's Addition to City of New Richmond, being Lot 23, City of New Richmond Assessor's Plat No. 1, in Section 36-31-18, St. Croix County, Wisconsin.

(Address: 362 Knowles Avenue, New Richmond, Wisconsin, PIN 261-1014-10-000)
- D. Lot 4, Block "8", and the South 15 feet of Lot 3, Block "8", Country Club Park Addition to City of New Richmond, St. Croix County, Wisconsin.

(Address: 533 Marshall Road, New Richmond, Wisconsin, PIN 261-1031-60-000)
- E. Lot 5, Block "8", Country Club Addition to City of New Richmond, St. Croix County, Wisconsin.

(Address: 547 Marshall Road, New Richmond, Wisconsin, PIN 261-1031-70-000)



3601 Thurston Avenue
Anoka, MN 55303
763.231.5840
TPC@PlanningCo.com

MEMORANDUM

TO: Beth Thompson

FROM: D. Daniel Licht, AICP

DATE: 30 August 2018

RE: New Richmond – Nehlich Extra Territorial Area CSM

TPC FILE: 164.01

BACKGROUND

Mr. Todd Nehlich has submitted application to St. Croix County to subdivide a 38.3 acre parcel located at 1086 170th Avenue within Richmond Township. The City of New Richmond has established provisions applicable to subdivisions within an extra territorial jurisdiction extending 1.5 miles of the City's current boundary as Section 121-35 of the Zoning Ordinance making them subject to review by the Plan Commission and approval of the City Council. The property is within 1.5 miles of the City boundary. The Planning Commission will consider the proposed CSM at their meeting on 4 September 2018.

Exhibits:

- Site location map
- Proposed CSM
- Recommended CSM

ANALYSIS

Review Criteria. Section 121-35 of the Zoning Ordinance establishes a review procedure and requirements for subdivision of properties within the City's extra territorial jurisdiction. The Court of Appeals ruled in *Lake Delavan Property Company, LLC v. City of Delavan* that cities are not authorized by Wisconsin Statutes for extra territorial jurisdiction plat review to impose zoning regulations. Extra territorial jurisdiction review of subdivisions is limited to the criteria for compliance with adopted Comprehensive Plans (including transportation and utility system plans), impact on the environment, and adequate provision of public services necessary to support the proposed development.

Comprehensive Plan. The Comprehensive Plan guides the property for future development of low density residential uses at such time as the property is annexed to the City and utility services are extended. In the interim, subdivision of the property is to continue with rural density development or agricultural uses as allowed by St. Croix County.

Proposed Subdivision. The proposed subdivision would divide the 38.3 acre parcel into a 10.22 acre lot that includes an existing single family dwelling and 2 detached accessory buildings. The balance of the property would be established as an outlot. The configuration of the proposed subdivision with Outlot 1 to the west, north, and east of Lot 1 results in an irregular parcel shape that follows general boundaries within the existing property between the buildings/yard and cultivated fields. It is the property owner's intent to sell Lot 1 with the buildings and retain Outlot 1 for continued use in agricultural production.

Future subdivision of the portion of Outlot 1 west of Lot 1 into urban lots would not be possible due to the dimensions of the parcel and lack of street connections from the Partridge Run subdivision to the west. To avoid creating a future remnant parcel that may be a barrier to street and utility extensions for future development, we suggest that Lot 1 could be revised to include all of the area north and west of the proposed east lot line (see attached exhibit). The property owner would prefer to keep all of the existing cultivated field as part of Outlot 1 as proposed on the CSM.

Access. The subject site has frontage to 170th Street. The Comprehensive Plan designates 170th Street as a future local collector roadway. Local collector roadways that provide access to private property and connect neighborhoods to collector and arterial streets. Local collectors are to provide 70 feet of right-of-way. The proposed CSM must provide for dedication of 35 of right-of-way for the north half of 170th Street as a local collector street to preserve the City's future transportation corridor.

Utilities. The existing single family dwelling is served by on-site septic and well systems. We recommend that the existing septic system be inspected by a licensed septic designer to ensure that it is functioning properly and that there is adequate space within proposed Lot 1 for a primary and secondary drainfield site. As an outlot, no new dwellings are proposed within Outlot 1.

RECOMMENDATION

City staff recommends approval of the proposed CSM subject to the conditions outlined below in accordance with the Court of Appeals decision in *Lake Delavan Property Company, LLC v. City of Delavan*.

