1. February 20, 2020 CZA Meeting Agenda
   Documents:
   
   CZA FEB 20 · AGENDA.PDF

2. February 20, 2020 CZA Meeting Packet
   Documents:
   
   CZA FEB 20 · PACKET.PDF

3. February 20, 2020 CZA Supplemental Packet
   Documents:
   
   CZA FEB 20 · SUPPLEMENTAL PACKET.PDF

4. February 20, 2020 CZA · Received At Meeting
   Documents:
   
   2-20-20 RECEIVED AT CZA MEETING_OPT_7.PDF
County Zoning Agency
MEETING NOTICE

Thursday, February 20, 2020 at 5:30 p.m.
Walworth County Government Center
County Board Room 114
100 West Walworth Street
Elkhorn, WI  53121

Tim Brellenthin, Chair – Dave Weber, Vice-Chair
Susan Pruessing, Supervisor – Rick Stacey, Supervisor – Jerry Grant, Supervisor
Richard Kuhnke, Sr., Citizen Member – Jim Van Dreser, Citizen Member

(Posted in compliance with Sec. 19.84, Wis. Stats.)

It is possible that a quorum of the County Board or a Committee of the County Board could be in attendance

All discussion items are subject to possible action

AGENDA

V=Items on Videotape

1. Call to Order
2. Roll Call
3. Approval of the Agenda
4. Approval of the Minutes, January 16, 2020 CZA Meeting
5. Subdivision Items:
   a. Old Business – None
   b. New Business –

TO BE TABLED AT REQUEST OF APPLICANT
i. Geneva Springs Subdivision Preliminary Plat, Geneva Springs Haven LLC., applicant. Proposed 27 lot and 2 out lot residential subdivision plat located in Section 21, Town 2 North, Range 17 East, Town of Geneva. Parcel #s JA320800002 and JA320800003. The proposed plat contains 13.09 acres of land and is zoned R-2 Single Family Residence District (Sewered). The applicant is requesting a modification of street design standards contained in Section 11.3 (e) of the Walworth County Subdivision Ordinance.

6. Old Business:
   a. Ordinance Amendments – None
   b. Discussion Items – None
7. **New Business:**

   a. Ordinance Amendments – None
   
   b. Discussion Items – None
   
   c. Ordinance Amendments – None
   
   d. Rezones / Conditional Uses –

   1. **Jesse R. and Natalie S. Snopek – Owners**, Section 23, Geneva Township. **Rezone w/CU** for approximately .231 acres of A-1 Prime Agricultural District property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain **conditional uses** for an indoor Farm Family Business in a shed on A-1 zoned land and outdoor contractor storage yard on the A-4 area for a tree cutting business and winter snow removal business with no more than two non-farm family employees. The property of concern is located on the southwest corner of the intersection of Kruger Road and Hwy NN and is identified as part of Tax Parcel HJ G 2300004D.

   2. **Christopher D. and Anna G. Meisner – Owners**, Section 25, Delavan Township. **Rezone** approximately 3 acres being a 100 foot access way for two proposed lots from the A-1 Prime Agricultural District to the A-5 Agricultural-Rural Residential District in order for the two proposed lots each to have 50 foot of road frontage. Part of Tax Parcel F D 25000015.

   **TO BE TABLED – NO TOWN DECISION**

   3. **David and Debra Hollister – Owners**, Section 34, Geneva Township. **Rezone** approximately 1.23 acres of A-2 Agricultural Land District property to B-2 General Business District for a proposed furniture store. The property of concern is located on the north side of Hwy 50 approximately 1150 feet west of the intersection of Hwy 50 and Dummers Dr. and is identified as Tax Parcel JA22360001.

   4. **The Town of Delavan – Owner C/O John Olson**, Section 23, Delavan Township. **Rezone** approximately 1.15 acres of B-5 Planned Commercial-Recreation Business District to the P-2 Institutional Park District for the construction of a new Town fire station. The property of concern is located on the northwest corner of the intersection of Town Hall Road and Oxburgh Trail and is identified as Tax Parcel FA30880001.

   **TO BE TABLED – NO TOWN DECISION**

   5. **Marion J. Cournoyer, Leonor I. Hernandez – Owners**, Section 27, Linn Township. **Conditional use** for outdoor food and beverage consumption in the back of the bar, public assembly use to allow free open microphone/ open jam sessions on an outdoor stage behind the Zenda Tap on Fridays and Saturdays from March to October and three organized music events per year with a capacity of up to 185 event ticket holders inside of the outdoor fenced area of the bar. Part of Tax Parcel I L 2700012.

   6. **Errol Wilson – Owner**, Section 3, Lyons Township. **Conditional use** approval for a wood cutting and farm equipment repair business on land zoned A-4 with a caretaker’s quarters in an existing residence. The property of concern is located on the end of Bryan Rd off of Roth Road and is identified as part of Tax Parcel NS 000003.
TO BE TABLED - NO TOWN DECISION


TO BE TABLED - NO TOWN DECISION

8. Steve S. Walter — Owner, Section 21, Darien Township. **Conditional use** review for expansion of a slurry storage facility for industrial wastes to be applied to agricultural farmland in excess of 25% of the size of the existing approved facility requiring conditional use approval as if establishing the facilities anew. The expansion would double the size of the storage facilities on site by addition of a second 131 ft. diameter 28 ft. tall storage tank and a 68 ft. by 68 ft. dry bunker. The property of concern is located on the northeast side of Hwy 14 approximately 1900 feet northwest of the Interstate Hwy 43 overpass of Hwy 14 and is identified as part of Tax Parcel B D 2100005A.

9. Norman L. Brummel and Jean A. Brummel Trust, Section 12, Sugar Creek Township. **Rezone** approximately 2.1 acres of A-2 Agricultural Land District property to the B-2 General Business District to allow for the construction of a retail store. Part of Tax Parcel G SC1200006.

10. WSPR Enterprises, LLC – Owner C/O Donald Frederick, Asphalt Contractors, Inc. C/O Robert Kordus – President, Sections 20 and 29, Spring Prairie Township. **Rezone w/ CU** for approximately 111.28 acres of A-1 Prime Agricultural District property to the M-3 Mineral Extraction District in order to obtain **conditional use** approval for a sand and gravel extraction site with wash plant operations. The property of concern is located on the north side of Spring Prairie Road approximately 1500 feet east of the intersection of Hwy 11 and Spring Prairie Road and is identified as parts of Tax Parcels O SP2000004 and O SP2900001 and 2.

**Nonmetallic Mining Reclamation Permit**

11. Asphalt Contractors, Inc. C/O Robert Kordus – President has applied for a Nonmetallic Mining Reclamation Plan for a nonmetallic mining site. The mining site is located on Tax Key Parcels # O SP2000004, O SP2900001 and O SP2900002, Town of Spring Prairie. The Walworth County Land Conservation Division has determined the reclamation plan is complete and complies with the Walworth County Nonmetallic Mining Reclamation Ordinance, contained in Chapter 26, Article VI of the Walworth County Code of Ordinances. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation

8. **Zoning / Sanitation / Land Conservation enforcement** – Michael Cotter

9. **Adjournment**
   Submitted by: Tim Brellenthin, Committee Chairman
   Michael P. Cotter, Director, Land Use and Resource Management Department

**Posted: February 13, 2020**
County Zoning Agency
MEETING NOTICE

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Walworth County Government Center
County Board Room 114
100 West Walworth Street
Elkhorn, WI 53121

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Susan Pruessing, Supervisor – Rick Stacey, Supervisor – Jerry Grant, Supervisor
Richard Kuhnke, Sr., Citizen Member – Jim Van Dreser, Citizen Member

(Posted in compliance with Sec. 19.84, Wis. Stats.)

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1. Call to Order

2. Roll Call

3. Approval of the Agenda

4. Approval of the Minutes. January 16, 2020 CZA Meeting

5. Subdivision Items:
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   b. New Business –

   TO BE TABLED AT REQUEST OF APPLICANT
   i. Geneva Springs Subdivision Preliminary Plat, Geneva Springs Haven LLC., applicant. Proposed 27 lot and 2 out lot residential subdivision plat located in Section 21, Town 2 North, Range 17 East, Town of Geneva. Parcel #s JA320800002 and JA320800003. The proposed plat contains 13.09 acres of land and is zoned R-2 Single Family Residence District (Sewered). The applicant is requesting a modification of street design standards contained in Section 11.3 (c) of the Walworth County Subdivision Ordinance.

6. Old Business:
   a. Ordinance Amendments – None
   b. Discussion Items – None
7. **New Business:**

   a. Ordinance Amendments – None

   b. Discussion Items – None

   c. Ordinance Amendments – None

   d. Rezones / Conditional Uses –

   1. **Jesse R. and Natalie S. Snopek** – Owners, Section 23, Geneva Township. **Rezone w/CU** for approximately .231 acres of A-1 Prime Agricultural District property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain **conditional uses** for an indoor Farm Family Business in a shed on A-1 zoned land and outdoor contractor storage yard on the A-4 area for a tree cutting business and winter snow removal business with no more than two non-farm family employees. The property of concern is located on the southwest corner of the intersection of Kruger Road and Hwy NN and is identified as part of Tax Parcel HJ G 2300004D.

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   **TO BE TABLED – NO TOWN DECISION**

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TO BE TABLED - NO TOWN DECISION

TO BE TABLED - NO TOWN DECISION
8. **Steve S. Walter – Owner**, Section 21, Darien Township. *Conditional use* review for expansion of a slurry storage facility for industrial wastes to be applied to agricultural farmland in excess of 25% of the size of the existing approved facility requiring conditional use approval as if establishing the facilities anew. The expansion would double the size of the storage facilities on site by addition of a second 131 ft. diameter 28 ft. tall storage tank and a 68 ft. dry bunker. The property of concern is located on the northeast side of Hwy 14 approximately 1900 feet northwest of the Interstate Hwy 43 overpass of Hwy 14 and is identified as part of Tax Parcel B D 2100005A.

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11. **Asphalt Contractors, Inc. C/O Robert Kordus – President** has applied for a Nonmetallic Mining Reclamation Plan for a nonmetallic mining site. The mining site is located on Tax Key Parcels # O SP2000004, O SP2900001 and O SP2900002, Town of Spring Prairie. The Walworth County Land Conservation Division has determined the reclamation plan is complete and complies with the Walworth County Nonmetallic Mining Reclamation Ordinance, contained in Chapter 26, Article VI of the Walworth County Code of Ordinances. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation

8. **Zoning / Sanitation / Land Conservation enforcement** – Michael Cotter

9. **Adjournment**
   Submitted by: Tim Brellenthin, Committee Chairman
   Michael P. Cotter, Director, Land Use and Resource Management Department

*Posted: February 13, 2020*
Committee Chair Tim Brellenthin called the meeting to order at 5:30 p.m.

Roll call – Committee members present were Supervisors Tim Brellenthin, Dave Weber, Rick Stacey, Susan Pruessing, Jerry Grant, Citizen Member Richard Kuhnke, Sr. and Citizen Member Jim Van Dreser.  A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Site Planner/Hearing Facilitator Matt Weidensee, and Conservation Technician, Josie Hanrahan. Present for a portion of the meeting / hearing David Bretl/County Administrator, and Neal Frauenfelder/Senior Planner.

A “sign-in” sheet listing attendees on January 16, 2020 is kept on file as a matter of record.

Details of the January 16, 2020 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view on our website: www.co.walworth.wi.us

Dave Weber motioned to approve the agenda as amended to table item 6.b.1.) Geneva Springs Subdivision Preliminary Plat, Geneva Springs Haven LLC.;  8.e.1.) Norman L. Brummel and Jean A. Brummel Trust;  8.e.2.) Christopher D and Anna G Meisner - owners;  8.f.1.) Marion J. Cournoyer, Leonor I. Hernandez – Owners; and  8.f.6.) ATS, Ltd. C/O Robert Allen – Owner. Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose.

Richard Kuhnke, Sr. motioned to approve the December 19, 2019 CZA Meeting minutes. Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement – Shannon Haydin
Disc Count #5:32:51 – 5:33:04

Subdivision Items – Old Business – None

Subdivision Items – New Business –

**THIS ITEM NOT HEARD – No Stormwater Plan.**

Geneva Springs Subdivision Preliminary Plat. Geneva Springs Haven LLC., applicant. Proposed 27 lot and 2-out lot residential subdivision plat located in Section 21, Town 2 North, Range 17 East, Town of Geneva. Parcel #s. JA320800002 and JA320800003. The proposed plat contains 13.09 acres of land and is zoned R-2 Single Family Residence District (Sewered). The applicant is requesting a modification of street design standards contained in Section 11.3 (c) of the Walworth County Subdivision Ordinance.

Old Business - Ordinance Amendments – None
Old Business – Discussion Items – None

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. Recognition of **Neal Frauenfelder** for 41 years of service to Walworth County – Michael Cotter

   LURM Director Michael Cotter commends Neal Frauenfelder for his 41+ years of dedicated service to the LURM Department and the citizens of Walworth County.

   **Disc Count #5:33:25 – 5:40:00**

2. **Matthew A. and Mary E. Polyock Trust, Jake Polyock, Allan J. Polyock, Gail Polyock – Owners**, Section 33, Linn Township. The property owners requesting to amend conditional uses to remove a 100 foot fall zone no building restriction area. April 18, 2013 for I L 3300003 and May 19, 2011 on Tax Parcel I L 3300004A.

   Amended 1-16-2020 for removal of the building restriction area on the A-4 parcel to the north to cover the potential fall zone for the new leg elevator. See bold, underlined, strikethrough for removal of – condition #25.

   **NAME:** Gordon Polyock Family Trust
   Jeanette H Polyock Trust

   **TOWN:** Linn

   The application indicates: The applicant is requesting conditional use approval for the addition of a 60 ft. diameter grain silo, a grain dryer alteration from a 20 ft. X 20 ft. dryer to a 30 ft. diameter dryer and a leg elevator tower to an existing commercial grain storage facility. The dryer and leg elevator tower will require variances from the County Board of Adjustment from the setback to the rear property line. The facility is purposely close to the property line in order to be able to load grain onto the railway spur that serves the site. The County Zoning Ordinance did not give consideration to the need for smaller setback requirements for loading facilities for railroad shipping yards. The railway spur was located on the property line due to the railway standards which establish the required arc curve from the main rail line needed to meet the turning radius for box cars. The rail spur could not be located further from the property line due to existing industrial buildings along the main line which the arc curve of the spur had to avoid.

   Tax Parcel(s) I L3300003

   Has been APPROVED subject to the following conditions:

   General:

   1. Approved as per revised plan submitted June 23, 2011 and amended to allow an additional 78 foot diameter grain storage bin and a dual zoned driveway as recommended by the Town and amended as per plan submitted March 14, 2013 to allow the addition of a 60 ft. diameter grain silo, a grain dryer alteration from a 20 ft. X 20 ft. dryer to a 30 ft. diameter dryer and a leg elevator tower as a grain elevator facility with all additional conditions.

   2. Must meet all applicable Federal, State, County and local regulations.

   3. Outside lighting shall be shielded and directed on site.

   4. The applicant must obtain all required zoning permit approvals including a sign permit.

   5. No fill, debris, branches or leaves may be disposed of on site. No burning of waste materials shall occur on site.
6. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office. The applicant must submit and obtain approval of a landscaping plan from the County Conservation Office.

7. The applicant must submit a road access and maintenance agreements with the governing municipality prior to hauling to the site.

8. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking for trucks arriving prior to operation hours shall be located as identified on the approved plan of operations.

9. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.

10. Implementation of dust and noise control measures shall occur at all times on site.

11. Any additional Office/trailer or structures shall obtain conditional use approval and an approved zoning and sanitary permit.

12. No general public sales allowed on premises.

13. No business activities other than specified in the plan of operations may be conducted from out of the facilities.

14. Outside storage shall be limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas including displays of goods shall be allowed in the required setback areas.

15. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.

16. Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.

17. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

Specific conditions:

18. Grain elevators must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust systems shall meet all requirements of the State and Federal code including hours of operation and noise.

19. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.

20. The property owner must provide a copy of the easement crossing the neighboring property for the railroad spur for the conditional use file prior to this conditional use being valid.

21. The property owner must provide a copy of the agreement with the railroad company providing for the installation and use of the railroad spur for the conditional use file.

22. The property owner will attempt to eliminate the dual zoned driveway by seeking rezone of these areas from A-1 to A-4.

23. This approval does not include the additional A-4 area for future setbacks as depicted on the site plan. The owner must apply for a separate rezone for the additional setback area in order for the A-1 area to be divisible from the A-1 area on the parcel. Should the rezone for the additional A-4 area be approved the conditional use shall be amended to include all grain storage bins shown on the plan. In addition, the property owner shall be required to obtain a variance for the grain elevator over the rail spur or adjust the height of the structure to meet the setback prior to zoning permit approval.

24. The 30 foot wide railroad spur easement shown on tax parcel 1 L 3300003 shall be removed from the site plan as the railroad spur and land is owned by the property owner. The note for the easement on the site plan shall be relocated onto the railroad spur easement on the adjacent property. A new plan showing these corrections shall be submitted for the conditional use file prior to zoning permit issuance.

25. The property owner shall extend the building restriction area on the A-4 parcel to the north to cover the potential fall zone for the new leg elevator shown on the amended site plan submitted March 14th, 2013.
Staff presents request and indicates this is consistent with Farmland Preservation. Matt Polyock speaks regarding the application. Speaking in FAVOR: Jacob Polyock.

Dave Weber motioned to approve. Seconded by Rick Stacey. Motion carried. 6-favor 0-oppose.

Disc Count #5: 43:00 – 6:08:56

**Ordinance Amendments** – None

**Rezones with Conditional Uses** –

1. **Matthew A. and Mary E. Polyock Trust – Owners**, Section 33, Linn Township. Rezone approximately 1.8 acres of A-1 Prime Agricultural District zoned property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval to convert an existing outdoor grain storage pad into a recreational vehicle and boat storage facility. Part of Tax Parcel I L 3300004A.

   **General:**

   1. Approved as per plan submitted for an indoor boat storage facilities with all additional conditions.
   2. No general public sales allowed from the boat storage facility. No business activities other than specified in the plan of operations may be conducted from out of the boat storage facilities.
   3. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. seven days a week.
   4. Must meet all applicable Federal, State, County and local regulations.
   5. Boats to be stored indoors may be located outside for drop-off and pick-up only. Any seasonal trailers and or other boat equipment (piers, boat lifts etc.) storage shall occur indoors.
   6. Outside lighting shall be shielded and directed on site.
   7. Any on-site fuel storage shall be conducted within a State approved containment facility.
   8. The applicant must obtain all required zoning permit approvals including a sign permit if different from the present sign.
   9. No burning of waste materials shall occur on site.
   10. The applicant must obtain the required Town approval for the access as shown on the approved plan from Mohawk Road.
   11. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management permit from the County Conservation Office if required by ordinance.
   12. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval.
13. The project site must be kept neat, clean, and mowed in all areas.

14. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

15. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

16. No permanent outside storage of boats, trailers or other boat related equipment and materials (boat trailers, lifts, piers, parts etc.) shall be allowed.

17. The County reserves the authority to require any outside stored boats, or boat related equipment and materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval.

18. No acid washing of boats shall be allowed on site.

19. There shall be no on-site repair or restoration of boats or boat related equipment (lifts, piers etc.) allowed.

20. Outside temporary storage of boats shall occur for no more than five consecutive days as per the Town.

21. Use of the boat storage facility shall be limited to single-source contract with no in and out service/storage as per the Town.

Staff presents request and indicates this is consistent with Farmland Preservation. 
Matt Polyock speaks regarding the application.
Speaking in FAVOR: Jacob Polyock.

Rick Stacey motioned to approve amended to include to be valid upon a granting of a Board of Adjustment Variance, and striking paragraph 21. Seconded by Richard Kuhnke, Sr., as amended. Motion carried. 6-favor 0-oppose.

The rezone petition will move forward to the February 11, 2020 Walworth County Board for possible action.
Disc Count #5: 5:43:00 – 6:13:25

Rezones –

**THIS ITEM NOT HEARD – No Town Decision.**

1. **Norman L. Brummel and Jean A. Brummel Trust**, Section 12, Sugar Creek Township. Rezone approximately 2.1 acres of A-2 Agricultural Land District property to the B-2 General Business District to allow for the construction of a retail store. Part of Tax Parcel G SC1200006.

**THIS ITEM NOT HEARD – No Town Decision.**

2. **Christopher D. and Anna G. Meisner** – Owners, Section 25, Delavan Township. Rezone approximately 3 acres being a 100 foot access way for two proposed lots from the A-1 Prime Agricultural District to the A-5 Agricultural Rural Residential District in order for the two proposed lots each to have 50 foot of road frontage. Part of Tax Parcel F D 2500015.
Conditional Uses –

**THIS ITEM NOT HEARD – No Town Decision**

1. **Marion J. Cournoyer, Leonor I. Hernandez – Owners**, Section 27, Linn Township. Conditional use approval for outdoor food and beverage consumption in the back of the bar, public assembly use to allow free open microphone/open jam sessions on an outdoor stage behind the Zenda Tap on Fridays and Saturdays from March to October and three organized music events per year with a capacity of up to 185 event ticket holders inside of the outdoor fenced area of the bar. Part of Tax Parcel I L 2700012.


General:

1. Approved as per plan submitted for conditional use approval for vegetation removal in excess of that allowed in the 35 ft. lake protection area without conditional use approval with all additional conditions.

2. Time limit for completion of the project shall be established as the same period needed for the LURM Conservation Office erosion control permit required.

3. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from Land Conservation. The applicant must comply with all established standards of the Land Restoration and Land Disturbance, Erosion Control and Stormwater Management permits.

4. The applicant must follow phases of excavation and restoration as part of the approval under the County’s Land Disturbance Erosion Control and Stormwater Management Ordinance. The applicant must submit a project-sequencing schedule for each phase leading to completion prior to approval.

5. Implementation of dust and noise control measures shall occur at all times on site.

6. Hours and days of operation shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday. No work shall be conducted on holidays.

7. Road access and maintenance agreements shall be filed with the State, Township and/or County prior to hauling materials to the site on the respective municipal roads.

8. Any additional office trailer or structures shall obtain approved County zoning and sanitary permits.

9. The project shall meet all applicable Federal, State and local regulations.

10. All soil and equipment storage must be in an approved location.

11. No materials shall be brought in from off site other than those materials specified in the approved operations plan.

12. All soil generated from the site must remain on site for use in restoration or be removed in accordance with the approved plan or operations. All topsoil will be graded evenly on the disturbed area consistent with the approved restoration plan.

13. All site dewatering shall be conducted so as to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the disposal site.

14. No storage of chemicals and petroleum products shall occur on site.

15. The applicant shall submit an acceptable form of bonding – The bond shall remain in place for the life of the disposal area use plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the County Land Conservation Office.
16. The County shall not be party to soil disposal for the project. The applicant shall be held solely responsible for any damages resulting from use of a disposal site. The County will not be liable for any damage to the property affected by the fill or to any neighboring property or drain tiles due to the project.

17. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.

18. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

Specific:

19. This site shall only be used in conjunction with disposal of soils coming from the portion of the shore bank specified in the plan of operations submitted by the applicant and identified on the application.

20. The property owner shall provide a notarized signed and dated statement indicating that they have agreed to the project as proposed on the property and assume all liability and risks associated with damages resulting to the property and to the drainage and effects on neighboring properties.

Staff presents request. Erosion control issues are addressed by Staff-Josie Hanrahan
Joe Hanson / Hanson Landscaping speaks regarding the application.

Dave Weber motioned to approve. Seconded by Jerry Grant. Motion carried.
6-favor 0-oppose.

3. Village of Walworth/Fontana – owner, Fontana Walworth Water Pollution Control Commission C/O Douglas York Superintendent – Applicant, Section 25, Sharon Township. Conditional use approval on land zoned A-1 Prime Agricultural and P-2 Institutional Park Districts to bring existing structures into compliance with conditional use permit requirements for expansion of a sewage treatment plant in excess of 25% requiring conditional use approval as if establishing the use anew and approval of Water Quality Trading (WQT) as a phosphorus reduction plan implemented by catching agricultural runoff from adjacent farm fields into the water treatment plant ponds prior to release to Piscawsaw Creek. Tax Parcel A S 2500001.

General:

1. This facility is approved per plan submitted for expansion of a sewage treatment plant in excess of 25% requiring conditional use approval as if establishing the use anew and for Water Quality Trading (WQT) as a phosphorus reduction plan implemented by catching agricultural runoff from adjacent farm fields into the water treatment plant ponds prior to release to Piscawsaw Creek with all additional conditions.

2. Use of the site shall be strictly limited to a sewerage treatment plant as specified in the plan of operations.

3. The hours or operation shall be set from 6:00 a.m. to 6:00 p.m. weekdays and from 6:00 a.m. to noon on Saturday for construction activities and 24 hours per day for the sewerage treatment plant.

4. The owner/operator must comply with all Federal, State, County and local regulations.

5. All signage must conform to County ordinance standards.

6. The owner shall notify the County if any changes are made regarding operation of this site including size, location and type of materials treated.

7. Storage of materials shall be allowed only in the areas designated on the proposed plan of operations.
8. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.

9. If problems should develop, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.

10. Walworth County Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.

11. The owner must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation Office. This permit may require the installation of a stormwater catch basin for drainage from off the loading area and storage areas.

12. All parking must be as designated on the approved plan. The parking must be in compliance with the approved plan within 60 days of this approval.

13. The owner/operator shall remove and properly dispose of any contaminants that may be present in the raw waste material during the material processing.

14. The owner/operator shall provide a copy of the Certification required from D.N.R. for the file upon renewal.

15. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

16. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

**Specific:**

17. Proper access must be granted by the Town Highway Department prior to continued operations.

18. This conditional use approval is not valid until the owner has applied for all required after the fact zoning permits for all structures. The applicant has 60 days to bring the project into compliance with this approval by making application for all required zoning permits.

**Staff presents request and indicates this is consistent with Farmland Preservation.**

**Douglas York speaks regarding the application.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose.**


**General:**

1. Approved as per plan submitted for a contractor storage yard for a chimney and roofing repair business with all additional conditions as stated.

2. No on-site general public sales shall be allowed from the contractor storage facility. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
3. All uses of the site shall meet applicable Federal, State, County and local regulations including commercial building inspection.

4. Outside lighting shall be shielded and directed on site.

5. The applicant must obtain all required zoning permit approvals including sign permits. Signage shall not be allowed in the Hwy H road right of way and shall be setback as specified on the approved site plan.

6. The applicant must obtain any required County Highway access approval.

7. No fill, debris, branches or leaves may be disposed of on site. No burning of any materials shall occur on site.

8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.

9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking shall be located as identified on the approved plan of operations. All parking must be setback 25 feet from the roadway.

10. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.

11. Implementation of dust and noise control measures shall occur at all times on site.

12. All perimeter fencing shall be maintained as identified on the project plan.

13. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.

14. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.

15. The owner must provide a waste disposal plan stating where all trash, metal filings, drain oil and other fluids are disposed and shall follow the approved plan during operations on site.

16. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.

17. Outside storage is limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas are allowed in the required setback areas. No permanent outside storage shall be allowed. All equipment shall be stored a minimum of 5 feet from neighboring lot lines and 25 feet from the road right of way.

18. All trucks, trailers and equipment in transit shall be allowed to be stored on site for a maximum of 90 contiguous days at which point they shall be removed from the property.

19. The County reserves the authority to require any outside stored materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.

20. No outside storage of chemicals shall occur on site. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian. The business operator shall be responsible for maintaining proper on-site waste management practices to avoid environmental contamination. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.

21. The buildings if used for welding or painting must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.

22. There shall be no expansion of this facilities into industrial manufacturing without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.
23. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.

24. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

25. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

26. All outdoor lighting shall conform to the Town of Geneva Light Ordinance as per the Town.

27. The hours of the business shall be from 6:00 a.m. to 6:00 p.m. with access to the site for return of equipment until 9:00 p.m. and (site access 24 hour a day for emergency service as per the Town).

28. There shall be no sales of equipment or materials from the site, as per the Town.

29. All vehicles shall be operated by the owner or employees only, as per the Town.

Staff presents request. 
Joe Pollak speaks regarding the application.

Dave Weber motioned to approve. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose.
Disc Count #6:27:04 – 6:31:11


General:

1. Approved as per plan submitted for a small engine repair business with all additional conditions as stated.

2. No business activities other than specified in the plan of operations may be conducted from out of the facilities.

3. All uses of the site shall meet applicable Federal, State, County and local regulations including commercial building inspection.

4. Outside lighting shall be shielded and directed on site.

5. The applicant must obtain all required zoning permit approvals including sign permits. Signage shall not be allowed in the Hwy H road right of way and shall be setback as specified on the approved site plan.

6. The applicant must obtain any required County Highway access approval.

7. No fill, debris, branches or leaves may be disposed of on site. No burning of any materials shall occur on site.

8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.
9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking shall be located as identified on the approved plan of operations. All parking must be setback 25 feet from the roadway.

10. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.

11. Implementation of dust and noise control measures shall occur at all times on site.

12. All perimeter fencing shall be maintained as identified on the project plan.

13. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.

14. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.

15. The owner must provide a waste disposal plan stating where all trash, metal filings, drain oil and other fluids are disposed and shall follow the approved plan during operations on site.

16. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.

17. Outside storage is limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas are allowed in the required setback areas. No permanent outside storage shall be allowed. All equipment shall be stored a minimum of 5 feet from neighboring lot lines and 25 feet from the road right of way.

18. All equipment in transit shall be allowed to be stored on site for a maximum of 90 contiguous days at which point they shall be removed from the property.

19. The County reserves the authority to require any outside stored materials and equipment to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.

20. No outside storage of chemicals shall occur on site. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian. The business operator shall be responsible for maintaining proper on-site waste management practices to avoid environmental contamination. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.

21. The buildings if used for welding or painting must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.

22. There shall be no expansion of this facilities into industrial manufacturing without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.

23. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.

24. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

25. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

26. All outdoor lighting shall conform to the Town of Geneva Light Ordinance as per the Town.
27. The hours of the business shall be from 7:30 a.m. to 6:00 p.m. Monday through Friday and 7:30 a.m. to 2:00 p.m. on Saturdays plus access as required for 24 hour emergency service as per the Town.

28. The business operator shall be responsible for maintaining proper on-site waste management practices to avoid environmental contamination as per the Town.

29. There shall be no burning of any materials on site as per the Town.

30. Sales from the site shall be limited to the stated equipment repairs as per the Town.

31. All outside storage shall be for client’s equipment and shall be temporary as per the Town.

32. The tires and recyclables must be removed from the property within 60 days as per the Town.

Staff presents request.
Jim Kempf and Joe Pollak speak regarding the application.

Rick Stacey motioned to approve. Seconded by Dave Weber. Motion carried.
6-favor 0-oppose.
Disc Count #6:31:14 – 6:36:27

THIS ITEM NOT HEARD – No Town Decision

Adjournment

Rick Stacey motioned to adjourn. Seconded by Sue Pruessing. Motion carried.
6-favor 0-oppose

The meeting was adjourned at 6:38 p.m.

Submitted by Sheril Oldenburg, Recording Secretary.
Minutes are not final until approved by the committee at its next meeting.
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION  ____X____ REZONE

__________ CONDITIONAL USE

NAME:  Jesse R. and Natalie S. Snopek – Owners,

LOCATION:  The property of concern is located in the SE ¼ of Section 23, Geneva Township and is identified as part of Tax Parcel J G 23000094D.

TOWN RESPONSE:  Approved: __X___ Denied:_____  No Action:_____  Tabled:_____

ZONING:  The property is currently zoned A-1 Prime Agricultural District.

The requested zoning is A-4 Agricultural Related Manufacturing, Warehousing and Marketing District. The rezone is accompanied by conditional use petitions for a tree cutting and snow removal business.

PROJECT DESCRIPTION:

The application indicates: The property owners are requesting to rezone approximately .231 acres of A-1 Prime Agricultural Zoned property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional uses for an indoor Farm Family Business in a shed on A-1 zone land and outdoor contractor storage yard on the A-4 area for a tree cutting and snow business. The business is called Root Tree Service LLC. The truck used in the tree service would also be used for commercial snow plowing during the winter. Variances have been applied for with the Board of Adjustment for the setback from Kruger Road. The area of the rezone is 10,080 sq. ft. for storage of logs to be pick up from the site, mulch and waste earthen materials used in landscaping and a trailer used to haul the logs and mulch. All other equipment would be stored indoors when not in use or may be temporarily parked in the A-4 zoned area when in use.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The County 2050 Land Use Plan identifies this area as the AP Prime Agricultural land use category.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the west and south of the property is Hwy 12.
To the north is land zoned A-1.
To the east is property zoned A-2.

SITE CHARACTERISTICS:  The following soils are found on the rezone area:  % of Site

MxC2  Class III  Miami Loam, Sandy Loam Substratum, 6 to 12% slope, eroded
MyB  Class II  Miami silt loam, 2 to 6% slopes
KlA  Class II  Kendall silt loam, 1 to 3 percent slopes
The rezone area contains 100% prime farm soils.

IMPACT ON ROADS AND TRAFFIC:

The property is served by Kruger Road to the north of the parcel for the proposed business activities and Hwy NN to the east for the on-site home.

OTHER RELEVANT DATA – RECOMMENDATIONS:

Use of the contractor storage yard is for the tree cutting business as Farm Family Business within the existing larger shed and therefore the contractor storage yard would also be limited to no more than two non-farm family member employees.

APPLICATION STATUS: ____X______COMPLETE __________INCOMPLETE

FINDINGS FOR REZONING:

Please confirm that the rezoning was approved only after findings of all of the following as required by s. 91.48 (1) Wisconsin Statutes:

[ ] The land is better suited for a use not allowed in the farmland preservation zoning district.

[ ] The rezoning is consistent with any applicable comprehensive plan.

[ ] The rezoning is substantially consistent with the County certified farmland preservation plan.

[ ] The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

A rezone to the A-4 zone district of a contractor storage yard for a tree cutting business is consistent with farmland preservation standards.
Jesse & Natalie Snopek  
Rezone A-1 to A-4 and  
CU for Farm Family Business  
Tree Service and Contractor Storage Yard  
Section 23, Geneva Township  
Zoning Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION  __________REZONE

___X____CONDITIONAL USE

NAME:  Jesse R. and Natalie S. Snopek – Owners,

LOCATION:  The property of concern is located in the SE ¼ of Section 23, Geneva Township and is identified as part of Tax Parcel J G 23000094D.

TOWN RESPONSE:  Approved: __X__  Denied:_____  No Action:_____  Tabled:_____

ZONING:  The property is currently zoned A-1 Prime Agricultural District.

The requested zoning is A-4 Agricultural Related Manufacturing, Warehousing and Marketing District. The rezone is accompanied by conditional use petitions for a tree cutting and snow removal business.

PROJECT DESCRIPTION:

The application indicates: The property owners are requesting to rezone approximately .231 acres of A-1 Prime Agricultural Zoned property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional uses for an indoor Farm Family Business in a shed on A-1 zone land and outdoor contractor storage yard on the A-4 area for a tree cutting business with no more than two non-farm family employees. The business is called Root Tree Service LLC. The truck used in the tree service would also be used for commercial snow plowing during the winter. Variances have been applied for with the Board of Adjustment for the setback from Kruger Road. The area of the rezone is 10,080 sq. ft. for storage of logs to be pick up from the site, mulch and waste earthen materials used in landscaping and a trailer used to haul the logs and mulch. All other equipment would be stored indoors when not in use or may be temporarily parked in the A-4 zoned area when in use.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The County 2050 Land Use Plan identifies this area as the AP Prime Agricultural land use category.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the west and south of the property is Hwy 12.
To the north is land zoned A-1.
To the east is property zoned A-2.

SITE CHARACTERISTICS: The following soils are found on the rezone area:  % of Site

MxC2  Class III  Miami Loam, Sandy Loam Substratum, 6 to 12% slope, eroded
MyB  Class II  Miami silt loam, 2 to 6% slopes
K1A  Class II  Kendall silt loam, 1 to 3 percent slopes
The rezone area contains 100% prime farm soils.

**IMPACT ON ROADS AND TRAFFIC:**

The property is served by Kruger Road to the north of the parcel for the proposed business activities and Hwy NN to the east for the on-site home.

**OTHER RELEVANT DATA – RECOMMENDATIONS:**

Use of the contractor storage yard is for the tree cutting business as a Farm Family Business within the existing larger shed and therefore the contractor storage yard and snow plowing would also be limited to no more than two non-farm family member employees.

**APPLICATION STATUS:** ___X____ COMPLETE  _______INCOMPLETE

**FINDINGS FOR CUP:**

Please confirm that finding were made that the CUP is consistent with agricultural use base on consideration of the following as required by s. 91.46 Wisconsin Statutes:

[ ] The activity will not convert land that has been devoted primarily to agricultural use.

[ ] The activity will not limit the surrounding land’s potential for agricultural use.

[ ] The activity will not conflict with agricultural operations on land subject to farmland preservation agreements.

[ ] The activity will not conflict with agricultural operations on other properties.

**General:**

1. Approved as per plan submitted for a contractor storage yard for an indoor Farm Family Business in a shed on A-1 zone land and outdoor contractor storage yard on the A-4 area for a tree cutting and snow plowing business with no more than two non-farm family employees with all additional conditions as stated.

2. No on-site general public sales shall be allowed from the contractor storage facility. No business activities other than specified in the plan of operations may be conducted from out of the facilities.

3. All uses of the site shall meet applicable Federal, State, County and local regulations including commercial building inspection.

4. Outside lighting shall be shielded and directed on site.

5. The applicant must obtain all required zoning permit approvals including sign permits. Signage shall not be allowed in the road right of way and shall be setback as required.

6. The applicant must obtain any required Town access approval.

7. No fill, debris, branches or leaves may be disposed of on site. No burning of any materials shall occur on site.
8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.

9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. All parking must be setback 25 feet from the roadway.

10. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.

11. Implementation of dust and noise control measures shall occur at all times on site.

12. All perimeter fencing shall be maintained as identified on the project plan.

13. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.

14. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.

15. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.

16. Outside storage is limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas are allowed in the required setback areas. No permanent outside storage shall be allowed. All equipment shall be stored a minimum of 5 feet from neighboring lot lines and 25 feet from the road right of way.

17. The County reserves the authority to require any outside stored materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.

18. No outside storage of chemicals shall occur on site. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian. The business operator shall be responsible for maintaining proper on-site waste management practices to avoid environmental contamination. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.

19. The buildings if used for welding or painting must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.

20. There shall be no expansion of this facilities into industrial manufacturing without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.

21. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.
22. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

23. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

24. Use of the contractor storage yard is for the tree cutting business as a Farm Family Business within the existing larger shed and therefore the contractor storage yard and snow plowing business shall also be limited to no more than two non-farm family member employees.

25. No large equipment to be parked outside as per the Town.

26. Project site must follow the Town of Geneva Light Ordinance for lighting on the property as per the Town.

27. Hours of operation must be from 7:00 a.m. to 7:00 p.m. Monday through Saturday unless there is an emergency as per the Town
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION  ____X____ REZONE

____________ CONDITIONAL USE

NAME: Christopher and Anna Meisner - Owners

LOCATION: The property of concern is located in the SW ¼ of Section 25, Delavan Township and is identified as part of Tax Parcel F D 2500015.

TOWN RESPONSE: Approved: _____ Denied: _____ No Action: _X_____ Tabled:_____

ZONING: The property is currently zoned A-1 Prime Agricultural District.

The requested zoning is the A-5 Agricultural Rural Residential District.

PROJECT DESCRIPTION:

The application indicates: A rezone was approved for the creation of four A-5 lots that were to be accessed by two separate easement to serve two lots apiece. The two easements each serving two lots has been determined to be unacceptable to the Town of Delavan. The Town of Delavan Land Division Ordinance provides that all lots shall front or abut publicly dedicated streets for a distance of at least 50 feet. Strict application of the Town’s Land Division Ordinance would require that each lot include frontage on Bailey Road. After consultation with the Town’s Counsel and administrator, it is believed the Town would be amenable to partial compliance with the Town Land Division Ordinance. The rezone area would be added to lots 3 and 4 so these two lots abut publicly dedicated street.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The County 2050 Land Use Plan identifies this area as the Prime Agricultural land use category.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north are properties zoned A-4 and A-1.
To the east is land zoned P-1, A-4, A-2 and C-2.
To the south are properties zoned R-1, C-2 and the Village of Williams Bay.
To the west are lands zoned A-4, A-2 and C-2

SITE CHARACTERISTICS: The following soils are found on the rezone area: % of Site

<table>
<thead>
<tr>
<th>Soil Code</th>
<th>Class</th>
<th>Soil Type</th>
<th>Slope Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>MyC</td>
<td>Class III</td>
<td>Miami silt loam, 6 to 12% slopes</td>
<td>15%</td>
</tr>
<tr>
<td>CyA</td>
<td>Class II</td>
<td>Conover silt loam, 1 to 2 percent slopes</td>
<td>15%</td>
</tr>
<tr>
<td>MyA</td>
<td>Class I</td>
<td>Miami silt loam, 0 to 2% slopes</td>
<td>30%</td>
</tr>
<tr>
<td>MyB</td>
<td>Class II</td>
<td>Miami silt loam, 2 to 6% slopes</td>
<td>40%</td>
</tr>
</tbody>
</table>

The rezone area contains 100% prime farm soils.
IMPACT ON ROADS AND TRAFFIC:

The property is served by Bailey Road to the south of the rezone area.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The applicant should submit a letter from the Town indicating the Town is requiring the rezone of the access for the two lots as proposed.

APPLICATION STATUS: __________COMPLETE  _____X_____INCOMPLETE

FINDINGS FOR REZONING:

Please confirm that the rezoning was approved only after findings of all of the following as required by s. 91.48 (1) Wisconsin Statutes:

[  ] The land is better suited for a use not allowed in the farmland preservation zoning district.
[  ] The rezoning is consistent with any applicable comprehensive plan.
[  ] The rezoning is substantially consistent with the County certified farmland preservation plan.
[  ] The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

The 16 acres north of the current rezone area has already been approved for four A-5 lots and this rezone is requested to meet Town of Delavan Subdivision requirement for access to two of the four lots. Rezoning the east access easement would not create a substandard A-1 area on the parent parcel.
Christopher and Anna Meisner
Rezone A-1 to A-5
Section 25, Delavan Township
Zoning Map

Rezone 100 ft. access From A-1 to A-5
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION:  __X_____REZONE  
________CONDITIONAL USE

NAME:  David and Debra Hollister – Owners

LOCATION:  The property of concern is located in the NW ¼ of Section 34, Geneva Township and is identified as Tax Parcel JA223600001.

TOWN RESPONSE:  Approved____  Denied: _____  No Action: __X__  Tabled_____  

ZONING:  The property of concern is zoned A-2 Agricultural zoned District.  The requested zoning is B-2 General Business District.

PROJECT DESCRIPTION:

The application indicates:  The property owners are requesting to rezone approximately 1.23 acres of A-2 Agricultural zoned property to B-2 General Business District for a proposed furniture store. The building would be approximately 4000 square feet in size. It would be 800 sq. ft. of store area and 3200 sq. ft. of warehouse. The showroom would be by appointment for customers of Bick & Mortar Design.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the C Commercial land use categories.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north, east and south are properties zoned A-2.
To the west is land zoned B-2 and A-2.

SITE CHARACTERISTICS:  The following soil types are found on this site:

MwC2 Class III    Miami Loam, 6 to 12% slope, eroded
MyB  Class II     Miami silt loam, 2 to 6% slopes

IMPACT ON ROADS AND TRAFFIC:

The site is served by Hwy 50 to the south of the parcel.
OTHER RELEVANT DATA – RECOMMENDATIONS:

The LURM Department will need to receive a non-reduced to scale site plan of the property showing the proposed location of the furniture store and parking lot. The parking lot must show the total number of require parking stalls at a rate of one 180 square foot parking stall per 150 square feet of retail space and one parking stall per employee of the storage areas of the building.

The applicant must obtain approval for a commercial access onto Hwy 50 from the Wisconsin Department of Transportation (DOT) prior to approval of a zoning permit for construction of the commercial building.

APPLICATION STATUS: ______COMPLETE  ___X_____INCOMPLETE
David and Debar Hollister
Rezone A-2 to B-2
Section 34, Geneva Township
Zoning Map
David and Debar Hollister
Rezone A-2 to B-2
Section 34, Geneva Township
Land Use Plan Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION:   ___X____ REZONE
   _______CONDITIONAL USE

NAME:    The Town of Delavan – Owner C/O John Olson, Town of Delavan Administrator.

LOCATION:   The property of concern is located in the NW ¼ of Section 23, Delavan Township and is identified as Tax Parcel FA308800001.

TOWN RESPONSE:  Approved ____X____ Denied: _____ No Action: ___ Tabled____

ZONING:   The property of concern is zoned B-5 Planned Commercial-Recreation Business District
           The requested zoning is P-2 Institutional Park District.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting to rezone approximately 1.15 acres of B-5 Planned Commercial-Recreation Business District to the P-2 Institutional Park District for the construction of a new Town fire station. The property of concern would be combined with the parcel to the west containing the existing fire station. The existing building is proposed to be removed and a new larger facility would be constructed on the combined parcels. The total lot size would be 2.15 acres.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the RU Urban Density Residential land use categories.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north and east are properties zoned B-5.
To the west is land zoned P-2, A-2 and B-2.
To the south is property zoned B-2.

SITE CHARACTERISTICS: The following soil types are found on this site:

MyB Class II       Miami silt loam, 2 to 6% slopes
IMPACT ON ROADS AND TRAFFIC:

The site is served by Town Hall Road to the south of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

Expansion of the Town Fire Department Building from land in the G Governmental and Institutional land use category into an area designated as RU Urban Density Residential could be considered consistent with or not substantially deviating from the intent of the Land Use Plan 2050 as the expanded fire station supports, is a result of and is needed by residential uses in the Town.

APPLICATION STATUS: ____X_____COMPLETE _________INCOMPLETE
CERTIFIED SURVEY MAP NO.
PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 22, AND IN THE SW 1/4 OF THE NW 1/4 OF SECTION 23 ALL IN TOWNSHIP 2 NORTH, RANGE 18 EAST IN THE TOWN OF DELAVAN, WALWORTH COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE:
I, PAUL H. VAN HENKELUM, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING LAND HEREIN DESCRIBED: PART OF THE SE 1/4 OF THE NE 1/4 OF SECTION 22, AND IN THE SW 1/4 OF THE NW 1/4 OF SECTION 23 ALL IN TOWNSHIP 2 NORTH, RANGE 18 EAST IN THE TOWN OF DELAVAN, WALWORTH COUNTY, WISCONSIN. LOT 1 OF CBM 3088 AND LOT 1 OF CBM 312 AS RECORDED IN THE WALWORTH COUNTY REGISTER OF DEEDS, MORE COMPLETELY DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 22, THENCE N90°27'55"E, 33.18' TO A POINT ON THE NORTH RIGHT OF WAY LINE OF TOWN HALL ROAD, THENCE N89°59'05"W ALONG SAID RIGHT OF WAY, 53.60' TO THE POINT OF BEGINNING; THENCE N22°18'55"W, 198.36', THENCE S66°53'55"E, 55.71' TO A POINT ON THE WEST RIGHT OF WAY LINE OF OXBURGH TRAIL; THENCE S90°22'55"W ALONG SAID WEST RIGHT OF WAY, 184.07' TO A POINT ON THE NORTH RIGHT OF WAY OF TOWN HALL ROAD; THENCE N89°38'05"W ALONG SAID NORTH RIGHT OF WAY, 304.10' TO A POINT; THENCE S00°26'53"W ALONG SAID RIGHT OF WAY, 17.00' TO A POINT; THENCE N69°19'05"E ALONG SAID TOWN HALL ROAD RIGHT OF WAY, 200.00' TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 2.15 ACRES MORE OR LESS.
I FURTHER CERTIFY THAT I HAVE MADE SAID MAP BY THE DIRECTION OF THE TOWN OF DELAVAN, OWNER OF SAID LAND. THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LANDS SURVEYED AND THE DIVISION THEREOF.
THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE LAND DIVISION ORDINANCES OF WALWORTH COUNTY; IN SURVEYING, DIVIDING, AND MAPPING THE SAME.
DATED THIS _______ DAY OF ________ 2019.

