1. November 19, 2020 CZA Meeting Agenda
   Documents:
   
   CZA NOV 20 · AGENDA.PDF

2. November 19, 2020 CZA Meeting Packet
   Documents:
   
   CZA NOV 20 · PACKET.PDF

3. November 19, 2020 CZA Received At Meeting · Boss Opposition Docs
   Documents:
   
   CZA NOV 20 · RECEIVED AT MEETING · BOSS OPPOSITION DOCS.PDF
Country Zoning Agency
MEETING NOTICE

Thursday, November 19, 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 Pruressing, 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 may be limited to help ensure appropriate social distancing is observed.

ALL INDIVIDUALS ARE STRONGLY ENCOURAGED TO WATCH THE MEETING STREAMING LIVE AT
https://tinyurl.com/Nov19CZA

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 by 12:00 p.m. on the meeting date to obtain the call-in access code.

(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, October 15, 2020 CZA Meeting


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

1. **Linda D. Friedman**, proposed 2-lot Certified Survey Map, Section 35, Town 4 North, Range 16 East, Town of LaGrange. Parcel #’s HAP 00001 (Lot 1 of Arrowhead Park Subdivision) and H LG3500009A. The proposed CSM contains 1.01 acres of land and is zoned R-1, Single-Family Residence District. The CSM requires County Zoning Agency review and approval because it is a lot line adjustment that crosses the exterior boundary of a subdivision plat.

7. **Old Business:**

a. Ordinance Amendments – None

b. Discussion Items –

1. **CONDITIONAL USE ONE-TIME REVIEW:** Jeremy and Simona Ebner – Owners, Section 22, Troy Township. **One time CZA required review of the conditional use** for a campground facility containing a Public/Private Campground, a Planned Campground Development and a Recreational Campground and 12 group family related events per year with a maximum capacity of 300 people. Tax Parcels L T 2200002 and L T 2200005A. (Issued November 21, 2019)

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.
2. **Brian K. Madl – Owner**, Section 10, Whitewater Township. Rezone approximately 1 acre of A-1 Prime Agricultural District land to the A-4 Agricultural Related Manufacturing Warehousing and Marketing District and 1.9 acres of land from A-1 to the C-4 Lowland Resource Conservation District to match the wetland boundary to delineated field conditions in order to obtain conditional use approval for a broadband internet service provider as a utility and a contractor storage yard. Parts of Tax Parcel D W 1000011.

e. Rezones – None

f. Conditional Uses –

### TO BE HEARD AT 5:35 P.M. OR AS SOON THEREAFTER.

1. **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 PET3600007.

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

2. **P&H Real Estate Investment, LLC – Owner**, Section 28, Sugar Creek Township. Conditional use review for land restoration conducted for creation of a half-acre pond. Tax Parcel G SC2800011A.

### TABLED – PRE-APPLICATION CONFERENCE REQUIRED.

3. **The Salvation Army—Army Lake Camp C/O Damon Lodge / Director – Owner**, Sections 9 and 16, East Troy Township. Conditional use for expansion of the camping facilities in excess of 25% of existing structures through review and approval of a new master plan for the recreational camp. Tax Parcels PA348300001, 2, 3 and 4.

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


**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.
5. **Payne & Dolan, Inc. – Owner C/O Clint Weninger, Land Resources Manager**, Section 1, LaFayette Township. Conditional use review to renew and extend the life of an existing non-metallic extraction site (The Atkinson Gravel Pit) by 20 years and to obtain new approval of the reclamation phasing. Tax Parcel K LF 100001B.

**Nonmetallic Mining Reclamation Permit** –

**Payne & Dolan, operator / owner**, has applied for a modified Nonmetallic Mining Reclamation Plan and permit approval for a non-metallic mining site covering 100 acres. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel K LF 100001B, Town of LaFayette. 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**: November 13, 2020
Count y Zoning Agency
MEETING NOTICE

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9. **Adjournment**

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

**Posted: November 13, 2020**
Committee Chair Rick Stacey called the meeting to order at 5:19 p.m.

Roll call – Committee members present in person were Supervisors Rick Stacey, Dave Weber, Ryan Simons and Citizen Member Richard Kuhnke, Sr. Absent from the meeting was Supervisor Sue Pruessing, Jerry Grant and Citizen Member Jim Van Dreser. A quorum was present.

Supervisor Susan Pruessing, Jerry Grant and Citizen Member Jim Van Dreser arrive at the meeting at 5:25 p.m.

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.

A “sign-in” sheet listing attendees on October 15, 2020 was not presented due to the continued COVID-19 threat.

Details of the October 15, 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

Dave Weber motioned to approve the agenda as amended to table item 8.e.1.) Michael Fields Agricultural Institute Inc. – Owner; 8.g.2.) Jack Shaffer – Owner; 8.g.6.) P&H Real Estate Investment, LLC – Owner; and 8.g.7.) Daniel Boss Trust & Cindy Boss Trust C/O Daniel Boss – Owner Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.

Ryan Simons motioned to approve the September 17, 2020 CZA Meeting Minutes Seconded by Dave Weber - amending citizen member Jim Van Dreser appearance by telephone. Amendment approved by Ryan Simons. Motion carried. 7-favor 0-oppose


Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments – None

Old Business – Discussion Items – None

New Business - Ordinance Amendments – None

New Business – Discussion Items –
1. **Michael Fields Agricultural Institute – Owner, BLDG Orange, LLC/ doing business as The Hive Taproom – Applicant**, Section 30, East Troy Township. Amendment of an existing conditional use by less than 25% of existing outdoor food and beverage area for expansion of an outdoor concrete pad for a pergola at the Hive Taproom. Part of Tax Parcel PA120200002.

Amended 10/15/2020 for increase concrete apron for outdoor food and beverage seating area, an open sided pergola and outdoor music as specified. (See # 1, 9, 10 and 25).

AMENDED 5-10-2018 (paragraph 16)

NAME: Michael Fields Agricultural Institute – **The Hive Taproom**

TOWN: East Troy

The property owner is requesting to rezone approximately 1.9 acres of B-2 General Business Zoned property to the A-4 Agricultural related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a winery for making of mead from honey with a tap room, ancillary retail sales and outdoor food and beverage area. The applicant states The Hive Taproom would be a winery focusing on making and selling honey fermented beverages sourced from local Wisconsin honey, hops, and produce. Along with honey fermented beverages; food will be purchased from off-site vendors to be sold on locations. Local small batch honey used to make the beverages will be available for purchase. Live music would be performed on a small stage inside, yoga classes would be offered, group cycling rides would start/finish at location, card/board game nights would be offered. The Hive Taproom logo specific merchandise would be available for sale including clothing and glassware. Business hours are proposed as 6:00 a.m. to 9:00 p.m. There would be five employees.

Part of Tax Parcel PA120200002.

Has been APPROVED subject to the following conditions:

General:

1. Approved as per plan submitted for a for a winery for making of mead from honey with a tap room, ancillary retail sales, increased subject to a detailed plan approved by the committee, and outdoor food and beverage area and amended 10/15/2020 for increase of a concrete apron for outdoor food and beverage area by less than 25% of outdoor service area, for a pergola to be less than 25% of existing approved structures and for outdoor music as specified.

2. Sales allowed on site shall be limited to the products identified in the project narrative.

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

4. Storage shall be limited to material and goods directly associated with business. There shall be no outside storage area.

5. On site hours of operation from 6:00 a.m. to 9:00 p.m. seven days a week for the winery.

6. The site must meet all applicable Federal, State, County and local regulations.

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

8. The applicant must obtain all required zoning permit approvals including sanitation review and approval. The property owner shall obtain a zoning permit for the proposed pergola.

9. The number of employees shall be limited to the owners and 5 employees.

10. There shall be no outside music or outside amplified sound on site. **Outdoor music shall be allowed free, with no ticket required for customers of the hive taproom. Outdoor music shall be considered ancillary entertainment for customers and shall not have more customers in attendance than allowed by the building occupancy. There shall be no stage, portable toilets, outdoor crowd protection fencing, or expansion of parking without full conditional use review for music events.**

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

12. 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.
13. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by the ordinance.

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

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

16. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Walworth East Troy 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.

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. 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:

19. The approval of a new conditional use to allow sales is limited to retail sales of ancillary non-agricultural and agricultural items not produced on site subject to a detailed plan approval (see attached list of items to be sold on site as specified): Food purchased from off-site vendors to be sold on locations and logo specific clothing and glassware merchandise for sale.

20. The conditional use approval includes the modified sign permit for a maximum 100 sq. ft. on each side on premise ground sign meeting all other sign code requirements.

21. A DNR letter of concurrence for comingling of waste flows for the winery operation and human waste must be provide prior to this conditional use being valid or the property owner must keep human waste to the on-site waste water treatment system separate from the winery operations waste by use of a holding tank for the winery operations.

22. The property owner shall provide a copy of approval from the appropriate building inspector for the County file prior to use of the structure.

23. The property owner shall provide a fire protection plan that has received review from the fire department and submit a copy for the conditional use file prior to use of the building.

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

25. **There shall be no food trucks allowed on site without specific conditional use approval.**

   Dated this 24th day of April, 2018

   COUNTY ZONING AGENCY
   TIM BRELLENTHIN, CHAIRMAN

Staff presents request.
Tim Gild speaks regarding the request.

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

Disc Count #5:24:55 – 5:31:17
5:31 p.m. meeting continues to public hearings.

**Ordinance Amendments** – None

**Amendments to Multi-Jurisdictional Comprehensive Plan Map for Walworth County 2035 with Update (2050)** –

5:31 p.m.
1. **Arthur W. Zabierek, Revocable Trust C/O Mark Traiforos, Trustee – Owner**, Section 32, Lyons Township. Amend the 2035 Land Use Plan with Update (2050) Map to change 11.8 acres of land from the AG1 Other Agricultural Rural Residential and Other Open Land (five to 34 acres per dwelling) land use category to the (R) Recreational land use category in order to allow a potential rezone of the M-3 Mineral Extractive zoned lands to the P-1 Recreational Park zone district. Tax Parcel N LY3200001.

Staff presents request.
Michelle Krysiak speaks regarding the application.

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

The plan map amendment petition will move forward to the November 10, 2020 Walworth County Board for possible action.
Disc Count #5:31:35 – 5:36:12

**Rezones with Conditional Uses** –

**TABLED – NEED VARIANCE / INCOMPLETE SITE PLAN / SANITATION REVIEW NEEDED**
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 PA12020001.

5:41 p.m.
2. **Thomas Weber – Owner**, Sections 17 and 20, LaFayette Township. Rezone approximately 6.68 acres of M-3 Mineral Extraction District to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District for the creation of a contractor storage yard for landscaping, lawn maintenance and snow removal business and caretaker’s quarters with conditional use approval. The request also includes a rezone of 40 acres of M-3 Mineral Extraction District to the A-2 Agricultural Land District to return the reclaimed 40 acres back to agricultural use. Tax Parcel K LF 2000001 and part of Tax Parcel K LF1700006A.

General:
1. Approved as per plan submitted for a contractor storage yard for a landscaping, lawn maintenance and snow removal business and caretaker’s quarters with all additional conditions.
2. All uses of the site shall meet applicable Federal, State, County and local regulations including commercial building inspection.

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

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

5. The applicant must obtain the required Town approval for any changes to the access.

6. No fill, debris, branches or leaves may be disposed of on-site outside of designated storage areas.

7. 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 if required by ordinance.

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

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

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

12. On site hours of operation shall be from 7:00 a.m. to 5:00 p.m. Monday through Friday with No operation on Sundays or Holidays. Hours of operation shall be 24 hours per day during snow and ice removal activities.

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

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

15. No on-site general public sales shall be allowed from the contractor storage yard.

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

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

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

19. Outside storage is limited to the type, quantities and location of material associated with the business as identified on the plan of operations. No outside storage areas including displays of goods are allowed in the required setback areas.

20. No outside storage of chemicals shall occur on site.

21. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian.

22. All flammable waste materials shall be stored in a non-flammable, enclosed container and be gated in a non-combustible fence.

23. 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.

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

25. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
26. 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.

27. 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:

28. Only trucks, trailers and equipment owned by the property owner’s landscaping, lawn maintenance and snow removal business shall be allowed to be stored on site.

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

30. Any buildings used for welding 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.

31. There shall be no expansion of this contractor storage yard without new conditional use approval.

32. There shall be no extension of use on-site into industrial use without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.

33. Quad axles can only run from the easement from this property on Potter to Plank to State Road 11, with no more than 10 trucks a day as per the Town.

34. Any commercial application, use and disposal of pesticides must conform to all State, local and Federal regulations as per the Town.

35. Bulk salt storage will be allowed per DNR regulations as per the Town.

36. Trucks loaded with salt must be stored inside when on-site as per the Town.

37. All restoration of the site to control erosion must be done as per the Town.

38. No fill or debris is to be brought on site to be buried as per the Town.

39. Any burning will comply with County regulations as per the Town.

Staff presents request.

Thomas Weber speaks regarding the application. Aware and okay with conditions.

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

The rezone petition will move forward to the November 10, 2020 Walworth County Board for possible action.

Disc Count #5:41:02 – 5:50:12

5:50 p.m.

3. Lauderdale Shores Condominium Association, Inc. – Owner, Attorney Anthony A. Coletti – Applicant, Section 25, LaGrange Township. Rezone approximately .92 acres of R-1 Single Family Residential District zoned property to the B-5 Planned Commercial
Recreational District to have the rezone property and additional B-5 zoned property to the north and east added by conditional use amendment to the existing Lauderdale Shores Recreational camp as open space and boat storage area. Tax Parcel H LG2500028A2A for the rezone and includes H LG2500028A2 for the amendment of the conditional use to add the properties to Lauderdale Shores Recreational Camp.