POSSIBLE ACTIONS

- A. Motion to recommend City Council **approval** of CSM for Todd Nehlich subject to the following conditions:

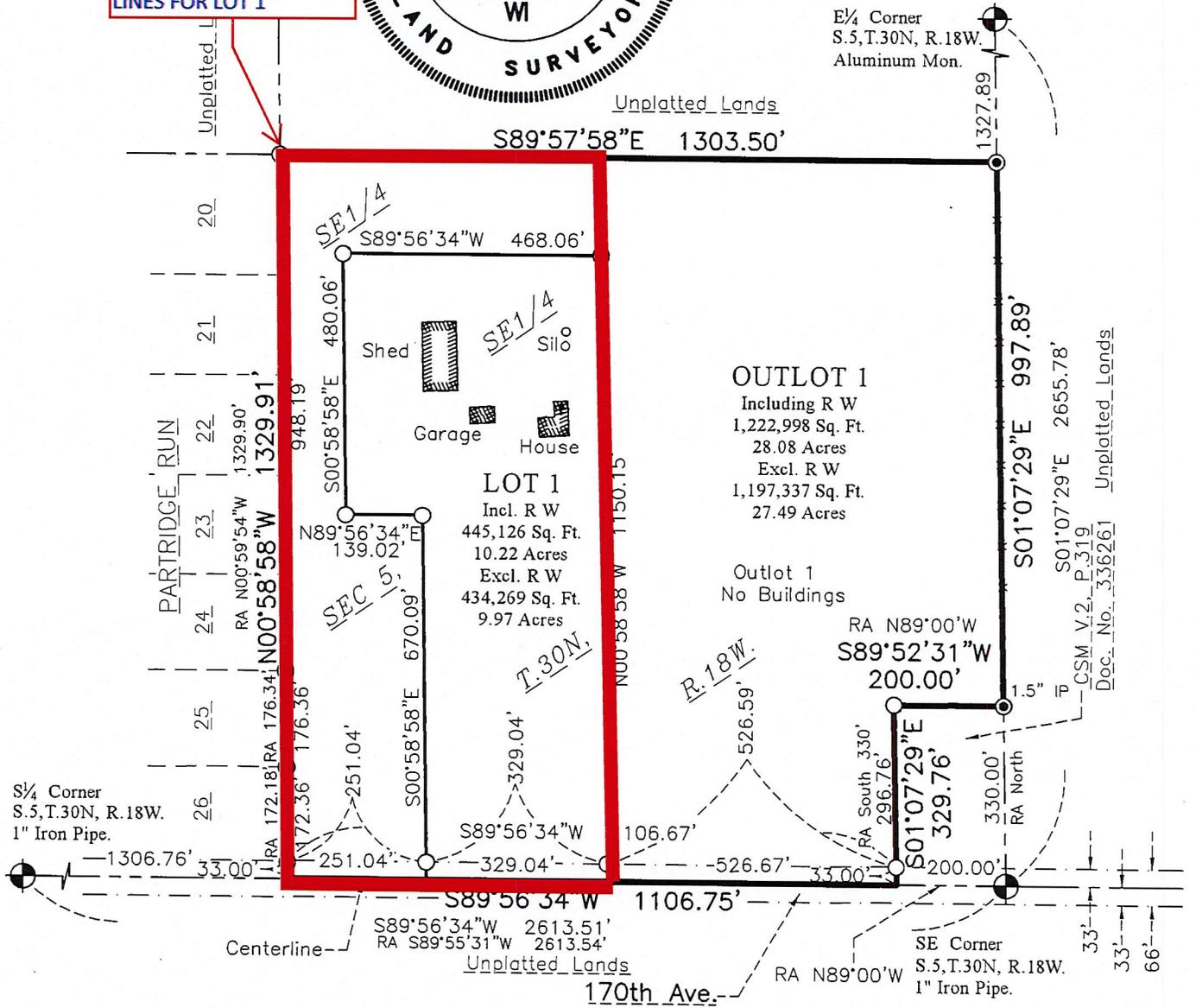
1. Lot 1 shall be revised to include all of the area north and west of the proposed east lot line of Lot 1.
 2. The CSM shall dedicate 35 feet of right-of-way for the north one-half of 170th Street as a future local collector roadway.
 3. The on-site septic system shall be inspected and improved as necessary to ensure that it is functioning in accordance with Wisconsin Rules and that there is adequate area within the proposed lot for a primary and secondary drainfield site.
- B. Motion to deny the application based on a finding that the request is inconsistent with the policies of the Comprehensive Plan.
- C. Motion to **table**.
- c. Michael Darrow, City Administrator
Nick Vivian, City Attorney

CERTIFIED SURVEY MAP

Certified Survey Map No. _____, Volume _____, Page _____.
 Located in the Southeast Quarter of the Southeast Quarter, of Section
 5, Township 30 North, Range 18 West, Town of Richmond, St. Croix
 County, Wisconsin.