PAUL H. VAN HENKELUM,
PROFESSIONAL LAND SURVEYOR #1931

OWNER'S CERTIFICATE
AS OWNER, TOWN OF DELAVAN, LARRY MALSCHE, TOWN BOARD CHAIRMAN HEREBY CERTIFIES THAT WE HAVE CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED, AND MAPPED AS REPRESENTED HEREON.

AS CHAIRMAN OF SAID BOARD, I FURTHER CERTIFY THAT THIS MAP IS REQUIRED TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:
1) THE TOWN OF DELAVAN
2) WALWORTH COUNTY

WITNESS THE HAND AND SEAL OF SAID OWNER THIS _______ DAY OF ________, 2019.

LARRY MALSCHE
TOWN CHAIRMAN

CERTIFICATE OF PLAN COMMISSION APPROVAL:
APPROVED BY THE PLAN COMMISSION OF THE TOWN OF DELAVAN ON THIS _______ DAY OF ________, 2019.

LARRY MALSCHE
CHAIRMAN
DIXIE BERNSTEIN
TOWN CLERK

CERTIFICATE OF TOWN BOARD APPROVAL:
RESOLVED, THAT THIS CERTIFIED SURVEY MAP, IN THE TOWN OF DELAVAN, WISCONSIN, IS HEREBY APPROVED BY THE TOWN BOARD ON THIS _______ DAY OF ________, 2019.

LARRY MALSCHE
CHAIRMAN
DIXIE BERNSTEIN
TOWN CLERK

WALWORTH COUNTY DEPARTMENT OF LAND USE AND RESOURCE MANAGEMENT APPROVAL:
APPROVED BY THE WALWORTH COUNTY DEPT. OF LAND USE AND RESOURCE MANAGEMENT ON THIS _______ DAY OF ________, 2019.

TIM BRELLENTHIN
CHAIRMAN
INSTRUMENT DRAFTED BY PAUL H. VAN HENKELUM, P.L.S.#1931
SHEET 2 OF 2
DATE 3-2-13
JOB#1901335
PLAT OF SURVEY

A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22 AND IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23 ALL IN TOWNSHIP 2 NORTH, RANGE 19 EAST, IN THE TOWN OF DELANA, WALNORTH COUNTY, WISCONSIN.

LEGAL DESCRIPTION:
A PARCEL OF LAND LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 22 AND IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 23 ALL IN TOWNSHIP 2 NORTH, RANGE 19 EAST, IN THE TOWN OF DELANA, WALNORTH COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS:
LOT 1 OF CORSINS AND LOT 5 OF CORSINS AS RECORDED IN THE WALNORTH COUNTY REGISTER OF DEEDS.

RECEIVED
DEC 20, 2019

WALNORTH COUNTY LAND USE
RESOURCE MANAGEMENT DEPT

TOWN OF DELANA
PROPERTY ADDRESS:
5854 TOWN HALL ROAD
DELANA, WI 53115

SURVEYOR:
PAUL H. VAN HENKELM
CARDINAL ENGINEERING LLC

1. HABITO MEASUREMENTS THEY HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE MAP IS A TRUE AND CORRECT REPRESENTATION OF ITS EXISTING MOUNATINS AND SHOWS THE SIZES AND LOCATION OF ALL VISIBLE STRUCTURES, APPURTENANCES AND ENVIRONMENT, IF ANY.

CARDINAL ENGINEERING LLC
DESIGNING IN TRUE DIRECTIONS
201 BROAD STREET, STE. B
LAKE GENEVA, WI 53147
262-737-8776
CARDINALENGINEERINGW.com

DATE: 11-5-19 JOB No. 1301336 SHEET 1 OF 1
Town of Delavan
Rezone B-5 to P-2
Section 23, Delavan Township
Land Use Plan Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION:  _____REZONE

___X___CONDITIONAL USE

NAME: Marion J. Cournoyer and Leonor Hernandez - Owners

LOCATION: The property of concern is located in the SW ¼ of Section 27, Linn Township and is identified as Tax Parcel I L 2700012.

TOWN RESPONSE: Approved____  Denied: _____  No Action: _X_  Tabled____

ZONING: The property of concern is zoned B-2 General Business District.

PROJECT DESCRIPTION:

The application indicates: The property owners are requesting conditional use approval for outdoor food and beverage consumption in the back of the bar when the bar is open along with public assembly use to allow free open microphone/open jam sessions on Fridays and Saturdays and karaoke on Sundays on an outdoor stage behind the Zenda Tap from March to October. There are six picnic tables in the fenced area used for normal outdoor food and beverage seating for small gathering and people who go outside to smoke. The request also includes a proposal for three organized music events per year with a capacity of up to 120 people inside of the outdoor fenced area of the bar. One event is called Zenda Polooza and is held each year in July by the bar. A second event is held by the bar on Halloween and one event is left open. The events would be held by the property owner and no tickets or admissions are charged. The events are free not paid ticket events. Event would begin at 1:00 p.m. and end at 12:00 a.m. (midnight). Six employees work during the three music events. There would be four portable toilets in the outdoor fenced backyard area to serve the events. There are two outdoor exits from the fence area and a fire extinguisher is located in the outdoor area. Part of the back yard area is used for parking. During events that need more parking Melges Boat Company next door allows parking through a signed agreement for up to 30 cars.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the MU Mixed Use land use categories.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north east and south are property zoned M-1
To the west are land zoned R-1 and M-1.
SITE CHARACTERISTICS: The following soil types are found on this site:

LyB  Class III    Lorenzo loam, 2 to 6% slopes
WhB  Class II     Warsaw silt loam, 2 to 6% slope

IMPACT ON ROADS AND TRAFFIC:

The site is served by Zenda Road to the west of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

APPLICATION STATUS: ___X______COMPLETE   _________INCOMPLETE

General:

1. The Conditional Use for outdoor food and beverage consumption for free open microphone/ open jam sessions on Fridays and Saturdays and free karaoke on Sundays on an outdoor stage behind the Zenda Tap from March to October from 12:00 noon until 12:00 a.m. (midnight). Outdoor food and beverage use includes use of six picnic tables in the fenced area used for normal outdoor food and beverage seating for small gathering of bar customers and people who go outside to smoke while the bar is open. All approvals are subject to the plan submitted and with the following conditions.

2. Approval is also granted for public assembly use for a maximum of three not paid admission events for up to a maximum 120 bar customers to be held by the bar per year. All approvals are subject to the plan submitted and with the following conditions.

3. Use of the grounds shall be limited to the uses as stated in the plan of operations.

4. The three music events shall not be paid (ticket) events. Event hour shall be begin at 1:00 p.m. and end at 12:00 a.m. (midnight). Set up preparation can occur on day one. The event shall be held on day two and dismantling for events shall occur during the third days provided for each event.

5. A minimum of six employees shall be on site working during the three music events held by the bar owner for the customers of the bar.

6. All outdoor seating and all outdoor food and beverage consumption must be within the fence backyard area.

7. The stage/deck/pavilion must meet with the commercial building code including all proposed lighting.

8. There shall be a minimum of four portable toilets in the outdoor fenced backyard area to serve the events. The property owner must obtain the required County sanitary permit approval for facilities to be located on site. The property owner must provide copy of the contract for maintenance of the portable toilets.

9. There shall be two outdoor exits from the backyard fence area available as emergency exists.

10. There shall be fire extinguishers located in the outdoor area as required by State and local requirements.
11. There shall be no retail sales of any type from the backyard fenced event area.

12. There shall be no camping or overnight stays of any type allowed on site outside of the caretaker’s residence behind the bar.

13. The project must meet with all State, Federal and local requirements.

14. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage including signs visible from the roadway on the backyard fenced area.

15. Sufficient adult supervision must be present at all times when facilities are in use.

16. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.

17. All lighting must be shielded and directed on to the property.

18. The applicant is responsible for obtaining adequate liability insurance and keeps the insurance current during the life of this conditional use.

19. All parking must occur in the areas identified on the approved plan. Parking must meet with requirements of the county zoning ordinance. All parking must be graded and surfaced so as to be dust free. All parking including temporary parking on the grass shall be marked as shown on the approved plan of operations. All parking for business on site must be in compliance with County requirements within 60 days of this approval.

20. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

21. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

22. Driveway access and designated parking areas for the event shall be located outside of the designated patron attendance fenced area.

23. There shall be a minimum of three parking attendants working the parking area inside the fenced area prior to and after the music events.

24. The owner shall keep a record of the type, dates and times and occupancy of the three approved events and make the record available to the County upon request.

25. The property owner shall be responsible for an onsite security plan and shall be responsible for sharing the plan with the designated fire and police departments prior to use of the site for events.

26. There shall be no camping of any type on the property.
Marion Cournoyer & Leonor Hernandez
CU for Outdoor Food and Beverage and Public Assembly
Section 27, Linn Township
Zoning Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION:  _______REZONE

___X___CONDITIONAL USE

NAME: Errol Wilson – Owner

LOCATION: The property of concern is located in the SW ¼ of Section 3, Lyons Township and is identified as part of Tax Parcel NS 00003.

TOWN RESPONSE: Approved__X__  Denied: _____  No Action: ___  Tabled____

ZONING: The property of concern is zoned A-4 Agricultural Related Manufacturing, Warehousing and Marketing District.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting conditional use approval for a wood cutting and farm equipment repair business on land zoned A-4 with a caretaker’s quarters in an existing residence.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the I Industrial land use categories.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north are properties zoned C-2 and A-2
To the east are properties zoned R-1.
To the west is land zoned C-2 and A-1
To the south is property zoned A-2.

SITE CHARACTERISTICS: The following soil types are found on this site:

MpC2 Class III McHenry Silt Loam, 2 to 6% slopes, eroded
MpB Class II McHenry Silt Loam, 2 to 6% slopes
MxD2 Class IV Miami Loam, 12 to 20% slope, eroded
Dt Class II Drummer silt loam, gravelly substratum

IMPACT ON ROADS AND TRAFFIC:

The site is served by Bryan Road to the east of the parcel.
OTHER RELEVANT DATA – RECOMMENDATIONS:

The property of concern was rezone to the A-4 zone district for a wood flooring production business that has moved off the site. The current owner purchased the property as a residence. The Zoning Officer has informed the current owner all uses in the A-4 zone district are conditional uses so a conditional use for an agricultural related use must be approved with a caretaker’s residence in order for the property to legally conforming with the Zoning Ordinance. The owner is therefore requesting the firewood production and farm machinery repair businesses with the caretaker’s residence.

APPLICATION STATUS: ___X____COMPLETE  _________INCOMPLETE

General:

1. Approved as per plan submitted for a firewood cutting and farm equipment repair business on land zoned A-4 with a caretaker’s quarters in an existing residence with all additional conditions as stated.

2. No on-site general public sales shall be allowed from the contractor storage facility. No business activities other than specified in the plan of operations may be conducted from out of the facilities.

3. All uses of the site shall meet applicable Federal, State, County and local regulations including commercial building inspection.

4. The hours of the business shall be from 6:00 a.m. to 6:00 p.m. with access to the site for return of equipment until 9:00 p.m. The caretaker’s residence shall be used by a caretaker of the business and may be used 24 hours per day.

5. Outside lighting shall be shielded and directed on site.

6. The applicant must obtain all required zoning permit approvals including sign permits. Signage shall not be allowed in the road right of way and shall be setback as specified on the approved site plan.

7. No fill, debris, branches or leaves may be disposed of on site. No burning of any materials shall occur on site.

8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.

9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking shall be located as identified on the approved plan of operations. All parking must be setback 25 feet from the roadway.

10. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.

11. Implementation of dust and noise control measures shall occur at all times on site.

12. All perimeter fencing shall be maintained as identified on the project plan.
13. The operator shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.

14. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.

15. The owner must provide a waste disposal plan stating where all trash, waste wood, drain oil and other fluids are disposed and shall follow the approved plan during operations on site.

16. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.

17. Outside storage is limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas are allowed in the required setback areas. No permanent outside storage shall be allowed. All equipment shall be stored a minimum of 25 feet from residential neighboring lot lines and 25 feet from the road right of way.

18. All equipment in transit shall be allowed to be stored on site for a maximum of 90 contiguous days at which point they shall be removed from the property.

19. The County reserves the authority to require any outside stored materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.

20. No outside storage of chemicals shall occur on site. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian. The business operator shall be responsible for maintaining proper on-site waste management practices to avoid environmental contamination. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.

21. The buildings if used for welding or painting must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.

22. There shall be no expansion of this facilities into industrial manufacturing without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.

23. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.

24. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

25. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.
Specific:

26. There shall be no sales of equipment or equipment parts from the site.
Errol Wilson
CU for Firewood and Agricultural Equipment repair Business W/ Caretaker’s Quarters
Section 3, Lyons Township
Zoning Map
Errol Wilson
CU for Firewood and Agricultural Equipment repair Business
W/ Caretaker’s Quarters
Section 3, Lyons Township
Land Use Plan Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION:  
  _______ REZONE
  ___X___ CONDITIONAL USE

NAME:  ATS, Ltd. C/O Robert Allen - Owner

LOCATION:  The property of concern is located in the SE ¼ of Section 25, Delavan Township and is identified as Tax Parcel FA139700001.

TOWN RESPONSE:  Approved _____  Denied: _____  No Action: ___X___  Tabled _____

ZONING:  The property of concern is zoned B-4 Highway Business District.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting conditional use review for recreational vehicle and boat storage by construction of a 90 ft. by 500 ft. storage building on land zoned B-4 Highway Business District. The building is proposed to have no signage with no more than two employees present at a time. There would be no boat sales on site. No retail sales and no customers. Only boat storage shall occur on site. The site is proposed to be served by a holding tank for a service toilet and would have multiple stormwater basins to offset the large roof impervious surface.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the C Commercial land use categories.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north are properties zoned A-2 and P-2.
To the east is property zoned B-2.
To the west and south are lands zoned R-1.

SITE CHARACTERISTICS:  The following soil types are found on this site:

ScB  Class II  St. Charles Silt Loam, 2 to 6% Slopes
MyB  Class II  Miami silt loam, 2 to 6% slopes

IMPACT ON ROADS AND TRAFFIC:

The site is served by Hwy 50 to the north of the parcel.
OTHER RELEVANT DATA – RECOMMENDATIONS:

Staff has issued a review letter to the property owner expressing the following concerns:

LURM must receive the information expressed in the Pre-Application Conference summary including submittal and review for a Preliminary Stormwater Review letter prior to the hearing, completion of the DNR wetland screening process and County sanitation review of the soils for location of a compliant septic system or determination of approved holding tank use.

APPLICATION STATUS: _______COMPLETE     ____X_____INCOMPLETE

General:

1. Approved as per plan submitted for an indoor boat storage facilities with all additional conditions.

2. No general public sales allowed from the boat storage facility. No business activities other than specified in the plan of operations may be conducted from out of the boat storage facilities.

3. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. seven days a week.

4. Must meet all applicable Federal, State, County and local regulations.

5. Boats to be stored indoors may be located outside for drop-off and pick-up only. Any seasonal trailers and or other boat equipment (piers, boat lifts etc.) storage shall occur indoors.

6. Outside lighting shall be shielded and directed on site.

7. Any on-site fuel storage shall be conducted within a State approved containment facility.

8. The applicant must obtain all required zoning permit approvals including a sign permit if different from the present sign.

9. No burning of waste materials shall occur on site.

10. The applicant must obtain the required Wisconsin Department of Transportation (DOT) access approval for the access as shown on the approved plan. The DOT approval must explain the turning directions allowed for access to the driveway and the effect of the painted (striped area) of divided Hwy 50 on site entrance and exit.

11. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management permit from the County Conservation Office if required by ordinance.

12. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval.

13. The project site must be kept neat, clean, and mowed in all areas.

14. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
15. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

16. No permanent outside storage of boats, trailers or other boat related equipment and materials (boat trailers, lifts, piers, parts etc.) shall be allowed.

17. The County reserves the authority to require any outside stored boats, or boat related equipment and materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval.

18. No acid washing of boats shall be allowed on site.

19. There shall be no on-site repair or restoration of boats or boat related equipment (lifts, piers etc.) allowed.
PLAT OF SURVEY

A PART OF LOT 1, OF CERTIFIED SURVEY MAP No. 1397, LOCATED IN THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 16 EAST, SITUATED IN THE TOWNSHIP OF DELAVAN, WALworth COUNTY, WISCONSIN.

SURVEYORS CERTIFICATE:

I hereby certify that I have made a survey of the land shown and described herein and that this plat of survey is a correct representation of the boundaries of the land surveyed to the best of my knowledge and belief and complies with the requirements of Chapter A-7, Minimum Standards for Property Surveying of the State of Wisconsin Statutes. This survey is made for the exclusive use of the present owner. The field work was performed on August 29, 2019.

Dated this 10th Day of September, 2019.

[Signature]

Erik D. Gustafson
ERIK A. GUSTAFSON, PROFESSIONAL LAND SURVEYOR, T-2339

LEGAL DESCRIPTION PROVIDED PER CHICAGO TITLE INSURANCE COMPANY

CONFIRMATION NUMBER WA-14748, DATED JULY 25, 2018

Lot 1 of Certified Survey Map No. 1397 located in the Northeast 1/4 of Section 25, Township 2 North, Range 16 East, Delavan Township, Walworth County, Wisconsin, recorded November 21, 1994 in Volume 6 of Certified Surveys, Page 263, Document No. 1034385, EXCEPTING:

This part of Lot 1 of Certified Survey Map No. 1397 is recorded in the Walworth County Registry in Volume 4, Page 285, of Certified Survey Maps and being a part of the Northwest corner of said Southeast 1/4 and the Southeast 1/4 of the Southeast 1/4 of Section 25, Township 2 North, Range 16 East, in the Town of Delavan, as described as follows: Commencing at the Northwest corner of said Southeast 1/4, thence along the west line of said Southeast 1/4, 020°00'02" East 28.08 feet to the existing centerline of 5TH SO.; thence along said centerline South 59°02'09" East 1687.64 feet to the northerly extension of the owner's boundary property line; thence South 14°45'05" West 24.47 feet to the owner's northeasterly property corner at the Southwest extension of the 5TH SO. and the Point of Beginning; thence along said Southwesterly right-of-way line South 59°42'57" West 512.02 feet to the owner's Northwest property corner; thence along the owner's East property line South 00°17'10" West 45.58 feet; thence North 59°40'59" East 16.16 feet; thence North 59°20'06" West 580.67 feet to Reference Point "B", thence North 59°40'59" West 115.18 feet; thence North 49°24'44" West 531.14 feet to the owner's Western property line; thence along said Western property line North 14°22'08" East 30.79 feet to the Point of Beginning.

SURVEYOR'S DESCRIPTION:

That part of Lot 1 of Certified Survey Map No. 1397 located within the Southeast 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Southeast 1/4 of Section 25, Township 3 North, Range 16 East, Delavan Township, Walworth County, Wisconsin, recorded November 21, 1994 in Volume 6 of Certified Surveys, Page 263, Document No. 1034385, more particularly described as follows: Commencing at the South 1/4 corner of said Section 25, thence North 0°00'00" West, along the west line of said Southeast 1/4, 2663.00 feet to the existing reference line of 5TH SO., per Plan of Right-of-Way, State Hwy Project No. V771-65-20, thence South 59°42'57" West, along said reference line, 1687.64 feet to the northerly extension of the owner's boundary property line; thence South 14°45'05" West 24.47 feet to the owner's Northwest property corner at the Southwest extension of the 5TH SO. and the Point of Beginning; thence South 49°25'44" East, along said Southwesterly right-of-way line, 33.23 feet (R.A. 33.24 feet); thence continuing along said Southwesterly right-of-way line, South 59°42'57" East 110.18 feet; thence continuing along said Southwesterly right-of-way line, South 59°42'57" East 580.67 feet; thence continuing along said Southwesterly right-of-way line, South 59°42'57" East 161.18 feet (R.A. 161.18 feet) to the owner's Northwest property corner; thence South 0°17'10" West, (R.A. South 0°17'10" West) along the owner's West property line, 249.03 feet; thence North 0°17'10" West (R.A. North 0°17'10" West) 2660.92 feet; thence North 59°20'06" East, (R.A. North 59°20'06" East) 353.95 feet; thence South 59°20'06" East (R.A. South 59°20'06" East) 161.18 feet; thence North 0°17'10" West (R.A. North 0°17'10" West) 45.58 feet to the Point of Beginning.

Containing 183,208 square feet / 4.18 acres of land, more or less.
**BIO-RETENTION DETAIL**

**DIMENSIONS, ELEVATIONS, AND INVERTS VARY, SEE SITE PLAN**

**Refer to Site Plan for Construction, Invert Elevation, Pipe Size, Mat, Etc.**

**Spillway Detail**

**Bio-Retention Scale: NTS**

**Cleanout Detail**

**Bio-Retention Scale: NTS**

**Note 1:** Engineered soil consists of 75% pre-washed coarse dolomitic sand and 25% compacted clay mix (See Specification 106).

**Note 2:** Construct per Wisconsin Env. Technical Standard 1004 bio-retention for infiltration unless indicated in specifications and details.

**Note 3:** Polypropylene fabric, 3 oz/sq.yd minimum, composed of fibers formed into a strongmesh so that fibers retain their relative position. Fabric shall be inert to biological, degradation, and resist naturally encountered chemicals, alkalis, and acids. To be needle punched polyester fabric, density 45 lb/yd² or equal.

**Note 4:** Place WSDOT Urban Type R E-Wat over all exposed soils.

**Spillway Detail**

**Bio-Retention Scale: NTS**

**Cleanout Detail**

**Bio-Retention Scale: NTS**

**Dimensions, Elevations, and Inverts Vary, See Site Plan**

**Refer to Site Plan for Construction, Invert Elevation, Pipe Size, Mat, Etc.**

**Spillway Detail**

**Bio-Retention Scale: NTS**

**Cleanout Detail**

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**Note 1:** Engineered soil consists of 75% pre-washed coarse dolomitic sand and 25% compacted clay mix (See Specification 106).

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**Note 3:** Polypropylene fabric, 3 oz/sq.yd minimum, composed of fibers formed into a strongmesh so that fibers retain their relative position. Fabric shall be inert to biological, degradation, and resist naturally encountered chemicals, alkalis, and acids. To be needle punched polyester fabric, density 45 lb/yd² or equal.

**Note 4:** Place WSDOT Urban Type R E-Wat over all exposed soils.
<table>
<thead>
<tr>
<th>Symbol</th>
<th>Label</th>
<th>Quantity</th>
<th>Manufacturer or EELP</th>
<th>Catalog Number</th>
<th>Description</th>
<th>Lamp</th>
<th>Number Lamps</th>
<th>Filename</th>
<th>Lumens Per Lamp</th>
<th>Light Loss Factor</th>
<th>Wattage</th>
</tr>
</thead>
</table>

Current View

**Lake Geneva Boat Storage**

- 30 - EELP Versa LED 32250 Lumens, 239 watts, 5000K
- 2 rows of 15

**Statistics**

<table>
<thead>
<tr>
<th>Description</th>
<th>Symbol</th>
<th>Avg</th>
<th>Min</th>
<th>Max</th>
<th>Max/Min</th>
<th>Avg/Min</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Lighting</td>
<td></td>
<td>21.3 ft</td>
<td>17.9 ft</td>
<td>30.9 ft</td>
<td>52.6:1</td>
<td>23.7:1</td>
</tr>
</tbody>
</table>
1. All plant materials shall be obtained from a nursery located in Stone A, causing the applicable requirements of the current edition of the American Standards for Nursery Stock, and the names shall be according to the current edition of "Staked & Grafted Plant Names" prepared by the American Joint Committee on Nursery Culture, National Arboretum.

2. Contractor is responsible to the Landscape Architect for the quality of all plants used in the project. The plant materials shall be grown in accordance with the American Standards for Nursery Stock, and the names shall be according to the current edition of "Staked & Grafted Plant Names" prepared by the American Joint Committee on Nursery Culture, National Arboretum.

3. The plant list is based on the plant list and specifications provided by the General Contractor.

4. The contractor shall be responsible for the quality of all plant materials used in the project. The plant materials shall be grown in accordance with the American Standards for Nursery Stock, and the names shall be according to the current edition of "Staked & Grafted Plant Names" prepared by the American Joint Committee on Nursery Culture, National Arboretum.

5. The contractor is responsible to the Landscape Architect for the quality of all plant materials used in the project. The plant materials shall be grown in accordance with the American Standards for Nursery Stock, and the names shall be according to the current edition of "Staked & Grafted Plant Names" prepared by the American Joint Committee on Nursery Culture, National Arboretum.

6. The contractor is responsible for the quality of all plant materials used in the project. The plant materials shall be grown in accordance with the American Standards for Nursery Stock, and the names shall be according to the current edition of "Staked & Grafted Plant Names" prepared by the American Joint Committee on Nursery Culture, National Arboretum.

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16. The contractor is responsible for the quality of all plant materials used in the project. The plant materials shall be grown in accordance with the American Standards for Nursery Stock, and the names shall be according to the current edition of "Staked & Grafted Plant Names" prepared by the American Joint Committee on Nursery Culture, National Arboretum.

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18. The contractor is responsible for the quality of all plant materials used in the project. The plant materials shall be grown in accordance with the American Standards for Nursery Stock, and the names shall be according to the current edition of "Staked & Grafted Plant Names" prepared by the American Joint Committee on Nursery Culture, National Arboretum.

19. The contractor is responsible for the quality of all plant materials used in the project. The plant materials shall be grown in accordance with the American Standards for Nursery Stock, and the names shall be according to the current edition of "Staked & Grafted Plant Names" prepared by the American Joint Committee on Nursery Culture, National Arboretum.

20. The contractor is responsible for the quality of all plant materials used in the project. The plant materials shall be grown in accordance with the American Standards for Nursery Stock, and the names shall be according to the current edition of "Staked & Grafted Plant Names" prepared by the American Joint Committee on Nursery Culture, National Arboretum.
ATS, LTD – Robert Allen
CU for Indoor Boat Storage Facility
Section 25, Delavan Township
Land Use Plan Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION  __________REZONE

_____X____CONDITIONAL USE

NAME: Steven S. Walter – Owner,

LOCATION: The property of concern is located in the SE ¼ of Section 21, Darien Township and is identified as part of Tax Parcel B D-21-5A.

TOWN RESPONSE: Approved: _____ Denied: _____ No Action: __X__ Tabled: _____

ZONING: The property is zoned A-1 Prime Agricultural District.

PROJECT DESCRIPTION:

The application indicates: In October of 2016, Steven S. Walter was granted a conditional use permit by Walworth County to expand an existing 131 ft. diameter by 19 ft. height Slurrystore waste storage facility at N3368 State Highway 14 in Darien, Wisconsin by increasing its height to 28 ft. In November of 2016, a first amendment was approved for a 68 ft. by 68 ft. dry storage bunker to be covered and receive municipal sludge having been solidified to above 10% solids.

At this time, Walter and Son Waste Hauling are proposing to expand its storage capacity both for slurry storage that would be covered by a floating cap and for solidified sludge that would be covered by a roofed structure. The expansion of the present capacity is by a factor of two, therefore, duplicating the present facility. The new tank volume would be equal to the existing tank and match the existing tank structure. The dry storage will be larger than what exists. The dry bunker is proposed to be 70 ft. by 140 ft. with a pre-engineered steel building roof and walls rather than a hooped canvas as exists on the current 68 ft. by 68 ft. bunker.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The County 2035 Land Use Plan identifies this area as the AP Prime Agricultural land use category.

COMPATIBILITY WITH SURROUNDING LAND USES:

SITE CHARACTERISTICS: The following soils are found on the site: % of Site

PtB Class II Plano Silt Loam, gravelly substratum, 2 to 6% slope 40%
CeB2  Class III  Casco Loam, 2 to 6% slope, eroded  20%
WhB  Class II  Warsaw silt loam, 2 to 6% slope  40%

The site contains 100% prime farm soils.

IMPACT ON ROADS AND TRAFFIC:

The site is served by Hwy 14 to the west of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The committee may wish to inquire what type of waste will be stored in the dry bunker and if the State has approved of the materials to be stored as capable of being agriculturally land spread.

APPLICATION STATUS: ____X______COMPLETE  ___________INCOMPLETE

FINDINGS FOR CUP:

Please confirm that finding were made that the CUP is consistent with agricultural use base on consideration of the following as required by s. 91.46 Wisconsin Statutes:

[ ]  The activity will not convert land that has been devoted primarily to agricultural use.

[ ]  The activity will not limit the surrounding land’s potential for agricultural use.

[ ]  The activity will not conflict with agricultural operations on land subject to farmland preservation agreements.

[ ]  The activity will not conflict with agricultural operations on other properties.

The County Board of Adjustment has approved the industrial waste storage facilities for land application of waste as an unspecified use allowable with conditional use approval in the A-1 zone district. The proposal is therefore consistent with farmland preservation statutes.

NAME:  STEVEN S. WALTER
TOWN:  DARIEN

A conditional use permit for temporary storage of wastewater from various permitted sources within a slurry storage tank and dry municipal storage area with leachate collection system and to expand the facility storage capacity both an additional 131 ft. diameter by 28 ft. height slurry storage tank and an additional 70 ft. by 140 ft dry bunker as per plan approved 2/20/2020 as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned A-1 Prime Agricultural Land District, and described as follows:

Tax Parcel #-B D-21-5A
Has been APPROVED after the appropriate findings were made as required by State Farmland Preservation Program s91.75(5) Wis. Stats. subject to the following conditions:

1. This facility is approved per plan submitted and amended 8/18/2016 as a temporary wastewater storage facility for waste to be applied to agricultural land and amended 2/20/2020 for an additional 131 ft. diameter by 28 ft. height Slurrystore waste storage tank covered by a floating cap and an additional 70 ft. by 140 ft. dry bunker to be be covered with a pre-engineered steel building roof and walls and include a drainage collection system to pump into the slurry storage tank with all additional conditions.

2. Use of the site shall be strictly limited to the materials specified in the plan of operations. All materials stored on site must be permitted for land application.

3. The hours of operation shall be set from 7:00 a.m. to 5:00 p.m. Monday thru Sunday or after 5:00 p.m. for emergencies.

4. The owner/operator must comply with all Federal, State, County and local regulations or mixed waste regulations, whichever apply. The property owner shall meet all testing and monitoring requirements for the facility prior to land application of the wastewater.

5. All signage must conform to County ordinance standards.

6. The owner shall notify the County if any changes are made regarding operation of this site including quantity, location and type of materials to be stored on site.

7. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.

8. If applicable conditions are violated, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.

9. Staff may conduct inspections necessary to ensure site is operated and maintained according to all applicable regulations.

10. The owner must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation Office. This permit may require the installation of a stormwater catch basin for drainage from off the loading area and storage areas.

11. The owner/operator shall provide a copy of all required certification from D.N.R. for the conditional use file and keep the certifications current in the County file.

12. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

13. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.
Specific:

14. Proper access must be granted by the State Department of Transportation prior to operations.

15. The site shall be used for location of a temporary wastewater storage facility and not as a contractor storage yard for waste hauling equipment for the operator or other slurry tank users.

16. The property owner shall be required to obtain separate approvals for any future use of the site for biogas production.

17. The property owner must prepare a spill prevention plan, complying with USEPA and WDNR standards as per the County Conservation Office.

18. The property owner shall meet all terms of the Slurrystore Operations Agreement approved by the Town of Darien Board of Supervisors on August 3, 2010.

Dated this 21st day of October, 2010.

_________________________________________
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN
Steven S. Walter – Owner
CU for Expansion of Slurry Storage Facility
Section 21, Darien Township
Zoning Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION: ___X_____ REZONE

________ CONDITIONAL USE

NAME: Norman L. Brummel and Jean A. Brummel Trust - Owners

LOCATION: The property of concern is located in the NW ¼ of Section 12, Sugar Creek Township and is identified as part of Tax Parcel G SC1200006.

TOWN RESPONSE: Approved ___X__  Denied: ______  No Action: ___  Tabled_____

ZONING: The property of concern is zoned A-2 Agricultural District.

The requested zoning is B-2 General Business District.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting to rezone approximately 2.1 acres of A-2 Agricultural Land District property to the B-2 General Business District to allow for the construction of a retail store. The narrative states the project will be a 9,100 sq. ft. Dollar General retail store with associated parking and utilities.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the C Commercial land use category.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north are properties zoned B-2 and A-2.
To the east are properties zoned B-2 and R-1.
To the west is land zoned A-2.
To the south are properties zoned C-3 and A-2.

SITE CHARACTERISTICS: The following soil types are found on this site:

WhA  Class II  Warsaw silt loam, 0 to 2% slope
WhB  Class II  Warsaw silt loam, 2 to 6% slope

IMPACT ON ROADS AND TRAFFIC:

The site is served by Hwy A to the north of the parcel.
OTHER RELEVANT DATA – RECOMMENDATIONS:

The Dollar General Store would be considered a variety store which is listed (item jj.) as a principle use in the proposed B-2 zone district.

The Town and County would have to review and approve a C.S.M. in order for a lot to be created if the rezone is approved.

There are numerous letter of opposition in the file available for review.

The committee may wish to inquire if soil borings and septic system approval has been reviewed and granted for the site.

APPLICATION STATUS: ___X______COMPLETE _________INCOMPLETE
Norman Brummel & Jean A. Brummel Trust
Rezone A-2 to B-2
Section 12, Sugar Creek Township
Zoning Map
Norman Brummel & Jean A. Brummel Trust
Rezone A-2 to B-2
Section 12, Sugar Creek Township
Land Use Plan Map
Preliminary Storm Water Management Plan Review – #3
Dollar General Store – Town of Sugar Creek

Applicant: DGOELkornwi053119 LCC.
Project Name: Dollar General
Township: Town of Sugar Creek

Preliminary storm water management plan prepared by: Kapur and Associates

Preliminary Plans Reviewed: This review is based on a Storm Water Management Plan submitted to the Walworth County Land Conservation Division on November 5, 2019 and a plan revision January 17, 2020.

County Authority: Chapter 26 (Environment) Walworth County Code of Ordinances (Article I and Article II)
State Performance Standards: NR 151 (Runoff Management) Subchapter III, Non-Agricultural Performance Standards

Purpose of Review: The purpose of this preliminary storm water review letter is to insure site planning for any land development proposal accounts for compliance with State and County Storm Water Management Performance Standards and to insure the development plan demonstrates sufficient land is allocated to manage storm water runoff generated under full development conditions proposed. A preliminary storm water plan identifies site limitations and opportunities early in the site-planning phase and serves to prevent conflicts with other requirements or development features. The preliminary storm water management review provides the applicant with information relevant to state and county storm water management performance standards applicable to the proposed development and provides guidance and recommendations for the preparation of final engineering plans.

Current Land Use Conditions: The current land cover is cropland

Parcel Size: 1.81 acres (78,752 square feet)

Development Plans. The development plan includes the construction of a 9100 square-foot retail store, paved parking lot, driveway, walkways, septic system and a storm water management system.

Planned Storm Water Management Practices: The following storm water management practices are planned to serve the full developed conditions:

One Bioretention Device for Infiltration
Vegetated Swale
Storm Water Collection System (storm sewer)

County Land Conservation Division Comments.

The Walworth County Land Conservation Division has reviewed site development plan and the preliminary storm water management plan and determined the preliminary storm water management plan is complete.

The following review comments are respectfully noted:

1. Soil and Site Evaluation Report. Additional soil borings and soil examination were conducted by Terracon Consultants on November 27, 2019. Soil borings were examined within the footprint of the planned bioretention device and extended 9 to 10 feet below the existing elevation and 5 feet below the bottom of the planned bioretention device. Free water, or the evidence of seasonal high groundwater was not encountered within the explored depth. The report includes the following statements:

The possibility of groundwater level fluctuations should be considered when developing the design and construction plans for the project.

In order to construct the planned bioretention device, over-excavation of 2.5 to 3.5 feet will be required to expose the gravelly sand soils. The over-excavation must be backfilled with engineered soil meeting the standards and specifications contained in WDNR Technical Standard 1004, Biofiltration for Infiltration.

2. Compliance with WDNR Technical Standards.

• The proposed bioretention device must comply with criteria contained in WDNR Technical Standard #1004, Bioretention for Infiltration.

• The retention device must be located 50 feet from any private onsite waste water treatment system, (POWTS). The Walworth County Sanitation Division has not approved the POWTS for this development.
The bioretention device shall not be hydraulically connected to a building or pavement foundation.

- A vegetated swale has been added to the plan to serve as a pre-treatment device.

- Water discharged from the overflow weir of the bioretention device must be conveyed to a stable outlet, leading to suitable conveyance such as a swale, storm drain or surface water. See Review Comment #5.

- The planned bioretention device is not suitable for treating chlorides. Chloride use in the paved areas tributary to the bioretention device must be reduced by minimizing the compound used, using an alternative de-icer or using clean sand.

- Observation Well. Two observation wells have been added to the bioretention device.

3. **Operation and Maintenance Plan for the Bioretention Device.**

- The required access lane to perform maintenance of the planned bioretention device has been added to the site plan.

- A Draft Storm Water Management Practice Maintenance Plan and Agreement has been drafted and submitted to the Walworth County Land Conservation Division.

- **Snow shall not be dumped directly into the bioretention device.** This requirement must be added to the Storm Water Management Operation and Maintenance Plan.

4. **Walworth County Department of Public Works Approval.**

   The 18-inch RFC outlet from bioretention device discharges to the CTH A road ditch. The Walworth County Department of Public Works must approve the placement of the outlet in the County’s right-of-way. The Public Works Department may want to review the engineering plan for the bioretention device.

5. **Additional comments.**

- A drainage easement on the adjacent property has been drafted to insure that there is a clear and free drainage area and path to transport any discharge from the built bioretention device.

6. **Storm Water Management and Construction Site Erosion and Sediment Control Plan and Permit Coverage.**

   A storm water management and construction site erosion and sediment control plan and permit must be approved by the County, WDNR and the Town of Sugar Creek prior to the start of any construction on the parcel. The plan must include the mandated erosion and sediment control practices and control methods listed in Chapter 26, Article I and II of the Walworth County Code of Ordinances.

   The plan must also include construction schedule and sequencing plan, a site stabilization plan for duration of construction, specifications for engineered soil for the bioretention device, and methods of placement and compaction avoidance. A method to divert and bypass runoff from the bioretention device during construction must be included in the final engineering and construction site erosion and sediment control plan.

Preliminary Storm Water Management Plan Review Prepared by: **Fay U. Amerson** Date: **01/30/2020**
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION   ____X_____ REZONE

___________ CONDITIONAL USE

NAME: WSPR Enterprises LLC C/O Donald Frederick – Owner, Asphalt Contractors, Inc. C/O Robert Kordus (President) - Applicant.

LOCATION: The property of concern is located in the SW ¼ of Section 20 and the NW and NE ¼s of Section 29, Spring Prairie Township and is identified as parts of Tax Parcels O SP-20-4 and O SP-29-1 and 2.

TOWN RESPONSE: Approved: _____ Denied: __X__ No Action: _____ Tabled: _____

ZONING: The property is currently zoned the A-1 Prime Agricultural District.

The requested zoning is the M-3 Mineral extraction District. The rezone is accompanied by conditional use petition for a sand and gravel extraction site (gravel pit) with wash plant operations.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting to rezone approximately 111.28 acres in accordance with a revised legal description submitted October 10, 2019 from the A-1 Prime Agricultural Zone District to the M-3 Mineral Extraction District in order to obtain conditional use approval of a sand and gravel extraction site for an aggregate mining operation with a wash plant. Approximately 92 acres would be mined and approximately 20 acres would comprise a 100 foot perimeter around the mine used for temporary storage of topsoil and overburden to be used in reclamation. The gravel pit is proposed to be accessed by a private access drive to Hwy 120 crossing land to the west to be controlled by the applicant by means of a lease agreement. Reclamation of the site is proposed to occur in phases as the project progresses following a proposed contour plan back to an agricultural use. The parcel affected by the rezone are proposed to be combine by CSM to eliminate need for variances during exaction near property boundaries. A wash plant, including a well for wash plant water supply, would be used in the processing of the sand and gravel. The well would be less than 70 gallons per minute capacity and be located on the north end of the site outside of the excavation area. Power for the well would be extended from the existing farmstead.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The County 2050 Land Use Plan identifies this area as the AP Prime Agricultural land use category.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north are properties zoned A-2, C-2 and C-4.
To the east are lands zone A-2, C-2 and A-1.
To the south are properties zoned A-1 and A-5.
To the west are lands zoned A-1, A-2 and C-4.
SITE CHARACTERISTICS: The following soils are found on the rezone area: % of Site

<table>
<thead>
<tr>
<th>Soil Code</th>
<th>Class</th>
<th>Description</th>
<th>Slope %</th>
<th>% of Site</th>
</tr>
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<tbody>
<tr>
<td>MpB</td>
<td>Class II</td>
<td>McHenry Silt Loam, 2 to 6% slopes</td>
<td>5.6%</td>
<td></td>
</tr>
<tr>
<td>PsA</td>
<td>Class I</td>
<td>Plano silt loam, 0 to 2% slopes</td>
<td>8.6%</td>
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<td>PsB</td>
<td>Class II</td>
<td>Plano silt loam, 2 to 6% slopes</td>
<td>63.4%</td>
<td></td>
</tr>
<tr>
<td>MyB</td>
<td>Class II</td>
<td>Miami silt loam, 2 to 6% slopes</td>
<td>3%</td>
<td></td>
</tr>
<tr>
<td>PsC</td>
<td>Class III</td>
<td>Plano silt loam, 6 to 12% slopes</td>
<td>10.8%</td>
<td></td>
</tr>
<tr>
<td>MpC</td>
<td>Class III</td>
<td>McHenry Silt Loam, 6 to 12% slopes</td>
<td>7.7%</td>
<td></td>
</tr>
<tr>
<td>MpC2</td>
<td>Class III</td>
<td>McHenry Silt Loam, 2 to 6% slopes, eroded</td>
<td>7.6%</td>
<td></td>
</tr>
<tr>
<td>MxD2</td>
<td>Class IV</td>
<td>Miami Loam, 12 to 20% slope, eroded</td>
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</tr>
</tbody>
</table>

The rezone area contains 97% prime farm soils.

The site contains 22.1% class III and IV steeper sloped soils
The poor to marginal poor steep slope soils are mainly on Tax Parcel O SP-20-4.
Tax Parcel O SP-20-4 contains 54.9% class III and IV soils.

IMPACT ON ROADS AND TRAFFIC:

The access drive to the site would be achieved by use of a proposed 20 year private lease agreement. The lease agreement would allow access crossing the neighboring (Polson) property to the west of the parcel to Hwy 120. Wisconsin Department of Transportation approval would be required for the access.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The exemption from the Farmland Preservation Standards for A-1 zone land allowing a rezone to the M-3 zone district for mineral extraction is not a forgone conclusion or given exemption. All nonmetallic mining proposals will be considered on a case-by-case basis taking into account the impacts on adjacent land uses, impacts on the natural resource base, impacts on highways and other factors. The Town and County must make decisions balancing between the needs for sand and gravel and the goals and objectives of protecting prime farmland. The Walworth County Zoning Agency and Board shall determine if the proposed mining operation and the location of the mining site in the farmland preservation district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district. The exemption is subject to a decision that the proposed use is compatible with adjacent agricultural use and is consistent with County and Town goals and objectives.

APPLICATION STATUS: ____X______COMPLETE  _________INCOMPLETE

FINDINGS FOR REZONING:

Please confirm that the rezoning was approved only after findings of all of the following as required by s. 91.48 (1) Wisconsin Statutes:

[ ] The land is better suited for a use not allowed in the farmland preservation zoning district.

[ ] The rezoning is consistent with any applicable comprehensive plan.

[ ] The rezoning is substantially consistent with the County certified farmland preservation plan.

[ ] The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
SPRING PRAIRIE RESERVE
TOWN OF SPRING PRAIRIE, WISCONSIN
DESIGN PLANS
SEPTEMBER 2019

PREPARED FOR:

ASPHALT CONTRACTORS INC.
1701 MAIN STREET
UNION GROVE, WISCONSIN 53182

PREPARED BY:

GZA GeoEnvironmental, Inc.
20900 SWENSON DRIVE
WAUKESHA, WI 53186

SITE LOCATION

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<td>7A - 7E</td>
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<td>C401</td>
<td>INTERSECTION DETAIL</td>
</tr>
<tr>
<td>C501</td>
<td>CONSTRUCTION DETAILS</td>
</tr>
</tbody>
</table>

REVISIONS

NO. REVISON
1 UPDATE SHEETMAP

DATE
10/06/2019

FIGURE 1
NOTES:
1. GENERAL PLANS AND TOPOGRAPHY WERE PROVIDED BY LYNCH ENGINEERING, LLC AND REVISED BY GZA GEOENVIRONMENTAL, INC.
2. BASEMAP DEVELOPED FROM THE AUTODESK AERIAL IMAGERY WHICH USES BING MAPS IMAGE SERVICE.
3. THE USE OF AERIAL PHOTOGRAPHY CAN OFTEN MAKE BUILDINGS AND OTHER SITE FEATURES APPEAR TO BE OVERLAPPING AND DISTORTED WHEN OVERLaid WITH ACTUAL SITE FEATURES.
WSPR Enterprises LLC
C/O Donald Fredrick
Rezone A-1 to M-3
W/ CU for Sand and Gravel Extraction
W/ Wash Plant
Sections 20 & 29, Spring Prairie Township
Zoning Map
WSPR Enterprises LLC
C/O Donald Fredrick
Rezone A-1 to M-3
W/ CU for Sand and Gravel Extraction
W/ Wash Plant
Sections 20 & 29, Spring Prairie Township
Land Use Plan Map
WSPR Enterprises LLC
C/O Donald Fredrick
Rezone A-1 to M-3
W/ CU for Sand and Gravel Extraction
W/ Wash Plant
Sections 20 & 29, Spring Prairie Township
Topo and Soils Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

Preliminary Staff Planning Report to the Walworth County Zoning Agency

Type of Petition: _________ REZONE

_____ X ____ Conditional Use

Name: WSPR Enterprises LLC C/O Donald Frederick – Owner, Asphalt Contractors, Inc. C/O Robert Kordus (President) - Applicant.

Location: The property of concern is located in the SW ¼ of Section 20 and the NW and NE ¼s of Section 29, Spring Prairie Township and is identified as parts of Tax Parcels O SP-20-4 and O SP-29-1 and 2.

Town Response: Approved: _____ Denied: __X__ No Action: _____ Tabled: _____

Zoning: The property is currently zoned the A-1 Prime Agricultural District.

The requested zoning is the M-3 Mineral Extraction District. The rezone is accompanied by conditional use petition for a sand and gravel extraction site (gravel pit) with wash plant operations.

