

THREE VILLAGES COMMUNITY ASSOCIATION

MASTER CASE FILE — REDACTED

Personal names replaced with initials or titles throughout

Breck Athletic Complex

Village of Big Bend, Waukesha County, Wisconsin

Tax Parcel BBV 2022999002 | W235S6465 Big Bend Drive

Developer: Developer / Developer Entity

Community Attorney: Community Attorney

DNR Complaint Filed: May 18, 2026 — DNR Basin Supervisor

Army Corps Contact: May 18, 2026 — Brookfield District

Certiorari Deadline: May 30, 2026 | Written Decision: April 30, 2026

Version: v5.4 REDACTED — June 2, 2026

REDACTION KEY: Full names replaced with initials (community members) or role titles (officials/professionals)

Original Name	Redacted To
EndBreck Founders (6)	J.T., C.H., J.P., J.S., M.W., R.S.
Secondary Key Players	M.R., R.R., C.W.T., D.S.K.
Community Attorney	Community Attorney
Developer / Owner	Developer
Developer Engineering Consultant	Developer Consultant (ISG)
Village President (current)	Village President
Village Clerk (current)	Village Clerk
Village Planner (Cedar Corp)	Village Planner
Village Engineer (Cedar Corp)	Village Engineer
Plan Commission Chair	Plan Commission Chair
Village Attorney (current)	Village Attorney
Village Building Inspector	Village Building Inspector
DNR Basin Supervisor	DNR Basin Supervisor

Original Name	Redacted To
Supporting Developer / Resident	Supporting Developer / Village Resident
Opposing Counsel	Opposing Counsel (Axley LLP)
Vernon Village Clerk	Vernon Village Clerk

SECTION 1 — PROJECT SUMMARY & BUILD-OUT SCOPE

The Three Villages Community Association and EndBreck coalition oppose the Breck Athletic Complex, a proposed 150.49-acre multi-sport facility at Tax Parcel BBV 2022999002, Town Line Road and Highway 164, Village of Big Bend, Waukesha County, Wisconsin. Developer Developer (Developer Entity) received Phase 1 CUP approval on April 30, 2026. The community has organized a legal challenge with attorney Community Attorney on the basis of procedural defects, fatally flawed stormwater engineering, inadequate traffic analysis, environmental violations, and failure to address contrary evidence in the record.

Full Build-Out Scope

Element	Details
Tax Parcel	BBV 2022999002
Address	W235S6465 Big Bend Drive, Big Bend, WI 53189
Site Size	150.49 acres (ALTA Survey Nov 24, 2025)
Developer	Developer, President — Developer Entity, Wauwatosa WI
General Contractor	Developer Cost Estimator (Milwaukee office)
Total Stated Value	\$175M – \$225M (Developer Cost Estimator estimate Dec 22, 2025)
Phases	8 phases through 2030
Phase 1 Approved	4 synthetic turf soccer/lacrosse fields, 176 parking spaces, lighting, 2 temporary storage containers — NO permanent buildings
Full Build-Out	7 soccer fields, 4 lacrosse fields, 3 futsal courts, 6 baseball/softball fields + championship field, 155,000 sq ft indoor fieldhouse, 60-room hotel, craft bar/restaurant/banquet hall, gas station, retail, golf simulators
Peak Weekend Visitors	3,000–6,000 per day (developer's own sales brochure)
Weekly Training Visitors	1,800+ per week Monday–Thursday
Parking Stalls	1,561 at full build-out
Phase 1 Status	APPROVED April 30, 2026 — certiorari deadline May 30, 2026
Stages 2–8	PENDING — each requires separate CUP approval

CRITICAL TIMELINE CORRECTION: March 19, 2026 = Plan Commission recommended Phase 1 CUP for approval. April 16, 2026 = Plan Commission unanimous CUP recommendation. April 30, 2026 = Village Board approved both PUD overlay AND Phase 1 CUP — this is the written decision date. CUP came BEFORE PUD was finalized — this is documented procedural defect P-1.

SECTION 2 — KEY PEOPLE & ORGANIZATIONS

EndBreck — Original Founders

Name	Role	Notes
J.T.	Original Founder	EndBreck co-founder
C.H.	Original Founder	EndBreck co-founder
J.P.	Original Founder	EndBreck founding member
J.S.	Original Founder	EndBreck founding member
M.W.	Original Founder	EndBreck founding member

Name	Role	Notes
R.S.	Original Founder	EndBreck founding member

EndBreck — Secondary Key Players

Name	Role	Contact / Notes
M.R.	Lead Research	Pursuing burial ground preservation under Wis. Stat. 157.70. Waukesha County research active.
R.R.	Secondary Key Player	EndBreck
C.W.T.	Facilitator and Systems Development	TMJ4 interview ~May 8, 2026. Spoke at April 30 Village Board meeting — asked Board to pause pending forensic financial analysis.
D.S.K.	Secondary Key Player	dskulinski@gmail.com 262-853-9022 W232S5920 Charles Dr, Waukesha WI 53189

Legal & Allied Support

Name	Role	Contact / Notes
Community Attorney	Community Attorney	Law Offices of Community Attorney LLC [attorney address], Shorewood WI 53211 [attorney phone] [attorney contact] www.jrc4law.net CC on DNR complaint May 18, 2026. Drafting certiorari. MAY 30 DEADLINE.
J.H.	Key Witness	Caught defective Class 1 notice on record at Jan 29 hearing — placed on official transcript.
Katherine Lusz	Community Member	Lives within sight of site. Spectrum News interview — lights, noise, traffic concerns.
Village of Vernon	Allied Municipality	President Jeff Millies opposed at Jan 29 hearing. Vernon Board passed Resolution 2026 opposing project.

Developer / Engineer Side

Name	Role	Contact
Developer	Developer / Owner — Developer Entity	[developer email] WTMJ interview May 12, 2026
Developer Consultant (ISG)	ISG Planner / Project Lead	[ISG email] [ISG email] [ISG phone]
ISG Staff	ISG Asst. Project Manager	Chelsea.Davis@ISGInc.com 414.828.4092
Village Building Inspector	Village Building Inspector — Big Bend	WBIJC@att.net
Plan Commission Chair	Plan Commission Chair (Village of Big Bend) — role re: developer relationship UNCONFIRMED, verify via Open Records	warren.lajsic@4dd.com — received police security quotes before approval. Also served as Plan Commission Chair — dual role requires investigation.
Village Attorney	Village Attorney (Village Attorney Firm) — from March 19, 2026	[village attorney email] [village attorney phone] Present at April 30 special meeting as Village Attorney
Musco Engineer	Musco Lighting Designer	Design #250212B Soccer-Lacrosse

Name	Role	Contact
Lauren McGovern	ECS Geotechnical Staff PM	LMcGovern@ecslimited.com
Darin Maciolek PE	ECS Principal, Geotechnical	DMaciolek@ecslimited.com

Village of Big Bend / Regulatory Side

Name	Role	Contact / Notes
Village President	Village President	Signed April 30 special meeting notice
Village Clerk	Village Clerk/Treasurer	[village clerk email] [village clerk phone] — all ORR requests go here
Village Trustee	Plan Commissioner	krenner@villageofbigbend.com — appeared supportive of project
Village President (2017–2019)	Plan Commissioner	jsoneberg@villageofbigbend.com — on record Nov 20: 'Don't rush it'
Greg Peterson	Plan Commissioner	gpeterson@villageofbigbend.com
Village Planner, AICP	Cedar Corp — Village Planner	ben.greenberg@cedarcorp.com — CONFLICT: coached applicant Nov 2025–Jan 2026, then wrote approval memo
Village Engineer	Cedar Corp — Village Engineer	william.hein@cedarcorp.com — flagged missing culvert data Mar 2-3, 2026; stated 'capacity of receiving system is my concern'; then approved stormwater plan Apr 30
Sgt. Nate Village Police Chief	Big Bend Police	nschwitzer@villageofbigbend.com (262) 662-3782 x118 — sent safety proposal to Plan Commission Chair before approval
Chief Jamie Aide	Big Bend Police Chief	Department head

SECTION 3 — PARCEL & OWNERSHIP INFORMATION

Field	Details
Tax Parcel	BBV 2022999002
Location	Town Line Road & Highway 164, Village of Big Bend / Village of Vernon, Waukesha County, WI
Developer	Developer / Developer Entity (confirm if transferred to LLC)
Prior Owner	Bahl — confirm current chain via Register of Deeds
Site Size	150.49 acres (ALTA Survey Nov 24, 2025)
Zoning Pre-PUD	B-4 Highway Business (west of power lines) / R-2 Residential (42 acres east)
Zoning Post-Approval	PUD Overlay (full 150.49 acres) + Phase 1 CUP — recorded with Waukesha County Register of Deeds
42-Acre Parcel	R-2 low density — EXCLUDED from Jan 29 rezoning. But PUD overlay covers full 150.49 acres — future threat. Watch all agendas.
Adjacent	Vernon Marsh Wildlife Area / Mukwonago River watershed (Outstanding Resource Water)
Boundaries	N: Town Line Rd S: Skyline Ave E: Big Bend Dr W: HWY 164

Ownership Verification Required: Confirm whether ownership has transferred to LLC or land trust. Search Register of Deeds for all instruments on BBV 2022999002 after December 2025.

SECTION 4 — SOIL, HYDROLOGY & ENGINEERING FINDINGS

All sourced from developer's own submitted documents

Soil Map

Soil Series	Coverage	HSG	Drainage	Problem for Pavers
HmB/HmB2 — Hochheim clay loam	~61% of site	D — very poor	0.06–0.20 in/hr	YES — 12" drains in 200 hrs. System perpetually saturated.
LmB — Lamartine silt loam	~14%	B/D — poor	0.57–1.98 in/hr	Marginal — needs full underdrain
MoB — Miami loam	~8%	C — moderate	0.06–0.57 in/hr	Poor — cherry-picking risk
ThB — Theresa silt loam	~8%	C	0.06–0.20 in/hr	Poor drainage
BsA — Brookston silt loam	~5%	C/D — hydric	0.06–0.60 in/hr	Hydric — potential jurisdictional wetland

Engineering Findings

FAILURE

E-1 — HydroCAD 0% impervious — drainage maps show 18.3 acres impervious

ISG Drainage Map: PRO DA-1=8.9 AC impervious, PRO DA-2=9.4 AC impervious. HydroCAD p.3: both show 0.00% impervious. Same engineer, same date, same package. Model shows no difference between a farm field and a 155-acre developed complex.

Source: ISG SWM Memo Feb 23, 2026; HydroCAD output p.3

FAILURE**E-2 — All 187.974 acres classified 'Other Soil' — wrong curve number applied**

HSG D soils (Hochheim clay loam, 61% of site) require CN=89-91. Model uses CN=76 (HSG B). This 25–40% error makes the system appear more capable than it is. HydroCAD Soil Listing p.4: all HSG categories = 0.000 ac; Other = 187.974 ac.

