1. July 16, 2020 CZA Meeting Agenda
   Documents:
   
   CZA JUL 20 - AGENDA.PDF

2. July 16, 2020 CZA Meeting Packet
   Documents:
   
   CZA JUL 20 - PACKET.PDF

3. July 16, 2020 CZA Supplemental Packet
   Documents:
   
   CZA JUL 20 - SUPPLEMENTAL PACKET.PDF

4. July 16, 2020 CZA Distributed At Meeting
   Documents:
   
   CZA JUL 20 - DISTRIBUTED AT MEETING.PDF
Count y Zoning Agency
MEETING NOTICE
Thursday, July 16, 2020 at 4:30 p.m.

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

Rick Stacey, Chair – Dave Weber, Vice-Chair
Susan Pruising, Supervisor – Jerry Grant, Supervisor – Ryan Simons, Supervisor
Richard Kuhnke, Sr., Citizen Member – Jim Van Dreser, Citizen Member

NOTICE: DUE TO THE CONTINUING PUBLIC HEALTH EMERGENCY,
THIS MEETING IS PLANNED TO PROVIDE FOR REMOTE OR OFF-SITE ATTENDANCE BY COMMITTEE MEMBERS.

The Walworth County Government Center remains open, but in-person attendance will be severely limited due to State imposed restrictions on group meeting sizes.

ALL INDIVIDUALS ARE STRONGLY ENCOURAGED TO WATCH THE MEETING STREAMING LIVE AT
https://tinyurl.com/July16CZA

Individuals wanting to provide a Public Comment can do so remotely by telephone, but must contact Shannon Haydin at shaydin@co.walworth.wi.us or at 262-741-7912 on the day of the meeting and at least 30 minutes prior to the start of the meeting to obtain instructions.

(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, June 18, 2020 CZA Meeting
6. Subdivision Items:
   a. Old Business – None
b. New Business – 

TO BE TABLED AT REQUEST OF APPLICANT

1. 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.

7. Old Business:

a. Ordinance Amendments – None

b. Discussion Items – 
   1. Short Term Rental Update and Discussion – Shannon Haydin

8. New Business:

a. Ordinance Amendments – None

b. Discussion Items –
   1. UNILOCK AGGREGATES LLC – Owner, AMENDED CU to expand a gravel extraction area by less than 25% of the existing approval area into an area that was 200 foot setback prior to combination of lands with the neighboring parcel. Section 6, Lafayette Township. Part of Tax Parcel K LF 600005.


If the above items are completed prior to 5:30 p.m., the committee will recess and reconvene at 5:30 p.m. to continue the public hearing portion of the meeting on Ordinance Amendments, Comprehensive Map Amendments, Rezones and Conditional Uses.

5:30 p.m.

c. Ordinance Amendments – None

d. Rezones with Conditional Uses –
   1. James Steurer Jr. – Owner, Section 16, Delavan Township. Rezone an approximately 1.89 acre A-1 Prime Agricultural zoned parcel to the M-1 Industrial District in order to bring and existing septic pumping business into compliance by obtaining a conditional use permit for contractor storage and a caretaker’s quarters. Tax Parcel FA 10900001.
TABLED – NO TOWN DECISION

2. Treetops Funding, LLC – Owner, Eric Howden – Applicant, Section 26, Geneva Township. The property owner is requesting to rezone approximately .4 acres of C-2 Upland Resource Conservation District Property to the P-1 Recreational Park District in order to obtain conditional use approval to add a climbing wall structure and a balloon ride business building to an recreational facility. The property of concern is located off a private drive on the north side of Hwy H approximately 180 feet south of the intersection of Hwy H and Hwy NN and is identified as parts of Tax Parcel JA458600002.

e. Rezones –

TO BE HEARD AT 5:45 P.M. OR AS SOON THEREAFTER.

1. Casey and Bertha Mikrut Trust C/O John Mikrut Trustee – Owner, Diane Cocroft – Applicant, Section 27, Geneva Township. Rezone approximately .256 acres of C-4 Shoreland Wetland District property to the R-2 Single Family Residential District in order to match the wetland boundary to delineated field conditions for the creation of a potentially buildable residential lot. Part of Tax Parcel JLCB 00299.

TO BE HEARD AT 5:50 P.M. OR AS SOON THEREAFTER.

2. The Town of East Troy – Owner, Section 3, East Troy Township. Rezone an approximately 4.3-acre parcel from P-1 Recreational Park District to P-2 Institutional Park District in order to construct Town municipal buildings on the property. Tax Parcel P ET 300008.

TO BE HEARD AT 5:55 P.M. OR AS SOON THEREAFTER.

3. Ronald and Dolores Eddy – Owners, Section 24, Geneva Township. Rezone approximately .49 acres of C-2 Upland Resource Conservation district to C-3 Conservancy Residential District and .16 acres of C-3 to the C-2 District to straighten out property boundaries between neighboring property owners and to increase the size of the neighboring lot. Parts of Tax Parcel JA300000002.

f. Conditional Uses –

TABLED – NO TOWN DECISION

1. Eric and Sarah Handley – Owner, Section 33, Geneva Township. Conditional use approval for approximately 100,000 sq. ft. of land restoration in order to construct a pond and spoils area with drainage way on land zoned A-2 Agricultural Land District. Part of Tax Parcel J G 3300011B.

TO BE HEARD AT 6:00 P.M. OR AS SOON THEREAFTER.

2. The Town of Delavan – Owner, Cardinal Engineering – Applicant, Section 22, Delavan Township. Expansion of the existing Delavan park structure by greater than 25% requiring conditional use approval for expansion of public assembly use as if establishing the existing use anew. Part of Tax Parcel F D 2200004.
3. Milstead, LLC – Owner, John Schnupp – Applicant, Section 6, Walworth Township. Conditional use approval for outdoor food and beverage consumption on the north side of an existing restaurant in order to better serve clientele of the Fire to Fork Restaurant. Part of tax parcel E W 600001B.

4. Nonmetallic Mining Reclamation Permit – Unilock Aggregates, LLC – owner, has applied for a Nonmetallic Mining Reclamation Plan modification for a nonmetallic mining site to expand their mining activities for an additional 6 acres. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel K LF 600005, Town of LaFayette. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.


6. 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. Part of Tax Parcel B D 2100005A.

9. Adjournment

Submitted by: Rick Stacey, Committee Chairman
Michael P. Cotter, Director, Land Use and Resource Management Department

Posted: July 10, 2020
County Zoning Agency
MEETING NOTICE

Thursday, July 16, 2020 at 4:30 p.m.

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Elkhorn, WI 53121

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AGENDA

V=Items on Videotape

1. Call to Order

2. Roll Call

3. Approval of the Agenda

4. Approval of the Minutes, June 18, 2020 CZA Meeting


6. Subdivision Items:
   a. Old Business – None
b. New Business –

**TO BE TABLED AT REQUEST OF APPLICANT**

1. **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.

7. **Old Business:**

a. Ordinance Amendments – None

b. Discussion Items –

1. **Short Term Rental Update and Discussion** – Shannon Haydin

8. **New Business:**

a. Ordinance Amendments – None

b. Discussion Items –

1. **UNILOCK AGGREGATES LLC** – Owner, AMENDED CU to expand a gravel extraction area by less than 25% of the existing approval area into an area that was 200 foot setback prior to combination of lands with the neighboring parcel. Section 6, Lafayette Township. Part of Tax Parcel K LF 600005.

2. **Noise Ordinance discussion** – Michael Cotter.

If the above items are completed prior to 5:30 p.m., the committee will recess and reconvene at 5:30 p.m. to continue the public hearing portion of the meeting on Ordinance Amendments, Comprehensive Map Amendments, Rezones and Conditional Uses.

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1. **James Steurer Jr.**, **Owner**, Section 16, Delavan Township. Rezone an approximately 1.89 acre A-1 Prime Agricultural zoned parcel to the M-1 Industrial District in order to bring and existing septic pumping business into compliance by obtaining a conditional use permit for contractor storage and a caretaker’s quarters. Tax Parcel FA 10900001.
TABLED – NO TOWN DECISION

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**TO BE HEARD AT 5:45 P.M. OR AS SOON THEREAFTER.**

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4. **Nonmetallic Mining Reclamation Permit** – Unilock Aggregates, LLC – owner, has applied for a Nonmetallic Mining Reclamation Plan modification for a nonmetallic mining site to expand their mining activities for an additional 6 acres. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel K LF 600005, Town of LaFayette. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.


6. **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. Part of Tax Parcel B D 2100005A.

9. **Adjournment**

Submitted by: Rick Stacey, Committee Chairman
Michael P. Cotter, Director, Land Use and Resource Management Department

Posted: July 10, 2020
Committee Chair Rick Stacey called the meeting to order at 4:30 p.m.

Roll call – Committee members present in person were Supervisors Rick Stacey, Dave Weber, Susan Pruessing, Ryan Simons, Citizen Members Richard Kuhnke, Sr. and Jim Van Dreser. Appearing via telephone was Supervisor Jerry Grant. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Department Deputy Director Shannon Haydin via video, Senior Planner/Hearing Facilitator Matt Weidensee via video. Present for a portion of the meeting / hearing Senior Urban Conservation Technician/Fay Amerson via video.

A “sign-in” sheet listing attendees on June 18, 2020 was not presented due to the continued COVID-19 threat.

Details of the June 18, 2020 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view in the agenda center on the website: www.co.walworth.wi.us

Sue Pruessing motioned to approve the agenda as amended by Dave Weber to table item 6.b.1.) Geneva Springs Subdivision Preliminary Plat, Geneva Springs Haven LLC.; 8.b.2.) Maple Lawn Estates, LLC; 8.e.1.) Casey and Bertha Mikrut Trust; 8.f.1.) Eric and Sarah Handley; 8.f.4.) ATS, Ltd. C/O Robert Allen – Owner; 8.f.5.) Steve S. Walter. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.

Richard Kuhnke, Sr. motioned to approve the May 21, 2020 CZA Meeting Minutes. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter
Disc Count #4:36:55 – 4:42:27

Subdivision Items – Old Business – None

Subdivision Items – New Business –

**THIS ITEM NOT HEARD – Tabled at Request of Applicant.**

**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 –

1. **Birds Eye Foods:** 1 YEAR UPDATE: Offensive Environmental Odors in the Darien Community Review, Tax Parcel B D 2800007/BA412100001, Darien Township – Michael Cotter

   Kip Guy – Site Leader Birds Eye Darien – speaks regarding current status of the lagoons and status of progress on repairs. Questions from Van Dreser regarding the liner and the depth of the lagoon. Response from Birds Eye. Statement by Cotter concerning complaints received and responses by the parties, including the Village of Darien.

   Jim Van Dreser motioned to review in one year at June, 2021 CZA Meeting. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.

   Disc Count #4:42:45 – 5:03:02


   Staff presents Town of Linn’s letter of concern regarding open mic nights. Staff indicates that the property owner does not object to the requested changes.

   Jim Van Dreser motioned to adopt the amended Conditional Use changes as per the Town. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.

   Disc Count #5:03:09 – 5:06:48

3. **ZIOTO Enterprises, LLC – George Paziotopolis** Review of all uses on the property as per Condition #1 on conditional use permit issued June, 2019. Tax Parcel(s) B D 800005.

   Staff presents request.

   Attorney Tim Brovold appears via telephone and discusses plans moving forward. Further discussion on this property is discussed below.

   No action is taken.

   Disc Count #5:06:51 – 5:11:52

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Zioto Enterprises, LLC - Owner, C/O George Paziotopolis,** Section 8, Darien Township. Amendment of CU for outside storage of sheds for sale. Tax Parcel B D 800005.

   Amended June 18th, 2020 to eliminate fireworks stand and approve sheds for three years (see # 1, 8, 10, 11, 12, 13, 22)

   NAME: Zioto Enterprises, LLC
TOWN: Darien

The property owner is requesting six year conditional use approvals for outside storage and sales of portable barns and sheds by Country Barns and temporary use for sales of firework from out of a truck. The fireworks stand is requested to be open from June 1st to July 15 of each year starting after the conditional use is approved with hours of operation from 9:00 a.m. to 9:00 p.m. There would be two employees for the fireworks truck.

Part of Tax Parcel B D 800005.

Has been APPROVED subject to the following conditions:

General:

1. Approved for six years one (1) year three years as per plan submitted for outside storage of allowing a seasonal fireworks stand and sheds to be stored on site for sale. The property owner shall apply for and return to the County Zoning Agency for a full plan review of all uses on the property in May, 2019-2020.

2. All materials and parking of any nature will be as reflected in the Site Plan.

3. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management Permit from the County prior to any land disturbance activities taking place on the site.

4. All access to the site must be made as identified in the approved plan.

5. The applicant shall meet all applicable federal, state, and local regulations.

6. The applicant shall obtain all necessary permits for any temporary sanitary facilities and signs.

7. Storage-related activities, including parking, shall not occur within 25 feet of the right-of-way or within the required vision triangle.

8. With the exception of the shed display area and fireworks stand, no other uses shall be allowed on the site in conjunction with this approved temporary use. There shall be no other use of the premises during the term of the CUP without additional County approval.

9. Materials stored on site are limited to parking, a fireworks stand and the sheds for sale as per plan submitted.

10. Mini-storage sheds may be located on the premises for sale as reflected on the approved plan for six three years starting on the date of this approval provided the applicant complies with all of the necessary conditions as itemized and the applicant provides the name contact phone number of the designated lessee displaying the sheds.

11. Hours of operation of the fireworks stand shall be from 9:00 a.m. to 9:00 p.m.

12. The fireworks shall be sold inside of an 8 ft. by 40 ft. shipping container as per the plan submitted.

13. The shipping container truck and sales of fireworks shall be allowed on site for six years one (1) year starting on June 1st and must be removed from the site by July 15th of 2020-2021. Each of the six approved years starting June 1st, 2018 through July 15th, 2023.

14. No permanent buildings shall be allowed on site as part of this approval.

15. Any changes to the character, intensity or use of this site not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the County Zoning Agency for additional conditional use review.

Specific:

16. There shall be no contractor storage yard and related activities such as fabrication, painting, welding, washing of materials or equipment, cutting, milling, chipping, sorting etc. allowed on site.

17. Failure to make the required contact with the County and or provide the required information for review prior to use of the site shall result in County citation and/or enforcement.

18. The topsoil pile located on site shall be spread on the site, remain for use in final restoration of the property.
19. No topsoil, fill or other earthen materials may be mined and/or removed from the site.

20. No earthen materials, debris and or spoils may be disposed of on site.

21. All area utilized for temporary storage shall be covered by gravel prior to use.

22. The fireworks stand and or sheds shall not be used for overnight stays.

23. There shall be no more than 12 sheds stored on site for sale as per the Town

    Dated this 20th day of June, 2019.

    __________________________________________________________________________

    COUNTY ZONING AGENCY
    TIM BRELLENTHIN, CHAIRMAN

cc: Town of Darien, Cecil R. Logterman, Chairman, N2826 Foundry Rd, Darien, WI 53114

    Town of Darien, Marilyn Larson, Clerk, N2826 Foundry Rd., Darien, WI 53114

Staff presents request.
Attorney Tim Brovold appears via telephone and discusses plans moving forward. Indicates he believes the top soil has been leveled down and spread out - to 1' to 3' in height bump.

Jim Van Dreser motioned and amended to Approve for one-and-one-half year, with removed fireworks language. Seconded by Dave Weber. Motion carried.
7-favor 0-oppose.
Disc Count #5:11:52 – 5:16:26

TABLED – NO TOWN DECISION / REQUEST OF APPLICANT

2. Maple Lawn Estates, LLC – Owner, Matt Polyock – Applicant AMENDED CU to allow expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin resulting in less than 25% of the size of existing structures approved by a conditional use. Part of Tax Parcel LL 330003.

Meeting paused until 5:30 portion of meeting.

5:34 p.m. meeting recalled by Chair Stacey.

Ordinance Amendments – None

Rezones with Conditional Uses –

1. Catherine Duesterbeck – Owner, Ben Johnson – Applicant, Section 29, Sugar Creek Township. Rezone approximately 2.1 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Rural Residential zone district in order to obtain conditional use permit approval for the expansion of an existing micro-brewery. The expansion includes request for a separate conditional use for a farmer’s market. Part of Tax Parcel G SC2900004.
Amended 6/18/2020 for addition of a 3204 sq. ft. building to be used as an additional tasting room and a summer pavilion in addition to use of existing sheds for beer production space, bottling, canning and storage area, two small events a week and up to 12 large events per year to be served by a 195 stall grass over flow parking area, expansion of the hours of operation and a separate conditional use for a farmer’s market on a portion of the A-4 zoned grass area. (see #1, 14, 17 and 20-28)

Amended 10/18/2018 for restroom and breeze way addition (See #1).

NAME: Catherine Duesterbeck – Owner
(Benjamin Johnson – Applicant)

TOWN: Sugar Creek

The Property owner is requesting to rezone approximately .782 acres or 34,062 sq. ft. of A-1 Prime Agricultural zoned property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a micro-brewery with a tasting room. The brewery would consist of one building (approx. 40’ X 80’) with a 430 sq. ft. restroom and breeze way addition added by CU Amendment replacing four existing buildings in the proposed A-4 area. The four existing buildings would be razed to make room for the new structure. The process of brewing beer will generally take place between the hours of 7 a.m. and 6:00 p.m. Mondays through Fridays. The hours of operation of the tasting room will generally take place between 4:00 p.m. and 10:00 p.m. Tuesdays through Saturdays. The application indicates the brewery would produce 900 barrels of beer a year in the first year from a ten-barrel system. The system would be considered micro due to time constraints it would never be capable of brewing more than 2000 barrels of beer in a year. There would be up to six employees. The brewery would create mostly organic waste. Solid waste can be truck to farms and be used as feed and the liquid waste once (ph) neutralized can be burned through a septic system designed for the facility. The facility would have its own well for water and would be run on propane with a 1000 gallon tank and have 3 phase 400 amp electric. The tasting room would be a small area of 1080 sq. ft. with 500 sq. ft. of outside area. The site plan would allow for the required parking for the tasting room and outside area as retail sales area and temporary parking spaces would be made available for use for beer festivals or special events. The application proposes one summer and one fall festival or event. The parking lot and stalls would allow for up to 140 people on site at one time. The application requests a sign code modification to allow a 12 ft. by 4 ft. sign. The project would take about one year to complete and it takes about eight months to obtain the federal government license to brew beer.

At the June 18th, 2020 CZA Hearing the property owner requested the following additions to the micro-brewery. The property owner is requesting to rezone approximately 2.1 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Rural Residential Zone district in order to obtain conditional use permit approval for the expansion of an existing micro-brewery by addition of a 3204 sq. ft. building to be used as an additional tasting room and a summer pavilion separate from the micro-brewery structure in addition to use of existing sheds for beer production space, bottling, canning and storage area. The expansion includes expansion of the hours of operation. Request to have two small events a week and up to 12 large events per year to be served by a 159 parking space both surfaced and grassed over flow parking on the micro-brewery A-4 zoned property and a separate conditional use for a farmer’s market. The farmer’s market would be held on a portion of the A-4 zoned grass area with 69 grass parking spaces on either a Friday or Saturday once a month from May to October.

Parts of Tax Parcel G SC2900004

Has been APPROVED subject to the related rezone passing County Board and the following conditions:

General:

1. The Conditional Use for a micro-brewery with outdoor beverage consumption as part of the approved detailed retail sale plan is approved as per the plan submitted and amended 10/18/2018 and date stamped received by LURM 10/04/2018 for a mixed use 40 ft. X 80 ft. building to contain 1080 sq. ft. tap (tasting) room, 430 sq. foot addition for expanded restrooms and a breeze way with 500 sq. ft. of outdoor area and the remainder of the building to be used for production space for brewing of beer. The application proposes one summer and one fall festival or event. The parking lot and stalls would allow for up to 140 people on site at one time. The application requests a sign code modification to allow a 12 ft. by 4 ft. sign. The project would take about one year to complete and it takes about eight months to obtain the federal government license to brew beer. On June 18th, 2020 the conditional use permit is further approved as per revised plan and approved narrative for addition of 2.1 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Rural Residential Zone district in the expansion of an existing micro-brewery by addition of a 3204 sq. ft. building to be used as an additional tasting room and a summer pavilion separate from the micro-brewery structure in addition to use of existing sheds for beer production space, bottling, canning and storage area. The expansion includes two small events a week and up to 12 large events per year to be served by a 159 parking space including grassed over flow parking on the micro-brewery A-4 zoned property and a separate conditional use for a farmer’s market on a portion of the A-4 zoned grass area.

2. Beer production as a micro-brewery shall be set at a maximum ten-barrel production facility with a capacity of up to 2000 barrels of beer per year.

3. Use of the grounds shall be limited to the uses as stated in the plan of operations.
4. The project must meet with all State, Federal and local regulations and approvals.