Project Description:

The application indicates: The property owner is requesting to rezone approximately 111.28 acres in accordance with a revised legal description submitted October 10, 2019 from the A-1 Prime Agricultural Zone District to the M-3 Mineral Extraction District in order to obtain conditional use approval of a sand and gravel extraction site for an aggregate mining operation with a wash plant. Approximately 92 acres would be mined and approximately 20 acres would comprise a 100 foot perimeter around the mine used for temporary storage of topsoil and overburden to be used in reclamation. The gravel pit is proposed to be accessed by a private access drive to Hwy 120 crossing land to the west to be controlled by the applicant by means of a lease agreement. Reclamation of the site is proposed to occur in phases as the project progresses following a proposed contour plan back to an agricultural use. The parcel affected by the rezone are proposed to be combine by CSM to eliminate need for variances during exaction near property boundaries. A wash plant, include a well for wash plant water supply, would be used in the processing of the sand and gravel. The well would be less than 70 gallons per minute capacity and be located on the north end of the site outside of the excavation area. Power for the well would be extended from the existing farmstead.

Conformance with County Land Use Plan:

The County 2050 Land Use Plan identifies this area as the AP Prime Agricultural land use category.

Compatibility with Surrounding Land Uses:

To the north are properties zoned A-2, C-2 and C-4.
To the east are lands zone A-2, C-2 and A-1.
To the south are properties zoned A-1 and A-5.
To the west are lands zoned A-1, A-2 and C-4.
SITE CHARACTERISTICS: The following soils are found on the rezone area: % of Site

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The site contains 22.1% class III and IV steeper sloped soils
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Tax Parcel O SP-20-4 contains 54.9% class III and IV soils with steep slopes.

IMPACT ON ROADS AND TRAFFIC:

The access drive to the site would be achieved by use of a proposed 20 year private lease agreement. The lease agreement would allow access crossing the neighboring (Polson) property to the west of the parcel to Hwy 120. Wisconsin Department of Transportation approval would be required for the access.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The exemption from the Farmland Preservation Standards for A-1 zone land allowing a rezone to the M-3 zone district for mineral extraction is not a forgone conclusion or given exemption. All nonmetallic mining proposals will be considered on a case-by-case basis taking into account the impacts on adjacent land uses, impacts on the natural resource base, impacts on highways and other factors. The Town and County must make decisions balancing between the needs for sand and gravel and the goals and objectives of protecting prime farmland. The Walworth County Zoning Agency and Board shall determine if the proposed mining operation and the location of the mining site in the farmland preservation district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district. The exemption is subject to a decision that the proposed use is compatible with adjacent agricultural use and is consistent with County and Town goals and objectives.

APPLICATION STATUS: [X] COMPLETE [ ] INCOMPLETE

FINDINGS FOR CUP:

Please confirm that finding were made that the CUP is consistent with agricultural use base on consideration of the following as required by s. 91.46 Wisconsin Statutes:

[ ] The activity will not convert land that has been devoted primarily to agricultural use.

[ ] The activity will not limit the surrounding land’s potential for agricultural use.

[ ] The activity will not conflict with agricultural operations on land subject to farmland preservation agreements.

[ ] The activity will not conflict with agricultural operations on other properties.
General:

1. Approved as per the conditional use plan submitted and approved February 20th, 2020 for a sand and gravel extraction site for an aggregate mining operation with a wash plant with all additional conditions as stated.

2. Time limit for completion of the project shall be set at 20 years from the date of this approval being February 20th, 2040.

3. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from The Land Conservation Department. The applicant must follow phases of excavation and restoration as part of the approval under the County’s Land Disturbance Erosion Control and Stormwater Management Ordinance and mining reclamation standards. The applicant must submit a project-sequencing schedule as part of the restoration plan for each phase leading to completion prior to approval. The applicant will be responsible for paying all County fees associated with the reclamation plan review, approval and monitoring for compliance with this approval.

4. A non-metallic Mining Reclamation Permit and Plan must be approved by the Walworth County Land Conservation Division. The applicant shall submit an acceptable form of bonding as part of the restoration plan – The bond shall remain in place for the life of the pit plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the County Land Conservation section of the Land Use and Resource Management Office. Renewals of bonds shall be submitted prior to expiration on a two year limited basis. The bond shall be release after final restoration and application for rezone back to the approved post mining land use/zone district. The operator will certify to the County Land Conservation Division the completion of reclamation for a portion or the entire mining site.

5. The post mining land use for this site shall be agriculture requiring A-1 zone district designation. This conditional use shall not be valid without a current post mining land use rezone application being on file with Walworth County. The property owner shall submit an application, fee and a post mining reclamation plan to Walworth County allowing for rezone of the property back to the post mining land use/zone district as specified above. The post mining land use rezone application shall be required to be kept current by the property owner during excavation and reclamation of the site. Should ownership of the site transfer prior to receiving Certification of Completion of Reclamation from the County (Sec. 26-293 (a.7)), the new property owner must re-sign the post mining land use rezone application and pay a new post mining land use rezone application fee at the current rezone rate in order to keep this conditional use valid.

6. Hours and days of operation shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday. No work shall be conducted on Sundays or holidays.

7. Road access and maintenance agreements shall be filed with the Wisconsin Department of Transportation (DOT) prior to hauling materials off site.

8. Implementation of dust and noise control measures shall occur at all times on site.

9. The County will not be liable for any damage to neighboring wells due to the operation of the project.

10. Any additional office/trailer or structures shall obtain approved zoning and sanitary permits.
11. Approval of the project shall be subject to all applicable gravel pit policies.

12. The project shall meet all applicable Federal, State and local regulations.

13. All material storage locations must be in an approved zoning district.

14. No materials allowed to be brought in from off-site other than those materials specified in the approved operations plan.

15. All topsoil generated from the site must remain on site for use in restoration. All topsoil will be regraded evenly on the disturbed area.

16. All site dewatering shall be conducted so as to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the pit.

17. The applicant shall certify that the project plans and the conditions of this approval shall be provided and discussed with the property owner prior to excavation on site and must provide a copy of the certification signed by the owner.

18. Following restoration, the landowner shall petition to rezone the property back to the committee recommended zoning district. The owner of property approved for non-metallic mining shall be required to submit an up-front application and fee for rezoning the property back to the pre-existing zone district. Upon completion of restoration the County shall hold a public hearing for rezoning of the property back to the original zone district. The County shall not release the required performance bond or surety until the property of concern has been restored.

19. The applicant must obtain a sign permit from the County Zoning Office prior to construction of any signs on site. No billboards will be allowed to be located in an M-3 district even under a State Hwy permit because the M-3 use is temporary and the signs must be consistent with the required agricultural zoning upon restoration.

20. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting state requirements.

21. Recyclable concrete and asphalt material brought into the gravel pit shall be limited to the location and quantities as specified on the approved plan of operations.

22. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.

23. The applicant will be held solely responsible for maintaining support rights of neighboring property owners. Adequate setbacks from the proposed excavation to neighboring properties shall be provided to prevent damages resulting from potential cave in of the excavation walls.

24. The County will not be responsible for loss of agricultural productivity of the property as a result of this project.

25. The Zoning Administrator or respective designees may enter the pit in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation.
26. All corners of the excavation boundaries must be staked or otherwise marked and may be inspected by the County Land Use and Resource Management Department or designee before operations commence under this approval. Stakes must be made of a material that will not deteriorate under normal weather conditions.

27. The owner of the property shall release, indemnify and hold harmless Walworth County and its agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property as a result of exercising this approval.

28. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

29. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

30. The property owner shall provide verification from the Wisconsin DOT of access permit approval to Hwy 120 for the conditional use file prior to the conditional use being valid.

31. The property owner shall provide verification from the fiber optic service provider indicating approval for the access drive being allowed to cross the easement for the conditional use file prior to the conditional use being valid.
MEMO
Date: January 30, 2020

To: Walworth County Zoning Agency
Matthew Weidensee, County Planner, Land Use Division

From: Fay U. Amerson, Senior Urban Conservation Specialist, Land Conservation Division

RE: Nonmetallic Mining Reclamation Plan Review and Draft Nonmetallic Mining Reclamation Permit.
Asphalt Contractors, Inc. Operator
WSPR Enterprises, LLC., Owner
Tax Key Parcels # O SP2900001, O SP 2900002, O SP 2000004
Town of Spring Prairie

The Walworth County Land Conservation Department has reviewed the nonmetallic mining reclamation plan, prepared for the proposed mining site at the location referenced above and respectfully submits the following information for your review.

In 2001, the Walworth County Board of Supervisors adopted a Nonmetallic Mining Ordinance. This ordinance requires operators of nonmetallic mining sites to prepare and implement reclamation plans that meet state standards specified in NR 135 of the Wisconsin Administrative Code. Basically, the goal of this ordinance is to insure that nonmetallic mining sites are successfully reclaimed to the use that is consistent with local land use decisions and approvals.

Operators of nonmetallic mining site must have a county-approved nonmetallic mining reclamation plan and permit, prepare and submit an annual reclamation report and permit fee, and maintain proof of financial assurance covering the costs of the reclamation until successful reclamation has been achieved. All reclamation plans are subject to a public hearing, to extend the opportunity of the public to review and provide comments related to the reclamation plan.

Asphalt Contractors, Inc., proposes to extract and process sand and gravel from approximately 112 acres. The current use of each of the parcels proposed for mining is agriculture. The agricultural fields are currently used for growing corn, soybeans, hay and winter wheat. The operator is required to reclaim this mining site to an agricultural use. The operator intends to reclaim the mining site to crop production.

Asphalt Contractors, Inc., prepared and submitted a Nonmetallic Mining Reclamation Plan Review Application, (exhibit #1) and a Reclamation Plan, (exhibit #2) on September 3, 2019 and plan revisions on November 25, 2019.

The Land Conservation Division has determined that the reclamation plan is complete, see exhibit #3.

A copy of a Draft Nonmetallic Mining Reclamation Permit is attached to this memo, see exhibit #4.

In addition to a County-approved reclamation permit and plan, the applicant must obtain a Walworth County Construction Site Erosion and Sediment Control Permit.
Walworth County
Non-metallic Mining Reclamation Plan
Plan Review - Application

Please attach the Reclamation Plan and complete all information on this application. Please Print or Type.

1. Applicant/Operator:

Name: Asphalt Contractors, Inc.
Address: 1701 Main Street
City/State/Zip Code: Union Grove, WI 53182
Telephone Number: 262-878-4678

3. Property Location:
(Attach Site Plan Map)

Tax Key #: 0SP2900001, 0SP29000002, 0SP29000004
Township: Spring Prairie  Section: 20/29
Street Address: W1966 Spring Prairie Road

5. Contact Person:

Name: Robert Kordus
Phone Number: 262-878-4678

6. Plan review and approval request:

On behalf of the applicant, I hereby submit for Review and Approval of the Nonmetallic Reclamation Plan for the Mining Site referenced above. I certify that all the information submitted with this application is true and accurate, to the best of my knowledge.

Signature of Applicant or Duly Authorized Person: 

8-26-19
Date

Fee paid $2,000

7. Certification of County Compliance

I certify that the operator listed above will comply with the Walworth County Reclamation Standards and will provide the Walworth County Land Conservation Division with the financial assurance required to insure successful reclamation of the mining site referenced above. I further grant the right of entry onto the parcel, described above, to the Walworth County Land Conservation Division Staff for the purpose of inspecting and monitoring for compliance with the Walworth County- approved Reclamation Plan.

Signature

9-3-19
Date
NOTES:
1. GENERAL PLANS WERE PROVIDED BY LYNCH ENGINEERING, LLC AND REVISED BY CZA GEOENVIRONMENTAL, INC.
2. BASEMAP DEVELOPED FROM THE AUTOCAD AERIAL IMAGERY, WHICH USES BING IMAGERY.
3. THE USE OF AERIAL PHOTOGRAPHY CAN OFTEN MAKE BUILDINGS AND OTHER SITE FEATURES APPEAR TO BE OVERLAPPING AND DISTORTED WHEN OVERLAID WITH ACTUAL SITE FEATURES.
Walworth County
Non-metallic Mining Reclamation Plan Checklist

Site Information -- Site Plan Map

☒ General location of non-metallic mining site property boundaries
☒ Aerial extent of mining activities
☒ Geological composition and depth of the mineral deposit
☒ Distribution and depth of topsoil
☒ Approximate elevation of ground water
☒ Location of surface waters and wetlands
☒ Existing drainage patterns, show location and path of run-on and runoff

☒ Location of description of subsurface drainage system, if present
☒ None present
☒ Existing topography (2’ contour intervals)

☒ Location of manmade features on or near the site
• OH Transmission
☒ Location of previously mined areas (if applicable)
• N/A

Biological Resources

☒ Description of the Plant Communities on or adjacent to the mining site

☒ Description of Wildlife Use on or adjacent to the mining site

Land Use and Land Cover

☒ Description of Present Land Use and Land Cover

☒ Description of the Post Mining Land Use and Land Cover

Review by F. Amerson
12-5-2019
Non-metallic Mining Reclamation Plan Checklist – Page Two

Reclamation Site Plan and Description of Reclamation Measures

☑ Description of the methods and procedures that will be used to reclaim the mining site

☑ Description of earth work to be preformed on the mining site

☑ Site plan map and description of the methods of topsoil removal, storage, stabilization, conservation and re-distribution

☑ Final topography of the reclaimed site at a contour interval of 2’.

☑ Site plan map and description of all structures that will remain on the reclaimed site

☑ Description of the re-vegetation plan including seed mixture selection, timing of seed application, seeding methods, soil amendments and mulching

☑ Site plan map and description of erosion control and storm water management measures

☑ Description of the proposed schedule and sequence for completion of each phase of the project

☑ Inspection, operation and maintenance plan

☑ Description of the criteria for successful reclamation

☑ Cost estimate of reclamation activities

Operator Certification of Reclamation Plan

☑ Certification signed by the operator that reclamation will be carried out in accordance with the reclamation plan

☑ Certification that the landowner, if different from the operator, has been provided with a copy of the reclamation plan

Financial Assurance

☐ Bond, letter of credit, certificate of deposit, escrow, or other guarantee equal to the cost to complete the reclamation plan for the duration of the mining activities

Bond - Estimated Cost of Reclamation Completed. Bond provided prior to the issuance of permit
Walworth County
Nonmetallic Mining Reclamation Permit

Permit # XXXXXXX  Expiration Date: XXXXXXX
Operator: Asphalt Contractors, Inc.  Owner: WSPR Enterprises, LLC.
Robert Kordus, Registered Agent  Donald Frederick, Registered Agent

Nonmetallic Mining Site Location: Township: Spring Prairie,
Tax Key Parcels # O PS200004, O SP2900001, O SP2900002
Address: W1966 Spring Prairie Road

Mining Description: Extraction and processing of sand and gravel materials. The mining site will cover approximately 111 acres.

Post-mining Land Use and Reclamation Goals: The land used for nonmetallic mining shall be reclaimed to agricultural use. A secondary reclamation goal is to protect the adjacent wetland community.

Walworth County Code of Ordinances: Environment, Section 26, Article VI, Nonmetallic Mining Reclamation

Conditions of Permit Approval

This approval is based on a Nonmetallic Mining Reclamation Permit Application and a Reclamation Plan, prepared by Lynch and Associates and GZA GeoEnvironmental, Inc., and submitted to the Walworth County Land Conservation Division on September 3, 2019 and November 25, 2019.

General Permit Conditions

1. Compliance with Environmental Regulations. Reclamation of this nonmetallic mining site shall comply with applicable federal, state or local regulations, including those related to environmental protection, zoning and land use control. Copies of all required state and federal permits, related to the mining activities must be submitted to the Walworth County Land Conservation Division.

2. Annual Permit Fees. An annual nonmetallic mining reclamation permit fee will be submitted to Walworth County by January 31, of each year and shall be based on the unclaimed acres of the nonmetallic mining site at the end of previous year.

3. Annual Operator Reporting. An Annual Report covering the calendar year will be prepared and submitted to the Walworth County Land Conservation Division by January 31, of each year and will include the following information:
   - The name and address of the operator.
   - The location of the non-metallic mining site.
   - The Walworth County permit number.
   - The acreage currently affected by nonmetallic mining and not reclaimed.
   - A plan map showing the acreage that has that has been permanently reclaimed.
   - A plan map showing the acreage that has been reclaimed on an interim basis
   - Description of proposed changes to the mining plan of operations or reclamation plan.
   - Operator’s Certification.

4. Financial Assurance. Proof of financial assurance covering the cost of implementing the Nonmetallic Mining Reclamation Plan shall be obtained and kept current. Proof of financial Assurance must be submitted to the Walworth County Land Conservation Division prior to commencing any land disturbing activities related to mining or for the preparation for mining on the parcel. The amount of the financial assurance must be approved by the Walworth County Land Conservation Division and be based on the cost to Walworth County to complete the reclamation tasks. Financial assurance must meet the requirements specified in Section 26-293 of the Walworth County Code of Ordinance, related to Nonmetallic Mining Reclamation.

5. County Construction Site Erosion Control and Storm Water Management Permit. A Walworth County-approved Construction Site Erosion Control and Storm Water Management Permit and Plan must be obtained prior to commencing any land disturbing activity on the parcel.
6. **Permit and Plan Modification.** The operator must obtain approval from Walworth County prior to modifying the mining plan of operation or the reclamation plan. The County shall provide public notice and the opportunity for a public hearing for any significant modification to the reclamation plan. This reclamation permit or the reclamation plan may be modified by Walworth County, if the County finds that due to changing conditions, the reclamation plan is no longer in compliance with the Walworth County Nonmetallic Mining Reclamation Ordinance.

7. **Permit Transfer.** This nonmetallic mining reclamation permit may be transferred to a new operator upon the satisfaction of the following conditions:

   - Submittal of a permit transfer application and required application fee by the new owner and operator.
   - Verification that all Federal, State and Local permits have been transferred, including any County zoning approval.
   - Certification to implement the approved reclamation plan or the approved reclamation plan modification.
   - Submittal of financial assurance by the new operator.

8. **Bankruptcy Notification.** The operator shall notify Walworth County ten days prior to the commencement of any voluntary or involuntary proceedings under the bankruptcy code, 11 USC et. seq., naming the operator as the debtor.

9. The operator shall keep a copy of the reclamation plan at the mining site, or if not practicable, at the operator’s nearest place of business.

10. **Completed Reclamation, Reporting and Certification.** The operator shall file a request for certification of completed reclamation with Walworth County when the operator deems reclamation activities to be complete for a portion of the mining site or for the entire mining site.

11. **Right of Entry and Inspection.** The operator or the owner may not refuse entry or access to the mining site by the Walworth County Land Conservation Division staff or an agent of the County, to inspect the site for compliance with the reclamation permit and reclamation plan.

12. **Orders and Ordinance Citations.** The County may issue an Ordinance Citation to enforce a nonmetallic reclamation permit issued. The reclamation permit may be revoked or suspended to abate violations to the County Nonmetallic Mining Reclamation Ordinance.

13. The selection, design, construction and maintenance of all structural and non-structural, permanent and temporary reclamation measures, erosion and sediment control and storm water management best management practices will comply with County Conservation and Technical Standards.

### Specific Permit Conditions

14. **Protection of Endangered Species.** The operator will implement the site requirements determined by the Wisconsin Bureau of Endangered (BER) Resources to protect endangered species known to be present near the mining site.

15. **Wetland Protection.** Wetlands are present adjacent to the mining site. A wetland boundary line has been delineated at the location of the mining site access driveway. Any disturbance within the wetland required to improve the driveway may require approval of the WDNR and the ACOE.

16. **Groundwater Protection.** Mining and reclamation shall be conducted in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters, wetlands or a significant reduction in the quantity of groundwater available for future uses of groundwater. Nonmetallic mining shall be conducted in a manner which does not cause groundwater standards in ch. NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.
17. **Post mining Land Use.** The mining site shall be reclaimed to agricultural use. Agricultural use includes those uses listed in Section 26-270 (1) of the Walworth County Code of Ordinances related to Nonmetallic Mining Reclamation. **This mining site will be reclaimed to crop production.**

A reclamation plan modification is required for any change in the post-mining land use. The mining site will be monitored for at least 1 year following reclamation to verify the success of the reclamation activities.

18. **Permit Termination Date.** This permit expires on the date indicated on Page One of the permit conditions. The expiration date is based on the Reclamation Plan Narrative, the duration of the County Conditional Use Permit Zoning or the duration of the lease agreement. The permit may be renewed, if requested in writing, prior to the expiration date indicated on this permit. The request must include a revised reclamation narrative and a new reclamation schedule.

19. **Lease Renewal, Transfer or Termination.** The Walworth County Land Conservation Division will be notified of any lease renewal, modification, transfer or termination, within 60 days of such action.

20. **Contemporaneous Reclamation.** Mining and Reclamation will be undertaken in distinct phases as described in the reclamation plan narrative and depicted on the reclamation site plans to minimize the area disturbed by nonmetallic mining and to provide for contemporaneous reclamation while mining continues on other portions of the mining site.

21. **Topsoil Management.** All topsoil removed to prepare the site for nonmetallic mining will be stored in perimeter berms at the locations shown on the site plans submitted and stabilized with vegetation until reused for reclamation. Mowing will be undertaken to control woody vegetation.

22. **Final Sloping, and Site Reclamation.** A large portion of the reclaimed mining site will be prepared for crop production with a slope no greater than those shown on the Reclamation Site Plan. The final perimeter slopes will be no steeper than 3:1 and will be established in a mixture of native grasses as specified in the reclamation plan. The reclamation methods will include those listed in the Reclamation Plan Narrative and will be observed by an agronomist. An agronomist will recommend soil amendments, scarification, tilling, cover crops or crop production practices to achieve soil conditions favorable to returning the mined site to crop production. Conservation practices to prevent erosion and control erosion will be implemented.

The Walworth County Land Conservation Division reserves the right to require the establishment of grassed waterways to safely transport runoff through the reclaimed agricultural field without erosion. Grassed waterways, if determined to be needed will be designed, constructed and maintained according to the standards and specifications contained in NRCS Conservation Practice Code #412, Grassed Waterways.

23. **Criteria for Successful Reclamation.**

- A survey verifying the planned slopes of the reclaimed mining site will be prepared following the reclamation of each of the three phases and submitted to Walworth County Land Conservation Division.

- The bulk density of soil, under reclaimed conditions, will range between 1.3 g/cm 3 to 1.9 g/cm 3.

- The pH of the soil, under reclaimed conditions, will range between 5.6 and 7.2

- Vegetation established on the reclaimed perimeter slopes will be considered successful if the diversity of plants is established and the density provides at least 70% cover.

- The absence of sheet, rill and gully erosion on the reclaimed mining site.
24. **Certificate of Completion of Reclamation**

The operator will certify completion of reclamation for a portion or all of the mining site and submit documentation to verify achieving or completing the conditions listed in Condition #23.

Walworth County will issue a Certificate of Completion of Reclamation for the entire mining site or a portion of the mining site following a site inspection and it is confirmed that the interim or final reclamation is complete and the successful reclamation has been achieved using the criteria listed in Condition #23.

Recommended for Approval by:

______________________________
Fay U. Amerson
Urban Conservation Specialist
Walworth County Land Conservation Division

______________________________
Date

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<tr>
<th>Township</th>
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<tr>
<td>BLOOMFIELD</td>
<td>Nick</td>
<td>Ex: 7 inoperable vehicles</td>
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<td>DARIEN</td>
<td>Heather</td>
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<td>DELAVAN</td>
<td>Heather</td>
<td>Ex: Anonymous</td>
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<td>EAST TROY</td>
<td>Darrin</td>
<td>Anonymous</td>
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<td>RICHMOND</td>
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<td>TROY</td>
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<td>WHITEWATER</td>
<td>Darrin</td>
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<td>Township/Tax Key</td>
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<tr>
<td>Ex:B D 100001</td>
<td>Ex:Anonymous</td>
<td>Ex: 7 inoperable vehicles</td>
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<td>BLOOMFIELD (Nick)</td>
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<td>DARIEN (Heather)</td>
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<tr>
<td>B D 3400004C</td>
<td>Town</td>
<td>Using commercial property for two businesses when only one business is permitted.</td>
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<td>Questionable septic system. Inspection on 1-31-2014 with Sanitation. Zoning violation letter sent/ 3000 pallets removed - extension granted till 4/6/2014/ pallet company is moving out HOLD till July 1, 2014/ Scheduled for July 17, 2014 public hearing before CZA/ 7-17-14 CZA denied/ Owner will do auto repair per previously approved C/J/ Jan, 2015 Owner is now removing inoperable vehicles, working on sanitation issues and removing addition to rear of garage; Owner is working on correcting septic system - waiting on weather. 4/15/15 zoning on-site, returned to auto repair. HOLD for Sanitation/ 3-3-17 Town informed County that tires and cars are collecting on the property. Needs inspection/ 4-6-17 violation letter sent/ 4-11-17 owner responded- his tenant left and now he will clean up property within 30 days.</td>
</tr>
<tr>
<td>B D 3400003</td>
<td>Town</td>
<td>Farm animal being kept on residential part of property, 7/9/19: Site visit- at least 1 goat in R-1 area of parcel, fenced in. 7/25/19: Sent violation letter to owner w/ 30 days to comply. 8/12/19: Spoke to JR Edmonds- told him animals have to go on Ag portion of parcel. 8/30/19: Renters came in to office- discussed regs and need animals to be moved to ag portion of parcel. Looks like 1 area could put animal housing struct- need field verification when animals &amp; structures moved.</td>
</tr>
<tr>
<td>B D 3000001A</td>
<td>Staff</td>
<td>Additions to shed w/o permits, dumping &amp; burning of mtls in old mine. 8/6/19: MW &amp; HM site visit- witnessed truck going back to mine w/ load of wood mtl, coming out empty- went to business of owner- talked to owner who said wood pieces from biz go to get burned in mine site- MW told him that CUP needed for burning of waste mtls- he said he'd either stop or apply. Shed- new addtions w/o permits- but doesn't appear to be biz going on in shed. 8/7/19: MW sent viol letter. 9/3/19: MW said county brings brush into old mine &amp; burns. Nothing applied for yet. Nov. 2019- zoning permits applied for shed addtn, issued. Working w/ MW &amp; FA for permits for mine site.</td>
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<tr>
<td>DELAVAN (Heather)</td>
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<tr>
<td>FMT1 00002A</td>
<td>Staff</td>
<td>Retaining walls constructed w/o permit approvals w/in 75ft of OHWM. 7/19/18: Sent violation letter 7/27/28: Met w/ owners- they are going to try and prove retaining walls were existing prior to re-construction, then apply for necessary permits. 11/12/18: Sent follow-up letter requesting correspondence. 12/3/18: Michelle Keller called- said she will e-mail photos of pre-existing lot conditions. 12/12/18: Convo w/ Michelle- told her landscape/ retaining walls in violation- grade change in violation- she was in disbelief of violations and was combative to the idea of restoring shoreyord to the pre-existing condition. Will have meeting in January. 1/28/19: Sent certified memo- need as-built survey for dwelling &amp; garage (per complaint from town), &amp; to call w/in 30 days to set up apt w/ staff regarding violation of shoreyard ret walls &amp; grade change. 2/11/19: As built survey submitted- all required setbacks met accd to survey. 2/19/19: Spoke to Randy Keller- he will set up apt w/ zoning &amp; land cons staff to discuss next steps on existing waterfront violation within next 30 days.</td>
</tr>
<tr>
<td>FMT1 00002</td>
<td>Staff</td>
<td>Structures constructed &amp; grade changes within 75ft of OHWM of Delavan Lk w/o approvals. 12/4/19: Site visit. 12/5/18: Sent violation letter. 12/19/18: Violation letter is returned to office- forwarded to different address for reg agent. 12/19/18. 1/2/19: Spoke to Mike McCarthy (RA for association), he will work w/ us to get permits &amp; bring property into compliance.</td>
</tr>
<tr>
<td>F D 3200013</td>
<td>Staff</td>
<td>2nd walkway constructed in shoreyard, exists within floodplain. 10/24/19: Applied for after-the-fact permits. 10/31/19: Sent violation letter w/ 30 days to comply (after permits to remove portion of walkway within floodplain). 11/5/19: Spoke to Greg Doherty from Shodeen- discussed violation. Need elevation survey, erosion permit, dbi permit fee w/ altered zn permit. Documents submitted. Still waiting for DLSD approval of walkway within easement, and erosion control permit.</td>
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<tr>
<td>FIA 00023</td>
<td>Anonymous</td>
<td>Owner has brought tires back onto the property.</td>
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<tr>
<td>PA060300003</td>
<td>Anonymous</td>
<td>Owner is running a contractor storage yard from their property zoned A-2.</td>
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<tr>
<td>PA430200001</td>
<td>Anonymous</td>
<td>Owner has brought tires back onto the property.</td>
</tr>
<tr>
<td>PR 00002</td>
<td>Town Police</td>
<td>Owner has several unlicensed/inoperable vehicles on his property that is zoned C-3.</td>
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<tr>
<td>P ET1000005E</td>
<td>Town Building Inspector</td>
<td>Owner is running a boat repair and storage facility on property that is zoned R-1.</td>
</tr>
<tr>
<td>GENEVA (Heather)</td>
<td>Staff</td>
<td>Patio in shoreland w/o permits. 5/8/18: Violation letter sent- 30 days to respond. 6/7/18: Bidr came in to office, is helping owner get started w/ permit process- gave until Aug. 1 2018 to have submitted paperwork. 9/5/18: Sent second (reminder) violation letter. Called Builder- said I needed submittal; he said he'd bring in paperwork the next day. 1/30/19: Sent 2nd violation letter w/ 30 days to apply for permit/compliance. 4/8/19: Spoke to a builder, who is working on getting permits for Donald Kuta. Gave 1.5 months to get a survey done &amp; come meet w/ staff or apply for permits.</td>
</tr>
<tr>
<td>JAC4300001</td>
<td>Staff</td>
<td>Accessory structure on parcel without permit approval, and possibly in non-compliant location. 8/15/18: Violation letter sent w/ 30 days to comply. 8/27/18: Met w/ Sandy Busking- gave her permit paperwork, discussed compliant locations for structure. She agreed to apply for permits &amp; move structure to compliant location.</td>
</tr>
<tr>
<td>JLCB 00758</td>
<td>Staff</td>
<td>Illegal separation of parcels, creating violation of accessory structure on vacant parcel. 1/7/19: Sent violation letter w/ 30 days. 2/15/19: Marty Murphy called &amp; spoke to HM- I told him county review is required for this parcel split, and he doesn't think that is the case. (This was in the same conversation as listed above on J G 3200009.) 11/21/19: Sent email to owners- requesting cooperation toward compliance or citations. 12/11/19: Owner came in for mtg; owner is working on bringing into compliance.</td>
</tr>
<tr>
<td>JCOM 00005, JCOM 00005A, JCOM 00005B</td>
<td>Staff</td>
<td>Ground disturbance, filling, excavation, grading &amp; vegetation removal in shoreland/floodplain/wetlands. 12/14/18: Sent violation letter. 12/19/2018: Neighbor (who is/has been performing activities) stopped in office, discussed illegal violations, asked for site plan of what was done. He stated the owner of the property does not know he did this. Certified letter sent to owner on 12/14/18 in AZ. Rec'd certified letter back that was re-sent to owner. Do not know of any other addresses for them. George Krause came in office again, talked to me &amp; Fay- we explained to him that owner needs to apply for permits, not to perform any work.</td>
</tr>
<tr>
<td>JA 792000001, JA 79200002</td>
<td>Anonymous</td>
<td>Signs w/o permits in road right-of-way. 5/3/19: Sent violation letter to owner of both properties- sign violations, structure erected w/o permits &amp; too close to lot line, businesses being operated w/o CUP approvals. 5/7/19: Spoke to representative of owner- will remove illegal signs, get sign permits, removing illegal structure, and make apt w/ Matt to discuss CUPS. 7/24/19: Site visit- site still in violation of everything mentioned above. 7/26/19: Asked township if owner has applied for anything at town yet they said no.</td>
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<tr>
<td>JG 2300004D</td>
<td>Anonymous</td>
<td>Running landscaping business/wood cutting business out of A-1, no CUPS. 6/27/19: HM &amp; MW went to site, spoke w/ owner. Told him he needs to either apply for CUP for farm-fam biz &amp; store all mtl's indoors, or re-zone to A-4 &amp; get CUP for contractor's storage yard. 7/11/19: Staff sent letter w/ notice of violation. 7/24/19: Atty called on behalf of owner- MW gave her options of bringing site into compliance. Owner applied for CUP. 9/16/19: Met w/atty- went over violations on site. Owner &amp; atty working on compliance of all structures. 12/6/19:ZN permit submitted. Then Denial letter sent.</td>
</tr>
<tr>
<td>JLCB 02313</td>
<td>Anonymous</td>
<td>New structures within shoreyard, new parking area within setbacks &amp; road right-of-way, impervious surface increase w/o permits which may exceed allowance, unpermitted vegetation removal within vegetative buffer zone, implied CUP for outdoor food &amp; bev significantly expanded, new non-compliant signs w/o permits. 10/23/19: Site inspection-posted 'stop work order' on site while working on parking area. 10/28/19: Mtg w/ owner-he denied expansion of implied CUP, new structures, new signage, and most vegetation removal. 11/1/19: Violation letter sent. 12/3/19: Met w/ owner &amp; atty- went over all violations and game plan to move forward for compliance.</td>
</tr>
<tr>
<td>JCON 00017</td>
<td>Staff</td>
<td>Structures have been placed within floodplain &amp; shoreyard. New gravel parking area constructed without permit approvals, may not meet required septic setbacks. 11/5/19:Posted Stop Work Order @ site. Piles of dirt in yard intended for filling floodplain/shoreland area- no permits. 11/6/19: Spoke to house builder- discussed requirement for as-built, no filling within shorey/floodplain. Also spoke to owner (Lester)- told him requirements of floodplain/shoreland/shoreyard. Discussed timeline for permits/compliance. Discussed as-built survey for house that is required. 11/12/19: Violation letter sent, memo for as-built sent. Owner currently working with staff for permitting and compliance.</td>
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<tr>
<td>LAFAYETTE (Nick)</td>
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<td>5-7-18: Complaint of digging in stream and people living in campers on property. 5-8-18: Inspected and spoke to owner. Was asked to leave property. 5-11-18: Sent letter requesting inspection and referencing violations I had seen. 5-23-18: Mt w/ owner and his attorney on site. Found a large number of violations. Most violations had to do with the shoreyard and floodplain. There were also approx 7 structures without permits. Met w/ owners and attorney. They should have a current survey by mid July. We agreed to wait on the survey as it will help everyone involved. 7-24-18: Survey is done, but they are getting the surveyor to add the setback from the stream. 8-7-18: Got message that survey is done. 8-17-18: Attorney says client is going out of town for a week and then they will get me a plan to review.</td>
</tr>
<tr>
<td>LAGRANGE (Darrin)</td>
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<td>Owner is using an accessory structure to house agricultural animals, but the building is not 100’ from the side lot line. Only permitted for residential use.</td>
</tr>
<tr>
<td>HA 96500002</td>
<td>Anonymous</td>
<td>Construction of deck and stairs to lake, restoration of lake shore path w/out permits. 9-15-17: Wrote violation letter / 9-20-17: Patti Petersen &amp; Bill Host came in for meeting with me; they are in the process of obtaining an after-the-fact permit. Oct: Patti called again, said they had to return to FL sooner than anticipated, and said they are going to remove deck next spring (2018). I told her she needed to obtain permit for stair construction that was done, and I will work with them when they return to WI.</td>
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<tr>
<td>LVP 00016D1</td>
<td>Neighbor</td>
<td>Retaining wall within shoreyard built w/o permits 1/23/18: Sent violation notice. 2/26/18: Notice was returned as unclaimed. 3/2/18: Re-sent violation letter to listed mailing address and physical address. 3/15/18: Mgt w/ owners- told them next step is to have survey done. Will be in contact when that is finished. 5/30/18: Met w/ owners; survey shows structure &gt;75ft to OHWM of creek. Next step is apply for after-the-fact ZN permit, denied, then variance appl. 6/25/18: Nancy called &amp; said surveyor should be out there within next week or 2. 7/24/18: Spoke to surveyor re: site, he is working on setbacks needed to be shown. Mgt w/ owners scheduled for 10/11/18 w/ updated survey. 10/11/18: Met w/ Nancy- discussed options for bringing property into compliance- told her to contact office in Jan. 2019 w/ decisions. 1/31/19: Sent follow-up letter requesting correspondence w/in 30 days.</td>
</tr>
<tr>
<td>IL 2700012</td>
<td>Neighbor</td>
<td>Structures constructed w/o permits. 5/9/18: site visit, new structures present. 5/10/18: violation letter sent. 5/16/18: Mgt w/ owner- sent him what is needed for permits, need apt w/ staff &amp; Matt W to discuss use. Owner met w/ Matt W, getting paperwork together for permits. 12/5/18: Issued citation. 12/10/18: Met w/ Leonor Hernandez- told her to get updated survey &amp; re-meet to apply for after-the-fact permits, and keep in-touch w/ progress of survey. 1/16/19: Met w/ Leonor &amp; bid? Still need CUP for outdoor food &amp; beverage. Working on getting a survey, then will meet again to discuss what permits are needed. Extended court hearing to April 3rd 2019. 3/6/19: HM, MW mtg w/ Leonor- survey was performed; next applying for CUP for outdoor food &amp; bev, then zoning permits. Requested to extend court hearing to July 10 2019.</td>
</tr>
<tr>
<td>IE 00055</td>
<td>Neighbor</td>
<td>Construction of decks/patios w/o permit approvals. 8/2/18: Sent violation letter 8/6/18: Owner called and said landscaper working on submitting paperwork for permits. 8/6/18: Wendy Becker called, said landscaper was in charge of permitting. 8/20/18: Spoke to Dan (landscaper), told him permits were needed &amp; discussed how to alter deck/patio to be compliant. He agreed to apply for after-the-fact permits. Nov. 1/18: Permits applied for.</td>
</tr>
<tr>
<td>FFR 00003</td>
<td>Staff</td>
<td>Structure (patio) constructed on parcel without permit approvals- and not in compliance with zoning permit issued, nor BOA decisions. Also exceedence of impervious surface allowed on parcel. 12/5/18: Site visit performed. See citation section.</td>
</tr>
<tr>
<td>ILGH 0001-ILGH 00110</td>
<td>Staff</td>
<td>As-built survey for replacement of existing shorepath, walks &amp; drives not in compliance with permit issued, nor with shoreland ordinance. New retaining walls added &amp; existing ones expanded within 75ft of OHWM. 1/30/19: Sent memo of noncompliance.</td>
</tr>
<tr>
<td>IRB3 00090</td>
<td>Staff</td>
<td>Garage converted into dwelling, used for overnight stays/short-term rentals. 1/31/19: Sent violation letter w/ 30 days.</td>
</tr>
<tr>
<td>IGV 00015</td>
<td>Staff</td>
<td>2/4/19: Posted STOP WORK ORDER on site- large deck being built as well as large enclosed porch. No permits. Sent violation letter. 2/13/19: Builder came into office, got application for zoning permit. 2/20/19: Zoning permit submitted. On hold for sanitation location verification. Issues with septic setbacks. 8/29/19: Sent 2nd violation letter to owner- need some action toward compliance, site still in violation. 7/9/19: Owner’s husband called- upset that we cannot permit other parts of permit while this part gets worked out. I told him site needs to be brought into compliance. I told him if deck is required for safety, we would issue permit for add’l deck aside from this permit. Sanitation needs to be addressed- he is working on permits for this.</td>
</tr>
<tr>
<td>IL 1000003A</td>
<td>Staff</td>
<td>3/8/19: HM observed 2 new structures in open field w/o permits. 3/13/19: Sent violation letter; 30 days to reply. 3/19/19: Mtg @ LURM w/ owners- owners are going to work w/ an atty &amp; surveyor, may take bids down, may work on permits. Will let staff know. Working on getting wetland delineation.</td>
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<td>ISA 00004</td>
<td>Staff</td>
<td>Structures w/o permits, unpermitted ground disturbance, increase in impervious surface w/o approvals. 5/3/19:Land Cons took photos of site &amp; violations. 5/8/19:Sent violation letter- 30 days to comply. 5/13/19:Owner came in &amp; discussed permitting &amp; compliance options. Working on getting updated survey to submit permits. Permits submitted- need more info from owner before denying permit so he can apply for variance. 8/5/19.2N permit denied. Owner to apply for variance. Nov. 13th BOA hearing date.</td>
</tr>
<tr>
<td>IL 1100001A</td>
<td>Anonymous</td>
<td>New fence constructed within shoreyard setback. 6/4/19:Site visit by HM, photos of new fence. 6/21/19:Sent violation letter w/ 30 days to comply. 7/8/19:Spoke to Atty on behalf of owner- gave fence regs from ordinance- currently working on getting permits to remove noncompliant fence.</td>
</tr>
<tr>
<td>ICI 00001</td>
<td>Staff</td>
<td>Vegetation removal along shoreline, increase in impervious surface w/o permits. 6/17/19:Site visit. 6/19/19:Sent memo- need as-built for recently constructed garage. Met w/ contractor- went over permit requirements and submittals needed.</td>
</tr>
<tr>
<td>IBA 000014</td>
<td>Staff</td>
<td>Patio on boathouse w/o permit approvals &amp; within shoreyard. 4/2019:staff inspection-concrete patio present. Contractor agreed to remove patio area &amp; replace w/ vegetation. 8/16/19:Staff inspection- concrete patio removed &amp; gravel patio in its place. Contractor notified- disputes that it is a 'patio'. 8/26/19:Violation letter sent to owner &amp; contractor. Working w/ contractor for permits to construct walkway by boathouse. Currently working on permit for walkway on site- may go for variance. Appealing interpretation at BOA on Jan. 8, 2020.</td>
</tr>
<tr>
<td>ILGT 00025A</td>
<td>Anonymous</td>
<td>Deck &amp; structural alterations to dwelling constructed w/o permit approvals, possible vegetative buffer cutting violations. 1/30/20:Sent violation letter.</td>
</tr>
<tr>
<td>IL 1200003</td>
<td>Anonymous</td>
<td>Signs in noncompliant locations. 1/27/20:Site visit- sandwich board sign in near road right-of-way. Will send violation letter.</td>
</tr>
<tr>
<td>IA303000002</td>
<td>Staff review on plans</td>
<td>Accessory structure on vacant parcel. 1/13/20:Sent violation letter. 1/22/20:Spoke to atty Ed Thompson- told him structure needs to be removed w/ EC permit or needs variance approval.</td>
</tr>
<tr>
<td>LYONS (Nick)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NLC 00081</td>
<td>Town of Lyons</td>
<td>11-29-18:Complaint of junk cars. 11-30-18:Inspection. Spoke to owner. They agreed to work on it. 12-3-18:Letter sent to follow up. 2-5-19:On-site. Spoke to owner. Two vehicles remain. One is being sold and one towed. Owner agreed that property would be compliant by March 1. 3-4-19:Owner called. She inherited vehicles from her dad. She recently found that her dad never put them in his name when he inherited from her grandfather. She is sorting this out with her attorney and DMV. I gave her until April 4.</td>
</tr>
<tr>
<td>NIP 00014</td>
<td>Town of Lyons</td>
<td>8-21-17:Received a complaint about a large number of inoperable vehicles and other scrap on a property in an industrial park. Did on-site inspection and spoke briefly to the owner. He has an auto repair shop, but the property is covered in old vehicles, demolished trailers, etc. Owner was not in a mood to discuss the situation. Told him I would send a letter. Letter sent informing him that he is not zoned properly for an automotive salvage yard/scrap yard. 8-29-17:Spoke to owner. He will work on it and call me back in a couple weeks with a progress report.</td>
</tr>
<tr>
<td>RICHMOND (Darrin)</td>
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</tr>
<tr>
<td>C R 27000004I</td>
<td>Anonymous</td>
<td>Owner is running a kennel on the property without proper review and approval.</td>
</tr>
<tr>
<td>C R 17000003A</td>
<td>Township</td>
<td>Owner is doing alterations to the structure without proper review and approvals. Owner is also storing and displaying boat lifts and pier sections. Depending on plan for the property this may not be allowed without a conditional use permit.</td>
</tr>
</tbody>
</table>

SHARON (Heather)
<table>
<thead>
<tr>
<th>Township/Tax Key</th>
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<th>Description of Violation(s)</th>
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</tr>
</thead>
<tbody>
<tr>
<td>AA301600001</td>
<td>Town FD</td>
<td>Dwelling in part of accessory structure. Contractor’s storage yard w/o proper zoning or CUP. 2/11/19:sent violation letter. Was returned as ‘unclaimed’. 3/8/19:Site visit- spoke to renter- she said half of detached garage she uses- she didn’t know what other half was used for. Gave her my card to give to Philip- that he should call me. Took photos- business equipment in barn. 11/21/19:Re-sent violation letter- 1 certified, 2 uncertified- 30 days or citation. Staff to discuss with Nass’ attorney. 1/16/19:Talked to Atty Schroeder- he will have owner try to find proof that dwelling existed in garage prior to 1974. Equipment that may have been contractor storage yard is no longer present on property.</td>
<td>74-37, 74-51</td>
<td>Philip Nass</td>
</tr>
<tr>
<td>AA307100001</td>
<td>Anonymous</td>
<td>Structure being constructed w/o permit approvals, auto salvage yard on A-1 zoned parcel. 7/11/19: Issued 2 citations. 8/8/19:Atty called on behalf of STE- wants to get site into compliance. I explained permit process, gave info on auto salvage yards. 8/19/19:Owner submitted after-the-fact zoning permit. 8/21/19;Owner called, scheduled site visit. Extended hearing to Oct. 2 2019. 8/27/19:Met owner on-site- discussed auto salvage violations. Owner agreed to have site in compliance by Oct. 2 2019.</td>
<td>74-37, 74-51</td>
<td>STE Properties LLC - 11/25/19;Violation letter for bus business sent. Will perform future site visit to ensure business busses are removed from site.</td>
</tr>
<tr>
<td>AA452800001</td>
<td>Neighbor</td>
<td>Septic system exists on neighbor’s property- not ever permitted, tiny home on property w/o permits. 12/20/19:Site visit- these violations exist, plus unpermitted accessory structure. Owner has removed septic, working on selling tiny home, working on permit for accessory structure.</td>
<td>74-37</td>
<td>Richard Oros</td>
</tr>
</tbody>
</table>

**SPRING PRAIRIE** (Nick)

| OS 25000025B1 | Town | Owners acquired a house being moved from a highway project and put it on their land. They got permits to place it properly, but the permits have expired (2+ years) and they have not moved it to the proper location. 3-18-19:Violation notice sent. 3-21-19:Letter roed. Spoke to owner. He hopes to move it to a different location. 4-16 & 4-19:Owner left messages that a different individual owns the house and they have determined it is still sound. 4-22-19:Spoke to owner of house. 5-7-19;1 left message for property owner. Need to move forward with something. 5-8-19;Owner called with update. 5-21-19:owner called with update. 6-2-19:Owner called with update. 6-18-19:Owner called with update. 7-8-19:Owner called with update. | 74-37 | Ross and Jill Stowell - 8-22-19;Called owner. Told him something has to happen. Gave him until Oct. 14 to do whatever he is going to do. 10-31-19: House has been moved onto gravel area and is being disassembled. 11-14-19;Owner left message. House is gutted and will hopefully be down in a week. 12-3-19:Trived calling owner for status. No answer, no voicemail. Owner called back and said he says people lined up after deer season. 12-26-19:Left message for owner. Spoke to owner. He gave me the name of an individual from a fire dept that is going to burn the house. I spoke to that individual and he indicated he and some others from the dept are doing it as a favor. It is not really a training since the house is not set on a foundation, etc. He thought they would have it done early January. 1-30-20:Spoke to owner. It has not been burned. He is waiting on them to do it. He thought likely this weekend. I told him he has to consider a plan B if not done this weekend. |
| OA409500003     | Town | 11-4-19:Received complaint from Town. "Tiny Home" structure placed on lot. 11-6-19:Violation notice sent. | 74-37 and 74-52 | Kathleen Wojtasik - 12-10-19;Did inspection. The tiny house does not appear to be occupied. It sits on a dual axle trailer with license plates from Montana. I passed info onto Short-term rental staff as the house, tiny house and camping trailers may be being used as short term rentals. He is looking into that aspect. |