Source: HydroCAD p.4; ECS Geotechnical Report Jan 26, 2026

FAILURE**E-3 — Both discharge ponds route to nonexistent nodes — downstream never modeled**

Every storm event (1-yr through 100-yr): 'Routed to nonexistent node NW C' / 'nonexistent node WC C.' HWY 164 culverts, Skyline Ave ditch, Vernon Marsh never modeled. Model stops at property line.

Source: HydroCAD pp.16, 36, 69, 102, 115, 135 — all storm events

FAILURE**E-4 — 100-year storm — P/T 2 within 0.17 feet of overflow**

P/T 2: Peak Elev=931.83 ft; overflow weir=932.00 ft; margin=0.17 ft. Secondary weir outflow=0.00 cfs in ALL events — weir never activates. Waukesha County has experienced 100-year flood levels twice in the past two years.

Source: HydroCAD pp.127, 131; Waukesha County flood record 2023–2025

FAILURE**E-5 — All 70 borings drilled on frozen ground — field infiltrometer tests never conducted**

Borings: Dec 11, 2025 – Jan 21, 2026. ECS Section 4.8: 'ECS recommends field double ring infiltrometer tests be conducted.' 'Infiltration rates are estimates only.' No field test data exists in submitted package. NR 151.124 infiltration exemption based entirely on frozen-ground estimates.

Source: ECS Geotechnical Report Section 4.8, Jan 26, 2026

FAILURE**E-6 — ISG ran Unilock calculator at 20-inch depth — submitted design shows 12 inches**

Unilock calculator timestamp: 03/02/26 13:33 — inputs: 50,000 sq ft; 20-inch depth; 40% void. ISG Sheet C0-20 same date: 12-inch aggregate reservoir. Internal evidence of knowledge of design inadequacy on the day of submission.

Source: Unilock calculator output 03/02/26 13:33; ISG Sheet C0-20

FAILURE**E-7 — Village engineer flagged missing culvert data — capacity never analyzed**

Village Engineer email Mar 2-3, 2026: 'The capacity of the receiving system is my concern.' ISG admitted missing culvert data and provided updated C3-20 on Mar 3. No corrected HydroCAD submitted. Same Hein approved stormwater plan Apr 30.

Source: Hein/Davis email exchange Mar 2-3, 2026

FAILURE**E-8 — C0-20 stamped PRELIMINARY NOT FOR CONSTRUCTION**

ISG Sheet C0-20 (plot date Mar 2, 2026): border stamp reads 'PRELIMINARY NOT FOR CONSTRUCTION' on both sides. Cross-sections show pavers on 'Compacted Subgrade' with no muck excavation — total system depth ~14-19 inches, no soil replacement.

Source: ISG Sheet C0-20, Mar 2, 2026

FAILURE**E-9 — WinSLAMM run on single year 1969 data; only 93.987 of 155 acres modeled**

Rain file: WisReg - Milwaukee Annual 1969.ran. Study period: 01/05/69–12/31/69. Only 93.987 acres modeled — southern portion excluded. 87% TSS removal claim for DNR exemption based on this incomplete single-year model.

Source: WinSLAMM output header, Feb 23, 2026

REMEDY**E-10 — Corrected HydroCAD model with HSG D soils and actual impervious not submitted**

The fundamental model errors have not been corrected. Village Engineer Hein's Apr 30 approval is based on the flawed model. A corrected model using HSG D (CN=89-91) and actual impervious coverage would produce substantially higher runoff volumes.

Source: ISG SWM Memo; Village Board approval Apr 30, 2026

True Cost of Proper Stormwater System

Component	ISG Proposed	Required on HSG D Clay	Difference
Aggregate reservoir depth	12 inches	36–60 inches	3–5x deeper
Excavation of clay/muck	Not specified	4–8 feet	Full soil removal required
Total excavation depth	~1.5 feet	8–13 feet	6–11 ft more
Underdrain pipe	6-inch perforated	8-inch + outlet control	Larger + controlled release
Cost for 35 acres	Not disclosed	\$18M–\$29M	Developer has not disclosed

SECTION 5 — ROAD INFRASTRUCTURE & TRAFFIC FINDINGS

ACTIVE DDI CONSTRUCTION: WisDOT I-43 Rock Freeway / DDI project began April 6, 2026 — continues through 2027. Replaces I-43/Hwy 164 interchange with Diverging Diamond. Lane reductions active. All Breck access design must coordinate. Contact: WisDOT Contact PE [WisDOT phone].

Existing Road Conditions vs. Required Standards

Road	Est. Existing Pavement	Est. Existing ROW	Commercial Standard Required	Status
Highway 164 (west)	~24 ft	~66 ft	WisDOT standard — state jurisdiction	Needs dedicated turn lanes. No bypass lane at site. No signal approved.
Town Line Road (north)	~20–22 ft	~33 ft	72–80 ft ROW; 24 ft pavement (Vernon §200-34)	DEFICIENT — ROW must expand 39–47 ft
Skyline Avenue (south)	~20–22 ft	~33 ft	72–80 ft ROW; 24 ft pavement	DEFICIENT — same as Town Line Rd
Big Bend Drive (east)	~18–20 ft	~33 ft	72–80 ft ROW; 24 ft pavement	SEVERELY DEFICIENT + fire pond parking prohibition within 250 ft — CANNOT be primary egress

Traffic & Infrastructure Findings

FAILURE

T-1 — TIA not completed at time of approval — required by CUP Condition 4

ISG email Feb 2026: TIA 'got started but is on hold until the decision here happens.' Apr 16 transcript: Village Planner acknowledges TIA pending and frames as condition. Phase 1 alone generates 175–250 estimated peak-hour trips — exceeding the 100 peak-hour ITE/WisDOT threshold requiring a mandatory TIA. Developer's own WTMJ statement May 12, 2026: 'You've got to take a look at traffic... there's really no getting around that.'

Source: ISG email Feb 2026; CUP Condition 4; Apr 16 transcript; WisDOT TIA threshold; WTMJ May 12, 2026

FAILURE

T-2 — Waukesha County Ch. 15 mandatory bypass lane requirement not addressed

§15-54(e): bypass lane MANDATORY at T-intersections when adjacent highway exceeds 2,500 vpd. Hwy 164 = 10,300 AADT — well above threshold. No bypass lane design or funding commitment was submitted or required as a CUP condition.

Source: Waukesha County Chapter 15 Public Works Ordinance §15-54(e); Hwy 164 AADT data 2024

FAILURE

T-3 — No road capacity analysis for Town Line Rd, Skyline Ave, or Big Bend Drive

All four surrounding roads are below Vernon §200-34 commercial standard. No road width measurements, capacity analysis, or improvement plan was submitted for any of the four roads. Big Bend Drive has a fire pond parking prohibition within 250 ft (Vernon §290) disqualifying it as primary egress.

Source: Town of Vernon §200-34 and §290; Google Street View confirmation ~20-22 ft pavement

PROBLEM

T-4 — WisDOT access permit on Hwy 164 — not confirmed in public record

Any new access point onto Hwy 164 (state highway) requires a WisDOT access permit — separate from the village CUP. No access permit application appears in the public record. The active DDI construction (Apr 2026 – 2027) further complicates any access design.

Source: WisDOT access permit requirements; I-43 DDI project record

Road Infrastructure Cost Estimates (Class 5 — ±50%)

Segment	Low	Mid (Planning Figure)	High
Highway 164 — turn lanes, roundabout/signal, WisDOT coordination	\$3,200,000	\$5,100,000	\$7,500,000
Town Line Road — full reconstruction + ROW acquisition	\$2,400,000	\$3,800,000	\$5,200,000
Skyline Avenue — full reconstruction + ROW acquisition	\$2,400,000	\$3,800,000	\$5,200,000
Big Bend Drive — upgrade + maintain fire access	\$1,800,000	\$3,000,000	\$4,200,000
Internal roads, intersections, pedestrian, stormwater	\$3,500,000	\$6,000,000	\$8,500,000
SUBTOTAL	\$13,300,000	\$21,700,000	\$30,600,000
Add: Soft costs (engineering 12-18%, legal, ROW)	~\$1,600,000	~\$3,900,000	~\$5,500,000
TOTAL INCL. SOFT COSTS	~\$14,900,000	~\$25,600,000	~\$36,100,000

Note: Formal engineering study and ROW appraisals required before committing to a funding strategy. These are planning-level estimates only.

SECTION 6 — LIGHTING ANALYSIS FINDINGS

Musco Plans #250212A (Baseball 1–6) + #250212B (Soccer-Lacrosse)

Lighting Summary Metrics

Metric	Soccer/Lacrosse Plan #250212B	Baseball Plan #250212A	COMBINED TOTAL
Engineer / File	Musco Engineer / #250212B	Musco Engineer / #250212A, 22-Dec-25	Same project, two Musco files
Total structures (poles)	66	119 (A-series + B-series + C-series + P-series)	185 total poles
Total fixtures	423	368 (baseball) — see note	791+ fixtures
Total power draw	422.98 kW	304.89 kW (baseball site plan spill-line grid total)	727.87 kW combined (≈ 600+ Wisconsin homes)
Baseball field count	—	6 fields (Baseball 1–6) + BP1/BP2 bullpens + Batting Cages + Concourse Area	—
Soccer/lacrosse field count	7 soccer, 3 lacrosse, 3 futsal	—	—
Parking lot lighting	3 parking lots (Soccer)	7 parking lots (Baseball)	10 parking lots total
Field fixture color temperature	5700K (all fields)	5700K (all fields)	5700K across entire complex — ecologically harmful adjacent to Vernon Marsh ORW
Parking lot fixture color temperature	3000K (ecologically appropriate)	3000K (ecologically appropriate)	Correct CCT applied to parking ONLY — not fields
Soccer/lacrosse pole height — submitted	70 ft (soccer), 60 ft (lacrosse)	—	—
Baseball pole heights — submitted	—	70 ft (A-series outfield), 80 ft (B-series), 80 ft (C-series)	Up to 80 ft on baseball
Pole height — ordinance amended to allow	85 ft	85 ft	ALL poles below amended maximum — no study at 85 ft submitted for ANY system
New photometric study at 85 feet	NONE SUBMITTED	NONE SUBMITTED	NONE SUBMITTED — for either plan
Spill-line scan average (baseball site overall)	—	0.0006 fc (150 ft+)	Not comparable to Soccer spill grid — different methodology
Max vertical fc at 150-ft boundary (soccer)	0.04 fc	Not separately reported at 150 ft for baseball	Soccer boundary exceedance is most directly documented
IES Zone E2 residential limit (vertical)	0.01 fc	0.01 fc	0.01 fc
Soccer exceedance at 150-ft boundary	4x OVER LIMIT	—	4x — before reaching actual neighbor property lines
Neighbor property line analysis	NOT PERFORMED	NOT PERFORMED	NOT PERFORMED for either plan
Sky glow analysis	NOT PERFORMED	NOT PERFORMED	NOT PERFORMED for either plan
Operating hours — weeknights (M–Th)	Until 10:00 PM	Until 10:00 PM	10:00 PM

Metric	Soccer/Lacrosse Plan #250212B	Baseball Plan #250212A	COMBINED TOTAL
Operating hours — weekends (Fri–Sat)	Until 11:00 PM	Until 11:00 PM	11:00 PM — 1 hour later than comparable WI municipal facilities
Operating hours — Sunday	Until 10:00 PM	Until 10:00 PM	10:00 PM
Applied circuits	A–Q (17 circuits)	A–K (11 circuits)	28 circuits total across complex
Baseball light level (infield avg guaranteed)	—	Baseball 1 infield: 52.41 fc avg Baseball 2 infield: 53.01 fc avg	All 6 fields confirmed at tournament-level illumination
Baseball light level (outfield avg guaranteed)	—	Baseball 1 outfield: 31.27 fc avg Baseball 2 outfield: 31.92 fc avg	Full competition spec throughout
Soccer light level (guaranteed avg)	Soccer 1: 50 fc Soccer 2–7: 50 fc	—	Tournament/competition spec — all 7 fields
Concourse area illumination	—	0.77 fc avg (67 fixtures, Circuit K)	Low-level pathway lighting — 1,200 ft × 1,600 ft grid

Lighting Findings

FAILURE

L-1 — Photometric studies for BOTH plans based on poles below ordinance maximum — no corrected study for either

Soccer/Lacrosse plan (#250212B): designed for 70-ft soccer and 60-ft lacrosse poles. Baseball plan (#250212A): designed for 70-ft outfield poles (A-series) and 80-ft poles (B/C-series). Village ordinance amended to allow 85 ft. Neither plan submitted a corrected photometric study at 85 ft. The combined complex has 185 poles — every single footcandle value, spill reading, and glare calculation across the entire Breck Athletic Complex was computed for poles that are 5–25 feet shorter than permitted. The real-world lighting impact at 85 ft would be materially different — greater spill, higher sky...

Source: Musco Design #250212A (22-Dec-25); Musco Design #250212B (18-Dec-25); ISG PUD Narrative Dec 23, 2025; Village ordinance amendment

FAILURE

L-2 — Vertical fc at 150-ft boundary 4x IES Zone E2 limit (soccer) — no property line analysis for either plan

Soccer plan: 0.04 fc at 150-ft boundary vs. IES Zone E2 limit of 0.01 fc — 4x over limit before reaching actual residential property lines on Big Bend Drive or Skyline Ave. Baseball plan: spill-line grid reports 0.0006 fc overall scan average at the 150-ft+ boundary — however this is a full-site scan average, not a maximum vertical footcandle at nearest neighbor properties. The baseball plan's individual field maximum/minimum ratios (infield Max/Min: 2.64; outfield Max/Min: 2.6 for Baseball 1) indicate well-controlled fields, but no vertical fc at actual property line is documented for any of ...

Source: Musco Design #250212B spill grid; Musco Design #250212A project summary + spill grid; IES TM-15-20 Zone E2

REMEDY

L-3 — No sky glow analysis for either plan; 5700K across ALL 791+ fixtures adjacent to Vernon Marsh ORW

Sky glow analysis not performed for either Musco plan. IDA Model Lighting Ordinance recommends ≤3000K for fixtures near wildlife corridors and ORW. Baseball plan #250212A confirms: ALL field fixtures (TLC-LED-1200, TLC-LED-900, TLC-LED-550) are 5700K color temperature. Parking lot fixtures (LG VALS and TLC-BT-S75 bollards) are 3000K — the ecologically correct temperature — but this correct choice was applied ONLY to parking, not to any of the 6 baseball fields, 7 soccer fields, 3 lacrosse fields, or 3 futsal courts. Combined complex: approximately 774 of 791 total fixtures are 5700K pointing s...

Source: Musco Design #250212A Fixture Type Summary; Musco Design #250212B Fixture Type Summary; IDA Model Lighting Ordinance; WI DNR dark sky guidance

FAILURE**L-4 — Baseball lighting plan (#250212A) not in the approval record — 304.89 kW and 6 lighted competition fields approved without public review of this plan**

The JSON record notes baseball lighting as 'not yet submitted' at the time of Phase 1 CUP approval (April 30, 2026). The full Musco baseball design (#250212A, 22-Dec-25, signed by engineer Musco Engineer) has now been obtained. This plan covers 6 full competition baseball fields, 2 bullpens, batting cages, and concourse area — 119 structures, ~368 fixtures, 304.89 kW load, 11 circuits. None of this was before the Plan Commission or Village Board when they voted. The 66 poles and 423 fixtures cited in the approval record represent only the soccer/lacrosse portion — barely more than half the tot...

Source: Musco Design #250212A (22-Dec-25, File #250212A - Baseball 1-6, Engineer: Musco Engineer); Section 6 metrics table prior versions; Apr 30, 2026 Village Board approval record

REMEDY**L-5 — Combined 727.87 kW lighting load — utility service capacity not analyzed or conditioned**

Soccer/lacrosse plan: 422.98 kW. Baseball plan: 304.89 kW. Combined simultaneous peak load: 727.87 kW. This represents an extraordinary commercial electrical draw on a rural distribution system. No utility capacity study, transformer sizing analysis, or grid impact assessment appears in the approval record for either plan. The combined load is equivalent to powering approximately 600 average Wisconsin residential homes simultaneously. Electrical infrastructure serving the site (on Highway 164 and Town Line Road) has never been evaluated for this load. The CUP conditions do not require a utilit...

Source: Musco Design #250212A Project Summary (304.89 kW total); Musco Design #250212B Project Summary (422.98 kW total); Wisconsin average residential consumption ~14,500 kWh/yr (WPS/WE Energies)

PROBLEM**L-6 — 727.87 kW operating until 10–11 PM nightly — cumulative annual light exposure to neighbors not analyzed**

Both Musco plans confirm operating hours: weeknights until 10:00 PM, Friday–Saturday until 11:00 PM, Sunday until 10:00 PM. At full build-out this represents 727.87 kW of lighting operating across a 150-acre site adjacent to a residential neighborhood and Vernon Marsh ORW every evening of the competitive sports season (approximately April–October plus indoor overflow). No seasonal, annual, or cumulative photometric impact analysis was performed. The approved CUP conditions do not address aggregate annual light exposure duration. Comparable Wisconsin municipal park facilities (Waukesha, Brookfi...

Source: Musco Design #250212A and #250212B operating hours; CUP conditions Apr 16/Apr 30, 2026; Wisconsin municipal park comparison

SECTION 7 — ENVIRONMENTAL & WETLAND FINDINGS

FAILURE

ENV-1 — No pollutant loading analysis for Mukwonago River Outstanding Resource Water

Mukwonago River = ORW under WI Admin Code NR 102.10. Any increase in pollutant loading above existing background is legally prohibited. No loading analysis for zinc, copper, PAHs, PFAS, nutrients, or suspended solids submitted. Site's southward drainage routes to Skyline Ave → Vernon Marsh → Mukwonago River.

Source: WI Admin Code NR 102.10; ISG SWM Memo Feb 23, 2026 (no loading analysis present)

FAILURE

ENV-2 — Poor House cemetery 1858–1903 on property — developer response: zero words

Village staff meeting notes Feb 2026: 'There are records of a Poor House cemetery/burial plots on the property dating between 1858–1880 and 1881–1903.' Apr 30 transcript: archaeological monitoring required during grounding; state law governs burial site discoveries. Developer's written response across all submitted documents: zero. Wisconsin Statute 157.70: disturbance of burial site is a CRIMINAL OFFENSE regardless of age.

Source: Village staff meeting notes Feb 2026; Apr 30, 2026 transcript; Apr 16 CUP conditions (archaeological monitoring required)

PROBLEM

ENV-3 — Rusty Patched Bumblebee — High Potential Zone noted in record; DNR says no reference

Village staff meeting notes Feb 2026 identify RPB High Potential Zone on property. DNR has stated no reference of bees near complex. Source of High Potential Zone language not independently confirmed.

Source: Village staff meeting notes Feb 2026; DNR statement

REMEDY

ENV-4 — Wetland delineation submitted by developer only — independent review not conducted

Developer submitted own wetland delineation. BsA (Brookston silt loam) hydric soil pockets present. Apr 30 transcript: 'DNR screening process required before any land disturbance.' Army Corps Milwaukee District (615-290-5622) not yet contacted for independent jurisdictional determination.

Source: Apr 30, 2026 transcript; ECS soil table; community observations

FAILURE

ENV-5 — Two mapped DNR wetland polygons totaling ~3.95 acres on/adjacent to parcel — not disclosed in ISG submission

Wisconsin DNR Wetland Inventory (publicly available since 2005-2007) documents two separate mapped wetland polygons on or immediately adjacent to parcel BBV 2022999002: (1) Wetland ID 68423698589 — 1.98 acres — Wetland Code T3K — Palustrine Forested Broad-leaved Deciduous — Hydro Modifier: Wet soil, Palustrine — digitized 05/2007, updated 11/2011; (2) 1.97 acres — Wetland Code F0Kf — Palustrine Forested — Wet soil, Palustrine — digitized 05/2007. Both visible in Waukesha County LIS Map Atlas — the same county GIS system used for the application. Both classified as Palustrine wetlands — jurisdi...

Source: Waukesha County LIS Map Atlas — map.waukeshacounty.gov; DNR Wisconsin Wetland Inventory — DNR Wetlands Greater Than .25 Acres (2015) Waukesha; Screenshots captured May 18, 2026 — both polygons confirm

Pollutant Table — What Enters Vernon Marsh When System Overflows

Pollutant	Source	Level in Runoff	Safe Limit	Times Over Limit
Zinc	Crumb rubber turf infill	Up to 37 mg/L	5 mg/L	7.4x
Copper	Brake pads / tires	0.05–0.30 mg/L	0.013 mg/L	23x
PAHs	Crumb rubber	Detected	Near zero	EPA probable carcinogens
PFAS	Synthetic turf backing	Detected	Near zero	Never breaks down
Road salt (Cl-)	Parking de-icing	500+ mg/L	230 mg/L	2x+
Suspended solids	All surfaces — first flush	Up to 500 mg/L	25 mg/L	20x

Pollutant	Source	Level in Runoff	Safe Limit	Times Over Limit
pH spikes	Concrete leachate	pH 9–11	pH 6.0–9.0	Toxic range

DNR Wetland Inventory — Confirmed May 18, 2026

Field	Wetland Polygon 1	Wetland Polygon 2
Acres	1.98	1.97
Current Wetland Code	T3K	F0Kf
Wetland Class	Forested	
Wetland Subclass	Broad-leaved deciduous	
Hydro Modifier	Wet soil, Palustrine	
Digitized Date	05/2007	
Digital Update	11/2011	—
Map Source	Orthophoto mylar	
Photo Year	2005	—
Wetland ID	68423698589.00	—
Shape Area (sq ft)	86,329.87	—
County	Waukesha (ID 68)	
Database	DNR Wetlands >0.25 Acres (2015)	
Visible in county GIS	YES — Waukesha County LIS Map Atlas	
Disclosed in ISG submission	NO	
Addressed in developer wetland delineation	NOT CONFIRMED	

Wetland Classification Reference

Code	Classification	Legal Significance
T3K	Palustrine (P) Forested (F) Broad-leaved Deciduous (1) — Temporarily Flooded (A) — Excavated (x)	Palustrine wetlands are jurisdictional under Wisconsin s. 281.36. Any fill, grading, or discharge into this wetland requires a DNR permit unless a specific exemption applies.
F0Kf	Palustrine Forested — Temporarily Flooded — Diked/Impounded	Same jurisdiction as T3K. The F0Kf code indicates this wetland has been subject to diking or impoundment — suggesting prior human alteration, which does not remove regulatory protection.
Palustrine classification	Inland non-tidal wetlands — marshes, swamps, bogs, fens, shallow ponds	The dominant wetland type in Wisconsin. Protected under both Wisconsin s. 281.36 and potentially CWA Section 404 depending on connectivity to navigable waters.

GIS EVIDENCE CONFIRMED MAY 18, 2026: Two separate DNR-mapped wetland polygons totaling approximately 3.95 acres are documented on official government databases on or immediately adjacent to parcel BBV 2022999002. Wetland Code T3K (1.98 acres — Palustrine Forested Broad-leaved Deciduous) and F0Kf (1.97 acres — Palustrine Forested). Both mapped since 2005-2007. Neither disclosed in the ISG stormwater submission. This strengthens ENV-4 (independent wetland delineation needed) from REMEDY to near-FAILURE. Forward these screenshots to Community Attorney and Travis Schroeder at DNR immediately.

SECTION 7B — FIELD OBSERVATION: JUNE 2, 2026

June 2, 2026: ISG (developer-retained engineering/planning consultant, Developer Consultant (ISG) AICP) and Keller Williams (developer's real estate sales agent) observed walking the central wetland area of BBV 2022999002 — the same wetlands ISG omitted from original CUP submissions and forced onto the record by EndBreck/TVCA through ENV-4/ENV-5 challenges. Developer's own consultant conducting post-approval fieldwork on omitted wetlands. All ISG field reports and correspondence from this date forward are immediate ORR targets. Any revised wetland delineation is evidence of original submission deficiency.

Field Observation Photographs — June 2, 2026

#	Description	Date	Location	Legal Significance
20	IMG_8342.jpeg — ISG (ISGInc.com) company vehicle on-site — white SUV with Engineering / Environmental / Planning markings	06/02/2026	Breck parcel BBV 2022999002 — perimeter adjacent to central wetland area	ISG Inc. — developer-retained engineering/planning consultant (Developer Consultant (ISG)) — conducting field activity on parcel June 2, 2026 at the central wetland area that EndBreck/TVCA identified and forced onto the record after ISG omitted it from original submissions (ENV-4, ENV-5). Developer's own consultant is now walking wetlands they excluded from the original plans submitted for CUP approval. Any ISG field reports, revised wetland delineations, or internal communications generated 6/2/2026 forward are IMMEDIATE ORR targets — request to Village Clerk Village Clerk. If ISG revises the wetland delineation based on this visit, that revision is direct evidence the original submission to the Village was materially deficient at the time of CUP approval. File: IMG_8342.jpeg. Photographer: EndBreck field observer.
21	IMG_8341.jpeg — Keller Williams Realty branded pickup truck on-site, silver crew-cab with company door magnet	06/02/2026	Breck parcel BBV 2022999002 — central wetland area, wooded interior edge	Keller Williams agent — the developer's real estate sales agent — on-site simultaneously with ISG (developer's engineering consultant) on June 2, 2026, both parties walking the central wetland area omitted from original ISG submissions. Presence of the sales agent alongside the engineer at the wetland area suggests the developer is internally reassessing site conditions and/or project scope after ENV-4/ENV-5 challenges forced the wetlands into the record. Developer is actively working the site post-CUP while certiorari proceedings are underway. File: IMG_8341.jpeg. Photographer: EndBreck field observer.
22	IMG_8340.jpeg — Wide-angle field view: ISG SUV + Keller Williams pickup parked at Breck parcel, agricultural field foreground, wooded bluff/wetland interior background	06/02/2026	Breck parcel BBV 2022999002 — northern/western perimeter looking toward central wetland corridor	CRITICAL FIELD OBSERVATION: Developer's engineering consultant (ISG) and developer's real estate sales agent (Keller Williams) walking the central wetland area on June 2, 2026 — the exact wetlands ISG omitted from the original development plans submitted for CUP approval, and which EndBreck/TVCA identified, documented with field photography (Photos 12-19), and forced onto the official record through ENV-4/ENV-5 challenges. The developer's own team is now conducting post-approval fieldwork on conditions that should have been fully disclosed before the application was submitted. This is significant for certiorari: the CUP was approved on a record that the developer's consultant is now actively revisiting. ATTORNEY ACTION: Alert Community Attorney. ORR Village Clerk for all ISG correspondence, field reports, and wetland documentation dated 6/2/2026 forward. Any revised delineation produced from this visit must be obtained and entered into the record. File: IMG_8340.jpeg. Photographer: EndBreck field observer.

SECTION 8 — PUBLIC SAFETY FINDINGS

Village Public Safety Baseline

Metric	Value
Big Bend population (2020 census)	1,483
Officers on duty at any time	1 full-time officer
Police staffing hours	7 AM – 11 PM only (3rd shift = County Sheriff)
Tournament weekend peak visitors	3,000–6,000 (developer's own projections)
Weekly daily training visitors	1,800+ per week
Formal mutual aid agreements submitted	0
Security staffing plans submitted	0
Traffic impact studies completed at approval	0
Emergency operations plans submitted	0

FAILURE

PS-1 — Zero mutual aid, security staffing, or emergency operations plans — approved anyway

Developer submitted no security staffing plan, no mutual aid agreement with Waukesha County Sheriff or Vernon PD, no emergency operations protocol. Village approved Phase 1 without any of these. Sgt. Village Police Chief's \$213,445 proposal = cameras and radar signs only — documentation tools, not response capacity.

Source: Village Police Chief letter Mar 3, 2026; CUP conditions (no mutual aid requirement); ISG PUD Narrative

FAILURE

PS-2 — Landscaping plan does not meet Village ordinance — approved without findings

Village Planner's Mar 16 CUP memo explicitly acknowledges: 5% interior parking landscaping provided vs. 10% required; 173 trees vs. 217 required. Relaxing standards requires findings and justification under Village ordinance. No such findings on record.

Source: Village Planner CUP memo Mar 16, 2026; Village landscaping ordinance; Apr 16 CUP conditions

SECTION 9 — PROCEDURAL & PROCESS FAILURES

FAILURE

P-1 — CUP placed on April 16 agenda despite tabling condition not met

March 19 motion tabled CUP pending Board action on PUD. Public raised this at Apr 16: 'Since the PUD has not been acted upon by the board, this should not have made it on tonight's agenda.' Attorney Bayer reframed the motion without addressing whether the condition was fulfilled. Chairman Lajsic overruled with 'It's on the agenda' — not a procedural ruling. Board acted on PUD and CUP simultaneously on April 30.

Source: Apr 16, 2026 transcript; Board Meeting Integrity Analysis

FAILURE

P-2 — Application declared INCOMPLETE Feb 27 — approved 62 days later with TIA still outstanding

Village Planner Feb 27, 2026: INCOMPLETE on 4 grounds: (1) stormwater, (2) traffic/circulation, (3) Plan of Operation, (4) hours. ISG resubmitted Mar 2-3. Phase 1 approved Apr 30. TIA (deficiency #2) was made a condition — not cured.

Source: Village Planner email Feb 27, 2026; ISG amended submission Mar 2, 2026; Apr 30 approval

FAILURE

P-3 — Defective Class 1 notice — wrong zoning classification for 42-acre parcel

Class 1 notice for Jan 29 hearing described 42-acre parcel as medium density residential. Actual zoning: R-2 low density. Caught on record by J.H. at the hearing. The 42-acre parcel was excluded from the Jan 29 approval action as a result.

Source: Jan 29, 2026 transcript — J.H. testimony; Village Class 1 notice

FAILURE

P-4 — April 30 special meeting notice posted Facebook only — potential open meetings violation

Notice posted on Facebook April 24. Wisconsin Statute 19.84 requires notice to media who have filed written requests and posting in designated public locations. Facebook alone does not satisfy Wis. Stat. 19.84.

Source: Facebook post Apr 24, 2026; Wis. Stat. 19.84

FAILURE

P-5 — Village planner coached applicant Nov 2025–Jan 2026 then wrote the approval memo

Village Planner email chain Nov 2025–Jan 2026: coached CUP structure, PUD height flexibility, told developer cost estimate/population analysis not needed, answered detailed CUP questions before CUP filed, then emailed village clerk noting he 'forgot to cc you.' Same Village Planner wrote Mar 16 CUP approval memo and was present as Village planner at all proceedings.

Source: Village Planner email chains Nov 2025–Jan 2026; 'forgot to cc you' email Jan 14, 2026; Village Planner CUP memo Mar 16, 2026

FAILURE

P-6 — Police coordinating with developer before approval — Village Police Chief letters to Lajsic

Village Police Chief Mar 3 letter addressed to both Planning Committee AND 'Breck Sports Complex Stakeholders.' Mar 14 email sent security/traffic proposal directly to Plan Commission Chair (Plan Commission Chair). Plan Commission Chair also served as Plan Commission Chairman. Village police treating project as approved and coordinating with developer and Planning Commission Chair simultaneously before any vote.

Source: Village Police Chief letter Mar 3, 2026; Village Police Chief email to Lajsic Mar 14, 2026

HIGH

P-7 — 42-acre residential parcel — excluded from rezoning but PUD covers full 150 acres

42-acre R-2 parcel excluded from Jan 29 rezoning. PUD Overlay approved Apr 30 covers full 150.49 acres. Creates pathway for developer to fold in 42 acres in future phases without full rezoning hearing.

Source: Jan 29 vote; Apr 30 PUD approval

SECTION 10A — SUPPORTING DEVELOPER LETTER & AXLEY LLP ATTORNEY LETTER

Supporting Developer / Village Resident — Background

Supporting Developer / Village Resident is a Village of Big Bend resident and experienced developer with over 30 years in construction and real estate development including heavy civil work, utility infrastructure, industrial projects, senior living, and hospitality developments across Wisconsin. He submitted his letter as a supporter of the project — stating he wanted it to succeed as a win-win partnership — but identified 10 specific planning requirements that must be satisfied before approval. He retained Axley LLP to submit a formal legal letter to the Village Board and Plan Commission. Both documents were submitted before the January 29, 2026 public hearing and entered into the public record.

10-Point Planning Requirements — January 29, 2026

Source: Supporting Developer / Village Resident, [resident address] WI — submitted to Village of Big Bend Planning Commission. Author: Mike Trimborn (prepared). Date created: March 17, 2026. These 10 points represent what Adkins — as an experienced developer — stated must be done for the project to succeed properly.

#	Requirement	Adkins Statement	Status at Approval	Classification
1	Architectural Governance	Village should establish an Architectural Review Board to retain architectural authority rather than delegating long-term design control through the PUD.	No ARB established. PUD approved without ARB requirement.	IGNORED
2	Fire & Life-Safety — Independent Review	Size, diversity of structures, and high occupant loads introduce life-safety complexities beyond traditional single-use projects. Recommended: Fire Safety Consultants Inc., 2175 Point Blvd Suite 380, Elgin IL 60123, (847) 697-1300 for third-party review.	No independent fire/life-safety review required in CUP conditions.	IGNORED
3	Public Roads — Internal Roads Must Be Dedicated Public	Internal roadways function as primary fire lanes and emergency access corridors. Dedicating as public ensures enforceable life-safety access and clear emergency response authority.	Roads not required to be dedicated public in CUP conditions.	IGNORED
4	Public Utilities — Extend Through Site to Big Bend Drive	Sanitary sewer and water should extend through site to Big Bend Drive to avoid spot development and preserve orderly growth for adjacent properties in designated sewage service area.	No through-utility requirement in CUP conditions.	IGNORED
5	Stormwater — Comprehensive Strategy Required, Not Just Permeable Pavers	Permeable pavers do not by themselves address water quality. DNR standards require managing runoff volume AND treating stormwater to reduce total suspended solids, FOG, and pollutants prior to discharge. Must be part of a comprehensive strategy meeting DNR performance standards.	Permeable pavers and turf only — no comprehensive stormwater strategy. No pollutant treatment. Ignored in approval.	FAILURE — directly supports E-1 through E-9

#	Requirement	Adkins Statement	Status at Approval	Classification
6	Parcelization — Individual Tax Parcels via CSMS	Public roads plus multiple Certified Survey Maps would allow hotel, retail, indoor facilities, and championship field on separate tax parcels for financing flexibility and incremental tax base recognition.	Not required in CUP conditions.	IGNORED
7	Traffic — WisDOT Will Require Controlled Access Point on Hwy 164	As a regional destination on a 55-mph corridor, reasonable to anticipate WisDOT will require traffic consolidated through a controlled access point on STH 164 following the traffic study. Planning now reduces safety risk.	TIA made a condition but not completed. No controlled access design.	REMEDY NEEDED — directly supports T-1
8	Parking Must Be Fully Internal — No Connection to Surrounding Roads	Events generate peak demand of 1 space per 1.5 occupants vs. standard zoning assumptions. Parking and circulation must remain fully internal and not connect to Big Bend Drive, Town Line Road, or Skyline Drive. Shortcomings must remain developer's responsibility, not Village's.	No internal containment requirement in CUP conditions. All four surrounding roads remain accessible.	IGNORED — directly supports PS-1
9	Replacement Village Park Required — Wastewater Facility Takes Current Park	Project requires new wastewater treatment facility planned within the existing Village park — park will no longer be available for public recreation. Developer agreement must contemplate deeding a replacement park parcel, suggested at southeast corner near Skyline Drive and Big Bend Drive.	No replacement park requirement in CUP conditions.	IGNORED
10	Water Utility Service Plan Must Be Confirmed Before PUD Issued	Village must clarify how potable water service will be provided and confirm necessary agreements and approvals are in place before PUD is approved. Avoids uncertainty after PUD approval.	Water utility plan not confirmed in public record before approval.	IGNORED

Opposing Counsel (Axley LLP) — Attorney Letter January 26, 2026

Source: *Opposing Counsel (Axley LLP), Axley LLP, [Axley address], Waukesha WI 53188. [Axley email]. (262) 409-2294. Representing Steve and Jessica Adkins. Sent via Certified Mail, Email, and Messenger to Village of Big Bend Board of Trustees and Plan Commission. File No. 33550.107748. Submitted January 26, 2026 — three days before the January 29 public hearing.*

Code Violations Documented by Adkins Attorney

Issue	Village Code Section	Attorney's Finding	Status
Lighting — fixture count and spill	§16.23(G)(1)(a)	Prohibits exterior lighting for recreational facility usage from spilling over onto operators of motor vehicles, pedestrians, and uses of land in the vicinity. 368+ fixtures will inevitably spill onto adjacent properties and roadways despite modern technology and shielding.	Lighting plan approved with 423 fixtures. Spill documented at 4x IES Zone E2 limit at only 150 feet.

Issue	Village Code Section	Attorney's Finding	Status
Lighting — visibility from residential district	§16.23(G)(1)(b)	Requires fixtures be oriented so as not to be visible from properties in a residential district. 85-foot poles will be visible from all surrounding residential properties — a direct code violation.	85-foot poles approved without new photometric study. No residential visibility analysis performed.
Lighting — pole height exceeds 28-foot maximum	§16.23(G)(1)(j)	Village Code allows maximum 28-foot pole height for pole-mounted light fixtures. Developer requests 85-foot poles — exceeding the maximum by more than 3 times. This is not a variance request — it is a code violation.	Village amended its own ordinance to allow 85 feet rather than denying or requiring a variance. No new photometrics at amended height submitted.
Building height — indoor facility 70 feet vs 45-foot maximum	§16.41(E)(5)(a)	Maximum building height for principal structure in B-4 district is 45 feet. Developer requests exception for indoor facility at approximately 70 feet. PUD narrative requests this exception without formal variance process.	Exception granted in PUD approval without specific findings justifying the deviation.
Building height — hotel 3-5 stories	§16.41(E)(5)(a)	Proposed 3-5 story hotel would likely surpass the 45-foot allowable height threshold. Such height restrictions preserve the provincial nature of the Village.	Hotel approved in PUD narrative without specific height confirmation against 45-foot limit.
Noise — octave band standard violations	§16.24(F)(1) and §16.24(F)(2)	Village Code octave band standard is highly protective. Outdoor athletic events with PA systems, music, crowd noise, and referee whistles will persistently exceed code limits in multiple frequency bands. A referee whistle alone exceeds the 34 dB limit in the 2.4-4.8 kHz band. Non-compliance would occur multiple times in a single game. Village would need to amend its Code to accommodate — an extraordinary admission.	No noise analysis submitted. No noise study required in CUP conditions. Village Code octave band standard was not amended before approval.

Issue	Village Code Section	Attorney's Finding	Status
Buffer zone — inadequate separation from residential	§16.23(F)	Buffer zone separating athletic facilities from adjacent residential communities is inadequate. Green space runs through the center of the site, not the perimeter. Residential property owners to south and east will front soccer pitches and parking lots. Tree placement on eastern border fails to provide adequate buffer — merely a vegetative fence.	Landscaping acknowledged as deficient in Village Planner's own memo (5% vs 10% required; 173 trees vs 217 required). Approved without findings justifying relaxation.
Traffic study — must be required, not optional	Village Code + WisDOT standards	Developer's PUD narrative says traffic study 'will be conducted in the future.' Village should REQUIRE a WisDOT-authorized traffic study prior to any construction — not as a future condition.	TIA made a condition of approval — not required before approval. Adkins attorney on record requesting mandatory pre-approval study.
R-2 zoning — intentional, not incidental	§16.41(A) and Chapter 16.48(B)(4)	Eastern portion of site alongside Big Bend Drive was zoned R-2 intentionally to buffer residential properties. Rezoning risks the good planning that went into the Village's master zoning. Developer fails to acknowledge that eastern portion directly borders residential properties.	Rezoning approved despite Adkins attorney's documented objection that R-2 designation was intentional.
PUD denial basis — health safety welfare	§16.45.5(F)(1)(g) 1.b and §16.45.5(E)(1)	Citing Eco-Site LLC v. Town of Cedarburg 2019 WI App 42: Village is empowered to deny PUD on sole basis that development would be detrimental to general welfare of community. Development is not consistent with character, size, or proportion of buildings in neighborhood. Mere fact that health-safety-welfare standards are general does not impair validity.	Village approved PUD. Adkins attorney's Eco-Site legal argument is now available to community as certiorari support.

SECTION 10B — DNR FORMAL COMPLAINT — FILED MAY 18, 2026

FILED: May 18, 2026. Submitted to DNR Basin Supervisor, NR Basin Supervisor, Wisconsin DNR Southeast Region Waterways and Wetlands Division. [DNR supervisor phone] | [DNR email]. CC: Community Attorney, Law Offices of Community Attorney LLC, [attorney phone] | [attorney contact]. This complaint is now in the official DNR record.