**Amend of CU 10/15/2020 to include both Tax Parcels H LG2500028A2 and 28A2A as part of Lauderdale Shores Recreational Camp as open space and recreational vehicle and boat storage area. (See #1 and 18).**

**NAME:** Lauderdale Shore Condominium Association  
**TOWN:** LaGrange

The property owner is requesting to rezone approximately 4.48 acres of R-1 Single Family Residential (unsewered) District land to the B-5 Planned Commercial-Recreation Business District in order to obtain a conditional use permit to use a field area for outdoor storage of boats and recreational vehicles owned by the Lauderdale Shores Condominium Association members. The rezone of the property would provide the same zoning as the remainder of the recreational camp.

Tax Parcel H LG2500028A2.

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

**General:**

1. Approved as per plan submitted **and amended 10/15/2020** for an outdoor recreational vehicle and boat storage area to be used by members of the recreational camp exclusively with all additional conditions.

2. No general public sales allowed from the outdoor recreational vehicle and boat storage area. No business activities other than specified in the plan of operations may be conducted from out of the storage area.

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

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

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

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

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

8. The applicant must obtain the required Town and or County approvals for the access.

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

10. 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.

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

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. No permanent outside storage of boats, trailers or other equipment shall be allowed. The outdoor area is for seasonal off season storage and shall not serve as permanent year round storage for boats and recreational equipment. The Condominium Association shall be responsible for monitoring the outdoor storage area and having members remove their boats and recreational equipment not being used on a seasonal basis.
15. No acid washing of boats shall be allowed on site.

16. No maintenance or repairs of recreational vehicles or boats shall occur on site without additional Town and County review.

17. No storage containers will be allowed on site.

18. The Tax parcel H LG2500028A2 and H LG2500028A2A containing the outdoor boat and recreational vehicle storage area shall be attached to the Lauderdale Shores Condominium as a common element by addendum of the condominium plat prior to continued use of the parcel in conjunction with the camp.

19. There shall be no camp unit expansion of the recreational camp into the newly attached B-5 area without first meeting all requirements of the B-5 zone district for the entire camp.

Dated this 20th day of December, 2018.

COUNTY ZONING AGENCY
TIM BRELLENTIN, CHAIRMAN

Staff presents request.
Atty Tony Coletti speaks regarding the application.
Speaking in OPPOSITION: Atty Ward Phillips on behalf of The Highlands.
Speaking in REBUTTAL: Atty Coletti.
Questions by Chairman regarding opposition concerns. Discussion by Committee regarding the agreement.

Richard Kuhnke, Sr. motioned to approve with the stated conditions. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose.

The rezone petition will move forward to the November 10, 2020 Walworth County Board for possible action.
Disc Count #5: 50:17 – 6:10:16

Rezones –

6:10 p.m.

1. **Klint Trust C/O Ryan Southwick Agent**, Section 9, Linn Township. Rezone property zoned C-2 Upland Conservation District and C-4 Shoreland Wetland District to the C-4 Shoreland Wetland District and C-2 Upland Conservation District per digital wetland description in order to match the delineated wetland boundary to existing field conditions. Part of Tax Parcel I L 900001.

Staff presents request.
Ryan Southwick speaks regarding the application via telephone.

Dave Weber motioned to approve. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.
The rezone petition will move forward to the November 10, 2020 Walworth County Board for possible action.

Disc Count #6:10:20 – 6:13:44

6:13 p.m.

2. **Northern Cross Capital LLC – Owner, Kevin Batz – Applicant**, Section 14, Lyons Township. Rezone C-1 Lowland Resource Conservation District property to the C-2 Upland Resource Conservation District per digital wetland description in order to match the delineated wetland boundary to existing field conditions to removing an existing driveway from the wetland designation. Parts of Tax Parcels N LY1400003A and N LY1400005.

Staff presents request.
Kevin Batz speaks regarding the application.

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

The rezone petition will move forward to the November 10, 2020 Walworth County Board for possible action.

Disc Count #6:13:50 – 6:16:24

**Conditional Uses** –

6:16 p.m.


**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 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 Delavan 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 project shall need modification of the road standards for the tee turnaround on the private road shall be replaced with the required 60 foot diameter cul-de-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 two lot – two outlot development allowed on the private drive without additional Town and County approval. There shall never be more that 10 lots/outlots 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. The property owner shall follow the recommendations of the Preliminary Stormwater Review Letter.
28. The applicant shall be required to provide a maintenance agreement providing at a minimum a stormwater facility for outlot 2 meeting the stormwater design requirements of the County.

Staff presents request.  
Ryan Cardinal/Cardinal Engineering speaks regarding the application. Questions need to buildout stormwater on outlot 2. Staff presents amended language to Committee as #28 regarding stormwater.

Dave Weber motioned to approve with amended language by staff. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose. Disc Count #6:16:28 – 6:32:48

TABLED – NO TOWN DECISION

6:32 p.m.
3. Jeffery Way – Owner, Section 21, Spring Prairie Township. Conditional use review and approval to build on a farm separation remnant. Tax Parcel O SP2100007A.

General:

1. Approved per plan submitted to build a residence and out building for farm use on a farm separation remnant with all additional conditions.

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

3. The applicant must obtain Township approval for access prior to construction on site.

4. No further land divisions of the A-1 area of the parcel will be allowed without proper County approvals.

5. The buildings shall serve the stated agricultural purpose.

6. 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.

7. 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:

8. This conditional use permit shall not be valid until the property owner applies for and obtains a required variance for the lot width depending on the location of the structure.

Staff presents request and indicates this is consistent with Farmland Preservation. Specific condition #8 is recommended. Jeff Way speaks regarding the application.

Dave Weber motioned to approve as amended with the specific condition. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose. Disc Count #6:32:52 – 6:41:40
4. **Darien Partners II, LLC – Owner**, Aldridge Electric - Applicant, Section 28, Darien Township. Conditional use review and approval for expansion of a contractor storage yard by addition of a 17,880 sq. ft. building on lands zoned M-1 Industrial District to be used for a commercial electrical business office, minor maintenance of equipment and storage of supplies. Tax Parcel B D 2800004.

*New approval granted expanding the conditional use 10/15/2020 for construction of a building (see #1, 9, 16 and 17).*

**NAME:** ODLING INVESTMENTS, LLC **Darien Partners II, LLC (ALDRIDGE ELECTRIC, INC., APP.)**

**TOWN:** DARIEN

A conditional use permit for outdoor contractor storage as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned M-1 Industrial District, and described as follows:

Tax Parcel #’s B D 2100005 and B D 2800004

Has been **APPROVED** subject to the following conditions:

1. Approved per plans submitted and amended 10/15/2020 with all additional conditions.
2. All storage areas, materials and equipment shall be located as defined on the plan of operations.
3. The site shall meet all applicable federal, state, county and local regulations.
4. The owner/applicant must obtain all required zoning and sanitary approvals prior to construction. Permits shall be required for the office trailer.
5. No filling shall be allowed in any wetland areas.
6. No filling shall occur on site without proper permit approvals.
7. Access approval must be obtained from the town highway department.
8. The applicant must obtain a Walworth County Land Disturbance, Erosion Control & Stormwater approval from Walworth County 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. An operation and maintenance plan for each stormwater best management practice must be prepared. The plat prepared for this property must show the location and label each stormwater best management practice planned to serve the development. All grading must be conducted consistent with the approved Walworth County 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 materials may be removed from the site without county approval. The applicant must submit and obtain approval of a landscaping plan from the Walworth County Conservation Office.
9. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday – Friday and 6:00 a.m. to noon on Saturday with return of equipment from off site work up to 9:00 p.m.
10. No burning shall be allowed on site without a state burning facility license and any required local approvals.
11. Any changes to the character, intensity or use of this site not capable of being discerned by the Walworth County Land Management Department as consistent with this approval must be brought before the Walworth County Zoning Agency for additional conditional use review.

**Specific Conditions:**

12. The owner/applicant must obtain Walworth County Land Conservation Office approval of a spill prevention plan (SPP) and a stormwater pollution prevention plan for this site.
13. The landscape plan must include trees for screening of the site and must obtain approval from the town.
14. The applicant shall upgrade Foundry Road to Class A standards from Highway 14 to the second driveway as required by the town.

15. The storage area may not be leased to other users without amendment of this conditional use.

16. **All lighting shall be shielded and directed on the site as per the Town.**

17. **The outside storage area shall be fenced as per the Town.**

Dated this 18th day of January, 2007.

COUNTY ZONING AGENCY
RICHARD KUHNKE, SR., CHAIRMAN

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**Staff presents request.**
**David Roberts/JSD Professional Services speaks regarding the application.**

**Ryan Simons motioned to approve as amended by Staff. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.**

**Disc Count #6:41:43 – 6:46:18**

**6:46 p.m.**

5. **Henry D. Keizer – Owner, Rajan Chadha, Applicant.** Section 23, Darien Township. Conditional use review and approval for a Farm Family Business to use an existing farm building for an indoor contractor storage yard for a tree cutting service business. An indoor building portion of Tax Parcel BA115500001.

**General:**

1. Approved as per plan submitted for an indoor Farm Family Business in a shed on A-1 zone land for a tree cutting service business with no more than two non-farm family employees and all additional conditions as stated.

2. No business activities other than a tree cutting service as specified in the plan of operations may be conducted from out of the facilities.

3. Hours of operation shall be from 7:00 a.m. to 6:00 p.m. Monday through Saturday with return of equipment from off site until 9:00 p.m.

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

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

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

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

8. No fill, debris, branches or leaves may be disposed of on site.

9. No outside burning of any materials shall occur on site.

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

11. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. All parking must be setback 25 feet from the roadway.
12. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.

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

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

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

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

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

18. All use of the site shall occur within the identified farm structure. There shall be no outside storage allowed on site.

19. The business operator shall be responsible for maintaining proper on-site waste management practices to avoid environmental contamination.

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

21. There shall be no loitering on the site by non-family member employees after business hours.

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

23. 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.

24. 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:

25. The lean too shown on the site plan as proposed to be attached to the existing structure shall not be allowed to be used for a farm family business without additional future conditional use approval as a farm family business conditional use can only be approved for the use of existing farm structures.

26. A dumpster outside of the agricultural building is not approvable as part of a farm family business conditional use.

27. The 40 ft. by 60 ft. fire wood storage area for wood to serve the onsite wood stove shall be limited to use for fire wood storage only and not for offsite fire wood production and sales.

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

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

Disc Count #6:46:24 – 6:51:44
No Town Decision

6. **P&H Real Estate Investment, LLC — Owner**, Section 28, Sugar Creek Township. The property owner is requesting conditional use review and approval for land restoration conducted for creation of a half-acre pond. The property of concern is located on the west side of Cobblestone Road approximately 1400 feet south of the intersection of Cobblestone Road and Dunham School Road and is identified as Tax Parcel G SC2800011A.

Incomplete Plan / Stormwater

7. **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.

Committee takes a 5 minute break. Meeting back in session at 6:58 p.m.

Staff provides outline for meeting and speaking times.

7:03 p.m.

8. **1341 Beach Road LLC - Owner, D1341 Associates, LLC — c/o Tom P. Demuth Member, / Managing Director Summit Smith Development - Applicant**, Section 9, East Troy Township. Conditional use approval for a hotel with 68 guest rooms containing no kitchens, a coffee shop, a central commercial kitchen and retaining walls all served by a holding tank and on-site well and use of boat slips by guests of the hotel on an approximately 2.94 acre parcel of land zoned B-3 and R-1. Tax Parcel P ET 900001D.

General Conditions:

1. The conditional use is approved for a hotel with 68 guest rooms containing no kitchens, a coffee shop, a central commercial kitchen and retaining walls all served by a holding tank and on-site well currently serving the property and use of boat slips by guests of the hotel on an approximately 2.94 acre parcel of land zoned B-3 and R-1 as per the plan submitted with all additional conditions.

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

3. The applicant must obtain the required County Zoning permits including sign permits meeting with all ordinance requirements for construction of structures on site.

4. This permit does not include conditional use approval for any amenity that is not specifically identified on the project plans as approved.

5. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from the Land Conservation Department if required by Ordinance.
6. The project site must meet with all County sanitary requirements prior to being used as a hotel.

7. The property owner shall be responsible for removal of all garbage and refuse from the site on the regular scheduled garbage pick-up days.

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

9. All parking shall be 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 parking standards. 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.

10. Access to the site must be as identified on the site plan.

11. The property owner shall be responsible for monitoring parking for the hotel. It shall be the responsibility of the hotel management to assure that all guest vehicles including boat trailers and recreational vehicles and recreational equipment all park in the approved hotel parking areas (Add to the on-site rules of operation).

12. There shall be no parking on the public roadways by users of the hotel (Add to the on-site rules of operation).

13. Use of the grounds shall be limited to normal use as a hotel as stated in the plan of operations. The hotel shall be for transient use only. No stays of 30 days or longer shall be allowed. The units shall be rented out as hotel rooms by a hotel management agency (Agency). The Agency shall keep records of all occupancies and lengths of occupancies for each unit that may be reviewed at any time by the County or Town to assure the transient use of units.

14. The applicant must obtain adequate liability insurance and keep the insurance current during the life of this conditional use.

15. The total capacity of the hotel shall be limited to that specified in the approved plan of operations as ___ guests per hotel room and be consistent with capacity stated for sizing of the sanitation holding tank.

16. The property owner shall be held solely responsible for addressing all restrictive covenants beyond those enforceable by County regulations.

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

18. The property owner shall submit a list of all contact information for parties responsible for management of the use of the hotel to the County and Town and keep the list current after any transfer of property ownership or management change.

19. 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.

20. 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.

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

Specific Conditions:

22. This approval is for use of the structure as a hotel. There shall be no conversion of the hotel or hotel unit into a multi-family residential structure or use of the commercial kitchen as restaurant without proper zoning approval.

23. All outside burning shall be required to obtain local burn permit approval if required prior to being conducted on site.

24. This conditional use is subject to approval of the on-site rule of operation by the Zoning Office consistent with the zoning code and this conditional use approval.

25. A copy of the on-site rules of operation shall be provided for the conditional use file.
26. A copy of the on-site rules of operation shall be provided to each registered occupant of the hotel. (Add to the on-site rules of operation)

27. No camping shall be allowed outside of the hotel identified on the approved plan. (Add to the on-site rules of operation)

28. Check-in for the hotel shall be from 7:00 a.m. to 9:00 p.m. Checkout from the Lodge Hotel shall be from 7:00 a.m. to 11:00 a.m. (Add to the on-site rules of operation)

29. Sufficient adult supervision must be present at all times on the hotel property. (Add to the on-site rules of operation)

30. There shall be no special events held on the property involving visitation by day guests outside of the registered occupants of the hotel. (Add to the on-site rules of operation)

31. Use of the lake pier(s) shall be limited to the registered occupants of the hotel. (Add to the on-site rules of operation)

32. There shall be no off shore mooring of boats without proper State and local approvals. (Add to the on-site rules of operation)

33. There shall be no more than four household pets, which shall be required to be owned by the registered occupants of the hotel, allowed on the property without zoning approval for a kennel. (Add to the on-site rules of operation)

34. Property owner shall be responsible for the enforcement of quiet hours between the hours of 11:00 p.m. and 7:00 a.m. (Add to the on-site rules of operation)

35. There shall be no burning of any type allowed outside including the use of fireworks (Add to the on-site rules of operation).

36. There shall be no burning of garbage or refuse allowed on site. (Add to the on-site rules of operation)

Staff presents request.
Tom Demuth/Summit Development speaks regarding the application.
Speaking in FAVOR: Dion Molkentin, Richard Neudorff, Steve Schneider.
Speaking in OPPOSITION: Atty Michael Bauer representing Lake Beulah Management District; Atty Daniel Bach representing Lake Beulah Protective and Improvement Association; Atty Ron English representing private property owners; Brian Bellew; Tom Vandenbogart/President LBPIA; Dave Bitter/Chair LBMD; Kim Rosenmayer; VIA PHONE: John Russell; Lisa Whittet; Terry Savage; Justin Lee; John Clancy.
Speaking as East Troy Town Representative: Barbara Church as to committee questions.
Speaking in REBUTTAL: Tom Demuth.
Questions by Committee to the applicant.

Summary of Committee basis for Denial: Health, safety and welfare of the community concerning wells, water demand, effects on the lake, traffic study issues, parking, Town Board letter in the file/packet stating concerns, testimony of the attorneys and citizens in opposition and reports from hydrologists, committee concerns of speculative statements by the applicant, concerns regarding sanitation and trucking, stormwater runoff, density, aesthetics, impervious surfaces.
Dave Weber motioned to DENY based upon the summary provided by Staff.
Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.
Disc Count #7:03:32 - 8:39:30
Adjournment

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

The meeting was adjourned at 8:39 p.m.

Submitted by Sheril Oldenburg, Recording Secretary. Minutes are not final until approved by the committee at its next meeting.
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- **Anonymous**: Owner has more than one unlicensed / inoperable vehicle.
- **Anonymous**: Owner installed steppers or a walkway within 75' of Lauderdale Lake.
- **Anonymous**: Accessory structure being used for overnight stays.
- **Anonymous**: Accessory structure may contain dwelling unit.
<table>
<thead>
<tr>
<th>Township/Tax Key</th>
<th>Complainant</th>
<th>Description of Violation(s)</th>
<th>Section(s) violated</th>
<th>Owner’s Name/Status</th>
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<tbody>
<tr>
<td>Ex:B D 100001</td>
<td>Ex:Anonymous</td>
<td>Ex: 7 inoperable vehicles</td>
<td>Ex: 74-54/56/65/131</td>
<td>Ex: vehicles removed</td>
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<td>BLOOMFIELD</td>
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<td>DARIEN (Heather)</td>
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<td>B D 34000004C</td>
<td>Town</td>
<td>Using commercial property for two businesses when only one business is permitted. Questionable septic system. Inspection on 1-31-2014 with Sanitation. Zoning violation letter sent/3000 pallets removed - extension granted till 4/6/2014/ pallet company is moving out HOL to 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 CU/ Jan, 2015 Owner is now removing inoperable vehicles, working on sanitation issues and removing addition to rear of garage/ Owner is working on correcting septic system - waiting on weather, 4/15/15 zoning on-site, returned to auto repair. HOLD for Sanitation/3-3-17 Town informed County that tires and cars are collecting on the property. Needs inspection/4-6-17 violation letter sent/4-11-17 owner responded- his tenant left and now he will clean up property within 30 days.</td>
<td>74-37, 74-55</td>
<td>Edmonds Family Trust- Tenant has removed &gt;1000 tires. Other tires on site have been put in a building, covered or put in an enclosed trailer. The recycling center they use is relocating and they experienced an interruption in their ability to remove more tires. They can start bringing loads in on 6-12-17. 8-2-17: Spoke to Game Warden. He had gotten a complaint about the site and did an inspection. Site has a DNR permit and is in compliance with DNR. 11/14/17: See Citation Section. 1/27/20: Site visit- site still noncompliant. DNR says no correspondence from past tenant who put tires there. They are referring this violation to DOJ.</td>
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<tr>
<td>BSU 00009</td>
<td>Anonymous</td>
<td>Contractor’s storage yard on C-3 property, cutting trees, selling wood, etc. Sent violation letter 6/15/20. Owner called, asked about rezoning and CUP. Spoke to planner, who said not a good probability. Needs to remove equipment. Rajan is moved his equipment to a property that would require a CUP to allow a contractor’s storage yard.. he is currently looking for property to get CUP to allow his equipment.</td>
<td>74-37, 74-52, 74-59</td>
<td>Rajan &amp; Summer Chadha - Owners have applied for CUP on a site.</td>
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<td>DELAVAN (Heather)</td>
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<tr>
<td>FM11 00002</td>
<td>Staff</td>
<td>Structures constructed &amp; grade changes within 75ft of OHWM of Delavan Lk w/o approvals. 12/4/18: Site visit. 12/5/18: Sent violation letter. 12/18/18: Violation letter returned to office- forwarded to different address for reg. agent. 12/19/18. 1/2/19: Spoke to Mike McCarthy (RA for association), he will work w/ us to get permits &amp; bring property into compliance.</td>
<td>74-162, 74-174</td>
<td>Delmar Improvement Association - 4/3/19: RA called, working on permits to restore site to compliance. 5/7/19: RA called- said they are working on plans to bring in to submit for permits. Structures removed and brought back to grade w/in 75ft of OHWM. New electric gate and components placed on parcel without permits, may be located within shoreline.</td>
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<tr>
<td>FIA 00023</td>
<td>Anonymous</td>
<td>Pool too close to lake, grade changes within shoreyard, unpermitted dock too close to lot line, unpermitted increase to impervious surface. 9/19/19: Site visit performed- confirmed complaint. 9/20/19: Sent violation letter, and letter requesting as-built for zoning permit for pool. 10/21/19: Landscaper called- need as-built of parcel including all surfaces, and 1-foot contours.</td>
<td>74-162, 174, 232</td>
<td>Patricia Ittman - 1/17/20: Site visit- everything still there in violation- nothing more submitted/no more communication from landscaper or owner. 1/13/20: Issued 3 zoning citations. See citation section. Needs to be re-visited to see where they stand- citation hearings have passed and no action on owner’s part.</td>
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<td>EAST TROY (Darrin)</td>
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<td>PA160600001</td>
<td>Anonymous</td>
<td>Owner is running a contractor storage yard and has unlicensed inoperable vehicles on their property.</td>
<td>74-52</td>
<td>Carla Giorgi Letter sent 4/17/20</td>
</tr>
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<td>PMR 00107B</td>
<td>Anonymous</td>
<td>Owner is running a contractor storage yard from their property zoned R-2.</td>
<td>74-181</td>
<td>Warren &amp; Diann Freudenstein Letter sent 4/17/20</td>
</tr>
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<td>PA260300003</td>
<td>Anonymous</td>
<td>Owner is running a contractor storage yard from their property zoned A-2.</td>
<td>74-51</td>
<td>Paul Hahbeck Owner came in and discussed the letter. He said he will talk to his employees and not have them use this property for any stops except to service the property. Will watch the property for any violations.</td>
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<tr>
<td>PA430200001</td>
<td>Anonymous</td>
<td>Owner has brought tires back onto the property.</td>
<td>74-51</td>
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<td>GENEVA (Heather)</td>
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<tr>
<td>JA342300001</td>
<td>Staff</td>
<td>Patio in shoreland w/o permits. 5/8/18: Violation letter sent- 30 days to respond. 6/7/18: Bid was in Riv, is helping owner get started w/ permit process- gave until Aug. 1 2018 to have submitted paperwork. 9/5/18: Sent second (reminder) violation letter. Called Builder- said I needed submittal; he said he’d bring in paperwork the next day. 1/30/19: Sent 2nd violation letter w/ 30 days to apply for permit/compliance. 4/8/19: Spoke to a builder, who is working on getting permits for Donald Kuta. Gave 1.5 months to get a survey done &amp; come meet w/ staff or apply for permits.</td>
<td>74-162, 74-174</td>
<td>Donald Kuta Trust 8/28ish/19: Survey rec’d via mail from real estate agent- I returned survey w/ permit applications &amp; fees due. Sept.(?) 2019: Survey was mailed in. Returned survey with appropriate permit apps to be completed. 11/5/19: Performed site visit. Walkway, patio, swing, steps, 2nd patio in shoreyard w/o permit approvals. 11/6/19: Issued 2 citations: see citation section. Owner working on getting survey &amp; applying for variances. Variance denied. Sent owner letter to apply to remove nonconforming shoreyard structures.</td>
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</table>
### Township/Tax Key | Complainant | Description of Violation(s) | Section(s) violated | Owner's Name/Status
--- | --- | --- | --- | ---
JLCB 02313 | Anonymous | New structures within shoreyard, new parking area within setbacks & 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 & bev significantly expanded, new non-compliant signs w/o permits. 10/23/19: Site inspection-posted 'stop work order' on site while working on parking area, 10/28/19:Mtg w/ owner-he denied expansion of implied CUP, new structures, new signage, and most vegetation removal. 11/1/19: Violation letter sent. 12/3/19: Met w/ owner & atty- went over all violations and game plan to move forward for compliance. | 74-162, 74-165, 74-174, 74-185, 74-203, 74-210, 74-215 | Papas Blue Spruce Resort / Eric Seaver - Spoke to atty for owner on 4/29/20. He indicated that they have made progress in coming into compliance. They are sorting things out to apply for C.U.P. for expanded outdoor food and bev, and are working on getting a replanting plan together for shoreyard buffer that was removed, also going to get permits to restore parking lot to grass, and remove a sidewalk. 6/9/20; a letter was sent to owner & atty that a conditional use permit application must be filed within 30 days. Nothing has been filed to-date. Eric Seaver has been in the office to continue to apply for permits. 9/30/20: See citation section.

JCON 00017 | Staff | Structures have been placed within floodplain & 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. | 74-162, 74-173, 74-174 | Lester Ballarin - 1/15/20: Zoning permit issued for driveway (imp surf). Still working toward compliance.

J G 3500005L | Anonymous | Accessory structure too close to road. Sent violation letter 5/21/20. Owner called, removed structure. Need to site verify. | 74-38, 74-54 | Gerney

JLCB 02234, JLCB 02234A, JLCB 02315 | Eric Seaver | Changed SFD into multi-family home w/ 2 aptts., using business properties as long-term rental units. 9/16/20: Rec’d complaint that structure is under construction on 1 property w/o permits. 9/22/20: Email sent to owner re: as-built survey is done. 8-17-18: Attorney says client is going out of town for a week and then wants to come in and discuss one of the structures. 10/14/20 to see that new homes were already existing, while waiting for updated survey from owner. | 74-37, 74-44, 74-54 | Gary Duffy (this has been ongoing discussion with Mr. Duffy- but we have hashed out what we believe to be all the violations on the 3 sites) - 9/2/20 MW, Cty Planner sent email describing all violations.

Along N Como Lake Shore | Staff | Removal of vegetation in shoreyard w/o approval, placement of fill in shoreyard, wetland, floodplain areas. 10/12/20: Sent violation letter 10/21/20: rec’d letter back (wrong address) 10/26/20: re-sent violation letter w/ 30 days to respond | 74-162, 74-181 | Bobby Bates JR, Holly Kuhn - 10/12/20: sent violation letter

JLCB 00012 | Anonymous | People possibly living/sleeping in campers, junk vehicles | 74-162, 74-181 | Lake Como Beach Association - applied for permits to restore shoreyard, and remove fill in non-conforming areas.

J G 3400005A | N/A | Structures (homes) placed on lots w/o any permit approvals (4 total) | 74-162, 74-173, 74-174, and 74-178 | Trzenby - 9/21/20: Site visit- junk vehicles observed, doesn’t appear campers are being used for living quarters. 9/21/20: Sent violation letter w/ 30 days to respond.

LAFAYETTE (Nick) | | | | Coachman’s Terrace - Owner’s of park applied for permits, and staff inspected site on 10/14/20 to see that new homes were already existing, while waiting for updated survey from owner.

KA129500002 | Anonymous | 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. 11/12/19: Zoning permit issued for driveway (imp surf). Still working toward compliance. | 74-162, 74-173, 74-174, and 74-178 | Dewey and Rebecca Degrave- 9-18-18: Met with attorney. I have not gotten anything yet. He agreed that they need to get moving toward compliance. Owner and attorney have a meeting with staff set for Oct 31st. Attorney will submit applications. 12-17-18: I sent email to check status. 12-31-18: Attorney said permit will be in 1-2-20. 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.

LAGRANGE (Darrin) | | | | Jake & Nicole Martin - Letter sent 10/11/18 - 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.

HA 96500002 | Anonymous | Owner is using an accessory structure to house agricultural animals, but the building is not 100’ from the side lot line. Only permitted for residential use. | 74-51 | Linn (Heather)
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<td>IL 2700012</td>
<td>Neighbor</td>
<td>Structures constructed w/o permits. 5/9/18: site visit, new structures present. 5/10/18: violation letter sent. 5/16/18: Mtg w/ owner- told him what is needed for permits, need apt w/ staff &amp; Matt W to discuss use. Owner met w/Matt W, getting paperwork together for permits. 12/5/18: Issued citation. 12/10/18: Met w/ Leonor Hernandez- told her to get updated survey &amp; re-meet to apply for after-the-fact permits, and keep in touch w/ progress of survey. 1/16/19:Mtg w/ Leonor &amp; bid? Still need CUP for outdoor food &amp; beverage. Working on getting a survey, then will meet again to discuss what permits are needed. Extended court hearing to April 3rd 2019. 3/6/19: HM, MW mtg w/ Leonor-survey was performed; next applying for CUP for outdoor food &amp; bev, then zoning permits. Requested to extend court hearing to July 10 2019.</td>
<td>74-37</td>
<td>Marion J Cournoyer, Leonor I Hernandez (Zenda Tap) - 7/10/19: Spoke to property owner- CUP being submitted. Extended hearing date to Aug. 2 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, Cdtl 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>
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<tr>
<td>IE 00055</td>
<td>Neighbor</td>
<td>Construction of decks/patios w/o permit approvals. 8/2/18: Sent violation letter 8/6/18: Owner called and said landscaper working on submitting paperwork for permits. 8/8/18: 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>
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<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 75ft of OHWM. 1/30/19: Sent memo of noncompliance.</td>
<td>74-162, 74-174</td>
<td>Lake Geneva Highlands - 3/6/19: Mtg @ LURM: Applicants are going to work w/ engineer, then talk to staff w/ ideas &amp; plans to bring into compliance.</td>
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<td>IRB5 00090</td>
<td>Staff</td>
<td>Garage converted into dwelling, used for overnight stays/short-term rentals. 1/31/19: Sent violation letter w/ 30 days.</td>
<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>
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<td>IGV 00015</td>
<td>Staff</td>
<td>2/4/19: Posted STOP WORK ORDER on site- large deck being built as well as large enclosed porch. No permits. Sent violation letter. 2/13/19: Builder came into office, got application for zoning permit. 2/20/19: Zoning permit submitted. On hold for sanitation location verification. Issues with septic setbacks. 6/28/19: Sent 2nd violation letter to owner- need some action toward compliance, site still in violation. 7/8/19: Owner’s husband called- upset that we cannot permit other parts of permit while this part gets worked out. I told him site needs to be brought into compliance. I told him if deck is required for safety, we would issue permit for addtl deck aside from this permit. Sanitation needs to be addressed- he is working on permits for this.</td>
<td>74-37</td>
<td>Maureen O’connell - Rec’d letter from fire dept that dock 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>
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<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>
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<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. 9/24/20: Stopped work on unpermitted house addition &amp; garage that were under construction. Spoke to contractor. 10/20/20: Sent violation letter for after-the-fact permits needed. Zoning permit applied for. 10/14/20: Contractor says fence has been removed. Will need to site verify.</td>
<td>74-174</td>
<td>Claudia Bauer Trust</td>
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<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>
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<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.</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; meets need for 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. 10/1/20: applied for variance for small gravel pad outside of boathouse.</td>
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</table>
| IL 1200003      | Anonymous   | Signs in noncompliant locations. 1/27/20: Site visit- sandwich board sign in/near road right-of-way. Will send violation letter. 2/24/20: Sent violation letter: 30 days for compliance. | CUP | Buttons Bay LLC See Citation Section 10/14/20: Defendant guilty of 3 citations. Still not in compliance. |}
| IA303000002     | Staff review on plans | Accessory structure on vacant parcel. 1/13/20: Sent violation letter. 1/22/20: Spoke to atty Ed Thompson- told him structure needs to be removed w/ EC permit or needs variance approval. | 74-162, 74-165 | Lake Geneva Family Estate |
| ILGT 0024A2     | Anonymous   | Fence >6ft built on property line, pool exists w/o permit approval. | 74-38, 74-162 | Nurnberg - 8/27/20 HM performed site visit. 8/31/20 Sent violation letter w/ 30 days to comply. They have applied for zoning & EC permits for pool, and have brought fence down below 6ft. |
| ILGB 00008      | Staff inspection | Patio rebuilt OUTSIDE of existing footprint in shoreyard, trees removed along shoreline of creek w/o approval. | Giginiliant - owner working w/ staff to bring site into compliance or apply for variance, trees being replanted along creek. | |

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<th>LYONS (Nick)</th>
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<td>NLC 00081</td>
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| NIP 00014      | Town of Lyons | 8-21-17: Received a complaint about a large number of inoperable vehicles and other scrap on a property in an industrial park. Did on-site inspection and spoke briefly to the owner. He has an auto repair shop, but the property is covered in old vehicles, demolished trailers, etc. Owner was not in a mood to discuss the situation. Told him I would send a letter. Letter sent informing him that he is not zoned properly for an automobile salvage yard/scrap yard. 8-29-17: Spoke to owner. He will work on it and call me back in a couple weeks with a progress report. | 74-56 | Herbert Otto-10-20-17: Did an inspection. Nobody was on site, but a substantial amount of progress has been made. I called the owner and he said he is still working on it, but progress will slow as the easy stuff went first. He is reliant on others to take the vehicles without titles, etc. He could not give me any kind of timeframe, but I was satisfied for now that he is taking the task seriously so I agreed to give him more time. "See Citation Section." |

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<th>Section(s) violated</th>
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<td>(Heather)</td>
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<td>E W 2800006 (Nick)</td>
<td>Neighbors</td>
<td>3-2-18: Inspection found junk/scrap covering approximately 5 acres of property zoned A-1 and A-4. 3-2-18: 4 citations issued related to operating a junk/scrap yard. 3-8-18: Owner came in to discuss situation. No agreements made. 4-4-18: Owner requested a trial. Trial set for 7-30-18. Owner was found guilty on all 4 citations and ordered to pay the full forfeitures. 9-2-18: Owner came into office with several page petition indicating he should be left alone. He indicated he has been cleaning up. He gave me his phone number and we agreed I would call him mid October about an inspection of his progress. 10-22-18: called owner. He said he hadn't made much progress. We agreed I would check back soon.</td>
<td>74-28, 74-29, 74-37, 74-51, 74-65, and 74-131</td>
<td>William Wendeberg-11-15 and 11-16-18: called and got no answer (no voicemail option). 12-3-18: Inspection made from road. 12-5-18: Request for Summons &amp; Complaint sent to Corp Counsel. 5-6-19: Spoke to Corp Counsel. Corp Counsel wants a site inspection to confirm it is still out of compliance. 5-10-19: Inspection done. Still out of compliance. Summons and Complaint filed. 7-30-19: Owner filed answer. 8-21-20: Stipulation filed with the court prior to trial. Site must be compliant with stip by 12-1-20.</td>
</tr>
</tbody>
</table>

| WHITEWATER (Darrin) | | | | |


NO

➤ SANITATION

➤ LAND CONSERVATION

CITATION LIST
FOR
NOVEMBER
2020
County Zoning Agency Meeting  
November 19, 2020  
Subdivision Items  
New Business

Item 1

Linda D. Friedman, proposed 2 lot Certified Survey Map, Located in Section 35, T4N, R16E, Town of LaGrange, Tax Parcel ´s H LG3500009A and HAP  00001. The purpose of the proposed CSM is to lot line adjust between the two parcels. The property is zoned R-1 (Single Family Residential). A CSM is required with County Zoning Agency review and approval because the proposed adjustment crosses the exterior boundary of a subdivision plat.

Review Comments

1. A review of the CSM has been completed by the staff of the Land Use and Resource Management Department. A summary of those reviews are as follows:
   - The Zoning Division requires the following:
     o The proposed lot line will go through the existing house on proposed lot 2. The house is labeled “to be razed”. The house should be razed and removed from the plat map.
     o The proposed adjustment results in 2 boathouses on proposed lot 1. Only one boathouse is allowed. One is labeled as “shed-to be razed”. The structure should be razed and removed from the plat map.
   - The Sanitation Division has the following comments with the proposed CSM:
     o The NOTE on sheet 1 references COMM-83 of Wisconsin Administrative Code. The proper reference would be SPS-383.
     o The septic system on proposed Lot 2 will have to be properly addressed when the existing house is razed.
   - The Planning Division has no objections to the proposed CSM.
   - The Land Conservation Division has the following comments with the proposed CSM:
     o An Erosion Control Permit will need to be retained before any structures are razed.
     o There are other structures on this parcel that are not shown on the plat including a patio. It is recommended that these structures be shown.

2. The Town of LaGrange has approved the CSM.
3. The Department of Administration has reviewed the proposed CSM and provided a list of required corrections. (See Attached DOA Review Letter)
Recommended Conditions of Approval

1. Approval is subject to making all corrections required by the Wisconsin Department of Administration.
2. Approval is subject to the physical removal of the house and shed labeled as “to be razed” and those structures should then be removed from the final plat map.
3. Approval is subject to the septic system on proposed lot 2 being properly addressed, including removal of the septic components from the final plat map if those features are abandoned.
4. Approval is subject to correcting the reference to COMM-83.
5. Approval is subject to meeting all applicable state statutes and Walworth County Ordinances.

Attachment Index

Location/aerial
Proposed CSM
Existing Arrowhead Park Subdivision Plat
DOA Review Letter
CERTIFIED SURVEY MAP NO.


MONUMENT KEY

- Iron Rebar Set
- 3/4" Iron Rebar Found
- Iron Pipe Found
- Concrete Monument With
  Brace Cap Found
- Record Information

NOTE: EXISTING SANITARY SEWER SYSTEMS APPEARS TO BE FUNCTIONING. NO EVALUATION HAS BEEN MADE BY THE WALworth COUNTY SANITATION DEPARTMENT AS TO MEETING THE REQUIREMENT FOR A REPLACEMENT SYSTEM UNDER COMM-83 OF THE WISCONSIN ADMINISTRATIVE CODE.

LEGEND

- Existing Boundary Line
- Existing Right-of-Way
- Existing Easement Line
- Existing Section Line
- Existing Septic Vent
- Existing Wall

SCALE: 1" = 50'

DISTANCE UNITS BASED ON THE UNITED STATES SURVEY FOOT

BEARINGS BASED ON THE WISCONSIN COUNTY
COORDINATE SYSTEM, WALworth ZONE. THE
WEST LINE OF THE SOUTHEAST QUARTER
BEARING 58° 28' 53" E

VERTICAL DATUM BASED ON NGVD-29
CERTIFIED SURVEY MAP NO.


SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH STATUTE

State of Wisconsin
County of Rock

I, Kristin J. Belonga, a Professional Land Surveyor, do hereby certify that I have surveyed and mapped Lot 1 of Arrowhead Park and unplatted lands, being part of the Northwest 1/4 of the Southeast 1/4 of Section 35, T. 4 N., R. 16 E., of the 4th P.M., Town of LaGrange, Walworth County, Wisconsin.

DESCRIBED AS FOLLOWS: Commencing at a concrete monument with brass cap at the Center of Section 35 (T. 4 N., R. 16 E.); thence South 0°28'25" East along the West line of the Southeast 1/4 of aforesaid Section 35, 521.15 feet; thence South 89°31'35" West, 684.45 feet to a 3/4" rebar found at the most Westerly corner of Lot 1 of Arrowhead Park; thence North 57°18'50" East, 122.83 feet to an iron pipe at the most Northerly corner of aforesaid Lot 1; thence North 84°19'22" West along the North end of Arrowhead Lane, 38.31 feet to a 3/4" rebar set; thence North 42°59'19" East, 52.56 feet to a 3/4" rebar set; thence North 3°17'40" West, 37.02 feet to an iron pipe found at the Southwest corner of Outlot 1 of Point View Park Subdivision; thence North 82°20'04" East, 85.48 feet to a 3/4" rebar set; thence South 85°54'06" East, 100.36 feet to an iron pipe found at Meander Corner #1; thence continue South 85°54'06" East, 45 feet, more or less, to the edge of Mill Lake; thence Southerly along said shore, 180 feet, more or less; thence South 87°00'15" West, 30 feet, more or less, to an iron pipe found at Meander Corner #3, being located from Meander Corner #1 as follows: Beginning at aforesaid Meander Corner #1; thence South 6°51'23" West, 119.95 feet to a 3/4" iron rebar set at Meander Corner #2; thence South 17°32'25" West, 60.78 feet to Meander Corner #3; thence continue South 87°00'15" West, 175.11 feet to an iron pipe found; thence North 72°18'11" West, 48.64 feet to an iron pipe found; thence North 54°16'49" West, 36.96 feet to the point of beginning. Containing 43,600 square feet (1,001 acres), more or less.

Subject to any easements, agreements, covenants and restrictions, recorded or unrecorded.

That such map is a correct representation of all exterior boundaries of the land surveyed and the division of that land. That I have made such survey, division and map by the direction of the Owner of said land, and that I have complied fully with the provisions of Section 236.34 of the Wisconsin Statutes in surveying, dividing and mapping the same.

The intent of this Certified Survey Map is to adjust the lot line between Lot 1 of Arrowhead Park and adjacent unplatted lands.

Given under my hand and seal this ___ day of ______________, 2020 at Beloit, Wisconsin.
CERTIFIED SURVEY MAP NO. 
A LOT LINE ADJUSTMENT OF LOT 1, ARROWHEAD PARK 
AND UNPLATTED LANDS, BEING PART OF THE NW 1/4 OF 
THE SE 1/4 OF SECTION 35, T. 4 N., R. 16 E., OF THE 4TH P.M., 
TOWN OF LAGRANGE, WALWORTH COUNTY, WISCONSIN.

OWNER'S CERTIFICATE

I, Linda D. Friedman, Owner of the land described in the foregoing description, do hereby certify that I have caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on the map. I also certify that this plat is required by Sections 236.10 and 236.12 of the Wisconsin Statutes to be submitted to the following for approval or objection: Town of LaGrange and Walworth County.

WITNESS the hand and seal of said Representative of said Owner, this _____ day of ____________________, 2020.

__________________________________________________________
Linda D. Friedman, Owner

State of Wisconsin } ss. Personally came before me, this _____ day of ____________________, 2020, the
County of Rock } above-named Linda D. Friedman, to me known to be the person who executed the
foregoing certificate and acknowledged the same.

__________________________________________________________
Notary Public, ___________ County, Wisconsin

My Commission Expires

__________________________________________________________
Approved by the LaGrange Town Board this _____ day of ____________________, 2020.

__________________________________________________________
Town Clerk

Chairperson, LaGrange Town Board

__________________________________________________________
Approved by Resolution of the Walworth County Zoning Agency this _____ day of ____________________, 2020.

__________________________________________________________
Rick Stacey, Chairman

ORDER NO: 33708
FOR THE EXCLUSIVE USE OF:
LINDA D. FRIEDMAN
N7474 ARROWHEAD LANE
ELKHORN, WI 53121
ARROWHEAD PARK
TOWN OF LAGRANGE

OWNER'S CERTIFICATE

The undersigned, as owner or person in charge of the premises described below, hereby declare that the premises described below are located in the Town of LAGRANGE and are in accordance with the requirements of the Wisconsin State Statutes, as amended.

The premises described below are located in the Town of LAGRANGE and are in accordance with the requirements of the Wisconsin State Statutes, as amended.

TOWN OF LA GRANGE

WALWORTH COUNTY PARK COMMISSION
Approved this 12th day of June, 1993 as required by Chapter 83 of the Wisconsin Statutes of 1983.

STATE DIRECTOR OF REGIONAL PLANNING
Approved this 12th day of June, 1993 as required by Chapter 83 of the Wisconsin Statutes of 1983.

APPROVAL BY STATE BOARD OF HEALTH
Approved by the Wisconsin State Board of Health this 12th day of June, 1993.

COUNTY TREASURER'S CERTIFICATE

COUNTY TREASURER, WALWORTH COUNTY

TOWN CLERK AND TREASURER'S CERTIFICATE

TOWN CLERK AND TREASURER, TOWN OF LAGRANGE

REGISTER OF DEEDS

County of WALWORTH

Certified to be true and correct.

CZA November 19, 2020

Page 40
October 20, 2020

KRISTIN BELONGIA
R. H. BATTERMAN & COMPANY
2857 BARTELLS DR
BELOIT WI 53511

Subject: CERTIFIED SURVEY MAP
SE1/4 S35 T4N R16E
TOWN OF LA GRANGE, WALWORTH COUNTY

Prepared for: LINDA FRIEDMAN

Dear Kristin Belongia:

Per your request, we have reviewed this certified survey map (CSM) for compliance with s. 236.34 Wis. Stats. Our comments are as follows:

REVIEW COMMENTS:
s. 236.20 (6) A CSM that includes lots/outlots that extend to the water=s edge shall include the following note:
Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

s. 236.34 (1m) (c) & (d) The original survey of section 35 shows the NW 1/4 of the SE 1/4 as Government Lot 3. Reference to the NW 1/4 of the SE 1/4 must be changed to Government Lot 3 in the general location descriptions under the CSM heading on all sheets and in the Surveyor’s certificate.

s. 236.34 (1m) (d) The metes and bounds description must commence from a monumented corner of the 1/4 section in which the land division lies that is not the center of section. Commencing from the meander corner for the South 1/4 corner is acceptable.

The point of beginning must be identified in the metes and bounds description.
s. 236.34 (1m) (e) Reference to ‘Sections 236.10 and 236.12 of the Wisconsin Statutes’ should be removed from the Owner’s certificate. CSM review is required by local ordinance only unless lands are being dedicated to the public with the CSM.

If you have any questions regarding this review, please contact me at the number listed below.

Regards,

[Signature]

Don Sime, PLS
Plat Review
Email: plat.review@wi.gov

Enc: Print

cc: Clerk, Town of La Grange
Walworth County Land Use & Resource Management Dept.
NAME: Jeremy and Simona Ebner
TOWN: Troy

The property owner is requesting to rezone approximately 57.2 acres of C-2 Upland Resource Conservation District and 5.3 acres of A-2 Agricultural District property to the P-1 Park District along with correction of the C-1 Lowland Resource Conservation District Non-Shoreland wetland boundaries to delineated field conditions according to a digital legal description. The rezone is requested in order to obtain conditional use approval for a campground facility containing a Public/Private Campground, a Planned Campground Development and a Recreational Campground that shall share a single exterior campground facility buffer, water, toilet and bathhouse facilities and to allow a limited number of group family related events. The Public/Private Campground would have a total of eight campsites allowing tent camping on an individual basis with the camping guest providing their own mean of shelter. The Planned Campground Development would allow eight campsites for park model trailers seasonal but allow to stay all year round for individual guest. The Recreational Camp would allow for seven group recreational campsite areas each that could be used by a separate group of association. The group sites would contain between three and eight camp units for a total of 36 camp units or shelters which may by the Zoning Ordinance be perminant structures. The owner is requesting perminant/seasonal tent like structure to be used as the camp unit structures. Parking, interior campground trails and road, water, bathhouses and toilet facilities would meet with State and local regulations.

- 36 Units (Structure type shelters) in the recreational camp; 7 Group Rec Camps "Sites"
- 13 Units (trailer, park models) in the public campground; 13 Camp Sites
- 8 Units (tents/pop-ups campers, trailers) in the planned campground; 8 Camp Sites
- Total Campground Facility 57 Units (shelter types) : Total 28 Camp Sites

The project includes request for up to 12 family related event (Events as defined by Farm Family Business Wedding Barns definition) to be allowed on the whole 57 unit/28 site Campground Facility per year. The whole Campground Facility would be rented or occupied by a single associated group when having an event. The maximum of attendees of the events would be 300 people made up of 150 guest total Campgrounds capacity and 150 day visitors. The site would be owner occupied. The current Girls Scout Camp main structure is requested to have conditional use approval to be used as a caretaker’s quarters and home for the property owners.

Part of Tax Parcel L T 2200002, L T 2200005A
Has been **APPROVED** subject to the related rezone passing County Board and the following conditions:

**General:**

1. The requested encampment is approved as per the plan submitted for a campground facility containing a Public/Private Campground, a Planned Campground Development and a Recreational Campground with all additional conditions.

2. The total campground facility (all three campground) shall share a single exterior campground facility yard/buffer, parking, water, toilets and bathhouse facilities meeting all State and local regulations and requirements of the zoning ordinance with exception of variances granted for exterior boundary setbacks as specified in the variance approval.

3. The Public/Private Campground would have a total of thirteen (13) campsites allowing tent camping on an individual basis with the camping guest providing their own mean of shelter.

4. The Planned Campground Development would allow eight campsites for park model trailers to be seasonally used but allow to stay in place year round and used by individual guest.

5. The Recreational Camp shall allow for seven group recreational campsite areas each to be used by a separate group of association. The group sites contain between three and eight camp units for a total of 36 camp units or shelters as specified on the approved plan. The recreational camp structures shall be permanent/seasonal tent structure. An amendment of this conditional use approval shall be required prior to conversion of the seasonal tent structures to more permanent cabins.

   - 36 Units (permanent/seasonal tent structure) in the recreational camp; 7
   - Group Rec Camp “Sites”
   - 13 Units (tents/pop-up campers, trailers) in the public/private camp; 13
   - Camp Sites
   - 8 Units (park model trailers) in the planned campground; 8
   - Camp Sites

Total 57 Units (shelter types): Total 28 Camp Sites

6. The total capacity of the campground facility for camping guests shall be 150.

7. The campground facility (all three campground together) shall allow for up to 12 family related event (events as defined by Farm Family Business Wedding Barns definition as weddings, baby showers, anniversaries, family reunions, and similar family related events) to be allowed on the whole 57 unit/28 site campground facility per year.
8. The whole campground facility shall be rented or occupied by a single associated group when having an event. The maximum number of attendees for each event shall be 300 people made up of 150 guest consisting of the campground facility capacity and 150 day visitors. Seasonal family related events are limited to a use that requires no buildings, structures or improvements other than those existing on the recreational camp, and does not impair or limit the current or future use of the site for camp purposes. No public assembly uses shall be allowed on site with the exception of the seasonal family related events.

9. Rental of the camp for seasonal family related events shall be by appointment only. The property owner shall keep of log of all family related events held including the name of the family or group, purposes of the gathering, dates, times and total capacity proposed. The property owners shall make the log available to the Town and or County upon request.

10. Seasonal family related event hours shall be from Friday and Saturday from 9:00 a.m. to 12:00 a.m. (midnight) and Sundays 9:00 a.m. to 6:00 p.m. during the months of May, June, July, August, September and October.

11. The property owner’s responsibility to obtain any commercial building permit and fire code permit approval necessary from the appropriate building inspector/fire inspector prior to use of the campgrounds for approved seasonal family related events.

12. Bathrooms: Portable toilets shall be provided for additional service and a pumping contract shall be provided to the county to assure maintenance and removal at the end of the any seasonal family related event.

13. All food and beverages shall be brought on site by the family renting the campground for the specific seasonal related family event or by a caterer hired by the family renting the campground.

14. No permanent liquor license shall be applied for or issued for the premises under this approval as a campground allowing seasonal family related events. No portion of the campground shall become a bar/tavern.

15. Alcoholic beverages sold on site must be purchased from and dispensed by a licensed provider. All alcoholic beverages sold on site must be served by a certified bartender in compliance with all laws and regulations established by appropriate governmental units including no service to underage or intoxicated guests.

16. No retail sales other than beverages during an event shall be allowed on site.

17. There shall be a detailed approved site plan identifying outdoor areas used for seasonal family related events including amenities such as but not limited to outside cooking, bonfires, outdoor music, party tents, the parking area and portable toilets if provided.
18. Outdoor bonfires shall be in an acceptable location within a fire ring as specified on the site plan.

19. There shall be no fireworks or firework displays launched from the campground during use for a seasonal family related event.

20. Garbage shall be removed from the property on the Monday after a seasonal family related event, at the latest.

21. The site shall be owner occupied with the current girls scout camp main structure to be used as a caretaker’s quarters and home for the property owners. The caretaker’s quarters shall not be rented out or used by camping guests. No use for the bathroom by campers.

22. Use of the grounds shall be limited to the recreation camp activities.

23. All housing for the campground users shall occur in the campground shelters as identified on the plan.

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

25. The applicant must obtain all required County Zoning permit.

26. Hours of operation for the campgrounds shall be as stated in the plan of operations.

27. Quite hours for the campgrounds shall be set between 10:00 p.m. and 6:00 a.m.

28. Sufficient adult supervision must be present at all times when the camp is used by children.

29. No animals for a petting zoo may be brought on site without additional conditional use approval.

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

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

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

33. The applicant obtaining adequate liability insurance and keep the insurance current during the life of this conditional use.

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

35. 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.

36. The applicant shall obtain a Walworth County sign permit prior to placement of any sign on site.
37. 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.

38. 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.

39. 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:

40. The parking standards have been modified by this conditional use to allow overflow parking on the grass during the occasions of events as depicted of the project plan. Normal campground (non-event) use shall use the surfaced parking as depicted on the project plan.

41. There shall be no more than two dogs or pets (by County Zoning Ordinance) allowed per camp unit and all pets shall be kept in the presents of the owner/caretaker on a leash or contained when on site.

42. Examples of glamping internet links provided are not accepted as part of the conditional use application or approval.