**SUGAR CREEK** (Darrin)

| GLW 00349       | Anonymous | Owner has more than one unlicensed or inoperable vehicle on the property. | 74-181 | Joel Matrenga - Letter sent 12/6/19 |
| G SC1400001     | Anonymous | Owner has more than one unlicensed or inoperable vehicle on the property. | 74-51 | Vicky Brockmann - Letter sent 12/6/19 |
| GAA21300002     | Anonymous | Owner has installed an outside light on their building that is shining onto the neighbors property. | 74-96 | Interlaken LLC, C/O Jacqueline Jennison Letter sent 10/2/19. Letter came back resent to different address. Spoke to the owner and they will take care of the light issue. Will either work with the owner to get it moved or move it themselves. |
| GLW 00094       | Anonymous | Owner has more than 6 chickens and also has a rooster on property that is zoned R-1 | 74-37 | Nathaniel Boas - Letter sent and came back twice. Try again with unmarked envelope. |
| GI 00465        | Anonymous | Owner has constructed an accessory structure on their property and the neighbors property without proper review and approval | 74-37 | Jenny Krueger Scott Site inspection 11/30/17 Letter sent. Either going to work with the neighbor to buy the property or going to bring the property into compliance by June 1, 2018. Property has changed hands and now working on survey. 7/6/18. Working on completing moving or removing the accessory buildings by 8/1/19. |
| GLW 00216       | NA        | Short Term Rental | 74-181 | Piper Ginsburg (Dolan), three citations issued for short term rentals conducted during the summer of 2017. Attempts to gain compliance have been unsuccessful. Court is scheduled for September 20, 2017. (Shannon) |

**TROY** (Darrin)
<table>
<thead>
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<tbody>
<tr>
<td>L T 34000008A</td>
<td>Anonymous</td>
<td>Owner has a light that is creating a glare that is leaving the property.</td>
<td>74-96</td>
<td>Ryan Mahnke Letter sent 12/18/19</td>
</tr>
<tr>
<td>L T 26000018</td>
<td>Staff</td>
<td>Owner constructed an addition to the residence without proper review and approval.</td>
<td>74-37</td>
<td>Martha Pontel Letter sent 11/8/19 Ponch has been removed - Closed</td>
</tr>
<tr>
<td>L T 2600011</td>
<td>Township</td>
<td>Owner has a couple of unlicensed inoperable vehicles on the property.</td>
<td>74-51</td>
<td>Karen Braam Letter sent 11/8/19</td>
</tr>
<tr>
<td>L T 35000003</td>
<td>Township</td>
<td>Owner is allowing camping on their property without proper approval.</td>
<td>74-51</td>
<td>Yggdrasil Land Foundation Inc. Letter sent 9/5/19. Owner contacted the office and stated they will not allow camping anymore. They took the listing off the webpage.</td>
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<tr>
<td>WALWORTH (Heather)</td>
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<tr>
<td>E W 28000008</td>
<td>Neighbors</td>
<td>May 23, 1986 Junk/scrap yard in a A-4/A-1. Violation since 1986/ citations issued/ waiting for fire inspection reports from Village of Walworth/ received fire inspection reports/ 2017-Mr. Wendeberg wants to build a new building. Property is out of compliance. No permits till property is brought into compliance. 2-14-17 Mr. Wendeberg stopped in office to try and get permit for new building. No new building until property is brought into compliance. March, 2017 Mr. Wendeberg was in office to try and get permit for building. No permits until property is cleaned up. (threats made to staff) September, 2017: Mr. Wendeberg in office asking what is needed for a building permit. Told him no permits until property is cleaned up again.</td>
<td>74-28, 74-29, 74-37, 74-51, 74-65, and 74-131</td>
<td>William Wendeberg See citation section.</td>
</tr>
<tr>
<td>EA177000001</td>
<td>Town</td>
<td>Violations of existing CUP for contractors storage yard for landscaping &amp; snowplowing business. Took photos from road; send violation letter on 5/6/19. 5/10/19: Met w/ owner- will work on getting after-the-fact permits for structures, will bring site back into compliance w/ CUP &amp; CUP site plan. 6/28/19: Have heard nothing since 5/10, no permits submitted yet. Sent letter w/ 15 days to submit permits. 7/23/19: Permits submitted. 7/30/19: ZN permit approved, still need to verify site compliance w/ CUP.</td>
<td>74-73, 74-51</td>
<td>Deborah Moore 10/10/19: Planning Dept. sent letter- deadline of Oct. 24th to apply for amendment or be compliant. 11/6/19: Site drive-by: noncompliant. Matt Moore called today- will have site compliant by today. Discussed CUP conditions &amp; site plan. Will check site again for compliance.</td>
</tr>
<tr>
<td>EA155300001</td>
<td>Town</td>
<td>Automobile salvage yard on A-1 zoned parcel, as well as a potential auto-repair business. 6/18/19: Site visit- photos. 6/19/19: Sent violation letter w/ 30 days to comply. 6/24/19: Owner called HM- he said he only works on his own vehicles/family vehicles-no incentive. I told him no business can be operated as such on this parcel as-is. He said he'd move the unlicensed/inoperable vehicles in doors or off-site. 7/3/19: Owner let staff know he is working on getting things together to apply for an addition to existing acc struct to store vehicles.</td>
<td>74-37, 74-73, 74-51, 74-163, 74-162</td>
<td>Casey Britton</td>
</tr>
<tr>
<td>EA135000004</td>
<td>Town</td>
<td>Deck constructed on barn w/o permit approvals. 1/23/20: Sent violation letter.</td>
<td>74-37</td>
<td>David Woodhouse</td>
</tr>
<tr>
<td>E W 1600017</td>
<td>Town</td>
<td>Outside storage at the storage facility- none allowed per CUP. 1/30/20: Sent violation letter. 2/3/20: Owner called- he will have campers removed, and send letter that it is done. His trailers on-site are used for the business. I will verify next time I'm in the field.</td>
<td>74-37, CUP</td>
<td>Big Foot Storage LLC</td>
</tr>
<tr>
<td>E W 1600010</td>
<td>Town</td>
<td>Outside storage area expanded into unapproved area on lot- per CUP. 1/30/20: Sent violation letter.</td>
<td>74-37, CUP</td>
<td>Frederick Enterprises LLC</td>
</tr>
<tr>
<td>WHITEWATER (Darrin)</td>
<td></td>
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</tr>
<tr>
<td>DSO 00031</td>
<td>Anonymous</td>
<td>Constructed a broadband tower on a property without proper review and approval.</td>
<td>74-37</td>
<td>Brian Madl Letter sent 11/19/19</td>
</tr>
<tr>
<td>DMP 00005</td>
<td>Anonymous</td>
<td>Owner is allowing overnight stays in an accessory structure</td>
<td>74-165, 74-162</td>
<td>WWP LLC Letter sent 11/14/17 Site inspection 12/1/17. Nobody is living in the shed, but the shed is not in a compliant location and was placed on the property without proper review and approval. Owner deciding best course of action to bring into compliance.</td>
</tr>
<tr>
<td>Township/Tax Key</td>
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<tr>
<td>Ex:B D 100001</td>
<td>Ex: Anonymous</td>
<td>Ex: 7 inoperable vehicles</td>
<td>Ex: 74-54/55/65/131</td>
<td>Smith, Joe</td>
</tr>
<tr>
<td>BLOOMFIELD</td>
<td>(Nick)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DARIEN</td>
<td>(Heather)</td>
<td></td>
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<tr>
<td>BA430000001</td>
<td>Town</td>
<td>Auto salvage yard exists on A-2 zoned parcel. This is not an allowed use in A-2 districts.</td>
<td></td>
<td>Thomas Strickler</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7/1/19: Rec'd complaint from town that site is again not in compliance. Staff had been working with owner in past 12 months for this violation- site was ultimately brought into compliance Jan. 2019. 7/24/19: Site visit- at least 2 vehicles w/o rear license plates on property outdoors, meeting auto salvage yard definition. 7/25/19: Issued citation- Hearing for Oct. 2 2019. 10/2/19: Spoke to Strickler prior to hearing- he agreed to work on compliance- extended hearing to Dec. 4th.</td>
<td>74-51</td>
<td></td>
</tr>
<tr>
<td>DELAVAN</td>
<td>(Heather)</td>
<td></td>
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</tr>
<tr>
<td>FMT1 00002A</td>
<td>Staff</td>
<td>Structures constructed w/o ZH permits, structures &amp; grade changes within shoreyard setback, vegetation removal within veg buffer zone, impervious surface increased beyond 40% allowed. Hearing date set for Jan. 22 2020. Owner's working w/ landscaper for permits. Permits issued for site. Hearing extended to June 3, 2020- so they have time to implement practices.</td>
<td>74-162, 74-174</td>
<td>Randy Keller</td>
</tr>
<tr>
<td>FA139700001</td>
<td>Anonymous</td>
<td>Structure being constructed w/o zoning permit approvals. 1/22/20: Court hearing: no-one present for ATS- default judgment entered on citations. Poles for structure have been removed.</td>
<td>74-37</td>
<td>ATS Limited</td>
</tr>
<tr>
<td>FIA 00023</td>
<td>Anonymous</td>
<td>Spa/hot tub placed on parcel w/o permit approvals, deck built w/o permits, impervious surface increase w/o permits.</td>
<td>74-162</td>
<td>Patricia Ittman</td>
</tr>
<tr>
<td>EAST TROY</td>
<td>(Darrin)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>PA 50000001</td>
<td>Anonymous</td>
<td>The defendant has several unlicensed/inoperable vehicles on land that is zoned A-2.</td>
<td>74-51</td>
<td>Richard Young</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7/1/19: Rec'd complaint from town that site is again not in compliance. Staff had been working with owner in past 12 months for this violation- site was ultimately brought into compliance Jan. 2019. 7/24/19: Site visit- at least 2 vehicles w/o rear license plates on property outdoors, meeting auto salvage yard definition. 7/25/19: Issued citation- Hearing for Oct. 2 2019. 10/2/19: Spoke to Strickler prior to hearing- he agreed to work on compliance- extended hearing to Dec. 4th.</td>
<td>74-51</td>
<td></td>
</tr>
<tr>
<td>P ET 900008/PMGH00001</td>
<td>Anonymous</td>
<td>The defendant constructed an accessory structure without proper zoning review and approval.</td>
<td>74-162</td>
<td>Robert Bern</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7/1/19: Rec'd complaint from town that site is again not in compliance. Staff had been working with owner in past 12 months for this violation- site was ultimately brought into compliance Jan. 2019. 7/24/19: Site visit- at least 2 vehicles w/o rear license plates on property outdoors, meeting auto salvage yard definition. 7/25/19: Issued citation- Hearing for Oct. 2 2019. 10/2/19: Spoke to Strickler prior to hearing- he agreed to work on compliance- extended hearing to Dec. 4th.</td>
<td>74-51</td>
<td></td>
</tr>
<tr>
<td>P ET1100012</td>
<td>Anonymous</td>
<td>The defendant is running an automobile towing business from property that is zoned A-2.</td>
<td>74-51</td>
<td>Darlene Schottlaender / Otto Schottlaender</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7/1/19: Rec'd complaint from town that site is again not in compliance. Staff had been working with owner in past 12 months for this violation- site was ultimately brought into compliance Jan. 2019. 7/24/19: Site visit- at least 2 vehicles w/o rear license plates on property outdoors, meeting auto salvage yard definition. 7/25/19: Issued citation- Hearing for Oct. 2 2019. 10/2/19: Spoke to Strickler prior to hearing- he agreed to work on compliance- extended hearing to Dec. 4th.</td>
<td>74-51</td>
<td></td>
</tr>
<tr>
<td>GENEVA</td>
<td>(Heather)</td>
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<tr>
<td>JA 79200002</td>
<td>Anonymous</td>
<td>Small engine repair biz w/o CUP, contractor storage yard w/o CUP, signs in non-compliant locations w/o permits, structure w/o permits that appears to be too close to lot line. 7/24/19: Issued 5 total citations for 2 sites- court hearing for Sept. 11 2019. 7/30/19:Sign permit applied for- signs not in compliant location- still waiting for new site plan. 9/10/19:They are working on getting CUP for businesses. Extended hearing to Dec. 4th. 11/21/19:Sign permits applied for.</td>
<td>74-55, 74-81, 74-55, 74-37</td>
<td>Joseph Pollak Sr.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>7/1/19: Rec'd complaint from town that site is again not in compliance. Staff had been working with owner in past 12 months for this violation- site was ultimately brought into compliance Jan. 2019. 7/24/19: Site visit- at least 2 vehicles w/o rear license plates on property outdoors, meeting auto salvage yard definition. 7/25/19: Issued citation- Hearing for Oct. 2 2019. 10/2/19: Spoke to Strickler prior to hearing- he agreed to work on compliance- extended hearing to Dec. 4th.</td>
<td>74-51</td>
<td></td>
</tr>
<tr>
<td>JCON 00003B</td>
<td>Staff</td>
<td>Construction of house addition commenced prior to zoning permit issuance. 11/5/19: Site visit- posted 'Stop Work Order'. 11/8/19: Issued citation for Jan 8 2020 court hearing. Zoning permit issued since citation issuance. 1/8/20: Bond posted for citations prior to court hearing.</td>
<td>74-162</td>
<td>Dana Montana</td>
</tr>
<tr>
<td>JA3423000001</td>
<td>Staff</td>
<td>New deck/patio and step structures constructed within required shoreyard setback of Lake, structures constructed &amp; impervious surface increased w/p permit approvals. 1/8/20: Court hearing: no-one present for Kuta, site still non-compliant- default judgment entered on citations.</td>
<td>74-162, 74-174</td>
<td>Donald Kuta</td>
</tr>
<tr>
<td>LAGRANGE</td>
<td>(Darrin)</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>HG2300001</td>
<td>Staff</td>
<td>Placed a trailer and signage for the sale of fireworks without obtaining the proper Zoning permits.</td>
<td>74-37</td>
<td>Freedom Fireworks LLC - Pleaded no contest to 2 citations and the remaining are continued for 18 months.</td>
</tr>
<tr>
<td>LINN</td>
<td>(Heather)</td>
<td></td>
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</tbody>
</table>
I FR 00003  
Staff  
Description of Violation(s): Structure (patio) constructed on parcel without permit approvals- and not in compliance with zoning permit issued, nor BOA decisions. Also exceedence of impervious surface allowed on parcel. 12/6/18: Citations issued. 1/7/19: Spoke to Kim Trent, gave him list of what we need for zoning permit, what needs to be done to bring property into compliance. Extended hearing to May 15th 2019 to allow for time to bring into compliance. 1/23/19: Initial court hearing- ATty present on behalf of Trent; court hearing extended to May 15 2019, givingatty time to work w/ zoning to bring site into compliance. Trent working w/ landscaping company to get permits for 200sf patio area in Shoreyard. Extended hearing to 7/10/19 for complete permit submittal.  
74-162, 74-174  
Carl Trent - Initial hearing set for 1/23/19. 7/8/19: Owner plans to hire landscaper to do plans/permit. Extended hearing date to Aug. 7 2019. 7/24/19:Spoke to landscaper describing what is needed for this site to be in compliance. They are working on plans w/ owner. 8/7/19: Hearing extended to Sept. 11. 8/26/19:Permits submitted for past activities on parcel. Need more information on permit submittal. Surveyor working on this. Extended hearing to Dec. 4, 2019 hopeful to have compliance on site by then. 12/4/19: Court hearing- Atty Duquette's office entered 'not guilty' plea for Trent. Date to be set for trial. Working w/atty Duquette on citations and if needs to go to trial.

IA131300001  
Staff  
Description of Violation(s): Grade changes within shoreyard, conditions of zoning permit violated, structures w/o permits, structures in shoreyard w/o approvals, impervious surface increased w/o permit approvals.  
74-162, 74-174  
Christine Taylor Trust - 1/7/20: Site inspection for permits- violations exist. 1/10/20: Issued 4 zoning citations w/ Feb. 19 2020 hearing date. 1/31/20: Contractor of permits called to discuss citations & compliance. Also discussed tree removal violations in shoreyard- this also needs to be addressed.

LAFAYETTE (NICK)  

LYONS (Nick)  
NLC 00081  
Town of Lyons  
11-29-18: Complaint of junk cars. 11-30-18: Inspection. Spoke to owner. They agreed to Town Building Section(s) Citation  
Hobbick - 6-5-19: Onsite. Vehicles are still there as well as a third now. 6-6-19: Citation issued 
Description of Violation(s) Vernell and Donald Comstock - 4-5-12: Sent draft request for inspection warrant to Town of Lyons Complainant Staff  
Township/Tax Key NA356600001  
Town Building Inspector and Fire Inspector  
Description of Violation(s): Converted single family house into a multi-family house or a boarding house. There was a fire call and the firemen that entered the house were very concerned with the layout/safety. Tax assessor reports confirm it is a 4-unit multi-family. Violation letter sent. Rcvd. 1-15-11. On 2-3-11 I rcvd. A call from a local surveyor who is friends with Mr. Comstock. He is trying to help resolve the issue. 2-18-11: Attorney called and set up an appt. for March 16 to discuss the issue. 3-16-11: Met with Don and his attorney. I explained the concerns. They will get back to me in the first week of April.4-12-11: Walk-through inspection set for May 12th. 4-18-11: Fire Inspector called for update.5-12-11: Inspection found structure is a 5 unit multi-family dwelling. 5-13-11: Letter sent requiring a plan and permits to convert to SFR w/in 30 days. Attorney has discussed plans with me. Owner is going to get another attorney's opinion/suggestions on 7-14-11 before we proceed with the permitting/construction. 7-18-11: I left a message for Attorney Rasmussen.7-19-11: Attorney Koch called me back and said he would like to talk to me about this when he gets back from vacation 8-1-11. 7-25-11: Town of Lyons called to check on status. 8-1-11: I called Koch. Koch said he would get back to me by 8-8-11. 8- 11-11: I have not heard anything. Citation issued 9-1-11. Met with attorney Koch and brought him up to speed. 9-14-11: Koch requested a jury trial. Trial set for 2-29-12 (canceled w/ stip).2-16-12: Stip filed with a no contest plea and agreement to pay forfeiture. 2-21-12: New citation was issued for same offense. 2-28-12: Nobody showed up at court. Default judgment granted.  
74-37, 74-51  
Verneill and Donald Comstock - 4-5-12: Sent draft request for inspection warrant to Corp.Counsel. 5-23-12: Called and spoke to Verneill. She said no changes to the house have been made. I asked to have Don call me back. 5-31-12: Called and spoke to Verneill. She hung up on me. Sought advice from Corp. Counsel. 6-4-12: Citation issued. 7-11-12: Trial requested. Set for a Jan.24,2013 jury trial. 1-23-13: Stip filed with a no contest plea and agreement to pay forfeiture. 2-5-13: Email sent to Corp.Counsel re:Summons and Complaint. CC suggests one last inspection request. 4-1-13: Owners deny inspection request. 4-2-13: Request for S&C sent to Corp.Counsel.
<table>
<thead>
<tr>
<th>Township/Tax Key</th>
<th>Complainant</th>
<th>Description of Violation(s)</th>
<th>Section(s) violated</th>
<th>Owner’s Name/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>RICHMOND</td>
<td>Darrin</td>
<td>Owner has converted rental tooms into appartments creating more dwelling units than what is allowed on the property.</td>
<td>74-182</td>
<td>Wanda Kochaniak. Court date July 24. Default on the citation. Sent another letter requesting an inspection of units that were not viewed during inspection. 7/17/19. Default on citation. Issued another citation, court date 10/16/19. - Compliant Closed</td>
</tr>
<tr>
<td>SHARON</td>
<td>Heather</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SPRING PRAIRIE</td>
<td>Nick</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUGAR CREEK</td>
<td>Darrin</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TROY</td>
<td>Darrin</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>WALWORTH</td>
<td>Heather</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>E W 2800006</td>
<td>Nick</td>
<td>3-2-18: Inspection found junk/scrap covering approximately 5 acres of property zoned A-1 and A-4. 3-2-18: 4 citations issued related to operating a junk/scrap yard. 3-8-18: Owner came in to discuss situation. No agreements made. 4-4-18: Owner requested a trial. Trial set for 7-30-18. Owner was found guilty on all 4 citations and ordered to pay the full forfeitures. 9-2-18: Owner came into office with several page petition indicating he should be left alone. He indicated he has been cleaning up. He gave me his phone number and we agreed I would call him mid October about an inspection of his progress. 10-22-18: called owner. He said he hadn’t made much progress. We agreed I would check back soon.</td>
<td>74-28, 74-29, 74-37, 74-51, 74-65, and 74-131</td>
<td>William Wendeborg-11-15 and 11-16-18: called and got no answer (no voicemail option). 12-3-18: Inspection made from road. 12-5-18: Request for Summons &amp; Complaint sent to Corp Counsel. 5-6-19: Spoke to Corp Counsel. Corp Counsel wants a site inspection to confirm it is still out of compliance. 5-10-19: Inspection done. Still out of compliance. Summons and Complaint filed. 7-30-19: Owner filed answer.</td>
</tr>
<tr>
<td>WHITEWATER</td>
<td>Darrin</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Violation Date</td>
<td>Violation</td>
<td>Name</td>
<td>Address</td>
<td>Township / Tax Key Number</td>
</tr>
<tr>
<td>---------------</td>
<td>---------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>---------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>11/26/19, 11/27/19, 12/2/19, 12/3/19, 12/4/19, 12/5/19, 12/6/19,</td>
<td>Land disturbing activities without county environmental permit. Tracking of sediment into roadway. Working after &quot;Stop Work&quot; was posted.</td>
<td>ATS Limited</td>
<td>State HWY 50</td>
<td>Delavan FA139700001</td>
</tr>
</tbody>
</table>
NO

➢ SANITATION

CITATION LIST

FOR

FEBRUARY

2020
Preliminary Storm Water Management Plan Review
Town of Delavan – Fire Station

 Applicant: Town of Delavan
 Project Name: Town of Delavan Fire Station
 Township: Town of Delavan

 Site Location: 5698 Town Hall Road
 Tax Key Parcel #(#): FA 31200001, FA 30880001

Preliminary storm water management plan prepared by: Cardinal Engineering

Preliminary Plans Reviewed: This review is based on a Storm Water Management Plan submitted to the Walworth County Land Conservation Division on December 26, 2019 and February 14, 2020.

County Authority: Chapter 26 (Environment) Walworth County Code of Ordinances (Article I and Article II)
State Performance Standards: NR 151 (Runoff Management) Subchapter III, Non-Agricultural Performance Standards

Purpose of Review: The purpose of this preliminary storm water review letter is to insure site planning for any land development proposal accounts for compliance with State and County Storm Water Management Performance Standards and to insure the development plan demonstrates sufficient land is allocated to manage storm water runoff generated under full development conditions proposed. A preliminary storm water plan identifies site limitations and opportunities early in the site-planning phase and serves to prevent conflicts with other requirements or development features. The preliminary storm water management review provides the applicant with information relevant to state and county storm water management performance standards applicable to the proposed development and provides guidance and recommendations for the preparation of final engineering plans.

Current Land Use Conditions: The current land cover is vacant lot, fallow.

Development Plans. The construction of a new fire station, including parking, walkways, a driveway and a storm water management practices. The full build-out conditions will occupy 2.45 acres with 1.62 acres of impervious surfaces.

Planned Storm Water Management Practices: The following storm water management practices are planned to serve the full developed conditions:

Storm Water Collection System (storm sewer)
Bioretention Device (Infiltration)

County Land Conservation Division Comments.

The Walworth County Land Conservation Division has reviewed site development plan and the preliminary storm water management plan and determined the preliminary storm water management plan is complete.

The following review comments are respectfully noted:


Two soil borings, within the footprint of the planned infiltration device, were examined on 2/26/2019 and 12/31/2019. The soil characteristics of the soil profiles are cataloged and described consistent with WDNR Technical Standard #1002.

The final engineering shall include an additional soil exploration using double-ring infiltrometer testing to confirm the infiltration rate and verify the groundwater elevation to insure the required 5-foot separation distance from the bottom of the planned bioretention device to top of the groundwater elevation is met. (See page 10 of the report prepared by GESTRA Engineering Inc., 01/17/2020)

2. Compliance with WDNR Technical Standards.

- All proposed storm water management practices must comply with WDNR technical standards and specifications or the NRCS Field Office Technical Guide. The bioretention device must be planned, designed, constructed and maintained according to the standards and specifications contained in WDNR Technical Standard Code #1004, Bioretention for Infiltration.

The following provisions and elements must be met in the Final Engineering.

1. The construction site erosion and sediment control plan and construction sequencing plan must insure the bioretention device shall not be used for sediment control during construction.
2. The bioretention device will be damaged by heavy loading of chlorides. Methods to reduce chlorides in the device must be included in the final engineering and addressed in the storm water management practice operation and maintenance plan.

Preliminary Storm Water Management Plan
Town of Delavan Fire Station
February 17, 2012
Page Two

2. Compliance with WDNR Technical Standards. (Continued)

3. The bioretention device shall not be hydraulically connected to building or pavement foundations.
4. The area adjacent to the bioretention device shall not be less than 20% slope and greater than 0.5% for pavement and greater than 1% for vegetated areas.
5. No more than 2 acres of drainage area can be discharged to a bioretention device.
6. The bioretention device must include a pre-treatment, flow regulation (inlet control and overflow system), ponding area, planting bed layer, mulch layer, engineered soil layer, underdrain, native soil layer and observation wells.
7. The time limit for draining the device from fully saturated is 72-hours. (See Table 5 of the Technical Standard)
8. The final engineering must include provisions to prevent soil compactions within the footprint of the planned biofiltration device.

3. Operation and Maintenance Plan and Agreement for the Storm Water Management Practices
   - The required 15’ wide access lane to perform maintenance of the bioretention device must be clearly shown on the final engineering and the operation and maintenance plan.
   - The operation and maintenance plan shall specify the frequency of inspections, the inspection tasks, provisions for litter and sediment removal, disposal locations for sediment removed, pH testing of the soil, frequency of soil, mulch and plant replacement, and inlet and outlet maintenance.
   - A Storm Water Management Practice Operation and Maintenance Plan and Agreement must be prepared and submitted to the Walworth County Land Conservation Division and must comply with the provisions listed in Section 26-16 of the Walworth County Code of Ordinances.

4. Additional comments.
   - A drainage easement on the adjacent property must be obtained to insure that there is a clear and free drainage area and path to transport any discharge from the built bioretention device.


A storm water management and construction site erosion and sediment control plan and permit must be approved by Walworth County and the WDNR prior to the start of any demolition, land disturbance or construction on the parcel. The plan must include the mandated erosion and sediment control practices and control methods listed in Chapter 26, Article I and II of the Walworth County Code of Ordinances. The final plan must meet all applicable performance standards for construction site erosion and sediment control and post-construction storm water management.

A final engineering plan must include a demolition, construction site erosion and sediment control plan, site stabilization plan, and construction sequencing plan and schedule. Temporary erosion and sediment control best management practices must be designed and described in the final engineering plan.

Preliminary Storm Water Management Plan Review Prepared by: Fay U. Amerson Date: 02/17/2020
LEGAL DESCRIPTION DRAINAGE EASEMENT

BEING A PART OF PARCEL ELEVEN AS DESCRIBED IN QUIT CLAIM DEED RECORDED SEPTEMBER 29, 1993 AS DOCUMENT NUMBER 267687 IN THE REGISTER OF DEEDS OFFICE, WALWORTH COUNTY. BEING PART OF THE NORTHWEST QUARTER OF SECTION 12, TOWNSHIP 3 NORTH, RANGE 16 EAST WALWORTH COUNTY, WISCONSIN. MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 12, THENCE NORTH 02 DEGREES 51 MINUTES 58 SECONDS WEST 3,198.65 FEET ALONG THE WEST LINE OF SAID SECTION 12 TO THE CENTERLINE OF COUNTY TRUNK HIGHWAY "A"; THENCE NORTH 54 DEGREES 58 MINUTES 46 SECONDS EAST 1,878.52 FEET ALONG SAID CENTERLINE TO THE NORTHWEST CORNER OF THE PARCEL DESCRIBED IN A QUIT CLAIM DEED RECORDED AS DOCUMENT NUMBER 651988 IN THE REGISTER OF DEEDS OFFICE, WALWORTH COUNTY; THENCE CONTINUING ALONG SAID CENTERLINE AND NORTH LINE OF THE PARCEL DESCRIBED IN DOCUMENT NUMBER 651988, NORTH 54 DEGREES 58 MINUTES 46 SECONDS EAST 307.20 FEET TO THE NORTHEAST CORNER THEREOF; THENCE CONTINUING ALONG SAID CENTERLINE, NORTH 54 DEGREES 58 MINUTES 46 SECONDS EAST 367.67 FEET; THENCE SOUTH 35 DEGREES 01 MINUTES 14 SECONDS EAST 33.00 FEET TO THE SOUTHEASTERLY R.O.W. LINE OF COUNTY TRUNK HIGHWAY "A" AND THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING, THENCE CONTINUING SOUTH 35 DEGREES 01 MINUTES 14 SECONDS EAST 70.00 FEET; THENCE SOUTH 54 DEGREES 58 MINUTES 46 SECONDS WEST 80.00 FEET; THENCE SOUTH 35 DEGREES 01 MINUTES 14 SECONDS EAST 72.50 FEET; THENCE NORTH 54 DEGREES 58 MINUTES 46 SECONDS EAST 152.50 FEET; THENCE NORTH 09 DEGREES 58 MINUTES 46 SECONDS EAST 130.96 FEET; THENCE NORTH 54 DEGREES 58 MINUTES 46 SECONDS EAST 280.16 FEET TO THE SOUTHWESTERLY R.O.W. LINE OF GILBERT STREET; THENCE NORTH 41 DEGREES 44 MINUTES 07 SECONDS WEST 50.24 FEET ALONG SAID SOUTHWESTERLY R.O.W. LINE TO A POINT ON SAID SOUTHEASTERLY R.O.W. LINE; THENCE SOUTH 54 DEGREES 58 MINUTES 46 SECONDS WEST 439.39 FEET ALONG SAID SOUTHEASTERLY R.O.W. LINE TO THE POINT OF BEGINNING, CONTAINING 38,872 SQUARE FEET, OR 0.892 ACRES MORE OR LESS.
December 15, 2019

Town of Geneva
N3496 Como Road
Lake Geneva, WI 53147

To whom it may concern:

I'm writing this letter in strong support of Jesse Snopek’s application for conditional variance of the property on the dead end of Krueger Road in the Town of Geneva. I was Jesse’s direct neighbor (across the street) for five years where he was a model neighbor. The area around his buildings was always maintained and kept clean. I owned that property for over 30 years and occupants prior to him did not maintain the grounds nearly as well as Jesse had.

Any work he had to do that he considered would be “noisy” he always would ask before doing so. Having worked from home five days a week, I never once experienced any noise disturbances coming from Jesse. Unless I made a conscious effort to walk over to see him, I never knew there was anything happening on his side of the street or in his building.

It would be a loss for the county and the community to not allow him to operate his business in his existing establishment.

Sincerely yours,

John A Melahn

John A Melahn
Jesse Snopek - Rezoning application

From: Stuart Schulz (stuartwschulz@gmail.com)
To: treeserviceroots@yahoo.com
Cc: stuartwschulz@gmail.com
Date: Sunday, December 15, 2019, 10:28 AM CST

To Whom It May Concern,

My name is Stuart Schulz. My family and I own the farm at 3004 W Kruger Rd in Lake Geneva. The farm has been in our family for over 100 years.

Jesse and Natalie Snopek live across the corner from our farm and have been neighbors for quite some time. Jesse has been in the tree service industry for many years and now owns his own business. During his tenure in the tree industry he has used his property to support his trade. The business activity on Jesse and Natalie’s property has no effect on our domicile or farm and I support what he does as a business owner.

As reference, on and off for decades there has been a tree service business run out of this property location. Our family has supported of these activities regardless who has lived there or operated the business.

Jesse, Natalie and family have been great neighbors and have high regard their character.

Thank you and best regards,

Stuart

Stuart Schulz
stuartwschulz@gmail.com
## Exhibit 2

### Estimated Trip Generation

**Proposed Dollar General Store**

<table>
<thead>
<tr>
<th>Generated Trips</th>
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</thead>
<tbody>
<tr>
<td><strong>AM</strong></td>
</tr>
<tr>
<td><strong>In</strong></td>
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<tr>
<td>15</td>
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<tr>
<td><strong>Total</strong></td>
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</table>

<table>
<thead>
<tr>
<th>Pass-By Trips (30% of Net Trips)</th>
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<tbody>
<tr>
<td><strong>AM</strong></td>
</tr>
<tr>
<td><strong>In</strong></td>
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<tr>
<td>9</td>
</tr>
<tr>
<td><strong>Total</strong></td>
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</table>

<table>
<thead>
<tr>
<th>New Trips (Net Trips - Pass-By Trips)</th>
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<tbody>
<tr>
<td><strong>AM</strong></td>
</tr>
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<td><strong>In</strong></td>
</tr>
<tr>
<td>20</td>
</tr>
<tr>
<td><strong>Total</strong></td>
</tr>
</tbody>
</table>

7-9 AM  
4-6 PM
Variety Store

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: General Urban/Suburban
Number of Studies: 25
1000 Sq. Ft. GFA: 9
Directional Distribution: 52% entering, 48% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
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</thead>
<tbody>
<tr>
<td>6.84</td>
<td>1.22 - 13.95</td>
<td>3.19</td>
</tr>
</tbody>
</table>

Data Plot and Equation

- Study Site
- Average Rate
- Fitted Curve Equation: Not Given
**Variety Store**

(814)

**Vehicle Trip Ends vs:** 1000 Sq. Ft. GFA

**On a:** Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

**Setting/Location:** General Urban/Suburban

**Number of Studies:** 25

**1000 Sq. Ft. GFA:** 9

**Directional Distribution:** 57% entering, 43% exiting

**Vehicle Trip Generation per 1000 Sq. Ft. GFA**

<table>
<thead>
<tr>
<th>Average Rate</th>
<th>Range of Rates</th>
<th>Standard Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.18</td>
<td>0.50 - 11.87</td>
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</tr>
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</table>

**Data Plot and Equation**

- **Fitted Curve Equation:** Not Given
- **R**²: ****

![Data Plot and Equation Diagram](image-url)
Hello Mark,

The LURM Department will not provide any information outside of the information specifically required for a complete rezone and conditional use application. Rebuttal to arguments may at the Town meetings cannot be provided by LURM to the Walworth County Zoning Agency (CZA). The CZA Committee is quasi-judicial and therefore may not review issues prior to the public hearing. The packets provided to LURM can either be picked up at the front counter of LURM or picked up at in the County Board Room at the hearing where the applicant can hand them out to the CZA during the public hearing. We discuss a similar information submittal request when attempt was made to hand in a study of property values adjacent to gravel pits. It was determined the study was not part of the rezone and conditional use application and was therefore returned in person during a review meeting. Please refrain from attempting to providing argument for approval of the rezone and conditional use until the public hearing. It is not standard for LURM to mail packets that were not requested back to the public. The decision to do so will be take up with LURM management.

Thank you,

Matt

Matthew C Weidensee
Site Planner/Hearing Facilitator
Walworth County Land Use and
Resource Management Department
262 741-7914

Sheril,

That’s unfortunate. Those documents were shipped to your office 4 weeks ago so I was under the impression they were delivered.

The information presented in the document is applicable to the Zoning Change Request, Conditional Use Permit, and Reclamation Permit Applications (collectively the “Applications”) submitted to the County and provides information that the County Zoning Agency members should review. The information presented is much more than a response to inquiries presented at a Town meeting.
If you do not provide paper to your Zoning Agency members, then I am requesting that you provide the attached pdf to each member and inform that the information presented is pertinent to the WSPR Properties Applications and should be reviewed prior to the CZA meeting that the matter is heard.

Please ship the hard copies back to me at my office address listed below.

mjk

--- Note new office address ---
 ********************************************************* 

Mark J. Krumenacher, P.G. Senior Principal/Senior Vice President
GZA | 17975 West Sarah Lane, Suite 100 | Brookfield, WI 53045: 262.754.2565 | c: 262.424.2046

From: Oldenburg, Sheril <soldenburg@co.walworth.wi.us>
Sent: Monday, December 16, 2019 11:14 AM
To: Mark Krumenacher <mark.krumenacher@gza.com>
Cc: Haydin, Shannon <shaydin@co.walworth.wi.us>; Weidensee, Matthew <mweidens@co.walworth.wi.us>
Subject: WSPR Properties, LLC property

Mr. Krumenacher

We have received a packet of information addressed to the Town Board of Spring Prairie. There were copies of these packets also for each member of the County Zoning Agency.

I have been informed that it appears this information is a response to inquiries that were presented at the Town meeting, and does not necessarily pertain to the information that was requested by our office. Also, the County Zoning Agency members do not have mail receptacles in our office. Therefore, the copies addressed to the individual CZA members cannot be delivered through our office.

Since this information does not pertain to our pending permit, and we have no mail receptacles for the CZA members, this information can either be picked up by someone from your offices, or they can be held and returned to you at the CZA Meeting that this matter is heard.

I await your response.

Sheril Oldenburg, LURM Assistant
Walworth County Land Use Resource Management Dept
100 W Walworth Street, P.O. Box 1001
Elkhorn, WI 53121
P: (262) 741-7910
F: (262) 741-4974
soldenburg@co.walworth.wi.us
LETTER OF TRANSMITTAL

GZA GeoEnvironmental, Inc.
20900 Swenson Drive, Suite 150
Waukesha, Wisconsin 53186
(262) 754-2560
(262) 754-9711 – FAX

TO: 100 West Walworth Street
Elkhorn, Wisconsin 53121

DATE: November 20, 2019

ATTN: Walworth County Land Use and Resource Management
      County Zoning Agency

Re: Comprehensive Evaluation of Public Concerns

ENCLOSED

<table>
<thead>
<tr>
<th>DATE</th>
<th>DESCRIPTION</th>
</tr>
</thead>
</table>
| 11/19/19 | Comprehensive Evaluation of Public Concerns  
Asphalt Contractors, Inc.  
Proposed Spring Prairie Reserve  
WSPR Enterprises LLC Property  
Tax Parcels OSP2900001, OSP2900002, and OSP2000004  
Spring Prairie Township |

THESE ARE TRANSMITTED as checked below:

[ ] For approval
[ ] For your use
[ ] As requested
[ ] Proposal
[ ] For your distribution
[ ] Approved as noted
[ ] Please Sign
[ ] Resubmit ______ copies for approval
[ ] Submit ______ copies for distribution
[ ] Hard copies of email sent

REMARKS:

Please feel free to contact me at (262) 754-2565 or via email at mark.krumenacher@gza.com with any questions regarding the enclosed material.

cc: Mr. Michael Cotter, LURM
Mr. Matthew Weidensee, LURM
Mr. Tim Brellenthin, County Zoning Agency
Mr. Jerry Grant, County Zoning Agency
Mr. Richard Kuhnke, Sr., County Zoning Agency
Ms. Susan Pruessing, County Zoning Agency
Mr. Rick Stacey, County Zoning Agency
Mr. Jim Van Dreser, County Zoning Agency
Mr. David Weber, County Zoning Agency
Mr. Bob Kordus, Asphalt Contractors, Inc. (Transmittal Only)
Mr. Buck Sweeney, Axley Brynelson, LLP (Transmittal Only)
Town of Spring Prairie Chairman, Supervisors, and Commissioners (were provided under separate cover)
Mr. Don Fredrich (was provided under separate cover)
Mr. Mark Polson (was provided under separate cover)

SIGNED: ____________________________
Mark J. Krumenacher, P.G.
November 19, 2019
File No. 20.0156288.00

Town Board Chairman Mr. Tom Bolfort
Supervisors Ms. Lynn Lein and Mr. Don Trimberger, II
Planning and Zoning Commissioners Mr. Scott Wilson, Mr. John Lutz, Ms. Lis Friemoth,
Mr. Don Fredrich, Mr. Robert Wetzel, Mr. Paul Miller and Mr. Tony Fincutter
Treasurer/Clerk Ms. Debbie Collins
Town of Spring Prairie
N6097 State Road 120
Burlington, Wisconsin 53105

Re: Comprehensive Evaluation of Public Concerns
Asphalt Contractors, Inc.
Proposed Spring Prairie Reserve
WSPR Enterprises LLC Property
Tax Parcels OSP2900001, OSP2900002 and OSP2000004
Spring Prairie Township

Dear Chairman, Supervisors, and Commissioners:

To help address the public information circulating in regard to Asphalt Contractors, Inc.'s (the "Applicant") proposed Spring Prairie Reserve sand and gravel mine, GZA is providing an evaluation of public concerns identified in regard to the Zoning Change Request Application, Conditional Use Permit Application, Reclamation Permit Application, and Reclamation Plan (collectively, the "Application") for the above referenced property. Many of the concerns identified are from sources that preceded submittal of the August 2019 Application and subsequent revisions and responses to County staff comments. Review of the Application should address the concerns identified and discussed below.

The Applicant is sensitive to the concerns of the community identified during the two public information meetings, in the press, and on social media and strives to be a good neighbor and looks forward to developing a positive relationship in Spring Prairie for decades to come. The Application demonstrates responsible stewardship of the natural resources and the land that will be temporarily mined.

BACKGROUND

For more than a decade, GZA (and this author in particular) has continually focused on reviewing public concerns to nonmetallic mining in Wisconsin. The concerns raised by the public in meetings, in the press, on social media, and elsewhere are important and are taken seriously by the mining industry and GZA. The nature of concerns over mining are limited in number, and concerns have been raised in multiple forms, forums, and media.

Concerns are often addressed privately and publicly by GZA; by mining companies at permitting hearings; by environmental and health professionals at public meetings and forums; during professional and governmental association meetings organized by pro- and anti-mining groups; Universities, Public Radio, County, and Township groups; and by the Wisconsin Department of Natural Resources (WDNR).
With such a large number of nonmetallic mines in the local community (more than 80 in the Walworth County area), the State (WDNR estimates 2,500), and the nation, negative public opinion concerning mining is believed to be based on a misunderstanding of the industry due to a lack of public education on the mining process and importance of mining, and a lack of awareness of the widespread presence of mining until a new mine or expansion is proposed. Substantial public education is clearly needed in every community and every age. Opposition to mining based solely on principle makes no sense since everything in our lives must either come from a mine if not from a farm.

GZA focuses substantial effort to identify and address the public’s concerns with nonmetallic mineral mining and during the past several years presented before the following groups on the importance of properly and thoroughly addressing those concerns:

- Village/City, Town, and County governments;
- National Industrial Sand Association;
- Industrial Minerals Association-North America;
- National Stone Sand and Gravel Association;
- Society for Mining, Metallurgy & Exploration;
- American Association of Professional Geologists;
- Aggregate Producers of Wisconsin;
- Wisconsin Industrial Sand Association;
- Michigan Aggregate Association;
- Illinois Association of Aggregate Producers;
- National Transportation Research Board;
- The 47th Annual Forum on the Geology of Industrial Minerals;
- The 51st Annual Forum on the Geology of Industrial Minerals;
- Industrial Minerals Events Frac Sand Conference (multiple);
- North American Frac Sand Conference;
- The American Planning Association, Midwest Region;
- The American Planning Association, National;
- Illinois Association of County Engineers;
- Illinois Association of Zoning Officials;
- America First Energy Conference; and
- Others.
In addition to the technical presentations, GZA:

- Provided technical comments and support to State environmental departments such as the WDNR, Illinois Environmental Protection Agency (IEPA), Minnesota DNR (MDNR), Minnesota Environmental Quality Board (EQB), and Minnesota Pollution Control Agency (MPCA) on environmental rulemaking;
- Served on the Minnesota Silica Sand Rulemaking Advisory Panel;
- Provided testimony before the Illinois Pollution Control Board;
- Provided testimony before the Wisconsin Senate;
- Provided subject matter expertise during preparation of the Health Impact of Industrial Sand Mining in Western Wisconsin, prepared by the Institute for Wisconsin’s Health, Inc.;
- Developed Technical white papers addressing nonmetallic mining matters;
- Planned and lead training seminars addressing compliance with State environmental regulations in Wisconsin and Illinois; and
- Co-authored six Policy Studies comprising 250 pages of text with 400 citations addressing Environmental, Economic, Traffic, Social, Air Quality, Regulatory Control, and Oversight and other issues associated with Industrial Sand Mining applicable to nonmetallic mining.

SUMMARY OF IDENTIFIED PUBLIC CONCERNS

This report is based on our understanding of the proposed mine plan and processing plant, previous experience, and review of the various information sources where concerns over the proposed Spring Prairie Reserve mine have been expressed, specifically:

- Applicant’s June 2019 public information meetings;
- News stories in the press;
- No Pit in the Prairie public Facebook page;
- A flyer circulated in the Spring Prairie community;
- Change.Org No Pit in the Prairie online petition comments; and
- November 8, 2019 Letter to Spring Prairie residents entitled Spring Prairie Alert: A Rezone Vote Effecting Every Property Owner in Our Town, apparently from the No Pit Association.

The identified concerns are grouped into categories and addressed in the attachments to this letter.

ADDRESSING THE CONCERNS

We treat all concerns as real, consider each concern seriously, and endeavor to respond to each concern as genuine; that is, exactly what they appear to be, and not intentionally false, an imitation, or smoke screen. In preparation of this report, we proactively identified, seriously considered, and addressed each potential concern to the extent practicable. GZA objectively sorted and grouped the concerns and addressed them in a manner we believe to be representative of the issues raised. Much of the information we reference in this report was previously submitted in greater detail in the Application. The foundation of experience described above provides the basis for this review and report.
There are two kinds of public concerns expressed with respect to new and expanding nonmetallic mines. The majority of concerns are genuine and deserve straight, technically accurate, and scientifically valid responses, programs, and plans to address. These types of concerns often lead to open dialogue, identification of issues, and are followed by a measured response that results in innovations, improvements, and best management practices (BMPs) that create a safer and more productive, efficient, and environmentally friendly and sustainable business - in addition to a stronger relationship with neighbors and other stakeholders.

The other types of concerns are from individuals that are opposed to any form of mining and are not interested in knowing that there are safeguards in place to address public concerns. These individuals raise issues and concerns, but choose to ignore the safeguards, technical facts and justification or explanation from technical experts or regulators despite being unaware of the widespread presence of nonmetallic mining in almost every community and their own personal reliance on the product being mined locally. Anti-mining or not in my backyard sentiments are personal preferences and opinions and, therefore, cannot be debated - but can be countered with scientifically valid technical facts - the only technically responsible approach we can follow.

Quite simply, 100% of everything in our lives comes from a farm or a mine. As such, if it cannot be grown, it must be mined. The proposed mining operation will have a comparatively small environmental footprint. The seemingly simple and inert product that is mined is used in the everyday lives of everyone in Spring Prairie Township and Walworth County equally, even by those in opposition to the mine.