Complaint Details

Field	Details
Complaint Title	Formal Environmental Complaint — Breck Athletic Complex, Tax Parcel BBV 2022999002
Filed By	Three Villages Community Association / EndBreck Coalition
Filed To	Wisconsin DNR Southeast Region — Waterways & Wetlands Division
Primary Contact	DNR Basin Supervisor, NR Basin Supervisor, Waterways SE Field Operations [DNR email] [DNR supervisor phone]
Additional Recipients	DNRSERegion@wisconsin.gov DNRWMSPublicInquiry@wisconsin.gov
CC	Community Attorney, Law Offices of Community Attorney LLC [attorney address], Shorewood WI 53211 [attorney phone] [attorney contact]
Date Filed	May 18, 2026
Document	Three_Villages_DNR_Complaint_May18_2026.pdf — 7 pages + 4 flood photographs
Status	FILED — Awaiting DNR response

8 Specific Actions Requested of DNR

#	Action Requested	Legal Basis
1	Conduct independent on-site review of stormwater, soil, and wetland conditions — including field verification of Houghton Muck soils and cattail stands at three corners — BEFORE any land disturbance	NR 216; s. 281.36 wetland permit authority
2	Formally evaluate whether submitted stormwater design satisfies NR 216 permit requirements — including whether application is complete and reliable given 10 documented model defects	NR 216 construction stormwater permit requirements
3	Conduct or require independent wetland delineation given Houghton Muck soils, hydric soil indicators, and observable cattail growth at three parcel corners	s. 281.36 Wisconsin wetland discharge permit authority
4	Evaluate pollutant loading implications for Mukwonago River Outstanding Resource Water under Wisconsin antidegradation rules and ORW protections	NR 102.10 — ORW antidegradation policy — any increase in pollutant loading prohibited
5	Require independent field double-ring infiltrometer tests under non-frozen conditions before any stormwater design is accepted	WDNR Technical Standard 1002 Section 4.3 — non-frozen conditions required

#	Action Requested	Legal Basis
6	Coordinate with Army Corps of Engineers Milwaukee District regarding potential Section 404 jurisdiction given wetland soil and vegetation indicators	Clean Water Act Section 404; Army Corps Milwaukee District (615) 290-5622
7	Evaluate groundwater protection concerns under NR 140 — including risk to nearby private wells from runoff and infiltration through unsuitable soils carrying zinc, copper, PAHs, PFAS, and chloride	NR 140 Wisconsin Groundwater Quality Standards
8	Take all appropriate enforcement and intervention steps to protect homeowners, private wells, wetlands, and public waters before construction begins	NR 216; s. 281.36; NR 102.10; NR 140; Public Trust Doctrine

Legal Basis — DNR Complaint

Statute/Authority	What It Covers	How It Applies
NR 216 — WPDES Construction Stormwater	Construction site permit required for earth disturbance over 1 acre. DNR can require correction of materially deficient applications.	10 documented HydroCAD model defects render the submitted plan materially deficient. DNR can require corrected engineering before issuing permit.
Wisconsin s. 281.36 — Wetland Discharge Permits	Permits required for discharges into wetlands unless specific exemption applies. DNR may require site-specific restrictions.	Houghton Muck present on property. Cattails at three corners. Developer's own delineation only — no independent DNR/Corps determination.
NR 140 — Groundwater Quality Standards	Preventive action limits and enforcement standards for groundwater. Applies to reasonable probability of contamination.	Synthetic turf crumb rubber + failing stormwater system + HSG D clay soils + nearby private wells = reasonable probability of groundwater contamination. PFAS, zinc, copper, PAHs cited.
Wisconsin Public Trust Doctrine	State must prevent impairment of public waters and hydrologically connected areas.	Complaint requests DNR evaluate cumulative impacts — clay soils + hydric soils + frozen-ground testing + synthetic turf pollutants + documented flooding = compounding risk that cannot be evaluated piecemeal.
NR 102.10 — ORW Antidegradation	Any increase in pollutant loading above background levels in Outstanding Resource Water is legally prohibited.	No pollutant loading analysis submitted for Mukwonago River ORW. Zinc 7.4x limit. Copper 23x limit. PFAS and PAHs present.

Flood Photos Submitted With Complaint

Photo	Description	Date	Legal Significance
Photo 1	Big Bend Drive and Skyline Ave facing South — standing water on roadway and adjacent areas	08/10/2025 — timestamped	STRONGEST: dated, labeled, shows road impassable before any development

Photo	Description	Date	Legal Significance
Photo 2	Town Line Road flooding — water flowing across roadway into adjacent ditch	Date on file	Documents insufficient drainage capacity in existing infrastructure
Photo 3	Town Line Road flooding — additional view showing road inundation and standing water	Date on file	Additional documentation of drainage system already at capacity
Photo 4	Site area flooding — standing water and saturated conditions adjacent to proposed development parcel, consistent with HSG D conditions in geotechnical record	Date on file	Directly links site soil conditions (HSG D) to visible flooding — supports E-2

SECTION 11 — KEY ADMISSIONS FROM THE RECORD

Source	Date	Admission	Significance
Village Engineer — Village Engineer	Mar 2-3, 2026	'The capacity of the receiving system is my concern.' Flagged missing culvert data; ISG admitted omission.	Village's own PE identified downstream gap — then approved the same plan Apr 30. Key deposition target.
Village Planner — Village Planner	Mar 16, 2026	CUP memo acknowledges landscaping plan does not meet ordinance standards.	Approval of non-compliant plan without findings = failure to make required findings.
Village Planner — Village Planner	Apr 16, 2026	'You may not have all the information in front of you, but provided there are conditions in place... you can consider that that condition is met.'	Explicit admission that approval was granted before required evidence was submitted.
ISG Engineer	Apr 16, 2026	'There's no floodplain to show' because 'never been submitted' / 'never been mapped' — yet also said site 'could flood' and wanted permit holds.	Internal contradiction: cannot claim no floodplain issue and advocate for permit holds simultaneously.
Surveyor	Apr 2026	'We tend to plagiarize our previous work. It just happens.' Adams County treasurer listed instead of Waukesha County.	Material errors in official submissions acknowledged as routine — undermines reliability of all submitted documents.
Chairman Lajsic	Apr 16, 2026	Overruled motion to strike tabled item with 'It's on the agenda' — no procedural ruling stated.	No legal basis stated for proceeding past the documented tabling condition objection.
Developer — Developer	WTMJ May 12, 2026	'You've got to take a look at traffic, you got to follow ordinances... clearly that's something that we're doing.'	Developer's own words acknowledge traffic analysis required — yet no TIA was completed before approval.
C.W.T. — EndBreck Facilitator & Systems Development	Apr 30, 2026	Asked Board to pause pending forensic financial analysis; noted The Rock is financially underwater and faces nuisance lawsuits.	Community submitted evidence into record that Board did not address in its findings.

SECTION 12 — BOARD MEETING INTEGRITY ANALYSIS

Contradictions Found in the Record

HIGH

BI-1 — Procedural contradiction — tabling motion condition not met but item placed on agenda

Public member: 'It was made a specific motion to table until the board acts on the PUD that was recommended. Since the PUD has not been acted upon by the board, this should not have made it on tonight's agenda.' Attorney Bayer reframed retroactively. Chairman overruled with 'It's on the agenda.'

Source: April 16, 2026 transcript

MEDIUM

BI-2 — Attorney transition — stated reason contradicted immediately

Explanation: attorneys Mike and John 'looking to pull back' and would be 'retired by end of year.' Trustee immediately: 'I saw Mike respond to an email the other day. They're still involved.' Real reason (Attorney Shover uncertain about seeing project through) emerged only after first explanation challenged.

Source: April 2026 board meeting transcript

HIGH

BI-3 — Floodplain status contradiction — engineer claims no floodplain, then advocates for permit holds

Engineer: 'There's no floodplain to show' because 'never been submitted' and 'never been mapped.' Same engineer: concerned site 'could flood' and would want to hold building permits. Cannot simultaneously claim no floodplain issue and advocate for flooding-based permit holds.

Source: April 2026 board meeting transcript

Notable Admissions

HIGH

BI-4 — Planner explicitly states standards may not be met without conditions

'We don't believe that any approval absent something similar to that set of conditions would meet the standards for conditional use.' Direct admission that application as submitted does not independently meet ordinance standards.

Source: April 16, 2026 Plan Commission transcript

MEDIUM

BI-5 — Surveyor admits plagiarism as routine practice produced wrong county information

'There was an Adams County treasurer listed instead of a Waukesha County treasurer... We tend to plagiarize our previous work. It just happens.'

Source: April 2026 board meeting transcript

SECTION 13 — 13 PUBLIC CONCERNS TRACKER

13 concerns raised at January 29, 2026 public hearing. ISG response letter February 19, 2026.

#	Concern	ISG Response	Status
1	Groundwater impacts	Deflected — asked Village to list requirements	DEFLECTED
2	Noise impacts	Deflected — told Village to soften its noise ordinance ('ensure noise ordinance is reasonable for such developments')	DEFLECTED — ISG told Village to change its own ordinance
3	Stormwater management	Partial — promised future submission	PARTIAL
4	Public safety & crime comparables	—	IGNORED
5	Property values	—	IGNORED
6	Wetlands impact	—	IGNORED
7	Rusty Patched Bumblebee	—	IGNORED
8	Historic cemetery / burial plots 1858–1903	—	IGNORED
9	Light pollution & dark sky	—	IGNORED
10	Traffic impact study	—	IGNORED
11	Municipal services cost — \$20M sewer & water	—	IGNORED
12	Wastewater treatment capacity	—	IGNORED
13	Urgency / timeline — forced March 19 agenda before concerns resolved	Used closing paragraph to push March 19 deadline	BAD FAITH PRESSURE TACTIC

9 of 13 concerns received zero words from the developer. Board approved over these unaddressed concerns. Failure to address evidence in the record is a core certiorari ground.

SECTION 14 — AGENCIES & CONTACTS

Federal Agencies

Agency	Contact
Army Corps of Engineers — Brookfield District (PRIMARY)	(615) 290-5622 — East Branch, Brookfield — Section 404 jurisdiction. CONTACT MADE MAY 18, 2026: Called Chicago District. Stacy Brown (Chicago) referred to Brookfield office. Call made to (615) 290-5622. Awaiting call back.
Army Corps of Engineers — Chicago District	(312) 846-5530 celrc-od-foia@usace.army.mil 231 S. LaSalle St Suite 1500, Chicago IL 60604 NOTE: Stacy Brown at Chicago referred to Brookfield office May 18, 2026 — Brookfield is correct office for Waukesha County.
USFWS Region 3	Endangered Species Act — Rusty Patched Bumblebee — run IPaC tool first: ipac.ecosphere.fws.gov
EPA Region 5	Stormwater and wetlands oversight — Chicago office

Wisconsin State Agencies

Agency	Contact
Wisconsin DNR — Southeast Region	(262) 574-2100 DNRSERegion@wisconsin.gov N7275 Banner Road, Elkhorn WI 53121 DNR Basin Supervisor, NR Basin Supervisor Waterways SE Field Operations: [DNR email] [DNR supervisor phone] DNRWMSPublicInquiry@wisconsin.gov — Wetland/Waterway Inquiry
DNR — Wetlands Specialist (Waukesha County)	Call SE Region main number
DNR — Stormwater Coordinator (SE Region)	WPDES NR 216 / NR 151 — call SE Region main number
DNR 24-Hr Violation Hotline	(800) 943-0003 — call immediately if earth-moving starts without permits
DNR Secretary's Office	(608) 266-2121 — Level 3 escalation
Wisconsin DOT — SE Region / DDI Project Manager	WisDOT Contact PE [WisDOT phone] [WisDOT email] I-43 Rock Freeway / DDI active construction through 2027
Wisconsin Cemetery Board	Independent authority under Wis. Stat. 157 — burial ground enforcement

Waukesha County Offices

Office	Contact
LURM — Zoning / Stormwater / Floodplain	515 W. Moreland Blvd., Room AC-260, Waukesha WI 53188 lurm@waukeshacounty.gov
Department of Public Works (Ch. 15 access permits)	515 W. Moreland Blvd., Room AC 230 (262) 548-7790 — mandatory bypass lane enforcement
Register of Deeds	515 W. Moreland Blvd., Room AC110 (262) 548-7589 recording@waukeshacounty.gov
Tax Listing Office	(262) 548-7587 — legal description and owner of record
County Highway Department	Road maintenance, culvert, and flood closure records — Town Line Rd / Big Bend / Skyline
Village of Big Bend — Village Clerk	Village Clerk [village clerk email] [village clerk phone] — all ORR requests here
Village of Vernon	Jeff Millies, Village President — allied municipality

Legal / Advocacy

Organization	Contact
Community Attorney — Community Attorney	Law Offices of Community Attorney LLC [attorney address], Shorewood WI 53211 [attorney phone] [attorney contact] www.jrc4law.net Certiorari deadline MAY 30, 2026.
Midwest Environmental Advocates	Madison, WI (608) 251-5047 Free initial consultations
Clean Wisconsin	Legal and technical staff — Waukesha County cases
Milwaukee Riverkeeper — Cheryl Nenn	Environmental briefing forwarded — stormwater and lighting findings
State Bar of Wisconsin Referral	1-800-362-9082 wisbar.org

SECTION 15 — OPEN RECORDS REQUESTS TRACKER

Filed

Date Filed	Agency	Documents Requested	Status
March 17, 2026	Village of Big Bend	Chapter 14 Land Division Ordinance changes from 1/1/2016 to present	Filed — D.S.K.