RECOMMENDED LOT
 LINES FOR LOT 1

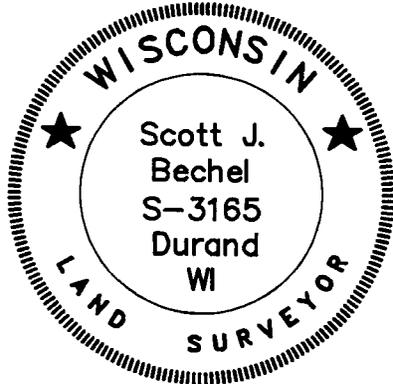


The bearings shown hereon are based on the St. Croix County Coordinate System, NAD 1983, 1991 adjustment.

- ⊙ Denotes a St. Croix County Section Corner Monument in place, as noted.
- Denotes a set 1"O.D.X18" iron pipe weighing 1.13 lbs. per lineal foot.
- Denotes a found 1" iron pipe, unless otherwise noted.
- x - Denotes an existing fence line.
- RA Denotes recorded as bearing and/or distance in previously recorded document.

CERTIFIED SURVEY MAP

Certified Survey Map No. _____, Volume _____, Page _____.
Located in the Southeast Quarter of the Southeast Quarter, of Section
5, Township 30 North, Range 18 West, Town of Richmond, St. Croix
County, Wisconsin.



OWNER/PREPARED FOR:
Todd Nehlich
404 Aylesbury Court
Roanoke, TX 76262

Surveyor's Certificate:

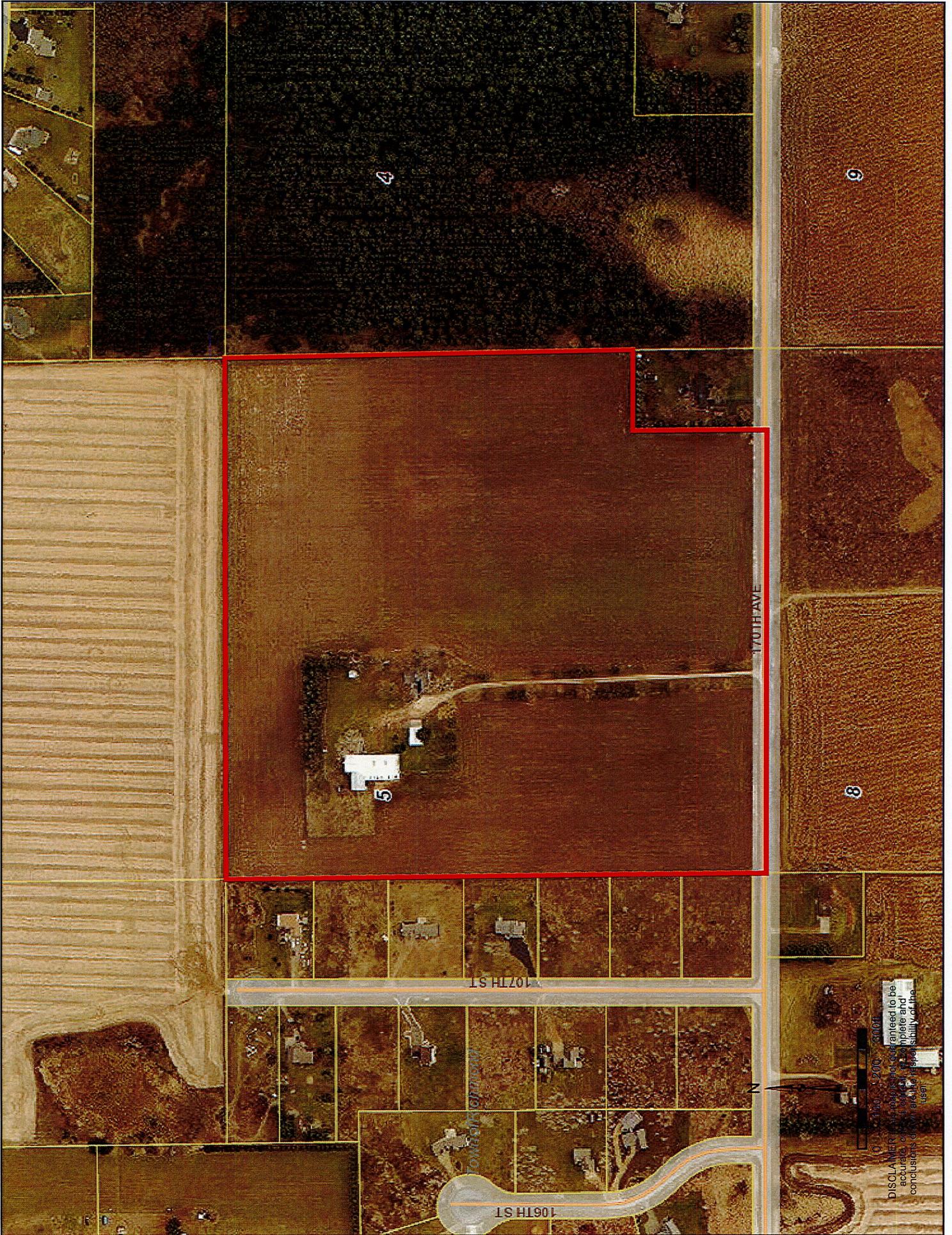
I, Scott J. Bechel, Wisconsin Professional Land Surveyor, hereby certify: That I have surveyed and mapped a parcel of land located in that part of the Southeast Quarter of the Southeast Quarter of Section 5, Township 30 North, Range 18 West, Town of Richmond, St. Croix County, Wisconsin, described as follows:

Commencing at the southeast corner of said Section 5; thence South 89 degrees 56 minutes 34 seconds West, oriented with the St. Croix County Coordinate System, NAD83, 1991 adjustment, along the south line of the Southeast Quarter of said Section 5, a distance of 200.00 feet to the southwesterly corner of that certain Certified Survey Map, as recorded in the St. Croix County Register of Deeds Office in Volume 2 of Certified Survey Maps, Page 319 as Document Number 336261, being the point of beginning of the land to be described; thence continuing South 89 degrees 56 minutes 34 seconds West, along said south line, a distance of 1106.75 feet to the southwest corner of said Southeast Quarter of the Southeast Quarter; thence North 00 degrees 58 minutes 58 seconds West, along the west line of said Southeast Quarter of the Southeast Quarter, a distance of 1329.91 feet to the northwest corner of said Southeast Quarter of the Southeast Quarter; thence South 89 degrees 57 minutes 58 seconds East, along the north line of said Southeast Quarter of the Southeast Quarter, a distance of 1303.50 feet to the northeast corner thereof; thence South 01 degrees 07 minutes 29 seconds East, a distance of 997.89 feet to the northeast corner of said Certified Survey Map; thence South 89 degrees 52 minutes 31 seconds West, a distance of 200.00 feet to the northwest corner said Certified Survey Map; thence South 01 degrees 07 minutes 29 seconds East, a distance of 329.76 feet to the point of beginning. Containing 38.30 acres, more or less.

Subject to all easements, restrictions and reservations of record.

That I have made such survey, land division and map by the direction of Todd Nehlich, 404 Aylesbury Court, Roanoke, TX. 76262, that such map is a correct representation of the exterior boundaries of the land surveyed and the map made thereof and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes, A-E7 of the Wisconsin Administrative Code and the Subdivision Regulations of St. Croix County in surveying, dividing and mapping the same.

Scott J. Bechel S-3165
Wisconsin Professional Land Surveyor
Date:



4

9

5

8

107TH ST

106TH ST

170TH AVE

N

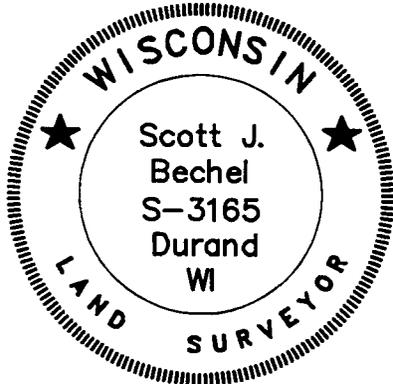
0 100 200 300ft
DISCLAIMER: This analysis was prepared to be accurate at the time of completion and the user assumes all responsibility of the results.



4000
2000
0
R: This map is for informational purposes only. It is not intended to be used for legal or other purposes. The information shown on this map is current as of the date of the aerial photograph used to create this map.

CERTIFIED SURVEY MAP

Certified Survey Map No. _____, Volume _____, Page _____.
Located in the Southeast Quarter of the Southeast Quarter, of Section
5, Township 30 North, Range 18 West, Town of Richmond, St. Croix
County, Wisconsin.



OWNER/PREPARED FOR:
Todd Nehlich
404 Aylesbury Court
Roanoke, TX 76262

Surveyor's Certificate:

I, Scott J. Bechel, Wisconsin Professional Land Surveyor, hereby certify: That I have surveyed and mapped a parcel of land located in that part of the Southeast Quarter of the Southeast Quarter of Section 5, Township 30 North, Range 18 West, Town of Richmond, St. Croix County, Wisconsin, described as follows:

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Date: