1. September 17, 2020 CZA Meeting Agenda
   Documents:
   
   CZA SEP 20 · AGENDA.PDF

2. September 17, 2020 CZA Meeting PACKET
   Documents:
   
   CZA SEP 20 · PACKET.PDF
**COUNTY ZONING AGENCY**

**MEETING NOTICE**

**Thursday, September 17, 2020 at 5:00 p.m.**

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

*Rick Stacey*, Chair – *Dave Weber*, Vice-Chair
*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/Sep17CZA](https://tinyurl.com/Sep17CZA)

Individuals wanting to provide a Public Comment can do so remotely by telephone, but must contact Shannon Haydin at [shaydin@co.walworth.wi.us](mailto: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**, August 20, 2020 CZA Meeting

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

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

7. New Business:

a. Ordinance Amendments – None

b. Discussion Items –

1. Short Term Rental Fees – Shannon Haydin

2. 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.

3. JMO Properties, LTD – Owner, Section 35, Walworth Township. Amendment of a conditional use for Farm Family Business for recreational vehical and boat storage, contractor storage with office and a caretaker’s residence by elimination of the caretaker’s residence by replacement with a full single family residence for the parcel and relocation of the office to the location of the eliminated caretaker’s residence. Part of Tax Parcel EA271100001

8. New Business:

a. Ordinance Amendments – None

b. Discussion Items – None

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. Michael Fields Agricultural Institute Inc. – Owner, Section 30, East Troy Township. Rezone approximately 2.3 acres being all of the P-2 Institutional Park District zoned property on the parcel to the B-2 General Business District in order to obtain a conditional use permit approval for a Planned Unit Development (PUD) for multiple offices, businesses and retail uses on site including use by a church. P-2 portion of Tax Parcel PA120200001.
e. Rezones – None

f. Conditional Uses –

**TO BE HEARD AT 5:40 P.M. OR AS SOON THEREAFTER.**

1. **Maple Lawn Estates, LLC – Owner, Zenda Rail, LLC C/O Allen Polyock – Applicant, Section 33, Linn Township.** Conditional use permit review for the installation of new 156 diameter grain storage bin that will be capable of holding 1.4 million bushels of grain, relocation of an existing 15 ft. by 30 ft. block building and to expand an approved 27 ft. diameter storage bin to a 48 ft. diameter bin all as part of an existing grain storage facility as per plan submitted. A-4 portion of Tax Parcel I L 3300003.

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

2. **Alex and Helen Wasyliw – Owners, S&P Premier Investments & Greg Dziedzic of Pinno Buildings – Applicants, Section 23, Delavan Township.** Conditional use review and approval for a Planned Unit Development for office space, retail and off season mini-warehouse storage facilities on lands zoned B-2 General Business District. Tax Parcel FA186700001.

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

3. **Caryn and Alan Hayden – Owners, Section 11, Sugar Creek Township.** Conditional use permit review and approval for a 10 ft. 3 inch by 19 ft. 4 inch utility building for the storage of high speed internet/broadband and phone service including routers, switches, servers and battery backup systems for Edge Broadband on lands zoned A-2 Agricultural. Part of Tax Parcel G SC11000091C.

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

4. **Jack Shaffer – Owner, Section 36, East Troy Township.** Conditional use review and approval for land restoration for the creation of a 10 acre, 12 foot deep pond and associated spoils berms. Part of Tax Parcel P ET3600007.

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

5. **Daniel Boss Trust & Cindy Boss Trust C/O Daniel Boss – Owner, Section 7, Darien Township.** Conditional use review and approval to allow Payne & Dolan, Inc. to conduct nonmetallic mining for sand and gravel along with earthmoving, crushing, washing, sorting, sizing stockpiling, transporting and reclamation on the site. Operations are also proposed to conduct intermittent use of a portable hot-mix asphalt plant and temporary concrete plant and associated trucking and loading of asphalt and concrete products from the site. Tax Parcel B D 700003.
Nonmetallic Mining Reclamation Permit –

Payne & Dolan, operator, (Daniel Boss Trust – owner), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a new non-metallic mining site covering 29.74 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 B D 700003, Town of Darien. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.

9. Adjournment

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

   Posted:    September 11, 2020
County Zoning Agency
MEETING NOTICE

Thursday, September 17, 2020 at 5:00 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 Pruessing, 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/Sep17CZA

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, August 20, 2020 CZA Meeting
6. Subdivision Items:
   a. Old Business – None
b. New Business – None

7. **Old Business:**

   a. Ordinance Amendments – None

   b. Discussion Items –

      1. Short Term Rental Fees – Shannon Haydin

         Hearing held in June, 2020 = Decision only

   2. **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.

   3. **JMO Properties, LTD** – Owner, Section 35, Walworth Township. Amendment of a conditional use for Farm Family Business for recreational vehical and boat storage, contractor storage with office and a caretaker’s residence by elimination of the caretaker’s residence by replacement with a full single family residence for the parcel and relocation of the office to the location of the eliminated caretaker’s residence. Part of Tax Parcel EA271100001

8. **New Business:**

   a. Ordinance Amendments – None

   b. Discussion Items – None

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. **Michael Fields Agricultural Institute Inc.** – Owner, Section 30, East Troy Township. Rezone approximately 2.3 acres being all of the P-2 Institutional Park District zoned property on the parcel to the B-2 General Business District in order to obtain a conditional use permit approval for a Planned Unit Development (PUD) for multiple offices, businesses and retail uses on site including use by a church. P-2 portion of Tax Parcel PA120200001.
e. Rezones – None

f. Conditional Uses –

**TO BE HEARD AT 5:40 P.M. OR AS SOON THEREAFTER.**

1. **Maple Lawn Estates, LLC – Owner, Zenda Rail, LLC C/O Allen Polyock – Applicant**, Section 33, Linn Township. Conditional use permit review for the installation of new 156 diameter grain storage bin that will be capable of holding 1.4 million bushels of grain, relocation of an existing 15 ft. by 30 ft. block building and to expand an approved 27 ft. diameter storage bin to a 48 ft. diameter bin all as part of an existing grain storage facility as per plan submitted. A-4 portion of Tax Parcel I L 3300003.

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


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

3. **Caryn and Alan Hayden – Owners**, Section 11, Sugar Creek Township. Conditional use permit review and approval for a 10 ft. 3 inch by 19 ft. 4 inch utility building for the storage of high speed internet/broadband and phone service including routers, switches, servers and battery backup systems for Edge Broadband on lands zoned A-2 Agricultural. Part of Tax Parcel G SC11000091C.

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


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

5. **Daniel Boss Trust & Cindy Boss Trust C/O Daniel Boss – Owner**, Section 7, Darien Township. Conditional use review and approval to allow Payne & Dolan, Inc. to conduct nonmetallic mining for sand and gravel along with earthmoving, crushing, washing, sorting, sizing stockpiling, transporting and reclamation on the site. Operations are also proposed to conduct intermittent use of a portable hot-mix asphalt plant and temporary concrete plant and associated trucking and loading of asphalt and concrete products from the site. Tax Parcel B D 700003.
Nonmetallic Mining Reclamation Permit –

Payne & Dolan, operator, (Daniel Boss Trust – owner), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a new non-metallic mining site covering 29.74 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 B D 700003, Town of Darien. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.

9. Adjournment

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

Posted: September 11, 2020
Committee Chair Rick Stacey called the meeting to order at 5:00 p.m.

Roll call – Committee members present in person were Supervisors Rick Stacey, Dave Weber, Susan Pruessing, Ryan Simons and Citizen Member Richard Kuhnke, Sr. Appearing via telephone was Supervisor Jerry Grant. Citizen Member Jim Van Dreser was absent/excused. 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 Zoning Officer Nicholas Sigmund, Code Enforcement Officer Lindsey Smith and Senior Urban Conservation Technician/Fay Amerson via video.

A “sign-in” sheet listing attendees on August 20, 2020 was not presented due to the continued COVID-19 threat.

Details of the August 20, 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

Jerry Grant motioned to approve the agenda as amended by the Second Weber to table item 8.f.5. Alex and Helen Wasyliw – Owners, S&P Premier Investments & Greg Dziedzic of Pinno Buildings – Applicants. Seconded by Dave Weber with amendment. Motion carried. 6-favor 0-oppose.

Richard Kuhnke, Sr. motioned to approve the July 16, 2020 CZA Meeting Minutes. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose

Michael Cotter introduces new LURM Staff member Lindsey Smith


Subdivision Items – Old Business – None

Subdivision Items – New Business –

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

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. **Noise Ordinance update** – Michael Cotter

   **Discussion of Memo from DA’s Office provided to Committee in the August packet.**
   Disc Count #5:15:45 – 5:16:32


   **General:**

   1. Approved as per plan submitted for an indoor seasonal 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 7:00 a.m. to 7:00 8:00 p.m. seven days a week. (amended per the Town)
   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.

CZA September 17, 2020
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 greater than three (3) day** outside storage of boats, trailers or other boat related equipment and materials (boat trailers, lifts, piers, parts etc.) shall be allowed.

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

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

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

20. All exterior lighting shall be shielded and “dark sky” per ordinance as per the Town.

21. A landscape plan must be submitted as per the Town; and approved by the Town.

22. The project must meet with the requirements of a Baxter-Woodman review letter dated 6/30/2020 as per the Town.

23. **Boat storage allowed shall be seasonal. No in-and-out daily or weekly type service shall be allowed.**

Staff provides update regarding DOT responses and stormwater plans provided in the Supplemental Packet. Discussion regarding the stormwater management and site visits by Staff. Discussion by Committee concerning uses.

Jeremy Schwartz/Kapur speaks on behalf of applicant to direct questions of Committee.

Dave Weber motioned to DENY. Seconded by Jerry Grant. Discussion by the Committee. Statement by Simons regarding Town’s historical intent for this parcel. Motion failed. 2-favor 4-oppo. (Stacey, Pruessing, Simons and Kuhnke voting in opposition).

Ryan Simons motioned to approve with conditions. Seconded by Richard Kuhnnke, Sr. Motion carried. 4-favor 2-oppose. (Weber and Grant voting in opposition)

Disc Count #5:16:33 – 5:41:50

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Triple J Properties of WI** – Amendment of conditional use by expansion of a boat storage facility by less than 25% by construction of a 40 ft. by 80 ft. addition to an existing storage building on lands zoned B-2. Tax Parcel FA161100001A, Delavan Township.

**Amended August 20th, 2020 for 40 ft. by 80 ft. boat storage expansion (see #1).**

NAME: Triple J Properties of Wisconsin, LLC  
  c/o Jennifer Jarosz

TOWN: Delavan

The property owner is requesting to rezone approximately 1.15 acres of R-1 Single Family Residential (unsewer) property to the B-2 General Business District in order to obtain conditional use approval for expansion of an existing recreation vehicle and boat storage facility and to have a residence outside of the principle business structure. The property owner would like to place a roof over an existing boat hoist used into boat repair services so boats that are removed from trailers do not have to be worked on in the weather.
The boat hoist is located to close to the property boundary to be issued a zoning permit for the roof. In order to obtain a permit to construct the roof over the boat hoist the property owner would like to rezone all of the R-1 zoned property to the B-2 district, combine the parcels into one and obtain a conditional use for keeping the residence on the property outside of the principle business structure. The proposed new boat storage building is not plan on being constructed at this time but may be constructed in the future and therefore being proposed now as part of the conditional use review.

Part of Tax Parcels F D 2300008, F D 2300009, FA161100001A

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

General:

1. Approved as per plan submitted for expansion of an existing boat repair, sale and storage facility to include antique car repair and sales, including inside and outside car and boat storage and amended August 17, 2017 for an additional boat storage building, roof structure over the boat lift and a residence outside a principle business structure on additional rezoned business area and further amended August 20th, 2020 for a 15% expansion of boat storage building to be 40 ft. by 80 ft. to an existing structure with all additional conditions.

2. All outside storage of boats and cars shall be located as identified on the approved plan of operations. Outside storage shall be limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas including displays of goods shall be allowed in the required setback areas.

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

4. The applicant must obtain a sign permit from the County Zoning Office if required by Ordinance.

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

6. Hours of operation shall be Monday through Sunday 6:00 a.m. to 6:00 p.m.

7. The property owner shall use the 24 foot wide commercial access identified on the plan of operations as the exclusive access to the site for commercial purposes and shall keep the access open and unobstructed.

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

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

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

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

12. Acid washing of boats may be conducted at this facility only on the limestone pad as shown on the site plan. The limestone pad shall be maintained properly on a regular basis.

13. The owner must provide a waste disposal plan stating where all trash, drain oil and other auto and boat fluids are disposed.

14. The painting and finishing area of the auto and boat repair buildings must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.

15. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. All parking must be setback 25 feet from the roadway. 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.

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

17. All outside lighting shall be shielded and directed on site. No additional lighting shall be allowed in the street yard setback areas.
18. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

19. 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:

20. After the rezone to the B-2 zone district is complete, Tax Parcels F D-23-8 and 9 shall be combined into one parcel and recorded at the County Register of Deeds office.

21. Property containing the residence outside of the principle business structure may not be split off from the principle business property without the residence either becoming a principle business structure or the property on which it is located being rezoned to a residential district.

Dated this 17th day of August, 2017.

____________________________________
COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

cc: Town of Delavan, Ryan Simons, Chairman, 5621 Town Hall Road, Delavan, WI 53115
Town of Delavan, Dixie Bernsteen, Clerk, 5621 Town Hall Road, Delavan, WI 53115

Staff presents request.

Dave Weber motioned to approve. Seconded by Ryan Simons. Motion carried.
6-favor 0-oppose.
Disc Count #5:41:57 – 5:43:47

2. GRAL, L.P. Interlaken Condominium Association, Inc. – Amendment of conditional use for creation of a larger pool parcel by transfer of land from Interlaken Condo Assoc. to GRAL, L.P. for a new pool and amenities to an existing B-5 Planned Commercial Recreational Development and used by the Interlaken Condominium Association subject to a 99 year lease to be granted by GRAL, L.P. Tax Parcels JA 83300003A3, JA 83300003, Geneva Township.

Amendment of Conditional Use Approval

NAME: GRAL, L.P. (Tax Parcel JA83300003) and Interlaken Condominium Association, Inc. (Tax Parcel JA83300003A3).
TOWN: Geneva

Amended August 20th, 2020 for creation of a larger pool parcel for a new pool and amenities (See #1).

An amendment of conditional use approval for creation of a larger pool parcel for a new pool and amenities to an existing B-5 Planned Commercial Recreational Development and used by the Interlaken Condominium Association subject to a 99 year lease to be granted by GRAL, L.P., as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, on lands described as follows:

Tax Parcel #’s JA 83300003A3, JA 83300003

Has been APPROVED subject to the following conditions:

1. Approved per plans submitted August 20th, 2020 for creation of a larger pool parcel for a new pool, pool related building and amenities with all additional conditions as stated.
2. The project must meet all Federal, State, County and local Ordinances.

3. The applicant shall be responsible for meeting all requirements of the Condominium Ownership Act (State Chapter 703) and the County Subdivision Control Ordinance. The transfer of ownership of any units may only include, therewith, a fractional interest in the site on which the unit is located and such transfer shall not result in the subdivision of minor subdivision as defined under the Walworth County Subdivision Control Ordinance.

4. This project consists of a larger area for a new pool, pool building and amenities. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design of the condominium and all common structures, facilities, essential services, access and open spaces shall be assured by deed restriction referencing the condominium declaration.