43. This matter will return to the November 19, 2020 County Zoning Agency meeting for a one-time review.

Dated this 21st day of November, 2019.

__________________________________________
COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

cc: Town of Troy, John Kendall, Chairman, N8870 Briggs Street, East Troy, WI 53120
    Town of Troy, Tracey Raymond, Clerk, N8870 Briggs Street, East Troy, WI 53120
CAMPGROUND PLAN

Walworth County Parcel #22000054, and #22000002, being a part of the NW 1/4 of the NW 1/4, and part of the NE 1/4 of the NW 1/4, and part of the SW 1/4 of the NW 1/4, and part of the SE 1/4 of the NW 1/4, all in Section 22, T4N, R17E, Town of East Troy, Walworth County, Wisconsin.
CAMPGROUND PLAN

Walworth County Parcel #2090005A, and #2090006C, being a part of the NW 1/4 of the NW 1/4, and part of the SE 1/4 of the NW 1/4, and part of the NW 1/4 of the NW 1/4, and part of the SE 1/4 of the NW 1/4, all in Section 22, T44N, R17E, Town of East Troy, Walworth County, Wisconsin.
Jeremy and Simona Ebner
Rezone C-2, A-2 & C-1 to P-1 & C-1
With CU for Campground
Section 22, 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:  

__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.
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 as 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, 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.

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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.
White Barn: 2925 rentable square feet

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

3rd floor Offices: 475 sq feet

Lower level Offices: 2000 sq
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.
# Parking Calculations

<table>
<thead>
<tr>
<th>Main Building</th>
<th>Total Sq feet</th>
<th>Office</th>
<th>Lab</th>
<th>Church</th>
<th>Commercial Kitchen</th>
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</thead>
<tbody>
<tr>
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<td>500</td>
<td></td>
<td></td>
<td></td>
<td>2 FTE employees</td>
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<tr>
<td>1st Floor Office</td>
<td>840</td>
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<td>1300</td>
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<td>2nd floor Meeting space</td>
<td>1500</td>
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<td>Mezzanine</td>
<td>780</td>
<td>780</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Basement Lab</td>
<td>2000</td>
<td></td>
<td>2 employees</td>
<td></td>
<td></td>
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<tr>
<td><strong>White Barn:</strong></td>
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<td></td>
<td></td>
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<tr>
<td>Lower level</td>
<td>2000</td>
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<td>475</td>
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<th>Office</th>
<th>Lab</th>
<th>Church</th>
<th>Commercial Kitchen</th>
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<tbody>
<tr>
<td>Total Calculation</td>
<td>5845</td>
<td>2 employees</td>
<td>40 attendees</td>
<td>2 FTE employees</td>
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<tr>
<td>1 stall per 300 ft2</td>
<td>1 stall for each 3 employees</td>
<td>1 stall for each 5 seats (Sunday only)</td>
<td>1 stall for each 3 employees</td>
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<td>Stalls</td>
<td>19.5</td>
<td>0.7</td>
<td>8.0</td>
<td>0.7</td>
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Total Stalls Calculated: 28.82
Round up: 29

## XI. Our Requests

1. Rezone of P2 to B2 for PA120200001.
2. CUP for Planned Unit Development
3. CUP for a Church

**Contact:**
Darrell Smith and Robert Karp, Project Manager/Consultants for Yggdrasil Land Foundation
naturalo@sbcglobal.net   Cell: 414-313-4323

**RECEIVED**
JUL 8 2020
WALWORTH COUNTY LAND USE RESOURCE MANAGEMENT DEPT.
CERTIFIED SURVEY MAP NO.

BEING A RE-DIVISION OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 1222, LOCATED IN PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN.

NOTES:

Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.

Approximate ordinary high water mark is shown for reference only.

From normal observation the existing septic systems appears to be functioning.

Lot 3 to have a platted easement over and across all of Lot 4 to access Townline Road.

See Sheets 2 - 4 for Lot Details.

OWNER:
MICHAEL FIELDS
AGRICULTURAL
INSTITUTE, INC.
P.O. BOX 991
EAST TROY, WI 53120

SURVEYOR:
V2G SURVEYING LLC.
123 WOLF RUN, S.E. 4
MUKWONAGO, WI 53149
262-775-0597

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JUL 08 2020

WALWORTH COUNTY LAND USE
RESOURCE MANAGEMENT DEPT.

SHEET 1 OF 6
DRAFT DATE: 07/08/2020
V2G JOB NO.: 2018-196
CERTIFIED SURVEY MAP NO.

BEING A RE-DIVISION OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 1202, LOCATED IN PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 18 EAST, TOWN OF EAST TROY, WALWORTH COUNTY, WISCONSIN.
CERTIFIED SURVEY MAP NO. ______

BEING A RE-DIVISION OF LOTS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 1202, LOCATED IN PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 4 NORTH, RANGE 16 EAST, TOWN OF EAST TROY, WALworth COUNTY, WISCONSIN.

SURVEYORS CERTIFICATE:

I, Michael A. Greeson, professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236.34 of the Wisconsin Statutes and the subdivision regulations of the Town of East Troy and the County of Walworth, and under the direction of Perry Brown, I have surveyed, divided and mapped this Certified Survey Map; that such map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is located in part of the Northwest 1/4 and Southwest 1/4 of Section 30, Township 4 North, Range 16 East, Town of East Troy, Walworth County, Wisconsin, containing approximately 21.26 acres of land to the center of Honey Creek and described as follows: All that part of Lots 1 and 2 of Certified Survey Map number 1202 as previously recorded in Volume 5, CS page 288, Walworth County Register of Deeds office and additional lands located in part of the Northwest 1/4 of Section 30, Township 4 North, Range 16 East, Town of East Troy, Walworth County Wisconsin. Being further described as follows:

Commencing at the Concrete Monument marking the Northwest corner of the Northwest 1/4 of Section 30; thence along the West line of said Northeast 1/4 S00’06’57”E, 708.18’ to the intersection of said West line and the South Right of Way for CT.H, “ES”; thence N81’59’03”E, 25.25’ to the point of beginning; thence continuing along said South Right of Way Line N81’59’03”E, 1233.53’ to the Northeast corner of Lot 2, Certified Survey Map No. 1202; thence along the East line of said Lot 2 S00’01’00”E, 512.19’ to a found 1” iron pipe; thence N81’36’00”E, 120.11’ to a found 1” iron pipe; thence S00’18’00”E along said East line of Lot 2 Certified Survey Map No. 1202, 212.36’ to the centerline of Honey Creek; thence Westerly along the centerline of said Honey Creek to a point that is S00’06’57”E, 695.27’ from said point of beginning, said point being on the Easterly line of Right of Way for Town line Road; thence N00’06’57”W along said Easterly Right of Way, 896.27’ to the point of beginning. Said area containing 21.26 acres more or less to the centerline of Honey Creek.

Dated this 7th day of July, 2020.

Michael A. Greeson, P.L.S. # 2770

Corporate Owner's Certificate

Michael Fields Agricultural Institute, INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said corporation described on this plat to be surveyed, divided, mapped, and dedicated as represented on this plat.

Michael Fields Agricultural Institute, INC., does further certify that this plat is required to be submitted to the following for approval or objection: Town of East Troy, Village of East Troy and Walworth County.

IN WITNESS WHEREOF, the said Michael Fields Agricultural Institute, INC. has caused these presents to be signed by Perry Brown, Executive Director, and countersigned by Jamshed Patel, its secretary/Treasurer, at the State of Wisconsin, and its corporate seal to be hereunto affixed on this day of______, 2020. In the presence of: Michael Fields Agricultural Institute, INC.

Perry Brown, Executive Director

Countersigned: __________ Jamshed Patel, Secretary/Treasurer.

Corporate Owner’s Notary Certificate

STATE OF WISCONSIN

________________________________________ (COUNTY) SS. Personally came before me this _______ day of ________, 2020,

Perry Brown, Executive Director, and Jamshed Patel, Secretary/Treasurer of the above named corporation, to me known to be the persons who executed the foregoing instrument, and to me known to be such Executive Director and Secretary/Treasurer of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Notary Seal __________

Notary Public: __________, Wisconsin

My commission expires __________.

RECEIVED

V²G SURVEYING, LLC

JUL 08 2020

WALworth COUNTY LAND USE
RESOURCE MANAGEMENT DEPT.

CZA November 19, 2020 Page 70
CERTIFIED SURVEY MAP NO. __________

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TOWN OF EAST TROY BOARD APPROVAL CERTIFICATE:

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE TOWN BOARD OF THE TOWN OF EAST TROY, 

ON THIS __________ DAY OF __________, 2020.

JOSEPH KLARKOWSKI, CHAIRMAN

KIM BUCHANAN, CLERK

VILLAGE OF EAST TROY EXTRATERRITORIAL APPROVAL CERTIFICATE:

THIS CERTIFIED SURVEY MAP BEING LOCATED IN THE TOWN OF EAST TROY AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE VILLAGE OF EAST TROY IS HEREBY APPROVED BY THE VILLAGE OF EAST TROY,

ON THIS _______ DAY OF ____, 2020.

SCOTT SEAGER, PRESIDENT

WALWORTH COUNTY ZONING AGENCY APPROVAL CERTIFICATE:

THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY THE WALWORTH COUNTY ZONING AGENCY, ON

THIS _______ DAY OF ________, 2020.

RICK STACEY, CHAIRMAN

RECEIVED

JUL 08 2020

WALWORTH COUNTY LAND USE RESOURCE MANAGEMENT DEPT.
White Barn Floor 2

3rd Floor Offices
490 Sq'
Brown Barn Basement

- Storage
- Storage
- Elevator
- Storage
- Research/Storage 270 sq
- Research 600 sq
- Research/ Lab 400
- Receiving/ Storage 575 sq

Brown Barn Floor 1

- Pantry/ Storage 170 sq
- Cooler 70 sq
- Men/ Women Bathrooms
- Jan
- Elevator
- Kitchen 365 sq
- Vestibule
- Lobby/ Common Area
- First Floor Office 850 sq

1 inch = 20'
Brown Barn Floor 2

- 2nd Floor Office 2
  - 190 sq

- 2nd Floor Office 3
  - 105 sq

- 2nd Floor Office 4
  - 150 sq

- 2nd Floor Office 5
  - 170 sq

- Elevator

- Bathroom

- Conference Room
  - 270 sq

- Meeting Space
  - 1600 sq

1 inch = 20’

Brown Barn Mezzanine

- 3rd Floor Office
  - 720 sq

- Elevator

- 5 ft

- 10 ft

1 inch = 20’
<table>
<thead>
<tr>
<th><strong>Main Building</strong></th>
<th><strong>Sub Total Sq feet</strong></th>
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<td>Commerical Kitchen</td>
<td>655</td>
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<td>2nd floor Meeting space</td>
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<td>Mezzanine</td>
<td>770</td>
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<td>Basement Lab</td>
<td>1845</td>
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<td><strong>White Barn:</strong></td>
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<td>Lower level</td>
<td>1800</td>
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<td>Second Floor</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>9785</strong></td>
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</table>
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PRELIMINARY STAFF PLANNING REPORT TO THE WALWORTH COUNTY ZONING AGENCY

TYPE OF PETITION  ____X______ REZONE

____________________ CONDITIONAL USE

NAME:  Brian K. Madl – Owner

LOCATION:  The property of concern is located in the SE ¼ of Section 10 and SW ¼ of Section 11, Whitewater Township and is identified as parts of Tax Key Parcel D W 1000011.

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

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

The requested zoning is A-4 Agricultural Related Manufacturing, Warehousing and Marketing District with requested conditional use for a broadband internet service provider as a utility and an associated contractor storage yard and C-4 zoning to match delineated wetland boundary to the existing field conditions by digital survey.

PROJECT DESCRIPTION:

The application indicates: The property owner is requesting to rezone approximately 1 acre of A-1 Prime Agricultural District land to the A-4 Agricultural Related Manufacturing Warehousing and Marketing District in order to obtain conditional use approval for a broadband internet service provider as a utility and an associated contractor storage yard. The rezone also includes changing approximately 1.9 acres of land from A-1 Prime Agricultural District to C-4 Shoreland Wetland District to match the wetland boundary to delineated field conditions according to a digital survey. The current 60 ft. by 40 ft. shop space is used to house cables and hardware for the installation of high speed internet and to provide office space for the internet business Edge Broadband. The outdoor space is used to store duct/conduit, fiber optic cable and vaults for the installation of underground fiber optic cables for internet access and parking for trucks, equipment and employees. A proposed additional 60 ft. by 100 ft. shop space would be used to store equipment and supplies inside out of the elements.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The County 2035 Land Use Plan identifies this area as the AP Prime Agricultural land use category and the proposed wetland area as the INRA Isolated Natural Resource Area land use category.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north east and south are lands zoned A-1.
To the west are properties zoned A-1 and A-3.
SITE CHARACTERISTICS: The following soils are found on the rezone area: % of Site

<table>
<thead>
<tr>
<th>Soil Type</th>
<th>Class</th>
<th>Description</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pa Class III</td>
<td>Palms Muck</td>
<td>10%</td>
<td></td>
</tr>
<tr>
<td>Ph Class II</td>
<td>Pella Silt Loam</td>
<td>15%</td>
<td></td>
</tr>
<tr>
<td>MgA Class II</td>
<td>Martinton silt loam 1 to 3% slope</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>ScB Class II</td>
<td>St. Charles Silt Loam, 2 to 6% Slopes</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>MpC2 Class III</td>
<td>McHenry Silt Loam, 2 to 6% slopes, eroded</td>
<td>25%</td>
<td></td>
</tr>
</tbody>
</table>

The rezone area contains 100% prime farm soils.