5. The applicant must obtain all required County Zoning permits including sanitation approvals and a sign permit for any proposed signage.

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

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

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

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

10. 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 for business on site must be in compliance with County requirements within 60 days of this approval.

11. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.

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. Hours of operation for brewing beer shall be 7 a.m. and to 6:00 p.m. Mondays through Fridays. The hours of operation of the tap (tasting) rooms shall be 4:00 p.m. and 10:00 p.m. – 10:00 a.m. to 12:00 a.m. (midnight) Tuesdays through Saturdays seven days a week.

15. All outdoor seating and beverage consumption must be within the A-4 zoned area as specified on the approved site plan.

16. The patio must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.

17. This approval allows for two small events with less than 100 people twice a week and a maximum of six 12 beer festivals with no more than 397 people in attendance at a rate of one regular or grassed parking space per 2.5 people.

18. The conditional use approval includes modification of the sign code to allow a 12 ft. by 4 ft. sign with zoning permit approval.

19. Any alcohol served shall be limited to products produced on site unless otherwise approved by the committee. Any service of alcohol shall be for tasting, promotional, and/or educational purposes and such activity must be discernible from a bar or tavern. The committee may consider limited quantities served, site design, or other operational methods to make such a distinction. Any retail sales of ancillary items are subject to a detailed list of those items approved by the Committee. All outdoor activities are subject to Committee review and approval.

20. The site plan must be amended to show the area to be used by outside patrons during events shall be separated from the parking area and access by a temporary fence with all portable toilets bordering inside the fenced area for safety purposes.

21. The number of portable toilets to be used on site during events shall be approved by the County Sanitarian.

22. A farmer’s market is approved as per plan submitted including retail sales of ancillary non-agricultural items subject to a detailed plan approved by the committee with all additional conditions. (see attached list of items to be sold on site as specified):
23. The farmer’s market would be held on a portion of the A-4 zoned grass area with 69 grass parking spaces on either a Friday or Saturday once a month from May to October. Attendance would be at a rate of 2.5 people per 69 grass parking space for a total of 172 people at the farmer’s market. Hours of operation for the farmer’s market shall be from 7:00 a.m. to 12:00 p.m. (noon).

24. There shall be no self-service of retail products for sale on site.

25. Parking for farm marketing must occur in the areas identified on the approved plan and meet with condition # 10.

26. The farmer’s market shall be limited to 18 vendors to be located in the area identified on the site plan.

27. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Sugar Creek and their 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 prior to this conditional use being valid.

28. No adult entertainment as defined by the County Zoning Ordinance shall be allowed on site.

Dated this 16th day of November, 2017.

____________________________________
COUNTY ZONING AGENCY
TIM BRELLENTIN, CHAIRMAN

Dated this 18th day of October, 2018.

____________________________________
COUNTY ZONING AGENCY
TIM BRELLENTIN, CHAIRMAN

cc: Benjamin Johnson, W8371 Springwood Lane, Delavan, WI 53115
    Town of Sugar Creek, David Duwe, Chairman, N6641 County Road H, P.O. Box 287, Elkhorn, WI 53121
    Town of Sugar Creek, Diane Boyd, Clerk, N6641 County Road H, P.O. Box 287, Elkhorn, WI 53121

Staff presents request and indicates this is consistent with Farmland Preservation. Ben Johnson speaks regarding the application. Question by Pruessing regarding potential for weddings. Discussion by committee and Staff regarding inability to have rentals for events.

Dave Weber motioned to approve. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.

The rezone petition will move forward to the July 14, 2020 Walworth County Board for possible action.
Disc Count #5:36:50 – 5:48:35

Rezones –

TABLED – NO TOWN DECISION

1. Casey and Bertha Mikrut Trust C/O John Mikrut Trustee – Owner, Diane Cocroft – Applicant, Section 27, Geneva Township. Rezone approximately .256 acres of C-4 Shoreland Wetland District property to the R-2 Single Family Residential District in order to
match the wetland boundary to delineated field conditions for the creation of a potentially buildable residential lot. Part of Tax Parcel JLCB-00299.

5:48 P.M.:
2. Constance Kilkenny – Owner, Section 24, Darien Township. Rezone the A-3 Agricultural Land Holding District portion of a dual zoned R-1 Single Family Residential and A-3 Agricultural Land Holding District lot to R-1 Single-Family Residence District (Unsewered) in order to create a R-1 Single-Family Residence District (Unsewered) zoned property. The A-3 portion of Tax Parcel BA124900001.

Staff presents request.
Constance Kilkenny speaks regarding the application.

Richard Kuhnke, Sr. motioned to approve. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.

The rezone petition will move forward to the July 14, 2020 Walworth County Board for possible action.
Disc Count #5:48:50 – 5:52:10

Conditional Uses –

TABLED – NO TOWN DECISION
1. Eric and Sarah Handley – Owner, Section 33, Geneva Township. Conditional use approval for approximately 100,000 sq. ft. of land restoration in order to construct a pond and spoils area with drainage way on land zoned A-2 Agricultural Land District. Part of Tax Parcel J G 3300011B.

5:55 P.M.:

General:

1. Approved per plans submitted as dog kennel for up to a total of 24 dogs on-site with all additional conditions.
2. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking must be in compliance with County requirements within 60 days of this approval.
3. The kennel must meet all applicable Federal, State, County and local regulations.
4. The kennel is approved to board a maximum of 9 dogs overnight indoors and 24 dogs in total may be on site during foster/adoption days. No dogs may be housed outside as the kennel is not a minimum of 1000 feet from the nearest neighboring residential structures existing at the time of this approval. No more than four dogs may be outside at a time off leash or outside of a controlled fenced area and all dogs must be accompanied by a trainer when outside. Dogs cannot be housed within 100 feet of a property line.
5. All outdoor lighting shall be shielded and directed on site.
6. The site must be kept neat, clean and mowed.

7. All animal waste must be disposed of on a daily basis in a sanitary fashion as to prevent occurrence of nuisance.

8. 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.

9. 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:

10. The property owner must seek new conditional use approval prior to running this kennel as a commercial facility rather than the dog rescue as describe by the approved narrative and plan of operations.

11. The property must remain as a minimum of five acres is size in order for the conditional use for a kennel to meet the required lot size and remain valid.

Staff presents request.
Mandy Lewis speaks regarding the application. States concerns with item #2 parking, #3 “not a kennel”, #5 unsure what this relates to for lighting.

Speaking in FAVOR: Steve Ceskowski, Mary Nevicosi, Shelley Gard, Margie Renninger, Laurie Mumper, Neal Robinson, Amber Pribbenow, Amy Hinz-Horn, Nicole Espe, Karen White, Jenny Pavlovic (via phone), Jennifer Franklin (via phone), Kathy Bilskey (via phone).

Speaking in OPPOSITION: Douglas Muzatko, Susan Kartman.

Rebuttal by Mandy Lewis.
Comments made by committee regarding parking and signage. Statement by property owner to have all volunteers park on the property. They can make grass parking work.

Dave Weber motioned to approve with off-road parking/grass parking. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.

Disc Count # 5:55:00 – 7:08:35

7:10 P.M.:  
3. JHGKL, c/o Helga Wantschik – Owner, Jack Pease of Super Aggregates – Applicant, Section 9, Sugar Creek Township. Conditional use approval for expansion of a non-metallic mineral extraction site (gravel pit) by greater than 25% requiring conditional use approval as if establishing the project anew along with a requested 10-year time extension for operation within the gravel pit. The request is to enlarge a pond within the gravel pit from 12.3 acres 32 feet deep to 27 acres 45 feet deep requiring variances from exterior setbacks from the Walworth County Board of Adjustment. Part of Tax Parcels G SC 900004 and 4A.
Nonmetallic Mining Reclamation Permit –

Super Aggregates (operator), JHGLK, LLC - owner has applied for a Nonmetallic Mining Reclamation Plan modification for a nonmetallic mining site. The mining site is located on Tax Key Parcels # G SC 900004 and G SC 90004A, Town of Sugar Creek. 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 permit.

The property owner is requesting conditional use approval for expansion of a non-metallic mineral extraction site (gravel pit) by greater than 25% requiring conditional use approval as if establishing the project anew. The request is to enlarge a pond within the gravel pit from 12.3 acres 32 feet deep to 27 acres 45 feet deep with a 10-year time extension for operation within the gravel pit. The request includes reducing the setback for excavation distance to property lines from 200 feet to 130 feet from property lines and increasing the slope by excavation and grading in the 200-foot setback no disturbance area to 10 to 1 slope in the first 50 feet and 6 to 1 slope from 50 from the property line to the proposed pond edge. The request includes a 0-foot setback for excavation between the internal project parcel lines and reducing the required 100-foot setback for stockpiles from property lines to 30 feet on the west property line and 30 feet on the south property line with request for variances for all setback and excavation distance reductions to neighboring properties as per plan submitted. The total land disturbance is proposed to increase from 37 acres to 53.2 acres.

Tax Parcel #G SC 900004 and 4A

Has been APPROVED subject to the related rezone passing County Board and the following conditions:

General:

1. Approved as per the conditional use plan submitted and approved November 21st, 2019 for increase of the depth of the pit with mining below the ground water table for construction of a pond feature, a wash plant, crushing operations and the import of offsite materials for recycling of concrete and asphalt and import of earthen materials for use in restoration of the pit. Further amended June 18, 2020 for expansion of a non-metallic mineral extraction site (gravel pit) by greater than 25% requiring conditional use approval as if establishing the project anew. The request is to enlarge a pond within the gravel pit from 12.3 acres 32 feet deep to 27 acres 45 feet deep with a 10-year time extension for operation within the gravel pit. The request includes reducing the setback for excavation distance to property lines from 200 feet to 130 feet from property lines and increasing the slope by excavation and grading in the 200-foot setback no disturbance area to 10 to 1 slope in the first 50 feet and 6 to 1 slope from 50 from the property line to the proposed pond edge. The request includes a 0-foot setback for excavation between the internal project parcel lines and reducing the required 100-foot setback for stockpiles from property lines to 30 feet on the west property line and 30 feet on the south property line with request for variances for all setback and excavation distance reductions to neighboring properties as per plan submitted. The total land disturbance is proposed to increase from 37 acres to 53.2 acres.

2. Time limit for completion of the project shall be set at November 21st, 2033.

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

4. 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.

5. 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.
6. 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.

7. 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.

8. Road access and maintenance agreements shall be filed with the Town and County prior to hauling materials off 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 re-graded 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. Any site dewatering outside of the gravel pit M-3 zoned boundary must obtain specific Conservation Office review and approval.

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 new 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 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. 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.

22. 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.

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

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

27. The property owner shall submit a new reclamation plan for review and approval by the Walworth County Land Conservation Office and transfer the reclamation permit to the new operator prior to operations of the pit approved by this conditional use.

28. This conditional use shall not be valid without approval of all required Walworth County Board of Adjustment variance approvals.

Staff presents request and non-metallic mining reclamation standards.

Jack Pease speaks regarding the application. Handouts provided.

Speaking in FAVOR: Helga Wantschik
Speaking in OPPOSITION: Michael Kapitan
Speaking in REBUTTAL: Jack Pease

Jim Van Dreser motioned to TABLE until a Board of Adjustment decision is received. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.

Disc Count #7:10:39 – 7:47:47

TO BE TABLED - NO TOWN DECISION


TO BE TABLED - NO TOWN DECISION

5. 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.

Adjournment

Ryan Simons motioned to adjourn. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose

The meeting was adjourned at 7:48 p.m.
<table>
<thead>
<tr>
<th>Township</th>
<th>Complainant</th>
<th>Description of Complaint(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLOOMFIELD</td>
<td>Nick</td>
<td>Owner has more than one unlicensed / inoperable vehicle.</td>
</tr>
<tr>
<td>DARIEN</td>
<td>Heather</td>
<td>Anonymous Owner installed steppers or a walkway within 75' of Lauderdale Lake.</td>
</tr>
<tr>
<td>DELAVAN</td>
<td>Heather</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
</tr>
<tr>
<td>EAST TROY</td>
<td>Darrin</td>
<td>Anonymous Owner installed steppers or a walkway within 75' of Lauderdale Lake.</td>
</tr>
<tr>
<td>LAFAYETTE</td>
<td>Nick</td>
<td>Anonymous Several vehicles that could be unlicensed/inoperable</td>
</tr>
<tr>
<td>LAGRANGE</td>
<td>Darrin</td>
<td>Anonymous Owner installed steppers or a walkway within 75' of Lauderdale Lake.</td>
</tr>
<tr>
<td>GENEVA</td>
<td>Heather</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
</tr>
<tr>
<td>LAFAYETTE</td>
<td>Nick</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
</tr>
<tr>
<td>LAGRANGE</td>
<td>Darrin</td>
<td>Anonymous Owner installed steppers or a walkway within 75' of Lauderdale Lake.</td>
</tr>
<tr>
<td>LINN</td>
<td>Heather</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
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<tr>
<td>LYONS</td>
<td>Nick</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
</tr>
<tr>
<td>RICHMOND</td>
<td>Darrin</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
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<td>SHARON</td>
<td>Heather</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
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<tr>
<td>SPRING PRAIRIE</td>
<td>Nick</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
</tr>
<tr>
<td>SUGAR CREEK</td>
<td>Darrin</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
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<tr>
<td>TROY</td>
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<tr>
<td>WALWORTH</td>
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<tr>
<td>WHITEWATER</td>
<td>Darrin</td>
<td>Anonymous Owner has more than one unlicensed / inoperable vehicle.</td>
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<tr>
<td>Township/Tax Key</td>
<td>Complainant</td>
<td>Description of Violation(s)</td>
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<td>-----------------------------</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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BLOOMFIELD (Nick)

<table>
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<tr>
<th>Township/Tax Key</th>
<th>Complainant</th>
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<th>Section(s) violated</th>
<th>Owner's Name/Status</th>
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</thead>
<tbody>
<tr>
<td>B D 3400004C</td>
<td>Town</td>
<td>Using commercial property for two businesses when only one business is permitted. questionable septic system. Inspection on 1-31-2014 with Sanitation. Zoning violation letter sent 7/30/2014 pixels removed - extension granted till 3/6/2014. pixel company is moving out HOLD till 7/1, 2014. Scheduled for July 17, 2014 public hearing before CZA/7-17-14 CZA denied/Owner will do auto repair per previously approved CJU/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>
<td>74-37, 74-55</td>
<td>Edmonds Family Trust- Tenant has removed &gt;1000 tires. Other tires on site have been put in a building, covered or put in an enclosed trailer. The recycling center they use is relocating and they experienced an interruption in their ability to remove more tires. They can start bringing loads in on 6-12-17. 8-2-17: Spoke to Game Warden. He had gotten a complaint about the site and did an inspection. Site has a DNR permit and is in compliance with DNR. 11/14/17: See Citation Section. 1/27/20: Site visit- site still noncompliant. DNR says no correspondence from past tenant who put tires there. They are referring this violation to DOJ.</td>
</tr>
</tbody>
</table>

DARIEN (Heather)

<table>
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<tr>
<th>Township/Tax Key</th>
<th>Complainant</th>
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<th>Owner's Name/Status</th>
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<tbody>
<tr>
<td>BSU 00009</td>
<td>Anonymous</td>
<td>Contractor’s storage yard on C-3 property, cutting trees, selling wood, etc. Sent violation letter 6/15/20. Owner called, asked about rezoning and CUP. Spoke to planner, who said not a good probability. Needs to remove equipment.</td>
<td>74-37, 74-52, 74-59</td>
<td>Rajan &amp; Summer Chadha</td>
</tr>
</tbody>
</table>

DELAVAN (Heather)

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<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 ret 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 email photos of pre-existing lot conditions. 12/12/18: Convo w/ Michelle- told her landscape/retaining walls in violation &amp; grade change in violation- she was in disbelief of violations and was combative to the idea of restoring shorey to the pre-existing condition. Will have meeting in January. 1/26/19: Sent certified memo- need to have 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 accdg 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>
<td>74-162</td>
<td>Randy &amp; Michelle Keller - 3/25/19: HM reached out to Keller’s via e-mail: need meeting. After that, correspondence had between staff, Keller’s &amp; DNR: Keller’s reached out to DNR, who incorrectly informed them that their violation was “fine”, and “beautiful”. Staff contacted DNR who ultimately informed Keller’s that they do not have the authority to approve their work done on the shorefront. HM informed Keller’s that they are still in violation, and DNR does not have jurisdiction over the project they did. Mtg is scheduled @ LURM for Apr. 5/19/16: Rec’d email from Kellers- asked us to look over a preliminary site plan, before they apply for the applicable permits. Permits have been submitted. Working w/ Land Cons to carry out action for compliance. 8/28/19: Fay sent email- permit due by Sept. 6 2019, activities to be done by Oct. 2019. 11/13/19: Site visit- zoning violation still exists. Appears they started project w/o erosion permits. Exposed soil. 11/14/19: Issued 3 ZN citations: see citation section. Site has been restored to compliance.</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. 12/4/18: Site visit. 12/5/18: Sent violation letter. 12/18/18: Violation letter 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>
<td>74-162, 74-174</td>
<td>Delmar Improvement Association - 4/3/19: RA called, working on permits to restore site to compliance. 5/7/19: RA called- said they are working on plans to bring in to submit for permits. Structures removed and brought back to grade w/in 75ft of OHWM. New electric gate and components placed on parcel without permits, may be located within shoreyard.</td>
</tr>
<tr>
<td>FIA 00023</td>
<td>Anonymous</td>
<td>Pool too close to lake, grade changes within shoreyard, unpermitted deck too close to lot line, unpermitted increase to impervious surface. 9/19/19: Site visit performed- confirmed complaint. 9/20/19: Sent violation letter, and letter requesting as-built for zoning permit for pool. 10/21/19: Landscaper called- need as-built of parcel including all surfaces, and 1-foot contours.</td>
<td>74-162, 174, 181, 232</td>
<td>Patricia Littman - 1/7/20: Site visit- everything still there in violation- nothing more submitted/no more communication from landscaper or owner. 1/13/20: Issued 3 zoning citations. See citation section.</td>
</tr>
<tr>
<td>FIN3 00081</td>
<td>Anonymous</td>
<td>Several unlicensed/inoperable vehicles on residential property. Sent violation letter 6/9/20. Owner called and will have vehicles removed. Needs site inspection.</td>
<td>74-37, 74-54, 74-65</td>
<td>Oscar Contreras &amp; Martha Vazquez</td>
</tr>
<tr>
<td>Township/Tax Key</td>
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<td>Owner’s Name/Status</td>
</tr>
<tr>
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</tr>
<tr>
<td>PA16000001</td>
<td>Anonymous</td>
<td>Owner is running a contractor storage yard and has unlicensed inoperable vehicles on their property.</td>
<td>74-52</td>
<td>Carla Giorgi Letter sent 4/17/20</td>
</tr>
<tr>
<td>PMR 00107B</td>
<td>Anonymous</td>
<td>Owner is running a contractor storage yard from their property zoned R-2.</td>
<td>74-181</td>
<td>Warren &amp; Diann Freudenstein Letter sent 4/17/20</td>
</tr>
<tr>
<td>PA26030003</td>
<td>Anonymous</td>
<td>Owner is running a contractor storage yard from their property zoned A-2.</td>
<td>74-51</td>
<td>Paul Halbeck. Owner came in and discussed the letter. He said he will talk to his employees and not have them use this property for any stops except to service the property. <strong>Will watch the property for any violations.</strong></td>
</tr>
<tr>
<td>PA430200001</td>
<td>Anonymous</td>
<td>Owner has brought tires back onto the property.</td>
<td>74-51</td>
<td>David Uebel Lett...</td>
</tr>
<tr>
<td>PR 000002</td>
<td>Town Police</td>
<td>Owner has several unlicensed /inoperable vehicles on his property that is zoned C-3.</td>
<td>74-179</td>
<td>David Uebel Letter sent. Requested another inspection for middle of February 2019.</td>
</tr>
</tbody>
</table>

**GENEVA (Heather)**

<p>| JAS42300001     | Staff      | Patio in shoreland w/o permits. 5/8/18: Violation letter sent- 30 days to respond. 6/7/18: Bild 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. |
| JLCB 00758      | Staff      | 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. |
| JCOM 00005, JCOM 00005A, JCOM 00005B | Staff     | 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 JG 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. |
| JA 79200001, JA 79200002 | Anonymous | 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. |
| JLCB 02313      | Anonymous  | 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: Mgr 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. |
| JCON 00017      | Staff      | 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 required use for as-built, no filling within shoreyard/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. |
| JG 3500005L     | Anonymous  | Accessory structure too close to road. Sent violation letter 5/21/20. Owner called, removed structure. Need to site verify.                                                                                                      | 74-38, 74-54        | Gerney               |</p>
<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>
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</thead>
<tbody>
<tr>
<td>LAFAYETTE (Nick)</td>
<td>Anonymous</td>
<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: Met 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 with 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>
<td>74-162, 74-173, 74-174, and 74-178</td>
<td>Dewey and Rebecca DeGrave. 9-18-18: Met with attorney. I have not gotten anything yet. He agreed that they need to get moving toward compliance. Owner and attorney have a meeting with staff set for Oct 31st. Attorney will submit applications. 12-17-18: Sent email to check status. 12-31-18: Attorney said permit will be in 1-2-19. 1-9-19: Permit rcvd. 1-16-19: Email sent that permit is incomplete. Owner’s attorney has appointment for 4-23-19. 5-11-19: Attorney dropped off missing zoning info. Zoning permit is complete, but owner has not submitted the erosion control permit yet. 5-21-19: I emailed attorney. He said owner was going to take care of that part. 6-6-19: Erosion control application still not submitted, but owner has reached out to conservation staff. 6-20-19: Owner met with conservation staff. Owner has applied for permit. Permit has been issued. 2-26-20: Rcvd letter from attorney. They have all Town permits. They want to come in and discuss one of the structures. 4-14-20: Corrective measures are underway.</td>
</tr>
<tr>
<td>LAGRANGE (Darrin)</td>
<td>HA 96500002</td>
<td>Anonymous 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>
<td>74-51</td>
<td>Jake &amp; Nicole Martin  Letter sent 10/1/18 - Applied for a variance with the BOA. On December BOA agenda. BOA approved for 12 months then will have to remove Ag animals or build a new building in a compliant location. Owner submitted application to bring the property into compliance 9/3/19.</td>
</tr>
<tr>
<td>LINN (Heather)</td>
<td>IL 2700012</td>
<td>Neighbor Structures constructed w/o permits. 5/9/18: site visit, new structures present. 5/10/18: violation letter sent. 5/16/18: Mtg w/ owner- told 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; bldr? 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 Hernandez- told her to get survey 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>
<td>74-37</td>
<td>Marion J Courmoyer, Leonor I Hernandez (Zenda Tap) - 7/10/19: Spoke to property owner- CUP being submitted. Extended hearing date to Aug. 21 2019. 8/13/19: Staff called owner-recommended upcoming event be moved or canceled- that they did not have proper permits to hold such event. 8/21/19: Owner met w/ planning staff- re: CUP. I told owner after-the-fact zoning permits must be submitted before court or they will have to appear &amp; enter plea. Permits submitted later same day. Court hearing extended to Oct. 2 2019. Zoning permit applied for, Cdt’l Use permit applied for. Extending court hearing to December 4th. 12/4/19: Default judgment entered at court hearing- no one showed up for Zenda Tap. 12/11/19: Owner met w/ LURM staff- submitted final materials for CUP hearing. 1/27/20: Site visit- site still noncompliant. 2/11/20: Town called- they are on the Feb. 24th town agenda for CUP.</td>
</tr>
<tr>
<td></td>
<td>IE 00055</td>
<td>Neighbor 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. 18: Permits applied for.</td>
<td>74-162</td>
<td>Jim &amp; Wendy Becker</td>
</tr>
<tr>
<td></td>
<td>IFR 00003</td>
<td>Staff 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. Waiting for site visit to verify compliance.</td>
<td>74-162, 74-174</td>
<td>Carl Trent</td>
</tr>
<tr>
<td></td>
<td>ILGH 0001-ILGH 00110</td>
<td>Staff As-built survey for replacement of existing shorepath, walks &amp; drives not in compliance with permit issued, nor with shoreline ordinance. New retaining walls added &amp; existing ones expanded within 75ft of OHWM. 1/30/19: Sent memo of noncompliance.</td>
<td>74-162, 74-174</td>
<td>Lake Geneva Highlands - 3/6/19: Mtg @ LURM. Applicants are going to work w/ engineer, then talk to staff w/ ideas &amp; plans to bring into compliance.</td>
</tr>
<tr>
<td></td>
<td>RRB3 00090</td>
<td>Staff Garage converted into dwelling, used for overnight stays/short-term rentals. 1/31/19: Sent violation letter w/ 30 days.</td>
<td>74-37, 74-54</td>
<td>Barry Hinkledey - 3/8/19: HM performed site visit- spoke to Chris (wife) &amp; took photos of inside of accessory structure apartment. 3/14/19: Mtg @ LURM w/ owners- they are going to work on finding substantiation that dwelling unit is pre-1974. 11/18/19: Sent follow-up letter requesting information. 12/6/19: Owners came into office- discussed more options on how they could prove dwelling existed prior to ordinance. Gave them more time.</td>
</tr>
</tbody>
</table>
IGV  00015  Staff  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. 6/28/19:Sent 2nd violation letter to owner- need some action toward compliance, site still in violation. 7/8/19: 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 side from this permit. Sanitation needs to be addressed- he is working on permits for this. 74-37  Maureen O'connell - Rec'd letter from fire dept that deck out rear door necessary for fire escape. Permits applied for. Permit approved for rear, required deck. Still working with owners for unpermitted deck compliance. Need sanitation resolved first.

IL 1000003A  Staff  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 & surveyor, may take bids down, may work on permits. Will let staff know. Working on getting wetland delineation. 74-37  David & Susan Kronwall

IL 1100001A  Anonymous  New fence constructed within shoreyard setback. 6/4/19:Site visit by HM, photos of new fence. 6/21/19:Sent viol 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. 74-174  Claudia Bauer Trust

ICI  00001  Staff  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. 2/24/20:Sent certified letter giving 15 days to have permits & as-built submitted. 74-162  Solhius

IBA 000014  Staff  Patio on boathouse w/o permit approvals & within shoreyard. 4/2019:staff inspection- concrete patio present. Contractor agreed to remove patio area & replace w/ vegetation. 8/16/19:Staff inspection- concrete patio removed & gravel patio in its place. Contractor notified- disputes that it is a ‘patio’. 8/26/19:Violation letter sent to owner & 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. 74-162, 74-174  Feldstein/Bovis - 1/8,9/20:BOA appeal hearing- BOA upheld county's interp that gravel area is structure & needs to meet setback. Applicant is currently working on applying for setback variance for the structure. Permit approved for walkway in shoreyard down to water, going alongside boathouse. Applicants are now re-applying for zoning permit for small gravel structure, then plan on going for a variance for said structure.

ILGT 00026A  Anonymous  Fence & structural alterations to dwelling constructed w/o permit approvals, possible vegetative buffer cutting violations. 1/30/20:Sent violation letter. 2/18/20:Met w/ Iva-discussed setback requirements for deck. She will submit permits. She will have neighbor move cut trees from floodplain area. None were cut in veg buffer, zoning permit submitted. Logs removed from floodplain areas. 74-162, 74-174  Iva Rogic- Will need site visit to verify structure brought into compliance.

IL 1200003  Anonymous  Signs in noncompliant locations. 1/27/20:Site visit- sandwich board sign in/near road right-of-way. Will send violation letter. 2/24/20:Sent violation letter: 30 days for compliance. CUP  Buttons Bay LLC

IA30300002  Staff review on plans  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. 74-162, 74-165  Lake Geneva Family Estate

LYONS (Nick)

NLC 00081  Town of Lyons  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. 1 gave her until April 4. 74-54  Hobbick-6-5-19:Onsite. Vehicles are still there as well as a third now. 6-6-19:Citation issued. "see citation section."

NIP 00014  Town of Lyons  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 automobile 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. 74-56  Herbert Otto-10-20-17:did an inspection. Nobody was on site, but a substantial amount of progress has been made. I called the owner and he said he is still working on it, but progress will slow as the easy stuff went first. He is reliant on others to take the vehicles without titles, etc. He could not give me any kind of timeframe, but I was satisfied for now that he is taking the task seriously so I agreed to give him more time. "See Citation Section"
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<td>C R 1700003A</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>
<td>74-55</td>
<td>Turbo LLC Letter sent 10/2/19 - Owner is working through the Township to get a conditional use permit and then will proceed to the CZA.</td>
</tr>
<tr>
<td>SHARON (Heather)</td>
<td>Town FD</td>
<td>Dwelling in part of accessory structure. Contractor's storage yard w/o proper zoning or CUP. 2/1/19: 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>AA301600001</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 salv yard 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>AA307100001</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>74-51</td>
<td>Richard Oros</td>
</tr>
<tr>
<td>SPRING PRAIRIE (Nick)</td>
<td>O SP2900002B1</td>
<td>Complaint of a taxi business being run from the property with cabs and mini-buses. 2-24-20: Onsite. A van and 2 buses on site. 3-2-20: Violation notice sent.</td>
<td>74-51</td>
<td>Sharon Harrell: 4-8-20: Spoke to property owner. Taxi business is no longer running from the property per owner.</td>
</tr>
<tr>
<td>SUGAR CREEK (Darrin)</td>
<td>O SP2900003A</td>
<td>Owner has more than 6 chickens and also has a rooster on property that is zoned R-1</td>
<td>74-51</td>
<td>Nathaniel Boas Letter sent and came back twice. Try again with unmarked envelope.</td>
</tr>
<tr>
<td>GLW 00349</td>
<td>Anonymous</td>
<td>Owner has more than one unlicensed or inoperable vehicle on the property.</td>
<td>74-181</td>
<td>Joel Matenga - Letter sent 12/6/19</td>
</tr>
<tr>
<td>GL SC1400001</td>
<td>Anonymous</td>
<td>Owner has more than one unlicensed or inoperable vehicle on the property.</td>
<td>74-51</td>
<td>Vicky Brockmann - Letter sent 12/6/19</td>
</tr>
<tr>
<td>GA421300002</td>
<td>Anonymous</td>
<td>Owner has installed an outside light on their building that is shining onto the neighbors property.</td>
<td>74-96</td>
<td>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 inspect early December to check for compliance.</td>
</tr>
<tr>
<td>GLW 00094</td>
<td>Anonymous</td>
<td>Owner has more than 6 chickens and also has a rooster on property that is zoned R-1</td>
<td>74-51</td>
<td>Nathaniel Boas Letter sent and came back twice. Try again with unmarked envelope.</td>
</tr>
<tr>
<td>GI 00465</td>
<td>Anonymous</td>
<td>Owner has constructed an accessory structure on their property and the neighbors property without proper review and approval</td>
<td>74-37</td>
<td>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.</td>
</tr>
<tr>
<td>GLW 00216</td>
<td>NA</td>
<td>Short Term Rental</td>
<td>74-181</td>
<td>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)</td>
</tr>
<tr>
<td>TROY (Darrin)</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 Mahrke Letter sent 12/18/19</td>
</tr>
<tr>
<td>L T 3400008A</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 Mahrke Letter sent 12/18/19</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 3600003</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>
</tr>
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<tr>
<td>E W 2800006</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>74-37, 74-51, 74-59</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. See citation section.</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, 74-51, 74-59</td>
<td>Casey Britton</td>
</tr>
<tr>
<td>EA135000004</td>
<td>Town</td>
<td>Deck constructed on barn w/permit approvals. 1/23/20:Sent violation letter. 2/25/20:Dave Woodhouse applied for after-the-fact ZN permit for deck. Dave is actively working on pursuing a conditional use permit to bring property into zoning district compliance, then can issue deck permit.</td>
<td>74-37</td>
<td>David Woodhouse</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. 2/4/20:Darrel Frederick called- I explained violation- he will move equipment by mid-March or apply for amendment to CUP. Cdtl use applied for.</td>
<td>74-37, CUP</td>
<td>Frederick Enterprises LLC</td>
</tr>
</tbody>
</table>

WHITEWATER (Darrin)

<p>| DSO 00031 | Anonymous | Constructed a broadband tower on a property without proper review and approval. | 74-37 | Brian Madl - Letter sent 11/19/19 See citation section. |
| DMP 00005 | Anonymous | Owner is allowing overnight stays in an accessory structure | 74-165, 74-166 | 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. |</p>
<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>
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</thead>
<tbody>
<tr>
<td>Ex:B D 100001</td>
<td>Ex: Anonymous</td>
<td>Ex: 7 inoperable vehicles</td>
<td>Ex: 74-54/56/65/131</td>
<td>Smith, Joe</td>
</tr>
<tr>
<td>BLOOMFIELD (Nick)</td>
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<td>DARIEN (Heather)</td>
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<td>DELAVAN (Heather)</td>
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<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. 2/25/20:Zoning permit submitted. Requested hearing extension to May 20th 2020.</td>
<td>74-162</td>
<td>Patricia Illman - Court date changed to August 19, 2020.</td>
</tr>
<tr>
<td>F D 3200009</td>
<td>Anonymous</td>
<td>Removal of vegetation within veg buffer zone of lake, structure constructed within shoreyard of lake, impervious surface increase on parcel w/o permits.</td>
<td>74-174, 74-162</td>
<td>Delavan Lake Sanitary District - Issued citations (3 total) on 6/3/20, hearing date scheduled for 7/22/20.</td>
</tr>
<tr>
<td>F D 3200008</td>
<td>Anonymous</td>
<td>Structure constructed within shoreyard of lake, impervious surface increase w/o permits.</td>
<td>74-174, 74-162</td>
<td>Southbay INC- issued (2) citations on 6/4/20, hearing date scheduled for 7/22/20. Board member called, will work on coming into compliance. Will re-evaluate citations when site in compliance.</td>
</tr>
<tr>
<td>EAST TROY (Darrin)</td>
<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>
</tr>
<tr>
<td>LAGRANGE (Darrin)</td>
<td>P ET 900008/PMGH 00001</td>
<td>Anonymous</td>
<td>The defendant constructed an accessory structure without proper zoning review and approval.</td>
<td>74-162</td>
</tr>
<tr>
<td>LINN (Heather)</td>
<td>H LG2300001</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>
</tr>
<tr>
<td>LAFAYETTE (Nick)</td>
<td>IA131300001</td>
<td>Staff inspection</td>
<td>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.</td>
<td>74-162, 74-174</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>
<td>74-54</td>
<td>Hobick-6-5-19:Onsite. Vehicles are still there as well as a third now. 6-6-19:Citation issued with 7-24-19 court date. Owner did not appear in court. Citation defaulted. 9-17-19:Inspection. No improvement. Citation issued. Service of citation was not achieved. Property is tied up in an unsettled estate.</td>
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<tr>
<td>Township/Tax Key</td>
<td>Complainant</td>
<td>Description of Violation(s)</td>
<td>Section(s) violated</td>
<td>Owner’s Name/Status</td>
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<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 with a substantial amount of progress has been made. I called the owner and he said he is still working on it, but progress will slow as the easy stuff went first. He is reliant on others to take the vehicles without titles, etc. He could not give me any kind of timeframe, but I was satisfied for now that he is taking the task seriously so I agreed to give him more time.</td>
<td>74-56</td>
<td>Herbert Otto-11-27-17: Inspection found little/no improvement. Citation issued with 1-10-18 court date. Citation was Paid. 2-22-18: Inspection. Still out of compliance. Citation issued w/ 4-4-18 court date. Citation was Paid. 7-20-18: Inspection. Still out of compliance. Citation issued w/ 8-22-18. Owner paid citation and did not appear at court. 2-5-19: On-site. No improvement. Citation issued with 3-6-19 court date. Citation has been Paid. 9-17-19: Inspection. No improvement; has gotten worse. Citation issued (5th one). 10-16-19: Owner did not appear. Default judgment entered. 6th citation issued on 12-6-19. Jan 8, 2020 court date. 1-8-20: Owner did not appear. Court ordered forfeiture.</td>
</tr>
<tr>
<td>NA356600001</td>
<td>Town Building Inspector and Fire Inspector</td>
<td>Converted a 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 going to try 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. 8-11-11: 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. 2-5-13: 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&amp;C sent to Corp. Counsel.</td>
<td>74-37, 74-51</td>
<td>Vernell and Donald Comstock - 4-5-12: Sent draft request for inspection warrant to Corp. Counsel. 5-23-12: Called and spoke to Vernell. 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 Vernell. 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&amp;C sent to Corp. Counsel.</td>
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<tr>
<td>RICHMOND (Darrin)</td>
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<td>SHARON (Heather)</td>
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<td>SPRING PRAIRIE (Nick)</td>
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<td>SUGAR CREEK (Darrin)</td>
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<tr>
<td>TROY (Darrin)</td>
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<tr>
<td>WALWORTH (Heather)</td>
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<td>E W 2800006 (Nick)</td>
<td>Neighbors</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 Wendeberg-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 (Darrin)</td>
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</tbody>
</table>
NO

- SANITATION

- LAND CONSERVATION

CITATION LIST

FOR

JULY

2020
MEMO

To: Walworth County Zoning Agency
From: Shannon Haydin, Deputy Director/County Conservationist
Date: July 10, 2020
Re: Short Term Rental Licensing Update

We are now deep into the third season of implementing our Short Term Rental licensing program. We kicked off the program in 2018 with the focus of getting people licensed. With a remarkable compliance rate of over 80% in the first year, 2019 was a year of following up and renewals. Now in year three, we had 123 people holding licenses. Of these 109 are due for renewal. Renewal compliance is nearly 90%.

With the current status of the pandemic, we have received some feedback from individuals that either are not renting or are not allowed to rent (e.g. Geneva National is currently prohibiting short term rentals). We are allowing people to hold off on renewals until they are in fact renting. We will not require them to start over if they start renting again in the 2020-2021 rental period. Some people have asked if the County would pro-rate the rental fee if they decide to start renting during this licensing period. This is not a decision I can make, but you can.

When we first started licensing rentals we made a commitment to monitor costs and spending on an annual basis in conjunction with the budget planning process. I can report that we are again in a position that I believe we can lower our prices. Enforcement is expensive and we have to do a lot less of it lately. For this reason, I would propose for 2021 the following changes to fees:

<table>
<thead>
<tr>
<th>Current</th>
<th>Proposed 2021</th>
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<tbody>
<tr>
<td>New $600</td>
<td>$300</td>
</tr>
<tr>
<td>Renewal $300</td>
<td>$100</td>
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</table>
APPLICATION TO AMEND AN EXISTING CONDITIONAL USE PERMIT

The undersigned hereby applies to the Walworth County Zoning Agency pursuant to Division 4.0 of Chapter 74 of the Walworth County Code of Ordinances (Zoning / Shoreland Zoning) for AMENDMENT TO AN EXISTING CONDITIONAL USE APPLICATION and represents as follows:

OWNER OF SITE: Unilock Aggregates LLC

ADDRESS: 301 E. SULLIVAN RD, AURORA, IL 60505

APPLICANT (If other than owner): SAME AS OWNER

ADDRESS

PHONE NUMBER (Owner): 630.264.2649 - ROB MOSER

PHONE NUMBER (Applicant)

TAX KEY NUMBER OF SITE: KLF6000

LEGAL DESCRIPTION OF SITE: SEE ATTACHED

ZONING DISTRICT: M-3 MINERAL EXTRACTION

TYPE OF STRUCTURE: N/A

USE OF STRUCTURE OR SITE IN DETAIL (including proposed amendment):

SEE ATTACHED

ONLY TO BE COMPLETED IF THE CONDITIONAL USE IS IN AN A-1 ZONING DISTRICT:

I understand that if a non-agricultural conditional use is granted in the A-1 zoning district that has been enrolled in the Farmland Preservation Tax Credit Program, there may be a payback of credits received due the State of Wisconsin.

PROPERTY OWNER’S SIGNATURE: * 

APPLICANT’S SIGNATURE: *

The following information must be contained in the file before this application will be placed on the Committee agenda for review. (Refer to Division 4 of Chapter 74 if applicable.)

- Site Plan showing location of buildings, roads and other pertinent facilities.
- Highway access locations.
- Drainage plan.
- Waste Disposal Plan.
- Operational Plan (including description of proposed amendment).
- Number of employees or users to be accommodated:
- Special plans required to specific operation to control the following:
  - Screening, tree cutting, earthmoving, dust, noise, odors, air and water pollution, fire, explosion, glare, heat, radioactivity, electrical disturbance or vibration.

DATE: 02/26/2020 SIGNED: PROPERTY OWNER’S SIGNATURE: *

Fee: ______ (see schedule)

APPLICATIONS SHALL BE ACCOMPANIED BY A RECOMMENDATION FROM THE TOWNSHIP. ATTACH THE LETTER OF RECOMMENDATION TO THIS APPLICATION.

The Walworth County Land Zoning Agency may request more information if deemed necessary to properly evaluate your request. LACK OF INFORMATION REQUESTED MAY IN ITSELF BE SUFFICIENT CAUSE TO DENY AMENDMENT TO AN EXISTING CONDITIONAL USE.

Any changes to the character, intensity or use of this site not capable of being discerned by the Land Use and Resource Management Department as consistent with information provided at the original public hearing and the existing conditional use approval must be brought back before the Walworth County Zoning Agency for new conditional use hearing.

Applicants shall schedule a pre-application review of their completed application prior to submittal to the Walworth County Land Use and Resource Management Department. If you have any questions regarding the procedure, please contact the office at 262-741-4072.

* Unilock Aggregates, LLC, by Robert S. Moser, Director of Project Management, US Operations
NARRATIVE TO APPLICATION FOR
AMENDMENT TO EXISTING CONDITIONAL USE PERMIT

APPLICANT: UNILOCK AGGREGATES, LLC
PARCEL # KLF600005, TOWN OF LAFAYETTE, WALWORTH COUNTY, WI
PHYSICAL ADDRESS: W4812 & W4814 COUNTY TRUNK A, ELK Horn, WI 53121

Unilock Aggregates, LLC (“Owner”) is the owner of W4812 & W4814 County Trunk A, Elkhorn, Walworth County, Wisconsin, 53121 legally described in the attached Exhibit A and designated as Tax Parcel No. KLF600005 (the “Property”). The Owner requests an amendment to an existing Conditional Use Permit (“CUP”) in order to conduct additional non-metallic mining in the M-3 (mineral extraction, oil or gas exploration or production) zoning area located on the Property.

CONDITIONAL USE PERMIT TIMELINE

A history of CUP approvals and site use regarding the use of the Property is provided in Exhibit B, titled “Radecki-Lauderdale Pit(s) Conditional Use Permit Timeline”, and includes the following CUP approval dates:

1988, July 22: Lauderdale Pit, approximately 26.8 acres;
1995, November 17: Radecki Pit, approximately 55.5 acres;
1998, January 16: Mann Bros., request to remove setback requirements between pits;
2005, February 18: Mann Bros., grinding operation and contractor storage yard; and,
2010, June 17: Rock Road Companies, amendment to comply with previous owner noncompliance.

DESCRIPTION OF PARCEL

The most recent CUP on record which the Owner is now seeking to amend is for approximately 75 acres of the Property, comprised of what was known as the “Lauderdale Pit” and “Radecki Pit” areas (“Existing Pit”). Since then, the Owner has purchased additional lands adjacent to the Existing Pit that are zoned A-1. A lot line adjustment to combine approximately 32 acres of such A-1 zoned lands into the Existing Pit creating one singular parcel was approved by Walworth County on March 17, 2020 (See attached Exhibit C).

This lot line adjustment essentially removed the previously existing northern lot line of the Existing Pit which required a 200 foot buffer from the previously existing northern lot line per Walworth County Section 74-56(3).

PROPOSED AMENDMENT TO EXISTING CUP

The Owner is requesting the amendment of its approved site plan in the existing CUP to continue extraction in that area of land depicted as M-3 zoning as provided in the attached Exhibit D. This will allow aggregate to continue to be mined on-site for a while longer, rather than being trucked in over the local roadways. The minimum required 200-foot buffer area will be observed along
the east and west boundary lines of the Property. This amendment to conditional use permit will in NO WAY allow extraction within the lands currently zoned A-1. No change in location of existing buildings or structures, or additional buildings or structures, is being requested.

A revised reclamation plan is being submitted to the Walworth County Conservation Division for their review and approval as well.

No other changes to the existing approval are requested at this time. This amendment is sought solely to request the continuation of the existing use in an area zoned M-3.
Unilock Aggregate, LLC
Amend of CU for Gravel Extraction
Section 6, LaFayette Township
Soils & Topo Map

CZA July 16, 2020
Hi all,

I had spoken directly with Rick Stacy by phone about six weeks ago regarding ATV noise and emailed the attached per his request so he could bring this concern to the board.

I haven't heard back yet and presume my email likely landed in his spam folder. So I am re-sharing my email directly with all of you (whom I could find emails for), although I reside in D3. Please review below.

I'd still love to hear which (if any) ordinances apply to excessive noise on your own private property?

It seems this is a wide ranging concern, for not just myself and my immediate neighbors... but throughout the county. I've heard from many, many folks in agreement that this excessive noise is an ongoing bother for them in their respective neighborhoods as well, and there seems to be no enforceable remedy.

Is that correct? Is noise truly a free-for-all without limitation? (My neighbors literally moved away from this neighborhood - and Walworth county - to escape the noise... it is THAT loud.)

Please advise.

Thanks in advance for your time,
First, are there any current ordinances that apply to noise levels on someone's private property? Anything that can be enforced or fined??

If not, second, exploring/establishing a noise ordinance and penalty to address these 'off-road' vehicles, etc.

Background:

There is 35 acres of private property behind my house at [redacted]. The Auburger's built a house on that land and cleared a large track for ATV usage directly off my property and near other residential properties as well.

Last summer the boys also raced their ATV's up and down Kenosha Street... their reckless behavior was reported to the Sheriff and has since stopped.

The noise levels however have not been addressed/stopped.

For over a year, I have put on headphones, gone on walks, taken a drive etc to escape the loud volume of noise from their off-road toys.

Myself and neighbors have called into the sheriff, and recently discussed the issue with our police liaison, and the noise has still not stopped.

It seems that there is little in the way of ordinances that directly apply to what someone does on their own property... regardless of the impact that has on neighbors. Again, please advise if there is something I'm overlooking?

Every time we contact our neighbors directly we are told 'we will get the kids on a schedule' or to let us know what we would suggest for a better schedule? I simply can't suggest a good time to be subjected to that volume of noise, even if it only for a 'limited' amount of time each day.

It seems there is code (applicable) to on-road motor vehicles... needing mufflers, not squealing tires, etc. I'm looking for similar parameters to be implemented for noise for 'off-road' toys.

Yes, the noise really is that loud. Many neighbors have similar complaints/concerns. Please advise next steps.

Best,
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:  James Steurer Jr. - Owner

LOCATION:  The property of concern is located in the NW ¼ of Section 16, Delavan Township and is identified as Tax Parcel FA 10900001.

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

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

The requested zoning is District M-1 Industrial District. The rezone is accompanied by a conditional use petition for contractor storage and a caretaker’s quarters.

PROJECT DESCRIPTION:

The application indicates:  The property owner is requesting to rezone an approximately 1.89 acre A-1 Prime Agricultural zoned parcel to the M-1 Industrial District in order to bring existing septic pumping business into compliance by obtaining a conditional use permit for contractor storage and a caretaker’s quarters. The property owner has operated a septic waste hauling business from this property for many years and has been using a 30 ft. by 60 ft. building to store equipment. The property is bordered on three sides by industrial use area in the City of Delavan and on the fourth side by industrial use in the Town and County jurisdictions. The owner approached the Zoning Division of LURM regarding obtaining a permit to construct a new building to replace the old one and it was determined the business needs a rezone out of the A-1 zone district prior to being able to replace the current structure. The property owner lives on the site in the existing single family dwelling and would continue to be the employee of the business.

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:

To the west, south and east are lands zoned industrial in the City of Delavan.
To the north are properties zoned M-1 and R-1.

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

PsA  Class I  Plano silt loam, 0 to 2% slopes  

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

The property is served by Mound Rd. to the north of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

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.

Although the property has 100% prime agricultural soils the 1.89 acres of A-1 land is surrounded by properties in the City and County already zoned Industrial. The small area of prime agricultural land is an island unto itself, would be difficult to farm and has not been historically farmed.
James Steurer Jr.
Rezone A-1 to M-1
W/ CU's for Contractor Storage
And Caretaker’s Quarters
Section 16, Delavan Township
Zoning Map
James Steurer Jr.
Rezone A-1 to M-1
W/ CUs for Contractor Storage
And Caretaker’s Quarters
Section 16, Delavan Township
Land Use Plan Map
James Steurer Jr.
Rezone A-1 to M-1
W/ CUs for Contractor Storage
And Caretaker’s Quarters
Section 16, Delavan Township
Soils & Topo 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:  James Steurer Jr. - Owner

LOCATION: The property of concern is located in the NW ¼ of Section 16, Delavan Township and is identified as Tax Parcel FA 10900001.

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

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

The requested zoning is District M-1 Industrial District. The rezone is accompanied by a conditional use petition for contractor storage and a caretaker’s quarters.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting to rezone an approximately 1.89 acre A-1 Prime Agricultural zoned parcel to the M-1 Industrial District in order to bring and existing septic pumping business into compliance by obtaining a conditional use permit for contractor storage and a caretaker’s quarters. The property owner has operated a septic waste hauling business from this property for many years and has been using a 30 ft. by 60 ft. building to store equipment. The property is bordered on three sides by industrial use area in the city of Delavan and on the fourth side by industrial use in the Town and County jurisdictions. The owner approached the Zoning Division of LURM regarding obtaining a permit to construct a new building to replace the old one and it was determined the business needs a rezone on of the A-1 zone district prior to being able to replace the current structure. The property owner lives on the site in the existing single family dwelling and would continue to be the employee of the business.

CONFORMANCE WITH COUNTY LAND USE PLAN:

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

COMPATIBILITY WITH SURROUNDING LAND USES:

To the west, south and east of the property are lands in the City of Delavan.
To the north is properties in the M-1 zone district.

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

PsA  Class I  Plano silt loam, 0 to 2% slopes

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

The property is served by Mound Rd. to the north of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

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.

Although the property has 100% prime agricultural soils the 1.89 acres of A-1 land is surrounded by properties in the City and County already zoned Industrial. The small area of prime agricultural land is an island unto itself, would be difficult to farm and has not been historically farmed.

Has been APPROVED subject to the related rezone passing County Board and the following conditions:

1. Approved per plans submitted for a septic pumping and hauling business with contractor storage and a single family dwelling as a caretaker/watchman quarters with all additional conditions.

2. All storage areas, materials and equipment shall be located as defined on the plan of operations.

3. The site shall meet all applicable Federal, State, County and local regulations.

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

5. No filling shall be allowed in any wetland areas.

6. No filling shall occur on site without proper permit approvals.

7. Access approval must be obtained from the Town.

8. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. The construction activities of this development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management standards contained in Section 26 of the Walworth County Code of Ordinances.
9. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday – Saturday with hours for return of equipment from off site until 9:00 p.m.

10. No burning shall be allowed on site without a State burning facility license and any required local approvals.

11. 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.

12. Use of the single family residences shall be limited to use by a caretaker/watchman and shall be rezoned or removed from premises at the time they no longer needed in connection with the industrial use.

13. If the residences are no longer used for housing a caretaker/watchman, the applicant must notify the Walworth County Zoning Office.

Specific:

14. The owner/applicant must obtain County Land Conservation Office approval of a spill prevention plan (SPP) and a stormwater pollution prevention plan for this site if required by ordinance.

15. There shall be no cleaning of the septic waste hauling trucks on the property.
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: Casey and Bertha Mikrut Trust C/O John Mikrut (Trustee) – Owners, Diane Cocroft - Applicant

LOCATION: The property of concern is located in the NW ¼ of Section 27, Geneva Township and is
identified as part of Tax Parcel JLCB 00299.

TOWN RESPONSE: Approved __ __ Denied: ______ No Action: __X__ Tabled____

ZONING: The property of concern is zoned C-4 Shoreland Wetland District.

The requested zoning is R-2 Single Family Residential District (sewered).

PROJECT DESCRIPTION:
The application indicates: The property owner is requesting to rezone approximately .256 acres of C-4
Shoreland Wetland District property to the R-2 Single Family Residential District in order to match the wetland
boundary to delineated field conditions for the creation of a potentially buildable residential lot.

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, east and west are properties zoned R-2.
To the south is property zoned C-4 and Lake Como.

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

Ht    Class III    Houghton Muck

IMPACT ON ROADS AND TRAFFIC:
The site is served by Woodland Drive to the north of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:
The site plan indicates the wetland boundary was delineated by SEWRPC at the County’s request in October of
2016.

APPLICATION STATUS: ____X_____COMPLETE ________INCOMPLETE
REZONING DRAWING

Rezone all of Lots 1835 thru 1837 and part of Lots 1838 thru 1844, Block 30, Lake Como Beach Subdivision, Third Map, in the Northwest 1/4 of Section 27, Township 2 North, Range 17, in the Town of Geneva, Walworth County, Wisconsin, described as follows: Begin at the Northeast corner of said Lot 1835 on the West right-of-way line of Oak Road (unimproved); thence S07°33'15" E, 100.00 feet along said West right-of-way line of Oak Road (unimproved) and the East line of said Lot 1835 to the South line of said Lots 1835 thru 1844; thence S89°26'45" E, 100.00 feet along the South line of said Lots 1835 thru 1844; thence N89°26'45" E, 200.00 feet along the South right-of-way of Woodland Drive and the North line of said Lots 1835 thru 1844 to the point of beginning. Containing 0.256 acres.

WOODLAND DRIVE

(40 M.E.)

SCALE 1" = 30'

JOB # 2020.0020.01

TAX ID # JLCP 00299

Basis of Bearing of this plat: The U.S. State Plane Coordinate System South Zone, NAD 83, WISCONS.

Dated this 24th day of February, 2020.
Casey and Bertha Mikrut Trust C/O John Mikrut Trustee
Rezone C-4 to R-2
Section 27, Geneva Township
Zoning Map
Casey and Bertha Mikrut Trust C/O John Mikrut Trustee
Rezone C-4 to R-2
Section 27, Geneva Township
Land Use Plan Map
Casey and Bertha Mikrut Trust C/O John Mikrut Trustee
Rezone C-4 to R-2
Section 27, Geneva Township
Soils & Topo 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 East Troy C/O Joseph Klarkowski (Town of East Troy Chairman)– Owner, Jack Blume of Zimmerman Architectural Studio Inc. - Applicant

LOCATION:  The property of concern is located in SE ¼ of Section 3, East Troy Township and is identified Tax Parcel P ET 300008.

TOWN RESPONSE:  Approved __X__  Denied: ______  No Action: ___  Tabled____

ZONING:  The property of concern is zoned P-1 Recreational Park District.

The requested zoning is P-2 Institutional Park District.

PROJECT DESCRIPTION:

The application indicates:  The property owner is requesting to rezone an approximately 4.3-acre parcel from P-1 Recreational Park District to P-2 Institutional Park District in order to construct Town municipal buildings on the property. The property is to be used for a new 18,000 sq. ft. single story East Troy Town Hall and Police Department. The new building would replace the existing Town Hall on the site. Town Hall and Police Department operation to be held inside include 8:00 a.m. to 5:00 p.m. office use, (bi-weekly municipal court evenings, bi-weekly Town Hall meetings evenings) and 24/7 police operations and other occasional meetings. Also an election voting location.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the PEC Primary Environmental Corridor land use categories.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north is property zoned A-1 and P-1.
To the east is property zoned R-4 and the Village of Mukwonago.
To the west is land zoned P-1 and C-2.
To the south is property zoned P-2 and R-1.

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

FoB  Class II  Fox loam, 2 to 6% slopes
MxB  Class II  Miami loam, sandy loam substratum, 6 to 12 % slopes
IMPACT ON ROADS AND TRAFFIC:

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

OTHER RELEVANT DATA – RECOMMENDATIONS:

It is the LURM Department understanding the P-2 and P-1 parcels owned by the Town of East Troy shall be combined.

APPLICATION STATUS: _____ X _____ COMPLETE   _________ INCOMPLETE
Town of East Troy
Rezone P-1 to P-2
Section 3, East Troy Township
Zoning Map
Town of East Troy
Rezone P-1 to P-2
Section 3, East Troy Township
Land Use Plan Map
Town of East Troy
Rezone P-1 to P-2
Section 3, East Troy Township
Soils & Topo 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: Ronald and Dolores Eddy - Owners

LOCATION: The property of concern is located in the NE ¼ of Section 24, Geneva Township and is identified a parts of Tax Parcel JA30000002.

TOWN RESPONSE:  Approved __X__  Denied: _____  No Action: ___  Tabled_____

ZONING: The property of concern is zoned C-2 Upland Resource Conservation District and C-3 Conservation Residential District.

The requested zoning is C-3 Conservation Residential District and C-2 Upland Resource Conservation District.

PROJECT DESCRIPTION:

The application indicates: The property owner of Lot 2 is requesting to rezone approximately .49 acres of C-2 Upland Resource Conservation district to C-3 Conservancy Residential District to increase the size of the neighboring C-3 Zoned Lot 1 and .16 acres of C-3 to the C-2 District to straighten out property boundaries between Lot 1 and 2 neighboring property owners.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the SEC Secondary Environmental Corridor and AG1 Other Agricultural Rural Residential and Other Open Lands land use categories.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north is property zoned C-2.
To the east are properties zoned C-2 and A-5.
To the west are lands zoned C-3 and C-2.
To the south are properties zoned A-2, A-4 and M-1.

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

CrE2  Class VII  Casco-Rodman Complex, 20 to 30 % Slope, eroded
CeD2  Class VI  Casco Loam, 12 to 20% slope, severely eroded
IMPACT ON ROADS AND TRAFFIC:

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

OTHER RELEVANT DATA – RECOMMENDATIONS:

The Committee may wish to inquire for the record if it is the property owner’s intent to follow up the rezone with the required plat for the land exchange.

The Zoning Office indicates the required 25 ft. access setback not being met for the garage on lot 2 from the easement to lot 1 is a pre-existing easement condition to this rezone and therefore acceptable.

APPLICATION STATUS: ____X____COMPLETE   _________INCOMPLETE
Ronald & Dolores Eddy
Rezone C-2 & C-3 to C-3 & C-2
Section 24, Geneva Township
Zoning Map
Ronald & Dolores Eddy
Rezone C-2 & C-3 to C-3 & C-2
Section 24, Geneva Township
Land Use Plan Map
Ronald & Dolores Eddy
Rezone C-2 & C-3 to C-3 & C-2
Section 24, Geneva Township
Soils & Topo 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: The Township of Delavan Park - Owner

LOCATION: The property of concern is located in the SE ¼ of Section 22, Delavan Township and is identified a part of Tax Parcel F D 2200004.

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

ZONING: The property of concern is zoned P-1 Recreational Park District.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting to expand and existing Delavan Park main structure by greater than 25% requiring conditional use approval for expansion of public assembly use as if establishing the existing use anew. There will be 2 additions to the main park building totaling 2059 sq. ft. which is equal to a 33% expansion of the structure. The building will accommodate and elevator and mechanicals with a separate garage space. The building will otherwise be used the same as under the existing approved CU for public assembly. As stated: The structure will be used for public assembly, weddings, trade shows and other cultural event and performances.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the P-1 Park and Recreational land use categories.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north is Delavan Lake inlet and properties zoned B-3.
To the east are properties zoned B-2, A-2, A-1, B-4.
To the west is Delavan Lake.
To the south are properties zoned R-2A.

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

Ph Class II Pella Silt Loam
RaA- Class II Radford silt loam, 0-3% slopes.
MyB Class II Miami silt loam, 2 to 6% slopes
IMPACT ON ROADS AND TRAFFIC:

The site is served by South Shore Drive to the east of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

APPLICATION STATUS: _____X____COMPLETE   _________INCOMPLETE

NAME: Town of Delavan

TOWNSHIP: Delavan

The Town of Delavan is requesting to expand and existing Township of Delavan Park main structure by greater than 25% requiring conditional use approval for expansion of public assembly use as if establishing the existing use anew. There will be 2 additions to the main park building totaling 2059 sq. ft. which is equal to a 33% expansion of the structure. The building will accommodate and elevator and mechanicals with a separate garage space. The building will otherwise be used the same as under the existing 2005 approved CU for public assembly. As stated: The structure will be used for public assembly, weddings, trade shows and other cultural event and performances.

A conditional use permit for use of the town storage building in the township park for governmental and cultural uses, cultural activities, and public assembly uses to be determined by the town, as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned P-1 Recreational Park District and described as follows:

Tax Parcel #F D 2200004

Has been APPROVED subject to the following conditions:

1. Approved per plans submitted as revised and amended July 20th, 2020 with all additional conditions as stated.

2. The project must meet all Federal, State, County and local regulations.

3. The restrooms within the building must be open to the public when the building is in use.

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

5. Any changes to the character, intensity or use of this site including building locations, size or additions not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the County Zoning Agency for additional conditional use review.

Specific

6. All use of the Township building shall be restricted to those identified in the project plan, and narrative as stated: The building will accommodate and elevator and mechanicals with a separate garage
space. The structure will be used for public assembly, weddings, trade shows and other cultural event and performances.

Dated this 17th day of March, 2005.