5. Use of the common area, private areas and limited common areas shall be restricted to those identified in the plan of operations and the approved condominium declaration.

6. The roads shall meet County road standards as provided for in the County Land Division Ordinance. The owner must meet all Town, County and/or State highway access requirements.

7. The declaration for the condominium association must assure that sewerage waste load will not increase over time without providing necessary sewerage capacity. The applicant shall provide verification of available sewerage capacity for the project prior to construction starting on site.

8. The applicant must obtain all required zoning permit and sanitary approvals prior to any construction on site. No additional structures shall be added to the plan without obtaining County approval and a zoning permit. This permit does not include conditional use approval for any amenity that is not specifically identified on the project plans as approved. The Zoning Office prior to issuance of a zoning permit shall further review all structure locations. All structures will be required to meet the requirements of the zoning ordinance.

9. 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. All grading must be conducted consistent with the approved Land Disturbance Erosion Control and Stormwater Management plan. All topsoil generated from the site must be evenly distributed back onto the site on the areas from which it was removed or in areas in need of the topsoil. No soil may be removed from the site without County approval. An operation and maintenance plan for each stormwater best management practice must be prepared and included in the covenants and restrictions or other documents governing the homeowner association created for this development. The plat prepared for this development must show the location and label each stormwater best management practice planned to serve the development.

10. The applicant must provide a tree cutting, landscaping and restoration plan meeting ordinance requirements for review and approval. Tree cutting shall be limited to that specified on the approved plan and narrative.

11. The applicant shall submit an outdoor lighting plan for review and approval prior to construction. All lighting shall be shielded and directed on site.

12. The County reserves the right to rescind this amendment to the conditional use upon any violation of County regulations.

13. The property owner shall be held solely responsible for addressing all restrictive covenants beyond those enforceable by County regulations (including those within the condominium declaration). The Condominium declaration must be submitted to the County Land Management Department for review for consistency with County ordinances and requirements and the conditional use approval. Any wording of the condominium declaration, which in the opinion of the County Land Management Department is inconsistent with County approvals including the plan, amended narrative, ordinances or requirements will require County conditional use review and approval.

14. The applicant must phase construction substantially in compliance with the approved plan, use restrictions and condominium declaration and condominium law. Any ownership or specified use within must be added to the condominium declaration by addendum and reviewed by the Land Management Department for approval.

15. Application with Walworth County for approval of the condominium plat and recording of the condominium plat shall occur within 6 months of this conditional use approval. The condominium plat shall be accompanied by the complete condominium declaration.

16. 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:

17. The roadways are intended to remain private. The roadway shall be identified as a common element in the condominium declaration and on the approved plan.

18. No boat access to the lake is approved as part of this approval.

19. This conditional use is only valid if all jurisdictional municipal approvals are granted for the development.

20. Any future extension of the roadway into the shoreland area will require the roadway to comply with the road width and easement requirements of the County Shoreland Zoning Ordinance.

21. No backwashing of the filter systems from the swimming pools into the stormwater treatment facility shall be allowed.

Dated this 13th day of December, 2005.

_______________________________________________
COUNTY ZONING AGENCY
RICHARD KUHNKE, SR., CHAIRMAN

Staff presents request.

Jerry Grant motioned to approve. Seconded by Dave Weber. Motion carried.
6-favor 0-oppose.
Disc Count #5:43:48 – 5:46:15

3. WCCA Zoning Webinars Fall 2020 – Shannon Haydin

Shannon discusses the webinars scheduled for Fall 2020.
Disc Count #5:46:17 – 5:47:16

____ 5:47 p.m. meeting continues to public hearings.

Ordinance Amendments – None

Rezones with Conditional Uses –

5:51 p.m.

1. Treetops Funding, LLC – Owner, Eric Howden – Applicant, Section 26, Geneva Township. 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 a recreational facility. Parts of Tax Parcel JA458600002.
Amended July 16th, August 20th, 2020 for a climbing tower and pole building for house hot air balloon equipment and transport as part of a recreational facility. (see #1 and 38 – 39.42).
Amended 5-21-15 for New CU for trail use and amendment to extend Welcome Center and add additional yurt – see #1, 6, 10, 12, 13, 14, 16, 22, 29, 30, 32 amended and 33-37 added (all bold)

NAME: TREETOPS FUNDING, LLC
TOWN: GENEVA
A conditional use permit for creation of an area for a rope-swing, zip line adventure park with commercial trail system as amusement activity and a recreational area as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands proposed to be zoned P-1 Recreational Park District and C-2 Upland Resource Conservation District, and described as follows:

Tax Parcel #'s J G 2300008, J G 2300018, J G 2400008, J G 2400011, J G 2500007, and J G 2600001

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

1. The Conditional Use for a zip line adventure park and a system of trails that would be used commercially for non-motorized biking, hiking, cross country skiing and snowshoeing as amusement activity in the P-1 and a recreational park in the C-2 areas is approved as per the plan submitted and amended (9-16-10) to allow a temporary off-site Welcome Center with a shuttle bus and to use portions of the site not needing gravel pit restoration prior to restoration certification and further amended for extension of off-site Welcome Center 5-21-15 and further amended July 16th, August 20th, 2020 for a climbing tower and a pole building to house hot air balloon equipment and transport as part of a recreational facility with all additional conditions.

2. Use of the grounds shall be limited as stated in the plan of operations with no approval for camping on site.

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

4. The applicant must obtain all required County Zoning permits including sign permits meeting with all ordinance requirements.

5. Hours of operation shall be as stated in the plan of operations from 7:00 a.m. to 9:00 p.m.

6. Sufficient adult supervision must be present at all times when the zip line and commercial trails adventure park is 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 property owner must obtain a tree cutting and landscaping plan approval prior to alteration of the trees and construction of trails on site.

9. The project site must meet with all County sanitary requirements.

10. The applicant obtaining liability insurance and keep the insurance current during the life of this the conditional uses.

11. All lighting must be shielded and directed on to the property. The owner will need to obtain approval of a lighting plan prior to installing any type of sports field lights for nighttime use.

12. Parking must meet with requirements of the county zoning ordinance. All parking must be in compliance with County requirements within 60 days of this approval.

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

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 the approvals, then those changes must be brought before the County Zoning Agency for approval.

Specific:

15. The total capacity of the site by adventure park users shall be set at 250 visitors.

16. Use of the designated outdoor and indoor food and beverage area shall be limited to visitors of the zip line adventure park who are scheduled to take one of that day’s daily tours. The service shall be short order sandwiches, snacks and drinks. No alcoholic beverages shall be allowed on site. Service shall not constitute a full service restaurant.

17. Tours of the park shall begin at 8:00 a.m. and be completed by 8:30 p.m. The last tour shall complete one-half hour before close.

18. All ropes and platforms shall be required to be removed within 60 days if the adventure course is no longer in use.
19. This approval does not include a campground or a caretaker’s residence. The property owner shall be required to obtain a separate conditional use approval for camping or a caretaker’s residence to be located on the site.

20. No outdoor loud speakers or music shall be allowed on site.

21. The applicant must obtain a certification of restoration for the gravel pit from the County Conservation Division of LURM prior to use of the portions of the site needing restoration as depicted on the restoration plan. The certification shall include specific requirement providing time periods for permanent stabilization of the steep slopes.

22. The property owner may use ATVs and golf carts as a means of transport of visitors on the site. The ATVs and golf carts shall be driven by staff only. The site shall not be used as an ATV track/park by visitors. All motorized transport shall be restricted to the trails identified in the plan of operations. **No motorized vehicles shall be allowed within the 150 foot buffer zone as per the Town.**

23. The access road to the site must meet the access road width requirements and be stabilized in order to handle daily traffic proposed by the adventure park. This may include placements of asphalt on the existing road base if required by the Conservation Division during review of the erosion control permit application and plan.

24. Access (stairs/ladders) to the zip line rope platforms shall be closed off or removed prior to close of the park each day.

25. The Conservation Division recommends the site plan be modified to relocate the portions of the parking lot along the south property line to establish reclaimed slopes that can be stabilized with vegetation, rather than structural methods. The applicant will provide a construction and grading detail of this area.

26. The proposed structures for establishing zip-lines and any needed access roadways or trails are located on steep slopes and within Primary Environmental Corridor. If it is determined additional or improved access is needed, that will result in additional land disturbing activities or vegetation removal, it may be necessary for the County Zoning Agency to review and approve the plan modification and a more detailed land disturbance map for the project site.

27. The property owner shall file a deed restriction stating that the P-1 area may not be separated from the C-2 area.

28. The property owner shall file a CSM combining all tax parcels into one eliminating the interior parcel boundaries within one year of this approval.

29. The site plan shall provide for a 150 ft. buffer from the adjacent cemetery. **The trail system for hiking and biking shall be allowed in the 150 ft. cemetery buffer as per the Town.**

30. The property owner shall obtain approval of the amendment of the conditional use to add two three instructional yurts for use by staff to the site plan as shown from the Town prior to addition of the yurts to the site.

31. The temporary Welcome Center shall be located at N3219 County Road H as center of operation with transportation to and from the facility only by way of a shuttle bus and operation of any ATV vehicles across County Road H shall be strictly prohibited as per the Town.

32. **The off-site Welcome Center shall be allowed to be used until January 1st, 2017 by which time the onsite welcome center shall have been built as per the Town.** The conditional use will be required to come back to the Town for additional review by January 1st, 2017.

33. **There shall be no motorized vehicles allowed in the 150 ft. buffer zone as per the Town.**

34. The property owner shall install signs along the trail noticing the proximity to the cemetery and cautioning against noise as per the Town.

35. **No jumps, ramps or other obstacles shall be added to the trails.**

36. The adventure park shall not be used for events separate from the zip line and use of the commercial trails as open to the public for a fee on a per person basis without additional conditional use approval.

37. The property owner shall obtain Conservation Office review of the proposed trail construction prior to installation of any new trails consistent with condition #7 of this approval.

38. **Hours of operation for the climbing wall shall be the same as stated for the recreational facility in condition #17.**

39. **Certified adult supervision shall be present at all time while the climbing wall is being used.**
40. No hot air balloons shall take off or land on the recreational facility property.

41. Hours of operation for storage of hot air balloon equipment and transport shall be from 5:00 a.m. to 11:00 p.m.

42. The pole building constructed for storage of hot air balloon equipment shall be used at all times as part of a recreational facility and not for general off-season storage or mini-warehouse storage.

Dated this 21st day of May, 2015.

_______________________________________
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

cc: Lake Geneva Canopy Tours, N3219 County Rd H, Lake Geneva, WI 53147
    Town of Geneva, Joseph F. Kopecky, Chairman, N3496 Como Road, Lake Geneva, WI 53147
    Town of Geneva, Debra L. Kirch, Clerk, N3496 Como Road, Lake Geneva, WI 53147

Staff presents request.
Eric Howden speaks via telephone regarding the application.

Dave Weber motioned to approve. Seconded by Sue Pruessing. Motion carried.
6-favor 0-oppose.

The rezone petition will move forward to the September 8, 2020 Walworth County Board for possible action.
Disc Count #5:51:02 – 5:57:14

5:57 p.m.

2. Michael Fields Agricultural Institute Inc. – Owner, Section 30, East Troy Township. Rezone approximately 2.3 acres being all of the P-2 Institutional Park District zoned property on the parcel to the B-2 General Business District in order to obtain a conditional use permit approval for a Planned Unit Development (PUD) for multiple offices, businesses and retail uses on site including use by a church. P-2 portion of Tax Parcel PA120200001.

General:

1. Approved per plans submitted for a Planned Unit Development (PUD) for multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church with all additional conditions.

2. All uses shall be located as defined on the plan of operations.

3. This conditional use contains an overall umbrella approval for the PUD for multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church on one parcel and an individual conditional use for each enterprise. Enforcement actions may be taken on the PUD as a whole or the conditional use approvals individually.

4. No business activities other than specified in the plan of operations may be conducted from out of the multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church.

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

6. The applicant must obtain all required zoning permits including sign permits.

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

8. No filling shall occur on site without a site grading plan and proper permit approval.

9. All areas shall be kept neat, clean and mowed.
10. All outside lighting shall be shielded and directed on site.

11. No fuel storage shall be located on site.

12. Access approval must be obtained from the Town of East Troy and be submitted for the conditional use file prior to operation on-site.

13. All cars and trucks shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. 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 shall be properly install prior to use of the site.

14. 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.

15. The hours of operation shall be from 6:00 a.m. to 9:00 p.m.

16. No outside storage of building construction equipment or materials shall be allowed on site at the conclusion of building construction for the project.

17. 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.

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

19. The property owner must maintain adequate liability insurance during use of the property and keeps the insurance current during the life of this conditional use.

20. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Linn 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.

21. 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.

22. 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. Both office building and mini-warehouse storage building construction must be occurring in order to be considered exercising this conditional use.

Specific:

23. There shall be no through access from other property outside of the lot development allowed on the private drive without additional Town and County approval.

24. The property owner must obtain specific Town approval for the type of surface to be installed for the drives providing access to the facilities.

Staff presents concerns regarding scaled site plans and BOA requirements. No public hearing is held on the request.

Ryan Simons motioned to TABLE to Sept, 2020 CZA Meeting to address concerns. Seconded by Jerry Grant. Motion carried. 6-favor 0-oppose.

Disc Count #5:57:25 – 5:59:28
Rezones –

5:59 P.M.:  
1. John H. and Jennifer Ehlen – Owner, Section 3, Lyons Township. Rezone approximately 3.25 acres of C-2 Upland Resource Conservation District property to A-1NC Prime Agricultural District to create a +70 acre A-1 zone parcel that would be divisible for family second residence purposes. Part of Tax Parcel NA430800001.

Staff presents request.  
John Ehlen speaks via telephone regarding the application.

Sue Pruessing motioned to approve. Seconded by Dave Weber. Motion carried.  
6-favor 0-oppose.

The rezone petition will move forward to the September 8, 2020 Walworth County Board for possible action.  
Disc Count #5:59:55 – 6:03:32

Conditional Uses –

6:03 p.m.  
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.

General:

1. Approved as per plan submitted as Land Restoration for a pond with all additional conditions.
2. Time limit for completion of the project shall be established, as one year from the date of this approval.
3. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from Land Conservation. The applicant must comply with all established standards of the Land Restoration and Land Disturbance, Erosion Control and Stormwater Management permits.
4. The applicant must follow phases of excavation and restoration as part of the approval under the County’s Land Disturbance Erosion Control and Stormwater Management Ordinance. The applicant must submit a project-sequencing schedule for each phase leading to completion prior to approval.
5. Implementation of dust and noise control measures shall occur at all times on site.
6. Hours and days of operation shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday. No work shall be conducted on holidays.
7. Any additional Office/trailer or structures shall obtain approved County zoning and sanitary permits.
9. The project shall meet all applicable Federal, State and local regulations.
10. All soil and equipment storage must be in an approved location.
11. No materials shall be brought in from off-site other than those materials specified in the approved operations plan.
12. All soil generated from the site must remain on site for use in restoration. All topsoil will be graded evenly on the disturbed area consistent with the approved restoration plan.
13. All site dewatering shall be conducted so as to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the disposal site.

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

15. The County shall not be party to the land restoration project. The applicant shall be held solely responsible for any damages resulting from use of the site. The County will not be liable for any damage to the property affected by the fill or to any neighboring property or drain tiles due to the project.