IMPACT ON ROADS AND TRAFFIC:

The property is served by Hwy P to the west of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The site plan submitted does not show the full extent of the gravel parking area for the outside contractor storage yard. A boundary line representing the exterior edge of the gravel storage area needs to be drawn on the site plan.

The site plan shows the location of the wetland boundary but does not indicate the required A-1 Prime Agricultural Zone District to C-4 Shoreland Wetland district request for rezone on the rezone application. The wetland rezone will need to be added to the rezone application and the owner must provide either a written legal description from the surveyor or a digital wetland boundary that can be loaded into the County GIS system.

APPLICATION STATUS: __________COMPLETE  ____X____INCOMPLETE

FINDINGS FOR REZONING:

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

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

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

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

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

A-4 zoning for a utility and utility associated contractor storage yard are considered Agricultural related uses and are allowed in the AP Prime Agricultural land use category area by the Farmland Preservation Ordinance. Correction of the wetland boundary to match existing field conditions is also allowed under the Farmland Preservation Ordinance and Land Use Plan.
Brian K. Madl
Rezone A-1 to A-4 & C-4
W/CU for Utility/Contractor Storage
Section 10, Whitewater 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:  Brian K. Madl – Owner

LOCATION:  The property of concern is located in the SE ¼ of Section 10 and SW ¼ of Section 11, Whitewater Township and is identified as parts of Tax Key Parcel D W 1000011.

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

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

The requested zoning is A-4 Agricultural Related Manufacturing, Warehousing and Marketing District with requested conditional use for a broadband internet service provider as a utility and an associated contractor storage yard and C-4 zoning to match delineated wetland boundary to the existing field conditions by digital survey.

PROJECT DESCRIPTION:

The application indicates:  The property owner is requesting to rezone approximately 1 acre of A-1 Prime Agricultural District land to the A-4 Agricultural Related Manufacturing Warehousing and Marketing District in order to obtain conditional use approval for a broadband internet service provider as a utility and an associated contractor storage yard.  The rezone also includes changing approximately 1.9 acres of land from A-1 Prime Agricultural District to C-4 Shoreland Wetland District to match the wetland boundary to delineated field conditions according to a digital survey.  The current 60 ft. by 40 ft. shop space is used to house cables and hardware for the installation of high speed internet and to provide office space for the internet business Edge Broadband.  The outdoor space is used to store duct/conduit, fiber optic cable and vaults for the installation of underground fiber optic cables for internet access and parking for trucks, equipment and employees.  A proposed additional 60 ft. by 100 ft. shop space would be used to store equipment and supplies inside out of the elements.

CONFORMANCE WITH COUNTY LAND USE PLAN:

The County 2035 Land Use Plan identifies this area as the AP Prime Agricultural land use category and the proposed wetland area as the INRA Isolated Natural Resource Area land use category.

COMPATIBILITY WITH SURROUNDING LAND USES:

To the north east and south are lands zoned A-1.
To the west are properties zoned A-1 and A-3.

CZA November 19, 2020
SITE CHARACTERISTICS: The following soils are found on the rezone area: % of Site

<table>
<thead>
<tr>
<th>Soil Class</th>
<th>Soil Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pa Class III</td>
<td>Palms Muck</td>
<td>10%</td>
</tr>
<tr>
<td>Ph Class II</td>
<td>Pella Silt Loam</td>
<td>15%</td>
</tr>
<tr>
<td>MgA Class II</td>
<td>Martinton silt loam, 1 to 3% slope</td>
<td>25%</td>
</tr>
<tr>
<td>ScB Class II</td>
<td>St. Charles Silt Loam, 2 to 6% Slopes</td>
<td>25%</td>
</tr>
<tr>
<td>MpC2 Class III</td>
<td>McHenry Silt Loam, 2 to 6% slopes, eroded</td>
<td>25%</td>
</tr>
</tbody>
</table>

The rezone area contains 100% prime farm soils.

IMPACT ON ROADS AND TRAFFIC:

The property is served by Hwy P to the west of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The site plan submitted does not show the full extent of the gravel parking area for the outside contractor storage yard. A boundary line representing the exterior edge of the gravel storage area needs to be drawn on the site plan.

The site plan shows the location of the wetland boundary but does not indicate the required A-1 Prime Agricultural Zone District to C-4 Shoreland Wetland district request for rezone on the rezone application. The wetland rezone will need to be added to the rezone application and the owner must provide either a written legal description from the surveyor or a digital wetland boundary that can be loaded into the County GIS system.

APPLICATION STATUS: COMPLETE

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.

A-4 zoning for a utility and utility associated contractor storage yard are considered Agricultural related uses and are allowed in the AP Prime Agricultural land use category area by the Farmland Preservation Ordinance. Correction of the wetland boundary to match existing field conditions is also allowed under the Farmland Preservation Ordinance and Land Use Plan.

General:

1. Approved as per plan submitted for a storage sheds with indoor storage space and offices for a broadband internet provider and associated contractor storage yard for outside storage of equipment, materials, trucks and employee parking with all additional conditions.
2. All uses of the site shall meet applicable Federal, State, County and local regulations including commercial building inspection.

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

4. The applicant must obtain all required zoning permit approvals including sign permits and sanitation approval.

5. The applicant must obtain the required County approval for access onto Hwy P for the business and associated contractor storage yard.

6. No fill, debris, branches or leaves may be disposed of on-site.

7. 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 if required by ordinance.

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

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

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

12. On site hours of operation shall be seven days a week for the utility office and internet with hours for the contractor storage yard from 7:00 a.m. to 5:00 p.m. Monday through Friday with return of equipment from off-site work until 9:00 p.m. No operation on Sundays or Holidays.

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

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

15. No on-site general public sales shall be allowed from the contractor storage yard.

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

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

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

19. Outside storage is limited to the type, quantities and location of material associated with the business as identified on the plan of operations. No outside storage areas including displays of goods are allowed in the required setback areas.
20. No outside storage of chemicals shall occur on site.

21. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian.

22. All flammable waste materials shall be stored in a non-flammable, enclosed container and be gated in a non-combustible fence.

23. 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.

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

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

26. 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.

27. 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:

28. Only trucks, trailers and equipment owned by the broadband internet provider shall be allowed to be stored on site.

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

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

31. There shall be no expansion of this contractor storage yard without new conditional use approval.

32. There shall be no extension of use on-site into industrial use without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.

33. There shall be no burning of waste materials on site.
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 Section 36, 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: The following soils are found on the site: % of Site

<table>
<thead>
<tr>
<th>Soil Code</th>
<th>Soil Type</th>
<th>Characteristics</th>
<th>Percentage</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>
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<td>MzFA</td>
<td>Class III</td>
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<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>
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<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
GENERAL NOTES

DETAILS OF CONSTRUCTION MATERIALS AND WORKMANSHIP NOT SHOWN ON THIS DRAWING SHALL CONFORM TO THE PERTINENT REQUIREMENTS OF THE STANDARD SPECIFICATIONS AND THE APPLICABLE SPECIAL PROVISIONS.

TRACKING PAD SHALL BE INSPECTED DAILY. DEFICIENT AREAS SHALL BE REPAIRED OR REPLACED IMMEDIATELY.

TRACKING PAD TO BE REMOVED AFTER CONSTRUCTION IS COMPLETED.

TRACKING PAD SHALL BE THE FULL WIDTH OF THE EGRESS POINT.

SURFACE WATER MUST BE PREVENTED FROM PASSING THROUGH THE TRACKING PAD. FLOWS SHALL BE DIVERTED AWAY, AROUND OR CONVEYED UNDER THE TRACKING PAD.

CULVERT PIPE OR OTHER BMP USED TO DIVERSE WATER AWAY, AROUND OR UNDER THE TRACKING PAD SHALL BE DESIGNED TO CONVEY THE 2 YEAR - 24 HOUR EVENT.

THE COST OF ADDITIONAL BMP TO DIVERSE WATER IS INCIDENTAL TO THE TRACKING PAD BID ITEM.

TRACKING PAD

STATE OF WISCONSIN
DEPARTMENT OF TRANSPORTATION

TRACKING PAD

PROJECT NO: 200501.40
HONEY CREEK ROAD
COUNTY: WALWORTH COUNTY
CONSTRUCTION DETAILS

DATE: 6/5/2020

PLT BY: Tylor D. Gates
PLT NK: 7.000 FT

RECEIVED
AUG - 5 2020

WAUKESHA COUNTY LAND USE RESOURCE MANAGEMENT DEPT.
# Cut/Fill Report

**Generated:** 2020-08-05 08:23:55  
**By user:** 846dgd  
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## Volume Summary

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<th>Type</th>
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<th>Fill Factor</th>
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<th>Cut (Cu. Yd.)</th>
<th>Fill (Cu. Yd.)</th>
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</thead>
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<td>97352.29*</td>
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<td>0.02</td>
<td>2351.56*</td>
<td>2351.53*</td>
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</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>
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<tbody>
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<td>258135.92</td>
<td>99704.00*</td>
<td>158431.92*</td>
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* Value adjusted by cut or fill factor other than 1.0
KATHRYN BABCOCK SHAFFER Trust c/o Jack Shaffer – Owner
CU for Land Restoration (Pond)
Section 36, 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: P & H Real Estate Investment, LLC

LOCATION: The property of concern is located in the SW ¼ of Section 28, Sugar Creek Township and is identified as part of Tax Parcel G SC2800011A.

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 conducted for creation of a half-acre pond. The total area of disturbance is 34,000 square feet and requires conditional use permit approval for Land Restoration.

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:

The property is surrounded by lands zoned A-1.

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

<table>
<thead>
<tr>
<th>Soil Code</th>
<th>Class</th>
<th>Description</th>
<th>% of Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>MyB</td>
<td>Class II</td>
<td>Miami silt loam, 2 to 6% slopes</td>
<td>40%</td>
</tr>
<tr>
<td>KiA</td>
<td>Class II</td>
<td>Kendall silt loam, 1 to 3 percent slopes</td>
<td>20%</td>
</tr>
<tr>
<td>Ph</td>
<td>Class II</td>
<td>Pella Silt Loam</td>
<td>40%</td>
</tr>
</tbody>
</table>

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

The site is served by Cobblestone Road to the east of the parcel.

OTHER RELEVANT DATA – RECOMMENDATIONS:

The application for the conditional use for Land Restoration was last month in order for the property owner to obtain a Town of Sugar Creek recommendation.

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.

General:

1. This facility is approved per plan submitted for land restoration for the creation of a 1/2 acre, 20 foot deep pond and associated spoils area and berms with a total land disturbance of 34,000 sq. ft. 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:
P&H Real Estate Investments LLC
CU for Land Restoration for Pond Section 28, 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: 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: __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 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 approximate 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>PtA</th>
<th>Class I</th>
<th>Plano Silt Loam, gravelly substratum, 0 to 2% slope</th>
<th>25%</th>
</tr>
</thead>
<tbody>
<tr>
<td>WhB</td>
<td>Class II</td>
<td>Warsaw silt loam, 2 to 6% slope</td>
<td>55%</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>LzD2</td>
<td>Class VI</td>
<td>Lorenzo-Rodman complex, 12 to 20 percent slopes, eroded</td>
<td>2%</td>
</tr>
<tr>
<td>WhC2</td>
<td>Class III</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.

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 Town of Darien and 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 without specific notice as stated above.

7. Road access and maintenance agreements shall be filed with the Town of Darien, 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 re-graded 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 rezoning the property back to the pre-existing zone district. Upon completion of restoration the County shall hold a public hearing for rezoning of the property back to the original zone district. The County shall not release the required performance bond or surety until the property of concern has been restored.

19. The applicant must obtain a sign permit from the County Zoning Office prior to construction of any signs on site. No billboards will be allowed to be located in an M-3 district even under a State Hwy permit 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.

31. Payne and Dolan must obtain any and all necessary permits and take those measures necessary for the protection of the environment and any endangered species affected by the proposed use as per the Town.

32. Advanced notification to the Town of Darien and Walworth County Land Use if hours of operation are extended beyond 6 a.m. – 6 p.m. Monday – Saturday as per the Town.

33. Payne and Dolan will need to provide a bond if they use any Town roads and per the Town.

34. No Jake braking will be allowed as per the Town.

35. Payne and Dolan must provide a contact person and number for any issues as per the Town.

36. Walworth County Public Works Department concerning Highways is requesting that the applicant be required to resurface CTH C prior to plant installation and monitor and use the CTH C in the following ways:
   a. Hot Mix Asphalt Resurfacing shall be in three (3), two-inch (2") lifts of a mix consistent with the expected daily traffic level.
   b. Said resurfacing shall extend from the intersection of HWY 14/11 to a point 100 feet south of the planned plant entrance.
c. The roadway shall be kept in a manner consistent with Highway pavement preservation ideals until such a time when the plant closes with all preservation costs bore by the applicant.

d. Annual inspections by Highway staff will be relayed to the applicant with stipulations for continued use.

e. There shall be NO LEFT TURNS when traffic is leaving the plant – this shall be made known to all customers by the applicant. Highway will install RIGHT TURN ONLY signs.

f. If these proposed conditions are given favorable consideration, the Owner/Applicant shall inform Barry Pierce at 262-741-3799.
R.E: TYPICAL CROSS SECTION
TEMPORARY FRESHWATER & WASH PONDS

1. DURING EXTRACTION OPERATIONS

- DECOMMISSIONING OF WASH PONDS & RECLAMATION
- TOPSOIL & RETURN TO AGRICULTURE
- COVER WITH S OF TURF
- FILL WITH EARTH MATERIALS FROM ON SITE

2. RECLAMATION

WASH POND DIMENSIONS

THIA SOURCE OF WATER TO BE USED IN THE MINERAL EXTRACTION OPERATION IS COMPOSED OF SURFACE RUN-OFF FROM THE SITE AND CERAMIC WATER INfiltrATION THAT WILL BE ACCESSED BY EXCAVATING TEMPORARY WASH PONDS IN PHASE I.