The area has a ready source of sand and gravel that is mined and used locally or shipped out of the area and in return receives products in which the aggregate is used. Despite claims to the contrary, the local community will benefit from the presence of a local aggregate source. Those in the community that work with aggregate and the products produced from them understand this best - anyone that has built a home, works in construction, is engaged in road building or maintenance, or drives a vehicle. Such local uses include processed aggregate, concrete, and asphalt. These products are not manufactured in the Town, but, nonetheless, are enjoyed here by every single citizen. Similarly, many products are used and consumed in the Township and County, but the waste goes off to another area or County where others fight the idea of landfill in their area. No particular area is self-sufficient in its economy, but each contributes to the general economy as it can (corn, soybeans, and aggregates in Walworth County), but does not contribute to other areas of the economy that others consider undesirable such as commercial, industrial, institutional, high-density housing, etc.

Local Response

There is some degree of opposition for any proposed development, whether it is a residential subdivision, church, commercial or industrial business, winery, tourism business, campground, playground, eco-friendly wind and solar farms, etc. The opposition forms if the development is planned for an area where individuals have a different perspective on the best use of the property proposed for development despite not being the owner of the property in question. In most circumstances, the opposition originates at the most local level within eyesight of the proposed development where others are convinced to join what becomes the originator’s personal vendetta against the proposed development.

Concerns over mining are understood, when they are genuine. The spread of opposition and divisiveness, however, is commonly fueled by misunderstanding, mischaracterization of the facts, and often the spread of misinformation; unintentional and sometimes intentional where the means may justify the end. Extreme responses amongst neighbors early in the application process before formal meetings are held and application documents reviewed are unfortunate and unfair to the Applicant. Stories in the local press report name-calling, verbal abuse, and extreme statements; “one opponent wished some people involved in the project were dead,”
and a Town Supervisor “who opposes the gravel pit” before receipt and review of the facts in the Application. Unlike countless experiences with similar public processes, this one brings a heightened concern that appears inconsistent with a Township that, according to one local blog on the matter, is “the epitome of Wisconsin bucolic.” The alarming level of concern was not created by the Applicant, but by a very small extreme opposition, which is unbalanced, unnecessary, inappropriate, and unsettling.

CHARACTERIZING THE EFFECTS OF THE CONCERNS

Effect characterization is a way to communicate the potential impacts of the proposed mining based on the development of the Application. The discussion below draws on the existing conditions, literature review, perspectives of key informants regarding potential effects, and decades of relevant research and experience. This characterization provides a judgment of the overall likelihood, intensity (magnitude), and quality of evidence of potential effects. The following definitions are used in this assessment to characterize the potential effects of the proposed mine.

**Likelihood:** How likely is it that a negative effect will occur in association with the proposed mine.
- **Insufficient Evidence** - The likelihood of a negative effect cannot be judged based on available evidence.
- **Unlikely** - It is not likely that a negative effect will occur.
- **Possible** - Negative effects are plausible.
- **Likely** - Negative effects are probable.
- **Very Likely** - Negative effects are highly probable.

**Intensity:** The magnitude of the potential positive or negative effects associated with the proposed mine.
- **Insufficient Evidence** - Evidence is inadequate to judge the intensity of negative effects.
- **Low** - There are likely to be no or minimal negative effects.
- **Medium** - Negative effects may be minor; negative effects would be non-disabling.
- **High** - Positive or negative effects may be considerable.

**Quality of Evidence** for the likelihood of negative effects. The confidence that the reported estimates of effect are adequate to support a specific recommendation.
- **No Evidence** - There is no available evidence.
- **Weak** - Evidence is primarily anecdotal, based on media stories, individual reports, or personal preference.
- **Moderate** - Evidence is based on expert opinion, reports from experts, academics, industry, government, and others.
- **Strong** - Evidence is based on published studies not specific to aggregate mining in southern Wisconsin.
- **Very Strong** - Evidence is based on published studies specific to southern Wisconsin.

EVALUATION OF THE CONCERNS

The evaluation of the concerns raised in response to the anticipated Application are presented in a series of brief 1- to 2-page fact sheets included as attachments to this report.
CONCLUSION

GZA concludes the following based on our experience, the details contained in the Application, and the information presented above and in the attached fact sheets:

- There is no evidence that the proposed mine will “necessarily” or “certainly” create a nuisance.
- There is no evidence that the proposed mine will create a nuisance and harm that is “inevitable and undoubted.”
- It is reasonable to say that Asphalt Contractors, Inc.’s Application is the most comprehensive ever submitted to Walworth County. Further, Walworth County has some of the most comprehensive zoning and reclamation standards in the State. County concurrence that the Application is complete and code-compliant, which means that the applicable State and local standards are met and that the mine will not have a negative impact on the community or environment.

We appreciate the opportunity to submit our response. Should you have any questions or comments, please contact the undersigned at (262) 754-2565 or via email at mark.krumenacher@gza.com.

Very truly yours,

GZA GeoEnvironmental, Inc.

Mark J. Krumenacher, P.G.
Senior Principal

Attachments: Fact Sheets

cc: Robert Kordus, Asphalt Contractors, Inc.
Charles V. Sweeney, Axley Brynelson, LLP
Matthew C. Weidensee, Site Planner/Hearing Facilitator, Walworth County, LURM Department
Michael Cotter, Director/Deputy Corporation Counsel, LURM
Tim Brellenthin, County Board Supervisor, County Zoning Agency
Jerry Grant, County Board Supervisor, County Zoning Agency
Richard Kuhnke, Sr., Citizen Representative, County Zoning Agency
Susan Pruessing, County Board Supervisor, County Zoning Agency
Rick Stacey, County Board Supervisor, County Zoning Agency
Jim Van Dreser, Citizen Representative, County Zoning Agency
David Weber, County Board Supervisor, County Zoning Agency
Social Concerns

Social concerns are, understandably, very important issues and in many instances, can be challenging to address as they represent seemingly less tangible issues and reflect personal preferences and lifestyle. Public concerns relating to social issues were grouped into the categories summarized in the following subsections.

Quality of Life

Concern:

- The mine will forever change the character of the town.
- The mine will be disruptive and create disturbances.

Basis of Concern:

- Based on the comments, it appears that mining is considered an unacceptable and inappropriate activity in the Town and area and is an activity that has not previously occurred in the Town or area.
- Presumably, disruption and disturbances may be referring to the presence of earthwork equipment, trucks, and physical changes in the landscape. Noise is addressed in its own Fact Sheet.

Discussion of Concern:

- It is important to recognize that aggregate mining is as much a part of the history of the area as farming. The area history is that of an agricultural community with sparse residential development that was able to develop because of the presence of local aggregate.
- History has proven that the balance between local mining and quality of life, rural tranquility, the beauty of the area and the character of the town is not negatively affected by the past and present operation of at least 80 mines in the County and immediate vicinity over the recent decades.
- Despite the history of mining in the Town and surrounding area, the local population continues to rise, at least 10% in the past 20 years. With that population increase comes the construction of new homes on former farmland built using, on average, 100 tons of locally sourced aggregate from a mine such as the one proposed.
- Experience has shown that for the long-term residents of a rural community, residential and commercial development has the largest impact on changing the character of a community.
- Coincidentally, in the majority of cases, it is not the local farming community that creates and organizes opposition to a local mine, but it is the non-farming residents.
- With any land use, it cannot be invisible and there will be some degree of noise, traffic, and activity that will occur as a result. This is equally true for residential, commercial, tourist and agricultural uses. Compared to other land uses, the proposed mine will have minimal physically visible exposure to the public.
- It is reasonable to expect that based on the apparent lack of awareness that there are more than 40 active and 45 reclaimed mines within and immediately adjacent to the Town and County, that the proposed mine will not be noticed by the vast majority of those with stated opposition to the mine.
Characterizing the Effects

- **Likelihood**: Based on the magnitude of the proposed mine and the history of mining in the Township and area, there is **Insufficient Evidence** to demonstrate negative effects on the quality of life in the Township and area of the proposed mine.

- **Intensity**: Available data does not indicate that the proposed changes in temporary land use is substantially different from past and existing use in the Township and area to contribute to negative effects on quality of life at the local or community level. Though there may be some individuals who are exceptionally sensitive, the intensity of effects for the Township are anticipated to be **Low**. There is **Insufficient Evidence** to judge the negative effects on the County.

- **Quality of Evidence**: There is **No Evidence** for the concern that the proposed mine will impact the quality of life in the Township or County.

**Conclusion:**

- The concerns are founded on personal preferences and speculation and not on facts and information.
- The concerns are not consistent with the history of past and present mining in the Town and area.
- The proposed mine is consistent with the character of the Town and area.
- The proposed use will not be disruptive or create disturbances.
- There is no evidence that the proposed mine will “necessarily” or “certainly” impact quality of life and create a nuisance.
- There is no evidence that the proposed mine will impact quality of life and cause harm that is “inevitable and undoubted.”
Impact on Farms, Greenspace, and Farmers’ Concerns

Concern:
- Concerned about the impact on farms.
- Preserve green land.
- Support farmers.

Basis of Concern:
- Assume the comments pertain to a belief that the farmland and green space will be lost.

Discussion of Concern:
- The concern does not consider the property rights and land use rights of the owner.
- The concern is not raised by farmers - but by residential land users - the single most damaging land use that pose the biggest threat to farms, greenspace, and farmers.
- The property will remain in agricultural use during and after mining.
- The proposed use will take 10 to 20 acres out of agricultural production at any given time, similar to the existing mines in the Township.
- The proposed use will not negatively impact farms.
- The proposed use will not reduce or eliminate greenspace.
- The proposed use will support farmers.

Characterizing the Effects
- **Likelihood:** Based on the magnitude of the proposed mine, the temporary nature of the proposed mine and reclamation back to agricultural use, there is Insufficient Evidence to demonstrate negative effects on the impact to farms, greenspace, and farmers.
- **Intensity:** Available data do not indicate that the proposed changes in temporary land use is substantially different from past and existing use in the Township and area to contribute to negative effects, the intensity of effects on farms, green space, and farmer at the Township and community level are anticipated to be Low.
- **Quality of Evidence:** There is No Evidence for the concern that the proposed mine will impact farms, greenspace, and farmers in the Township or area.

Conclusion:
- The concern is founded on personal preferences and speculation and not on facts and information.
- There is no evidence that the proposed mine will “necessarily” or “certainly” impact farms, greenspace and farmers and create a nuisance.
- There is no evidence that the proposed mine will impact farms, greenspace, and farmers and cause harm that is “inevitable and undoubted.”
Traffic and Road Concerns

Concern:
- The mine will result in excessive traffic.
- The mine will damage local roads.
- Truck traffic/road wear and tear.
- Intense heavy-truck traffic congestion at key and central crossroads for the Town and the County.

Basis of Concern:
- Dump trucks are used to haul sand and gravel.
- Trucks cause wear and tear on roads.
- A large number of trucks will enter and leave the mine.

Discussion of Concern:
- Trucking is inherent to the mining business.
- The Applicant proposes to transport aggregate from the proposed mine to the asphalt plant in Burlington using trucks entirely along State highways designed, built, and maintained for truck traffic.
- The proposed mine entrance is on State Trunk Highway (STH) 120 and the asphalt plant is located in Burlington on STH 11.
- State highways are designed and constructed for the type of use proposed by the mine and will not be damaged by the proposed use.
- The most recent traffic count on STH 120 is reported at 4,500 vehicles per day. Vehicle use by the proposed mine will represent a small fraction of the total volume.
- Township and County roads will not be used by the Applicant as a primary transportation route.
- Capacity improvements are not identified or recommended for STH 120 or STH 11 in Spring Prairie Township in the Southeastern Wisconsin Regional Planning Commission "A Jurisdictional Highway System Plan For Walworth County: 2035."

Characterizing the Effects
- **Likelihood:** Based on the magnitude of the proposed mine and the use of State highways, negative effects on the roads and traffic in the Township and area of the proposed mine are **Unlikely**.
- **Intensity:** Available data do not indicate that the proposed use of State highways will contribute to negative effects on traffic or roads in the area of the proposed mine and the intensity of effects for the Township and area are anticipated to be **Low**.
- **Quality of Evidence:** There is **No Evidence** for the concern that the proposed mine will impact traffic or roads in the Township or area.

Conclusion:
- The concern is founded on personal preferences and speculation and not on facts and information.
• Traffic volume added by the proposed mine will be immaterial and unnoticed.
• The proposed use will not negatively impact the State highways or local roads.
• There is no evidence that the proposed mine will “necessarily” or “certainly” impact traffic and roads and create a nuisance.
• There is no evidence that the proposed mine will impact traffic and roads and cause harm that is “inevitable and undoubted.”
Impact on Tourism and Commercial Businesses Concerns

Concern:
- The mine will negatively impact tourism.
- The mine will negatively impact local commercial businesses.

Basis of Concern:
- Belief that all mines are visually unattractive.
- Belief that the presence of a mine will deter patronization of local commercial and tourist businesses.

Discussion of Concern:
- The concern is founded on personal preferences and speculation and not on facts and information.
- The mine will not be noticed by tourists travelling on State Trunk Highway (STH) 120 or STH 11.
- Local tourist attractions that might be impacted were not identified.
- Local commercial businesses that might be negatively impacted were not identified.
- An increase in tourism and commercial businesses would have a significant impact on and change the character of the Township and County.

Characterizing the Effects
- **Likelihood:** Based on the magnitude of the proposed mine there is **Insufficient Evidence** to demonstrate negative effects on tourism and commercial businesses in the Township and area of the proposed mine.

- **Intensity:** Available data do not indicate that the proposed use is substantially different from past and existing use in the Township and area to contribute to negative effects on tourism and commercial businesses at the local or community level. There is **Insufficient Evidence** to judge the intensity of effects on the Township or County.

- **Quality of Evidence:** There is **No Evidence** for the concern that the proposed mine will impact tourism or commercial businesses in the Township or area.

Conclusion:
- The concern is founded on personal preferences and speculation and not on facts and information.
- The proposed mine will not negatively impact local tourism or commercial businesses.
- There is no evidence that the proposed mine will “necessarily” or “certainly” impact tourism and commercial businesses and create a nuisance.
- There is no evidence that the proposed mine will impact tourism and commercial businesses and cause harm that is “inevitable and undoubted.”
Economic Impact Concerns
(Need and Property Values)

Comments relating to economic issues were grouped into two general categories, need and property values, as addressed below. Many of the comments revolve around sentiment suggesting it is wrong, or for some reason unfair, for a property owner to realize economic benefit from use of their land. The Applicant, property owner, or any other existing or proposed business should not need to defend their desire to prosper. This issue is another of the several unique challenges companies face in the process of obtaining a license to operate. Although there should be no obligation to defend this position, we address the issue because of its prevalence as a concern suggested by some comments.

Whether an area of a proposed mine has a general land use primarily focused on industry, commercial, agriculture, or tourism, the overarching objective of the particular business or land use sector is economic. Each land use has an impact one way or another on the nearby, perhaps different, land use. Individuals that promote tourism are driving to bring in people so they can spend their money on the local tourist businesses who can then realize economic benefit. Industrial, commercial, and agricultural businesses similarly work for the same reasons, to realize an economic benefit and a profit. Realizing an economic benefit is generally allowed if the proposed land use and activity will not cause adverse effects on other properties in the neighborhood and on the general health, safety, and welfare of the public. The proposed Design Plans and Application for the proposed mine considered each of those potential impacts and were developed to avoid negative impacts and becoming a nuisance.

NEED

Concern:
• There is no need for a mine.
• Would set major precedent for other petitions in this gravel-hungry economy.

Basis of Concern:
• There are several sand and gravel pits in the area, there is no need for another one.
• The existing sources of aggregate should be sufficient for the Applicant’s use.

Discussion of Concern:
• Concern fails to recognize the fact that the need is driven by the development of residential properties on agricultural land – similarly forcing more roads and commercial development to expand.
• Asphalt is comprised of 95% aggregate = sand, gravel, crushed stone, and 5% bitumen (asphalt).
• 100% of the base course beneath asphalt layers is aggregate.
• Aggregate comprises 100% of the roads, driveways, and parking lots in the Township and County – with or without asphalt or concrete.
• Every new home will require, on average, 100 tons of aggregate.
• Aggregate sources across southeastern Wisconsin are being used at record volumes because of the active development along the I-94 corridor from Milwaukee to Illinois.
• There are 850 housing units in Spring Prairie, nearly all are single-family homes.
- 100% have aggregate or paved driveways (>100 miles), garages, and basements.
- 100% will need additional aggregate at some point in the future.
- All future homes will require about 100 tons of aggregate.

- There is substantial need for aggregate in the community and a local mine will provide benefit to the Town and County.

- There are about 70 miles of roads in Spring Prairie Township.
  - 100% will require additional aggregate and pavement in the future.
    - ~13 miles of State roads;
    - ~11 miles of County roads; and
    - ~45 miles of Township roads.
  - Each mile of road will require >6,000 cubic yards of aggregate.

- It is increasingly challenging for the Applicant to obtain the ideal aggregate for use in asphalt.

- Aggregate properties vary amongst deposits and the ideal aggregate for use in asphalt is not available in every sand and gravel mine.

- The ideal aggregate properties summarized below are obtained from bedrock mines or crushed gravel and will be achieved from the aggregate produced at the proposed mine.
  
  - **Toughness.** Toughness or hardness is the ability of the aggregate to resist crushing or disintegration during mixing, placing, and compacting; or under traffic loading.
  
  - **Soundness.** Although similar to toughness, soundness is the aggregate’s ability to resist deterioration caused by natural elements such as the weather.
  
  - **Particle shape.** The shapes of aggregate particles influence the asphalt mixture’s overall strength and workability, as well as the density achieved during compaction. When compacted, irregular particles such as crushed stone and gravel tend to lock together and resist displacement.
  
  - **Surface texture.** Workability and pavement strength are influenced by surface texture. A rough, sandpapery texture results in a higher strength than a smooth texture. Although smooth-faced aggregates are easy to coat with an asphalt film, they are generally not as good as rough surfaces; it is harder for the asphalt to grip the smooth surface.
  
  - **Absorption.** The porosity of an aggregate permits the aggregate to absorb asphalt and form a bond between the particle and the asphalt. A degree of porosity is desired, but aggregates that are highly absorbent are generally not used.

**Characterizing the Effects**

- **Likelihood:** not applicable.
- **Intensity:** not applicable.
- **Quality of Evidence:** not applicable.
Conclusion:

- The concern is founded on personal preferences and speculation and not on facts and information.
- The Applicant needs the ideal quality of aggregate to produce quality asphalt.
- The ideal aggregate quality is present at the proposed mine and is not found everywhere.
- The closer the aggregate, the lower the cost of aggregate and pavement to the local community.

**PROPERTY VALUES**

Concern:

- The mine will have a negative impact on property values.
- Direct and major impact to 60 homes rimming the mine.

Basis of Concern:

- Belief that there are 60 homes rimming the mine (14 residences are within ¼-mile of the proposed mine).

Discussion of Concern:

- The concern of diminished property values associated with mines is a common claim.
- In most instances, the presence of a mine will not reduce property values and in many instances, the property values near a mine actually increases.
- Property values, including the report by Mr. Erickcek, was addressed in significant detail in the Conditional Use Permit Application (pages 11-17, attached).
- The report by Mr. Erickcek is so deeply flawed that it borders on intellectual dishonesty and is widely discounted by real estate and other professionals.
- A report by Scott L. MacWilliams Certified General Appraiser No. 91 S.L. Mac Williams Company, completed a property value evaluation following four separate analyses for the proposed Spring Prairie Reserve in accordance with the Uniform Standards of Professional Appraisal Practice, the generally accepted measure of principles and practices. Mr. MacWilliams concluded that “there is no market-supported evidence that the operation of the opening of the aggregate mining operation, will adversely impact the neighboring residential property values” (attached).

Characterizing the Effects

- **Likelihood:** Based on the magnitude of the proposed mine, the history of mining in the Township and area, and the lack of evidence to support impacts on property values, there is **Insufficient Evidence** to demonstrate negative effects on property values in the Township and area of the proposed mine.
- **Intensity:** Available data do not indicate that nonmetallic mining will contribute to negative effects on property values at the local or community level and the intensity of effects for the Township are anticipated to be **Low**.
• **Quality of Evidence:** There is *No Evidence* for the concern that the proposed mine will impact property values in the Township or area and *Very Strong Evidence* that the proposed mine *Will Not Have a Negative Effect* on property values in the Township.

**Conclusion:**

- The concerns are founded on personal preferences and speculation and not on facts and information.
- The proposed mine will not decrease property values.
- There is no evidence that the proposed mine will “necessarily” or “certainly” impact property values and create a nuisance.
- There is no evidence that the proposed mine will impact property values and cause harm that is “inevitable and undoubted.”

**Attachments:** Pages 11-17 of the Conditional Use Permit Application
Mr. Scott MacWilliams’ Report
FACT SHEET
Economic Impact Concerns (Need and Property Values)

Pages 11 – 17 of the Conditional Use Permit Application
Property Values Excerpt from the Conditional Use Permit Application for Spring Prairie Reserve, Town of Spring Prairie, Wisconsin

The proposed use will not be hazardous, harmful, offensive, or otherwise adverse to the property values in the County and its communities. This is the most commonly cited concern and one of the most misunderstood. GZA has researched this matter extensively and will devote a substantial effort to address the potential impacts on property values. Concerns about the potential impact on property value are present for almost every land-use change proposed in a neighborhood or near residential property. There are few, if any, exceptions. Equally strong local opposition often occurs if the proposed development is a residential subdivision, church, or playground, if that development is planned for an area where individuals have a different perspective on the best use of the property proposed for development. The same is true of wind and solar farms, which are prized for their eco-friendly nature.

The potential negative impact of aggregate operations on property value is one of the top concerns raised in response to almost every proposed new mine or mine expansion. Opponents to mining often claim the construction or expansion of a mine will reduce property values in the surrounding community. Although individuals and organizations issue statements and use social media networks to try and validate these concerns, they simply make claims without citing research. It is a common tactic, but repeating an unsupported statement often and loudly does not make it true.

There are no credible studies supporting claims of widespread and predictable property value declines associated with aggregate or any other similar nonmetallic mining activity. This lack of credible evidence demonstrates how the concern is unfounded.

Every mine is unique, and as is true of any development, there are circumstances where the value of adjacent properties may be affected. These are finite and unique circumstances at some, not all, mines, and they can be addressed only on an individual basis. There are no documented circumstances of aggregate mining causing a community-wide reduction of property values. The proposed Spring Prairie Reserve mine was designed to avoid any circumstance of impacting property values.

Between 1981 and 2011, several studies, using technically sound methods, examined the relationship between nonmetallic mining and property values. Each of the studies concluded there was no consistent relationship between mines and property values. Although there were specific instances where mines or quarries may have reduced nearby property values, other homeowners realized an increase in property value because of the setbacks, open space, and wooded areas used to buffer mining operations. While it can be difficult to explain this seemingly counterintuitive finding during an emotionally charged public meeting, it is a demonstrable fact and logical when calmly considered or, better yet, witnessed.

Some studies report property values near mines were higher than similar properties farther from mines. This does not necessarily imply the mine itself increased the property value, but it does demonstrate a

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3 For more on this tactic, see Dr. L. Kip Wheeler, "Logical Fallacies Handlist," Carson-Newman University, no date, http://web.cn.edu/kwheeler/fallacies_list.html.
mine does not necessarily reduce the value of nearby properties. Many mines actually suffer from so much post-development encroachment by residential development they end up operating in a residential rather than rural environment, without complaint from, and more importantly without harm to, the neighbors or their properties.

Residential encroachment on existing nonmetallic mining operations has become a serious land-use issue that is gaining recognition from local officials who see a growing need for future planning. This planning is needed not specifically or only to protect residential land uses, but to protect the future availability of nonmetallic minerals as well. Without proper planning, for example, the most ideally situated local nonmetallic mineral resources may be buried by a subdivision, with the next available source of minerals needed to build the local development and infrastructure significantly farther away. This unnecessarily increases costs to consumers and municipalities.

**Historical Property Value Studies**

The earliest study we identified that addressed property values was completed in 1981 by the U.S. Bureau of Mines, which evaluated bedrock quarries in Illinois, Kentucky, Missouri, and Pennsylvania. The analysis found no consistent relationship between quarries and property values.

In 1987, the Department of Real Estate at Georgia State University conducted a study to measure adverse impacts on the value of existing homes or homes to be built near a proposed quarry in Bolingbroke, Georgia. The analysis considered quarries in DeKalb, Newton, and Monroe Counties in Georgia, utilizing two comparative analyses. The study concluded the following:

1. Properly developed quarries had no effects on the value of housing adjacent to the operation.
2. In one of three Counties, property values in the non-quarry area increased more slowly than values in the quarry-influenced area.
3. Some homeowners said they benefited from being near a quarry because of the open space and wooded areas used to buffer operations.
4. The overall study of changes in the value of homes located both nearby and away from properly operated rock quarries indicates quarries have no significant adverse impact on the value of homes.

A 1995 analysis of a proposed sand and gravel quarry in Granite Falls, Washington conducted by Schueler, McKown & Keenan, Inc., a real estate appraisal firm, considered four case studies in Washington. The analysis concluded properties adjacent to quarry operations buffered by 100 or more feet showed no difference in value compared to properties removed from the operation, and in some instances, the values near a quarry were found to be higher.

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A study by the Department of Economics at Ohio Wesleyan University in 1996, evaluated previous studies by the U.S. Bureau of Mines (1981) and Rabianski and Carn (1987), who focused on residential appreciation rates near a Delaware County, Ohio quarry and a quarry located in Franklin County, Ohio. The Ohio Wesleyan researchers also used the repeat sales method to study values near the Marble Cliff Quarry and Shawnee Quarry. They found values of properties located adjacent to an existing quarry were not reduced. The researchers concluded an expansion of the Shawnee Quarry would not reduce the values of adjacent and nearby residential properties.

The land-use consulting company Banks and Gesso, LLC, conducted a study in 1998, examining property values near three quarries in Jefferson County, Colorado that sold before and after quarry development. The analysts found no basis for suggesting quarries devalue residential properties.

In 2002, Banks and Gesso evaluated 10 subdivisions in the vicinity of three sand and gravel operations in the Fort Collins, Colorado area. The analysts found no significant statistical difference in the data suggesting locations near sand and gravel mines suffered lower property values. For two of the mines, the subdivisions nearest the operations had higher rates of appreciation for home values than subdivisions farther away.

Two studies addressed expansion of existing industrial sand mines. A 2005 study by William A. McCann & Associates, Inc., a real estate appraisal company, evaluated real estate values near two aggregate quarries in Naperville and Bolingbrook, Illinois and compared them to properties near a proposed industrial sand mine expansion in Ottawa, Illinois. The empirical data indicated the proposed mining expansion would not have any measurable adverse effect on nearby property values. In 2011, two Wisconsin-certified appraisers, William Richardson and Brian Ducklow, analyzed sales in the Town and Village of Maiden Rock and comparable markets along the Great River Road in Pierce County, Wisconsin to determine the effect on the local real estate market of an underground industrial sand mine. They found no historical data to suggest the mine had affected the real estate market in Maiden Rock and surrounding area.

Also in 2011, the Winona County, Minnesota, Planning Department prepared a memo to address questions submitted by the County board, planning commission, and the public regarding three proposed silica sand mines in Saratoga Township. The Planning Department concluded property values around existing quarries and sand pits in the County (54 mine sites identified) were not noticeably reduced due to proximity to existing mining operations.

Misinformation on Property Values

8 Anne Dorrian and Clifford Cook, “Do Rock Quarry Operations Affect Appreciation Rates of Residential Real Estate,” Department of Economics, Ohio Wesleyan University, April 1996.
Property values depend on a variety of local factors, with each property having specific characteristics, making it difficult to draw broad generalizations about how a particular property will be affected by development of any form. Because property values are affected by such specific factors, modeling exercises that try to isolate the influence of a specific factor, such as proximity to a proposed mine, rarely succeed in accurately assessing property values.

A search for information that demonstrates mining has a negative impact on property values yields essentially no credible and scientifically valid studies and reports. Because we are aware that the claim of decreased property values has been made in response to the proposed Spring Prairie Reserve mine, we discuss the limitations of a report commonly cited without validation as allegedly demonstrating nonmetallic mines decrease nearby property values.

**Erickcek and Hite**

The most widely cited information claiming nonmetallic mining operations have a consistent, negative effect on property values is based on a report by George Erickcek of the W.E. Upjohn Institute for Economic Research, “An Assessment of the Economic Impact of the Proposed Stoneco Gravel Mine Operation on Richland Township.” Commonly, but erroneously referred to as the “Erickcek study” or “Hite study,” this information is in fact not a study, but a theoretical model based on an unpublished, non-peer-reviewed working paper by Diane Hite, an associate professor at Auburn University.

Although Erickcek presented Hite’s model as credible evidence for decreased property values, and he calls Hite’s analysis “the only rigorous study to date of gravel mine impacts on property values,” research by GZA GeoEnvironmental, Inc., which included a personal conversation with Hite and others, concluded Hite’s work was never more than a working paper that was neither peer-reviewed nor published and was grossly misrepresented by Erickcek and subsequently by several others.

Other analysts have drawn conclusions similar to GZA’s about Erickcek’s work. The Great Lakes Appraisal Company (GLAC) exposed Erickcek’s misuse of Hite’s information as “unprofessional at best and likely misleading and reckless.” GLAC stated, “If the author(s) of the Upjohn report were subject to the same rules and regulations governing our profession, they would be in violation of a number of basic tenets, particularly those regarding unsubstantiated conclusion and the requirement to produce credible results.”

The major shortcomings of Erickcek’s paper include:

1. His use of studies that investigated the impact of trash landfills on property values as a proxy for sand and gravel mines;
2. His refusal to acknowledge his own findings that appreciation rates for property values near sand and gravel mines are the same as for properties distant from these operations; and

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3. His demonstrated lack of understanding of the inputs of the conceptual model used by Hite, which severely limit the usefulness of Erickcek’s modeling. Most of the studies presented by Erickcek as evidence that environmental disamenities (environmental features some parties may consider undesirable) can reduce property values actually assessed the potential impact of landfills on property values. The environmental impacts of landfills and nonmetallic mining operations are vastly different, rendering these comparisons invalid and inappropriate. For example, among the primary concerns regarding landfills are objectionable odors and fears of an influx of undesirable animals such as rats and seagulls. Nonmetallic mines do not emit objectionable odors or attract vermin.

Erickcek found appreciation rates (the rates at which property increases in value) to be similar for property located next to a mining operation and property located farther away. These findings suggest proximity to sand and gravel mines does not substantially influence the value of a given property.

Without data to support his claim, Erickcek developed an unsubstantiated theory suggesting sand and gravel mines create a one-time, immediate loss of property value that is then priced into the value from that point forward, essentially lowering the value all at once and hitting a “reset button” allowing the property to appreciate at the same rate as other properties. Research conducted by GLAC to assess the validity of this theory found it to be unsupported by the data. Looking back in time to before the mining operations opened, GLAC determined there was no evidence to support the hypothesis of an immediate, one-time decline in property value.

Finally, research conducted by GLAC found the supposed sand and gravel mine that was the basis of Hite’s work and the Erickcek report was, in fact, not a gravel mine at all, but a limestone mine in Ohio. Hite did not collect the data she used in her working paper. Neither Hite nor Erickcek visited the subject site and they did not collect sufficient information to construct a model capable of accurately predicting the impact of sand and gravel mines on property value.

Despite the documented inaccuracy of Erickcek’s representation of Hite’s working paper, others have repackaged Erickcek’s work as fact in subsequent reports, blogs, and articles relying his manipulation of Hite’s initial working paper. Erickcek’s deeply flawed work is still being used to oppose mines in Canada and the United States, with the initial concept getting twisted a little more with every subsequent report. This is especially true of a seemingly simple curve initially created by Erickcek showing a reduction in property value plotted against distance from a mine. This now convenient curve is cited frequently as fact and even “irrefutable” without an understanding of its genesis. Inconceivably, even Diane Hite now cites Erickcek’s 2006 report and his use of “the Hite (2006) study” in a recent report prepared in opposition to an aggregate operation in Colorado.

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Hite’s model—a hedonic pricing model that assumes the price of property is determined both by its own characteristics and external factors—requires credible inputs into the model. But property value is influenced by a complex mixture of variables that are difficult to control for and separate from one another for analysis. Erickcek’s work fails to take the complexity of property value into account and lacks credible inputs, rendering the outputs of the model useless for predicting the impact of sand and gravel mines on property values.

It is vitally important that local decision makers and residents understand the limitations of such reports alleging to be scientific studies. Public opinion is too often influenced by unsubstantiated claims or modeling exercises that appear to be sophisticated, but produce results that do not match real-world observations.

**Property Values and Perceptions of Harm**

Property values can be affected by the mere perception of possible harm from a given source, such as a cell phone tower, electric transmission lines, school, church, day care, playground, residential subdivision, big-box retail, wind turbines, solar farm, or nonmetallic mine. The ways in which people perceive risks can influence how they view themselves, their surroundings, properties, and society at large. People exposed to new ideas tend to give more weight to negative information, even if their initial fears are not based on a rational view of the available evidence.

Unscientific, anecdotal claims that inaccurately quantify potential risks and those erroneously reported as fact by influential groups feed the irrational perception of harm. Such claims do nothing to quantify the potential impacts of mining, instead causing unnecessary consternation among local residents. Such claims may very well have a greater negative impact on property values near mines than the mining operations themselves.

Perceptions of harm that have no basis in fact are likely to be temporary, and so, too, is any property value decrease based on those perceptions. Research shows the irrational perception of harm can be addressed by scientific, evidence-based information.

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Mr. Scott MacWilliams’ Report
Consultation Report WSPR Enterprises (Donald Frederick)

Impact on adjacent Residential Property Values of Proposed 112-acre Sand and Gravel Aggregate Mining Operation Located at W1960 and W1966 Spring Prairie Road Burlington WI To be operated by Asphalt Contractors, Inc. Robert Kordus

completed by
Scott L. MacWilliams Certified General Appraiser No. 91
S.L. MacWilliams Company
107 S. Main Street
Oregon, Wisconsin 53575

FEB 2020
November 6, 2019
Attorney Charles V. Sweeney
Axley Brynelson LLP
2 E. Mifflin St. Ste 200
Madison, WI 53703

Mr. Sweeney:

Asphalt Contractors, Inc., Lessee of the property Mr. Robert Kordus as applicant, and Property owner WSPR Enterprise LLC has made an application for a conditional use permit and rezone application to allow approximately 112-acres of the WSPR property to be developed into a sand and gravel aggregate mining operation. Approximately 92 acres will be mined and approximately 20 acres, comprised of a 100-foot perimeter around the mine, will be used for temporary storage of topsoil and overburden that will later be used in mine reclamation.

I have been retained by your firm to form an opinion as to the impact of the proposed opening of the sand and gravel mine, on neighboring residential property values.

Based upon the information contained in this report, I have concluded that there is no market-supported evidence that the operation of the opening of the aggregate mining operation, will adversely impact the neighboring residential property values.

I appreciate the opportunity to be of service.

Scott L. MacWilliams
State of Wisconsin Certified General Appraiser #91
Appraiser Qualifications Board USPAP Instructor 10635
The generally accepted measure of principles and practices is the Uniform Standards of Professional Appraisal Practice ("USPAP"). The purpose of the USPAP is to promote and maintain a high level of public trust in appraisal practice by establishing requirements for appraisers. It is essential that appraisers develop and communicate their analyses, opinions, and conclusions to intended users of their services in a manner that is meaningful and not misleading. The Appraisal Standards Board promulgates USPAP for both appraisers and users of appraisal services. The appraiser's responsibility is to protect the overall public trust and it is the importance of the role of the appraiser that places ethical obligations on those who serve in this capacity. USPAP reflects the current standards of the appraisal profession. USPAP does not establish who or which assignments must comply. Neither The Appraisal Foundation nor its Appraisal Standards Board is a government entity with the power to make, judge, or enforce law. Compliance with USPAP is required when either the service or the appraiser is obligated to comply by law or regulation, or by agreement with the client or intended users. When not obligated, individuals may still choose to comply. USPAP addresses the ethical and performance obligations of appraisers through Definitions, Rules, Standards, Standards Rules, and Statements on each of the Appraisal Standards. USPAP consists of 10 Standards and Standards Rules which are summarized below:

STANDARD 1: REAL PROPERTY APPRAISAL, DEVELOPMENT
STANDARD 2: REAL PROPERTY APPRAISAL, REPORTING
STANDARD 3: APPRAISAL REVIEW, DEVELOPMENT AND REPORTING
STANDARD 4: REAL PROPERTY APPRAISAL CONSULTING, DEVELOPMENT
STANDARD 5: REAL PROPERTY APPRAISAL CONSULTING, REPORTING
STANDARD 6: MASS APPRAISAL, DEVELOPMENT AND REPORTING
STANDARD 7: PERSONAL PROPERTY APPRAISAL, DEVELOPMENT
STANDARD 8: PERSONAL PROPERTY APPRAISAL, REPORTING
STANDARD 9: BUSINESS APPRAISAL, DEVELOPMENT
STANDARD 10: BUSINESS APPRAISAL, REPORTING

Standards Rules 1 and 2 relate to Real Property Appraisal Development and Reporting and are the applicable Standards for this review.
Property Identification

The proposed area of the rezoning and condition use permit is described as follows:

Being part of the SW 1/4 of Section 20, the NW 1/4 of Section 29 and the NE 1/4 of Section 29, Township 3 North, Range 18 East, Town of Spring Prairie, Walworth County, Wisconsin, more particularly described as follows:

Commencing at the Southwest corner of the Southwest 1/4 of said Section 20; Thence N 89°20'39" E along the South line of said Southwest 1/4 of Section 20, 50.02 feet to the East line of S.T.H. '120'; Thence continuing N 89°20'39" E along said South line of the Southwest 1/4, 1379.15 feet to the Point Of Beginning; Thence N 2°09'31" W, 1407.10 feet to the North line of a Transmission Line Easement recorded in Vol. 597 on P. 649 as Document No. 460706 in the Walworth County Register of Deeds Office; Thence N 89°22'28" E along said North line of Transmission Line Easement, 835.49 feet; Thence S 0°11'04" E, 221.04 feet; Thence S 89°25'08" E, 207.33 feet; Thence N 16°31'03" E, 59.23 feet; Thence N 72°03'58" E, 77.01 feet; Thence S 2°07'43" E, 1260.54 feet to the South line of the Southwest 1/4 of Section 20; Thence continuing S 2°07'43" E, 99.58 feet; Thence N 89°36'43" E, 99.98 feet to the East line of the North 1/4 of Section 29; Thence continuing N 89°36'34" E, 1084.65 feet; Thence S 1°40'39" E, 1177.63 feet; Thence S 66°13'25" W, 1277.59 feet; Thence N 51°11'51" W, 418.81 feet; Thence N 67°37'52" W, 73.62 feet; Thence S 88°27'32" W, 177.63 feet; Thence 2°14'54" W, 94.03 feet to the Southeast corner of a Site Lease Agreement, recorded as Document No. 490945 and amended by Document No. 816089 as recorded in the Walworth County Register of Deeds Office; Thence continuing N 2°14'54" W along the East line of said Site Lease Agreement, 75.00 feet to the Northeast corner; Thence S 87°45'06" W along the North line of said Site Lease Agreement, 75.00 feet to the Northwest corner; Thence S 2°14'54" E along the West line of said Site Lease Agreement, 75.00 feet to the Southwest corner; Thence S 87°48'23" W, 357.82 feet; Thence N 2°09'31" W, 1412.00 feet to the South line of the Southwest 1/4 of Section 20 and the Point Of Beginning.

Said area contains 4,885,355 Square Feet or 112.152 Acres, more or less
Statement of Purpose

Asphalt Contractors, Inc., Lessee of the property, Mr. Robert Kordus as applicant, and Property owner WSPR Enterprise LLC have made an application for a conditional use permit and rezoning application to allow approximately 112 acres of the WSPR property to be developed into a sand and gravel aggregate mining operation. Approximately 92 acres will be mined and approximately 20 acres, comprised of a 100-foot perimeter around the mine, will be used for temporary storage of topsoil and overburden for later use in mine reclamation.

The site is located at W1966 Spring Prairie Road in Burlington, Wisconsin.

The proposed mining, processing, and trucking operation hours are:
Monday through Friday, 6:00 A.M. through 6:00 P.M. Saturday 6:00 a.m. through 12:00 p.m.

Sand and gravel will be excavated using hydraulic equipment, placed onto a conveyor or directly into a portable crusher, processed through a series of screens for sizing, and placed and placed into stockpiles by grain size. Some of the crushed stone will be washed with wash water recycled within the mine and fine material will be used for mine reclamation.

There will be a 288 square foot portable office to be used for a scale house. This building will be serviced by a private septic system and well. The mining site is 100% agricultural cropland. The proposed mine will have a 200-foot setback from adjacent properties. As the mine is reclaimed it will be put into agricultural production from crops or wildflower/prairie grass mix at the property owner's preference.

Existing Residential Development

The purpose of this report is to opine as to possible impacts of the proposed mining operations on surrounding residential property values. The immediate neighborhood is a mixture of agricultural and rural residential used. The purpose of this report is to opine as to the impact on for neighboring residential property values of the proposed expansion. If residential property values would be negatively impacted it would be evident in the sales of neighboring residential properties. The evidence of an adverse effect would be reflected in increased marketing times and reduced sales prices. The homes closest in proximity would include:

Parcel 0 SP29000001b, owned by Philip and Joyce Dreis located at 1792 Spring Prairie Road. This home is a two-story 4,847 square foot home which was constructed in 1900. The home is located on a 10.70-acre site and includes a utility shed, masonry barn, concrete stave silo and detached frame garage. The property is assessed for $374,300, including the site ($83,100) and the improvements ($291,200). The residence is 200 feet from the property line and 400 feet (200-foot buffer) from the proposed mine.
Parcel O SP2900001C1 is owned by Andrew Cole and is located at 1728 Spring Prairie Road. This home is a single-story 1,316 square foot ranch home that was constructed in 1973. The home is located on a 5.15-acre site. The property is assessed for $215,500, including the site ($90,500) and improvements ($125,000). The residence is 1,040 feet from the property line and 1,240 feet (200-foot buffer) from the proposed mine.

Parcel OA 22100004 is owned by Timothy Jost and is located at 1740 Spring Prairie Road. This home is a single-story 1,316 square foot ranch home which was constructed in 1973. The home is located on a one-acre site. The property has a detached garage/shop. The property is assessed for $195,300, including the site ($65,000) and improvements ($130,300). The residence is 880 feet from the property line and 1,080 feet (200-foot buffer) from the proposed mine.

Parcel OA 466500002 is owned by Jamak Blakeman and is located at 1758 Spring Prairie Road. This home is a single-story 1,496 SF ranch home that was constructed in 1974. The home is located on a 3.79-acre site. The property has a detached pole garage. The property is assessed for $191,100, including site ($65,800) and improvements ($125,300). The residence is 670 feet from the property line and 870 feet (200-foot buffer) from the proposed mine.

Parcel OA 466500001 is owned by Steven W. Mather and is located at 1766 Spring Prairie Road. This home is a single-story 1,316 square foot ranch home that was constructed in 1965. There is a 1,200 square foot detached pole garage. The home is located on a 2.23-acre site. The property is assessed for $186,100, including the site ($65,300) and improvements ($120,800). The residence is 670 feet from the property line and 870 feet (200-foot buffer) from the proposed mine.

Parcel OA 466500001 is owned by Joseph and Della Bianca and is located at 1778 Spring Prairie Road. This home is a single-story 1,288 square foot ranch home that was constructed in 1973. There is a 96 square foot detached utility shed. The home is sited on a 2.23-acre site. The property is assessed for $166,200, including the site ($74,800) and improvements ($91,400). The residence is 670 feet from the property line and 870 feet (200-foot buffer) from the proposed mine.
($188,700) and improvements ($245,800). The residence is 360 feet from the property line and 560 feet (200-foot buffer) from the proposed mine.

Parcel 0 A422800001, owned by Curtis D. Fredrich, is located at W1946 Spring Prairie Road. This home is a single-story 1,987 square foot ranch home which was constructed in 2007. The home is located on a 4.27-acre site. The property is assessed for $350,800, including the site ($65,900) and improvements ($284,900). The residence is 130 feet from the property line and 330 feet (200-foot buffer) from the proposed mine.
Scope of Work and Methodology

The purpose of this report is to opine as to possible impacts of the proposed mining operations on surrounding residential property values. The immediate neighborhood is a mixture of agricultural and rural residential uses. The purpose of this report is to opine as to the impact on for neighboring residential property values of the proposed expansion. If residential property values would be negatively impacted, it would be evident in the sales of neighboring residential properties. The evidence of an adverse effect would be reflected in increased marketing times and reduced sales prices.

The introduction of an incompatible land use to a residential neighborhood in many instances will give rise to the concern of homeowners as to a negative impact on housing values. Developments such as landfills, sewage treatment plants, industrial uses which generate dust and noise, mining, expansion of airports and road projects all cause concerns from neighboring landowners concerning the potential impact on property values. If an incompatible land use is having a negative impact on neighboring residential values this will be evidence by a below market sales prices and increased marketing time.
The existing residential development in the immediate area of the proposed mine consists of scattered rural residential development.

In order to assess impact of the proposed mining operation, I have completed the following four analyses:

1. Analysis No. 1: Reviewed three residential sales of homes located in the Lauderdale Lakes Estates subdivision. Lauderdale Lake Estates is an upscale residential subdivision which was developed adjacent the Unilock Plant and Mann Sand & Gravel in Elkhorn Wisconsin. The most recent addition abuts the Mann Sand and Gravel LLC operations. Homes sell for between $350,000 and $450,000.

2. Analysis No. 2: Reviewed four sales of single-family homes located near existing Aggrecon and Kiel Sand and Gravel operations. This review included a paired sales analysis comparing each of the four proximate sales to other similar home sales not proximate to the mining operations.

3. Analysis No. 3: Reviewed recent home construction and reviewed eight residential sales which occurred between July of 2012 and June of 2017, located within 1.5 miles of the sand and gravel quarry owned by Rocky Rights LLC, located at 2294 USH 12&18.

4. Analysis No. 4: A review of MLS listings and sales along with a paired sales analysis of residential sales in proximity to the processing plant and the frac sand mining operation of Completion Industrial Minerals, 3015 South Mallard Avenue, Marshfield, WI.
Analysis No. 1: Residential Sales in Adjacent Lauderdale Lake Estates

Lauderdale Lake Estates is an upscale residential subdivision which was developed adjacent the Unilock Plant and Mann Sand & Gravel in Elkhorn Wisconsin. The most recent addition abuts the Mann Sand and Gravel LLC operations. Homes in the area sell for between $350,000 and $450,000. The methodology is to locate proximate sales and compare the sales prices and marketing times to sales of similar properties not located near a mining operation. In this analysis we examine the sales of three properties which were located in close proximity to Unilock and Mann Sand and Gravel operations. The sales details and their locations proximate to the operating pits are summarized below:

Proximate Sales Summary

<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Bldg SF</th>
<th>Price/SF</th>
<th>% Sale/List</th>
<th>Distance</th>
<th>DOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>761468</td>
<td>N7156 Lakeshore Drive</td>
<td>Oct-06</td>
<td>$324,900</td>
<td>$310,000</td>
<td>2,256</td>
<td>$137.41</td>
<td>95%</td>
<td>1350 feet</td>
<td>128</td>
</tr>
<tr>
<td>763939</td>
<td>W5059 Clearwater Ln</td>
<td>Sep-05</td>
<td>$319,000</td>
<td>$315,000</td>
<td>1,793</td>
<td>$175.68</td>
<td>99%</td>
<td>500 feet</td>
<td>83</td>
</tr>
<tr>
<td>1841676</td>
<td>N6920 Northwood Dr</td>
<td>May-18</td>
<td>$349,900</td>
<td>$349,900</td>
<td>2,497</td>
<td>$140.13</td>
<td>100%</td>
<td>1400 feet</td>
<td>143</td>
</tr>
</tbody>
</table>
## Proximate Sales

<table>
<thead>
<tr>
<th>MLS: 761468</th>
<th>Condo Sold</th>
<th>N7136 Lakeshore Dr</th>
<th>#</th>
<th>Price: $324,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town: Sugar Creek</td>
<td>Bedrooms: 4</td>
<td>Age: 11-20 Year</td>
<td>Tot SqFt:</td>
<td>Condo Fee: 275</td>
</tr>
<tr>
<td>Parking: 1-car Garage, Attached</td>
<td>Units in Bldg: 1</td>
<td>Floor: 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Rooms: LR</td>
<td>DR</td>
<td>KIT</td>
<td>F/Rec</td>
<td>MBR</td>
</tr>
<tr>
<td>Level: M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Dim: 12x12</td>
<td>12x12</td>
<td>10x10</td>
<td>10x10</td>
<td>10x10</td>
</tr>
<tr>
<td>Master Suite/Bath: Yes</td>
<td>Common Amenities:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Located on the big pond in Lauderdale Lake Estates is where you'll find this 4 BR, 2/2 1/2 BA ranch with walk-out lower level. Enjoy expanded water views from every window, huge eat-in kitchen w/ breakfast island & deck access. FR, formal DR, double-sided FP in LR & kitchen, rec-room walk-out, MBR w/ two walk-in closets, whirlpool & separate shower, 3 car garage.