16. 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:

Staff presents request.
Eric Handley speaks via telephone regarding the application.

Dave Weber motioned to approve. Seconded by Jerry Grant. Motion carried.
6-favor 0-oppose.
Disc Count #6:03:37 – 6:07:20

6:07 P.M.:

2. Sterken Farms, Inc. – Owner, Wisconsin Electric Power Company dba WE Energies – Applicant, Section 29, LaGrange Township. Voluntary conditional use review for a Bluff Creek Liquid Natural Gas (LNG) peaking facility. Voluntary as WE Energies is exempt from local review having obtained Public Service Commission (PSC) of Wisconsin Certificate of Authority (CA). The facility shall supply natural gas to an existing natural gas pipeline during peak demand on the coldest days of the winter. The facility would be installed as a utility on 22.1 acres of A-1 zoned property and consist of a natural gas pretreatment system, natural gas liquefaction system, a 150 ft. tall by 150 ft. diameter LNG storage tank, a LNG Vaporization system, an emergency impoundment area, stormwater basins, truck loading and unloading equipment area, an administrative office and parking lot. Part of Tax Parcel H LG2900005.

General:

1. Approved as per plan submitted for a Liquid Natural Gas (LNG) peaking facility consist of a natural gas pretreatment system, natural gas liquefaction system, a 150 ft. tall by 150 ft. diameter LNG storage tank, a LNG vaporization system, an emergency impoundment area, stormwater basins, truck loading and unloading equipment area, an administrative office and parking lot with all additional conditions as added.

2. Any proposed buildings shall be of an earth tone or neutral color (i.e. beige or tan) excluding the LNG storage tank.

3. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.

4. Construction related activities are only allowed on site between sunrises to sunsets.

5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.

6. All spoils spreading activities must be conducted in the approved identified locations.

7. All access to the site must be made as identified on the approved plan.

8. All contractor storage yards shall be located as identified on the approved plan and used as specified.
9. The applicant shall meet all applicable Federal, State and local regulations.

10. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.

11. 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.

12. The applicant is responsible for removal of the utility building if it is no longer in use. If the utility discontinued for a continuous period of 12 months, it may be considered abandoned. Abandoned utilities may be required to be removed within 90 days.

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

14. 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.

15. The Land Use and Resource Management Department staff may conduct inspections necessary to ensure site is operated and maintained according to all applicable regulations.

16. The owner/operator shall provide a copy of all required certification from Public Service Commission (PSC) of Wisconsin and WI. D.N.R. for the conditional use file and keep the certifications current in the County file.

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

18. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. 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:

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

20. The Liquid Natural Gas (LNG) peaking facility shall be removed and the property graded back to acceptable agricultural contours under approval of a new conditional use permit for agricultural land restoration upon termination of use.

Staff presents request and indicates this is consistent with Farmland Preservation. Rick O’Connor/WE Energies project manager speaks regarding the application. PowerPoint presentation given. Renee Bowerman indicates this plan has gone through the Town of LaGrange with approvals given. Questions by Committee. Speaking in OPPOSITION: Warren Hansen (not necessarily opposed but had questions).

Michael Cotter confirms agreement regarding road repairs.

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

Disc Count #6:07:24 – 6:37:43
6:37 P.M.:  

3. Maple Lawn Estates, LLC – Owner, Zenda Rail, LLC C/O Allen Polyock – Applicant,  
   Section 33, Linn Township. Conditional use permit review for the installation of new 156  
   diameter grain storage bin that will be capable of holding 1.4 million bushels of grain,  
   relocation of an existing 15 ft. by 30 ft. block building and to expand an approved 27 ft.  
   diameter storage bin to a 48 ft. diameter bin all as part of an existing grain storage facility as  
   per plan submitted. A-4 portion of Tax Parcel I L 3300003.  
   Amended 8-20-2020 for expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin and a new  
   conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building.  
   Amended for additional leg elevator and dump pit 3-20-2014  

NAME: Maple Lawn Estates, LLC c/o Allen, Gail – Owners, Zenda Rail, LLC C/O Jake Polyock – Applicant  
   Gordon Polyock Family Trust  
   Jeanette H Polyock Trust  

TOWN: Linn  

AMENDED Conditional Use 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 and a new conditional use approval  
for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building.  
The application indicates: An amendment of the existing conditional use is proposed for the addition of a leg elevator and dump pit  
to serve existing approved grain silos. The elevator and dump pit will improve grain routing between the storage silos.  

Tax Parcel(s) I L3300003  

Has been APPROVED subject to the following conditions:  

General:  

1. Approved as per revised plan submitted June 23, 2011 and amended to allow an additional 78 foot diameter grain storage bin  
   and a dual zoned driveway as recommended by the Town and amended as per plan submitted March 14, 2013 to allow  
   the addition of a 60 ft. diameter grain silo, a grain dryer alteration from a 20 ft. X 20 ft. dryer to a 30 ft. diameter  
   dryer and a leg elevator tower and amended March 20, 2014 for an additional leg elevator and dump pit and further  
   amended August 20th, 2020 to allow expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter  
   bin and a new conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft.  
   block building as per plan submitted as a grain elevator facility with all additional conditions.  

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

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

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

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

6. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County  
   Conservation Office. The applicant must submit and obtain approval of a landscaping plan from the County Conservation  
   Office.  

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

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

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

10. Implementation of dust and noise control measures shall occur at all times on site.
11. Any additional Office/trailer or structures shall obtain conditional use approval and an approved zoning and sanitary permit.

12. No general public sales allowed on premises.

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

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

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

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

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

Specific conditions:

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

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

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

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

Dated this 18th of April, 2013.

__________________________
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Dated this 20th day of March, 2014.

__________________________
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Staff indicates Applicant requested to remain on the agenda IN PROTEST of the Town’s failing to provide a recommendation. Town requested County continue to table until Town recommendation from meeting on September 14.

Jerry Grant motioned to TABLE to the September 17 CZA meeting – amended to indicate to the Town that this matter WILL be heard at that time. Seconded by Dave Weber as amended to be heard. Motion carried. 6-favor 0-oppose. Disc Count # 6:37:50 – 6:42:27

6:42 P.M.:  
4. ConAgra Foods Packaged Foods, LLC C/O Kip Guyon (Plant Manager) – Owner, Section 28, 29, 32 and 33, Darien Township. Conditional use permit review and approval on land zoned A-1 Prime Agricultural District to replace an existing smaller 35 million gallon North lagoon that has a ruptured liner with a new 54 million gallon expanded lined earthen
Walworth County Zoning Agency
August 20, 2020 Meeting Minutes

--- Draft ---

Page 17 of 20

North wastewater storage lagoon. The new North lagoon would continue to be used for vegetable processing waste water storage and treatment upon completion. Parts of Tax Parcels B D 2800007, B D 2900007, B D 3200001 and B D 3300014.

A conditional use permit for an industrial waste storage pond 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:

Part of Tax Parcel #’s B D 2800007, B D 2900007, B D 3200001, and B D 3300014

Has been APPROVED after the appropriate findings were made as required by State Farmland Preservation Program Sec. 91.46 Wis. Stats. Subject to the following conditions:

1. This facility is approved per plan submitted as a temporary wastewater storage facility for wastewater from ConAgra Foods Packaged Foods, LLC vegetable process plant to be applied to agricultural land with all additional conditions.

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

3. There shall be no other users of the wastewater storage facility.

4. The owner/operator must comply with all Federal, State, County and local regulations. 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 wastewater storage facility solely for the food processing plan.

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

17. The wastewater storage lagoon shall be removed and the property graded back to acceptable agricultural contours under approval of a new conditional use permit for agricultural land restoration upon termination of use.
18. Approved subject to Conagra’s execution of an agreed upon second amendment to the wastewater lagoon agreement previously executed by and between the Town and Birds Eye, LLC, as per the Town.

Dated this 17th day of February, 2011.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Staff presents request and indicates this is consistent with Farmland Preservation. Todd Boehne/Conagra Omaha speaks regarding the application. Powerpoint presentation given. Aerators will be re-placed into this newly construction lagoon. Staff indicates that LURM had taken it upon themselves to allow construction to begin prior to hearing based upon necessity and not against public health.

Dave Weber motioned to approve. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.
Disc Count # 6:42:31 – 6:55:00

TABLED – INCOMPLETE SITE PLAN

5. Alex and Helen Wasyliw — Owners, S&P Premier Investments & Greg Dzierzic of Pinno Buildings — Applicants, Section 23, Delavan Township. Conditional use review and approval for a Planned Unit Development for office space, retail and off season mini-warehouse storage facilities on lands zoned B-2 General Business District. Tax Parcel FA186700001.

6:55 p.m.

6. Steven Walter — Owner, Section 21, Darien Township. Conditional use approval for a 40 ft. by 24 ft. expansion of an existing building to allow for indoor garage space for vehicles used in a waste hauling business on lands zoned A-4 Agricultural Related Manufacturing, Warehousing and Marketing District. Part of Tax Parcel B D 2100005A.

An Agricultural Related Use in the A-4 zone district would be consistent with Farmland Preservation standards.

See conditions # 1 and 14 = s change by new CU approval.

General:

1. Approved as per plan submitted and revised 8/20/2020 for a 24 ft. by 40 ft. addition to the office/shop building for vehicle and equipment storage as a contractor storage area for a wastewater hauling and disposal business with all additional conditions.

2. Storage limited to material and goods directly associated with business. Outside storage shall be limited and located as identified on the plan of operations. No outside storage areas shall be allowed in the required setback areas.

3. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with hours after 6:00 p.m. for off premise work and returning of equipment to the premises seven days a week.

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

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

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

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

9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval.

10. The project site must be kept neat, clean, and mowed.

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

14. No equipment storage may occur on the A-1 zoned property by the wastewater storage tanks.

Staff presents request and indicates this is consistent with Farmland Preservation. James Walter speaks regarding the application.

Richard Kuhnke, Sr. motioned to approve. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.

Disc Count # 6:55:06 – 6:59:04

6:59 p.m.

7. Caryn and Alan Hayden – Owners, Section 11, Sugar Creek Township. Conditional use permit review and approval for a 10 ft. 3 inch by 19 ft. 4 inch utility building for the storage of high speed internet/broadband and phone service including routers, switches, servers and battery backup systems for Edge Broadband on lands zoned A-2 Agricultural. Part of Tax Parcel G SC11000091C.

General:

1. Approved as per plan submitted for a 10 ft. 3 inch by 19 ft. 4 inch utility building for the storage of high-speed internet/broadband and phone service equipment including routers, switches, servers and battery backup systems with all additional conditions as added.

2. Any proposed buildings shall be of an earth tone or neutral color (I.E. beige or tan).

3. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.

4. Construction related activities are only allowed on site between sunrises to sunsets.

5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.

6. All spoils spreading activities must be conducted in the approved identified locations.

7. All access to the site must be made as identified on the approved plan.
8. All contractor storage yards shall be located as identified on the approved plan and used as specified.

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

10. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.

11. The pre-existing contours of all floodplain areas affected by the utility installation must be adequately matched during restoration so as to meet the requirements of the County shoreland/floodplain regulations.

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.

14. The applicant is responsible for removal of the utility building if it is no longer in use. If the utility discontinued for a continuous period of 12 months, it may be considered abandoned. Abandoned utilities may be required to be removed within 90 days.

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

Specific:

No Public Hearing held due to Staff concerns in the Planning Report regarding the use of the property.

Jerry Grant motioned to TABLE based upon the Planning Report concerning need to bring the headquarters into compliance (as amended). Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.

Disc Count # 6:59:06 – 7:01:20

Adjournment

Ryan Simons motioned to adjourn. Seconded by Dave Weber. Motion carried. 6-favor 0-oppose

The meeting was adjourned at 7:01 p.m.

Submitted by Sheril Oldenburg, Recording Secretary.
Minutes are not final until approved by the committee at its next meeting.
<table>
<thead>
<tr>
<th>Township</th>
<th>Complainant</th>
<th>Description of Complaint(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ex: Section 10</td>
<td>Ex: Anonymous</td>
<td>Ex: 7 inoperable vehicles</td>
</tr>
<tr>
<td>BLOOMFIELD</td>
<td>Nick</td>
<td></td>
</tr>
<tr>
<td>DARIEN</td>
<td>Heather</td>
<td></td>
</tr>
<tr>
<td>DELAVAN</td>
<td>Heather</td>
<td></td>
</tr>
<tr>
<td>Section 31</td>
<td>Anonymous</td>
<td>Remodeling &amp; Construction without permits</td>
</tr>
<tr>
<td>EAST TROY</td>
<td>Darrin</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Anonymous</td>
<td>Owner has more than one unlicensed / inoperable vehicle.</td>
</tr>
<tr>
<td>GENEVA</td>
<td>Heather</td>
<td></td>
</tr>
<tr>
<td>LAFAYETTE</td>
<td>Nick</td>
<td></td>
</tr>
<tr>
<td>LAGANGE</td>
<td>Darrin</td>
<td></td>
</tr>
<tr>
<td>Section 35</td>
<td>Anonymous</td>
<td>Owner installed steppers or a walkway within 75' of Lauderdale Lake.</td>
</tr>
<tr>
<td>Section 14</td>
<td>Anonymous</td>
<td>Several vehicles that could be unlicensed/inoperable</td>
</tr>
<tr>
<td>LINN</td>
<td>Heather</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Anonymous</td>
<td>Accessory structure being used for overnight stays</td>
</tr>
<tr>
<td>LYONS</td>
<td>Nick</td>
<td></td>
</tr>
<tr>
<td>RICHMOND</td>
<td>Darrin</td>
<td></td>
</tr>
<tr>
<td>SHARON</td>
<td>Heather</td>
<td></td>
</tr>
<tr>
<td>SPRING PRAIRIE</td>
<td>Nick</td>
<td></td>
</tr>
<tr>
<td>SUGAR CREEK</td>
<td>Darrin</td>
<td></td>
</tr>
<tr>
<td>TROY</td>
<td>Darrin</td>
<td></td>
</tr>
<tr>
<td>WALWORTH</td>
<td>Heather</td>
<td></td>
</tr>
<tr>
<td>Section 3</td>
<td>Anonymous</td>
<td>Accessory structure may contain dwelling unit</td>
</tr>
<tr>
<td>WHITEWATER</td>
<td>Darrin</td>
<td></td>
</tr>
<tr>
<td>Township/Tax Key</td>
<td>Complainant</td>
<td>Description of Violation(s)</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Ex:B D 100001</td>
<td>Ex:Anonymous</td>
<td>Ex: 7 inoperable vehicles</td>
</tr>
<tr>
<td>BLOOMFIELD</td>
<td>(Nick)</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/ 3000 pallets removed - extension granted till 4/6/2014/ pallet company is moving out HOLD till July 1, 2014/ Scheduled for July 17, 2014 public hearing before CZA/ 7-17-14 CZA denied/ Owner will do auto repair per previously approved CUP./ Jan, 2015 Owner is now removing inoperable vehicles, working on sanitation issues and removing addition to rear of garage./ Owner is working on correcting septic system - waiting on weather. 4/15/15 zoning on-site, returned to auto repair. HOLD for Sanitation / 3-3-17 Town informed County that tires and cars are collecting on the property. Needs inspection/ 4-6-17 violation letter sent/ 4-11-17 owner responded- his tenant left and now he will clean up property within 30 days.</td>
</tr>
<tr>
<td>B D 3400004C</td>
<td>Town</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>
</tr>
<tr>
<td>F M1 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>
</tr>
<tr>
<td>F A 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 visited 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>
</tr>
<tr>
<td>FIN4 00077A</td>
<td>Anonymous</td>
<td>Small-engine repair biz on residential property. Sent violation letter 6/9/20. Owner called- says he is a 'hobbyist', and collects small engine items. He will clean up yard.</td>
</tr>
<tr>
<td>EAST TROY</td>
<td>(Darrin)</td>
<td>Owner is running a contractor storage yard and has unlicensed inoperable vehicles on their property.</td>
</tr>
<tr>
<td>PA150600001</td>
<td>Anonymous</td>
<td>Owner is running a contractor storage yard and has unlicensed inoperable vehicles on their property.</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>
</tr>
<tr>
<td>PA320300003</td>
<td>Anonymous</td>
<td>Owner is running a contractor storage yard from their property zoned A-2.</td>
</tr>
<tr>
<td>PA430200001</td>
<td>Anonymous</td>
<td>Owner has brought tires back onto the property.</td>
</tr>
<tr>
<td>PR 00002</td>
<td>Town Police</td>
<td>Owner has several unlicensed /inoperable vehicles on his property that is zoned C-3</td>
</tr>
<tr>
<td>Township/Tax Key</td>
<td>Complainant</td>
<td>Description of Violation(s)</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>--------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>JA342300001</td>
<td>Staff</td>
<td>Illegal separation of parcels, creating violation of accessory structure on vacant parcel.</td>
</tr>
<tr>
<td>JLCB 00758</td>
<td>Staff</td>
<td>Accessory structure on parcel without permit approval, and possibly in non-compliant location.</td>
</tr>
<tr>
<td>JCOM 00005, JCOM 00005A, JCOM 00005B</td>
<td>Staff</td>
<td>Illegal separation of parcels, creating violation of accessory structure on vacant parcel. 1/7/19: Sent violation letter w/ 30 days. 2/15/19: Marty Murphy called &amp; spoke to HM - I told him county review is required for this parcel split, and he doesn’t think that is the case. (This was in the same conversation as listed above on J G 3200009.) 11/21/19: Sent email to owners- requesting cooperation toward compliance or citations. 12/11/19: Owner came in for mtg; owner is working on bringing into compliance.</td>
</tr>
<tr>
<td>JLCB 02313</td>
<td>Anonymous</td>
<td>New structures within shoreyard, new parking area within setbacks &amp; road right-of-way, impervious surface increase w/o permits which may exceed allowance, unpermitted vegetation removal within vegetative buffer zone, implied CUP for outdoor food &amp; bev significantly expanded, new non-compliant signs w/o permits. 10/23/19: Site inspection posted 'stop work order' on site while working on parking area. 10/28/19: Mtg w/ owner- he denied expansion of implied CUP, new structures, new signage, and most vegetation removal. 11/11/19: Violation letter sent. 12/3/19: Met w/ owner &amp; aty- went over all violations and game plan to move forward for compliance.</td>
</tr>
<tr>
<td>JCON 00017</td>
<td>Staff</td>
<td>Structures have been placed within floodplain &amp; shoreyard. New gravel parking area constructed without permit approvals, may not meet required septic setbacks. 11/5/19: Posted Stop Work Order @ site. Piles of dirt in yard intended for filling floodplain/shoreland area- no permits. 11/6/19: Spoke to house builder- discussed requirement for as-built, no filling within 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.</td>
</tr>
<tr>
<td>J G 3500005L</td>
<td>Anonymous</td>
<td>Accessory structure too close to road. Sent violation letter 5/21/20. Owner called, removed structure. Need to site verify.</td>
</tr>
<tr>
<td>JLCB 02234, JLCB 02234A, JLCB 02315</td>
<td>Eric Seaver</td>
<td>Changed SFD into multi-family home w/ 2 apts., using business properties as long-term rental units.</td>
</tr>
<tr>
<td>JA99300002</td>
<td>Town</td>
<td>Building addition under construction w/o permits, contractor’s storage yard for a landscaping business on property</td>
</tr>
</tbody>
</table>

**Notes:**
- Section(s) violated: Refers to specific sections of the zoning or building code that are violated.
- Owner’s Name/Status: Details the owner’s name and status, along with any relevant notes or actions taken by the planning office regarding compliance or citations.

**Dates:**
- 8/27/18: Met with Sandy Busking and discussed permitting and compliance.
- 11/6/19: Issued 2 citations: see citation section. Owner working on getting survey & applying for variances.
- 1/15/20: Zoning permit issued for driveway (imp surf). Still working toward compliance.
- 6/27/20 KD performed site visit, hut still appears to be in NC location.
<table>
<thead>
<tr>
<th>Township/Tax Key</th>
<th>Complainant</th>
<th>Description of Violation(s)</th>
<th>Section(s) violated</th>
<th>Owner’s Name/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>KA129500002</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 Degraeve - 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: I 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. 5-1-19: 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. [See citation section].</td>
</tr>
<tr>
<td>HA 96500002</td>
<td>Anonymous</td>
<td>Owner is using an accessory structure to house agricultural animals, but the building is not 100’ from the side lot line. Only permitted for residential use.</td>
<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>LAGRANGE (Darrin)</td>
<td>Neighbor</td>
<td>Structures constructed w/o permits. 5/5-9/18: Site visit, new structures present. 5/10/18: Violation letter sent. 5/18-7/16: Met 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; hid? Still need CUP for outdoor food &amp; beverage. Working on getting a survey, then will meet again to discuss what permits are needed. Extended court hearing to April 3rd 2019. 3/6/19/HM, MW mtg w/ Leonor- survey was performed; next applying for CUP for outdoor food &amp; bev, then zoning permits. Requested to extend court hearing to July 10 2019.</td>
<td>74-37</td>
<td>Marion J Courmoyer, Leonor I Hernandez - 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. CUP re-applied for. CUP! 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>IL 2700012</td>
<td>Neighbor</td>
<td>Construction of decks/patios w/o permit approvals. 8/2/18: Sent violation letter 8/6/18: Owner called and said landscaper working on submitting paperwork for permits. 8/6/18: Wendy Becker called, said landscaper was in charge of permitting. 8/20/18: Spoke to Dan (landscaper), told him permits were needed &amp; discussed how to alter deck/patio to be compliant. He agreed to apply for after-the-fact permits. Nov. 18: Permits applied for.</td>
<td>74-162</td>
<td>Jim &amp; Wendy Becker</td>
</tr>
<tr>
<td>IE 00055</td>
<td>Neighbor</td>
<td>Structure (patio) constructed on parcel without permit approvals- and not in compliance with zoning permit issued, nor BOA decisions. Also exceedence of impervious surface allowed on parcel. 12/5/18: Site visit performed. Waiting for site visit to verify compliance. Landscaper notified office that the mitigation (vegetation planting) has been completed for the patio within the shoreyard allowance.</td>
<td>74-162, 74-174</td>
<td>Carl Trent</td>
</tr>
<tr>
<td>IFR 00003</td>
<td>Staff</td>
<td>Structure (patio) constructed on parcel without permit approvals- and not in compliance with zoning permit issued, nor BOA decisions. Also exceedence of impervious surface allowed on parcel. 12/5/18: Site visit performed. Waiting for site visit to verify compliance. Landscaper notified office that the mitigation (vegetation planting) has been completed for the patio within the shoreyard allowance.</td>
<td>74-162, 74-174</td>
<td>Carl Trent</td>
</tr>
<tr>
<td>ILGH 00001-ILGH 00110</td>
<td>Staff</td>
<td>As-built survey for replacement of existing shorepath, walks &amp; drives not in compliance with permit issued, nor with shoreland ordinance. New retaining walls added &amp; existing ones expanded within 75 ft 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>IRB3 00090</td>
<td>Staff</td>
<td>Garage converted into dwelling, used for overnight stays/short-term rentals. 1/31/19: Sent violation letter 7/30 days.</td>
<td>74-37, 74-54</td>
<td>Barry Hinkeldey - 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>
CZA September 17, 2020

<table>
<thead>
<tr>
<th>Township/Tax Key</th>
<th>Complainant</th>
<th>Description of Violation(s)</th>
<th>Section(s) violated</th>
<th>Owner’s Name/Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>G1V 00015</td>
<td>Staff</td>
<td>2/4/19: Posted STOP WORK ORDER on site- large deck being built as well as large</td>
<td>74-37</td>
<td>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.</td>
</tr>
<tr>
<td>IL 1000003A</td>
<td>Staff</td>
<td>3/8/19:HM observed 2 new structures in open field w/o permits. 3/13/19:Sent violation letter; 30 days to reply. 3/19/19/Mtg @ LURM w/ owners- owners are going to work w/ an atty &amp; surveyor, may take bids down, may work on permits. Will let staff know.</td>
<td>74-37</td>
<td>David &amp; Susan Kronwall</td>
</tr>
<tr>
<td>IL 1100001A1</td>
<td>Anonymous</td>
<td>New fence constructed within shoreyard setback. 6/4/19:Site visit by HM, photos of new fence. 6/21/19: Sent 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.</td>
<td>74-174</td>
<td>Claudia Bauer Trust</td>
</tr>
<tr>
<td>ICI 00001</td>
<td>Staff</td>
<td>Vegetation removal along shoreline, increase in impervious surface w/o permits. 6/17/19:Site visit. 6/19/19:Sent memo- need as-built for recently constructed garage. Met w/ contractor- went over permit requirements and submittals needed. 2/24/20:Sent certified letter giving 15 days to have permits &amp; as-built submitted.</td>
<td>74-162</td>
<td>Solhous</td>
</tr>
<tr>
<td>IBA 000014</td>
<td>Staff</td>
<td>Patio on boathouse w/o permit approvals &amp; within shoreyard. 4/2019:staff inspection-concrete patio present. Contractor agreed to remove patio area &amp; replace w/ vegetation. 8/16/19:Staff inspection- concrete patio removed &amp; gravel patio in its place. Contractor notified- disputes that it is a ‘patio’. 8/26/19:Violation letter sent to owner &amp; contractor. Working w/ contractor for permits to construct walkway by boathouse. Currently working on permit for walkway on site- may go for variance. Appealing interpretation at BOA on Jan. 8, 2020.</td>
<td>74-162, 74-174</td>
<td>Feldstein/Bovis - 1/8,9/20 BOA appeal hearing- BOA upheld county's interp that gravel area is structure &amp; 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.</td>
</tr>
<tr>
<td>IL 1200003</td>
<td>Anonymous</td>
<td>Signs in noncompliant locations. 1/27/20:Site visit- sandwich board sign in/near road right-of-way. Will send violation letter. 2/24/20:Sent violation letter; 30 days for compliance.</td>
<td>CUP</td>
<td>Buttons Bay LLC See Citation Section</td>
</tr>
<tr>
<td>IA303000002</td>
<td>Staff review on plans</td>
<td>Accessory structure on vacant parcel. 1/13/20:Sent violation letter. 1/22/20:Spoke to atty Ed Thompson- told him structure needs to be removed w/ EC permit or needs variance approval.</td>
<td>74-162, 74-165</td>
<td>Lake Geneva Family Estate</td>
</tr>
<tr>
<td>ILGT 00024A2</td>
<td>Anonymous</td>
<td>Fence &gt;6ft built on property line, pool exists w/o permit approval.</td>
<td>74-38, 74-162</td>
<td>Nurnberg - 8/27/20 HM performed site visit. 8/31/20 Sent violation letter w/ 30 days to comply.</td>
</tr>
<tr>
<td>JO 0001A-IO 00020</td>
<td>Anonymous</td>
<td>parking/patio structure constructed in shoreyard</td>
<td>74-174, 74-162</td>
<td>The Oak Shores Club Association, Inc. 9/1/20 Sent violation letter w/ 30 days to comply.</td>
</tr>
<tr>
<td>LYONS (Nick)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NLC 00081</td>
<td>Town of Lyons</td>
<td>11-29-18:Complaint of junk cars. 11-30-18:Inspection. Spoke to owner. They agreed to work on it. 12-3-18:Letter sent to follow up. 2-5-19:On-site. Spoke to owner. Two vehicles remain. One is being sold and one towed. Owner agreed that property would be compliant by March 1. 3-4-19:Owner called. She inherited vehicles from her dad. She recently found that her dad never put them in his name when he inherited from her grandfather. She is sorting this out with her attorney and DMV. I gave her until April 4.</td>
<td>74-54</td>
<td>Hobbick-6-5-19:Onsite. Vehicles are still there as well as a third now. 6-6-19:Classification issued. &quot;See citation section.&quot;</td>
</tr>
<tr>
<td>NIP 00014</td>
<td>Town of Lyons</td>
<td>8-21-17:Received a complaint about a large number of inoperable vehicles and other scrap on a property in an industrial park. Did on-site inspection and spoke briefly to the owner. He has an auto repair shop, but the property is covered in old vehicles, demolished trailers, etc. Owner was not in a mood to discuss the situation. Told him I would send a letter. Letter sent informing him that he is not zoned properly for an 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.</td>
<td>74-56</td>
<td>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. &quot;See Citation Section&quot;</td>
</tr>
<tr>
<td>RICHMOND (Darrin)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C R 27000004I</td>
<td>Anonymous</td>
<td>Owner is running a kennel on the property without proper review and approval.</td>
<td>74-52</td>
<td>Robert Wierenga Letter sent 11/9/19 Owner sent in a letter stating they do not have a kennel.</td>
</tr>
<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>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>---------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<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></td>
<td>Township</td>
<td>Dwelling in part of accessory structure. Contractor’s storage yard w/o proper zoning or CUP. 2/11/19: sent violation letter. Was returned as 'unclaimed'. 3/8/19: Site visit - spoke to renter - she said half of detached garage she uses - she didn’t know what other half was used for. Gave her my card to give to Philip - that he should call me. Took photos - business equipment in barn. 11/21/19: Re-sent violation letter - 1 certified, 2 uncertified - 30 days or citation. Staff to discuss with Nass’ attorney, 1/16/19: Talked to Atty Schroeder - he will have owner try to find proof that dwelling existed in garage prior to 1974. Equipment that may have been contractor storage yard is no longer present on property.</td>
<td>74-37, 74-51</td>
<td>Philip Nass</td>
</tr>
<tr>
<td></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></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. 7/4/20 KD performed site visit - shed still in back yard.</td>
<td>74-37, 74-51</td>
<td>Richard Oros</td>
</tr>
<tr>
<td></td>
<td>Neighbor</td>
<td>Complaint of individual living in a motorhome. 8-12-20: Onsite inspection finds motorhome as described in complaint. 8-13-20: Violation notice sent. 8-17-20: Spoke to individual living in motorhome. He said he would move on within the time frame provided.</td>
<td>74-37, 74-51 and 74-62</td>
<td>Lyle Robers Trust/Marie Robers Trust</td>
</tr>
<tr>
<td></td>
<td>Neighbor</td>
<td>Owner has more than 6 chickens and also has a rooster on property that is zoned R-1.</td>
<td>74-181</td>
<td>Nathaniel Boas. Letter sent and came back twice. Try again with unmarked envelope.</td>
</tr>
<tr>
<td></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></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></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 Mahnlke Letter sent 12/18/19</td>
</tr>
<tr>
<td></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>Township/Tax Key</td>
<td>Complainant</td>
<td>Description of Violation(s)</td>
<td>Section(s) violated</td>
<td>Owner’s Name/Status</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>-----------------------------</td>
<td>---------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>LT 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>
<tr>
<td>WALWORTH (Heather)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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</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 sie 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</td>
<td>Casey Britton</td>
</tr>
<tr>
<td>EA135000004</td>
<td>Town</td>
<td>Deck constructed on barn w/o permit approvals. 1/23/20:Sent violation letter. 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. They have applied for a new CUP.</td>
<td>74-37, CUP</td>
<td>Frederick Enterprises LLC</td>
</tr>
<tr>
<td>WHITEWATER (Darrin)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DSO 00031</td>
<td>Anonymous</td>
<td>Constructed a broadband tower on a property without proper review and approval.</td>
<td>74-37</td>
<td>Brian Madl Letter sent 11/19/19 See citation section.</td>
</tr>
<tr>
<td>DMP 00005</td>
<td>Anonymous</td>
<td>Owner is allowing overnight stays in an accessory structure</td>
<td>74-165, 74-162</td>
<td>WWP LLC Letter sent 11/14/17 Site inspection 12/17. Nobody is living in the shed, but the shed is not in a compliant location and was placed on the property without proper review and approval. Owner deciding best course of action to bring into compliance.</td>
</tr>
<tr>
<td>Township/Tax Key</td>
<td>Complainant</td>
<td>Description of Violation(s)</td>
<td>Section(s) violated</td>
<td>Owner’s Name/Status</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>------------------------------</td>
<td>---------------------</td>
<td>---------------------</td>
</tr>
<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>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DARIEN (Heather)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DELAVAN (Heather)</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. 8/19/10: 1 citation paid, default judgment on other 2 citations.</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. DLSD has petitioned for dismissal of citations, the County responded- currently in works w/ court.</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. Citation hearing extended to Oct. 14th.</td>
</tr>
<tr>
<td>EAST TROY (Darrin)</td>
<td>Anonymous</td>
<td>The defendant has several unlicensed/inoperable vehicles on land that is zoned A-2.</td>
<td>74-51</td>
<td>Richard Young - citation issued Court set 2/6/19 Continued to 6/5/19. Continued to 10/2/19. Owner plead not guilty and will go to trial.</td>
</tr>
<tr>
<td>PA 50000001</td>
<td>Anonymous</td>
<td>The defendant constructed an accessory structure without proper zoning review and approval.</td>
<td>74-162</td>
<td>Robert Bern citation issued 12/5/17. Resent 2 more times as the citations came back undelivered. - Continued citations to 5/16/18 - Issued citation 10/1/18 - Re-issue citations - court date 2/6/19. Owner has Certified Survey Map done and getting approval from Township and State first and then onto the CZA. CSM approved. Closed</td>
</tr>
<tr>
<td>GENEVA (Heather)</td>
<td>Town</td>
<td>Addition to existing structure without approved zoning permit. Date of violation: 2/27/20. Court hearing scheduled for 4/15/20. Changed to July 15, 2020.</td>
<td>74-162</td>
<td>Inn Crowd of Como, Inc. 9/220 Citation hearing: defendant wants to enter “not guilty” plea, but caller was not an atty, so judge is giving them opportunity to hire representation for the business to enter plea.</td>
</tr>
<tr>
<td>LAGRANGE (Darrin)</td>
<td>Anonymous</td>
<td>Signs exist, noncompliant with code, no permits</td>
<td>74-210, 74-215, 74-162</td>
<td>Buttons Bay Land Development</td>
</tr>
<tr>
<td>LINN (Heather)</td>
<td>Staff</td>
<td>Placed a trailer and signage for the sale of fireworks without obtaining the proper Zoning permits.</td>
<td>74-37</td>
<td>Freedom Fireworks LLC - Plead no contest to 2 citations and the remaining are continued for 18 months.</td>
</tr>
<tr>
<td>IA13130001</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>
<td>Christine Taylor Trust - 1/7/20. Site inspection for permits violations exist. 1/10/20. Issued 4 zoning citations w/ Feb. 19 2020 hearing date. 1/31/20. Contractor of permits called to discuss citations &amp; compliance. Also discussed tree removal violations in shoreyard - this also needs to be addressed. 2/26/20. Met w/ LC, ZN, contractors- discussed site compliance and permits required. Extended court hearing to April 1st 2020. Court date changed to July 1, 2020. Hearing rescheduled to August, 2020. 1 citation paid, site in compliance, dismissal of other 3 citations.</td>
</tr>
<tr>
<td>IL 1200003A</td>
<td>Staff inspection</td>
<td>Signs exist, noncompliant with code, no permits</td>
<td>74-210, 74-215, 74-162</td>
<td>Buttons Bay Land Development</td>
</tr>
<tr>
<td>LAFAYETTE (NICK)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>----------------------------</td>
<td>---------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>KA129500002</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 referring other 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. 8-17-18: 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. 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. 12-17-19: I sent email to check status. 12-31-18: Attorney said permit will be in 1-2-19. 1-19: Permit rcvd. 1-16-19: Email that permit is incomplete. Owner’s attorney has appointment for 4-23-19.</td>
<td>74-162, 74-173, 74-174, and 74-178</td>
<td>Dewey and Rebecca Degrave - 5-1-19: 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. 8-18-20: Met with attorney on site. Several issues have been resolved. Owner has built more structures without permits. Garage building appears to be used for living quarters with improper plumbing hook-ups. Access to that building was denied. 8-19-20: 3 citations issued for unresolved violations. 8-26-20: Garage inspection requested in writing. 9-4-20: Garage inspection set up for 9-15-20.</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 owned. 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>
</tr>
<tr>
<td>NIP 00014</td>
<td>Town of Lyons</td>
<td>8-21-17: Received a complaint about a large number of inoperable vehicles and other scrap on a property in an industrial area. 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. Owners are in a mood to do nothing. 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. 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.</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 Court date. 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 judgement 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 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 15 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 owner. Owner is going to get another attorney's opinion/suggestions on 7-14-11 before we proceed with the permitting/construction. 7-18-11: I left a message for Attorney Rasmussen. 7-19-11: Attorney Koch called me back and said he would like to talk to me about this when he gets back from vacation 8-1-11. 7-25-11: Town of Lyons called to check on status. 8-1-11: I called Koch. Koch said he would get back to me by 8-8-11. 8-11-11: I have not heard anything. Citation issued. 9-1-11: Met with attorney Koch and brought him up to speed. 9-14-11: Koch requested a jury trial. Trial set for 2-29-12 (canceled w/ stip). 2-16-12: Stip filed with a no contest plea and agreement to pay forfeiture. 2-21-12: New citation issued for same offense. 3-28-12: Nobody showed up at court. Default judgment granted.</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>
</tr>
<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>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
<td>-----------------------------</td>
<td>---------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>SPRING PRAIRIE  (Nick)</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
</tr>
<tr>
<td>SUGAR CREEK (Darrin)</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
</tr>
<tr>
<td>TROY (Darrin)</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
</tr>
<tr>
<td>WALWORTH (Heather)</td>
<td>E W 2800006 (Nick) 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>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
<td>[Details]</td>
</tr>
</tbody>
</table>
NO

➢ SANITATION

➢ LAND CONSERVATION

CITATION LIST

FOR

SEPTEMBER

2020
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION:  

______REZONE  
____X____CONDITIONAL USE

NAME:  JHGKL, LLC – Owner, Super Aggregates C/O Jack Pease – Applicant.

LOCATION:  The property of concern is located in the NW ¼ of Section 9, Sugar Creek Township and is identified as Tax Parcels G SC-9-4 and 4A.

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

ZONING:  The property is zoned M-3 Mineral Extraction District

PROJECT DESCRIPTION:

The application indicates:  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.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2035 Land Use Plan identifies this area as the Extractive land use category.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north of the property is land zoned A-1 and C-2. 
To the east is land zoned C-2, A-1 and M-4. 
To the south is property zoned A-1, A-4 and A-5. 
To the west is land zoned A-4 and A-1.

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

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Class</th>
<th>Description</th>
<th>% of Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>PtA</td>
<td>Class I</td>
<td>Plano Silt Loam, gravelly substratum, 0 to 2% slope</td>
<td>5%</td>
</tr>
<tr>
<td>LyC2</td>
<td>Class IV</td>
<td>Lorenzo loam, 6 to 12% slope, eroded</td>
<td>10%</td>
</tr>
<tr>
<td>GP</td>
<td></td>
<td>Gravel Pit</td>
<td>10%</td>
</tr>
</tbody>
</table>

CZA September 17, 2020
IMPACT ON ROADS AND TRAFFIC:

The site is served by Hwy A to the south of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

Super Aggregates has knowingly violated the required setback by excavating within the required 200 foot setbacks. The LURM Department has had discussion over setback requirements with this operator and explained the prohibition to excavate in the County required 200 setbacks during review of a gravel pit in Lyons Township prior to and at the same time as the illegal excavation occurring at this Sugar Creek Township location. The current operator continued to excavate in the 200-foot setback at this site in Sugar Creek Township after being informed of the violation. The gravel pit operator has recently dewatered the gravel pit outside the approved internally drain project site without proper approvals.

Amending site plans by approval of zoning variances for mining sites will result in a lack of consistent standards crossed the board for operation of gravel pits in Walworth County.

If the County Zoning Agency determines adopted setbacks standards could be revised to allow excavation closer to neighboring property lines and result in more aesthetic reclamation while continuing to support return of agricultural use of the land after reclamation is completed, then it may be best to amend the Zoning Code rather than relying on site by site variances from the County Board of Adjustment.

If in favor of the variance process the Walworth County Zoning Agency may wish to inform the County Board of Adjustment of any guidance or concern over obtaining exterior boundary variance setbacks for excavation. Staff recommends tabling action on the conditional use petition and waiting for a Board of Adjustment decision on the required variance.

If the County Zoning Agency is not in favor of modifying exterior boundary setbacks for excavation by variance, then the conditional use petition could either be tabled for a potential ordinance amendment or denied.

If the conditional use is denied the CZA may which to direct the LURM Department to begin enforcement actions.

Staff has set out a review letter expressing the following concerns:

1. Staff will be recommending the Walworth County Zoning Agency request a hydrologic study be provided for creation of the 45 ft. deep lake. The study should directly address the contamination spill at the back of the Millard Feed Mill and potential effects the lake would have on ground water, neighboring wells and other nearby bodies of water (North Lake and Lake Wandawega).
2. The narrative does not provide an engineer study of the affect the increased slope and excavation within the 200 ft. and 100 ft. ordinance setbacks would have on the following:
   a. Potential differences in neighboring property surface water flows with and without the increased slope in the 200 setback boundary area.
b. Potential for erosion (increase rills) on the neighboring property as a result of moving the slope closer to the neighboring property.

c. Explanations of the angle of material repose and back cutting that could occur if headwall caving were to happen at the deepest portion of exaction in the 200 ft. setback as a result of the propose plan.

d. The ability to keep the topsoil stockpiles and overburden berms mowed without the 100 ft. buffer distance to the property line as required under normal setback conditions.

e. Potential increase in noise to neighboring properties as a result of excavation and grading in the required setback area.

f. Increase visual impairment as a result of excavation and grading occurring outside of the normal 200 foot setback for a deeper and larger excavation area.

g. The difference in ability to crop the proposed 16% slope within the 200 ft. setback area vs. the non-sloped farmland if the required setbacks were followed.

3. The current conditional use approval requires the property as a whole to be rezoned back to the A-1 zone district upon reclamation and be returned to agricultural use. The application does not state the agricultural use proposed for the 27-acre pond. A request for modification from the Gravel Pit Policies requirement to return the pond area to agricultural use must be included on the application.

4. All non-approved continued excavation and grading within the 200 ft. setback area must stop immediately.

The pond would be located between an abandoned Town landfill on the east and the Millard Feed Mill on the west. Both facilities have been and may be under monitoring review for potential groundwater contamination. The Committee may wish to hold the hearing and then table the decision and direct the applicant to obtain Dept. of Natural Resources and Department of Agriculture input into concerns with creating a pond within the same groundwater and in proximity of the landfill and Millard Feed Mill.

The Conservation Office prefers that the hearing for expansion of use of the gravel pit by conditional use is held jointly with review of the new reclamation plan.

APPLICATION STATUS: ______COMPLETE _____X_____INCOMPLETE

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.**
JHGKL, LLC – Owner
Super Aggregates – Jack Pease Applicant
CU for Mineral Extraction Expansion (Gravel Pit)
Section 9, Sugar Creek Township
Zoning Map
CONDITIONAL USE PERMIT APPLICATION FOR WALWORTH COUNTY

The undersigned hereby applies to the Walworth County Zoning Agency pursuant to Section 4 of the Code of Ordinances (Zoning/Shoreland Zoning), Walworth County, Wisconsin for a conditional use permit and represents as follows:

OWNER OF SITE_ JMO PROPERTIES LTD
ADDRESS: PO BOX 351, FONTANA, WI 53125
APPLICANT (If other than owner) ____________________________________________
ADDRESS ______________________________________________________________
PHONE NUMBER (Owner) 262-949-4907
PHONE NUMBER (Applicant) ________________________________________________

TAX KEY NUMBER OF SITE_ EA2711000001
LEGAL DESCRIPTION OF SITE_ LOT 1 CERTIFIED SURVEY NO. 27/11 AS RECORDED IN VOL 14 OF C.S. ON PAGE 34 WCR, LOCATED IN NW 1/4 NW 1/4 SEC 3 T 1N R10E. 217300 SQ FT (GROSS) 202787 SQ FT (NET) OUT OF E W 35-1

ZONING DISTRICT_ A-1 PRIME AGRICULTURAL LAND DISTRICT
TYPE OF STRUCTURE_ EXISTING FARM BUILDING
PROPOSED USE OF STRUCTURE OR SITE IN DETAIL_ 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 submitted before this application will be processed. (Refer to Section 74-185 if applicable.)
- Plat of survey or scale map of subject site.
- Site Plan showing location of buildings, roads and other pertinent facilities.
- Highway access locations.
- Drainage plan.
- Waste Disposal Plan.
- Operational Plan.
- 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.
- Start-up and completions date for installation of all improvements: Start ______ Completion ______
- Enclose required fee (see schedule) Amount Enclosed: _______________________

FAILURE TO APPEAR MAY RESULT IN THE HEARING EITHER BEING POSTPONED AND/OR THE CONDITIONAL USE APPLICATION BEING POSTPONED OR DENIED.

DATE 9/1/2020 SIGNED ____________________________________
PROPERTY OWNER’S SIGNATURE _______________________________________________________________________

LIMIT 20 ITEMS PER MEETING, SUBMIT YOUR APPLICATION AS EARLY AS POSSIBLE

Contact should be made with the applicable Township for recommendation. The Walworth County Zoning Agency may request more information if deemed necessary to properly evaluate your request. THE LACK OF INFORMATION REQUESTED MAY IN ITSELF BE SUFFICIENT CAUSE TO DENY A PETITION. It is strongly suggested that all applicants schedule a pre-application review of their completed application prior to submittal to the Land Use and Resource Management Department. If you have any questions regarding the procedure, please contact the Zoning Office at 262-741-4972.