__________________________________________
COUNTY ZONING AGENCY
RICHARD KUHNKE, SR., CHAIRMAN
RESTORATION NOTES:

1. MINIMUM 4" TOPSOIL REQUIRED IN ALL LAWN AREAS.
2. UTILIZE WSDOT SEED MIXTURE No. 49 OR AS RECOMMENDED BY LANDSCAPER PER LOCAL SOIL TEST.
3. UTILIZE WSDOT TYPE A FERTILIZER.
4. USE CLASS 1, URBAN TYPE A ON ALL DISTURBED AREAS UNLESS SPECIFIED OTHERWISE.
5. UTILIZE TYPE B MATTING OF SAME CLASS 1 ALONG CENTERLINE OF SWALE AND UP MINIMUM 2FT VERTICAL OF SIDE SLOPES.
6. PROPERLY ANCHORED MULCH REQUIRED IN ALL AREA NOT STABILIZED WITH EROSION MATTING.
7. FOLLOW ALL EROSION CONTROL SEQUENCING, TRACING PAD, SILT FENCE, DUST CONTROL, SEEDING, AND MATTING.
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: Milstead, LLC – Owner, John Schnupp (Lease) - Applicant

LOCATION: The property of concern is located in the NE ¼ of Section 6, Walworth Township and is identified a part of Tax Parcel E W 600001B.

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 applicant is requesting conditional use approval for outdoor food and beverage consumption on the north side of an existing restaurant in order to better serve clientele of the Fire to Fork Restaurant. The intent is to temporarily eliminate 110 seats from the indoor restaurant and replace them with 44 seats outdoors next to the front porch of the restaurant for outdoor food and beverage service. There would be a decrease in capacity and therefore no additional parking requirement.

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 R-2.
To the east is property zoned R-5A.
To the west are lands zoned B-2 and A-1.
To the south are properties zoned R-5A, B-2 and A-2.

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

MpB Class II McHenry Silt Loam, 2 to 6% slopes
IMPACT ON ROADS AND TRAFFIC:

The site is served by South Shore Drive to the north and Hwy O to the west of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

APPLICATION STATUS: ___X____COMPLETE  _________INCOMPLETE

General:

1. The Conditional Use for use of a portion of open space for outdoor food and beverage consumption for a restaurant is approved as per the plan submitted with the following conditions.

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

3. The project must meet with all State, Federal and local approvals.

4. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage.

5. Sufficient adult supervision by on site workers must be present at all times when facilities are in use.

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

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

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

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

10. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.

11. 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.

12. 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:

13. Hours of operation on the outdoor food and beverage area shall be 10:00 a.m. to 11:00 p.m.

14. All outdoor seating and all outdoor food and beverage consumption must be in the area specified on the approved site plan.

15. The outdoor seating area must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.

16. Any proposed outdoor fire pit/cooking facilities must meet with Local and State requirements.
Milstead LLC
CU for Outdoor Food and Beverage
Section 6, Walworth Township
Zoning Map
Milstead LLC
CU for Outdoor Food and Beverage
Section 6, Walworth 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 396 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 a 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 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.
Wood posts shall be a minimum size of 1½" x 1½" of oak or hemlock, 3 to 4' in length, buried 1' into the ground.

GEOTEXTILE FABRIC ONLY

BACKFILL & COMPACT TRENCH WITH EXCAVATED SOIL

GENERAL NOTES:
ADDITIONAL POST DEPTH OR BE BACKS MAY BE REQUIRED IN UNSTABLE SOILS.
(SEE DETAIL)
ATTACH THE FABRIC TO THE POSTS WITH WIRE STAPLES OR WOODEN LATH AND NAILS.

"X"-OFT POST SPACING ALLOWED IF A WOVEN GEOTEXTILE FABRIC IS USED.
IF POSSIBLE, CONSTRUCT SILT FENCE FROM A CONTINUOUS ROLL TO AVOID JOINTS. IF A JOINT IS NECESSARY, USE ONE OF THE FOLLOWING OUTLINE SEAM METHODS: OVERLAP END POSTS & TWIST AT LEAST 180 DEGREES.
CROSSHACK METHOD: HOOK THE END OF EACH SILT FENCE LENGTH.

GEOTEXTILE FABRIC

TRENCH SHALL BE A MIN. 4-INCHES WIDE AND 5-6 INCHES DEEP TO SURF
AND ANCHOR FABRIC, FOLD MATERIAL TO FIT TRENCH, BACKFILL
AND COMPACT WITH EXCAVATED SOIL.

GEOTEXTILE FABRIC

JOINING TWO LENGTHS OF SILT FENCE

1. SILT FENCE

2. RIPRAP AT APRON ENDWALLS

3. TYPICAL SWALE-BACK OF BUILDING
### Statistics

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### Designer

S. Schoenberger
Date: 6/19/2020
Scale: Not to Scale
Drawing No.: 9:46AM
Summary: 15
PLACE NEW TREES ALONG BERM AS SHOWN IF EXISTING VEGETATION/TREES ARE REMOVED BY RE-GRADING OF BERM. SPACE GIANT ARBORVITAE AT 15 FEET OFF CENTER.

R/W PER STATE R/W PROJECT NUMBER 3171-05-20
(SHEETS 4.3 & 4.4)
ATS, LTD – Robert Allen
CU for Indoor Boat Storage Facility
Section 25, Delavan Township
Soils & Topo 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%
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**

**Amended 7/16/2020 for additional Slurry Storage Tank and dry bunker (see #1 and 19)**

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 7/16/2020 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 requirement 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 Slurrrystore Operations Agreement approved by the Town of Darien Board of Supervisors on August 3, 2010.

19. **The new (second) slurry store tank shall be used solely for industrial wastewater and shall not accept other wastewater causing mixed wastewater storage without further amendment of DNR approvals and this conditional use.**

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
Steven S. Walter – Owner
CU for Expansion of Slurry Storage Facility
Section 21, Darien Township
Land Use Plan Map
Steven S. Walter – Owner
CU for Expansion of Slurry Storage Facility
Section 21, Darien Township
Soils & Topo Map
**283.82  Land application of sewage sludge.**

(1) The department shall oversee, set technical standards for, and regulate the application of sewage sludge to land.

(2) No city, village, town, or county may prohibit, through zoning or any other means, the application of sewage sludge to land if that application complies with this section and rules promulgated under this section.

(3) A city, village, town, or county may regulate the application of sewage sludge to land if the regulation is identical to regulations of the department under sub. (1).

History: 2005 a. 347.
Hello Tim,

Thank you for the attachments showing the existing DNR approvals and statutes. Should you wish for the e-mail attached documents to be added to the pending conditional use application then the information will need to be submitted in hard copy to the Land Use and Resource Management Department to be stamped and scanned into the County Energov system for the conditional use file. The LURM address is 100 W Walworth St. P.O. Box 1001 Elkhorn, WI 53121. I believe the Town of Darien is looking for DNR input on the statement “the new slurrystore is to provide operational flexibility through the ability to segregate wastewater streams”. More than doubling the capacity for storage at the facility appears, at least for the local municipalities, to bring with it the potential for a need for expanded acreage for land application. The Town and County needs DNR input on the new slurrystore solely being used to provide operational flexibility through the ability to segregate wastewater streams and not cause a need for expansion of additional acreage. If additional acreage is needed then additional areas should be added and approved by the DNR and presented as such during the Town and County conditional use reviews. I will continue to get a hold of you for a conversation on this matter. My Office hours are 8:00 a.m. to 4:30 p.m. Monday through Friday. Our Office will be closed Friday the 3rd of July.

Thank you,

Matt

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

From: Timm P. Speerschneider <tps@dewittllp.com>
Sent: Tuesday, June 30, 2020 10:36 AM
To: Weidense, Matthew <mweidens@co.walworth.wi.us>
Subject: RE: phone message/Steve Walter CU for expansion of waste holding facilities.

Matt—I thought I would pass along some additional information and see if we can set up a call between the two of us to discuss—the DNR engineer reviewing the matter is Nate Willis—he is working remotely and will set up skype calls—his email is Nathaniel.willis@wisconsin.gov—I told him that you may try to set up a call so feel free to call him if you have any DNR questions—DNR will be doing 2 reviews—the first is a plan review under 281.41 which is a straight up engineering review—we anticipate no problems with that review as DNR has previously approved an identical slurrystore structure(see attached approvals)—Nate could not commit to the review being completed by July 16 but it should be completed right around that time—from DNR’s perspective, construction of the slurrystore can begin once plan approval is issued(assuming necessary local approvals have been obtained)—the second review is WPDES review which will involve amending the current permit which is attached—essentially the amendment will add the new regulated outfalls—as you can see the permit is quite extensive and has a process for approving land application.
MEMORANDUM

TO: Town of Darien
   Walworth County

FROM: Attorney Timm Speerschneider

DATE: July 8, 2020

RE: Parcel Number BD2100005A Conditional Use Permit Application

Introduction.

This memo will supplement the January 2, 2020 application by Walter & Son Waste Hauling, LLC ("Walter") for a conditional use permit to construct a new approximately 1.8-million-gallon slurry store and approximately 9800 square-foot metal building. The slurry store will provide additional storage capacity to the existing approximately 3-million-gallon slurry store. The new building will provide an additional storage facility for solidified sludge. It is anticipated that the slurry store will be constructed this year and the metal building sometime in 2021 or 2022. Walter is proposing these facilities primarily to allow for greater operational flexibility. The increase in storage capacity may also result in some increase in land application of wastewater and sludge. This memo is intended to address concerns expressed by the Town and County regarding the status of Wisconsin Department of Natural Resources ("WDNR") review and regulation and the availability of land application sites.

WDNR Review.

As you are aware, Walter’s operation is primarily and extensively regulated by the WDNR. There are two aspects to WDNR review and regulation. The first is what is known as Section 281.41 plan review. This is basically an “engineering” review of the structures. WDNR has previously conducted such a review for the existing facilities. (See attached September 30, 2010 and July 6, 2016 approvals.) WDNR is currently reviewing the proposed facilities and Walter anticipates approval in the near future, but it is unlikely that it will be prior to July 14, 2020. Walter would note that the Town previously approved the existing facilities prior to WDNR plan approval (See, e.g., August 3, 2010 Agreement with Town and September 30, 2010 plan approval.)

The second aspect of WDNR review and regulation involves the WPDES permit review. Walter’s current WPDES permit is attached. As you can see, the permit is quite extensive and comprehensive, and regulates the use of the storage facilities including land application. The current WPDES permit will be amended to reflect the new facilities by identifying the facilities as additional regulated outfalls. It is anticipated that the permit amendment process will occur in the fall. From a WDNR regulatory perspective, Walter can begin construction of the facilities once plan approval is issued, however, it cannot use the facilities until the WPDES permit is amended.
With regard to the new slurry store, Walter is seeking a permit amendment which would allow the new slurry store to be used only for industrial wastewater. On the other hand, the existing slurry store is approved for use for mixed wastewater, which is a combination of industrial wastewater, sewage, septic, and other wastewaters. While the new slurry store will meet the engineering requirements for mixed wastewater, Walter is seeking approval for use only for industrial wastewater at this time because it provides greater operational flexibility as there are fewer restrictions on the land application of industrial wastewater. For example, industrial wastewater can be land applied in the winter if climate conditions allow whereas mixed wastewater typically cannot.

**Availability of Land for Application.**

The major factors affecting land application are (1) the nutrient value of the wastewater/sludge; (2) the nutrient needs of land; (3) cropping patterns; and (4) climate conditions. All of the factors are dynamic and constantly changing. Typically there are brief windows in the spring (before planting) and fall (after harvest and before winter frozen ground) during which the majority of land application occurs. WDNR encourages having as much storage capacity and available land as possible so as to allow operational flexibility. (See attached September 29, 2008 WDNR letter.) For example, certain fields may be better suited for land application depending upon the nature of the wastewater and climate conditions.

Currently Walter has 2150.7 acres of approved land application site (see attached) which provides more than enough land for any increased volumes of land application. Moreover, Walter is continuously seeking additional land application sites as allowed for in its WPDES permit (see section 4.3 of permit, particularly 4.3.10.) Like storage, the more land application sites that are available, the better. In the event that sufficient lands are not available, Walter has other options besides land application such as sending to a POTW or another licensed land applicator.

Finally, the issue of availability of land for application is exclusively a WDNR matter. (See attached Wis. Stats. § 283.82.)
September 30, 2010

Steve Walter
Walter and Son Waste Hauling, Inc.
N3368 State Hwy 14
Darien, WI 53114

Subject: Approval of a Wastewater Storage Structure

Dear Mr. Walter:

The Division of Water is conditionally approving plans and specifications for a Wastewater Storage Structure at Darien, Wisconsin, submitted under the seal of Scott A. McKittrick, P.E., Bonestroo, Waupun, WI and received for approval on August 18, 2010.

The proposed construction includes a 2 million gallon "Slurystore" tank, a pump station to transfer wastewater to the tank and a gravel truck turn-around. These facilities will be constructed at the Steve Walter Farm, N3368 State Hwy. 14, Darien, WI northeast of the I-43 and State Hwy 14 interchange. Access to the site will be provided from State Hwy 14 by a gravel road.

The tank will be used to store wastewaters from various sources, including septage, industrial wastes, sludge from municipal treatment plants, and restaurant grease trap waste. Wastewater will be stored prior to disposal by land application on DNR approved sites. These facilities will be operated under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit for the disposal of mixed wastewaters.

The plans and specifications and other reports on file with the Department were used by the Department as the basis for conditional approval.

The plans are hereby approved in accordance with s. 281.41, Statutes, under approval Number S-2010-0571, subject to the following conditions:

1. That this facility be operated in accordance with the requirements of your Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

2. That this Department is notified when the approved facilities are placed in operation. Please notify Christine Lilek, Wastewater Specialist in the Department’s Plymouth Office.

3. That the improvements be installed in accordance with the plan and specifications, and the above conditions, or subsequent essential and approved modifications.

The Department has the authority under ss. 281.19(1), Statutes, to adopt rules for the construction, installation, use, and operation of sewerage systems. Chapters NR 108 and 110, Wis. Adm. Code, have been adopted by the Department pursuant to this statutory authority. The Department has the authority to approve, conditionally approve, or deny plans under s. 281.41, Statutes.
This approval is not to be construed as a Department determination on the issuance of a WPDES permit or an opinion as to the ability of the proposed system to comply with effluent limitations in such a permit.

The plans have been reviewed in accordance with s. 281.41, Statutes, for compliance with Chapters NR 108 and 110, Wis. Adm. Code (or any other applicable section of the Wisconsin Administrative code or Statutes which may be specifically referenced in the conditions above). This letter should not be construed as an approval for activities requiring approval under other Statutes or by other federal, state or local agencies.

The Division reserves the right to order changes or additions should conditions arise making this necessary.

If you believe that you have a right to challenge this decision, you should know that Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed.

For judicial review of a decision pursuant to s. 227.52 and 227.53, Statutes, you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review shall name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. The filing of a request for a contested case hearing is not a prerequisite for judicial review and does not extend the 30-day period for filing a petition for judicial review.

This notice is provided pursuant to s. 227.48(2), Stats.

In case construction of this improvement has not commenced or contracts awarded to complete this improvement within two years from this date, this approval shall become void. After two years a new application and plan submittal must be made and approval obtained of this or other plans before any construction work is undertaken.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Gerald Novotny, P.E.
Wastewater Engineer

Thomas J. Mungan, Chief
Wastewater Section
Bureau of Watershed Management

cc:  Scott McKittrick – Bonestroo, 1203 Storbeck Drive, Waupun, WI 53963
     Christine Lilek – SER Plymouth.
July 6, 2016

RECEIVED Project Number: S-2016-0358

JUL 1 0 2020

WALWORTH COUNTY LAND USE RESOURCE MANAGEMENT DEPT.

8 days for DVR approval of height extension

Steven W. Walter,
Water and Son Waste Hauling, Inc.
N3368 State Hwy 14
Darien, WI 53114

Subject: Approval of Wastewater Storage Tank Modifications

Dear Mr. Walter:

The Department of Natural Resources (hereafter Department) is conditionally approving plans for Wastewater Storage Tank Modifications at Darien, Wisconsin, submitted under the seal of John J. Sweeney, Professional Engineer, CST Storage, DeKalb, Illinois, and received for approval on June 28, 2016.

The Wastewater Storage Tank Modification consists of raising the height of the existing storage tank by 10 feet. This will increase the storage volume from about 2 million gallons to about 2.8 million gallons.

The existing tank was approved on September 30, 2010 under approval Number S-2010-0571.

The plans and other reports on file with the Department were used by the Department as the basis for conditional approval.

The plans are hereby approved in accordance with s. 281.41, Wis. Stats., under approval Number S-2016-0358, subject to the following conditions:

1. That this facility be operated in accordance with the requirements of your Wisconsin Pollutant Discharge Elimination System (WPDES) permit.

2. That this Department is notified when construction commences and again when the approved facilities are placed in operation. Please notify Steve Warner, Wastewater Specialist (920-387-7870), in the Department’s Horicon Office.

3. That the improvements be installed in accordance with the plans, and the above conditions, or subsequent essential and approved modifications.

The Department has the authority under s. 281.19(1), Wis. Stats., to adopt rules for the construction, installation, use, and operation of sewerage systems. Chapters NR 108 and 110, Wis. Adm. Code, have been adopted by the Department pursuant to this statutory authority. The Department has the authority to approve, conditionally approve, or deny plans under s. 281.41, Wis. Stats.

This approval is not to be construed as a Department determination on the issuance of a Wisconsin Pollutant Elimination Discharge Permit (WPDES) or an opinion as to the ability of the proposed system to comply with effluent limitations in such a permit.

Naturally WISCONSIN
The plans have been reviewed in accordance with s. 281.41, Wis. Stats., for compliance with chs. NR 108 and 110, Wis. Adm. Code (or any other applicable section of the Wisconsin Administrative code or Statutes which may be specifically referenced in the conditions above). This letter should not be construed as an approval for activities requiring approval under other Statutes or by other federal, state or local agencies.

The Department reserves the right to order changes or additions should conditions arise making this necessary.

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review Department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to file your petition with the appropriate circuit court and serve the petition on the Department. Such a petition for judicial review must name the Department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the Department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.

In case construction of this improvement has not commenced or contracts awarded to complete this improvement within two years from this date, this approval shall become void. After two years a new application and plan submittal must be made and approval obtained of this or other plans before any construction work is undertaken.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Barton T. Chapman
Barton T. Chapman, P.E.
Wastewater Section Chief
Bureau of Water Quality

Gerald Novotny, P.E.
Wastewater Engineer
Bureau of Water Quality

cc:
John J. Sweeney - CST Storage, 345 Harvestore Drive, DeKalb, IL 60115
Stephen Warner – SCR Horicon
James Brodzeller – SCR Fitchburg
Amended 7-16-2020 for expansion into the north 200 ft area no longer needed as a buffer area due to lot line adjustment of the M-3 parcel to the A-1 parcel to the north (see #1, 2, 4, 10 and #12 through 35). Amended 6-17-10

NAME: Unilock Aggregate LLC JAMES RADECKI
TOWN: LAFAYETTE

A conditional use permit for mineral extraction activities as specified in Section 4.10 of the Zoning Ordinances, Walworth County, Wisconsin on lands zoned M-3 Mineral Extraction District and described as follows:

Tax Parcel #K LF 600005

Has been APPROVED subject to the following conditions:

1. Approved as per plan submitted and amended June 17, 2010 and further amended July 16th, 2020 for expansion into the north 200 ft no longer needed as a buffer area due to lot line adjustment of the M-3 parcel to the A-1 parcel to the north with all additional conditions.

2. All materials brought on site shall be clean and conform with the specifications provided in the request for amended conditional use approved on June 17, 2010 and July 16, 2020. Materials brought on site shall be limited to top soil, clean spoils, recycled concrete, recycled asphalt, pit transfer sand, gravel and limestone and shall be located as identified on the approved plan. Relocation of storage areas for the materials shall not occur without amendment of the reclamation plan and stormwater management plan for the site.

3. That the conditional use be approved upon the County Board approval of the request for a rezone of this property from A-1 Prime Agricultural District to M-3 Mineral Extraction District. The county Board will review the rezone request on December 12, 1995.

4. That the driveway for the pit be located as far from the Pellmann property as possible and that the drive now used by Mr. Radecki might serve as the entrance for the pit (the driveway that goes through Mr. Radecki’s yard).
5. That the SE corner of the land in question should have a berm and be planted with evergreens to reduce the noise and sight objections.

6. That hours of operation shall be 6:00 a.m. to 6:00 p.m. Monday – Friday; 6:00 a.m. to 3:00 p.m. Saturday; No Sunday Operations.

7. That dust control measures shall be taken by the applicant.

8. That the applicant shall submit an acceptable form of bonding to insure proper restoration.

9. That following restoration of the property, the parcel shall be rezoned back to its original zone district.

10. That the road access maintenance agreements shall be filed with the county.

11. That the applicant must meet all Federal, State, and Local Regulations.

12. Time limit for completion of the project shall be set at July 16th, 2030.

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

14. 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.

15. 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. 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.

16. 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.

17. Road access and maintenance agreements shall be filed with the Town and County prior to hauling materials off site.

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

19. Any additional office/trailer or structures shall obtain approved zoning and sanitary permits.

20. Approval of the project shall be subject to all applicable gravel pit policies.

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

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

23. All topsoil generated from the site must remain on site for use in restoration. All topsoil will be re-graded evenly on the disturbed area.
24. 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.

25. 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.

26. 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.

27. The applicant must obtain a sign permit from the County Zoning Office prior to construction of any new 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 zoning upon restoration.

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

29. 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.

30. 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.

31. The County will not be responsible for loss of agricultural productivity of the property as a result of this project.
32. 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:

33. Recyclable concrete and asphalt material shall be limited to the location and quantities as specified on the approved plan of operations.

34. The property owner shall provide a complete contour map showing the resulting contours in all areas of the project site including the 200 foot buffer areas. The contours shall tie into then neighboring property elevations as to show final grades of restoration.

35. The property owner shall comply with all requirements of the Preliminary Stormwater Review letter created for review of the July 16th 2020 amendment of the conditional use for the 200 ft. expansion area to the north.

Dated this 17th day of November, 1995.

WALWORTH COUNTY PARK & PLANNING COMMISSION
JAMES VAN DRESER, SECRETARY

Amended this 17th day of June, 2010.

________________________________________
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN
MEMO
Date: July 13, 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 Modification and Draft Nonmetallic Mining Reclamation Permit Modification

Rock Road Companies, Inc. Operator
Unilock Aggregates, LLC., Owner
Tax Key Parcels # KLF600005
Town of Lafayette

The Walworth County Land Conservation Department received a reclamation plan modification for the expansion of an existing mining operation at the location referenced above and respectfully presents the following 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, complying with state standards specified in NR 135 of the Wisconsin Administrative Code. The Reclamation Standards are listed on Attachment #1 to this memo. Basically, the goal of this ordinance is to insure that nonmetallic mining sites are successfully reclaimed to a use that is consistent with local land use decisions and approvals.

If an operator of a nonmetallic mining site desires to expand or revise the aerial extent, depth of mining or specific reclamation methods or procedures of an existing mining site, a modification of the reclamation plan and permit shall be requested by the operator and shall be acted upon using the same standards and procedures, as if the request were a new mining site. All reclamation plan modifications are subject to public review.

Rock Road Companies currently has a County-approved reclamation permit and plan covering this 72-acre of this mining site. Currently, 63.9 acres of the existing mining site are active and un-reclaimed.

Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for reclamation of portions of the nonmetallic mining site while mining continues on other portions of the mining site. It should be noted no reclamation has been certified by Walworth County on this mining site since the reclamation plan covering this mining site was initially approved in 2001.

Rock Road Companies, Inc., and Unilock Aggregates, LCC., are proposing to expand this mining site to cover an additional 6 acres, for the extraction and processing of sand and gravel material for the use in the processing of Unilock paver, brick and block products. The reclamation plan and permit modification review covers the current mining site and the expansion area for a total area of 79 acres, as illustrated on Map 4 on Sheet C4.0 of the plan set submitted to Walworth County on July 13, 2020, see Attachment #2. The Reclamation Plan Modification Narrative is provided in Attachment #3.

The Walworth Land Conservation Division reviewed the reclamation plan modification. The review comments are included in Attachment #4 to this memo.

A copy of a Draft Nonmetallic Mining Reclamation Permit Modification is attached to this memo, see Attachment #5.
1. (a) **REFUSE AND OTHER SOLID WASTES.** Nonmetallic mining refuse shall be reused in accordance with a reclamation plan. Other solid wastes shall be disposed of in accordance with applicable rules of the Wisconsin Department of Natural Resources.

(b) **AREA DISTURBED AND CONTEMPORANEOUS RECLAMATION.** Nonmetallic mining reclamation shall be conducted, to the extent practicable, to minimize the area disturbed by nonmetallic mining and to provide for nonmetallic mining reclamation of portions of the nonmetallic mining site while nonmetallic mining continues on other portions of the nonmetallic mining site.

(c) **PUBLIC HEALTH, SAFETY AND WELFARE.** All nonmetallic mining sites shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

d) **HABITAT RESTORATION.** When the land use required by the reclamation plan approved pursuant to this chapter requires plant, fish or wildlife habitat, it shall be restored, to the extent practicable, to a condition at least as suitable as that which existed before the lands were affected by nonmetallic mining operations.

e) **COMPLIANCE WITH ENVIRONMENTAL REGULATIONS.** Reclamation of nonmetallic mining sites shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

(2) **SURFACE WATER AND WETLANDS PROTECTION.** Nonmetallic mining reclamation shall be conducted and completed in a manner that assures compliance with the Wisconsin Department of Natural Resources’ water quality standards for surface waters and wetlands contained in Chapters NR 102 to NR 105, Wisconsin Administrative Code. Before disturbing the surface of a nonmetallic mining site and removing topsoil, all necessary measures for diversion and drainage of runoff from the site to prevent pollution of waters of the state shall be installed in accordance with the reclamation plans approved pursuant to this chapter. Diverted or channelized runoff resulting from reclamation may not adversely affect neighboring properties.

(3) **GROUNDWATER PROTECTION.**

   (a) **GROUNDWATER QUANTITY.** A nonmetallic mining site shall be reclaimed in a manner that does not cause a permanent lowering of the water table those results in adverse effects on surface waters or a significant reduction in the quantity of groundwater reasonably available for future users of groundwater.

   (b) **GROUNDWATER QUALITY.** Nonmetallic mining reclamation shall be conducted in a manner which does not cause groundwater quality standards in Chapter NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

(4) **TOPSOIL MANAGEMENT.**

   (a) **REMOVAL.** Topsoil and topsoil substitute material shall be removed, protected and redistributed to support reclamation and site stabilization. Topsoil shall be managed as specified in the reclamation plan approved pursuant to this chapter in order to achieve reclamation to the approved post-mining land use. Topsoil and topsoil substitute material removal shall be performed, as required by the reclamation plan, prior to any mining activity associated with any specific phase of the mining operation.

   b) **VOLUME.** The operator shall obtain the volume of soil required to perform final reclamation by removal of on-site topsoil or topsoil substitute material or by obtaining topsoil or substitute material as needed to make up the volume of topsoil as specified in the reclamation plan approved pursuant to this chapter.

   c) **STORAGE.** Once removed, topsoil or topsoil substitute material shall, as required by the reclamation plan approved pursuant to this chapter, either be used in contemporaneous reclamation or stored in an environmentally acceptable manner. The location of stockpiled topsoil or topsoil substitute material shall be chosen to protect the material from erosion or further disturbance or contamination. Runoff water shall be diverted around all locations in which topsoil or topsoil substitute material is stockpiled.
(5) **FINAL GRADING AND SLOPES.** (a) All areas affected by mining shall be graded in accordance with the reclamation plan approved pursuant to this chapter to achieve a stable and safe condition consistent with the post mining land use. The reclamation plan may designate areas such as stable slopes and rock faces, which do not require final grading.

(b) Final reclaimed slopes covered by topsoil or topsoil substitute material may not be steeper than a 3:1 horizontal to vertical incline, unless alternative requirements are approved and stable slopes can be demonstrated based on site-specific engineering analysis. The engineering analysis shall show that a minimum acceptable slope stability factor is attainable at a steeper slope and that the post-mining land use specified in the reclamation plan is not adversely affected. When the slope occurs at the edge of a body of water, this approved slope shall extend vertically 6 feet below the lowest seasonal water level. A slope no steeper than 3:1 shall be created at a designated location or locations, depending on the size of the water body to allow for a safe exit.

(c) All areas in the nonmetallic mine site where topsoil or topsoil substitute material is to be reapplied shall be graded or otherwise prepared prior to topsoil or topsoil substitute material redistribution to provide the optimum adherence between the topsoil or topsoil substitute material and the underlying material.

(6) **TOPSOIL REDISTRIBUTION FOR RECLAMATION.** Topsoil or topsoil substitute material shall be redistributed in accordance with the reclamation plan approved in a manner, which minimizes compaction and prevents erosion. Topsoil or topsoil substitute material shall be uniformly redistributed except where uniform redistribution is undesirable or impractical. Topsoil or topsoil substitute material redistribution may not be performed during or immediately after a precipitation event until the soils have sufficiently dried.

(7) **REVEGETATION AND SITE STABILIZATION.** Except for permanent roads or similar surfaces identified in the reclamation plan approved pursuant to this chapter, all surfaces affected by nonmetallic mining shall be reclaimed and stabilized by revegetation or other means. Revegetation and site stabilization shall be in accordance with the approved reclamation plan and shall be performed as soon as practicable after mining activity has permanently ceased in any part of the mine site.

(8) **ASSESSING COMPLETION OF SUCCESSFUL RECLAMATION.** (a) The criteria for assessing when reclamation is complete and, therefore, when the financial assurance may be released shall be specified in the reclamation plan approved pursuant to this chapter. Criteria to evaluate reclamation success shall be quantifiable.

(b) Compliance with the revegetation success standards in the approved reclamation plan shall be determined by:

1. On-site inspections by Walworth County or its agent;
2. Reports presenting results obtained during reclamation evaluations including summarized data on revegetation, photodocumentation or other evidence that the criteria approved in the reclamation plan to ascertain success have been met; or
3. A combination of inspections and reports.

(c) In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition, the operator shall obtain baseline data on the existing plant community for use in the evaluation of reclamation success pursuant to this section.
(d) Revegetation success may be determined by:

1. Comparison to an appropriate reference area;

2. Comparison to baseline data acquired at the mining site prior to its being affected by mining;
   or

3. Comparison to an approved alternate technical standard

e) Revegetation using a variety of plants indigenous to the area is favored.

(9) INTERMITTENT MINING. Intermittent mining may be conducted provided that the possibility of intermittent cessation of operations is addressed in an operator’s reclamation permit, no environmental pollution or erosion of sediments is occurring, and financial assurance is maintained covering all remaining portions of the site that have been affected by nonmetallic mining and that have not been reclaimed.

(10) MAINTENANCE. During the period of the site reclamation, after the operator has stated that reclamation is complete but prior to release of financial assurance, the operator shall perform any maintenance necessary to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan approved pursuant to this chapter.
UNILOCK AGGREGATES, LLC
AMENDED AND RESTATED NONMETALLIC MINING RECLAMATION PLAN MODIFICATION

Lauderdale/Radecki Pit
Town of LaFayette, Walworth County, Wisconsin

Originally approved: June 2005
Amended and restated on: ________________, 2020
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1. SITE INFORMATION

1.1 General Information

The property subject to this reclamation plan consists of two combined parcels of land (the “Lauderdale Parcel” and the “Radecki Parcel”) commonly known together as the “Lauderdale/Radecki Pit” (the “Property”). These parcels were combined under Tax Key KLF600005 in 2005. The Property is presently used for the mining and processing of soils, sand, gravel, and stone, with most of the land within the Property having been previously excavated. The areas where excavation is occurring are either bermed or have a form of screening to control noise and other potential nuisances. Dust is, and will be, controlled by watering and dedicating certain driveways within the Property. The average hours of operation of the mining and processing are from 6:00 a.m. to 6:00 p.m., or from dawn to dusk, whichever is longer. The operational areas of the wash plant and crushing plant are currently in and will remain within the central portion of the Property.

1.2 Property Owner Operator

Unilock Aggregates, LLC (“Unilock”) Rock Road Companies, Inc
301 E. Sullivan Road 301 W B R Townline Rd
Aurora, IL 60505 Janesville, WI 53546

1.3 General Location

See the attached Figure #1 and Figure #2 for a map of general location of the Property.

The Property is located in the Town of LaFayette, Walworth County, north of County Road A, approximately ¾ mile east of the U.S. Highway 12 intersection, in part of the western half of Section 6, Township 3N, Range 17E.

The main access to the Property is from County Road A, with the entrance located on the southern portion of the Property.

1.4 Property Boundaries

The boundaries of the Property are identified and shown on the attached Figures #3 and Figure #4.

1.4.1 Legal Description

LAND IN THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4, AND THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, TOWN 3 NORTH, RANGE 17 EAST, IN THE
TOWN OF LAFAYETTE, WALWORTH COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF SAID SECTION 6; THENCE N03°07'09"W ALONG THE WEST LINE OF SAID 1/4 SECTION 1410.15 FEET TO A POINT ON THE NORTH LINE OF COUNTY TRUNK HIGHWAY "A"; THENCE N71°14'38"E ALONG SAID NORTH LINE 520.78' TO THE SOUTHEAST CORNER OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2798 AND THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE N03°09'39"W ALONG THE EAST LINE OF SAID C.S.M. 523.62 FEET TO THE NORTHEAST CORNER OF SAID MAP; THENCE S86°50'21"W ALONG THE NORTH LINE OF SAID MAP 139.46 FEET TO A POINT AT THE SOUTHEAST CORNER OF C.S.M. 3955; THENCE N03°06'19"W ALONG THE EAST LINE OF SAID MAP 129.85 FEET; THENCE N86°53'41"E 3.00 FEET; THENCE N03°06'19"W 35.55 FEET; THENCE S86°53'41"W 3.00 FEET; THENCE N03°06'19"W ALONG SAID LINE 1033.40 FEET TO THE NORTHEAST CORNER OF SAID MAP; THENCE S88°35'19"W ALONG THE NORTH LINE OF SAID MAP 361.50 FEET TO A POINT ON THE WEST LINE OF SAID 1/4 SECTION; THENCE N03°03'53"W ALONG SAID WEST LINE 669.75 FEET TO A POINT ALONG THE SOUTH LINE OF C.S.M. 3497; THENCE S88°38'15"E ALONG THE SOUTH LINE OF SAID MAP A DISTANCE OF 0.62 FEET; THENCE N79°27'41"E ALONG SAID LINE 1167.82 FEET TO THE SOUTHEAST CORNER OF LOT 1 OF SAID C.S.M. 3497; THENCE N03°28'50"W ALONG THE EAST LINE OF LOT 1 OF SAID C.S.M. 3497 63.98 FEET; THENCE N86°55'25"E 498.14 FEET; THENCE S03°01'39"E 1638.88 FEET; THENCE S10°14'53"E 231.44 FEET; THENCE S00°11'22"E ALONG THE WEST LINE OF LOT 1 OF C.S.M. 3917 AND ITS EXTENSION 179.20 FEET; THENCE S00°04'09"E ALONG SAID WEST LINE 245.36 FEET TO A POINT OF THE NORTH LINE OF SAID C.T.H. "A"; THENCE S71°14'29"W ALONG SAID NORTH LINE 505.50 FEET; THENCE S71°14'38"W ALONG SAID NORTH LINE 699.11 FEET TO THE POINT OF BEGINNING.

Containing 75.7 acres, more or less
Source: Walworth County Property Tax Records
Tax Parcel No. KLF600005

1.5 Neighbors and Adjacent Land Use

The land surrounding the Property is currently used for residential, light industry and agriculture purposes. The Property is bordered to the west by a property owned by Weardgo L.L.C., and a property owned by Unilock Chicago, Inc. (“Unilock Chicago”) and Mann Sand & Gravel, LLC (“Mann Gravel”). The south side of the Property is bordered by County Highway A. Lauderdale Farm, Inc. owns the bordering properties to the north and east.
1.6 Site History

The overall nonmetallic mining facility contains approximately 82.3 acres, with 55.5 acres in the Radecki Parcel and 26.8 acres in the Lauderdale Parcel.

Mining started on the Radecki Parcel prior to 1997. Mining started on the Lauderdale Parcel in the spring of 2004. The parcels were combined in June of 2005 under Tax Key KLF600005. Approximately 72 acres of the Property are presently being mined or have been disturbed by mining operations.

Rock Road Companies, Inc. (“Rock Road”) purchased the Property in 2009 and sold the Property to Unilock in 2012. Rock Road has remained the operator of the Property since 2009.

1.7 Location of Previously Mined Areas

The parcel to the west of the Property jointly owned by Unilock Chicago and Mann Gravel was previously mined and is currently being used to house a large block and paver plant. The majority of this parcel is covered with pavers where finished product is being stored. A neighboring parcel to the southwest, owned by Mann Bros., Inc. and formerly known as the “Paddock Pit”, was also previously mined.

1.8 Location and Nature of Fill Materials

Topsoil and unsuitable subsurface soils have been stockpiled and will continue to be stockpiled on site as future backfill materials for use during interim and final reclamation. See Sheets C2.0 – C2.4 of the Civil Plans for more information.

1.9 Current Mining Activities/Plan

Mining operations will continue on the Property to the north and northeast, and the western portion has limited sand and gravel available below the current floor. Mining area will be determined by subsurface conditions, mining operations, and business development.

Mining on the Property consists of (i) removing topsoil and overburden, which if present is used for berms, (ii) excavating the sand and gravel materials, (iii) crushing, washing and screening the gravel into appropriate sized stone and sand to meet the specifications of Unilock and its third party customers such as the Wisconsin Department of Transportation, and (iv) stockpiling. The processed sand and stone are then sold and hauled from the Property as needed.
1.10 Geological Composition and Depth of Mineral Deposit

Information gathered from Ground-Water Resources and Geology of Walworth County, Wisconsin by R.G. Borman, and Pleistocene Stratigraphic Units of Wisconsin by David Mickelson, Lee Clayton, Robert Baker, William Mode, and Allan Schneider indicated that the Property is located on an end moraine, which consists of unsorted (poorly graded) material ranging from clay to boulders. The main geologic unit associated with the Pleistocene (“ice age”) geology is the Horicon Formation. The Horicon Formation includes sandy till and associated sand and gravel. The till is typically 60 to 80 percent sand. This formation is the surficial unit in much of the area. The unit can be more than 330 feet thick, so the 250 feet of unconsolidated materials in this area is most likely the Horicon Formation.

The bedrock consists of Galena, Decorah, and Platteville Formations (undifferentiated), mostly dolomite. The bedrock surface is at a Mean Sea Level (“MSL”) elevation of approximately 750 feet.

1.11 Distribution, Thickness, and Type of Soil

From the U.S. Department of Agriculture Soil Conservation Service Soil Survey for Walworth County, the soils indicated in the area include Plano Silt Loam, gravelly substratum, 0 to 2 percent slopes and 2 to 6 percent slopes; Plano Silt Loam, 2 to 6 percent slopes and 6 to 12 percent slopes; McHenry Silt Loam, 2 to 6 percent slopes and 6 to 12 percent slopes; Casco Loam, 6 to 12 slopes eroded; and Warsaw Silt Loam, 2 to 6 percent slopes.

The predominant soil type is Plano Silt Loam, 2 to 6 percent slopes. The typical surface layer, about 8 inches thick, is dark grayish-brown silt loam. The typical subsoil, about 38 inches thick, is a dark yellowish-brown silty clay loam grading to dark grayish-brown gravelly clay loam at a depth of 42 inches. If well managed, this soil can be cropped fairly intensively. Tillage is easy. There is a slight hazard of water erosion. The soil is well suited to irrigation. It has no serious limitations.

As the mineral extraction operations have been occurring for a period of time at the Property and natural materials have been previously removed from the site, topsoil is to be replaced and graded in such quantity and manner as outlined in this reclamation plan.

1.12 Approximate Elevation of Groundwater

Information gathered from Ground-Water Resources and Geology of Walworth County, Wisconsin by R.G. Borman indicated that the MSL elevation of the water table in the area is approximately 890 feet. The MSL elevation of the Property before disturbance was between 920 and 950 feet. Therefore, the depth of groundwater was approximately between 30 feet and 60 feet.
1.13 Location of Surface Waters

The nearest surface water is a manmade pond located approximately 500 feet west of the Property. The other surface waters located near the Property are as follows:

Lauderdale Lakes - one mile northwest
Lake Wandawega - one mile southwest

1.14 Existing Drainage Patterns

The Wisconsin Department of Natural Resources (“WDNR”) conducted a field visit in October 2002 and determined that the Property is internally drained.

The existing drainage patterns are outlined on the attached Figure #5.

1.15 Existing Topography

The existing topography is indicated on Figure #5.

1.16 Manmade Features

There is an entrance road into the Property from County Highway A from the south. The scale house and scale are approximately 300’ from the entrance. An entrance sign identifying the Property is located near the entrance. A septic system and potable well have been constructed adjacent to the scale house. There is a Quonset hut used for storage of shredded dirt. There is an elevated water storage tank located within the central portion of the Property. There are also manmade ponds on the east side of the scale house used for the washing of sand and gravel.

Other equipment used in the operation includes a soil conveyor, earth movers, backhoes, bulldozers, loaders, scrapers, trucks, crushers, and screeners. Existing features are noted on Sheets C2.0 – C2.4 of the Civil Plans.