Priority — File Immediately

Agency	Documents to Request	Priority
Village of Big Bend (Village Clerk)	ALL documentation of how/where April 30 special meeting notice was posted — dates, times, locations, media outlets notified, timestamps	TODAY — P-4 cannot be assessed without this
Village of Big Bend	All communications between village staff (including police) and Plan Commission Chair, Developer, ISG Staff, Developer Consultant (ISG) from Oct 2025 forward; all Village Planner/Cedar Corp and ISG communications; full CUP administrative record including all conditions	HIGH
WisDOT SE Region	Any access permit applications on file for Hwy 164 connections; all DOT correspondence on this parcel; HWY 164 study; DDI coordination letters	HIGH — Monday May 18 in person
Waukesha County DPW	Any access permit applications submitted for Hwy 164 or county road access points	HIGH
Army Corps Milwaukee District	Any Section 404 permits filed for parcel BBV 2022999002; any jurisdictional determinations	HIGH
Wisconsin DNR	Wetland records; prior complaints; any permits for parcel; NR 103 delineation reports; WPDES NOI filings	HIGH
Register of Deeds	Full chain of title; all recorded instruments on BBV 2022999002 after Dec 2025	HIGH
County Highway Dept	Road maintenance and flood closure records for Town Line Rd / Big Bend / Skyline	HIGH
Waukesha County Public Health	All septic permits and soil morphology reports within quarter mile of parcel	MEDIUM

ADDED June 2, 2026: ORR Village Clerk for all ISG field reports, site visit memos, wetland documentation, and correspondence dated June 2, 2026 forward. Developer Consultant (ISG) conducted field work on central wetland area this date. Any revised wetland delineation produced from this visit is evidence that the original CUP submission was materially deficient.

SECTION 16 — DOCUMENTS PRODUCED & FINANCIAL CONTEXT

Documents Produced — Ready to Use

Document	Purpose	Status
Three_Villages_Legal_Brief_V5.docx	Core team only — classified findings (FAILURE/REMEDY/PROBLEM)	Complete — send to Community Attorney today
Breck_SWM_Technical_Failures_Legal_Review.pdf	Attorney memo — 14 findings, legal strategy, deposition questions	Complete — send to Community Attorney today
Breck_Public_Safety_Traffic_Impact.pdf	Public distribution — safety gap, Rock comparison, traffic math	Complete
Breck_Lighting_Analysis.pdf	Attorney review + Riverkeeper — lighting violations, hours, wildlife	Complete
Breck_Riverkeeper_Briefing.pdf	Milwaukee Riverkeeper — stormwater/ORW briefing	Complete — forwarded to Cheryl Nenn
Breck_Permeable_Paver_Public_Report.pdf	Public report — clay soil failure math, pollutant chain	Complete
Public Records Request Packet	6 letters to all agencies + cover page	Drafted — send now
Call Reference Cards — Corps / DNR	Army Corps card, DNR card, agency tracking log	Drafted
Facebook Infographic — 13 concerns	White background, large type	Complete — screenshot for posting
Facebook Newsletter Parts 1 & 2	Progress report + talking points + CTA	Complete
Three_Villages_DNR_Complaint_May18_2026.pdf	Formal environmental complaint — Wisconsin DNR SE Region — DNR Basin Supervisor, NR Basin Supervisor	FILED MAY 18, 2026 — CC Community Attorney
Three_Villages_Master_Case_File_Current.docx	Unified case record — this document	Updated May 18, 2026

Financial Context

Item	Amount
Full build-out — developer cost estimate (Developer Cost Estimator Dec 2025)	\$175M – \$225M
True stormwater engineering cost on HSG D clay (35 acres)	\$18M – \$29M
True road infrastructure cost (all four roads — Class 5 estimate)	\$14.9M – \$36.1M
Developer's stated safety technology budget	\$213,445 (cameras and signs only)
Sound study cost at The Rock (Milwaukee County, 2023)	\$200,000 — ordered after a decade of complaints
Community expert witness costs — next 60 days	\$40,000 – \$90,000 (GoFundMe critical)
Independent traffic impact analysis	\$80,000 – \$150,000

Item	Amount
Stormwater PE expert (model correction + court testimony)	\$15,000 – \$30,000
Geotechnical PE (spring infiltrometer tests + testimony)	\$10,000 – \$25,000
Environmental PE (ORW pollutant loading analysis)	\$10,000 – \$20,000

SECTION 17 — FULL PHOTOGRAPHIC EVIDENCE LOG

#	Description	Date	Location	Legal Significance
1	FLOOD.jpg — Zillow flood depth map, 3+ ft across parcel	N/A	Town Line Rd / Hwy 164 parcel	Validates flood model predictions
2	pave_paradise.jpg — flood map with 155,000 gal annotation	N/A	Parcel BBV 2022999002	Establishes 155,000 gal per-event figure
3	land_use_map_waukesha_county.png — County GIS soil map	N/A	Parcel BBV 2022999002	HSG D dominance, wetlands, possible cemetery parcel
4	Townline_Rd_Flooding-4.jpg — road flooding, trail sign	Confirm date	Town Line Rd corridor	Active flooding on public road in drainage path
5	Townline_Rd_Flooding-6.jpg — driveway/apron flooding	Confirm date	Private property, Town Line Rd	Private property injury — neighbor standing
6	Townline_Rd_Flooding-7.jpg — road overtopping, full lanes	Confirm date	Town Line Rd corridor	Public safety hazard
7	unnamed_1.jpg — night photo, road flooded, Big Bend Dr & Skyline Ave S labeled	08/10/2025	Big Bend Dr & Skyline Ave S	STRONGEST: timestamped, labeled, public road impassable
8	unnamed.jpg — daytime driveway flood, muddy water	Confirm date	Big Bend Dr / Skyline Ave area	Second documentation of downstream corridor
9	April 2026 floods (multiple)	April 2026 — confirm dates	Town Line Rd / Big Bend / Skyline	PRE-VOTE flooding — board approved during active flood event
10	surrounding_roads.jpg — Google Maps aerial	Current	All four surrounding roads	Confirms narrow rural two-lane character of all access roads
11	size_of_roads.jpg — Google Street View Town Line Rd	Current	Town Line Road	Visual confirmation ~20-22 ft pavement, no shoulder
12	Townline Rd and Hwy 164, looking South — Cattails/Wetlands in Northwestern corner of Breck property	May 2026	Northwestern corner of Breck parcel (BBV 2022999002), Townline Rd / Hwy 164 intersection	Visual confirmation of emergent wetland vegetation (cattails) at the northwestern parcel corner. Stage 1 construction (soccer fields + entrance road from Hwy 164) would directly impact this area. Corroborates ENV-5 (DNR Wetland Polygon 1, 1.98 acres). Army Corps Section 404 jurisdiction likely triggered. Photographer: M.R. (EndBreck Lead Research). File: image000001_1_.jpeg

#	Description	Date	Location	Legal Significance
1 3	On Townline Rd, directly between Hwy 164 and Big Bend Drive, facing SouthWest	May 2026	Townline Rd, midpoint between Hwy 164 and Big Bend Drive — northern edge of parcel	Documents the T3K Palustrine Forested Wetland polygon visible from Townline Rd. The tree island in the depressed area is consistent with DNR Wetland Polygon 1 (1.98 acres, T3K code). Developer's wetland delineation submitted by their own consultant — no independent review conducted (ENV-4). Photographer: M.R. (EndBreck Lead Research). File: image000002_1_.jpeg
1 4	Townline Rd and Hwy 164, looking South-East — Cattails/Wetlands	May 2026	Townline Rd / Hwy 164 intersection, northern parcel boundary	Second angle of wetland vegetation at Townline/164 corner confirming extent of emergent wetland species. Combined with Images 1 and 4, these three photos document continuous wetland vegetation running southeast from the Hwy 164/Townline Rd corner toward the center of the parcel — suggesting the DNR mapped polygons may understate actual wetland extent. Photographer: M.R. (EndBreck Lead Research). File: image000003_1_.jpeg
1 5	Townline Rd and Hwy 164, looking South-East towards center of property — Cattails/Wetlands	May 2026	Townline Rd / Hwy 164 — looking toward parcel interior	Documents wetland vegetation extending toward the interior of the parcel — not just the perimeter. Bare/disturbed soil patch visible is consistent with hydric soil condition (seasonally saturated). This supports the need for independent field-verified wetland delineation and field infiltrometer tests (ECS recommendation, E-5). Photographer: M.R. (EndBreck Lead Research). File: image000004_1_.jpeg
1 6	Hwy 164, directly between Townline Rd and Skyline Avenue, looking East — Cattails/Wetlands	May 2026	Hwy 164 frontage, between Townline Rd and Skyline Ave — western parcel boundary	CRITICAL LOCATION — this is the western boundary of the parcel where the Stage 1 entrance road from Hwy 164 is planned. Cattails/emergent wetland directly along the proposed primary access point. Any grading or road construction at this location requires Army Corps Section 404 permit and DNR Chapter 30 permit. Construction cannot proceed here without those permits. Photographer: M.R. (EndBreck Lead Research). File: image000005_1_.jpeg
1 7	Skyline Avenue, between Big Bend Drive and Hwy 164 — Cattails/Wetlands, facing North	May 2026	Skyline Avenue, between Big Bend Drive and Hwy 164 — eastern/southeastern parcel boundary	Documents wetland vegetation on the Skyline Avenue (eastern) boundary — the second road-access boundary of the parcel. Wetland presence on both the Hwy 164 (west) and Skyline Ave (east) boundaries means both proposed access points for the development are adjacent to or within wetland areas. Corroborates DNR Wetland Polygon 2 (1.97 acres, F0Kf classification). Photographer: M.R. (EndBreck Lead Research). File: image000006_1_.jpeg
1 8	Skyline Avenue, between Big Bend Drive and Hwy 164 — Cattails/Wetlands, SouthEast side looking Northwest	May 2026	Skyline Avenue southeastern corner, looking back toward Hwy 164	Documents the extent of wetland vegetation running along the southeastern Skyline Ave boundary. The scale of the vegetation visible suggests the 3.95 total acres identified in the DNR inventory may be conservative — the cattail/reed canary complex appears to extend substantially into the parcel from this boundary. This is a second DNR-mapped wetland polygon (F0Kf — Palustrine Open Water, Farmed) that was not disclosed in ISG's submitted documents. Photographer: M.R. (EndBreck Lead Research). File: image000007_1_.jpeg
1 9	Townline Rd and Hwy 164, looking South-East — Cattails/Wetlands (early season/bare soil visible)	May 2026	Townline Rd / Hwy 164 intersection, northern boundary	Early-season photo showing hydric soil conditions — bare saturated-looking patches with wetland plants re-establishing. This is additional evidence that the soils in this area are seasonally saturated, which is the primary criterion for wetland designation. Combined with the HSG Group D Hochheim clay loam soils (61% of site, 0.06–0.20 in/hr infiltration), these field conditions confirm the ECS recommendation that field infiltrometer tests must be conducted before any modeling. Photographer: M.R. (EndBreck Lead Research). File: image000008_1_.jpeg