Directions: Hwy 12/67 North to Middle Lake Dr. Right to Lakeshore Dr. Left to house on right.

*Information provided courtesy of: Sunbelt Real Estate-Colorado Dr.*

<table>
<thead>
<tr>
<th>MLS: 761399</th>
<th>Condo Sold</th>
<th>W5039 Clearwater Ln</th>
<th>#</th>
<th>Price: $319,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town: Sugar Creek</td>
<td>Bedrooms: 3</td>
<td>Age: 4-10 Year</td>
<td>Tot SqFt:</td>
<td>Condo Fee: 275</td>
</tr>
<tr>
<td>Parking: 1-car Garage, Attached</td>
<td>Units in Bldg: 1</td>
<td>Floor: 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Rooms: LR</td>
<td>DR</td>
<td>KIT</td>
<td>F/Rec</td>
<td>MBR</td>
</tr>
<tr>
<td>Level: M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Dim: 10x16</td>
<td>10x10</td>
<td>10x10</td>
<td>10x10</td>
<td>10x10</td>
</tr>
<tr>
<td>Master Suite/Bath: Yes</td>
<td>Common Amenities:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Sits high on a hill with beautiful views of one of three ponds in Lauderdale Lakes Estates. This 3 bedroom, 3 bath 3-car garage home boasts over 2,600 square feet of country living. Master suite with whirlpool, 2 gas fireplaces, fenced yard, sprinkler system and an excellent location awaits you! Fish off your own pier or relax on your deck - enjoy!

Directions: *

*Information provided courtesy of: Sunbelt Real Estate, Inc.*

<table>
<thead>
<tr>
<th>MLS: 1841676</th>
<th>Condo Sold</th>
<th>N6920 Northwood Dr</th>
<th>#</th>
<th>Price: $349,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town: Sugar Creek</td>
<td>Bedrooms: 4</td>
<td>Age: 11-20 Year</td>
<td>Tot SqFt: 3,850</td>
<td>Condo Fee: 29</td>
</tr>
<tr>
<td>Parking: Attached</td>
<td>Units in Bldg: 1</td>
<td>Floor: 1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Rooms: LR</td>
<td>DR</td>
<td>KIT</td>
<td>F/Rec</td>
<td>MBR</td>
</tr>
<tr>
<td>Level: M</td>
<td>M</td>
<td>M</td>
<td>M</td>
<td>M</td>
</tr>
<tr>
<td>Dim: 10x15</td>
<td>10x10</td>
<td>10x10</td>
<td>10x10</td>
<td>10x10</td>
</tr>
<tr>
<td>Master Suite/Bath: Full, Yes</td>
<td>Common Amenities:</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Custom Built 4 bedroom, 2-1/2 bath, large eat-in kitchen, sunken living room, main floor laundry room, first floor office plus a 3-1/2 + car garage w/entry to basement. All cement drive, In house security system, Iron Filter, Ravers Osmotic Water, Beautiful master bedroom suite w/ walk in closet and whirlpool tub. Exposed lower level with 9 foot ceiling plumbed for full bath. Semi wrap around deck overlooking the spacious, beautiful backyard. Spectacular views as the property butts up to the State Conservancy. Outdoor shed and more. Set your showing up today. Immediate Occupancy...

Directions: *

*Information provided courtesy of: RE/MAX Spadler Center*
Non-Proximate Comparison Sales N7156 Lakeshore and W 5058 Clearwater

<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Bldg SF</th>
<th>Price/SF</th>
<th>% Sale/List</th>
<th>Distance</th>
<th>DOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>811178</td>
<td>813 Eagleton</td>
<td>May-06</td>
<td>$300,236</td>
<td>$300,236</td>
<td>1,994</td>
<td>$150.57</td>
<td>100%</td>
<td>N/A</td>
<td>90</td>
</tr>
<tr>
<td>811160</td>
<td>827 Eagleton</td>
<td>Apr-06</td>
<td>$352,467</td>
<td>$352,467</td>
<td>1,994</td>
<td>$176.76</td>
<td>100%</td>
<td>N/A</td>
<td>83</td>
</tr>
<tr>
<td>791913</td>
<td>817 Eagleton</td>
<td>Jul-06</td>
<td>$360,000</td>
<td>$360,000</td>
<td>2,260</td>
<td>$159.29</td>
<td>100%</td>
<td>N/A</td>
<td>596</td>
</tr>
<tr>
<td>811643</td>
<td>1065 National Ave</td>
<td>Apr-06</td>
<td>$379,900</td>
<td>$365,000</td>
<td>2,032</td>
<td>$169.68</td>
<td>99%</td>
<td>N/A</td>
<td>202</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Ideal as a vacation or retirement home this open & spacious 4 BD ranch overlooks Palmer #7 green and is near the Swim & Racquet Club. Features include volume ceilings throughout, large great rm w/P-P., glass doors open to paver brick patio, large kitchen w/snack bar & loads of counter space and an add'l family rm for recreational activities/home theatre.

Directions: Hwy 50 - 4 miles west of Lake Geneva to Sales Center at front entrance.

Accuracy of information is not guaranteed and should be verified by buyer if material. Equal Housing Opportunity listing. Copyright 2018 SCWMMLS
New construction Camlin II duplex townhome. Southern exposure with golf course view. The Camlin II model boasts a main floor master bedroom, full basement, 2 car garage, stainless appliances, granite counters, wood floors, large deck in a gated community. Resort style amenities, golf and social memberships.

Directions: Hwy 50 - 4 miles west of Lake Geneva at Geneva National Golf Club.

New construction Camlin I duplex townhome. Southern exposure with golf course view. The Camlin I model boasts a main floor master bedroom, full basement, 2 car garage, stainless appliances, granite counters, wood floors, large deck in a gated community. Resort style amenities, golf and social memberships.

Directions: Hwy 50 - 4 miles west of Lake Geneva to Geneva National Front entrance.

Camlin II model with main level master suite. Approx. 2200 sq.ft. with 1000 sq. ft. lower level ready to finish.

Directions: Hwy 50 West of Lake Geneva 4 miles to Geneva National Golf Club. Sales center at front entrance.
### Non-Proximate Comparison Sales

<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Bldg SF</th>
<th>Price/SF</th>
<th>% Sale/List</th>
<th>Distance</th>
<th>DOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1561493</td>
<td>505 Rolling Green Drive</td>
<td>Feb-18</td>
<td>$399,000</td>
<td>$390,000</td>
<td>2,448</td>
<td>$162.67</td>
<td>98%</td>
<td>N/A</td>
<td>5</td>
</tr>
<tr>
<td>1568224</td>
<td>1364 Royal Toon Ct</td>
<td>May-18</td>
<td>$374,000</td>
<td>$357,500</td>
<td>3,712</td>
<td>$96.31</td>
<td>96%</td>
<td>N/A</td>
<td>250</td>
</tr>
<tr>
<td>1543127</td>
<td>507 Campbell Street</td>
<td>Jun-18</td>
<td>$379,000</td>
<td>$360,000</td>
<td>2,359</td>
<td>$152.61</td>
<td>95%</td>
<td>N/A</td>
<td>207</td>
</tr>
</tbody>
</table>

**Average**

<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Bldg SF</th>
<th>Price/SF</th>
<th>% Sale/List</th>
<th>Distance</th>
<th>DOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1568224</td>
<td>416 Baker Street</td>
<td>Oct-18</td>
<td>$320,000</td>
<td>$300,000</td>
<td>2,579</td>
<td>$147.03</td>
<td>N/A</td>
<td>170</td>
<td></td>
</tr>
</tbody>
</table>

This residential condo is in the business district of popular downtown Lake Geneva. It has the potential to use as a short term rental or to use it for yourself, or both! Just 2 blocks from the lake, restaurants, coffee shops, festivals, the boat launch, and more, it's the perfect getaway. Surprisingly spacious with 3 bedrooms, 3 baths, and over 2,400 square feet, there is plenty of room for family and friends. Recently updated, it's adorable! Located in a building of two condos (the other is close to a mirror image), both are for sale. Be sure to see the drone video.

**Directions:**

*Information provided courtesy of: Silver Top Estates*

---

This residential condo is in the business district of popular downtown Lake Geneva. It has the potential to use as a short term rental or to use it for yourself, or both! Just 2 blocks from the lake, restaurants, coffee shops, festivals, the boat launch, and more, it's the perfect getaway. Surprisingly spacious with 3 bedrooms, 3 baths, and over 2,400 square feet, there is plenty of room for family and friends. Recently updated, it's adorable! Located in a building of two condos (the other is close to a mirror image), both are for sale. Be sure to see the drone video.

**Directions:**

*Information provided courtesy of: Silver Top Estates*
3 bedroom townhouse located just a block from the beautiful waters of Lake Geneva. End unit with additional windows provide seasonal lake views. Three levels of living space offers plenty of space for entertaining family and guests. Open concept floor-plan with vaulted ceilings and gas fireplace. Master suite with whirlpool tub and separate shower. 3 Full bathrooms and powder room. Large family room with walkout to outside. Spacious deck off dining room. Walk to town and enjoy the fun of coming to Lake Geneva including restaurants, shops, boat tours and much more.

Directions:

Accuracy of information is not guaranteed and should be verified by buyer if material. Equal Housing Opportunity listing. Copyright 2018 SCWMLS.
In April of 2015 a vacant 1.27-acre site (Unit 20) was sold for $86,500. This site is located approximately 500 feet from the Mann Sand and Gravel operations. The site had previously sold in September of 2011 for $81,000. Subsequent to the purchase the owners constructed a 2,555 square foot ranch style detached home on the property. The assessed value of the residence is $469,500, including the site ($79,400) and improvements ($390,100). Between the 2011 sale and the 2015 sale the site increased in value by $5,500, which represented an overall appreciation for the four-year period of 8%.
Conclusions Analysis No. 1

The three reviewed sales located in close proximity to Mann Sand and Gravel quarry were compared to sales of similar homes located in Lake Geneva and the Town of Fontana. The non-proximate homes were of similar age and condition. The sales were analyzed based upon their percentage of list price to sales price; days on market and sales price per square foot. Based upon this analysis I found no market evidence of either reduced sales prices or increased marketing time for the four reviewed proximate sales. The purchase and development of the vacant site (Unit 20) with a home assessed at $469,500 in close proximity to an existing concrete operation and quarry shows no evidence of a negative impact as a result of proximity.
Analysis No. 2: Residential Sales in Close Proximity to the Aggrecon and Kiel Sand and Gravel

The methodology is to locate proximate sales and compare the sales prices and marketing times to sales of similar properties not located near a mining operation. Due to the small number of residences located in the area proximate to the Aggrecon site it was difficult to locate proximate sales. Based upon a review of MLS records, we were able to locate four sales which had occurred within close proximity to both the Aggrecon site and the Kiel Sand and Gravel site (Zimmerman Pit). The sales details and their location proximate to the operating pits are summarized below.

### Proximate Sales Summary

<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Bldg SF</th>
<th>Price/SF</th>
<th>% Sale/List</th>
<th>Distance</th>
<th>DOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1448819</td>
<td>19826 State Rd 57</td>
<td>Oct-16</td>
<td>$175,000</td>
<td>$170,000</td>
<td>2,058</td>
<td>$82.60</td>
<td>97%</td>
<td>Adjacent</td>
<td>292</td>
</tr>
<tr>
<td>1337684</td>
<td>19940 State Rd 57</td>
<td>Dec-14</td>
<td>$157,900</td>
<td>$141,000</td>
<td>1,683</td>
<td>$83.78</td>
<td>89%</td>
<td>Adjacent</td>
<td>407</td>
</tr>
<tr>
<td>913838</td>
<td>16217 Little Elkhart Lake Road</td>
<td>Aug-07</td>
<td>$164,900</td>
<td>$155,000</td>
<td>1,008</td>
<td>$153.77</td>
<td>94%</td>
<td>570 feet</td>
<td>16</td>
</tr>
<tr>
<td>50133652</td>
<td>16226 Lax Chapel Road</td>
<td>Jun-16</td>
<td>$259,900</td>
<td>$254,900</td>
<td>1,990</td>
<td>$128.09</td>
<td>98%</td>
<td>230 Feet</td>
<td>179</td>
</tr>
</tbody>
</table>
Sales Details 16217 Little Elkhart Lake Road

Figure 1 16217 Little Elkhart Lake Road 570 feet from entry into Kiel Sand and Gravel
Figure 2 19940 STH 57 Adjacent Kiel Sand & Gravel

The property is located at 19940 STH 57 in Kiel, Wisconsin, with the following details:

- **Bedrooms**: 3
- **Bathrooms**: 2
- **Year Built**: 1989
- **Age**: 24
- **Total Finished Sq Ft**: 1,683
- **Full Bathrooms**: 2
- **Half Bathrooms**: 0
- **Total Finished Sq Ft**: 1,683
- **Property Type**: Single Family
- **Sale Price**: $157,900

The property is surrounded by greenery and is located near a pond. The property is fenced and has a garage and a driveway. The property is listed for sale by Jane M. Meyer.
Figure 3 19826 STH 57 Adjacent Kiel Sand and Gravel

<table>
<thead>
<tr>
<th>Figure 3 19826 STH 57 Adjacent Kiel Sand and Gravel</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Data Form:</strong> METRO Milwaukee MLS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Near Property on Northside of Hwy 57</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Living Rm:</strong> 14x14 M 14x12 M 14x12 M</td>
</tr>
<tr>
<td><strong>Great Rm:</strong> 2nd Rm 12x11 U 12x11 U 12x11 U</td>
</tr>
<tr>
<td><strong>Kitchen:</strong> M 15x13 U 15x13 U 15x13 U</td>
</tr>
<tr>
<td><strong>Dining Area:</strong> 5th Rm 10x10</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Floor Area:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Upper:</strong> 1 0 (U)</td>
</tr>
</tbody>
</table>

| **Lot Size:** 11.03 11.03 | **HDA Due/SY:** 0 |
| **Waterfront Area:** 11.03 | **Lot Size:** 11.03 11.03 |

| **Type:** 2 story, Farm | **Architect:** Bengalow |
| **Foundation:** Full, Block Foundation | **Interior:** Detached, Open, 4+ car |

| **Exterior:** | **Water Front:** On a Bay |

| **Basement:** | **Fuel:** Liquid propane |
| **Exterior:** | **Water Waste:** Private well, non-Municipal/Other pipes |

**Interiors:** Water softener Inc

- **Exterior:** Storage building

**Included:***

- 11 Acres of Beautiful Land!
- Make Us Offers! Check out this perfect country home near the 57:
- 16 Acres of woods for hiking and a yard perfect for gardens.
- Home has 4 bedrooms, 1 full bath and a large open floor plan. Large kitchen with large refrigerator, dishwasher, microwave, and overhead microwave.
- Fully insulated attic and built in closet.
- This home is ready to move right in.

Shed west of home can only be shown with owner and agent present. Not at first showing. Serious inquiries only. For visual protection/home age unverified. If not in present, it is a lease.

Amy Gutschow - 920-377-1949
40924-90
3030-928-0000
Fax: 602-208-0536
614 BROADWAY
SHERBORN FALLS, MA 53365

**Sized:** 1,700,000

**List Date:** 1/27/2016
**Electronic Consent:** No

**Expiry Date:** 1/27/2016
**Exclusive Agent:** No

**Subagent Agent:** 2.00%
**Listed with Agent:** No

**Buyer Agent:** 1.00%
**Closing Date:** 6/14/2016

**Payment:** Conventional
**Financing:** Conventional

**Closing Date:** 5/14/2016

**Concessions:** No

<table>
<thead>
<tr>
<th><strong>Concessions:</strong> No</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sold Price:</strong> 1,700,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Agent:</strong> Northern Exposure Real Estate</th>
<th><strong>Lot Size:</strong> 11.03 11.03</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sold Price:</strong> 1,700,000</td>
<td><strong>Owner:</strong> home age unverified</td>
</tr>
</tbody>
</table>

**Total Assessment:** $5,117 / 2014

**Total Taxes:** $5,117 / 2014

**Parcel #: 016155005020101**

**Land Assess:** 9

**Improvements:** $5,117 / 2014

**Net Taxes:** $5,117 / 2014

**Zoning:** A1 B CI

**Building:** Home age unverified

**Lot Size:** 11.03 11.03

| **Type:** 2 story, Farm | **Architect:** Bengalow |
| **Foundation:** | **Interior:** Detached, Open, 4+ car |

**Exterior:** Storage building

- **Basement:** | **Fuel:** Liquid propane |
| **Exterior:** | **Water Waste:** Private well, non-Municipal/Other pipes |

**Interiors:** Water softener Inc

- **Exterior:** Storage building

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Proximate Sale MLS 50133652 16226 Lax Chapel Road

<table>
<thead>
<tr>
<th>MLS: 50133652</th>
<th>Sold</th>
<th>Single Family</th>
<th>Price: $259,900</th>
</tr>
</thead>
<tbody>
<tr>
<td>16226 LAX CHAPEL RD</td>
<td>Town</td>
<td>Schleswig</td>
<td></td>
</tr>
<tr>
<td>County: Manitowoc</td>
<td>Mailing City: KIEL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>bedrooms: 3</th>
<th>Est. Fin Above Grade Sq.Ft: 1,990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Baths: 1</td>
<td>Est. Fin Below Grd Exp Sf: 0</td>
</tr>
<tr>
<td>Half Baths: 0</td>
<td>Est. Total Finished Sq.Ft: 1,990</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Est Age: 75+ YEARS</th>
<th>Year Built:</th>
<th>Builder</th>
</tr>
</thead>
<tbody>
<tr>
<td>From Kiel-south on Hwy 57 approx 4 miles to Lax Chapel Road go north 1/8 of a mile. 1st home on right.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Living Rm</th>
<th>M 23x15</th>
<th>Mstr Bed Rm</th>
<th>M 11x13</th>
<th>Laundry</th>
<th>M</th>
</tr>
</thead>
<tbody>
<tr>
<td>Great Rm</td>
<td>2nd Bed Rm</td>
<td>U 15x12</td>
<td>Bonus Room</td>
<td>M 27x30</td>
<td>Full Half (D) Kiel Area</td>
</tr>
<tr>
<td>Kitchen</td>
<td>3rd Bed Rm</td>
<td>U 12x12</td>
<td>Foyer/Vest</td>
<td>M 15x9</td>
<td>Upper: (E)</td>
</tr>
<tr>
<td>Dining Rm</td>
<td>4th Bed Rm</td>
<td>U 10x12</td>
<td>Mud Room</td>
<td>M 19x9</td>
<td>Main: x (M)</td>
</tr>
<tr>
<td>Dining Area</td>
<td>5th Bed Rm</td>
<td>U 10x19</td>
<td>Other</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Family Rm</th>
<th>Den/Office</th>
<th>Rec Rm</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Acres: 12,050</th>
<th>Assessor</th>
<th>Zoning: Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Assess: $</td>
<td>Assessor</td>
<td></td>
</tr>
<tr>
<td>Net Taxes: $</td>
<td>Assessor</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type: 2 Story</th>
<th>Fuel:</th>
<th>Liquid propane, Wood</th>
</tr>
</thead>
<tbody>
<tr>
<td>Architecture: National Folk/Farm</td>
<td>Heating/Cooling: Zoned Heating</td>
<td></td>
</tr>
<tr>
<td>Master Bedrm Bath: None</td>
<td>Water/Waste: Private Well, Non-Municipal/Septic dispo</td>
<td></td>
</tr>
<tr>
<td>Kitchen Features: Range/Oven, Refrigerator, Dishwasher</td>
<td>Waterfront: Has actual waterfront, 200-300 feet, On a river</td>
<td></td>
</tr>
<tr>
<td>Fireplace: Free Standing STOVE, None</td>
<td>Farm Features: Ben(s), Pole Building</td>
<td></td>
</tr>
<tr>
<td>Exterior: Vinyl, Aluminum/Steel</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Garage: 2 car, Attached</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Driveway: Concrete, Unpaved</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Description: Wooded</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Features: Skylight(s), Air cleaner</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Exterior Features: Deck, Storage building, Pool - above ground</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Included:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Excluded:</td>
</tr>
</tbody>
</table>

| Heating and Cooling = Hot Water, 12 ac farmland w/279′ riv frontage, hunting/fishing outside your back door! A 3BR home, huge kit, ing LA, owners met, 1st flr. today, 2nd flr. 2-car gar, what 33x27 rec rm, list goes on! Lucrative business opportunities: Amish made horse stalls, steelutra shed, outside wc Diller's 1.5 ac woods! True peace mins from bna/Famous Road Amish! Come look, you'll be glad you did & won't be disappointed! |

<table>
<thead>
<tr>
<th>Call listing agent to schedule all showings @ (920)203-9166. Sellers require 24 hr notice-Pets. Agent has pertinent docs related to property &amp; acreage, plat map</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot lines marked with painted posts-approximate.</td>
</tr>
</tbody>
</table>

Jim Hooyman • 920-203-9166
jimhooyman@gmail.com 94-72959

Berksire Hathaway HomeServices
920-203-9166 Fax: 920-439-1036
W4210 Moore Rd
HILBERT WI 54139

Sellers: Sally Swick • 920-322-8877
Sold Price: $254,900

<table>
<thead>
<tr>
<th>List Date: 12/1/2015</th>
<th>Electronic Contra:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expire Date: 8/31/2016</td>
<td>Exclusive Agency: No</td>
</tr>
<tr>
<td>Subagent Comm: 2.0%</td>
<td>Licensee Interest: No</td>
</tr>
<tr>
<td>Buyer Agent Comm: 2.0%</td>
<td>Limited Service: No</td>
</tr>
<tr>
<td>Days On Market: 176</td>
<td>Multiple Rep:</td>
</tr>
<tr>
<td>Pending Date: 5/27/2016</td>
<td>Named Exceptions: Yes</td>
</tr>
<tr>
<td>Closing Date: 6/30/2016</td>
<td>Policy Letter:</td>
</tr>
</tbody>
</table>

Financing: | Variable Comm: No |
Paired Sale No. 1 Aggrecon LTD

**Proximate Sale**

MLS 1337684 was a December 2014 sale of a 1,683 square foot two-story home constructed in 1989. The home is located at 19940 STH 57, adjacent to property owned by Kiel Sand and Gravel. The home was listed for $157,900 and sold for $141,000 after being on the market for 407 days. The sales price of $141,000 represented a price/SF of $83.78.

**Non-Proximate Sales**

MLS 1330351 was an October 2014 sale of a 1,696 square foot ranch home constructed in 1955. The home is located at 5245 Cedar Lane in the Town of Manitowoc Rapids. The home was described as a lovely ranch located on 2.2 acres. The property was listed for $189,000 and sold for $145,000 after being on the market for 374 days. The sales price of $145,000 represented a price/SF of $85.50.

MLS 1326772 was an April 2014 sale of an 1,855 square foot 1.5-story home constructed in 1996. The home is located at 5316 Niles in the Town of Eaton. The home was described as a fantastic log home located on a four-acre wooded site. The property was listed for $169,900 and sold for $145,000 after being on the market for 197 days. The sales price of $145,000 represented a price/SF of $78.17.

<table>
<thead>
<tr>
<th>Photo</th>
<th>Original MLS</th>
<th>Status</th>
<th>Class</th>
<th>Address</th>
<th>Municipality</th>
<th>Price</th>
<th>Beds</th>
<th>Full Bath</th>
<th>1/2 Bath</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1337684</td>
<td>Sold</td>
<td>Single Family</td>
<td>19940 State Rd 57</td>
<td>Kiel</td>
<td>$141,000</td>
<td>3</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>1326772</td>
<td>Sold</td>
<td>Single Family</td>
<td>5316 Niles</td>
<td>Eaton</td>
<td>$145,000</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>1330351</td>
<td>Sold</td>
<td>Single Family</td>
<td>5245 Cedar LN</td>
<td>Manitowoc Rapids</td>
<td>$145,000</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>
### Comparison Grid Paired Sale No. 1 Proximate Sale to Non-Proximate Sales

<table>
<thead>
<tr>
<th>MLS</th>
<th>Address</th>
<th>List Price</th>
<th>Sales Price</th>
<th>Sales date</th>
<th>% List/Sale</th>
<th>SF</th>
<th>Price/SF</th>
<th>Days on Mkt</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1337684</td>
<td>19940 State Road 57</td>
<td>$157,900</td>
<td>$141,000</td>
<td>Dec-14</td>
<td>89.30%</td>
<td>1,683</td>
<td>$83.78</td>
<td>407</td>
<td>Adjacent</td>
</tr>
<tr>
<td>1330351</td>
<td>5245 Cedar Lane</td>
<td>$189,000</td>
<td>$145,000</td>
<td>Oct-14</td>
<td>76.72%</td>
<td>1,696</td>
<td>$85.50</td>
<td>374</td>
<td>N/A</td>
</tr>
<tr>
<td>1326772</td>
<td>5316 Niles</td>
<td>$169,900</td>
<td>$145,000</td>
<td>Apr-14</td>
<td>85.34%</td>
<td>1,855</td>
<td>$78.17</td>
<td>197</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The sales price of the proximate sale was $141,000 and the property was on the market for 407 days. The sales price was consistent with both the average ($143,000), and median sales prices ($145,000) of the three reviewed non-proximate sales. The sales price per square foot of $83.78 was consistent with the reviewed non-proximate sales which ranged from $78.17/SF to $85.50/SF. The marketing time of 407 days was longer than both the average (278 days) and the median (232 days). It should be noted that this sale was immediately adjacent STH 57 which would also represent a negative locational proximity.
Paired Sale No. 2 Aggrecon LTD

Proximate Sale

MLS 913838 was an August 2007 sale of a 1,008 square foot single-story ranch home constructed in 1965, located at 16217 Little Elkhart Lake, an estimated 570 feet from the Aggrecon site. The home was listed for $164,900 and sold for $155,000 after being on the market for 16 days. The sales price of $155,000 represented a price/SF of $153.77.

Non-Proximate Sales

MLS 993029 was the April 2008 sale of a 1,460 square foot bi-level ranch home constructed in 1973, located at 6815 Oakwood Lane in the Town of Whitelaw. This home was described as SUPREME COUNTRY LIVING located on a four-acre wooded site. The home had three bedrooms with a finished family room in the lower level. The home was listed for $164,900 and sold for $159,900 after being on the market for 23 days. The sales price of $159,900 represented a sales price of $109.52/SF.

MLS 972703 was the December 2007 sale of a 1,488 square foot 1.5-story home constructed in 1955 located at 19203 Ucker Point Creek Road in the Town of Kiel. This home was described as a completely renovated three-bedroom two-bath home located on 1.4 acres. The home was listed for $162,500 and sold for $150,000 after being on the market for 37 days. The sales price of $150,000 represented a sales price of $100.81/SF.

MLS 914837 was the June 2007 sale of a 1,536 square foot single-story ranch home constructed in 1978 located at 7415 Scheffler Road in the Town of Newton. This home was described as a one-owner exposed-basement ranch located on a 2.58-acre wooded site. The lower level was finished with a family room and bedroom. The home was listed for $149,900 and sold for $152,000 after being on the market for 5 days. The sales price of $152,000 represented a sales price of $98.96/SF.
<table>
<thead>
<tr>
<th>Photo</th>
<th>Original MLS</th>
<th>Status</th>
<th>Class</th>
<th>Address</th>
<th>Municipality</th>
<th>Price</th>
<th>Beds</th>
<th>Full Bath</th>
<th>1/2 Bath</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.png" alt="Photo" /></td>
<td>972703</td>
<td>Sold</td>
<td>Single Family</td>
<td>19203 Ucker Point Creek</td>
<td>Kiel</td>
<td>$150,000</td>
<td>3</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td><img src="image2.png" alt="Photo" /></td>
<td>914337</td>
<td>Sold</td>
<td>Single Family</td>
<td>7415 Scheffler Rd</td>
<td>Newton</td>
<td>$152,000</td>
<td>3</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><img src="image3.png" alt="Photo" /></td>
<td>913838</td>
<td>Sold</td>
<td>Single Family</td>
<td>16217 Little Elkhart Lake Rd</td>
<td>Kiel</td>
<td>$155,000</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><img src="image4.png" alt="Photo" /></td>
<td>993029</td>
<td>Sold</td>
<td>Single Family</td>
<td>6815 Oakwood Ln</td>
<td>Whitelaw</td>
<td>$159,000</td>
<td>3</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

**Summary Statistics:**

- **Count:** 4
- **Days on Market:** 36, 4, 19, 18
- **List Price:** $164,900, $149,900, $160,590, $163,700
- **Sold Price:** $159,900, $150,000, $154,225, $153,500
- **Total Price:** $642,200, $616,900

**Properties:**

1. **972703:** Single Family, 19203 Ucker Point Creek, Kiel, $150,000, 3 beds, 2 full baths, 0 1/2 baths
2. **914337:** Single Family, 7415 Scheffler Rd, Newton, $152,000, 3 beds, 1 full bath, 1 1/2 baths
3. **913838:** Single Family, 16217 Little Elkhart Lake Rd, Kiel, $155,000, 3 beds, 0 full baths, 0 1/2 baths
4. **993029:** Single Family, 6815 Oakwood Ln, Whitelaw, $159,000, 3 beds, 0 full baths, 0 1/2 baths
### Comparison Grid Paired Sale No. 2 Proximate Sale to Non-Proximate Sales

<table>
<thead>
<tr>
<th>MLS</th>
<th>Address</th>
<th>List Price</th>
<th>Sales Price</th>
<th>Sales date</th>
<th>% List/Sale</th>
<th>SF</th>
<th>Price/SF</th>
<th>Days on Mkt</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>913838</td>
<td>16217 Little Elkhart Lake Rd</td>
<td>$164,900</td>
<td>$155,000</td>
<td>Aug-07</td>
<td>94.00%</td>
<td>1,008</td>
<td>$153.77</td>
<td>16</td>
<td>570 Feet</td>
</tr>
<tr>
<td>993029</td>
<td>6815 Oakwood Lane</td>
<td>$164,900</td>
<td>$159,000</td>
<td>Apr-08</td>
<td>96.97%</td>
<td>1,460</td>
<td>$109.52</td>
<td>37</td>
<td>N/A</td>
</tr>
<tr>
<td>972703</td>
<td>19203 Ucker Point Creek</td>
<td>$162,500</td>
<td>$150,000</td>
<td>Dec-14</td>
<td>92.31%</td>
<td>1,488</td>
<td>$100.81</td>
<td>37</td>
<td>N/A</td>
</tr>
<tr>
<td>914837</td>
<td>7415 Scheffler Road</td>
<td>$149,900</td>
<td>$152,000</td>
<td>Jun-07</td>
<td>101.40%</td>
<td>1,536</td>
<td>$98.96</td>
<td>5</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The sales price of the proximate sale was $155,000 and the property was on the market for 16 days. The sales price was consistent with both the average ($154,000), and median sales prices ($152,000) of the three reviewed non-proximate sales. The sales price per square foot of $153.77 was higher than the reviewed non-proximate sales which ranged from $98.96/SF to $109.52/SF. The marketing time of 16 days was longer than both the average (19 days) and median (18 days).

### Paired Sale No. 3 Aggrecon LTD

**Proximate Sale**

MLS 1448819 was an October 2016 sale of a 2,058 square foot two-story farmhouse which was constructed in 1910. The property is located at 19826 State Road 57. The home was on a lot totaling 11 acres and was adjacent to property owned by Kiel Sand and Gravel. The home was listed for $175,000 and sold for $170,000 after being on the market for 292 days. The sales price of $170,000 represented a price/SF of $82.60.

**Non-Proximate Sales**

MLS 1461263 was the September 2016 sale of a 1,975 square foot two-story farmhouse constructed in 1900. The property is located at 3701 Biebahn Street in the Town of Newton. This home was described as a beautifully renovated farmhouse on the edge of town. The home was listed for $174,900 and sold for $170,000 after being on the market for 179 days. The sales price of $170,000 represented a sales price of $86.08/SF.

MLS 1470246 was the June 2016 sale of a 2,048 square foot two-story home constructed in 1900. The property is located at 9629 Old 151 in the Town of Manitowoc Rapids. This home was described as a renovated National Folk farmhouse. The home was listed for $169,900 and sold for $171,000 after being on the market for 9 days. The sales price of $171,000 represented a sales price of $83.50/SF.
MLS 50163956 was the July 2017 sale of a 2,300 SF two-story farmhouse constructed in 1890. The property is located at 8933 Tannery Road in the Town of Rivers. This home was described as well-maintained with many updates completed in 2001. The home was listed for $195,000 and sold for $174,000 after being on the market for 56 days. The sales price of $174,000 represented a sales price of $75.65/SF.
Comparison Grid Paired Sale No. 3 Proximate Sale to Non-Proximate Sales

<table>
<thead>
<tr>
<th>MLS</th>
<th>Address</th>
<th>List Price</th>
<th>Sales Price</th>
<th>Sales date</th>
<th>% List/Sale</th>
<th>SF</th>
<th>Price/SF</th>
<th>Days on Mkt</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1448819</td>
<td>19826 State Road 57</td>
<td>$175,000</td>
<td>$170,000</td>
<td>Oct-16</td>
<td>97.14%</td>
<td>2,058</td>
<td>$82.60</td>
<td>292</td>
<td>Adjacent</td>
</tr>
<tr>
<td>1461283</td>
<td>3701 Viebahn Street</td>
<td>$174,900</td>
<td>$170,000</td>
<td>Sep-16</td>
<td>97.20%</td>
<td>1,975</td>
<td>$86.08</td>
<td>179</td>
<td>N/A</td>
</tr>
<tr>
<td>1470246</td>
<td>9626 Old 151</td>
<td>$169,900</td>
<td>$171,000</td>
<td>Jun-16</td>
<td>100.65%</td>
<td>2,048</td>
<td>$83.60</td>
<td>9</td>
<td>N/A</td>
</tr>
<tr>
<td>50163956</td>
<td>8933 Tannery Road</td>
<td>$185,000</td>
<td>$174,000</td>
<td>Jul-17</td>
<td>89.23%</td>
<td>2,300</td>
<td>$75.65</td>
<td>56</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The sales price of the proximate sale was $170,000 and the property was on the market for 292 days. The sales price was consistent with both the average and median sales prices of the three reviewed non-proximate sales. The sales price per square foot of $82.60 was consistent with the reviewed non-proximate sales which ranged from $75.65/SF to $86.08/SF. The marketing time of 291 days was longer than both the average (81 days) and median (56 days). It should be noted that this sale was immediately adjacent to STH 57 which would also represent a negative locational proximity.
Paired Sale No. 4 Aggrecon LTD

Proximate Sale

MLS 16226 was a June 2016 sale of a 1990 square foot two-story farmhouse which was constructed in 1900. The property is located at 16226 Lax Chapel Road. The home was on a lot totaling 12 acres and was across the road from the 68-acre Zimmerman Pit (sand and gravel) operated by Kiel Sand and Gravel. The home was listed for $259,900 and sold for $254,900 after being on the market for 179 days. The sales price of $254,900 represented a price/SF of $128.09.

Non-Proximate Sale

MLS 1518208 was the May 2017 sale of a 1,884 square foot two-story farmhouse constructed in 1893. The property is located at 9317 Reifs Mill Road in the Town of Kossuth. This home was described as recently updated and included a large barn and newer 4,500 square foot shop. The home was listed for $234,800 and sold for $220,000 after being on the market for 25 days. The sales price of $220,000 represented a sales price of $116.77/SF.

Comparison Grid Paired Sale No. 4 Proximate Sale to Non-Proximate Sale

<table>
<thead>
<tr>
<th>MLS</th>
<th>Address</th>
<th>List Price</th>
<th>Sales Price</th>
<th>Sales date</th>
<th>% List/Sale</th>
<th>SF</th>
<th>Price/SF</th>
<th>Days on Mkt</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>50133652</td>
<td>16226 Lax Chapel Road</td>
<td>$259,900</td>
<td>$254,900</td>
<td>Jun-16</td>
<td>98.08%</td>
<td>1,990</td>
<td>$128.09</td>
<td>179</td>
<td>Adjacent</td>
</tr>
<tr>
<td>15118208</td>
<td>9317 Reifs Mill Road</td>
<td>$234,800</td>
<td>$220,000</td>
<td>May-17</td>
<td>93.70%</td>
<td>1,684</td>
<td>$116.77</td>
<td>25</td>
<td>N/A</td>
</tr>
</tbody>
</table>

The sales price of the proximate sale was $254,900 and the property was on the market for 179 days. The sales price was consistent the reviewed non-proximate sales.
Conclusion Reviewed Sales in Close Proximity Aggrecon and Keil Sand and Gravel

The four reviewed sales located in close proximity to the existing Aggrecon and Keil Sand and Gravel pits were compared to sales of similar homes located more than four miles away. The non-proximate homes were of similar age and condition. The sales were analyzed based upon their percentage of list price to sales price; days on market and sales price per square foot. Based upon this analysis I found no market evidence of either reduced sales prices or increased marketing time for the four reviewed proximate sales.
The Rocky Rights (Cattell) Quarry is a sand and gravel quarry which operates in the Town of Cottage Grove, Dane County, Wisconsin. There is a batch plant located in the quarry. The Cattell Quarry has been operating since the 1960s. Five single-family residences were developed directly south of the Cattell property. All of the homes were constructed with the quarry in full operation. Three of the residences are accessed by a private roadway owned by Rocky Rights LLC. This private roadway is used by Rocky Rights to haul material to and from the quarry.

The three properties accessed by the private roadway are located at 2292 USH 12&18; 2272 USH 12&18; and 2252 USH 12&18.

The home at 2272 USH 12&18 is a 1,615 SF ranch home which was constructed in 2002 on a two-acre RH-1 zoned site. This home is assessed for $204,600.

The home at 2252 USH 12&18 is a 1,620 SF 1.5-story home on a 2.12-acre site which was constructed in 2003. This home is assessed for $172,800.

There are two additional homes located directly south of the Cattell quarry. These homes are accessed directly from USH 12&18.

The home at 2236 USH 12&18 is a 1,472 SF home located on a 3.043-acre RH-1 zoned site. This property located at 2236 Hwy 18 sold in June of 2017 for $243,900. This home is located 800 feet to the south of the location of the batch plant. This property was on the market for 147 days (consistent with a reasonable exposure time for a home in this price range), it was listed for $249,500, and the sales price of $243,900 represented 98% of list price which is consistent with the 5% to 10% price reductions experienced during negotiations. This sale was consistent with reviewed sales of comparable properties located in the Town of Cottage Grove.

All five of the existing residences were constructed with the quarry in operation. The sale of the home at 2236 USH 12&18 showed no evidence of any negative impact as a result of the proximity to the batch plant.
Sales analysis of 8 residential sales within 1.5 miles of the Rocky Rights Sand and Gravel Quarry USH 12/18 Madison Wisconsin

As part of my analysis for the Cattell quarry, I examined the sales of eight residential homes located within 1.5 miles of the quarry. Each sale was analyzed based upon its proximity to the quarry, percentage of sales price to list price, days on market (DOM), and percentage of sales price to assessed value. The analysis is summarized below.

<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Assessed</th>
<th>Bldg SF</th>
<th>Price/SF</th>
<th>%</th>
<th>%Sale/Assed</th>
<th>Dist mi</th>
<th>DOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1643916</td>
<td>3380 North Star Road</td>
<td>Jul-12</td>
<td>$224,900</td>
<td>$215,000</td>
<td>$247,200</td>
<td>2,500</td>
<td>$86.00</td>
<td>96%</td>
<td>87%</td>
<td>0.35</td>
<td>300</td>
</tr>
<tr>
<td>1790909</td>
<td>2236 USH 12</td>
<td>Jun-17</td>
<td>$249,500</td>
<td>$243,900</td>
<td>$208,400</td>
<td>1,248</td>
<td>$195.43</td>
<td>98%</td>
<td>117%</td>
<td>0.06</td>
<td>147</td>
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<tr>
<td>1781268</td>
<td>3290 North Star Road</td>
<td>Jul-16</td>
<td>$344,900</td>
<td>$338,100</td>
<td>$237,800</td>
<td>2,360</td>
<td>$143.26</td>
<td>98%</td>
<td>142%</td>
<td>0.35</td>
<td>42</td>
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<tr>
<td>1792058</td>
<td>3193 Kinney Road</td>
<td>Apr-17</td>
<td>$440,000</td>
<td>$430,000</td>
<td>$390,200</td>
<td>2,085</td>
<td>$206.24</td>
<td>98%</td>
<td>110%</td>
<td>0.59</td>
<td>23</td>
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<tr>
<td>1795330</td>
<td>3208 Kinney Road</td>
<td>Jun-17</td>
<td>$465,000</td>
<td>$447,500</td>
<td>$425,800</td>
<td>2,032</td>
<td>$220.23</td>
<td>96%</td>
<td>105%</td>
<td>0.56</td>
<td>31</td>
</tr>
<tr>
<td>1759067</td>
<td>3325 Field View Ln</td>
<td>Jul-16</td>
<td>$349,900</td>
<td>$336,000</td>
<td>$322,300</td>
<td>1,916</td>
<td>$175.37</td>
<td>96%</td>
<td>104%</td>
<td>1.25</td>
<td>202</td>
</tr>
<tr>
<td>1657553</td>
<td>3520 Natvig Rd</td>
<td>Sep-12</td>
<td>$238,000</td>
<td>$228,000</td>
<td>$243,000</td>
<td>1,892</td>
<td>$120.51</td>
<td>96%</td>
<td>94%</td>
<td>1.08</td>
<td>31</td>
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<tr>
<td>1639338</td>
<td>2337 Schadel</td>
<td>Mar-12</td>
<td>$325,000</td>
<td>$300,000</td>
<td>$292,300</td>
<td>2,143</td>
<td>$139.99</td>
<td>92%</td>
<td>103%</td>
<td>0.45</td>
<td>91</td>
</tr>
</tbody>
</table>

![Map of the area surrounding the quarry](image-url)
<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Assessed</th>
<th>Bldg SF</th>
<th>Price/ SF</th>
<th>% Sale/ List</th>
<th>% Sale/ Assed</th>
<th>Dist mi</th>
<th>DOM</th>
</tr>
</thead>
<tbody>
<tr>
<td>1643916</td>
<td>3380 North Star Road</td>
<td>Jul-12</td>
<td>$224,900</td>
<td>$215,000</td>
<td>$247,200</td>
<td>2,500</td>
<td>$86.00</td>
<td>96%</td>
<td>87%</td>
<td>0.35</td>
<td>300</td>
</tr>
<tr>
<td>MLS No.</td>
<td>Address</td>
<td>Sale Date</td>
<td>List Price</td>
<td>Sale Price</td>
<td>Assessed</td>
<td>Bldg SF</td>
<td>Price/ SF</td>
<td>% Sale/ Assessed</td>
<td>% Sale/A ssed</td>
<td>Dist mi</td>
<td>DOM</td>
</tr>
<tr>
<td>---------</td>
<td>--------------</td>
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<td>------------------</td>
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<td>--------</td>
<td>-----</td>
</tr>
<tr>
<td>1790909</td>
<td>2236 USH 12</td>
<td>Jun-17</td>
<td>$249,500</td>
<td>$243,900</td>
<td>$208,400</td>
<td>1,248</td>
<td>$195.43</td>
<td>98%</td>
<td>117%</td>
<td>0.06</td>
<td>147</td>
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### 3290 North Star Road, Cottage Grove, WI MLS 1781268

<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Assessed</th>
<th>Bldg SF</th>
<th>Price/SF</th>
<th>% Sale/List</th>
<th>% Sale/Assessed</th>
<th>Dist mi</th>
<th>DOM</th>
</tr>
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<tbody>
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<td>1781268</td>
<td>3290 North Star Road</td>
<td>Jul-16</td>
<td>$344,900</td>
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<td>2,360</td>
<td>$143.26</td>
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<td>142%</td>
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<tr>
<td>MLS No.</td>
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<td>List Price</td>
<td>Sale Price</td>
<td>Assessed</td>
<td>Bldg SF</td>
<td>Price/ SF</td>
<td>% Sale/ List</td>
<td>% Sale/ Assessed</td>
<td>Dist mi</td>
<td>DOM</td>
</tr>
<tr>
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<tr>
<td>1792058</td>
<td>3193 Kinney Road</td>
<td>Apr-17</td>
<td>$440,000</td>
<td>$430,000</td>
<td>$390,200</td>
<td>2,085</td>
<td>$206.24</td>
<td>98%</td>
<td>110%</td>
<td>0.59</td>
<td>23</td>
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</table>
### MLS No. 1795330: 3208 Kinney Road, Cottage Grove, WI

<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Assessed</th>
<th>Bldg SF</th>
<th>Price/ SF</th>
<th>% Sale/ List</th>
<th>%Sale/A ssed</th>
<th>Dist mi</th>
<th>DOM</th>
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</thead>
<tbody>
<tr>
<td>1795330</td>
<td>3208 Kinney Road</td>
<td>Jun-17</td>
<td>$465,000</td>
<td>$447,500</td>
<td>$425,800</td>
<td>2,032</td>
<td>$220.23</td>
<td>96%</td>
<td>105%</td>
<td>0.56</td>
<td>31</td>
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## Property Details

<table>
<thead>
<tr>
<th>MLS No.</th>
<th>Address</th>
<th>Sale Date</th>
<th>List Price</th>
<th>Sale Price</th>
<th>Assessed</th>
<th>Bldg SF</th>
<th>Price/ SF</th>
<th>% Sale/ List</th>
<th>% Sale/ Assessed</th>
<th>Dist</th>
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<tr>
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<td>Jul-16</td>
<td>$349,900</td>
<td>$336,000</td>
<td>$322,300</td>
<td>1,916</td>
<td>$175.37</td>
<td>96%</td>
<td>104%</td>
<td>1.25</td>
<td>202</td>
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<tr>
<td>MLS No.</td>
<td>Address</td>
<td>Sale Date</td>
<td>List Price</td>
<td>Sale Price</td>
<td>Assessed</td>
<td>Bldg SF</td>
<td>Price/SF</td>
<td>% Sale/List</td>
<td>% Sale/Assessed</td>
<td>Dist mi</td>
<td>DOM</td>
</tr>
<tr>
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</tr>
<tr>
<td>1657553</td>
<td>3520 Natvig Rd</td>
<td>Sep-12</td>
<td>$238,000</td>
<td>$228,000</td>
<td>$243,000</td>
<td>1,892</td>
<td>$120.51</td>
<td>96%</td>
<td>94%</td>
<td>1.08</td>
<td>31</td>
</tr>
<tr>
<td>MLS No.</td>
<td>Address</td>
<td>Sale Date</td>
<td>List Price</td>
<td>Sale Price</td>
<td>Assessed</td>
<td>Bldg SF</td>
<td>Price/ SF</td>
<td>% Sale/ Listed</td>
<td>% Sale/ Assessed</td>
<td>Dist mi</td>
<td>DOM</td>
</tr>
<tr>
<td>----------</td>
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</tr>
<tr>
<td>1639338</td>
<td>2337 Schadel</td>
<td>Mar-12</td>
<td>$325,000</td>
<td>$300,000</td>
<td>$292,300</td>
<td>2,143</td>
<td>$139.99</td>
<td>92%</td>
<td>103%</td>
<td>0.45</td>
<td>91</td>
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</tbody>
</table>
Conclusion of Sales Analysis Cattell Quarry

The review of the eight reviewed sales within 1.5 miles of the Cattell Quarry show no indication of negative market impact as a result of the proximity to the quarry and batch plant. The sales price per square foot; average days on market; and the percentage of list price to sales price were consistent with sales of other reviewed homes in the Town of Cottage Grove as of the date of sale. There is no indication that the proximity to the mineral extraction site or the batch plant adversely impacted the sales price or marketing time of the reviewed sales.
According to the WDNR there are a total of 92 active sand facilities (mines, processing, rail loading) located in the State of Wisconsin. There are nine active facilities located in Wood County. Completion Industrial Minerals LLC was an active processing/rail facility located at 3015 South Mallard Avenue, Marshfield WI. Completion Industrial Minerals formerly operated on a 46.15-acre site which is zoned G-3 manufacturing by the City of Marshfield. Located on the site is a sand processing plant which is assessed for $3,281,200. State of Wisconsin corporate records indicates that the LLC was organized in 2008.