1.17 Biological Information

1.17.1 Plant Community

It is assumed that the original flora consisted of prairie vegetation typical to the area. With European settlement, the area was farmed until the nonmetallic mining facility was established over 21 years ago. Most of the vegetation established now in the excavated area is of European origin and is typical of other severely disturbed areas in the county.
Typical herbaceous flora included alien nodding thistle (Carduus nutans), yellow sweet clover (Melilotus officinalis), quack grass (Agropyron sp.), Japanese brome grass (Bromus japonicus), catnip (Nepeta cataria), wild parsnip (Pastinaca sativa), and Queen Anne’s Lace (Daucus carota). These short-lived, invasive volunteers are found in flat elevations and slopes around the Property. The adjoining crests and intervening mounds and piles were grown with volunteer thickets of Tartarian honeysuckle (Lonicera tatarica), European buckthorn (Rhamnus cathartica), mulberry (Morus alba), Shagbark Hickory, White Oak, and Basswood. These native and non-native trees were loosely invading the dry gravel floor, densely located in the manmade ditch, and starting to grow at the edges of the berms.

1.17.2 Wildlife

The typical fauna around the area includes deer, raccoon, rabbit, fox, skunk, possum, and both native and ephemeral bird species.

1.17.3 Existing Crop Information

Crop yields for the existing A1 zoning area north of the existing pit from 2016-2020 are listed below. A nutrient management plan is not required for this site.

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<thead>
<tr>
<th>Year</th>
<th>Crop</th>
<th>Yield (bushels/acre)</th>
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</thead>
<tbody>
<tr>
<td>2016</td>
<td>Corn</td>
<td>159.62</td>
</tr>
<tr>
<td>2017</td>
<td>Corn</td>
<td>143.26</td>
</tr>
<tr>
<td>2018</td>
<td>Soybeans</td>
<td>62.75</td>
</tr>
<tr>
<td>2019</td>
<td>Corn</td>
<td>180.00</td>
</tr>
<tr>
<td>2020</td>
<td>Soybean</td>
<td>unknown</td>
</tr>
</tbody>
</table>

2. ZONING AND LAND USE INFORMATION

2.1 Current Site Zoning

The current zoning of the Property is M-3 “Mineral Extraction” and A-1 (Agricultural).

2.2 Future/Post-Mining Land Use Plan

The future land use for the Property designated on A Multi-Jurisdictional Comprehensive Plan for Walworth County: 2035 is “Extractive.”
3. OTHER PERMIT AND RECLAMATION PLAN EVALUATIONS

3.1 Storm Water Discharge (NR 216)

A Nonmetallic Mining Operation General WPDES Permit WI-0046515-6 has been issued for the Property.

3.2 Navigable Waterways (NR 340)

The Property is not located near navigable waterways as defined in NR 340.

3.3 Air Quality Management (NR 440)

No site air quality permit is required because all equipment on the Property is portable. The Property does have an approved Fugitive Dust Plan to reduce fugitive dust.

4. DESCRIPTION OF POST MINING LAND USE

As the nonmetallic mining facility areas are depleted, the Property will be restored in accordance with this plan, and will revert to A-1 zoning as pasture land when final restoration has been completed.

Unilock will notify Walworth County in the event that alternative plans and adjustments to this reclamation plan are identified. Proposed revisions will be presented to Walworth County by Unilock for discussion. Unilock specifically reserves the right, following the receipt of County and other necessary approvals, to amend this reclamation plan to include the Expansion Property as part of the “Property”, with related adjustments made to the timing and nature of all mining and reclamation activities on the expanded Property.

5. RECLAMATION PLAN

5.1 COMPLIANCE WITH SECTION 26-281 OF THE WALWORTH COUNTY CODE OF ORDINANCES

Section 26-281 of the Walworth County Code of Ordinances sets forth specific performance standards for Nonmetallic Mining. The pertinent performance standards and the proposed project’s compliance with these standards have been documented as follows:
5.1.1 General Standards

Refuse and other solid waste - Topsoil and unsuitable subsurface soils have been stockpiled and will continue to be stockpiled on site as future backfill materials for use during interim and final reclamation. Other solid wastes shall be disposed of in accordance with applicable rules of the state department of natural resources adopted pursuant to Wis. Stats. chs. 289 and 291.

Area disturbed and contemporaneous reclamation – Mining area will be mined from south to north. The existing portion of the mining area will remain open and active. The proposed expansion area will be restored upon completion from north to south.

Public health safety and welfare - Mining site shall be reclaimed in a manner so as to comply with federal, state and local regulations governing public health, safety and welfare.

Habitat restoration – Site will be restored to an agricultural (pasture/grazing land) use upon reclamation.

Compliance with environmental regulations - Nonmetallic mining site shall comply with any other applicable federal, state and local laws including those related to environmental protection, zoning and land use control.

5.1.2 Surface Water and Wetland Protection

The proposed stormwater basin within the existing site will remain in place during and after reclamation. All drainage will run to the proposed basin and will be treated on site. There are no wetlands on site.

5.1.3 Groundwater Protection

Since the proposed final reclaimed condition of the pit is to be pasture/grassland, i.e. all stormwater which lands onsite will be infiltrated, no change in the water table is anticipated. Based on boring information from PSI no groundwater was found within 30’ of ground surface or elev. 887. The proposed basin in the existing pit has a NWL of 892 and a bottom of 887 therefore mining activities will not disturb groundwater and existing drainage patterns will remain preserving the quantity and quality of the groundwater. Currently the pit floor is at 897± providing approximately 10’ from the basin floor to the water table during mining operations.
5.1.4 Topsoil Management

The Property is currently active as a mining site. Portions of the natural materials from this area have been previously removed from the Property, and topsoil is being reclaimed and graded in such quantity and manner as outlined below. The present source for topsoil is from the un-mined portion of the site, dependent upon the quantity and quality of such soils encountered.

Topsoil from the un-mined portions will be stripped prior to future mining. The goal of this process is to remove as much topsoil (including ground vegetative material) and subsoil as possible in a conservative and protective manner. The topsoil and subsoil will be removed and stockpiled for use during the final reclamation process.

The soil stockpiled from future mining operations will be used in the reclamation of the entire mining site. The soil will be stored, as mentioned above, as two separate units (topsoil and subsoil) in close proximity to the necessary reclamation. This will ensure that, during reclamation, the subsoil and topsoil will be restored to the surface in the proper horizon arrangement. This will also provide the best growing medium for vegetation.

Protection of the soil material will be done with a high level of importance. The stockpiles/earth berms have been and will be initially surrounded by silt fence to prevent loss of materials. The silt fence will provide the primary means of erosion protection until the soil is sufficiently covered with vegetation. If enough soil is available for long-term storage, vegetation test plots may be arranged to select the best post-mining seed mix and mulch combination. All other areas on the stockpiles will be vegetated with a stabilizing seed mix and mulch. The stockpiles/earth berms will be continuously monitored for erosion problems and vegetative cover. Mowing (cutting) shall be used to maintain the vegetation. The first mowing of newly planted seed shall occur once it reaches a height of 10 to 12 inches. Mowing shall reduce the height of vegetation to 5 to 6 inches as a maximum height. After establishment, mowing shall occur as necessary in order to maintain a height of 5 to 6 inches. Any problems will be immediately remedied.

5.1.5 Final Grading and Slopes

Slopes on site will not exceed 3:1 and all slopes greater than 4:1 will be stabilized with erosion mat. The site will be mined from south to north as demand dictates until the proposed pit floor is reached. The anticipated final topography is indicated on Figure #6.
5.1.6 Topsoil Redistribution for Reclamation

Following rough grading of the completed mine slopes, the subsoil and topsoil will be applied to the surface. The subsoil will be placed first and used to contour the Property to the final topography. Extra subsoil may be necessary as fill material in the areas where high walls will be reduced and sloped to approximately 3:1 ratio.

Rocky material remaining on the Property from the mining operation will also be used for fill material in this case. If additional topsoil is needed the Rock Roads will work with the County to coordinate an approved borrow site location. Prior to the topsoil being added to the subsoil, the surface of the subsoil will be scarified to ensure better bonding of the layers. Also prior to the topsoil distribution, drainage ways and other possible erosion trouble spots will be reinforced using erosion control methods. Methods may include straw bale check dams, silt fences, geotextile mats, or rock riprap.

Topsoil will be distributed evenly on this site to a minimum depth of 4" requiring about 40,630 cu.yd. of topsoil. This distribution will not take place prior to, during, or immediately following a rain event. To minimize soil compaction, soil loss to erosion, and labor hours, the soil will be handled minimally. Following placement, the topsoil will be prepared for revegetation. The surface will be prepped using a disk or similar implement to smooth the surface and ensure seed to soil contact for germination purposes. See the Final Restoration and Grading Plan Map attached as Figure #6.

5.1.7 Revegetation and Site Stabilization

5.1.7.1 Seed Selection

The post-mining land use for the Property is agricultural and will be used as pasture land. Unilock will use a seed mix like the “Pasture Mix 1” created by the WDNR. These are the seeding rates recommended if the seed is broadcast planted:

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Scientific Name</th>
<th>Pounds/Acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timothy</td>
<td>Phleum pretense</td>
<td>4</td>
</tr>
<tr>
<td>Tall Fescue</td>
<td>Festuca arundianceae</td>
<td>5</td>
</tr>
<tr>
<td>Canada Wild Rye</td>
<td>Elymus canadensis</td>
<td>3</td>
</tr>
<tr>
<td>Agricultural Rye</td>
<td>Secale cereale</td>
<td>4.5</td>
</tr>
<tr>
<td>Alfalfa</td>
<td>Medicago sativa</td>
<td>10</td>
</tr>
<tr>
<td>Alsike clover</td>
<td>Trifolium hybridum</td>
<td>4.9</td>
</tr>
<tr>
<td><strong>Total Pounds</strong></td>
<td></td>
<td><strong>31.4</strong></td>
</tr>
</tbody>
</table>
Actual seed selection will vary depending on availability of species at the time of planting. Care will be taken to select seeds that are from a source that is free of weed seeds. Planting weedy seed will only delay the overall stability and productivity of the seed. The entire site will be seeded; no plants will be installed.

5.1.7.2 **Timing of Seed Application**

The proper seed application is vital for good germination. Seeding will take place sometime during the growing season, but not immediately following a rain event or during a drought. Judgment will be made on-site as to when seeding will take place. All seed bed preparation will be completed prior to any area being seeded.

Storage and handling of seed will be done at a minimum to reduce the risk of damage to the stock. The seed will be delivered to the site as close to the planting date and time as possible. If any seeds are visually damaged or are unsuitable for any reason, alternative seeds will be used.

5.1.7.3 **General Seeding Method**

The majority of site seeding will be accomplished by use of a broadcast seeder. This method provides the best coverage and distribution of seed. Seeding of the site will be completed by a piece of equipment suitably set up for this purpose. The seeder will be followed by a drag to cover the seed with a thin layer of soil. The area seeded in one day will be no greater than the area that can be covered with mulch in the same day.

There may be a few areas on the site that will need to be seeded by hand, such as erosion control areas and other areas that were unable to be reached with the broadcast seeder. These areas will be seeded with the same mix as the rest of the site.

5.1.7.4 **Soil Amendments**

Soil amendments will be made based upon soil testing that will be done prior to seeding of the mine site. The soil testing will indicate any fertilizer (nutrients), lime, etc. that would increase the productivity of the soil.

5.1.7.5 **Mulching**

After seeding is complete, the site will be covered with a layer of mulch for erosion control and to add some organic matter to the soil. Preferably, this mulch will be weed-free straw or prairie hay. Any weed seeds will
negatively affect the stabilization process by inhibiting the growth of the desired species. The rate of mulch application will be around one ton per acre.

5.1.7.6 Erosion Control

Erosion control measures will be installed to minimize valuable soil loss from the reclaimed site. The slopes at the mined area will be contoured in a manner that limits the length of continuous slope. This will reduce erosion by slowing the flow of water through the site and by allowing possible flowing sediment to settle out from the water before leaving the site. Additionally, in areas where heavy erosion is observed, erosion control structures will be installed. These may include straw bale barricades, rock riprap, geotextile mats, silt fences, or other suitable methods.

5.1.8 Assessing Completion of Successful Reclamation

The vegetation selected for reclamation is fast-growing and should provide nearly immediate coverage of the mine site. For this reason, the future success of the reclamation should be evident within the first or second growing season.

Biomass and vegetative cover sampling of the site will begin toward the end of the first growing season, depending on the date of seeding and if visual survey indicates enough vegetative material is present to begin sampling. Reclamation will have been deemed successful when density of vegetative cover has reached 70% with less than 10% invasive species present, depth of topsoil distributed is verified to be at least 4 inches, and there is no evidence of rill or gully erosion. If surveys show the revegetation standards are met, Unilock will file for certificate of completion from Walworth County.

5.1.9 Interim Reclamation

Not Applicable

5.1.10 Maintenance

Unilock will follow completion of the physical reclamation with general monitoring and maintenance of the reclaimed mine site. Monitoring of the site will include the inspection of erosion control measures on a regular basis, and after large rain events. In addition to the specific erosion control areas, Unilock will monitor the entire site for erosion or other forms of unstable conditions.
A situation that could be considered unstable is if vegetation does not cover the site in all areas. The reclaimed site will be monitored periodically following revegetation to view the germinating plants. If areas of lacking or sparse vegetation occur, Unilock will immediately remedy the situation with spot tillage and reseeding.

Maintenance of this site will primarily consist of weed control. Weeds may delay the initial productivity of the site and hinder the long-term stability of the reclaimed land. Noxious weeds have the ability, once established, to completely take over a site. The only way to prevent this is to remove the weed as soon as possible. Maintenance may also include periodic inspection and necessary hand pulling or spot spraying.

When it is determined that the site is stabilized by vegetation, erosion control measures will be removed unless permanent measures are deemed necessary. Locations of possible permanent erosion problems will not be known until final topography is created and vegetation is established. Where possible, water flow patterns will be predicted prior to grading as to prevent erosion problems. Grading will be done in a manner that minimizes or prevents the need for permanent erosion control structures.

5.1.11 County Conservation and Technical Standards

The development and reclamation of the mining site will follow all applicable design criteria, standards and specifications identified, developed or disseminated by the state department of natural resources under subchapter V of ch. NR 151, Wis. Adm. Code as well as the Field Office Technical Guide, Technical Notes, and Field Manuals published by the USDA Natural Resource Conservation Service and any other design standards and specifications applicable. The construction or installation of all reclamation components shall comply with all applicable manufactures and industry standards and specifications, including but not limited those published by ASTM, the USDA Natural Resource Conservation Service (NRCS), state department of natural resources, or the state department of transportation. See Plans for more details.

5.2 Stormwater Basin

The proposed stormwater basin at the north end of the existing site will be installed once mining on the existing site is completed or sooner and will remain in place through and after reclamation. The stormwater management facilities for the final reclamation project site have been designed to meet or exceed Walworth County requirements and WDNR Technical Standards NR151 and NR216. All of the storm water from the 100-year rainfall event will be captured and contained within the proposed wet detention basin.
Since no stormwater leaves the site, thus no loss of water or sediment, the site meets the water quality and infiltration requirements.

5.3 Earthwork and Site Grading

It is estimated that the full cost of final reclamation of the Property will range from $86,800 (current bond) to $250,000 in 2020 USD, based on current costs of operation and reclamation, and dependent upon the actual post-mining land use.

5.4 Structures

All structures for mining and reclamation processes will be removed from the Property at the completion of the reclamation process. Driveways and other improved roadways will be removed and revegetated in a similar manner as the rest of the mine site. The only manmade features that will remain on the Property following final reclamation may be access roads for maintenance vehicles, reclamation monitoring, or agricultural equipment.

5.5 Schedule of Activities

It is anticipated that mining will continue until the Property has been depleted of all mineral reserves, likely within the next one and one-half to two years, and that complete reclamation is anticipated to commence within three years thereafter. Unilock may begin partial final restoration activities as time permits, in areas large enough to justify such activities; provided that in the event Unilock amends this reclamation plan to include the Expansion Property, as provided in Section 4, above, the wash plant and crushing plant may remain in the Property during the time mining operations continue, along with a conveyor system to transfer sand and gravel from the Expansion Property.

Phase 1 of the reclamation will begin sometime between 2020 and 2025 and will include the portion of the pit along the north-east corner and continuing west after the site is mined into the setback area enough where it makes sense to do so. Phase 2 will begin after the site has been mined out to the setbacks to the east and west and will be the development of the slopes along the newly mined areas.

5.6 Cost Estimates

Unilock estimates that the reclamation cost will range from $3,000-$5,000 per acre. The range will be dependent upon the reclamation costs at the time, how quickly reclamation proceeds, and other business factors.
6. FINANCIAL ASSURANCE

Unilock and Rock Road have issued a bond (LPM 8940024) to Walworth County for financial assurance for reclamation. This bond will be released or partially released when the County determines the reclamation or portions of the reclamation has/have been carried out in accordance with the approved plan. The current bond amount is $86,797 and expires on September 4, 2020. Each year a continuation certificate is issued to extend the reclamation bond for a period of one year.
7. RECLAMATION PLAN CERTIFICATION

Permit Holder:

I certify that reclamation for this nonmetallic mine site will be carried out in a timely manner according to the provisions of this plan.

Signature  Company  Date

Landowner and Lessee: (for new/reopened mines only and if owner different than operator)

I have read and concur with the provisions of this plan, and will allow its implementation

Signature  Company  Date

Plan Distribution (automatic permit holders only and if owner different than operator)

Permit Holder:

I certify that I have provided a copy of this reclamation plan to the owner(s) of the site described in this plan.

Signature  Company  Date
This review covers the nonmetallic mining reclamation plan modification submitted to Walworth County on July 13, 2020, for the proposed expansion of an existing nonmetallic mining site, referenced above. The submittal reviewed included:

- A Memorandum from JSD Professional Services (David Roberts, P.E.) with responses from review comments from prepared by Fay Amerson, on 6/13/2020.
- A Final Reclamation Plan and Plan narrative.
- Proposed Drainage and Erosion Control Plan.
- Civil Plans- Location, Features and Operations Plan.

It should be noted that the Final Reclamation Plan and Plan Narrative did not include all of the responses in the Memorandum. A Final Reclamation Plan and Plan Narrative shall be prepared and submitted that incorporates the responses in the Memorandum and the additional reclamation plan elements listed in the following review. The Final Reclamation Plan shall include a reclamation plan narrative and one reclamation site plan, not three site plans.

**Site Information – Site Plan Map.**

1. **Geological Composition and Depth of Mineral Deposit.** Complete. The applicant relied on general geological information found in the literature and assumed the proposed mining expansion area contains sandy till and associated sand and gravel, similar to that found on the existing mining site.

2. **Topsoil depth, thickness and distribution.** Complete. The applicant relied on the USDA Soil Survey for Walworth County (1971) to estimate a surface top-soil layer depth of 8 inches on the mining expansion area and similar to that found on the existing mining site.

3. **Approximate elevation of groundwater.** Complete. The applicant relied on the literature, not an on-site examination, to estimate the elevation of groundwater at elevation 890. The Memorandum referred to an investigation performed north of the proposed expansion area. No groundwater indicators were observed at an elevation of 887. The current floor elevation of the existing mining site is 897.

4. **Existing Drainage Patterns.** Complete. The current nonmetallic mining site and the proposed expansion are internally drained. Existing and proposed drainage patterns for the existing mining site and the proposed expansion area are depicted on Figure #5 of the submittal documents.

6. **Exiting Topography.** Complete. The current elevations of the existing mining site and the proposed expansion area are depicted on Figure #5 of the submittal documents.

**Biological Resources**

7. **Description of Plant Communities and Wildlife Use on or Adjacent to Mining Site.** Complete.

A wetland delineation and delineation report was completed for the adjacent parcel and included the 6 acres subject to the current expansion request and reclamation plan modification. Wetlands have been delineated on the adjacent agricultural parcel, but not within the footprint of the proposed 6 acres mining expansion area.
Land Use and Land Cover.


In those cases where the post mining land use specified in the reclamation plan requires a return of the mining site to a pre-mining condition. The current use of the land proposed for mining is cropland, with corn and soybeans in rotation. Crop yields from 2016 to 2019 were provided in the reclamation plan narrative.

9. Description of the Post Mining Land Use and Cover. Additional reclamation plan elements required.

Lands used for nonmetallic mining extraction in areas zoned under a farmland preservation zoning district shall be restored to agriculture use, (NR 135.19(3) (a) and Section 26-292(a) (2) (b)).

This mining site must restored to one of the Agricultural Land Uses listed in the following definition.

Agricultural land use means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock; beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836 or lands that are part of other state and federal conservation programs; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising. (Wis. Stats. 91.01, 92.10)

This mining site will be reclaimed to pasture and crop production, an acceptable agricultural use, by definition.

The NRCS Conservation Practice Code #544 is the Walworth County Conservation Standard can be used to guide the development of a reclamation plan when the post-mining land use agricultural use. The reclamation plan modification should include quantifiable hay or pasture production, such as the preparation of a nutrient management plan and compliance with NRCS FOTG, Conservation Practice Codes # 512 and #528, respectfully.