LURM Staff Initials __________________________________________________________________________________

Refunds only when applicable (Revised 11-23-09)
JMO Properties LTD
Amend of CU
Section 35, Walworth Township
Zoning Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION:  __X_____REZONE  
_______CONDITIONAL USE

NAME: Michael Fields Agricultural Institute – Owner

LOCATION: The property of concern is located in the NW ¼ of Section 30, East Troy Township and is identified a part of Tax Parcel PA120200001

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

ZONING: The property of concern is zoned P-2 Institutional Park District.  The requested zoning is B-2 General Business District. The rezone is accompanied by a conditional use petition for a Planned Unit Development with Church use.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting to rezone approximately 2.3 acres being all of the P-2 Institutional Park District zoned property on the parcel to the B-2 General Business District in order to obtain a conditional use permit approval for a Planned Unit Development (PUD) for multiple offices, businesses and retail uses on site including use by a church. The property is intended to be transferred to the Yggdrasil Land Foundation. Michael Fields Agricultural Institute Inc. would continue to be a tenant user of the site along with multiple other proposed businesses and a church with up to 40 people.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the G Governmental and Institutional land use categories for the rezone area and PEC Primary Environmental Corridor in the wetland portion of the property.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north is property zoned R-1 and the Village of East Troy.  
To the east are properties zoned A-4.  
To the west is land zoned A-2.  
To the south is property zoned C-4, C-1 and A-1.
SITE CHARACTERISTICS: The following soil types are found on this site:

- WhB Class II  Warsaw silt loam, 2 to 6% slope
- WhA Class II  Warsaw silt loam, 0 to 2% slope
- Ac Class IV   Adrian muck

IMPACT ON ROADS AND TRAFFIC:

The site is served by a two private drive off of Townline road to the west of the parcel. One paved drive and one gravel drive.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The barn would have to obtain variances for changing the zone district and use of the building.

Proposed church would be a change of use. Structures with a change of use not meeting the required setbacks would require a variance from the Board of Adjustment. Depending on the structure that is going to be used for church activities a variance may be needed as the Zoning Ordinance states church structures shall not be less than 50 ft. from any lot line. The site plan needs to show the location, seating capacity and size of church use area. Parking and any possible signage for the church shall be required to be shown on the site plan and demonstrate both shall adhere to the Zoning Ordinance standards.

The area for the retail space would have to be shown on the site plan so as to come up with the proper parking requirements. The park would also need to be shown on the plan. If the retail space for the farming and gardening is on the neighboring property in the A-4 zoned area then a separate conditional use for a Farmer’s Market would be required.

Wedding and events (Public Assembly Uses) have not been reviewed as the narrative stated they are not being done at this time.

All uses proposed under a PUD conditional use must be defined so that proper parking and setbacks can be known. The parking lot should be drawn out showing the layout of the drives, stalls, and size. Each stall has to be at least 180 sq. ft. and the drives at least 24 ft. wide. Parking in a B-2 district is required to be setback 25 feet from the road right of way and 25 ft. from any residential (i.e. R-1) zoned property.

A septic designer must evaluate the existing septic systems for each building based on current use and proposed use. The Sanitation Department will need to be provided a baseline showing what is existing vs. what may be needed based on the proposed uses. The proposed tenants/ businesses create different waste flows/ waste streams that need to be taken into account to ensure any current or proposed system can handle these wastes. Anytime change or modify of the waste flows are proposed by change of the uses on site such as in this case, there needs to be documentation showing the existing septic systems can handle the proposed modifications.

A proposed four lot certified survey map of approximately 20 acres of Michael Fields Agricultural Institute property was submitted August 28, 2019. A conditional CSM approval letter was sent September 11, 2019. This conditional approval required several items to be addressed before providing a revised copy for final review and approval. The CSM will need to be approved prior to action on the rezone and conditional use.
On June 1, 2020 LURM received an email from the surveyor including a draft copy of the CSM with revisions for review. Some additional minor changes still needed to be made. In addition, this draft had changed the proposed CSM from 4 lots to 3 lots. That change will require the proposed CSM to go back through the review process at the State of Wisconsin Department of Administration. The applicants must reach out to the Town of East Troy and the Village of East Troy to determine if the Town and/or Village feels they need to re-review a change of that type.

The request for a Planned Unit Development (PUD) which includes Commercial land uses in the Governmental and Institutional land use area will need to be justified as consistent with the Land Use Plan prior to County action on the rezone petition.

In order to review a conditional use petition LURM must have a plan of the areas to be used by the various uses. The area may not be labeled as likely or potential. If a conditional use permit is issued for areas designated on the site plan and the designated areas change then an amendment to the conditional use for the PUD would be required at the time of the proposed change.

The asphalt within the 25 foot setback from the R-1 zoned area labeled on the site plan as pavement to be removed should be drawn as removed rather than to be removed and if the asphalt is still present then have it removed prior to the hearing on the rezone and conditional use.

There is a 100 year floodplain boundary line extending to the east side of the barn along a drainage channel that may or may not be present on site. Explanation of the drainage along this area will need to be provided prior to a decision on the rezone and conditional use.

APPLICATION STATUS: ________COMPLETE  ____X_____INCOMPLETE
the summer of 2020. YLF is seeking to rezone the western 2.04 acres, currently P2, to B2 and has received approval from the Town of East Troy to do so (letter from the town has been submitted previously). In addition, Yggdrasil is requesting two Conditional Use Permits:

1) Planned Unit Development for multiple business tenants
2) Church conditional use for up to 40 people

Figure 2: Survey Map showing the remaining 8.87 acres that will transfer to Yggdrasil Land Foundation in summer 2020. Approximately 2.04 acres is zoned P2, and applicant is requesting this portion to be zoned B2. See full CSM attached.

The transfer of the 8.87 acres to YLF is taking place because a) MFAI no longer needs the whole campus to carry out their work b) MFAI is presently unable to make the necessary investments in deferred maintenance that are needed on the campus and c) because all parties concur that a new vision is needed for the campus. MFAI will continue as one tenant on the campus and YLF will make major investments in upgrades and needed repairs.
Michael Fields Agricultural Institute
Rezone and CU
P-2 to B-2 W/
CU for PUD and Church
Section 30, East Troy Township
Zoning Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

**PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY**

**TYPE OF PETITION:** 
- _____ REZONE  
- __X__ CONDITIONAL USE

**NAME:** Michael Fields Agricultural Institute – Owner

**LOCATION:** The property of concern is located in the NW ¼ of Section 30, East Troy Township and is identified a part of Tax Parcel PA120200001

**TOWN RESPONSE:** 
- Approved: ___  
- Denied: _____  
- No Action: __X__  
- Tabled: _____

**ZONING:** The property of concern is zoned P-2 Institutional Park District.

The requested zoning is B-2 General Business District. The rezone is accompanied by a conditional use petition for a Planned Unit Development with Church use.

**PROJECT DESCRIPTION:**

The application indicates: The property owner is requesting to rezone approximately 2.3 acres being all of the P-2 Institutional Park District zoned property on the parcel to the B-2 General Business District in order to obtain a conditional use permit approval for a Planned Unit Development (PUD) for multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church. The property is intended to be transferred to the Yggdrasil Land Foundation. Michael Fields Agricultural Institute Inc. would continue to be a tenant user of the site along with multiple other proposed businesses and a church with up to 40 people.

**CONFORMANCE WITH COUNTY LAND USE PLAN:**

The Walworth County 2050 Land Use Plan identifies this area as the G Governmental and Institutional land use categories for the rezone area and PEC Primary Environmental Corridor in the wetland portion of the property.

**COMPATIBILITY WITH SURROUNDING LAND USES:**

To the north is property zoned R-1 and the Village of East Troy.  
To the east are properties zoned A-4.  
To the west is land zoned A-2  
To the south is property zoned C-4, C-1 and A-1.
SITE CHARACTERISTICS: The following soil types are found on this site:

- WhB Class II Warsaw silt loam, 2 to 6% slope
- WhA Class II Warsaw silt loam, 0 to 2% slope
- Ac Class IV Adrian muck

IMPACT ON ROADS AND TRAFFIC:

The site is served by a two private drive off of Townline road to the west of the parcel. One paved drive and one gravel drive.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The barn would have to obtain variances for changing the zone district and use of the building.

Proposed church would be a change of use. Structures with a change of use not meeting the required setbacks would require a variance from the Board of Adjustment. Depending on the structure that is going to be used for church activities a variance may be needed as the Zoning Ordinance states church structures shall not be less than 50 ft. from any lot line. The site plan needs to show the location, seating capacity and size of church use area. Parking and any possible signage for the church shall be required to be shown on the site plan and demonstrate both shall adhere to the Zoning Ordinance standards.

The area for the retail space would have to be shown on the site plan so as to come up with the proper parking requirements. The park would also need to be shown on the plan. If the retail space for the farming and gardening is on the neighboring property in the A-4 zoned area then a separate conditional use for a Farmer’s Market would be required.

Wedding and events (Public Assembly Uses) have not been reviewed as the narrative stated they are not being done at this time.

All uses proposed under a PUD conditional use must be defined so that proper parking and setbacks can be known. The parking lot should be drawn out showing the layout of the drives, stalls, and size. Each stall has to be at least 180 sq. ft. and the drives at least 24 ft. wide. Parking in a B-2 district is required to be setback 25 feet from the road right of way and 25 ft. from any residential (i.e. R-1) zoned property.

A septic designer must evaluate the existing septic systems for each building based on current use and proposed use. The Sanitation Department will need to be provided a baseline showing what is existing vs. what may be needed based on the proposed uses. The proposed tenants/ businesses create different waste flows/ waste streams that need to be taken into account to ensure any current or proposed system can handle these wastes. Anytime change or modify of the waste flows are proposed by change of the uses on site such as in this case, there needs to be documentation showing the existing septic systems can handle the proposed modifications.

A proposed four lot certified survey map of approximately 20 acres of Michael Fields Agricultural Institute property was submitted August 28, 2019. A conditional CSM approval letter was sent September 11, 2019. This conditional approval required several items to be addressed before providing a revised copy for final review and approval. The CSM will need to be approved prior to action on the rezone and conditional use.
On June 1, 2020 LURM received an email from the surveyor including a draft copy of the CSM with revisions for review. Some additional minor changes still needed to be made. In addition, this draft had changed the proposed CSM from 4 lots to 3 lots. That change will require the proposed CSM to go back through the review process at the State of Wisconsin Department of Administration. The applicants must reach out to the Town of East Troy and the Village of East Troy to determine if the Town and/or Village feels they need to re-review a change of that type.

The request for a Planned Unit Development (PUD) which includes Commercial land uses in the Governmental and Institutional land use area will need to be justified as consistent with the Land Use Plan prior to County action on the rezone petition.

In order to review a conditional use petition LURM must have a plan of the areas to be used by the various uses. The area may not be labeled as likely or potential. If a conditional use permit is issued for areas designated on the site plan and the designated areas change then an amendment to the conditional use for the PUD would be required at the time of the proposed change.

The asphalt within the 25 foot setback from the R-1 zoned area labeled on the site plan as pavement to be removed should be drawn as removed rather than to be removed and if the asphalt is still present then have it removed prior to the hearing on the rezone and conditional use.

There is a 100 year floodplain boundary line extending to the east side of the barn along a drainage channel that may or may not be present on site. Explanation of the drainage along this area will need to be provided prior to a decision on the rezone and conditional use.

APPLICATION STATUS: _____COMPLETE  ____X_____INCOMPLETE

General:

1. Approved per plans submitted for a Planned Unit Development (PUD) for multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church with all additional conditions.

2. All uses shall be located as defined on the plan of operations.

3. This conditional use contains an overall umbrella approval for the PUD for multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church on one parcel and an individual conditional use for each enterprise. Enforcement actions may be taken on the PUD as a whole or the conditional use approvals individually.

4. No business activities other than specified in the plan of operations may be conducted from out of the multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church.

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

6. The applicant must obtain all required zoning permits including sign permits.

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

8. No filling shall occur on site without a site grading plan and proper permit approval.
9. All areas shall be kept neat, clean and mowed.

10. All outside lighting shall be shielded and directed on site.

11. No fuel storage shall be located on site.

12. Access approval must be obtained from the Town of East Troy and be submitted for the conditional use file prior to operation on site.

13. All cars and trucks shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. 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 shall be properly install prior to use of the site.

14. 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.

15. The hours of operation shall be from 6:00 a.m. to 9:00 p.m.

16. No outside storage of building construction equipment or materials shall be allowed on site at the conclusion of building construction for the project.

17. 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 require by ordinance.

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

19. The property owner must maintain adequate liability insurance during use of the property and keeps the insurance current during the life of this conditional use.

20. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Linn 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.

21. 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.

22. 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. Both office building and mini-warehouse storage building construction must be occurring in order to be considered exercising this conditional use.

Specific:
23. There shall be no through access from other property outside of the lot development allowed on the private drive without additional Town and County approval.

24. The property owner must obtain specific Town approval for the type of surface to be installed for the drives providing access to the facilities.
research will be housed in the Main Building's basement lab and consists of plant research focused on organic corn breeding. The white barn on the property provides supplemental storage and staging areas for Michael Fields' research activities.

IV. Variance for non-conforming White Barn on campus

In 2006, Walworth County approved a Town of East Troy resolution vacating 8 feet of the Townline Road Right of Way to bring the White Barn on the western edge of the property into compliance. Previously, the western end of the barn encroached on the ROW. The July 6th CSM from Michael Gresson shows the resulting lines (Excerpt from CSM is below). The recorded resolution is also included in these documents. With this application for a rezone, Yggdrasil will be approaching the County Board of Adjustment for a variance related to the use under B2 zoning.

V. Aerial View of Campus Spaces:

- Paved Parking Area
- Main Building
- Gravel Parking Area
- Garden Shed for use by on farmers on adjacent parcel to the east (PA1202000002): equipment and tool storage, supplies, cooler storage for vegetables and flowers.
VI. Floorplans and Spaces:

Main building: 6920 rentable square feet

1st floor kitchen and pantry: 500 sq feet

1st floor offices: 840 sq feet

2nd floor Office: 1300 sq feet

2nd floor church meeting space: 1500 sq feet

3rd Floor Mezzanine Office: 780 sq feet.

Basement lab: 2000 sq feet for research and storage.
White Barn: 2925 rentable square feet

White Barn
Main Floor

2nd floor (Main Floor)
Offices: 450 sq feet

3rd floor Offices: 475 sq feet

White Barn
3rd Floor

Lower level Offices: 2000 sq

RECEIVED
JUL 08 2020
WALWORTH COUNTY LAND USE
RESOURCE MANAGEMENT DEPT.
VII. Floodplain/drainage

There is a small section of 100-year flood plain that extends north into the P2 parcel, along the east side of the main building (pictured in blue outline below). We are aware of this issue and will not alter the floodplain area without first consulting with zoning officials. Currently, this is a somewhat wet area and water drains south to Honey Creek, as indicated with the orange arrow.

VIII. Septic and Fire Considerations

We will be consulting with County Sanitation and Fire officials to ensure that we are in compliance in those areas.

IX. Parking Needs and Plan

Please see the attached Parking Plan from Kapur, showing 36 spaces. Parking calculations are as follows:

RECEIVED
JUL 08 2020
WALWORTH COUNTY LAND USE
RESOURCE MANAGEMENT DEPT.
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: Maple Lawn Estates, LLC C/O Allen Polyock - Owner, Zenda Rail, LLC C/O Jake Polyock – Applicant

LOCATION: The property of concern is located in the NE ¼ of Section 33, Linn Township and is identified as the A-4 zoned portion of Tax Parcel I L 3300003.