Located ½ mile to the east of this facility on the south side of Yellowstone Drive is the Draxler Estates Subdivision. This subdivision - which has had four additions - consists of ½ acre lots which are improved with homes ranging between $225,000 and $250,000. We reviewed sales of homes located on W. 11th Street (proximate sales), which is the western boundary of the subdivisions closest in proximity to the Completion processing site. The dates of the reviewed sales were between 2014 and 2018. The sales were analyzed based upon the sales price per SF. All of the W. 11th Street sales are located between .56 and .60 miles from the Completion site. I examined the sales price/SF as well as the days on market. I compared the W. 11th street proximate sales with similar properties located in other competing areas not in proximity to the Completion site (non-proximate sales) to determine whether there was evidence of any adverse impact on sales price/SF or days on market.
### Proximate Sales Summary

<table>
<thead>
<tr>
<th>MLS</th>
<th>Address</th>
<th>List Price</th>
<th>Sales Price</th>
<th>Sales date</th>
<th>% List/Sale</th>
<th>SF</th>
<th>Price/SF</th>
<th>Days on Mkt</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1707331</td>
<td>10808 W 11th</td>
<td>$259,900</td>
<td>$256,000</td>
<td>May-18</td>
<td>98.50%</td>
<td>1,592</td>
<td>$160.80</td>
<td>102</td>
<td>.60 Miles</td>
</tr>
<tr>
<td>1504434</td>
<td>10833 W 11th</td>
<td>$262,900</td>
<td>$253,000</td>
<td>Sep-15</td>
<td>96.23%</td>
<td>1,649</td>
<td>$153.43</td>
<td>33</td>
<td>.56 Miles</td>
</tr>
<tr>
<td>1403604</td>
<td>10846 W 11th</td>
<td>$210,000</td>
<td>$210,000</td>
<td>Jun-14</td>
<td>100.00%</td>
<td>1,980</td>
<td>$106.06</td>
<td>1</td>
<td>.58 Miles</td>
</tr>
<tr>
<td>1307358</td>
<td>10826 W 11th</td>
<td>$225,000</td>
<td>$219,000</td>
<td>Mar-14</td>
<td>97.33%</td>
<td>1,750</td>
<td>$125.14</td>
<td>68</td>
<td>.58 Miles</td>
</tr>
<tr>
<td>Average</td>
<td></td>
<td>$239,450</td>
<td>$234,500</td>
<td></td>
<td>98%</td>
<td>1,743</td>
<td>$136.36</td>
<td>51</td>
<td></td>
</tr>
</tbody>
</table>

Image 1: Proximate Sale Location Map
Non-Proximate Sales Summary

<table>
<thead>
<tr>
<th>MLS</th>
<th>Address</th>
<th>List Price</th>
<th>Sales Price</th>
<th>Sales date</th>
<th>% List/Sale</th>
<th>SF</th>
<th>Price/SF</th>
<th>Days on Mkt</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>180295</td>
<td>M132 CTH C</td>
<td>$247,500</td>
<td>$210,500</td>
<td>Mar-18</td>
<td>97.91%</td>
<td>1,712</td>
<td>$144.57</td>
<td>N/A</td>
<td>8.5 Miles</td>
</tr>
<tr>
<td>1806289</td>
<td>N2841 Oriole Drive Medford</td>
<td>$269,900</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>1,860</td>
<td>$145.11</td>
<td>N/A</td>
<td>35 Miles</td>
</tr>
<tr>
<td>1800271</td>
<td>1900 W Spencer Street</td>
<td>$215,000</td>
<td>$210,500</td>
<td>Mar-18</td>
<td>97.91%</td>
<td>1,624</td>
<td>$129.62</td>
<td>34</td>
<td>4.9 Miles</td>
</tr>
<tr>
<td>1704078</td>
<td>1612 W Arlington</td>
<td>$239,900</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>1,700</td>
<td>$141.12</td>
<td>68</td>
<td>3.4 Miles</td>
</tr>
<tr>
<td>1704726</td>
<td>1116 W Briarwood Street</td>
<td>$204,900</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>1,700</td>
<td>$141.12</td>
<td>68</td>
<td>3.7 Miles</td>
</tr>
<tr>
<td>1406570</td>
<td>513 W 11th Street</td>
<td>$159,900</td>
<td>$165,000</td>
<td>Apr-15</td>
<td>96.94%</td>
<td>1,680</td>
<td>$92.26</td>
<td>103</td>
<td>3 Miles</td>
</tr>
<tr>
<td>1403348</td>
<td>501 W 11th Street</td>
<td>$189,900</td>
<td>$165,000</td>
<td>Aug-14</td>
<td>86.89%</td>
<td>1,692</td>
<td>$97.52</td>
<td>35</td>
<td>3 Miles</td>
</tr>
<tr>
<td>1506739</td>
<td>605 W 11th Street</td>
<td>$217,500</td>
<td>$212,500</td>
<td>Feb-18</td>
<td>97.70%</td>
<td>1,680</td>
<td>$126.49</td>
<td>92</td>
<td>3 Miles</td>
</tr>
<tr>
<td>1600799</td>
<td>10849 W 3rd Street</td>
<td>$214,900</td>
<td>$205,000</td>
<td>Apr-16</td>
<td>95.39%</td>
<td>1,920</td>
<td>$106.77</td>
<td>13</td>
<td>1.5 Miles</td>
</tr>
</tbody>
</table>

Average $212,500 97% 1,730 $124.95 50 N/A
### Comparison Proximate and Non Proximate Sales

<table>
<thead>
<tr>
<th>MLS</th>
<th>Address</th>
<th>List Price</th>
<th>Sales Price</th>
<th>Sales date</th>
<th>% List/Sale</th>
<th>SF</th>
<th>Price/SF</th>
<th>Days on Mkt</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1707331</td>
<td>10808 W 11th</td>
<td>$259,900</td>
<td>$256,000</td>
<td>May-18</td>
<td>98.50%</td>
<td>1,592</td>
<td>$160.80</td>
<td>102</td>
<td>.60 Miles</td>
</tr>
<tr>
<td>1504434</td>
<td>10833 W. 11th</td>
<td>$262,900</td>
<td>$253,000</td>
<td>Sep-15</td>
<td>96.23%</td>
<td>1,649</td>
<td>$153.43</td>
<td>33</td>
<td>.56 Miles</td>
</tr>
<tr>
<td>1403804</td>
<td>10848 W 11th</td>
<td>$210,000</td>
<td>$210,000</td>
<td>Jun-14</td>
<td>100.00%</td>
<td>1,980</td>
<td>$106.06</td>
<td>1</td>
<td>.58 Miles</td>
</tr>
<tr>
<td>1307358</td>
<td>10826 W 11th</td>
<td>$225,000</td>
<td>$219,000</td>
<td>Mar-14</td>
<td>97.33%</td>
<td>1,750</td>
<td>$125.14</td>
<td>68</td>
<td>.58 Miles</td>
</tr>
</tbody>
</table>

**Proximate Sales Averages**
- Average List Price: $239,450
- Average Sales Price: $234,500
- Average Days on Market: 1,743
- Average Price/SF: $136.36
- Average Distance: 51

<table>
<thead>
<tr>
<th>MLS</th>
<th>Address</th>
<th>List Price</th>
<th>Sales Price</th>
<th>Sales date</th>
<th>% List/Sale</th>
<th>SF</th>
<th>Price/SF</th>
<th>Days on Mkt</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>180295</td>
<td>M132 CTH C</td>
<td>$247,500</td>
<td>Active</td>
<td>N/A</td>
<td>N/A</td>
<td>1,712</td>
<td>$144.57</td>
<td>N/A</td>
<td>8.5 Miles</td>
</tr>
<tr>
<td>1806269</td>
<td>N2841 Oriole Drive Medford</td>
<td>$269,900</td>
<td>Active</td>
<td>N/A</td>
<td>N/A</td>
<td>1,860</td>
<td>$145.11</td>
<td>N/A</td>
<td>35 Miles</td>
</tr>
<tr>
<td>180271</td>
<td>1900 W Spencer Street</td>
<td>$215,000</td>
<td>$210,500</td>
<td>Mar-18</td>
<td>97.91%</td>
<td>1,624</td>
<td>$120.62</td>
<td>34</td>
<td>4.9 Miles</td>
</tr>
<tr>
<td>1704726</td>
<td>1612 W Arlington</td>
<td>$239,900</td>
<td>$239,900</td>
<td>Jul-17</td>
<td>100.00%</td>
<td>1,700</td>
<td>$141.12</td>
<td>68</td>
<td>3.4 Miles</td>
</tr>
<tr>
<td>1406570</td>
<td>513 W 11th Street</td>
<td>$159,900</td>
<td>$155,000</td>
<td>Apr-15</td>
<td>96.94%</td>
<td>1,680</td>
<td>$92.26</td>
<td>103</td>
<td>3 Miles</td>
</tr>
<tr>
<td>1403348</td>
<td>501 W 11th Street</td>
<td>$189,900</td>
<td>$165,000</td>
<td>Aug-14</td>
<td>86.89%</td>
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<td>$97.52</td>
<td>35</td>
<td>3 Miles</td>
</tr>
<tr>
<td>1508739</td>
<td>605 W 11th Street</td>
<td>$217,500</td>
<td>$212,500</td>
<td>Feb-16</td>
<td>97.70%</td>
<td>1,680</td>
<td>$126.49</td>
<td>92</td>
<td>3 Miles</td>
</tr>
<tr>
<td>1600799</td>
<td>10849 W 3rd Street</td>
<td>$214,900</td>
<td>$205,000</td>
<td>Apr-16</td>
<td>95.39%</td>
<td>1,920</td>
<td>$106.77</td>
<td>13</td>
<td>1.5 Miles</td>
</tr>
</tbody>
</table>

**Non-Proximate Sales Averages**
- Average List Price: $212,500
- Average Sales Price: $212,500
- Average Days on Market: 1,730
- Average Price/SF: $124.95
- Average Distance: N/A
Paired Sales Analysis Completion Industrial Minerals

The Dictionary of Real Estate Appraisal (Appraisal Institute) defines a paired sales analysis as a quantitative technique used to identify and measure adjustments to the sale prices of comparable properties. To apply this technique, sales are analyzed to isolate a single characteristic's effect on value.

Paired Sale No. 1 Completion Industrial Minerals

Proximate Sale
MLS 1707331 was a May 2018 sale of a 1,592 square foot 2006 custom-built home by Bob Breu in the Village of Hewitt. The property is located at 10808 W 11th Street, an estimated .60 miles from the Completion processing site. The home was listed for $259,900 and sold for $256,000 after being on the market for 102 days. The sales price of $256,000 represented a price/SF of $160.80.

Non-Proximate Sales
MLS 1802925 (non-proximate site located 8.5 miles north from Completion site) is an active listing of a Bob Breu 1,712 square foot custom home constructed in 2005, located at M132 CTH C in the town of McMillan on a two-acre site. The home is listed for $247,500 which represents an asking price of $144.57/SF.

MLS 1806269 (non-proximate site located 35 miles north from Completion site) is an active listing of an 1,860 SF updated ranch home in the Town of Medford. This home is described as follows: “A lovely updated ranch-style home set on 2.39 acres in Medford. The three-bed, two-bath floor plan features split bedrooms with a master suite on one side and the other two bedrooms on the other. Spacious open-concept living can be found in the middle. Lower level is finished with large family area and two bonus rooms to be used to your liking. Outside you will find a spacious garden shed with concrete floors and the attached three-stall garage will be sure to please. This one is a must see. Stratford Home built in 1999.”
<table>
<thead>
<tr>
<th>MLS</th>
<th>Address</th>
<th>List Price</th>
<th>Sales Price</th>
<th>Sales date</th>
<th>% List/Sale</th>
<th>SF</th>
<th>Price/SF</th>
<th>Days on Mkt</th>
<th>Distance</th>
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</thead>
<tbody>
<tr>
<td>1707331</td>
<td>10808 W 11th</td>
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<td>May-18</td>
<td>98.50%</td>
<td>1,592</td>
<td>$160.80</td>
<td>102</td>
<td>.60 Miles</td>
</tr>
<tr>
<td>1802925</td>
<td>M132 CTH C</td>
<td>$247,500</td>
<td>N/A</td>
<td>N/A</td>
<td>1,712</td>
<td>$144.57</td>
<td>N/A</td>
<td>8.5 Miles</td>
<td></td>
</tr>
<tr>
<td>1806269</td>
<td>N2841 Oriole Drive Medford</td>
<td>$269,900</td>
<td>N/A</td>
<td>N/A</td>
<td>1,860</td>
<td>$145.11</td>
<td>N/A</td>
<td>35 Miles</td>
<td></td>
</tr>
</tbody>
</table>

The sales price of the proximate sale MLS 1707331 was $256,000, representing $160.80/SF which is higher than both of the asking prices/SF of the active listings. MLS 1802925 is a home of similar age and construction (both Bob Breu Custom Homes).
Paired Sale No. 2 Completion Industrial Minerals

In Paired Sale No. 2, MLS No. 1504434, located at 10833 W 11th Street (proximate sale .60 miles from Completion) is compared to MLS 1802925 located at M132 County Road C (active listing non-proximate 8.5 miles from Completion site), and MLS 1800271 (non-proximate sale located in the City of Marshfield, 4.9 miles from Completion site).

MLS 1802925 (Non-Proximate Site located 8.5 miles North from Completion site) is an active listing of a Bob Breu 1,712 SF custom home constructed in 2005, located at M132 CTH C in the town of McMillan on a two-acre site. The home is listed for $247,500 which represents an asking price of $144.57/SF.

MLS 1800271 (Non-Proximate Site located 4.9 miles from Completion site) is a March 2018 sale of a 1,624 SF ranch home constructed in 2009 located in the City of Marshfield. This home is described as an Open Concept Home with a backdrop of trees for privacy & a country feel, with a split bedroom plan to give inner privacy. The master bedroom has a walk-in closet and the master bath has heated floors, two custom sinks, heat lamp, tiled shower and jetted tub.

<table>
<thead>
<tr>
<th>Photo</th>
<th>Original MLS Status</th>
<th>Class</th>
<th>Address</th>
<th>Municipality</th>
<th>Price</th>
<th>Beds</th>
<th>Full</th>
<th>1/2 Bath</th>
<th>Originating MLS</th>
</tr>
</thead>
<tbody>
<tr>
<td><img src="image1.jpg" alt="1504434" /></td>
<td>Sold Single Family</td>
<td>10833 W 11TH STREET Hewitt</td>
<td>$253,000</td>
<td>5</td>
<td>3</td>
<td>1</td>
<td>Central WI MLS</td>
<td></td>
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<tr>
<td><img src="image2.jpg" alt="1802925" /></td>
<td>Active Single Family</td>
<td>M132 COUNTY ROAD C McMillan</td>
<td>$247,500</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>Central WI MLS</td>
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<tr>
<td><img src="image3.jpg" alt="1800271" /></td>
<td>Sold Single Family</td>
<td>1900 W SPENCER STREET Marshfield</td>
<td>$210,500</td>
<td>3</td>
<td>2</td>
<td>0</td>
<td>Central WI MLS</td>
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</tr>
</tbody>
</table>

Accuracy of information is not guaranteed and should be verified by buyer if material. Equal Housing Opportunity listing. Copyright 2018 SCWMLS.
The sales price of the proximate sale (MLS 1504434) was $253,000, representing $153.43/SF which is higher than both the asking price of $144.57/SF for MLS 1802925 and the sale price of $132.39/SF of MLS 1800271. According to the Erickcek report, a home located .60 miles away should sell for 20-25% less than the non-proximate homes.

Conclusions Sales Proximate to Completion Industrial Minerals LLC

I have also reviewed four sales of homes located approximately ¼ mile from the former Completion Industrial Minerals LLC, a processing/rail facility located at 3015 South Mallard Avenue, Marshfield, WI. There is no indication that the ¼ mile proximity to the mineral extraction site or the frac sand processing plant adversely impacted the sales price or marketing time of the reviewed sales.

I completed two paired sales analysis for proximate sales of residences located .58 miles from the Completion Minerals processing site. Neither of these analyses gave any indication that this proximity negatively impacted either the marketing time or sales price.

I find no market evidence to support loss in value for residential properties for neighboring properties near the Completion Industrial Minerals LLC Site.
Conclusions

In order to assess impact of the proposed mining operation, I have completed the following four analyses:

1. Analysis No. 1: Reviewed three residential sales of homes located in the Lauderdale Lakes Estates subdivision. Lauderdale Lake Estates is an upscale residential subdivision which was developed adjacent the Unilock Plant and Mann Sand & Gravel in Elkhorn Wisconsin. The most recent addition abuts the Mann Sand and Gravel LLC operations. Homes sell for between $350,000 and $450,000.

2. Analysis No. 2: Reviewed four sales of single-family homes located near existing Aggrecon and Kiel Sand and Gravel operations. This review included a paired sales analysis comparing each of the four proximate sales to other similar home sales not proximate to the mining operations.

3. Analysis No. 3: Reviewed recent home construction and reviewed eight residential sales which occurred between July of 2012 and June of 2017, located within 1.5 miles of the sand and gravel quarry owned by Rocky Rights LLC, located at 2294 USH 12&18.

4. Analysis No. 4: A review of MLS listings and sales along with a paired sales analysis of residential sales in proximity to the processing plant and the frac sand mining operation of Completion Industrial Minerals, 3015 South Mallard Avenue, Marshfield, WI.

The four reviewed sales located in close proximity to the existing Aggrecon and Kiel Sand and Gravel pits were compared to sales of similar homes located more than four miles away. The non-proximate homes were of similar age and condition. The sales were analyzed based upon their percentage of list price to sales price; days on market and sales price per square foot. Based upon this analysis, I found no market evidence of either reduced sales prices or increased marketing time for the three reviewed proximate sales.

The residential development adjacent the Cattell Quarry involved the review of residential construction located adjacent the southern boundary of an existing sand and gravel mining extraction site with a batch plant. All five of the existing residences were constructed with the quarry in operation. The recent sale of the home at 2236 USH 12&18 located 300 feet from the batch plant showed no evidence of any negative impact as a result of the proximity to the batch plant.

The review of the eight reviewed sales within 1.5 miles of the Cattell Quarry showed no indication of negative market impact as a result of the proximity to the quarry and batch plant. The sales price per square foot; average days on market; and the percentage of list price to sales price were consistent with sales of other reviewed homes in the Town of Cottage Grove as of the date of sale. There is no indication that the proximity to the mineral extraction site or the batch plant adversely impacted the sales price or marketing time of the reviewed sales.

I have also reviewed four sales of homes located approximately ½ mile from the former Completion Industrial Minerals LLC site, a processing/rail facility located at 3015 South Mallard Avenue, Marshfield WI. There is no indication that the ½ mile proximity to the mineral extraction site or the frac sand processing plant adversely impacted the sales price or marketing time of the reviewed sales.

I completed two paired sales analyses for proximate sales of residences located .58 miles from the Completion Minerals processing site. Neither of these analyses gave any indication that this proximity negatively impacted either the marketing time or sales price.
George A. Erickcek: An Assessment of the Economic Impact of the Proposed Stoneco Gravel Mine Operation on Richland Township

The most widely cited information claiming that nonmetallic mining operations have a consistent negative effect on property values is based on an August 2006 report entitled An Assessment of the Economic Impact of the Proposed Stoneco Gravel Mine on Richland Township prepared by George A. Erickcek, Senior Regional Analyst for W.E. Upjohn Institute for Employment Research. This report, which was completed at the request of the Richland Township Planning Commission, provides an estimation of the economic impact of the proposed Stoneco Gravel Mine Operation on Richland Township. This report was based upon an unpublished non-peer-reviewed pricing model by Diane Hite, an associate professor at Auburn University. Erickcek concluded that gravel mines create a one-time immediate loss of property value from that point forward, essentially lowering the value all at once. The price reductions were based upon a percentage loss in value based upon a property’s distance from the mining operation. This was reflected on page 5 of the report which is detailed as follows:

Figure 1 displays the estimated effects of distance from the gravel pit on house price. A residential property located a half mile from the gravel mine would experience an estimated 20 percent reduction in value, one mile from the mine, a 14.5 percent reduction, 2 miles from the mine, an 8.9 percent reduction; and 3 miles from the mine, a 4.9 percent reduction. These estimates are similar to estimates published in academic journals on the effects of landfills on nearby property values.
The four separate sales analyses detailed in this report indicate that the market activity does not support these conclusions. The comparison of proximate vs. non-proximate sales shows no indication of either reduced sales prices or protracted marketing times of properties located in close proximity to the reviewed quarry operations.

It has been my observation that new subdivisions are frequently located within close proximity to active mining operations. This is evidenced:

1. In the development of the Lauderdale Lake Estates adjacent the Unilock Plant and Mann Sand & Gravel in Elkhorn Wisconsin.
2. In the instance of the Aggrecon LTD sand and gravel pit, the Rockville Subdivision was developed in early 2000 and consists of ¼ acre to ½ acre lots with homes ranging from $200,000 to $300,000. This subdivision is located approximately one mile northwest of the Aggrecon and Kiel Sand and Gravel pits. The homes in Rockville are regularly sold, and based upon a review of these sales there is no apparent impact on either the sales prices or marketing times. The Rockville Subdivision is located approximately one mile from the Aggrecon and Kiel Sand and Gravel operations.
3. The Stoneco study would suggest that at that distance there would be a 15%-25% negative impact on home values, which is not evident based upon the market activity.

A review of the permit application indicates that there will be a 200-foot buffer between adjacent property lines and the mining operation.

Based upon my review I find no market supported evidence to support a decrease in market value for the homes in the immediate area of the proposed mining operations.
Certification

I certify that, to the best of my knowledge and belief:

- The facts and data reported by the reviewer and used in the review process are true and correct.
- The analyses, opinions, and conclusions in this review report are limited only by the assumptions and limiting conditions stated in this review report and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of the work under review and no personal interest with respect to the parties involved.
- I have no bias with respect to the property that is the subject of the work under review or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My engagement in this assignment did NOT include my forming an opinion of value for the subject property.
- My compensation is not contingent on an action or event resulting from the analyses, opinions, or conclusions in this review or from its use.
- My analyses, opinions, and conclusions were developed and this review report was prepared in conformity with the Uniform Standards of Professional Appraisal Practice.
- On June 11th, 2019 I made a personal inspection of the subject property of the work under review.
- No one provided significant appraisal, appraisal review, or appraisal consulting assistance to the person signing this certification.

Scott L. MacWilliams  
CGA No 91 State of Wisconsin  
November 6, 2019
Scott L. Mac Williams
President and Appraiser, CGA #91

Education
University of Wisconsin, Whitewater: Graduated 1972 BBA
Completed Coursework:
  SREA Courses 101, 201 and Narrative Report Writing Seminar
International Right of Way Association Courses Completed:
Appraisal of Partial Acquisitions
Easement Valuation
Relocation Assistance
Ethics and the Right of Way Profession
Communications

Credentials
Certified Instructor for Appraisal Courses:
  International Right of Way Association — All appraisal courses
  Madison Area Technical College — All appraisal courses
ACB Certified USPAP Instructor (10635) for Appraisal Foundation, Washington, D.C.
Wisconsin Certified General Appraiser No. 91 — State of Wisconsin Dept. Regulation and Licensing
Certified Commercial Real Estate Appraiser — CCRA National Association of Real Estate Appraisers
General Accredited Appraiser — National Association of Realtors

Affiliations
International Right of Way Association; past President
Community Development Association for Oregon, WI; Chairman

Clients Served
Wisconsin Department of Transportation
Wisconsin Department of Transportation — Bureau of Railroads and Harbors
Wisconsin Department of Aeronautics
Dane County Purchasing
USDA Farm Home Administration
City of Madison
Valley Bank
Bank One
M&I Bank
Guardian Pipeline

Specific references available upon request

Experience
S. L. MacWilliams Co. — President; 1991 — Present
D.L. Evans Company, Inc. — Vice President, Appraisal Division, Staff Appraiser; 1983 - 1991
Thirty-one years of real estate appraisal experience
Specific experience with commercial narrative reports on various types of properties, including: Motels, Retail Shopping Centers, Office Buildings, Service Stations, Restaurants, and special purpose appraisal assignments such as Landfills, Grain Storage Facilities and enclosed Parking Lots.
Environmental concerns raised pertaining to noise, dust/air quality, surface water, and groundwater are addressed below. Mining is the most highly regulated industrial business in the United States. Mining is regulated at the federal, State and local level on environmental, health and safety performance. Environmental performance is tightly controlled through permit-required regulations, self-implementing regulations, and industry-standard Best Management Practices (BMPs). Permits are required as a result of various federal and State programs, including:

- Federal Clean Water Act, administered by the Wisconsin Department of Natural Resources (WDNR), the Wisconsin Pollutant Discharge Elimination System (WPDES) Permit, and other related laws and programs;
- Federal Clean Air Act; administered by the WDNR Air Permit;
- Wisconsin Department of Agriculture Trade and Consumer Protection Vehicle Scale Operator License;
- WDNR High-Capacity Well Permit; and
- Wisconsin Mining Reclamation Permit, administered by the local unit of government that issues the Conditional Use Permit to mine.

In addition to the permits, mines must adhere to several self-implementing regulations such as storm water, spill prevention, Toxic Substances Control Act (TSCA), waste management, etc. Additionally, the Applicant, like all companies that operate in Wisconsin, are obligated to comply with the Wisconsin Spill Law.

Public comments often request that an Environmental Impact Study (EIS) be completed. Through implementation and oversight of federal and State environmental programs, United States Environmental Protection Agency (USEPA), WDNR, and operators address the environmental concerns. Wisconsin law does not have a requirement for nonmetallic mines to prepare an EIS in addition to the established federal and State environmental regulations that address air, surface water, groundwater, and reclamation. In addition, local units of government, such as municipalities, townships, and counties do not have an established regulatory framework, review process, or budget to initiate such a complex process for permit applications.
Noise Concerns

Concern:

- Noise pollution impacts.
- Neighbors are worried about noise.
- State Trunk Highways (STH) 120 and 11 are already severely polluted with noise and disturbances.

Basis of Concern:

- Belief that mining operations produce a significant amount of noise.

Discussion of Concern:

- It is reasonable to expect that like any land use there will be some degree of noise.
- Noise was addressed in detail in the Conditional Use Permit Application (pages 20-21), which included a Focused Noise Evaluation as Attachment 4.

Characterizing the Effects

- **Likelihood**: Based on the magnitude of the proposed mine, the location of sound sources below surrounding grade, the distances to nearby receptors, and the presence of nearby residences on roads and highways with speed limits of 45 to 55 miles per hour (mph), negative effects on noise in the area of the proposed mine are **Unlikely**.
- **Intensity**: Available data do not indicate that the proposed mine will contribute to negative effects of noise at the local or community level. Though there may be some individuals who are exceptionally sensitive, the intensity of noise effects for the Township are anticipated to be **Low**.
- **Quality of Evidence**: There is **Weak Evidence** for the concern that the proposed mine will impact noise in the Township or area and **Moderate to Strong Evidence** that the proposed mine **Will Not Have a Negative Effect** on noise in the Township.

Conclusion:

- The concerns are founded on personal preferences and speculation and not on facts and information.
- The calculated sound levels from the loudest piece of equipment that will be used at the proposed mine was estimated at the seven nearest residences to range from 9 to 21 dB, which is equivalent to less than a whisper.
- Spring Prairie Road is parallel to the southern boundary of the proposed mine property, which has a posted speed limit of 45 mph and more than 500 vehicles per day (1 vehicle per 3 minutes).
- STH 120, located ¼-mile west and STH 11, located ¼ mile south of the proposed mine property have posted speed limits of 55 mph and 4,500 and 7,900 vehicles per day, respectively (3 to 5.5 vehicles per minute).
- Noise levels collected proximal to other roadways determined that typical road traffic traveling at 45 mph can range from 68 to 84 dB when measured 50 feet from the roadway. The existing noise generated from the highway traffic will be significantly louder and continuous at residential properties than the proposed mining operation.
• The proposed mine will generate minimal noise that will be detected by nearby residents, particularly while located indoors.
• There is no evidence that the proposed mine will “necessarily” or “certainly” impact noise and create a nuisance.
• There is no evidence that the proposed mine will impact noise and cause harm that is “inevitable and undoubted.”
Concern:

- Industrial dust
- The mine will produce dust.

Basis of Concern:

- Exposed soil and sand have the potential to form dust.

Discussion of Concern:

- The proposed mining operation will implement a fugitive dust plan and operate in accordance with applicable State air permitting regulations.
- The Wisconsin Department of Natural Resources (WDNR) regulates sources of dust as particulate matter (PM) emissions under Chapter NR 415, Wisconsin Administrative Code (Wis. Adm. Code). The WDNR’s Air Program developed recommended practices for reducing fugitive dust and PM from nonmetallic mining operations that will be applied to reduce PM at the mine.
- Proposed dust control procedures are described in the Conditional Use Permit Application on page 22.

Characterizing the Effects

- Likelihood: Based on the expected compliance with State regulations and the implementation of the proposed dust control procedures include in the Application, negative effects caused by dust in the area of the proposed mine are Unlikely.
- Intensity: Available data do not indicate that the proposed mine will contribute to negative effects caused by dust at the local or community level. Though there may be some individuals who are exceptionally sensitive, the intensity of effects for the Township are anticipated to be Low.
- Quality of Evidence: There is Weak Evidence for the concern that the proposed mine will impact dust and air quality in the Township or area and Moderate to Strong Evidence that the proposed mine Will Not Have a Negative Effect on dust or air quality in the Township.

Conclusion:

- The concerns are founded on personal preferences and speculation and not on facts and information.
- Dust will be controlled and will not create a nuisance.
- The health effects of dust are discussed in the Safety and Health Risk Concerns Fact Sheet.
- There is no evidence that the proposed mine will “necessarily” or “certainly” impact dust and air quality and create a nuisance.
- There is no evidence that the proposed mine will impact dust and air quality and cause harm that is “inevitable and undoubted.”
Surface Water Concerns

Concern:
- This project will be too impactful on local waterways due to poor site planning.
- This project is right next to one of the few trout streams we have in the area. The runoff and silt will damage the creek and damage sensitive native fish.
- Risk to adjacent DNR-designated trout stream, and wetlands.
- Mines use immense water resources and have been known to dry up and/or pollute wells, springs, creeks.

Basis of Concern:
- Excavations expose soil and sand that may become entrained in surface water runoff from precipitation.

Discussion of Concern:
- There are no wetlands on the proposed mine property.
- The potential for surface water impact exists today due to tilling of the land and animal grazing.
- The mine will be internally drained, so there is no potential for runoff from the mine and the potential for runoff from the property will continually decrease with mine development.
- Surface water concerns are considered at every existing and proposed mining and processing operation, groundwater and surface water experts, and the Wisconsin Department of Natural Resources (WDNR). Appropriate permits will be obtained, and safeguards developed for the proposed operations.
- Several environmental regulations are in place to restrict mining activities and protect waters of the State, including the Wisconsin Pollutant Discharge Elimination System (WPDES), Storm Water, Construction and Operation Discharge Permits. Storm water and process water are regulated and closely monitored through the WPDES Permits. From WDNR’s perspective, the WPDES permitting system ensures that water samples are collected and analyzed to demonstrate that water is not discharged that could impact surface water. Through adherence to this process, the WDNR is confident that the quality of water discharged to surface water is adequately regulated.
- The WDNR issues the operator and other nonmetallic mining operations a General Permit to Discharge under the WPDES and routinely inspects compliance with the permit at the existing operations.
- The operator recognizes surface water as a critical natural resource that they are obligated to protect to ensure the mining and processing operations do not impact surface water.
- Water discharged from the proposed mining operation will be minimal. The only water that will leave the property and potentially flow into a nearby ditch or drainage system is storm water that never enters the mine but either falls directly on the mine property or flows across the mine property during precipitation events.
- The proposed mining and processing operations will not discharge process water or waste of any kind into area streams. The process water used to wash the sand will be in a closed-loop system and recycled. The fine material washed out of the sand will be allowed to settle in ponds and returned to the mine as part of the reclamation process or beneficially used elsewhere.
- A Stormwater Management Plan is included as Attachment 2 to the Reclamation Plan.
Characterizing the Effects

- **Likelihood:** Based on the expected compliance with State regulations, the lack of mine dewatering, and the design of the mine to be internally drained, negative effects on surface water in the area of the proposed mine are **Unlikely.**

- **Intensity:** Available data do not indicate that the proposed mine will contribute to negative effects on surface water at the local level and the intensity of effects for the Township are anticipated to be **Low.**

- **Quality of Evidence:** There is **No Evidence** for the concern that the proposed mine will impact surface water in and **Moderate to Strong Evidence** that the proposed mine **Will Not Have a Negative Effect** on surface water in the Township.

**Conclusion:**

- The concerns are founded on personal preferences and speculation and not on facts and information.
- Based on the mine design and plans, there is no conceivable mechanism by which the proposed mining operation will have a detrimental effect on nearby streams.
- There is no evidence that the proposed mine will "necessarily" or "certainly" impact surface water and create a nuisance.
- There is no evidence that the proposed mine will impact surface water and cause harm that is "inevitable and undoubted."
**Groundwater Quantity Concerns**

**Concern:**
- Mining will negatively impact water supply wells.

**Basis of Concern:**
- Mine dewatering can lower the groundwater table.

**Discussion of Concern:**
- The impact of mine dewatering on groundwater quantity is a common concern.
- The majority of water supply wells in the area obtain water from the sand and gravel aquifer and a lesser number from the underlying limestone aquifer. The sand and gravel aquifer produces water from multiple sand and gravel layers present above and below thick clay layers that may be regionally extensive providing a hydrostratigraphic barrier between the unconsolidated and bedrock aquifers. The unconsolidated aquifer is generally 160 to 200 feet thick and includes clay and sand and gravel layers 40 to 80 feet thick. The underlying limestone aquifer is reported to be about 50 feet thick.
- Both aquifers are expected to have the capacity to provide the required water needs of the proposed mine with minimal impact on the groundwater table surface. Note that all water supply wells have some impact on the groundwater table, but use must be managed to not have a negative impact on neighbors and ecological resources.
- A hydrogeologic analyses of the two aquifers, conducted both for the individual aquifers and collectively assuming the two aquifers act as one hydrostratigraphic unit, demonstrated that drawdown ½-mile from a well pumping 100 to 200 gallons per minute (gpm) would range from approximately 1 to 7 feet. That degree of drawdown is not expected to adversely impact neighboring wells. Based on the location of the mine and anticipated processing locations, the well location will be a minimum ¼-mile from neighboring residential water supply wells. Make-up water for the wash plant may also be obtained from a sump excavated below the water table within the mine.
- The mine plan does not include mine dewatering, so the mining operation is not designed to lower the groundwater table to facilitate mining in the dry.

**Characterizing the Effects**
- **Likelihood:** Based on the expected compliance with State regulations and the lack of mine dewatering, negative effects on groundwater quantity in the area of the proposed mine are **Unlikely**.
- **Intensity:** Available data do not indicate that groundwater use at the proposed mine will contribute to negative effects on groundwater quantity at the local or community level. Though groundwater use may result in some changes to groundwater levels, the intensity of effects for neighbors and the Township are anticipated to be **Low**.
- **Quality of Evidence:** There is **No Evidence** for the concern that the proposed mine will impact groundwater quantity in the Township or area and **Moderate to Strong Evidence** that the proposed mine **Will Not Have a Negative Effect** on groundwater quantity in the Township.
Conclusion:

- The concerns are founded on personal preferences and speculation and not on facts and information.
- The mine will not negatively impact groundwater quantity for nearby water supply wells.
- There is no evidence that the proposed mine will "necessarily" or "certainly" impact groundwater quantity and create a nuisance.
- There is no evidence that the proposed mine will impact groundwater quantity and cause harm that is "inevitable and undoubted."
Groundwater Quality Concerns

Concern:

- Mining will negatively impact groundwater quality.
- Well water contaminants.

Basis of Concern:

Concern over the potential for groundwater pollution from chemical and petroleum use in the mine.

Discussion of Concern:

- The chemical use at the mine will be less than that used in agricultural applications.
- The petroleum use at the mine will be similar to that used in agricultural applications. Underground petroleum storage tanks will not be installed. Aboveground petroleum storage tanks are not anticipated at this time and, if used, would need to comply with State and federal regulations.
- Nonmetallic mining operations are not known to be common sources of groundwater contamination.

Characterizing the Effects

- Likelihood: Based on the expected compliance with State regulations and the minimal chemical and petroleum use consistent with current use, negative effects on groundwater quality in the area of the proposed mine are Unlikely.
- Intensity: Available data do not indicate that the proposed mine will contribute to negative effects on groundwater quality at the local or Township level and the intensity of effects for the area are anticipated to be Low.
- Quality of Evidence: There is No Evidence for the concern that the proposed mine will impact groundwater quality in the Township or area and Moderate to Strong Evidence that the proposed mine Will Not Have a Negative Effect on groundwater quality in the Township.

Conclusion:

- The concerns are founded on personal preferences and speculation and not on facts and information.
- The potential for negative impacts to groundwater quality are not present at the proposed mine.
- There is no evidence that the proposed mine will “necessarily” or “certainly” impact groundwater quality and create a nuisance.
- There is no evidence that the proposed mine will impact groundwater quality and cause harm that is "inevitable and undoubted."
Safety and Health Risk Concerns

Concern:

- The mine will have negative health effects (asthma and bloody noses).
- The dust from gravel pits can have harmful effects on human health.
- This will cause some serious health concerns for myself being an asthmatic and my husband who is six months post-kidney transplant.

Basis of Concern:

- Dust will cause negative health effects.
- The dust may contain silica.

Discussion of Concern:

- Like any industrial operation, mining is not without risks. Those risks are managed to the extent practicable under strict regulatory oversight by the Wisconsin Department of Natural Resources (WDNR) and the Mine Safety and Health Administration (MSHA). It should be made clear that properly managed sand and gravel operations are safe and do not pose unnecessary risk to the public or mine workers and the proposed operations will also be safe.
- The proposed mining operation will implement a fugitive dust plan and operate in accordance with applicable State air permitting regulations.
- The WDNR regulates sources of dust as particulate matter (PM) emissions under Chapter NR 415 of the Wisconsin Administrative Code (Wis. Adm. Code). The WDNR’s Air Program developed recommended practices for reducing fugitive dust and PM from nonmetallic mining operations that will be applied to reduce PM at the mine.
- Proposed Dust Control Procedures are described in the Conditional Use Permit Application on page 22.
- The sand is the same that is present on area beaches, unpaved driveways, and farm fields in the Township and County.
- Sources of crystalline silica dust in ambient air include agricultural fields, unpaved roads, silica-containing soil that naturally washes onto paved roads or is spread onto paved roads in the winter, mining, construction, foundries, glass manufacturing, abrasive blasting, or any industrial use of sand and quartz.
- Silica may comprise 50% of the sand present in the glacial outwash sand and gravel deposits in Walworth County.
- Concern over silica dust is not a new issue, but is one that has been under consideration and study for almost 100 years.
- It is logical to assume that the potential for exposure to crystalline silica would be highest at industrial sand mine and processing operations where the material mined is 99+% pure silica. Most industrial sand operations in western Wisconsin mine and process one-half to more than one million tons of sand per year at each facility.
- Studies have demonstrated that industrial sand mine workers and the public are not exposed to PM (dust) or silica. The same regulatory controls and Best Management Practices (BMPs) are used to control exposure at sand and gravel mining operations.

Characterizing the Effects

The Institute for Wisconsin’s Health, Inc. (2016), *Health Impact Assessment of Industrial Sand Mining in Western Wisconsin*, evaluated PM10 and silica.

- In regard to PM10:
  - **Likelihood:** Based on the available data collected at industrial sand facilities and on published epidemiologic literature, health effects from the impact of industrial sand mining on community-level air quality related to PM10 are *Unlikely*.
  - **Intensity:** Available data do not indicate that the levels of PM10 are high enough to contribute to health effects at the community level. Though there may be some individuals who are exceptionally sensitive, the intensity of health effects for vulnerable populations (children, elderly, those with existing respiratory conditions) and the community are anticipated to be *Low*.
  - **Quality of Evidence:** Evidence is *Very Strong* for the conclusion that industrial sand facilities are *Unlikely to Substantially Impact* PM10 to the extent of exceeding air quality standards. The evidence is based on site-specific PM10 data collected using methods that meet federal standards. These data have been reviewed by air quality experts at the WDNR and made publicly available.

- In regard to silica exposure:
  - **Likelihood:** Based on the available data collected at industrial sand facilities and on published epidemiologic literature, it is unlikely that community members will be exposed to respirable crystalline silica from industrial sand mining as currently regulated; therefore, health effects from exposure are *Unlikely*.
  - **Intensity:** Available data do not indicate that levels of respirable crystalline silica near industrial sand facilities or nearby communities exceed the long-term reference exposure level and, as a result, the intensity of health effects at the community level are anticipated to be *Low*.
  - **Quality of Evidence:** Evidence is *Very Strong* for the conclusion that industrial sand facilities, as currently regulated in Wisconsin, *Are Unlikely to Substantially Impact* levels of respirable crystalline silica on a community level. The evidence is based on site-specific respirable crystalline silica data collected in Wisconsin and Minnesota. This data was collected according to federal air monitoring standards, reviewed by air quality experts, and made publicly available.

Conclusion:

- The concerns are founded on personal preferences and speculation and not on facts and information.
- Dust will be controlled and will not result in negative health effects for the mine workers or neighbors.
- There is no evidence that the proposed mine will “necessarily” or “certainly” cause dust and create safety and health risks to the Township and create a nuisance.
- There is no evidence that the proposed mine will cause dust and create safety and health risks to the Township and cause harm that is “inevitable and undoubted.”
February 20, 2020

County Zoning Agency  
Walworth County Government Center  
County Board Room 114  
100 West Walworth Street  
Elkhorn, WI 53121

RE: Items 10 and 11 of February 20, 2020 Agenda

Dear County Zoning Agency Members,

I, Bob Rauland, have been a REALTOR® for sixty years selling Walworth County properties. I have had occasion to represent owners adjacent to open mining operations as they have been opened, operated, closed and the land reclaimed; not always in good order.

My recommendation is to deny the Rezone of the 111.28 acres of A-1 Prime Agricultural District property and deny the Nonmetallic Mining Reclamation Permit as applied for by Asphalt Contractors, Inc.

The size of the proposed open pit mining operation with the length of the lease would drastically effect traffic, safety, and will result in a stigma effect on the surrounding property values. It will impact not only the value of the surrounding properties, but the length of time it will take to precure buyers.

Although, I recognize the need for agate for both commercial and residential applications, this is not a good location. There are better locations within Walworth County which would have less of an impact on residential properties.

Thank you,

Robert M. Rauland  
Broker/Owner, REALTOR®
The Geneva Lake Conservancy strongly opposes the rezoning that would allow the creation and operation of a gravel pit operated by Asphalt Contractors in the town of Spring Prairie.

The proposed gravel pit would provide economic benefit for one business, while harming the property values and human health and environmental health of the community of Spring Prairie, especially neighboring property owners by:

- Destroying prime farmland that provides important working lands, wildlife habitat, open space and scenic beauty to the area.
- Creating excessive noise pollution and diesel fumes from trucks hauling gravel that will harm the pastoral atmosphere of this scenic southeast Wisconsin town and increase safety concerns.
- Causing air and dust pollution, including spreading crystalline silica, a known carcinogen that can cause and aggravate asthma and bronchitis and may cause lung cancer in humans. In addition, crystalline silica's impact on wildlife have not been studied.
- Contaminating soil, plant life, surface water and wildlife in the area, including wetlands and a trout stream. This gravel pit is near existing wetlands and in the watershed of a Class II Trout Stream. Silt from the gravel pit can run off during precipitation events into nearby streams and can harm fish by damaging their gills. Existing standards for mines to regulate runoff from gravel pits have not been adjusted to consider extreme storms as experienced in Walworth County in recent years. In Williams Bay, runoff from a nearby gravel pit has created the need for dredging in the bay that may have to be completed at the village's and taxpayers' expense.
- Impacting the quiet, rural quality of life of approximately 60 residents that live within a half mile of this scenic area. In addition, the Town's Comprehensive Plan identifies these properties to be preserved as prime agricultural land and this plan needs to be used to guide the town's decisions. This property is near a Primary Environmental Corridor important to wildlife and if developed as a gravel pit will destroy wildlife habitat and biodiversity that will take generations to reclaim.
Most of the residents of Spring Prairie have chosen to live in this scenic town because of the natural beauty and quieter countryside environment it provides. Allowing this gravel pit to operate in the town will have a negative environmental impact on all its current residents and compromise the ecological health and quality of life in your town for future generations.

We ask you to consider the long-term legacy you are leaving for your town if you vote in favor of this rezoning and conditional use permit. Have you talked with the Town of Lyons or other towns that have denied gravel pit rezoning for many of the reasons listed above? Have the town board members talked to villages such as Williams Bay to learn more about the negative impact and possible financial cost to the village from runoff from a gravel pit has had on Southwick Creek and the lake bottom?

Based on the known harmful environmental impacts of the gravel pit proposed, the Geneva Lake Conservancy asks the town board to deny the zoning change and permit request of Asphalt Contractors.
February 13, 2020

Walworth County Zoning Agency
Government Center
100 W. Walworth Street
Elkhorn, WI 53121

Dear Members of the Walworth County Board:

Having been proud residents of Spring Prairie for over thirty years, we are deeply troubled and concerned with the prospect of a gravel pit operating immediately adjacent to our property. In fact, our land shares the longest perimeter with the proposed pit of any surrounding landowner.

We are truly frightened about the potential for noise, truck traffic, dust, air and water pollution that will directly impact us and the enjoyment of our home and land. In particular, we are most concerned on how the negative aspects of the pit’s operation will affect the health of our children and grandchildren who spend a lot of time with us at our home.