The construction of a wet basin is included in the current approved reclamation plan covering the existing mining site and the reclamation plan modification. The wet basin included in the current reclamation plan included a pipe to link the wet basin to an existing pond situated within a residential subdivision, west of the mining site. This pipe has been eliminated in the reclamation plan modification. The reclamation plan modification includes construction specifications for this basin.

Mining and Reclamation Plan. The Final Reclamation Plan is depicted on Map 4 (Figure 6 of the plan set submitted on July 11, 2020.)


- Waste Management. Complete.
- Dust Control. A dust control plan complying with County Conservation Standards, WDNR Technical Standard #1068, shall be provided with the Construction Site Erosion and Sediment Control Plan, when submitted to the County for approval.
- Dewatering. A dewatering plan complying with County Conservation Standards, WDNR Technical Standard #1061, shall be provided with the Construction Site Erosion and Sediment Control Plan, when submitted to the County for approval.
11. **Topsoil and over burden storage.** Additional reclamation plan element required. Topsoil and overburden should be stockpiled separately, in order to allow for the replacement of the soil horizons in the natural sequence and to a thickness that will restore the original soil productivity. The reclamation plan modification does not specify the location(s) of the stockpiled soil for use in reclamation. Provide a plan sheet showing the location of the current and proposed top-soil stockpile locations. Provide locations of silt fence as described in Section 5.1.4 of the reclamation plan narrative. Provide specifications for permanent stabilization (seeding mixture and rate, soil amendment, matting, mulching) of stockpiled topsoil and overburden.

12. **Final Grades and Slopes.** Complete.

13. **Mining and Reclamation Phasing and Schedule.** Additional reclamation plan element required.

A copy of the redacted lease between Rock Road Companies, and Unilock was reviewed and noted that the duration of the lease is for 10 years. Therefore a mining and reclamation phasing and schedule must be developed verifying the completion of reclamation by the year 2030.

**Contemporaneous reclamation of a nonmetallic mining site is required.** (Section 26-281 (1) (b)). The reclamation plan must specify and provide for reclamation of portions of the mining site while mining continues on other portions of the mining site.

The *Memorandum* provide a little more details on phasing and reclamation and stated that “the far eastern portion is technically reclaimed”. There is no such thing as “technically reclaimed.” A mining site is considered reclaimed after it has been determined and certified by the County that reclamation has been carried out according to the reclamation plan and is complete.

Provide a more definitive discussion and illustration of each phase of mineral extraction and reclamation, so it is clear where active mining and contemporaneous reclamation will occur annually. Add an Exhibit, Plan Sheet or map to Figure 6, depicting and illustrating a phasing plan and sequence identifying extraction and reclamation dates and phasing accurately. (as described in Section 5.5 of the reclamation plan narrative.) There shall be continuous interim and/or final reclamation underway.

14. **Reclaimed Topography.** Complete. The reclaimed topography for the existing mining site and the expansion area have been shown on Figure 6 of the submittal documents.

15. **Topsoil Redistribution for Reclamation.** Additional plan information required.

The volume of topsoil required for reclamation must be included in the reclamation plan for the existing mining site and the expansion area. It is not clear if the volume of soil. It is not clear if the volume of topsoil presented in section 5.1.6 of the plan narrative is for the entire mining site or just the 6 acres expansion area. The plan narrative states: If additional topsoil is need the Rock Roads (Companies) will work with the County to coordinate an approved borrow site location. That is unacceptable. The operator and the owner must determine the amount of topsoil needed for reclamation and identify the source. This very important reclamation measure must be pre-determined.

16. **Criteria for successful reclamation.** Additional reclamation plan information required. All reclamation plans must include specific quantifiable criteria for measuring the successful reclamation and the reclaimed conditions will support agricultural use. A well-defined and objective method for the
Walworth County Land Conservation Division Staff to evaluate a reclaimed site and assess the success of reclamation, must be specified.

The NRCS Conservation Practice Code #544 is the Walworth County Conservation Standard can be used to guide the develop a reclamation plan when the post-mining land use agricultural use. This conservation practice standard includes the *Criteria to Restore the Quality of the Soils to their Pre-mining Level.*

Provide a description of the quantifiable criteria for successful reclamation of this mining site. Success may be determined by comparing the reclaimed mining site to baseline data obtained for the mining site prior to mining. That baseline data should include the crop and crop yields provided for 2016 -2019. Another method to measure success is to compare the reclaimed characteristics to adjacent lands that are used for agricultural use. The success may also include a crop yield. Another quantifiable criteria is soil conditions favorable for crop production, such as bulk density, or soil pH.

**17. Duration of the Reclamation Permit.**

*If the mine operator is not the landowner, the reclamation permit duration shall not exceed the duration of the mine lease unless the lease is renewed or the permit is transferred to a subsequent lessee pursuant to section 26-299 and NR 135.27. Section 26-298(b) and NR 135.27*

The duration of the Reclamation Permit for a leased mining site is based on the duration of lease. A copy of the redacted lease was presented to Walworth County and specifies a duration of 10-years. The nonmetallic mining reclamation permit modification will only be valid through 2030.

**18. Certification of the Reclamation Plan.**

*The operator shall provide a signed certification that reclamation will be carried out in accordance with the reclamation plan. If the operator does not own the land, the landowner or lessor if different from the operator, shall also provide signed certification that they concur with the reclamation plan and will allow its implementation, Section 26.292 and NR 136.19 (6)*

**19. Operator and Landowner’s Certification.** To be completed prior to County approval of Reclamation Plan Modification and Permit. Provide certification from Rock Road Companies, certifying the reclamation plan modification will be carried out. Provide certification from Unilock Aggregates, Inc., owner of the mining site, concurring with the reclamation plan modification and allowing the operator to implement the plan.

**Financial Assurance.**

**19. Cost estimate of reclamation activities.** A schedule of reclamation tasks and associated costs shall be provided. A schedule of reclamation tasks and associated costs shall be prepared and submitted to Walworth County for approval prior and may include, but not limited to:

- Stockpile maintenance (mowing and reseeding)
- Erosion and Sediment Control Practice Implementation – Silt fence installation and removal.
- Grading and backfilling (cost/sq. ft. or cu. yard)
- Redistribution of topsoil (cost/sq. ft)
- Substitute topsoil (cost/cu.yards)
- Soil testing and Application of soil amendments
Nonmetallic Mining Reclamation Plan Review
Mining site location: Tax Key Parcel KLF600005 Town of Lafayette
Rock Road Companies, Inc., Operator
Unilock Aggregates, LLC, Property Owner

Erosion Control Matting, type cost/sq/ft).
Construction of wet basin, excavation, liner,
Deep tilling
Walworth County
Nonmetallic Mining Reclamation Permit

Permit # Expiration Date: October 1, 2023
Operator: Rock Road Companies Owner: Unilock Aggregates, LLC

Nonmetallic Mining Site Location: Township: KLF600005
Address: W4812 and W4814 CTH A

Mining Description: Extraction and processing of sand and gravel materials covering 72 acres.

Post-mining Land Use and Reclamation Goals: The land used for nonmetallic mining shall be reclaimed to pasture and hayland Production and a permanent wet basin, for runoff management.

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 JSD Professional Services, Inc., (David S. Roberts, P.E., and submitted to the Walworth County Land Conservation Division on July 13, 2020 and (date).

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. Walworth County Construction Site Erosion and Sediment Control Permit Coverage must be obtained to cover land disturbing activities associated with the expansion. 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 must be obtained prior to commencing any land disturbing activities associated with the expansion of mining.
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. **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 reasonable 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.

15. **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. *The post mining land use planned is pasture and hayland and a permanent wet basin for runoff management.*

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.
Nonmetallic Mining Reclamation Permit

16. **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.

17. **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.

18. **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.

19. **Topsoil Management.** All topsoil removed to prepare the site for nonmetallic mining will be stored 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.

20. **Final Sloping, and Site Reclamation.** The portion of the reclaimed mining site will be prepared for hay and pasture 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.

The reclamation methods will include those listed in the Reclamation Plan Narrative. Best management practices will be implemented to prevent erosion.

Pasture and hayland planting will comply with standards and specifications contained in USDA NRCS Conservation Practice Standard #512.

21. **Criteria for Successful Reclamation.**
   - Vegetation established on the reclaimed perimeter slopes will be considered successful if the diversity of plants are established and the density provides at least 70% cover.
   - The absence of sheet, rill and gully erosion on the reclaimed mining site.
   - Expected forage yield achieved.

22. **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 #21.

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 #21.

Recommended for Approval by:

_____________________________________________  ____________________
Fay U. Amerson  
Urban Conservation Specialist  
Walworth County Land Conservation Division  

Date
Preliminary Storm Water Management Plan Review
ATS Development Site – Boat Storage

Applicant: ATS Limited (Bob Allen)
Site Location: STH 50 West of STH 67
Township: Town of Delavan
Tax Key Parcel # (s): FA139700001

Preliminary storm water management plan prepared by: Kapur & Associates
Preliminary Plans Reviewed: This review is based on a Storm Water Management Plan submitted to the Walworth County Land Conservation Division on January 6, 2020 and July 7, 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: Disturbed. Construction on the site commenced without County and State Approvals. Disturbed areas have been temporarily stabilized with gravel, vegetation, erosion control matting.

Development Plans. The construction of a 396 ft. X 90 ft. commercial building for boat storage, driveway, screening berms and a wet detention pond for storm water management.

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

   Wet detention pond (clay-lined)
   Vegetated Swale

County Land Conservation Division Comments.
The Walworth County Land Conservation Division has reviewed the site development plan and the preliminary storm water management plan and determined the preliminary storm water management plan is complete. The following review includes additional storm water management plan elements that shall be included in the Final Engineering during the permitting process.

The following review comments are respectfully presented:

1. Soil and Site Evaluation Report. A geotechnical exploration and examination was conducted by CGC Inc., and presented in a report dated 9/19/2019. Four soil borings, within the footprint of proposed building, were examined. It appears the soil evaluation for SB #4 is the best representation of the soil conditions and morphology within the footprint of the proposed wet detention pond. The soil examination extended to a depth of 15 feet. The recommendations of the report were focused on the proposed building area; site preparation, foundation and floor slab design and construction. The report did not provide any recommendation regarding the storm water management practices proposed, specifically the wet detention pond.

2. Compliance with County and 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 wet detention pond shall be planned, designed, constructed and maintained according to the standards and specifications contained in WDNR Technical Standard 1005#1001, Wet detention Pond.

   Separation from Wells. The wet detention basin shall be constructed 25 feet from non-community and private wells (NR 812, Wis. Adm. Code). The Final Engineering should verify this separation from the proposed wet detention basin.

   The vegetated swale shall be planned, constructed and maintained according to the standards and specifications contained in WDNR Technical Standard #1005. A construction detail for the vegetated swale shall be included in the Final Engineering and shall include a swale cross-section and profile. The swale must be established in deep-rooted vegetation. The Final Engineering will include a seeding plan for the vegetated swale.
Other Storm Water Management Practice Design and Maintenance Considerations:

- For the ease of maintenance, a sediment forebay should be located at the inlet of the wet detention pond.
- Consider adding a baffle to lengthen the flow path through the wet detention pond.
- Consider providing a method to dewater the wet detention pond to facilitate dredging accumulated sediment, when needed. (Include method in Operation and Maintenance Plan)
- Consider native plantings and not mowing around the perimeter of the wet detention to discourage geese from using this water feature.

3. Operation and Maintenance Plan and Agreement for the Storm Water Management Practices

- The required 15’ wide access lane to perform maintenance of the wet detention pond must be clearly shown on the Final Engineering and the operation and maintenance plan.
- The operation and maintenance plan for the wet detention basin 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.
- The final operation and maintenance plan shall include maintenance specifications for the vegetated swale.
- The final operation and maintenance plan shall include a method to dewater the wet detention pond to facilitate dredging of accumulated sediment, when needed.
- The final operation and maintenance plan should include provisions for monitoring for the presence of aquatic invasive species (AIS) in the pond and a description of the response, if AIS are present.
- 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 wet detention pond.


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 be include a 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: 07/15/2020
Wastewater, Solid Storage Structures, Leachate Collection System and Holding Tank

Applicant: James Walters Walter & Son Waste Hauling
Property Owner: Steve Walter
Township: Town of Darien
Site Location: N3368 STH 14
Tax Key Parcel # B D 2100005A

Preliminary storm water management plan prepared by: Warren Hansen, P.E.

Preliminary Plans Reviewed: This review is based on a Preliminary Storm Water Management Plan submitted to Walworth County Land Conservation Division on February 3, 2020 and July 14, 2020.

County Authority: Chapter 26 (Environment) Walworth County Code of Ordinances (Article I and Article II)

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. The preliminary storm water management review provides the applicant with information relevant to state and county storm water management performance standards applicable for the proposed development and provides guidance and recommendations for the preparation of final engineering plans.

Current Land Use Conditions: The current land cover is agricultural. A parcel is currently used for the collection of wastewater. There is an existing wastewater storage structure (slurrystore) on the parcel.

Development Plans. The development plan includes the construction of a 1.8 million-gallon slurry store (131’ diameter x 19’ height) and a concrete cake pad building (144’ x 70’ x 4.5’) with a metal roof and leachate collection system. Leachate from the cake pad will be collected and flow to a new 15,000 gallon underground holding tank. The development plan includes the construction gravel driveways and a gravel approval to the concrete cake pad and storm water management practices.

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

- Wet Detention Pond (Total pond depth is 6 feet with estimated water depth of 5 feet)
- Grass filter and grassed swale (waterway) conveyance system

County Land Conservation Division Comments.

1. Total Proposed Land Disturbed. The preliminary storm water management review letter application form, indicates that 130,680 square feet will be disturbed to implement the development plan. The site plan for the preliminary storm water management plan indicates that 95,750 square feet of land will be disturbed to implement the development plan. The final engineering and the Storm Water Management and Construction Site erosion and Sediment Control Permit Application must indicate the correct area disturbed to implement the development plan.

2. Soil and Site Evaluation Report. Soil exploration and evaluation for the planned storm water management practices must be undertaken for final engineering to ensure the planned storm water management practices are viable and account for any site limitations or opportunities. A soil examination were conducted for two soil pits on the within the proposed footprint of the storm water wet detention pond. The morphological evaluations were recorded. No written evaluation was provided, to determine if a liner is required for the storm water detention pond. In addition, the soil evaluation should extend 5 feet below the bottom of the proposed wet detention pond. It does not appear the soil examination and evaluation extended to that depth. The soil evaluation also indicated that “H2O weeping in at 108 inches.” The final engineering and the Storm Water Management and Construction Site erosion and Sediment Control Permit Application shall provide additional evaluation of the soil conditions.

3. Compliance with WDNR Technical Standards. The proposed storm water management practices must comply with the standards and specifications contained in WDNR Post-construction Technical Standards. The design, construction and maintenance of the proposed wet detention pond must comply with the standards and specifications contained in WDNR Technical Standard #1001. The final Storm Water Management and Construction Site erosion and Sediment Control Plan shall provide additional evaluation of the soil conditions and include an evaluation for the use of a liner, using Appendix D of the WDNR Technical Standard #1001.

The final engineering shall include additional construction details for the storm water conveyance system. A cross-section and a swale should be provided. The swale should be planned and designed to meet the standards and specifications in WDNR Technical Standard #1005, Vegetated Swale or NRCS Conservation Practice Code #412, Grassed Waterway.

8.f.6. Steve Walter
4. **Operation and Maintenance Plan.** An operation and maintenance plan for the planned storm water management practice (wet detention pond and grassed filter and conveyance system) must be prepared and recorded according to the requirements outlined in Section 26-16 of the Walworth County Code of Ordinances, related to Storm Water Management.

5. **Additional comments.** The final storm water management plan and the construction site erosion and sediment control plan and permit must be approved by the Walworth County Land Conservation Division.

Due to the observation of water documented on the soil evaluation, a dewatering plan must be prepared and included with the final engineering. The dewatering plan must comply with WDNR Technical Standard #1061.

The final engineering must show the disposal location and provide the stabilization methods for all of the material that is excavated or generated from the development site and not reused for the construction of the slurry store, wet detention basin, concrete pad or holding tank.

The preliminary storm water management plan states that this development site is in the “Village of Darien”. That is incorrect, the development site is in the Town of Darien. This correction must be made on the final engineering and on the application for the Walworth Construction Site Erosion and Sediment Control and Storm Water Management Permit.

Preliminary Storm Water Review Prepared by:  **Fay U. Amerson**  
Date: 07/14/2020
I am speaking on behalf of about 12 of the 21 households in the Geneva West Estates neighborhood in opposition to the ATS boat storage project on Hwy 50. The project is directly adjacent to several GWE properties including my own, but several other residents have expressed written or vocal opposition to plans for the project at various Town of Delavan proceedings. We have consistently cited two simple points of objection to the project: increased storm-water runoff from the project and removal of the berm and large trees on it that screen the property from GWE. I have attended every Town of Delavan meeting relating to this project and have stated at every meeting both of these concerns are due to the fact that the building is simply too large for the property they are trying to fit it on.

At meetings ATS attempted to intimidate residents with the threat that if we don’t support their project we will wind up with something even more undesirable in our back yards. I think that does a disservice to our officials who are charged with ensuring compliance with storm water, lighting, noise fire and safety requirements for any development in our community; to allow for growth – yes – but to balance that with the need to maintain residents’ property values and quality of life. A developer can’t simply drop any project he dreams up on any property he fancies. Any developer has the obligation either to purchase property that is suitable for the planned project, or develop a project that the property in question is suitable for.

ATS portrayed themselves to the Town as having acquiesced to many unreasonable and capricious demands from neighbors. The Town Board even lamented the developer had already had to give up so much... **Make no mistake regarding this developer:** He has given up nothing. They have only been forced to comply with the storm-water, land use, light and noise, fire and safety requirements dictated by the nature of the property he has purchased, and this has not been easy to wrest from them. ATS has not demonstrated any good faith nor any remorse for its improper actions throughout the process. They started the project without permits, never paid the fines that resulted, misrepresented interactions with neighbors and conditions in the Storm Water Management Plan to name a few things.

To recount:

* ATS commenced construction last November with no permits or approvals, in fact completing the grading and compacting of the building site and actually erecting the poles for the shell of the building. The building was enormous at 500’ x 90’, towering over 30’ right in our backyards.
• They were fined to the tune of $9,000 for this by the County back then but did not pay the fines by February as required and had not paid them when the Town approved a CUP. The Town’s approval letter should not be accepted.

• The improper construction they did even violated their own plans which called for a detention pond and erosion control to be installed prior to construction and which had not been done.

• They have misrepresented interactions with neighbors and the conditions along the property line on the west end of the property in Storm Water Management Plans they have submitted attached.

• They removed the poles but latest Site Development Plan they submitted to the Town still does not reflect the substantial construction done already nor two enormous berms along Hwy 50 they also constructed now. The Baxter & Woodman letter of review dated Feb 27 indicated the plans should include these now.

• In their original SWMP they misrepresented planned storm-water runoff from the project to the west and mischaracterized the drainage pattern from a culvert on the ATS property to the Hayden property to the west.

It is this host of complications and violations that forced them to submit revised plans, not goodwill and concern for the neighbors. The building is smaller but still enormous at 396’ x 90’ and moved a bit draining to the east. Based on my observation of detention ponds throughout the area overtopping in heavy rains I still have my doubts about the drainage swale and pond design being sufficient to direct all storm water runoff from the building to the east. I am sure you have all seen we get heavier rains more often now and the run-off and drainage requirements have not been updated to reflect this new reality. Faye Amerson’s review seems to highlight a concern regarding an easement being required for drainage on an adjacent property yet, amongst other things.

Now ATS says they will do their best to maintain as much of the berm along the south property line and large trees as possible. Removing any substantial portion of the berm will result in destruction of large trees with their roots in the berm. Also, just prior to the last Plan Commission meeting they also introduced a willingness to discuss construction of an additional berm on the west end of the property which I would like to discuss further. Any plan that gets approved needs to formalize expressed “good intentions” and implicit “best efforts”.

We are proposing two possible solutions for you to have ATS to consider now: 1) make the building narrower; and/or 2) move the building north by obtaining a reduced setback variance or ordinance from the Town/County setback for B-4 zoning or in the DOT setback requirement. We believe any combination 7 – 10 ft would be enough to substantially preserve the berm and large trees rooted in it. ATS should still provide arborvitae screening trees for additional screening, but it will take years for these to screen much of a building 30’ tall.
I am asking you not to take action on this Plan tonight. Or if you feel you must, do not vote to approve it as submitted. Any Plan that gets approved must formalize the arrangements, agreements and best efforts being discussed. This isn’t that plan yet.

Thank you.