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

ZONING: The property is zoned A-4 Agricultural Related Manufacturing Warehousing and Marketing District. The A-4 zoned area has a current conditional use for a grain storage facility.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting conditional use permit review for the installation of new 156 diameter grain storage bin that will be capable of holding 1.4 million bushels of grain, relocation of an existing 15 ft. by 30 ft. block building and to expand an approved 27 ft. diameter storage bin to a 48 ft. diameter bin for soybean cleaning byproducts all as part of an existing grain storage facility as per plan submitted. The new 156 ft. diameter bin is designed to replace the lost outside ground storage area that was on the neighboring property as that area is now been approved for off season boat storage. The project could accommodate roughly 100 more trucks per year based on an average annual crop yield. The interior storage will alleviate any past issues of noise and dust caused by the former ground storage pile.

CONFORMANCE WITH COUNTY LAND USE PLAN:

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

COMPATIBILITY WITH SURROUNDING LAND USES:

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

<table>
<thead>
<tr>
<th>Class</th>
<th>Soil Type Description</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>FsA</td>
<td>Class II Fox silt loam, 0 to 2% slopes</td>
<td>15</td>
</tr>
<tr>
<td>FsB</td>
<td>Class II Fox Silt Loam, 2 to 6% Slope</td>
<td>10</td>
</tr>
<tr>
<td>CeB2</td>
<td>Class III Casco Loam, 2 to 6% slope, eroded</td>
<td>15</td>
</tr>
<tr>
<td>CeC2</td>
<td>Class IV Casco Loam, 6 to 12% slope, eroded</td>
<td>2</td>
</tr>
<tr>
<td>SeA</td>
<td>Class I St. Charles Silt Loam, gravelly Substratum, 0 to 2% slope</td>
<td>15</td>
</tr>
<tr>
<td>SeB</td>
<td>Class II St. Charles Silt Loam, gravelly Substratum, 2 to 6% slope</td>
<td>35</td>
</tr>
<tr>
<td>GP</td>
<td>Gravel Pit</td>
<td>7</td>
</tr>
<tr>
<td>MmA</td>
<td>Class II Matherton silt loam, 1 to 3% slopes</td>
<td>1</td>
</tr>
</tbody>
</table>

The site contains 92% prime farm soils.

IMPACT ON ROADS AND TRAFFIC:

The site is served by a private drive off of Zenda Road to the east 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.

The grain elevator is an allowable use in the A-4 District as a farm related use and is consistent with the Walworth County Land Use Plan 2050 and the Farmland Preservation Statutes.

Amended 8-20-2020 for expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin and a new conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building.
Amended for additional leg elevator and dump pit 3-20-2014

NAME: Maple Lawn Estates, LLC c/o Allen, Gail– Owners, Zenda Rail, LLC C/O Jake Polyock - Applicant
Gordon Polyock Family Trust
Jeanette H Polyock Trust
TOWN: Linn

AMENDED Conditional Use 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 and a new conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building.

The application indicates: An amendment of the existing conditional use is proposed for the addition of a leg elevator and dump pit to serve existing approved grain silos. The elevator and dump pit will improve grain routing between the storage silos.

Tax Parcel(s) I L3300003

Has been APPROVED subject to the following conditions:

General:

1. Approved as per revised plan submitted June 23, 2011 and amended to allow an additional 78 foot diameter grain storage bin and a dual zoned driveway as recommended by the Town and amended as per plan submitted March 14, 2013 to allow the addition of a 60 ft. diameter grain silo, a grain dryer alteration from a 20 ft. X 20 ft. dryer to a 30 ft. diameter dryer and a leg elevator tower and amended March 20, 2014 for an additional leg elevator and dump pit and further amended August 20th, 2020 to allow expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin and a new conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building as per plan submitted as a grain elevator facility with all additional conditions.

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

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

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

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

6. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office. The applicant must submit and obtain approval of a landscaping plan from the County Conservation Office.

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

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

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

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

12. No general public sales allowed on premises.

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

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

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

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

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

Specific conditions:

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

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

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

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

Dated this 18th of April, 2013.

________________________________
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN
Dated this 20th day of March, 2014.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN
Maple Lawn Estates LLC C/O Jake Polyock
Amend CU for Addition Grain Storage
And CU for 156 ft. Diameter Bin
Section 33, Linn Township
Zoning Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION: _____ REZONE

___X___CONDITIONAL USE

NAME: Alex and Helen Wasyliw – Owners, S&P Premier Investments/Pinno Buildings C/O Greg Dziedzic - Applicant

LOCATION: The property of concern is located in the SW ¼ of Section 23, Delavan Township and is identified as Tax Parcel FA186700001.

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

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

PROJECT DESCRIPTION:
The application indicates: The property owners are requesting conditional use review and approval for a Planned Unit Development (PUD) for office space, retail and off season mini-warehouse storage principle uses on a proposed C.S.M. lot on lands zoned B-2 General Business District. The property is to be served by public sewer and proposed a private road. The private road crosses the lot containing the PUD and serves two other lots of a proposed three lot C.S.M. The PUD lot is served by stormwater management basins on easements.

CONFORMANCE WITH COUNTY LAND USE PLAN:
The Walworth County 2050 Land Use Plan identifies this area as the C Commercial land use categories. Approximately half of the 3 lot development is in the shoreland area of Delavan Lake.

COMPATIBILITY WITH SURROUNDING LAND USES:
To the north is property zoned B-2, A-1 and P-2
To the east is property zoned B-2, R-5 and P-2
To the west is land zoned B-4.
To the south is property zoned B-2.

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

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

The site is served by of the parcel a proposed private road off of Town Hall Road to the north of the property.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The application will need to be filled out correctly including the property owner’s name and address on the ownership line and have the signature of the current property owner.

The project indicates the road would be private and on an easement but shows a T-turnaround rather than the required 60 foot diameter cul-du-sac. The Walworth County Subdivision Control Ordinance requires all private roads that terminate to have the required cul-du-sac. A T-turnaround could be approved as a modification of the road standard for a roadway that will be dedicated to the Town. If the roadway is to remain private on an easement then the site plan must be revised to show the required cul-du-sac. A roadway on an easement would not allow for future through access from the neighboring property. A maintenance agreement shall be required to be provided demonstrating how the roadway in the easement will be managed.

The Conservation Office has reviewed the site development plan and the preliminary storm water management plan for the application referenced above and respectfully provide the following comments.

1. The site development plan includes the construction of a private roadway to access three proposed commercial lots. The preliminary storm water management plan review application indicated this development will require approximately 146,000 square feet of land disturbance and will result in the establishment of over 112,461 square feet of impervious surfaces, (driveways, roof tops, parking lots). An exhibit should be prepared to determine how the impervious surfaces under full build-out conditions was calculated.

2. A preliminary storm water management plan was submitted to the Walworth County Land Conservation Division on June 25, 2020 and was prepared by Cardinal Engineering. The submittal was incomplete. A soil investigation and evaluation of the site for infiltration and within the footprint of the proposed storm water management facilities was not provided. The Land Conservation Division Staff will prepare a storm water management review letter after the required soil morphological investigation and evaluation for infiltration and the planned storm water management facilities has been submitted.

3. The site development plan shows the location of two storm water management practices and a storm water conveyance system consisting of vegetated swales. It appears a wet detention pond and a "dry-basin" are planned to manage storm water runoff under developed conditions. The planned storm water management best management practices must be labeled on the development plan and the storm water management plan with the correct technical name, (wet detention pond, vegetated swale and infiltration basin or bioretention device.)

4. The storm water management practices must be located on an outlot(s). Section 26-16 of the Walworth County Storm Water Management Ordinance states:

   Ownership (of the storm water BMPs) shall be the same as those assigned the maintenance responsibilities....
   For subdivisions, all storm water BMPs that collect runoff from more than one lot shall be located on outlots. For all privately owned outlots, ownership shall be by proportional undivided interest for all property that are within the control of applicant and drain to the BMP. However, the applicant may combine ownership of more than on BMP within the site.
5. Access. The development plan and the storm water management plan must include a 15' wide access easement of adequate soil conditions or surfacing to withstand loads produced by standard construction equipment to perform inspection and maintenance of all features of storm water management practices.

6. The operation and maintenance plan for the storm water management plan should include a method to dewater the wet detention pond to facilitate dredging accumulated sediment, when needed.

7. The storm water management plan should consider the establishment of native plantings and not mowing around the perimeter of the wet detention pong to discourage geese.

8. The WisDOT should review and approval of the location of the proposed wet detention pond to insure that the location and the discharge point is acceptable within or near their ROW.

9. Well Separation. The location of any storm water management facility must be certain distances from public, community and private wells. The preliminary storm water management plan should insure these clearances will be met by locating the wells near the development site.

APPLICATION STATUS: ________COMPLETE  ____X_____INCOMPLETE

General:

1. Approved per plans submitted for a Planned Unit Development for indoor off season/mini-warehouse storage and an office building with offices and potential retail sales with all additional conditions.

2. All storage areas shall be located as defined on the plan of operations.

3. This conditional use contains an overall umbrella approval for the PUD for the indoor off season/mini-warehouse storage and an office building with offices and potential retail sales on one parcel and an individual conditional use for each enterprise. Enforcement actions may be taken on the PUD as a whole or the conditional use approvals individually.

4. No general public sales allowed from the indoor storage facility. No business activities other than specified in the plan of operations may be conducted from out of the contractor storage facilities or proposed office building.

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

6. The applicant must obtain all required zoning permits including sign permits.

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

8. No filling shall occur on site without a site grading plan and proper permit approval.

9. All areas shall be kept neat, clean and mowed.

10. All outside lighting shall be shielded and directed on site.

11. No fuel storage shall be located on site.

12. Access approval must be obtained from the Town of Delavan and be submitted for the conditional use file prior to operation on site.
13. All cars and trucks shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. 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 shall be properly install prior to use of the site.

14. 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.

15. The storage facilities hours of operation shall be from 6:00 a.m. to 6:00 p.m.

16. No outside storage of building construction equipment or materials shall be allowed on site at the conclusion of building construction for the project.

17. 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.

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

19. The property owner must maintain adequate liability insurance during use of the property and keeps the insurance current during the life of this conditional use.

20. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Linn 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.

21. 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.

22. 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. Both office building and mini-warehouse storage building construction must be occurring in order to be considered exercising this conditional use.

Specific:

23. The tee turnaround on the private road shall be replaced with the required 60 foot diameter cul-du-sac and all setbacks shall be adjusted for the change in the roadway easement.

24. There shall be no through access from other property outside of the three lot development allowed on the private drive without additional Town and County approval. There shall never be more than 10 lots or units served by the private roadway.
25. The building envelope for the office building must be removed from the portion of the property affected by the stormwater basin drainage easement.

26. The property owner must obtain specific Town approval for the type of surface to be installed for the drives providing access to the storage units.

27. Phase I of the development plan or construction plan must include the construction of all the planned stormwater management practices to serve the facility on all three lots under full built-out conditions.
S&P Premier Investments
CU for PUD
Section 23, Delavan Township
Zoning Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION:  _______REZONE

___X___CONDITIONAL USE

NAME:  Caryn and Alan Hayden - Owners

LOCATION:  The property of concern is located in the SW ¼ of Section 11, Sugar Creek Township and is identified a part of Tax Parcel G SC1100001C.

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

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

PROJECT DESCRIPTION:

The application indicates:  The property owners are requesting conditional use permit review and approval for a 10 ft. 3 inch by 19 ft. 4 inch utility building for the storage of high speed internet/broadband and phone service equipment including routers, switches, servers and battery backup systems for Edge Broadband on lands zoned A-2 Agricultural.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The Walworth County 2050 Land Use Plan identifies this area as the AG1 Other Agricultural Rural Residential and Other Open Lands (five to 34 acres per dwelling) land use categories.

COMPATIBILITY WITH SURROUNDING LAND USES:

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

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

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

IMPACT ON ROADS AND TRAFFIC:

The site is served by a separate utility drive off of Hwy A to the south of the parcel.
OTHER RELEVANT DATA – RECOMMENDATIONS:

Edge Broadband is using an agricultural building in Whitewater Township on Hwy P that was converted illegally into the business headquarters. The violation includes improper zoning and potential fill in wetlands for the parking area on which the business keeps its equipment. The Land Use and Resource Management Department had begun enforcement actions on this site on July 25th, 2019 and has yet to receive application for the required rezoning and conditional use to bring the headquarters site into compliance. This headquarters building would be used in conjunction with the equipment building proposed by this conditional use.

APPLICATION STATUS: ____X____COMPLETE _________INCOMPLETE

General:

1. Approved as per plan submitted for a 10 ft. 3 inch by 19 ft. 4 inch utility building for the storage of high speed internet/broadband and phone service equipment including routers, switches, servers and battery backup systems with all additional conditions as added.

2. Any proposed buildings shall be of an earth tone or neutral color (I.E. beige or tan).

3. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.

4. Construction related activities are only allowed on site between sunrises to sunsets.

5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.

6. All spoils spreading activities must be conducted in the approved identified locations.

7. All access to the site must be made as identified on the approved plan.

8. All contractor storage yards shall be located as identified on the approved plan and used as specified.

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

10. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.

11. The pre-existing contours of all floodplain areas affected by the utility installation must be adequately matched during restoration so as to meet the requirements of the County shoreland/floodplain regulations.

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.

14. The applicant is responsible for removal of the utility building if it is no longer in use. If the utility 
discontinued for a continuous period of 12 months, it may be considered abandoned. Abandoned 
utilities may be required to be removed within 90 days.

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

Specific:
Property Exhibit

A Portion of Tax Parcel GSC 1100001C,
located in the Northeast 1/4 of the Southwest 1/4 of Section 11, Town 5 North, Range 16 East, Town of Sugar Creek, Walworth County, Wisconsin.

Legal Description of Tax Parcel GSC 1100001C:
A parcel of land described as a Warranty Deed recorded February 3, 1994 in Vol. 311 on Page 44 in Document No. 328271 as follows below:
Commencing at the Rural School of Section 11, T5N, R16E, Walworth County, Wisconsin, in Section 11, T5N, R16E, Walworth County, Wisconsin, and running as follows:
1. A line of 100 feet along the West line of said section 11, in the Northeast 1/4 of section 11, T5N, R16E, Walworth County, Wisconsin, as described in the Kansas Sealed Instruments, Volume 24, Page 58.
2. A line of 100 feet along the line of Section 11, T5N, R16E, Walworth County, Wisconsin, as described in the Kansas Sealed Instruments, Volume 24, Page 58.

Surveyed by:
Edge Broadbent
P.O. Box 336
Waukesha, Wisconsin 53186

Copyright © 2020 by Edge Land Surveying, LLC.

Notes:
1. This Plat of Survey is not certified unless so indicated as noted in red ink.
2. This survey is subject to Wisconsin State laws.
3. This Plat of Survey is the whole of interest in the facts, Last noted as of record.
4. The Survey plat shows the Plat of Survey is the conclusion date of the survey.

06/24/2020
Douglas G. Dube
Edge Land Surveying, LLC
Caryn and Alan Hayden
CU for Utility
Section 11, Sugar Creek Township
Zoning Map
This report was prepared prior to the public hearing. This report may be supplemented or amended to reflect the review of additional information presented at the public hearing and written material submitted up to the meeting at which the decision is made by the Walworth County Zoning Agency.

**PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY**

**TYPE OF PETITION**

__________REZONE  

_____X____CONDITIONAL USE

**NAME:** Katheryn Babcock Shaffer Trust C/O Jack Shaffer - Owner

**LOCATION:** The property of concern is located in the SW ¼ of Section36, East Troy Township and is identified as part of Tax Parcel P ET3600007.

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

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

**PROJECT DESCRIPTION:**

The application indicates: The property owner is requesting conditional use review and approval for land restoration for the creation of a 10 acre, 12 foot deep pond and associated spoils area and berms. The pond is intended to serve as a recreational pond and wildlife viewing area.

**CONFORMANCE WITH COUNTY LAND USE PLAN:**

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

**COMPATIBILITY WITH SURROUNDING LAND USES:**

To the north west and south are land zoned C-2 and A-1.  
To the east are lands zoned A-1 and A-2.

**SITE CHARACTERISTICS:**

<table>
<thead>
<tr>
<th>Soil Code</th>
<th>Class</th>
<th>Description</th>
<th>% of Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>FsC2</td>
<td>Class III</td>
<td>Fox Loam, 6 to 12% slope, eroded</td>
<td>20%</td>
</tr>
<tr>
<td>MgA</td>
<td>Class II</td>
<td>Martinton silt loam 1 to 3% slope</td>
<td>15%</td>
</tr>
<tr>
<td>MmA</td>
<td>Class II</td>
<td>Matherton silt loam, 1 to 3% slopes</td>
<td>15%</td>
</tr>
<tr>
<td>MzFA</td>
<td>Class III</td>
<td>Mundelein silt loam, 1 to 3% slopes</td>
<td>10%</td>
</tr>
<tr>
<td>Sm-</td>
<td>Class IIw</td>
<td>Sebewa silt loam</td>
<td>10%</td>
</tr>
<tr>
<td>SeA</td>
<td>Class I</td>
<td>St. Charles Silt Loam, gravelly Substratum, 0 to 2% slope</td>
<td>10%</td>
</tr>
<tr>
<td>ShA</td>
<td>Class II</td>
<td>Saylesville silt loam, 0 to 2% slope</td>
<td>10%</td>
</tr>
<tr>
<td>FsB</td>
<td>Class II</td>
<td>Fox Silt Loam, 2 to 6% Slope</td>
<td>5%</td>
</tr>
<tr>
<td>MxC2</td>
<td>Class III</td>
<td>Miami Loam, Sandy Loam Substratum, 6 to 12% slope, eroded</td>
<td>5%</td>
</tr>
</tbody>
</table>
The site contains 100% prime farm soils.

IMPACT ON ROADS AND TRAFFIC:

The site is served by Honey Creek Road to the south and Bell School Road to the east of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The location of the pond is separated from the proposed spoils disposal location by an intermittent stream/farm ditch. The Committee may wish to inquire how the spoils are going to be transported to the disposal location on the other side of the channel. Will spoils be transported on the Town Road or some type of temporary wetland fill crossing?

APPLICATION STATUS: _____X_____COMPLETE  __________INCOMPLETE

FINDINGS FOR CUP:

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

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

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

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

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

General:

1. This facility is approved per plan submitted for land restoration for the creation of a 10 acre, 12 foot deep pond and associated spoils area and berms with all additional conditions.

2. Use of the site shall be strictly limited to the materials specified in the plan of operations. All materials generated from the site must remain on site.

3. There shall be no other users of the pond other than recreation and wildlife viewing.

4. The owner/operator must comply with all Federal, State, County and local regulations. The property owner shall meet all testing and monitoring requirement prior to land application of the spoils.

5. There shall be no filling in designated wetlands without first obtaining the required agency approvals.

6. Proper access and any required road maintenance approval must be granted by the Town prior to operations.

7. There shall be no signage for the project.

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

10. 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.

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

12. 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 spoils loading and storage areas.

13. The owner/operator shall provide a copy of all required approval from D.N.R. for the conditional use
file.

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

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

16. 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.

17. 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:
SHaffer Pond Design
Tax Key Parcel # P ET3600007
Town of East Troy, Wisconsin
NOTES:
1. RIPRAPP AND GEOFABRIC SHALL MEET REQUIREMENTS FOR STANDARD SPECIFICATIONS FOR HIGHWAY AND STRUCTURE CONSTRUCTION.
CULVERT PIPE CHECK
(INSTALL ON INLET END ONLY)
# Cut/Fill Report

**Generated:** 2020-08-05 08:23:55  
**By user:** 846dg  
**Drawing:** I:\Crystal Lake\CUSGR\200901-Shaffer Pond\CAD\c3d\Design\I:\Crystal Lake\CUSGR\200901-Shaffer Pond\CAD\c3d\Design\pond-design.dwg

## Volume Summary

<table>
<thead>
<tr>
<th>Name</th>
<th>Type</th>
<th>Cut Factor</th>
<th>Fill Factor</th>
<th>2d Area (Sq. Ft.)</th>
<th>Cut (Cu. Yd.)</th>
<th>Fill (Cu. Yd.)</th>
<th>Net (Cu. Yd.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pond-Volume</td>
<td>full</td>
<td>1.000</td>
<td>1.250</td>
<td>451248.55</td>
<td>258135.86</td>
<td>0.16*</td>
<td>258135.71*</td>
</tr>
<tr>
<td>Bern-2-Volume</td>
<td>full</td>
<td>1.000</td>
<td>1.250</td>
<td>410186.25</td>
<td>0.03</td>
<td>97352.29*</td>
<td>97352.25*</td>
</tr>
<tr>
<td>Bern-1-Volume</td>
<td>full</td>
<td>1.000</td>
<td>1.250</td>
<td>14930.42</td>
<td>0.02</td>
<td>2351.56*</td>
<td>2351.53*</td>
</tr>
</tbody>
</table>

**Totals**

<table>
<thead>
<tr>
<th>2d Area (Sq. Ft.)</th>
<th>Cut (Cu. Yd.)</th>
<th>Fill (Cu. Yd.)</th>
<th>Net (Cu. Yd.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>876365.21</td>
<td>258135.92</td>
<td>99704.00*</td>
<td>158431.92*</td>
</tr>
</tbody>
</table>

* Value adjusted by cut or fill factor other than 1.0
Jack Shaffer – Owner
CU for Land Restoration (Pond)
Section 36, East Troy Township
Zoning Map

CZA September 17, 2020

Page 108
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:  Daniel Boss Trust & Cindy Boss Trust C/O Daniel Boss – Owners, Section 7, Darien Township.

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

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

ZONING:  The property is zoned M-3 Mineral Extraction District.

PROJECT DESCRIPTION:

The application indicates:  The property owner is requesting conditional use review and approval to allow Payne & Dolan, Inc. to conduct nonmetallic mining for sand and gravel along with earthmoving, crushing, washing, sorting, sizing stockpiling, transporting and reclamation on the site.  Operations are also proposed to conduct intermittent use of a portable hot-mix asphalt plant and temporary concrete plant and associated trucking and loading of asphalt and concrete products from the site.  The total site is approximately 70 acres with approximately 67 acres zoned M-3.  Materials are proposed to be hauled into the site as needed are asphalt cement, Portland cement, limestone aggregate products, recycled asphalt pavement and recycled processed shingles.  The proposed extraction area is 29.74 acres.  The remaining approximant 37.26 acres of M-3 zoned area would be crop land, buffer area, ephemeral stream and wetlands outside of the extraction area.  There would be no drilling or blasting at the site.  Hour of operation are proposed from 6:00 a.m to 6:00 p.m. Monday through Saturday with request by notice for operation outside of normal working hours for night road maintenance work.  The heaters on the asphalt plant would remain on 24 hours per day when in operation.  The estimated duration/life of the site is estimated at 20 years based on current market conditions.  The property is proposed to be rezoned back to the A-1 Prime Agricultural Zone District upon completion of reclamation.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The County 2035 Land Use Plan identifies this area as the E Extractive land use categories.
COMPATIBILITY WITH SURROUNDING LAND USES:

To the north are lands zoned A-1, B-4 and P-2.
To the east and south are properties zoned A-1, C-2 and C-4.
To the west are lands in Rock County.

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

<table>
<thead>
<tr>
<th>Class</th>
<th>Soil Description</th>
<th>% of Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>PtA</td>
<td>Plano Silt Loam, gravelly substratum, 0 to 2% slope</td>
<td>25%</td>
</tr>
<tr>
<td>WhB</td>
<td>Warsaw silt loam, 2 to 6% slope</td>
<td>55%</td>
</tr>
<tr>
<td>LyC2</td>
<td>Lorenzo loam, 6 to 12% slope, eroded</td>
<td>10%</td>
</tr>
<tr>
<td>LzD2</td>
<td>Lorenzo-Rodman complex, 12 to 20 percent slopes, eroded</td>
<td>2%</td>
</tr>
<tr>
<td>WhC2</td>
<td>Warsaw silt loam, 6 to 12% slope, eroded</td>
<td>8%</td>
</tr>
</tbody>
</table>

The site contains 88% prime farm soils. The property has been previously disturbed for a clay borrow site.

IMPACT ON ROADS AND TRAFFIC:

The site is served by a Hwy C to the north of the parcel and Hwy 14 to the north. The proposed access would be onto Hwy C.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The narrative for operations uses the wording “including but not limited to;” when explaining the types of operations to occur within the proposed site. Walworth County can only approve activities specifically requested through the conditional use application, review, and hearing process. Any review and approval shall only include specific activities described and approved by the conditional use permit. Recyclable concrete and asphalt material shall be limited to the location and quantities as specified on the approved plan of operations.

The site plan has been revised since the Pre-Application Conference removing contours for the mining area outside of the 200 foot setback. Excavation is proposed on the revised plan within the 200 foot setback for creation of a swale parallel to Hwy C needed to relocate surface water flows from off-site around the excavation area. The excavation for the swale would require variance review and approval from the Walworth County Board of Adjustment prior to action on the conditional use petition.

APPLICATION STATUS:  ________COMPLETE  _____X____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 property is proposed to be rezoned back to the A-1 zone district upon completion of reclamation.

General:

1. Approved as per the conditional use plan submitted for a sand and gravel extraction site for an aggregate mining operation with a wash plant, earthmoving, crushing, washing, sorting, sizing stockpiling, transporting with final reclamation of the site to be zoned A-1 prime Agricultural. Operation also includes intermittent use of a portable hot-mix asphalt plant and temporary concrete plant and associated trucking and loading of asphalt and concrete products from the site with all additional conditions as stated.

2. Time limit for completion of the project shall be set at 20 years from the date of this approval being September 17th, 2040.

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

4. A non-metallic Mining Reclamation Permit and Plan must be approved by the Walworth County Land Conservation Division. The applicant shall submit an acceptable form of bonding as part of the restoration plan – The bond shall remain in place for the life of the pit plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the County Land Conservation section of the Land Use and Resource Management Office. Renewals of bonds shall be submitted prior to expiration on a two year limited basis. The bond shall be release after final restoration and application for rezone back to the approved post mining land use/ A-1NC zone district. The operator will certify to the County Land Conservation Division the completion of reclamation for a portion or the entire mining site.

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

6. Hours and days of operation shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday with request by notice for operation to the Walworth County Land Use and Resource Management Department for operations outside of normal working hours for night road construction/maintenance work. The heaters on the asphalt plant would remain on 24 hours per day when in operation. No work shall be conducted on Sundays or holidays.
7. Road access and maintenance agreements shall be filed with Walworth County Highway Department and the Wisconsin Department of Transportation (DOT) prior to hauling materials off site.

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

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

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

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

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

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

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

15. All topsoil generated from the site must remain on site for use in restoration. All topsoil will be regraded evenly on the disturbed area. There shall be no borrowing of designated restoration materials from the site without specific written County approval.

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

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

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

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

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

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

22. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.
23. The applicant will be held solely responsible for maintaining support rights of neighboring property owners. Adequate setbacks from the proposed excavation to neighboring properties shall be provided to prevent damages resulting from potential cave in of the excavation walls.

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

25. The Zoning Administrator or respective designees may enter the pit in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation.

26. All corners of the excavation boundaries must be staked and may be inspected by the County Land Use and Resource Management Department or designee before operations commence under this approval. Stakes must be made of a material that will not deteriorate under normal weather conditions.

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

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

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

Specific:

30. The property owner shall provide verification from the Walworth County and Wisconsin DOT of access permit approval to Hwy C and Hwy 14 for the conditional use file prior to the conditional use being valid.
OWNER & PARCEL INFORMATION
DANIEL & CINDY BOSS TRUST
PO BOX 325
DELAVAN, WI 53115
TAX ID: B D 700-003 - TOWN OF DARIEN
ABBREVIATED LEGAL DESCRIPTION: W 1/2 NW 1/4 SEC 7 T2N R15E.
EXC COM NW COR SEC 7, E 460', S 460', N 420' TO POB. 70.41 ACRES
PARCEL SIZE: 70.41 ACRES
CURRENT LAND USE: AGRICULTURE
CURRENT ZONING: M-3 MINERAL EXTRACTION
OPERATIONS NOTES:

- STRIPPED TOPSOIL AND OVERBURDEN TO BE KEPT SEPARATE AND STORED IN TEMPORARY BERM STOCKPILES UNTIL NEEDED FOR RECLAMATION.
- CONTINUE SAND & GRAVEL EXTRACTION ACROSS PARCEL AS SHOWN.
- STONE & GRAVEL STOCKPILES WILL BE USED TO RECLAIM THE PREVIOUSLY MINED AREAS.
- UTILIZE PROPOSED ACCESS ROAD AND ENTRANCE INTERSECTION FOR DURATION OF PROJECT.
- DRAINAGE AND RUN-OFF FROM OUTSIDE THE NON-METALIC MINING AREA WILL BE DIVERTED BY TEMPORARY OR PERMANENT DIVERSION SWALE.
- TEMPORARY WASH PONDS & FRESHWATER PONDS MAY BE CONSTRUCTED DURING MINERAL EXTRACTION OPERATIONS.
- TEMPORARY WASH PONDS & FRESHWATER PONDS WILL BE FILLED-IN WITH EARTH MATERIALS UPON COMPLETION OF NON-METALIC MINING.
- TRAFFIC PATTERN AND CRUSHER/PLANT/STOCKPILES LOCATIONS SHOWN ARE APPROXIMATE AND SUBJECT TO VARY WITH ACTUAL SITE CONDITIONS.
SCALE IN FEET
100' 200'

PROPOSED LEGEND

AGRICULTURE RECLAMATION

RECLAMATION NOTES:
- FINISHED SITE CONTOURS AND CONDITIONS SHOWN APPROXIMATE AND SUBJECT TO CHANGE WITH VARIABILITY IN THE MINERAL DEPOSIT.
- AGRICULTURE RECLAMATION
  - FINISHED SLOPES MAX 5:1
  - MINIMUM DRAINAGE GRADIENT OF 1%
  - RE-ZONE PARCELS TO AGRICULTURE (A-1) UPON COMPLETION OF RECLAMATION.
  - RE-DISTRIBUTE ALL EXISTING TOPSOIL AND OVERBUREN ACROSS PARCELS.
  - FINE GRADE AND SEED UPON COMPLETION.

CZA September 17, 2020
Daniel Boss Trust
CU for Non Metallic Mining
Section 7, Darien township
Zoning Map