The existence of the gravel pit will negatively and permanently impact the value of our property.

As longtime participants in the USDA’s Conservation Reserve Program, our goal has been to provide a safe and welcoming environment for birds and other wildlife. Moreover, the existence of the pit will create a very negative impact on the wildlife in the area.

Most important, the impact this decision will change the character of our community for decades to come.

Please deny this application.

Sincerely,

Joan and Bill Brodsky
SPRING PRAIRIE RESERVE
An Industrial Site With a Subdivision Name

Actual depiction of a nearby gravel pit
EXECUTIVE SUMMARY

PIT WILL DESTROY AGRICULTURAL AND RURAL RESIDENTIAL ATMOSPHERE OF EASTERN WALWORTH COUNTY

- Residents live in Spring Prairie because of quiet life style and natural beauty
- Last survey shows overwhelming preference of Spring Prairie residents to keep their Town rural
- 535 Spring Prairie voters let their Town Board know that they oppose this gravel pit and Town Board listened
- Change will happen but this change is not the change eastern Walworth County residents want

GRAVEL PIT MEANS DUST, NOISE, TRAFFIC, LOSS OF PROPERTY VALUE, LOSS OF RURAL ATMOSPHERE

- Larry Gabrysiak will describe dust and noise problems that come with living near a pit
- Intense and diverted traffic problems are obvious with 100 truck round trips each day
- Matt Gehrke will describe loss of property value

GRAVEL PIT CONVERTS EXTENSIVE PRIME AGRICULTURAL LAND TO INDUSTRIAL AND IS CONTRARY TO COUNTY LAND USE GOALS AND OBJECTIVES

APPROVING GRAVEL PIT NEAR HWYS 120 AND 11 INTERSECTION WOULD SET A FRIGHTENING PRECEDENT FOR THE COUNTY

FEB 20 2020
WALWORTH COUNTY AGRICULTURAL GOAL AND OBJECTIVES

PART TWO: AGRICULTURAL, NATURAL, AND CULTURAL RESOURCES GOALS, OBJECTIVES, POLICIES, AND PROGRAMS

Agricultural Resources
Agricultural Resource Goal
• Preservation of the agricultural resource base of the County.

Agricultural Resource Objectives
• Preservation of farmland with the most productive soils, generally comprised of soils in Capability Classes I, II, and III, as identified by the U.S. Natural Resources Conservation Service.

• Preservation of large blocks of farmland, to promote more efficient farming and minimize conflicts between farming operations and urban-type uses.

• Maintenance of agriculture as an important component of the economic base of the County.

• Maintenance of the County's farming heritage, including the scenic values associated with rural farming areas.

Excerpt from Multi-Jurisdictional Plan for Walworth County: 2035, page X 4-5 as approved with 2050 update by Walworth County Board of Supervisors on June 11, 2019

REZONE APPLICATION REQUESTS REZONE OF OVER 100 ACRES OF PRIME FARM TO M-3 INDUSTRIAL ZONING
SPRING PRAIRIE RESIDENTS WANT TO KEEP ITS RURAL ATMOSPHERE

MANY LIVE IN SPRING PRAIRIE BECAUSE OF IT

Appendix A

SUMMARY FINDINGS¹
TOWN OF SPRING PRAIRIE CITIZEN SURVEY
1998

KEEP THE RURAL, COUNTRY ATMOSPHERE

The town is highly valued for its rural, country atmosphere, as an agricultural community with some residences, where family farming and the “right to farm” are upheld.

- 68.4% like the rural, country atmosphere most about Spring Prairie; 31.6% most like the friendly people (Q32).

- 50.5% say the town should be a rural, agricultural community in 10 years; 46.6% say it should be a mixed agricultural/residential community (Q1).

- 81.0% feel the continued existence of remaining family farms is very important to the Town’s future; 12.3% feel they are not important (Q10).

- 86.2% agree or strongly agree (34.8% and 51.4%, respectively) that a neighboring farmers “right to farm” is important, even if they are bothered by noise, dust, odors, etc. from the operation; 5.4% disagree or strongly disagree (Q6).

SURVEY SHOWS THAT COMMUNITY VALUES FARMING AND WILL TOLERATE DUST AND NOISE BUT ONLY FOR THE SAKE OF OUR FARM NEIGHBORS
SPRING PRAIRIE VOTERS EXPRESSED THEIR OPPOSITION TO THIS PIT AND THEIR TOWN BOARD LISTENED

535* Spring Prairie Voters Told Their Town Board That They Are

"OPPOSED TO REZONE for the gravel pit proposed by Asphalt Contractors, Inc."

* Only 703 Spring Prairie residents voted in April 2019 election

ON FEBRUARY 10TH, SPRING PRAIRIE TOWN BOARD UNANIMOUSLY VOTED TO DENY ASPHALT CONTRACTORS' APPLICATIONS
COMMON PROBLEMS WITH GRAVEL PIT

NOISE    Rock Crusher; Truck and Front-end Loader
         Back-up Alarms; Trucks Accelerating and
         Decelerating

DUST      - Wilson Pit Dust Cloud When Operating
         - Clouds of Dust from Newly Loaded Trucks
         - Operator Cannot Water Everything
         - Health Effects of Invisible Dust

TRAFFIC   - Up to 100 Trucks Entering from and
         Exiting onto Highway 120, 12 hours Every Day
         M-F plus 6 hours on Sat. starting at 6 AM
         - Loaded Trucks Turning Left onto Highway 120
         and Accelerating Very S-L-O-W-L-Y Uphill
         - Road Safety Concerns
         - Increased Traffic on Surrounding County and
         Town Roads

WELLS     At Least 60 Wells within ½ Mile of Pit at Risk

LOSS OF PROPERTY VALUES    Perceptions Alone of Gravel
                           Pit Will Reduce Property Values

LOSS OF RURAL CHARACTER   Gravel Pit is Industrial Site
                           Surrounded by Farm and Rural Residential Areas
60 RESIDENCES WITHIN ½ MILE OF REZONE PARCELS
Larry Gabrysiak lives ½ mile from a Super Mix pit in Waterford WI.

Noise from crusher and from truck and front end loader back up alarms. Continues for full 12 hour operating period and more.

Developer built up berms to block noise and Larry and neighbors planted trees on berms. Nothing helped.

Near neighbors down wind of pit have dust problems.

Would never again buy or build a house near a gravel pit.
GRAVEL PIT WILL BE A TRAFFIC NIGHTMARE FOR ALL OF EASTERN WALWORTH COUNTY

- Up to 100 Trucks per day will Enter and Exit Pit on Highway 120, approximately ¾ mile North of the Hwys 120 and 11 Intersection – already one of Walworth County's busiest intersections.

- Hwy 11 is a major Walworth County artery already heavily used by commuters, visitors and business vehicles traveling between Burlington and Elkhorn and beyond.

- Hwy 120 is the only direct route between Lake Geneva and East Troy and already heavily traveled by commuters, visitors and business vehicles.

- Fully loaded Gravel Trucks heading south on Hwy 120 from Pit toward intersection with Hwy 11 will have to accelerate while traveling up a hill.

- DOT permit assumes Truck drivers (who are paid by the load) and other drivers will obey traffic laws, and that likely resulting violations due to slowly accelerating trucks are a County Law Enforcement Problem.

FEB 20 2020
FULLY LOADED TRUCKS WILL TRAVEL UP HILL TOWARD HWYS 120 AND 11 INTERSECTION

Highway 120 looking South from Pit Entrance towards Highway 11 Intersection

Highway 120 looking North toward Potter Rd and County Hwy D

Pit entrance
DIVERTED TRAFFIC WILL CLOG COUNTY ROADS AND SPRING PRAIRIE AND OTHER TOWNS’ ROADS

- Drivers faced with backups caused by addition of slow-moving trucks through Hwys 120 and 11 intersection will seek alternate routes on County roads and Spring Prairie and other Towns’ roads.

- Traffic coming from the north and headed east toward Burlington will divert onto County Roads D and DD or Spring Prairie roads to avoid the intersection.

- Traffic coming from the north and headed west toward Elkhorn will divert onto County Road D and Spring Prairie and Town of Lafayette roads.

- Traffic coming from the south and headed west will divert onto Spring Prairie and Town of Geneva Roads.

- Traffic coming from the south and headed east will divert onto Spring Prairie and Town of Lyons roads.

- Increased traffic on County and Town roads compromises safety and increases road maintenance costs.
MAP VIEW OF EXPECTED DIVERTED TRAFFIC

Blue lines = County Roads
Pink lines = Town Roads

Hwys 120 and 11 Intersection

FEB 20 2020
APPLICATION FOR HWY 120 ACCESS
MISSTATES TRAFFIC VOLUME

APPLICATION/PERMIT FOR CONNECTION TO STATE TRUNK HIGHWAY
Wisconsin Department of Transportation (WisDOT)
DT1504 9/20/09 s. 86.07(2) Wis. Stats & Ch. Trans 231 Wis. Adm. Code

<table>
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<tr>
<th>1. Applicant Name and Mailing Address</th>
<th>2. Property Owner Name / Address (fill out if not applicant)</th>
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<tr>
<td>Street/PO Box, City, State, ZIP Code</td>
<td>Mark and Geraldine Polson</td>
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<td></td>
<td>W2064 Highway 11, Burlington, Wisconsin 53105</td>
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<table>
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<tr>
<th>3. If Not Property Owner, Reason for Application</th>
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<td>Driveway to access adjacent property</td>
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<th>4. Highway Number(s)</th>
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<td>120</td>
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<td>Spring Prairie</td>
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<th>8. Located within the SW Quarter, Section 20. Town 3N North, Range 18E</th>
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<td>North, South, East, West</td>
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<th>9. Street Number (If applicable)</th>
<th>10. Name of Nearest Side Road from Location</th>
<th>11. How far is the location from the nearest non-side road connection on the same highway?</th>
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<th>Log Mile or Reference Point (Filed in by WisDOT)</th>
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<th>12. Proposed Activity (Check one)</th>
<th>13. Proposed Use (Check one - See instructions for category description)</th>
<th>16. Proposed Tons Per Day (Check one)</th>
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<td>0 Seasons</td>
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<td>0 After Existing</td>
<td>0 Rural - Agricultural</td>
<td>0 101-1000</td>
</tr>
<tr>
<td>0 Remove Existing</td>
<td>0 Public Road</td>
<td>0 5-9</td>
</tr>
<tr>
<td>0 Permit Existing</td>
<td>0 Trail or Trail Crossing</td>
<td>0 Over 1000</td>
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<td>0 Rural - Residential</td>
<td>0 61-100</td>
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</table>

<table>
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<th>Peak hour traffic count 4</th>
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<th></th>
<th></th>
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<tbody>
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</table>

CONDITIONAL USE APPLICATION\(^1\) FILED WITH WALWORTH COUNTY 3 DAYS EARLIER CALLS FOR UP TO 100 TRUCKS PER DAY

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\(^1\) Conditional Use Permit Application, Spring Prairie Reserve filed with Walworth County on September 3, 2019.

FEB 20 2020
October 17, 2019

Ms. Mary B. Grossman  
W1905 Potter Road  
Burlington, WI 53105

Re: Effect on Property Values of Proposed Asphalt Contractors' Mining Operation  
Spring Prairie, Wisconsin

Dear Ms. Grossman:

In accordance with your request, this letter provides my opinion regarding the proposed Asphalt Contractor’s Mining Operation.

**My Professional Background**

My opinions stated herein are based on my professional experience and review of market information.

- After starting my real estate career in Walworth County in 1999, I have been appraising real estate for nearly 20 years.
- I served on the Town of Lisbon (Waukesha County) Town Board and Plan Commission for eight years, serving as chairman for six years. In the Town of Lisbon we had extensive stone mining operations, which included Payne & Dolan, Lannon Stone, Halquist, Genesee Aggregate, Lafarge, and Vulcan.
- My full qualifications (summary of professional background) is attached to this letter.

**Quarry Issues**

Common concerns that near-by residents have with quarries include traffic problems (increased noise and/or safety concerns), air quality (dust), water quality (adverse effect of wells and storm water run-off issues), loss in appealing views (the uses allowed within the A-1 zoning district are much more visually appealing to residents than those within the M-3 zoning district), vibration (near-by houses can shake as the result of some operations), and noise (the operations can adversely affect the positive enjoyment of their residence).

The above concerns are not only theoretical, during my time as Town Chairman I received dust, noise, vibration, and hours of operation complaints from town residents that stemmed from the operations of quarries.

Additionally, there was litigation from dozens of residents in regards to contaminated drinking water and lowered property values as a result of the operations from one of the quarries located in Lisbon.
Ms. Mary B. Grossman  
October 17, 2019  
Page Two

**My Analysis**

During the course of completing my analysis, I reviewed information submitted by Asphalt Contractors, reviewed available on-line information, and conducted an inspection of the neighborhood that contains the proposed quarry. Based on the information I reviewed, there are approximately 60 houses within a half mile of the proposed Asphalt Contractors' gravel pit. I feel the properties that have the greatest potential of being adversely affected are those located along the roads closest to the potential new quarry (along Highway 11/Spring Prairie Road, west of Hargraves Road & east of Highway 120, along Hargraves Road, north of Spring Prairie Road & south of Potter Road, along Potter Road, west of Hargraves Road & east of Highway 120, and along Highway 120, south of Potter Road & north of Highway 11). While the properties on both sides of these roads have the potential of being adversely affected, the greatest risk is to those properties that directly abut the property that has requested the rezoning.

Generally speaking, new mining operations at a site that has existing zoning and approvals to allow for such operations, which are also located within a neighborhood of similar and/or exclusively industrial uses, would potentially have minimal, if any, adverse effect on near-by properties. Conversely, a rezoning of a property to support new mining operations within an existing residential neighborhood that includes many appealing residential properties will have an adverse effect on property values.

**Unreasonableness of Applicants Claim**

It is my understanding that the applicant provided concerned town residents with two brief documents that total four pages as their basis for their assertion that their operations will not have an adverse effect on area property values. I have reviewed this information (a brief excerpt from Alison Grant’s thesis dated June 2017 and an unattributed article dated June 13, 2018 by Therese Dunphy).

- The thesis summary does not state that there is no negative effect on property values, as the applicant is reportedly claiming. The thesis states that no evidence was found that aggregate sites have a strong negative effect on property values in Wellington County (Ontario, Canada). Therefore, as this thesis makes a nonspecific general conclusion regarding property value for only one specific county in a different country, it would be irresponsible to construe this as having any support to a claim that there will be no negative effect on property values in Spring Prairie, Wisconsin.

- Ms. Therese Dunphy is the editor for a trade publication that describes itself as serving the “crushed stone, sand & gravel operators, equipment manufacturers and dealers, and providers of services and supplies to the aggregates industry.” This would hardly qualify as an unbiased source. Furthermore, the Phoenix Center report referenced therein does not state that there is evidence that quarries do not have adverse effect on abutting residential properties, only that some previous reports have overstated the adverse effect and/or provided inadequate support for their conclusions.

Blanket statements that include a specific conclusion in regard to property values of properties near quarries are unreasonable. This would be for statements contending that there are no adverse effects on property value from quarries and from statements that quarries result in a specific percentage loss in property value. The effect on the market value of a specific property as the result of a new land use within a neighborhood is unique to the property in question and the specifics of the new use occurring on the near-by property. Whenever possible, quantifying property values is best done on an individual basis.
Critique of "Property Values" Section of Conditional Use Permit Application

Pages 11 through 17 of the applicant's conditional use application discuss property values. The applicant makes some claims that are reasonable, including that every mine is unique and that modeling exercises that try to isolate the influence of a proposed mine rarely succeed in accurately assessing property values. The uniqueness of mines and nearby properties is the reason why blanket statements about property values are not reasonable. Nonetheless, there are multiple unreasonable and/or irrelevant claims that are included within the applicant's conditional use application that are addressed below. Furthermore, there are points included within the application that indicate that some property values will decline, this is also highlighted below.

- It is stated that "the proposed use will not be... adverse to the property values in the County and its communities," (Page 11) but then also states that "there are circumstances where the value of adjacent properties may be affected" (Page 12). These are contradicting statements. Furthermore, I agree with the statement that the value of adjacent properties may be affected.

- Equally strong local opposition often occurs no matter the proposed development (Page 11) does not appear to be accurate.

- Some of the referenced sources regarding the lack of a decline in property values are from potentially biased sources (Pages 13 and 14).

- "Property values can be affected by the mere perception of possible harm" (Page 16). This is an accurate statement. Still, a loss in property value is a loss in property value. No matter what a prospective buyer's reason for only being willing to pay a lower price for a property, real (see Page One of this report) or perceived, the result is lower property value.

- The subject property is currently zoned A-1, which has set legally permissible uses. The rezoning and conditional use application would allow for this property to have a much more intrusive land use than what is allowed under the current zoning. Therefore, statements in referenced reports of properties benefiting from increased open space are irrelevant to the Town of Spring Prairie and this specific application.

The applicant claims that property values throughout all of Spring Prairie will not be adversely affected by the approval of the conditional use permit application; this is accurate but not relevant to the residents of this Spring Prairie neighborhood. The applicant claims that property values from select mining operations located elsewhere in North America have not adversely affected property values of area properties; this is very likely accurate, but again not relevant to the residents of this Spring Prairie neighborhood. The information provided by the applicant does not show that properties near their proposed mine will not see their property values adversely affected as a result of a new mine.
Summary of Letter

Given my nearly 20 years of real estate appraisal experience, along with eight years on a town board for a town that included multiple quarries, I feel that if the proposed Asphalt Contractors mining operations is approved there are multiple abutting properties that will see their market values adversely effected as a result of this approval and future operations; furthermore, when selling area properties, there are certainly properties that will experience more extended marketing times as a result of this new abutting land use.

I have enjoyed serving you in this matter.

Sincerely,

Matthew J. Gehrke, MAI
Wisconsin Certified General Appraiser No. 1234
Town of Lisbon Town Board and Plan Commission Member (2007 – 2015)
December 4, 2019

Ms. Mary B. Grossman  
W1905 Potter Road  
Burlington, WI 53105

Dear Ms. Grossman:

Included herein is a summary of my concerns with the November 6, 2019, S. L. Mac Williams Company report. The stated purpose of the report was “to opine as to possible impacts of the proposed mining operations on surrounding residential property values.” The information utilized within the S. L. Mac Williams Company report is flawed as the data excludes sufficiently comparable sales information. Furthermore, the analysis is far too limited.

The S. L. Mac Williams Company report states that a “paired sales analysis” was completed. The purpose of this analysis would be to isolate the difference in value between two comparable properties that results from a single different characteristic. In the case of this analysis that single characteristic would be a location adjacent to an aggregate mining operation versus a location not adjacent to an aggregate mining operation. The Dictionary of Real Estate Appraisal, 6th Edition, 2015, defines “paired data analysis” as follows:

“A quantitative technique used to identify and measure adjustments to the sale prices or rents of comparable properties. To apply this technique, sales or rental data on nearly identical properties, or adjusted data, is compared to isolate and estimate a single characteristic’s effect on value or rent. Often referred to as paired sales analysis.”

While it can be difficult to quantify the loss in value that will result from the opening of the aggregate mining operations the very limited analysis within the S. L. Mac Williams Company report is clearly insufficient to make a supportable conclusion. The information presented was effectively raw data without actual analysis. Furthermore, the report specifically states that the analysis was “based upon their percentage of list price to sales price; days on market and sales price per square foot.” This is not how a proper paired data analysis is performed.

Therefore, after reviewing this information it continues to be my professional opinion that “if the proposed Asphalt Contractors mining operation is approved there are multiple abutting properties that will see their market values adversely affected as a result of this approval and future operations.”

Sincerely,

Matthew J. Gehrke, MAI  
Wisconsin Certified General Appraiser No. 1234  
Town of Lisbon Town Board and Plan Commission Member (2007 – 2015)
PROPOSED REZONE OF A-1 LAND TO M-3 DOES NOT MEET REQUIREMENTS OF WALWORTH COUNTY ORDINANCE FOR REZONE OF A-1 LAND

Sec. 74-129. - Text and map amendments to the A-1 district.

The County may approve petitions for rezoning areas zoned for exclusive agricultural use only after a public hearing and findings are made based upon consideration of the following:

1. The proposed rezone should be consistent with the Walworth County and town comprehensive plans and the Walworth County agricultural preservation plan.

2. In accordance with the Wisconsin Farmland Preservation Law (Wis. Stats. ch. 91) the proposed rezone may be approved by the County and Town only after findings are made based upon consideration of the following:
   a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
   b. The rezoning is consistent with any applicable comprehensive plan.
   c. The rezoning is substantially consistent with the County farmland preservation plan, which is in effect at the time of rezoning.
   d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

1. Rezone is NOT consistent with Walworth County and Spring Prairie comprehensive plans and Walworth County agricultural preservation plan, all of which call for the proposed rezone area to remain as farmland.

2. Rezone should not be allowed because:
   a. The gravel pit is NOT a better use of the land than as agricultural land.
   b. The gravel pit is NOT consistent with any applicable comprehensive plan, and applicant’s claim that pits may be considered on a case-by-case basis under the plan is not sufficient to overcome strong preference for farmland.
   c. The gravel pit is NOT substantially consistent with the County farmland preservation plan which calls for prime agricultural land to remain as farmland.
   d. The rezone WILL IMPAIR agricultural use of other protected farmland because truck traffic from the pit will impair access to other farm fields accessible only from Hwy 120.
96% OF PIT IS PRIME FARMLAND

NRCS Web Soil Survey

Blue = Prime farmland of statewide importance
Green = Prime farmland
Red = Not prime farmland

FEB 20 20
GRAVEL PIT EXCEPTION: AVAILABLE ONLY IF PIT COMPATIBLE WITH ADJACENT AG USE and CONSISTENT WITH COUNTY AND TOWN GOALS AND OBJECTIVES

Walworth County Ordinance 74-129:

4. Exceptions. With certain exceptions, it is envisioned that the lands identified as prime agricultural land and located within the Farmland Preservation Areas will be retained in agricultural and in agricultural-related uses that are allowed as principal or conditional uses in the A-1, Prime Agricultural Land zoning district. The exceptions are:

c. Mineral extraction may be needed in the future and may be proposed as an M-3 rezone within the agricultural preservation areas where the proposed use is compatible with adjacent agricultural use, and consistent with County and town goals and objectives. All nonmetallic mining proposals will be considered on a case-by-case basis and will be subject to the County zoning ordinance and non-metallic mining reclamation ordinance. Such area would have to be rezoned into the M-3 Mineral Extraction District and receive a conditional use permit. The County has adopted a nonmetallic mining policy requiring the reclamation of a nonmetallic mining site in an agricultural preservation areas to agricultural use. Such uses, if approved, will be accommodated without amending the comprehensive plan or farmland preservation plan.

**Pit is NOT compatible with adjacent agricultural use:

- Truck and backed up traffic on Hwys 120 and 11 will hinder access to other farm fields along these highways

**Pit is NOT consistent with County and Town Land Use goals and objectives set out in Comprehensive Plan
REZONE DOES NOT MEET COUNTY AND TOWN LAND USE GOALS AND OBJECTIVES

LAND USE GOAL, OBJECTIVES, POLICIES, AND PROGRAMS

Land Use Goal
- A sustainable land use pattern that meets the social, economic, physical, ecological, and quality-of-life needs of the County and all of its communities, maintaining a sense of place in urban and rural areas.

Land Use Objectives
- Land identified for future urban and rural uses that is properly related to anticipated growth in population and economic activity and that is consistent with the above goal.
- Spatial distribution of urban and rural development that is properly related to the natural and agricultural resource base.
- Spatial distribution of urban development land uses that is properly related to, and maximizes the use of, existing public utilities and facilities.
- Compact urban service areas, enabling the efficient provision of urban services and facilities and moderating the overall amount of open space developed for urban use.
- Conservation and revitalization, as appropriate, of existing urban areas.
- Maintenance of the rural character of areas of the County located beyond planned urban areas.
- Compatible relationship between urban and rural land uses.

Excerpt from Multi-Jurisdictional Plan for Walworth County: 2035, page IX-11 as approved by Walworth County Board of Supervisors on June 11, 2019

REZONE OF PRESERVATION FARMLAND TO M-3 UNDER NONMETALLIC MINING EXCEPTION MUST MEET THESE COUNTY AND TOWN NEEDS:
- SOCIAL
- ECONOMIC
- PHYSICAL
- ECOLOGICAL
- QUALITY OF LIFE

BUT REZONE FAILS TO MEET ANY OF THESE NEEDS
SOCIAL NEEDS OF COUNTY AND TOWN

GRAVEL PIT IS A SOCIAL DETRIMENT TO COUNTY AND TOWN RESIDENTS

- GRAVEL PIT WILL SHRED RESIDENTS’ PRIDE IN THEIR COMMUNITY

- EASTERN WALWORTH COUNTY WILL BECOME A CONGESTED INDUSTRIAL AREA, AN UNDESIREABLE PLACE TO LIVE

- NEARBY AREAS OF TOWN OF LYONS, TOWN OF GENEVA, AND TOWN OF LAFAYETTE WILL ALSO SUFFER
ECONOMIC NEEDS OF COUNTY AND TOWN

GRAVEL PIT IS AN ECONOMIC DETRIMENT TO COUNTY AND TOWN AND ITS RESIDENTS

REDUCED PROPERTY TAX REVENUE

- Assessed value of improved property within ½ mile of rezone is $14,182,600, generating $222,511 of annual County, Town and School tax

- 20% AVERAGE\(^1\) assessment reduction decreases tax revenue from these properties by $44,500

- Existing Spring Prairie gravel pits generate little tax revenue beyond that of surrounding Ag Use land:

<table>
<thead>
<tr>
<th>Additional Tax from Pit</th>
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<tbody>
<tr>
<td>Wilson gravel pit</td>
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<tr>
<td>Bolton gravel pit</td>
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INCREASED COUNTY AND TOWN ROAD MAINTENANCE COST

- Traffic diverted onto County and Town Roads will increase use and therefore cost to maintain.

LOSS OF PROPERTY VALUES

- Surrounding property owners will PERSONALLY suffer PERMANENT LOSS OF VALUE of their property

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\(^1\) 50.4% of $222,511 tax paid by owners of property directly abutting or very closely adjacent to gravel pit or near its Hwy 120 access. These owners can be expected to seek 40% or greater reduction in assessed value.
PHYSICAL NEEDS OF COUNTY AND TOWN

GRAVEL PIT IS DETRIMENTAL TO COUNTY AND TOWN PHYSICAL NEEDS

- Creates intense and diverted traffic delays and clear safety issues
- Adds noise and dust pollution
- Places wells of at least 60 homes at risk
ECOLOGICAL NEEDS

GRAVEL PIT DOES NOTHING TO MEET COUNTY AND TOWN ECOLOGICAL NEEDS AND ADDS ECOLOGICAL RISK

- GRAVEL PIT IS ADJACENT TO PRIMARY ENVIRONMENTAL CORRIDOR THAT INCLUDES SPRING BROOK TROUT STREAM

- ACTUAL EFFECT OF PIT ON AREA HYDROLOGY AND TOWN’S NAMESAKE SPRINGS NOT KNOWN, BUT CERTAINLY NOT BENEFICIAL

- GRAVEL PIT WILL CHANGE WILDLIFE PATTERNS
QUALITY OF LIFE NEEDS

GRAVEL PIT IS NOTHING BUT DETRIMENTAL TO COUNTY AND TOWN QUALITY OF LIFE NEEDS

INTENSE AND DIVERTED TRAFFIC, NOISE AND DUST SUBTRACT FROM COUNTY AND TOWN RESIDENTS’ QUALITY OF LIFE

INDUSTRIAL SITE IN HEART OF SPRING PRAIRIE DOES NOT CONFORM TO RESIDENTS’ QUALITY OF LIFE NEEDS AS THEY DESCRIBED IN THE TOWN’S 1998 SURVEY:

89.5% agree that preservation of agricultural land in the Town is important. (page 96)

85.1% say that there is not a need for industrial development in the Town. (page 97)

91.9% agree or strongly agree that the protection of woodlands, wetlands, open spaces and cultural resources in Spring Prairie are important. (page 98)
VOTE TO RECOMMEND **DENIAL** OF ASPHALT CONTRACTORS’ SPRING PRAIRIE GRAVEL PIT APPLICATION

LOSS OF RURAL ATMOSPHERE

TRAFFIC PROBLEMS

NOISE

DUST

LOSS OF PROPERTY VALUES

LOSS OF PRIME AGRICULTURAL FARM LAND

IMPAI REMENT OF ADJACENT AGRICULTURE

INCONSISTENT WITH COUNTY AND TOWN GOALS AND OBJECTIVES

SPRING PRAIRIE VOTERS OPPOSED AND TOWN BOARD DENIED APPLICATIONS

BAD FOR TOWN AND COUNTY RESIDENTS
February 6, 2020
File No. 20.0156288.00

Town Board Chairman Mr. Tom Bolfort
Supervisors Ms. Lynn Lein and Mr. Donald Trimberger, II
Treasurer/Clerk Ms. Debbie Collins
Town of Spring Prairie
N6097 State Road 120
Burlington, Wisconsin 53105

Re: Asphalt Contractors, Inc.
Proposed Spring Prairie Reserve
WSPR Enterprises LLC Property

Dear Chairman, Supervisors, and Treasurer/Clerk:

We appreciated the opportunity to address the Planning and Zoning Commission and public during the January 16, 2020 meeting and are looking forward to having an opportunity to address the Town Board on February 10, 2020. We listened carefully to the concerns of the Commission members, the No Pit in the Prairie Unincorporated Association, and the general public during the Planning and Zoning Commission Public Hearing. Following the Public Hearing, we obtained and reviewed the January 9, 2020 No Pit in the Prairie Unincorporated Association Presentation Materials that were submitted to the Town Planning and Zoning Commission, the Town Board, and other public information sources to understand if there was any issue that we may have not been aware of and not previously address.

Without exception, each of the public comments were known to us during preparation of the Asphalt Contractors, Inc. Applications and were addressed in detail in the approximately 100 pages of submittals that comprised the individual Applications, Reclamation Plan, Design Plans, and, specifically and pointedly, the November 19, 2019 Comprehensive Evaluation of Public Concerns. We recognize that we submitted a substantial amount of paper, but our work was completely fact-based and provided a suitable amount of time for review by anyone with an interest in the matter.

We hope that the written record is clear that we provided Substantial Evidence in the form of facts and information and in no case did we rely on personal preferences or speculation on issues directly pertaining to the requirements of the Applications. The ultimate audience of the Applications are the decision makers of the Spring Prairie Township Planning and Zoning Commission and Board and Walworth County, so the documents were intentionally fact-based, technical and verifiable, recognizing that reasonable persons would understand, verify where necessary to base their decisions and support conclusions on the facts and not personal preferences or speculation.

The January 2020 public commenters and drafters of the No Pit in the Prairie Unincorporated Association Presentation Materials may have chosen to not read our complete Application documents, but they also did not acknowledge the content, challenge the science, or offer any technical-based counter claims; instead, only reiterated the same accusations without offering any analysis or fact-based evidence.
The October 17, 2019 and December 4, 2019 letters prepared by Moegenburg Research, Inc. submitted by the No Pit in the Prairie Unincorporated Association offered no facts or data to substantiate conclusions that property values would be adversely affected. The only experience cited by the author pertained to limestone quarries in Lisbon Township, Waukesha County where bedrock mining is the history of the area for more than 100 years. We presented clear and undeniable evidence in the Applications and at the Town Planning and Zoning Commission meeting that the approximately 80 former and existing sand and gravel mines in the vicinity of Spring Prairie clearly have not had a negative impact on property values, which is consistent with the publicly available body of information that in no way supports that property values will be affected by the proposed mine. Property value is one of the most sensitive issues that must be looked at realistically, and that is why we devoted a significant amount of effort researching and presenting our findings.

We treat all concerns as real, consider each concern seriously, and endeavored in our Application documents to respond to each concern as genuine from a scientific fact-based perspective. We concluded the following based on our experience and the Application documents:

- The Applications provide substantial evidence in the form of facts and information and in no case rely on personal preferences or speculation.
- There is no evidence that the proposed mine will necessarily or certainly create a nuisance.
- There is no evidence that the proposed mine will create a nuisance and harm that are inevitable and undoubted.
- It is reasonable to say that Asphalt Contractors, Inc.’s Application is the most comprehensive ever submitted to Spring Prairie Township and Walworth County.
- Walworth County has some of the most comprehensive zoning and reclamation standards in the State and are fact-based and technical. Walworth County concurrence that the Application is complete and code-compliant means that the applicable State and local standards are met and that the mine will not have a negative impact on the community or environment.
- Lastly, it is also important to recognize that the land will remain in agricultural use during and following mining, with relatively immaterially small portions of the property temporarily out of agricultural use during the life of the mine.

The fact-based technical details of the Application provide the Town Board and Walworth County with the rationale to allow the zoning change and Conditional Use Permit for the Spring Prairie Reserve.

We appreciate the opportunity to submit our response. Should you have any questions or comments, please contact the undersigned at (262) 754-2565 or via email at mark.krumenacher@gza.com.

Very truly yours,

GZA GeoEnvironmental, Inc.

Mark J. Krumenacher, P.G.
Senior Principal
February 9, 2020
File No. 20.0156288.00

Town Board Chairman Mr. Tom Bolfort
Supervisors Ms. Lynn Lein and Mr. Donald Trimberger, II
Treasurer/Clerk Ms. Debbie Collins
Town of Spring Prairie
N6097 State Road 120
Burlington, Wisconsin 53105

Re: Asphalt Contractors, Inc.
Proposed Spring Prairie Reserve
WSPR Enterprises LLC Property

Dear Chairman, Supervisors, and Treasurer/Clerk:

We received copies of 13 memorandums, letters, and emails dated January 29, 2020 through February 5, 2020 (one with no date) to the Town Board commenting on the proposed Spring Prairie Reserve. We are writing to address two issues; the submitted petitions and traffic.

Attorney Cousland wrote on behalf of the No Pit in the Prairie Association that the “well-placed” and “reasonable opinions” of residents put forth in 535 self-addressed and stamped postcards provided to residents, should be considered a sufficient basis to deny the Application. However, when the opinion is intentionally formulated based on misinformation targeted to stir emotions, the opinion is neither “well-placed” nor “reasonable”. We provided fact-based responses to those concerns and opinions that were either not read or intentionally ignored. If the opposite were true, as a licensed Professional Geologist, I could not defend the Application and might also sign a similar petition.

As stated in our February 6, 2020 letter to you, each of the concerns was addressed in detail in our Application documents. One issue that stood out in the recent correspondences was that 11 of the 13 mentioned traffic as a primary concern and reason for denial. Although we addressed traffic in our application and at the January 16, 2020 Planning and Zoning Commission meeting, we thought it important to make a point of clarification. At the January 16, 2020 meeting, Robert Kordus from ACI pointed out that 100% of the aggregate that they use at the Burlington asphalt plant is delivered by trucks that travel through Spring Prairie on Wisconsin Highways 120 and 11, all through the intersection of Highways 120 and 11. That includes empty trucks travelling to obtain aggregate and full trucks returning with aggregate.

Although the Application clarifies that the number of trucks is small relative to the present traffic volume and highway capacity, the proposed mine will not add traffic, but will significantly reduce the portions of roads used by ACI in Spring Prairie Township. Within Spring Prairie alone, the trucks that provide aggregate to ACI currently utilize 6 miles of Highway 120 and 5.7 miles of Highway 11; for total of 11.7 miles. The proposed route from the mine to the Burlington asphalt plant will utilize 0.7 miles of Highway 120 and 4.7 miles of Highway 11; for total of 5.4 miles. The reduced length of state highway use is 6.3 miles in Spring Prairie Township alone, plus the reduced highway use in the surrounding 5 townships of Walworth County. If the concerns over traffic were genuine, then the citizens should rally behind the proposed reduced use of roads in the township.

We understand that you have the information you need to make your decision, but we felt it important to clarify these issues that might not have been clear in the record. We appreciate your time and the opportunity to submit this clarification. Should you have any questions or comments, please contact the undersigned at (262) 754-2565 or via email at mark.krumenacher@gza.com.

Very truly yours,

GZA GeoEnvironmental, Inc.

Mark J. Krumenacher, P.G.
Senior Principal

Mark J. Krumenacher, P.G.
Senior Principal

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Submitted to Town of Spring Prairie, Planning & Zoning Commission, January 16, 2020

SPRING PRAIRIE RESERVES REZONE, CUP APPLICATION CSM REVIEW

STANDARDS FOR REVIEW

1. Rezoning

Wis. Stat. § 59.69(5)(c) sets forth a procedure for petitions to amend county zoning ordinances. This procedure includes providing affected towns with notice of amendments that would change the allowable use of property. If a town affected by the proposed amendment disapproves the amendment, the town board may file a certified copy of the resolution adopted by the board disapproving of the petition with the county agency. If the town board of the town affected, in the case of an ordinance relating to the location of boundaries of districts, files such a resolution, the county agency may not recommend approval of the petition without change. The agency may only recommend approval with change or recommend disapproval.

Section 74-126 of the Walworth County ordinance ("WCO") sets forth the information that must be provided with a petition to rezone. This information includes a decision from the appropriate township with respect to a petition for any change to district boundaries.

Section 74-129 of the WCO contains requirements for approval of a rezone of areas zoned for A-1 Prime Agricultural Land District (A-1). This section provides that a rezone of these areas may only be approved after a hearing and findings are made based on the following:

1. The proposed rezone should be consistent with the Walworth County and town comprehensive plans and the Walworth County agricultural preservation plan.
2. In accordance with the Wisconsin Farmland Preservation Law...the proposed rezone may be approved by the County and Town only after findings are made based upon consideration of the following:
   a. The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
   b. The rezoning is consistent with any applicable comprehensive plan.
   c. The rezoning is substantially consistent with the County farmland preservation plan, which is in effect at the time of rezoning.
   d. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

4. Exceptions. With certain exceptions, it is envisioned that the lands identified as prime agricultural land and located within the Farmland Preservation Areas will be retained in agricultural and in agricultural-related uses that are allowed as principal or conditional uses in the A-1, Prime Agricultural Land zoning district. The exceptions are:
c. Mineral extraction may be needed in the future and may be
proposed as an M-3 rezone within the agricultural preservation
areas where the proposed use is compatible with adjacent
agricultural use, and consistent with County and town goals and
objectives. All nonmetallic mining proposals will be considered on
a case-by-case basis and will be subject to the County zoning
ordinance and non-metallic mining reclamation ordinance. Such
area would have to be rezoned into the M-3 Mineral Extraction
District and receive a conditional use permit. The County has
adopted a nonmetallic mining policy requiring the reclamation of
a nonmetallic mining sites [sic] in an agricultural preservation
areas to agricultural use. Such uses, if approved, will be
accommodated without amending the comprehensive plan or
farmland preservation plan.

1. Proposed Rezone is Consistent with Comprehensive Plans and Farmland Preservation
Plan

The Spring Prairie Reserve rezone is consistent with the Multi-Jurisdictional Comprehensive Plan
for Walworth County: 2035. The Plan recognizes that economic deposits of sand and gravel may
be located on the proposed mine property, and mineral extraction is an exception for requiring
lands identified as prime agricultural to be retained in agricultural use. The Plan also
acknowledges that additional land for mineral extraction may be needed during the planning
period, although specific locations were not determined. Furthermore, the Plan indicates that the
County and Town will consider proposals for new mineral extraction sites on a case-by-case basis,
that these areas are to be rezoned to M-3 and receive a conditional use permit, and that the uses
can be made without changing the comprehensive plan.

This proposed use is also consistent with the Master Plan for the Town of Spring Prairie: 2020,
which recognizes potential sand and gravel deposits exist in the Town, and that sand and gravel
are important economic resources. The Plan also notes that of “particular importance in preparing
the master plan for the Town of Spring Prairie are the interpretations for residential development
with onsite sewage disposal systems, for agriculture, and as a potential source of sand and
gravel.” (page 17).

The proposed rezone is also consistent with the Walworth County Farmland Preservation Plan
Update, 2012. Similar to WCO 74-129, Walworth County Farmland Preservation Plan includes
exceptions to maintaining prime agricultural lands in agricultural uses. One of these exceptions
provides “Mineral extraction may be needed in the future and may be proposed within
agricultural preservation areas where the proposed use is compatible with adjacent agricultural
use, and consistent with county and town goals and objectives.” This exemption is clearly
applicable here because the use is compatible with adjacent agricultural use, and is consistent
with plans and objectives as set forth in the applicable plans.
2. Proposed Rezone is Consistent with Wisconsin Farmland Preservation Requirements

The proposed rezone also meets the requirements contained in Section 74-129(2). As mentioned above, the Walworth County Farmland Preservation Plan contains an exception for mineral extraction. In addition, the rezone is consistent with the Walworth County Multi-Jurisdictional Comprehensive Plan 2035, and the Spring Prairie Master Plan 2020. The rezone also will not substantially impair agricultural use of other protected farmland.

3. Proposed Rezone is Subject to the Exception Mineral Extraction

In addition, the SPR rezone falls within the exception from maintaining agricultural preservation areas for mineral extraction set forth in WCO section 74-129(4)(c). As discussed above, the proposed use is compatible with adjacent agricultural uses. Furthermore, this use is compatible with Town and County goals and objectives. This is evidenced by the fact that the various plans discussed above, as well as ordinance itself, contemplate the use of agricultural property for mineral extraction.

II. Conditional Uses

Wis. Stat. § 59.69(5e) sets forth certain requirements for county review of conditional uses. This provision provides:

(a)
1. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a county, but does not include a variance.
2. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

(b)
1. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the county ordinance or those imposed by the county zoning board, the county shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
2. The requirements and conditions described under subd. 1. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal. The applicant must demonstrate that the application and all requirements and conditions established by the county relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence. The county's decision to approve or deny the permit must be supported by substantial evidence.
Thus, an applicant who meets all required conditions must be issued a conditional use permit, and any condition must be related to the ordinance and be based on substantial evidence. "Substantial evidence means facts and information, and not merely preferences or speculation, pertaining to the requirements that must be met to obtain a conditional use permit. Moreover, any decision to approve or deny a permit must be supported by substantial evidence.

An extensive information packet was submitted to the County and the Town addressing numerous matters regarding the Spring Prairie Preserve proposal. This information provides substantial evidence supporting the approval of the conditional use permit.

WCO Section 74-59 sets forth requirements for the review and approval of conditional uses. In regard to review by the Town, this section provides in part: "A recommendation from the appropriate township must be received before a public hearing may be held. Township recommendations must be submitted by the applicant to the department no later than one week prior to the scheduled hearing."

In addition, WCO Section 74-29 sets forth the standard for reviewing conditional uses:

The Committee may authorize the County Zoning Administrator to issue a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance as outlined in Sections 74-28 and 74-29 of same, and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the County and its communities. Written notice of the proposed conditional use shall be submitted to the Department of Natural Resources ten days prior to said hearing.

A. Conditional Use Permit is in Accordance with WCO Sections 74-28 and 74-29

Section 74-28 sets forth the purpose of the ordinances. This section provides in part that the purpose is to: "promote the comfort, health, safety, prosperity, aesthetics and general welfare of the County and its communities and to protect the natural and agricultural resources and environmental corridors...." In addition, section 74-29 sets forth the general "intent" of the ordinances. Among other items, the intent includes furthering the appropriate use of land. Based upon all the information submitted to the Town, we strongly believe that the issuance of the conditional use permit is consistent with the purpose and intent of Walworth County's ordinances. As discussed in greater detail in the Spring Prairie Reserve Application Submittal ("SPR Application Submittal"), the proposed mining operation is in accordance with the applicable ordinances in that the ordinances, in addition to the applicable comprehensive plans, specifically contemplate the use of the rezoning of A-1 land to M-3, and using those lands for this type of operation. Moreover, nonmetallic mining can be done safely and in a manner that protects natural resources.
B. Conditional Use is not Hazardous, Harmful, Offensive or Otherwise Adverse to Environmental Quality, Water Quality Shoreland Cover, or Property Values.

1. Not Hazardous, Harmful or Offensive
   a. Site Location
      The proposed mining site is surrounded by agricultural property. In addition, the property will have at least a 100 foot buffer zone that would be maintained in agricultural use.
   b. Water and Sewer
      The site will have a private potable water well and a private septic system.
   c. Waste Management
      A solid waste dumpster may be placed near the property near the scale house under a commercial contract with a local disposal firm.
   d. Operating Hours
      Proposed mining, processing and trucking hours are Monday through Friday, 6:00 a.m. through 6:00 p.m. Equipment maintenance may occur outside those hours.
   e. Traffic
      The applicant proposes to transport aggregate from the proposed mine to an asphalt plant in Burlington, along state highways, designed, built and maintained to support truck traffic. Township and county roads will not be used as a primary transportation route. The most recent traffic count on STH 120 was reported at 4500 vehicles per day. Vehicle use by the mine will represent a small portion of the total truck traffic volume.
   f. Noise
      Noise will be controlled by using modern equipment, placing the crushing circuit in the bottom of the mine and as far as practical from nearby residences, and creating stockpiles between residences the mine.
      Spring Prairie Reserve submitted a Noise Estimation Report to the Town. That Report estimated sound levels at the nearest residences, using anticipated site characteristics, such as mine depth and stockpiles. The report indicated that sound attributable to the crusher outside the nearest residences was estimated to be the equivalent of less than a whisper (9 to 21 decibels).
   g. Blasting
      No blasting will occur at the mine site.

2. Not Adverse to the Environmental Quality, Water Quality, Shorelands
   a. Dust Control
The Wisconsin Department of Natural Resources (WDNR) regulates dust as particulate matter. WDNR has developed a list of recommended practices for controlling dust at mines, in hauling, material handling and stockpiling, which will be implemented.

b. Stormwater

Stormwater will be internally drained and managed in accordance with a stormwater management plan prepared to comply with county and state requirements. There are no anticipated impacts on groundwater quality or surface water quality.

c. Reclamation Plan

A proposed reclamation plan was submitted to the Town. The site will be reclaimed to allow for crop production or wildflower/prairie grass mix for wildlife habitat.

d. Water Quality

The proposed use will have no impact on groundwater or surface water quality.

e. Shorelands

There are no shorelands on site.

f. Water Use

A wash plant at the mine is anticipated to operate 30 to 40 days a year. The wash plant will require water to charge the system and make-up water during operation. A discussion of the impact of this water use is contained in the Spring Prairie Reserve Applications Packet. The degree of drawdown associated with the water withdrawal is not anticipated to adversely impact neighboring wells.

3. Impact on Property Values

The SPR Application Submittal contains an extensive review by GZA of the impact of nonmetallic mines on property values, including a review of a number of studies that have been done relating to property value. That review indicated that there were no credible studies supporting widespread and predictable property value declines associated with the aggregate or any similar nonmetallic mining facility.

This proposal will not have an adverse impact on environmental quality. There are currently over 2500 nonmetallic mines in Wisconsin.

III. Certified Survey Map (CSM)

Section 74-56 sets forth principal uses, conditional uses, and yard requirements for M-3 mineral extraction, oil and gas exploration or product district. The yard requirements specify that all “excavations shall be at least 200 feet from the right-of-way of any public or approved private street or property line.” The Spring Prairie Reserve consists of three parcels. In order to eliminate
the need for setbacks for each parcel boundary, these parcels are being combined into one parcel. The exterior boundary for the property is remaining the same. The CSM is an appropriate mechanism to combine these parcels.

III. Conclusion

The proposed Spring Prairie Reserve rezone meets the standards for approving the request for rezoning from A-1 land to M-3. In addition, Spring Prairie Reserve rezone meets the requirements for approval of the conditional use permit.