#	Description	Date	Location	Legal Significance
2 0	IMG_8342.jpeg — ISG (ISGInc.com) company vehicle on-site — white SUV with Engineering / Environmental / Planning markings	06/02/2026	Breck parcel BBV 2022999002 — perimeter adjacent to central wetland area	ISG Inc. — developer-retained engineering/planning consultant (Developer Consultant (ISG)) — conducting field activity on parcel June 2, 2026 at the central wetland area that EndBreck/TVCA identified and forced onto the record after ISG omitted it from original submissions (ENV-4, ENV-5). Developer's own consultant is now walking wetlands they excluded from the original plans submitted for CUP approval. Any ISG field reports, revised wetland delineations, or internal communications generated 6/2/2026 forward are IMMEDIATE ORR targets — request to Village Clerk Village Clerk. If ISG revises the wetland delineation based on this visit, that revision is direct evidence the original submission to the Village was materially deficient at the time of CUP approval. File: IMG_8342.jpeg. Photographer: EndBreck field observer.
2 1	IMG_8341.jpeg — Keller Williams Realty branded pickup truck on-site, silver crew-cab with company door magnet	06/02/2026	Breck parcel BBV 2022999002 — central wetland area, wooded interior edge	Keller Williams agent — the developer's real estate sales agent — on-site simultaneously with ISG (developer's engineering consultant) on June 2, 2026, both parties walking the central wetland area omitted from original ISG submissions. Presence of the sales agent alongside the engineer at the wetland area suggests the developer is internally reassessing site conditions and/or project scope after ENV-4/ENV-5 challenges forced the wetlands into the record. Developer is actively working the site post-CUP while certiorari proceedings are underway. File: IMG_8341.jpeg. Photographer: EndBreck field observer.
2 2	IMG_8340.jpeg — Wide-angle field view: ISG SUV + Keller Williams pickup parked at Breck parcel, agricultural field foreground, wooded bluff/wetland interior background	06/02/2026	Breck parcel BBV 2022999002 — northern/western perimeter looking toward central wetland corridor	CRITICAL FIELD OBSERVATION: Developer's engineering consultant (ISG) and developer's real estate sales agent (Keller Williams) walking the central wetland area on June 2, 2026 — the exact wetlands ISG omitted from the original development plans submitted for CUP approval, and which EndBreck/TVCA identified, documented with field photography (Photos 12-19), and forced onto the official record through ENV-4/ENV-5 challenges. The developer's own team is now conducting post-approval fieldwork on conditions that should have been fully disclosed before the application was submitted. This is significant for certiorari: the CUP was approved on a record that the developer's consultant is now actively revisiting. ATTORNEY ACTION: Alert Community Attorney, ORR Village Clerk for all ISG correspondence, field reports, and wetland documentation dated 6/2/2026 forward. Any revised delineation produced from this visit must be obtained and entered into the record. File: IMG_8340.jpeg. Photographer: EndBreck field observer.

SECTION 18 — VILLAGE OF BIG BEND ORDINANCE HISTORY (2017–2020)

Source: 2017.pdf, 2018.pdf, 2020.pdf — Village of Big Bend official ordinances

Ordinance	Subject	Action	Date	Village President / Clerk
2017-02	Building Height Definition	Amended §16.04(14) — average finished grade measurement for flat, mansard, and gabled roofs	Jan 5, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-03	Droese Property Rezone	R-3 Residential → B-1 Downtown Business District	Mar 2, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-04	Gunsmith Use	Added "Gunsmith" as permitted/conditional use in all business and industrial zones (B-1 through B-4, LI, GI, LUO). Created definitions for Firearm and Gunsmith.	Mar 2, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-05	Droese Property — Land Use Plan	Comp Plan amendment: High Density Residential → Local Commercial	Mar 2, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-06	Peterson Property — Land Use Plan	Comp Plan amendment: Low Density Residential → Local Commercial	Apr 6, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-07	Peterson Property Rezone	R-3 Residential → B-2 Local Service Center District	Apr 6, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-08	R-4 Residential District Created	New district: medium density single-family, municipal sewer required, 15,000 sq ft min lot, 1,200 sq ft min first floor, 35 ft setback, 35 ft max height	Jun 1, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-09	Black Property — Land Use Plan	Comp Plan amendment: Environmental Corridor → High Density Residential	Jul 6, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-10	Black Property Rezone	R-3 Residential → RM Multiple Family Residence District	Jul 6, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-13	Prior Property Owner Trust — Land Use Plan	Comp Plan amendment: revised boundaries for Environmental Corridor, High Density Residential, and Water. Wetland map included (NW 1/4 Section 24, T5N R19E).	Nov 30, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2017-14	Prior Property Owner Trust Rezone	C-1 Conservancy → R-3 Residential (excluding delineated wetlands)	Nov 30, 2017	Village President (2017–2019) / Village Clerk (2017–2019)
2018-01	Strickler Property Rezone	Added AO Agricultural Overlay to existing R-2 Residential classification	Feb 1, 2018	Village President (2017–2019) / Village Clerk (2017–2019)
2018-02	Peterson/Gleason — Land Use Plan	Comp Plan amendment: High Density Residential → Local Commercial (unsigned)	2018	Village President (2017–2019) / Village Clerk (2017–2019)
2018-03	Peterson/Gleason Rezone	R-M Residential Multi-Family → B-2 Downtown Business District (unsigned)	2018	Village President (2017–2019) / Village Clerk (2017–2019)
2018-05	Stacey Peterson — Land Use Plan	Comp Plan amendment: Commercial → Industrial Park (unsigned)	2018	Village President (2017–2019) / Village Clerk (2017–2019)
2018-06	Stacey Peterson Rezone	B-3 General Business → I-1 Industrial Park Zoning District (unsigned)	2018	Village President (2017–2019) / Village Clerk (2017–2019)
2018-07	Setbacks & Offsets — Residential	Amended §§16.32–16.36: RCE, R-1, R-2, R-3, RM districts — 35 ft setback minimum; 20 ft side/rear offset minimum	Sep 6, 2018	Village President (2017–2019) / Village Clerk (2017–2019)

Ordinance	Subject	Action	Date	Village President / Clerk
2018-09	Retaining Wall Regulations	Created §§16.04(107.5) and 16.08(6.5): retaining walls over 24 inches defined, permit requirements, drainage specs, 5 ft min setback all districts	Sep 6, 2018	Village President (2017–2019) / Village Clerk (2017–2019)
2020-01	Gleason/Big Bend Rd LLC/EEI — Land Use Plan	Comp Plan amendment: Local Commercial → Commercial (parcels BBV2067956001, BBV2067953001, BBV2067954001, BBV2067954002)	May 7, 2020	Village President (2020) / Village Clerk (2020)
2020-02	Gleason/Big Bend Rd LLC/EEI Rezone	B-2 Local Service Center → B-3 General Business District (same four parcels)	May 7, 2020	Village President (2020) / Village Clerk (2020)
2020-03	B-3 Conditional Uses Expanded	Amended §16.39(4)(a): added tracking terminals, 24-hour operations, vehicle rental, wind energy towers, trade and contractor offices, and similar uses	May 7, 2020	Village President (2020) / Village Clerk (2020)
2020-08	B-4 Permitted Uses Expanded	Amended §16.40(2): added Light Manufacturing, Fabrication, Wholesaling, Processing, Distribution Centers, R&D;, Trade & Contractor offices with fully enclosed materials/vehicle/equipment storage	Oct 1, 2020	Village President (2020) / Village Clerk (2020)

QUICK REFERENCE — KEY CONTACTS (REDACTED)

Role	Contact Information
Attorney	Community Attorney [attorney phone] [attorney contact]
Dnr Supervisor	DNR Basin Supervisor [DNR supervisor phone] [DNR email]
Army Corps Brookfield	(615) 290-5622
Village Clerk	Village Clerk [village clerk email] [village clerk phone]
Dnr Se Region	(262) 574-2100 DNRSERegion@wisconsin.gov
Dnr Violation Hotline	(800) 943-0003
Wisdot WisDOT Contact	[WisDOT phone] [WisDOT email]
County Dpw	(262) 548-7790
Village Attorney Breck	Village Attorney [village attorney email] [village attorney phone] Village Attorney Firm — Village Attorney from March 19, 2026
Vernon Clerk	Vernon Village Clerk [Vernon clerk email] Cell: [Vernon clerk phone] PH: [Vernon clerk phone]
Isg Agent	Developer Consultant (ISG) [ISG email] [ISG phone]

REDACTED VERSION: All personal names have been replaced with initials (community members) or role titles (officials and professionals). This document contains factual information sourced from official public records, developer-submitted documents, municipal ordinances, government agency data, and field observations. All findings labeled FAILURE, REMEDY, or PROBLEM are sourced from the developer's own submitted engineering documents or official public records unless otherwise noted. Prepared June 2, 2026.