WATER COLLECTED ON THE SITE IS USED TO CONTROL DUST IN PROCESSING OPERATIONS AND IN THE PROCESSING (WASHING) OF AGGREGATE.

WATER FROM THE WASHING AND PROCESSING OPERATIONS IS RECYCLED AS MUCH AS POSSIBLE. WATER FOR WASHING IS TO BE TREATED AND RECYCLED AND REUSED FOR ADDITIONAL AGGREGATE AND REMOVE CLAY & SALT THEN SENT TO A WASH POND WHERE THE CLAY & SALT ARE ALLOWED TO SETTLE OUT BEFORE THE WATER IS RETURNED TO THE FRESHWATER POND TO BE USED AGAIN.

THE WYOM REGULATES ALL FACILITIES ENGAGED IN NONMETALLIC MINING ACTIVITY AND REQUIRES ALL SUCH FACILITIES TO APPLY FOR AND OBTAIN A WORM IDENTITY THAT REGULATES DISCHARGES AS PROVIDED IN CHAPTER 308 WY. STATUTES. THESE DISCHARGES INCLUDE ALL LIQUID WASTE WATER AND WASTEWATER DIRECTLY RELATED TO THE MINING AND PROCESSING ACTIVITIES. THIS PERMIT WILL BE ISSUED TO AND ADHERED TO.

THE OPERATIONS WILL ALSO SIMILAR TO THE CERAMIC EXTRACTION OPERATIONS IN WALWORTH COUNTY AND THE SURROUNDING COMMUNITIES.

THESE TYPES OF OPERATIONS HAVE NOT AD A SIGNIFICANT IMPACT ON SURFACE WATER QUALITY.

NO HARMFUL CHEMICALS ARE USED IN THE PROCESSING OF THE SAND & GRAVEL.

THE USE OF A FLOCULANT DURING THE WASHING PROCESS IS NOT ANTICIPATED AT THIS TIME. HOWEVER, IF IT IS DETERMINED A FLOCULANT IS NEEDED, ALL WYOM REGULATIONS FOR USE OF SUCH SHALL BE FOLLOWED.
TEMPORARY DIVERSION SWALE

The purpose of the temporary diversion swale shown on sheet 2.0 is to take the existing run-off from agricultural areas that will continue to be farmed during Phase 1 and divert it around the active non-metallic mining area. Therefore, this stormwater will not be entering the active non-metallic mining or disturbed area.

Location of an existing swale

The swale will be graded during initial site construction and prior to mineral extraction taking place.

The swale will be constructed with appropriate erosion control measures and stabilized as outlined on sheets 4.0 & 5.1

Grading for the temporary swale will be within the mineral extraction setback limit.

No variance will be required as grading for the temporary swale will take place within the 200 feet setback.

The temporary diversion swale will allow for the development of the Phase 1 operations and Plant Area.

ACTIVE EXTRATION AREA

During Phase 1, drainage from within the active non-metallic mining area will be directed into the active mining area, stored and allowed to dissipate through the pit floor, thus remaining internally drained.

As mineral extraction phases progresses into Phase 2 and intersects the temporary diversion swale, the run-off will be diverted into the active mining area, stored and allowed to dissipate through the pit floor, thus remaining internally drained.

This plan does not allow for sediment to be discharged from the disturbed (active mining area).

Water from within the active extraction area will be contained within the active area throughout the life of the project.

No "exit plan" is thus required and it is not necessary to construct a sediment basin.
Daniel Boss Trust
CU for Non Metallic Mining
Section 7, Darien township
Zoning Map
Daniel Boss Trust
CU for Non Metallic Mining
Section 7, Darien township
Soils & Topo Map
WETLAND DELINEATION EXHIBIT
PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 SECTION 7, TOWNSHIP 2 NORTH, RANGE 15 EAST, TOWN OF DARIEN, WALWORTH COUNTY, WISCONSIN.

Scale in Feet
200' 400'
Walworth County
Non-metallic Mining Reclamation Plan
Plan Review - Application

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

1. Applicant/Operator:

Name: Payne & Dolan, Inc.
Address: N3 W23650 Badinger Road
City/State/Zip Code: Waukesha, WI 53188
Telephone Number: (262) 524-1700

2. Property Owner:

Name: Dan & Cindy Boss Trust
Address: PO Box 325
City/State/Zip Code: Delavan, WI 53115
Telephone Number: 

3. Property Location:
(Attach Site Plan Map)

Tax Key #: B D 700003
Township: Darien Section: 7
Street Address: SE intersection of STH 14 and CTH C

4. Mining Site Information:

☑ New ☐ Existing
Type of Mineral Deposit: Sand & Gravel
Total area affected by mining activities (include stockpiling, processing, roads & storm water BMPs)
29.74 Acres
Present Land Use: Agriculture
Present Land Cover: Agriculture
Post Mining Land Use: Agriculture

5. Contact Person:

Name: Clint Weninger
Phone Number: (262) 524-1258

6. Plan review and approval request:

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

Signature of Applicant or Duly Authorized Person: 

Printed name: Clint Weninger

7. Certification of County Compliance

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

Signature: 

Date 7/31/2020

CZA November 19, 2020
The applicant refers to this proposed nonmetallic mining site as the Darien Aggregate Site.

It should be noted this parcel was mined for clay for covering material for the Mallard Ridge Landfill in 1999. Clean material originating from the Mallard Ridge Landfill was imported and spread on this parcel.

This review is based on a nonmetallic mining reclamation permit application and reclamation plan submitted to Walworth County on August 4, 2020, August 14, 2020, August 26, 2020, September 9, 2020 and October 8, 2020, for a proposed nonmetallic mining site, referenced above. The submittals included:

- A Nonmetallic Mining Reclamation Plan Review Application
- Locations and Logs of 8 Test Holes Investigated on the Parcel.
- A Reclamation Plan and Plan Narrative.
- Site Plan and Technical Memo for Proposed Off-site Drainage Management
- An Erosion and Sediment Control Plan.
- Civil Plans including the Location of Stockpiles, Processing Areas and an Operations Plan.
- Wetland Delineation Report and Wetland Boundary Map.
- Endangered Resources Preliminary Assessment.

Site Information – Site Plan Map.

1. Geological Composition and Depth of Mineral Deposit. Complete. Geological exploration was conducted for this parcel on March 2, 2020 and included the examination of 10 test holes. Glacial sand and outwash deposits were discovered at 6 test holes with thickness ranging from 14 ft. to 20 ft. The thickness of the overburden and topsoil ranges from 1 to 8 feet. Samples of three of the test holes were analyzed and concluded that sand makes up 40-45% of the deposit and gravel material is present in the remainder of the deposit.

2. Topsoil depth, thickness and distribution. Complete. Test-holes indicate the topsoil depth ranges from 8” to 1 ft. in thickness throughout the proposed mining site.

3. Approximate elevation of groundwater. Complete. The applicant estimated the elevation of groundwater at elevation 895. Free water was observed in two of the test holes at elevation 890 or 10 ft. below the current surface elevation of 900.

4. Existing Drainage Patterns. Complete. The parcel receives storm water runoff from two distinct off-site tributary drainage areas. A significant drainage area west of the parcel directs storm water runoff through cross-culvers on CTH C to a wetland swale on the parcel. This wetland swale will be protected during mining. An additional drainage area covering approximately 91 acres and situated north of STH 14, discharges storm water runoff from this drainage area directly to the parcel proposed for mining.

Storm water runoff from the two tributary drainage areas and the parcel discharge to a wetland and a waterway that enters Trout Lake, located directly south of the proposed mining site.

5. Exiting Topography. Complete. The current topography and elevations of the existing mining site and the proposed expansion area are depicted on Sheet 1.0 of the submittal documents.
**Nonmetallic Mining Reclamation Plan Review**
Mining site location: Tax Key Parcel # B D 700003 Town of Darien
Payne and Dolan, Inc., Operator
Dan and Cindy Boss Trust, Property Owner

Review Date: 10/23/2020

**Biological Resources**

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

A wetland delineation and delineation report was completed for parcel. Wetlands have been delineated on the parcel, but are not present within the footprint of the proposed mining area. A vegetated buffer ranging from 20-35 feet will be maintained between the disturbed areas and the wetland, with the exception of one small area where the buffer between the disturbed area and the wetland will be 5 feet.

The Applicant and the WDNR completed an Endangered Resources Preliminary Assessment. A search using the Natural History Inventory (NHI) was conducted by the WDNR. The WDNR concluded “no further action is necessary”.

This parcel is tributary to and directly North of Trout Lake and Turtle Creek, located at Christi Road.

**Land Use and Land Cover.**

7. **Description of the Current Land Use and Land Cover.** Complete.

The current use of the land proposed for mining is cropland with corn and alfalfa in rotation. A wetland swale is present on the southern edge of the proposed mining site. A drainage-way originating on STH 14 and flowing through the parcel discharges directly into the wetland swale.

8. **Description of the Post Mining Land Use and Cover.** Complete.

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

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

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

This mining site will be reclaimed to crop production, with a cover crop and alfalfa initially to return the soil structure, bulk density and nutrients.

**Mining and Reclamation Plan.** The Final Reclamation Plan is depicted on Map 3.0, and 4.0 of the documents submitted.

9. **Mining Plan of Operation/and Manmade features.** Complete. A site plan showing the locations of the material processing areas, material stockpiles and recycling materials, asphalt and concrete plants, and wash ponds has been provided.

- **Waste Management.** No material can be imported to the site for reclamation unless approved by Walworth County.
Nonmetallic Mining Reclamation Plan Review

Mining site location: Tax Key Parcel # B D 700003  Town of Darien
Payne and Dolan, Inc., Operator
Dan and Cindy Boss Trust, Property Owner

F. Amerson
Review Date: 10/23/2020

• Dust Control. A dust control plan complying with County Conservation Standards, WDNR Technical Standard #1068, shall be provided with the Construction Site Erosion and Sediment Control Plan, when submitted to the County for approval.

• Dewatering. A dewatering plan complying with County Conservation Standards, WDNR Technical Standard #1061, shall be provided with the Construction Site Erosion and Sediment Control Plan, when submitted to the County for approval.


The Applicant provided a site plan showing the anticipated locations and a typical cross-section of the temporary

Topsoil and overburden will be stockpiled separately, in order to allow for the replacement of the soil horizons in the natural sequence and to a thickness to restore the original soil for agricultural use. Payne and Dolan provided a typical cross section of the temporary overburden and topsoil stockpiles and a site plan depicting the anticipated locations of the temporary overburden and topsoil stockpiles.

Topsoil and overburden will be stabilized with the permanent vegetative cover and will be mowed to prevent the growth of woody vegetation.


Sheet 3.0 and Sheet 4.0 of the Reclamation Plan present the final grades and slopes of the reclaimed mining site.

Perimeter slopes will be no steeper than 5:1 and the pit floor will be relatively flat to allow for internal drainage.

A construction detail has been prepared for the proposed wash ponds. The reclamation plan includes an illustration and the process of decommissioning the wash ponds during final reclamation.

12. Mining and Reclamation Phasing and Schedule. Complete. The applicant has specified that the mining will proceed in two phases and the duration of mining and reclamation will be 20 years. The Reclamation Permit will have an expiration date of November 19, 2040.

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

The Applicant indicates reclamation will be an on-going process and conducted in two phases.

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


The volume of topsoil required and available for reclamation is approximately 40,000 to 44,000 cubic yards for the proposed mining area covering approximately 29.74 acres.
15. **Criteria for successful reclamation. Complete.** All reclamation plans must include specific quantifiable criteria for measuring the successful reclamation and the reclaimed conditions will support agricultural use. A well-defined and objective method for the Walworth County Land Conservation Division Staff to evaluate a reclaimed site and assess the success of reclamation, must be specified.

The reclamation plan prepared for this mining site includes a list of reclamation methods and quantifiable criteria for determining successful reclamation. The topsoil depth and quality spread on the reclaimed slopes will be assessed. An herbaceous stand analysis will be conducted using Wisconsin Technical Note AGRON.–WI. Alfalfa production yields will be determined. An alfalfa yield of 1 ton/acre will be the criteria used for successful reclamation.

16. **Certification of the Reclamation Plan. Complete.** The operator and the property owner have certified the Reclamation Plan.

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

**Financial Assurance.**

17. **Cost estimate of reclamation activities. Complete.** A schedule of reclamation tasks and associated costs has been prepared and are conditionally acceptable. The estimated reclamation costs are $197,500. The financial assurance must be provided prior to the start of any excavation on the parcel.
Walworth County
Nonmetallic Mining Reclamation Permit

Permit # Operator: Payne and Dolan, Inc.
Expiration Date: November 1, 2040
Owner: Dan and Cindy Boss Trust.

Nonmetallic Mining Site Location:
Township: B D 700003
Address: CTH C and STH 14

Mining Description: Extraction and processing of sand and gravel materials covering 29.74 acres. This mining site will commonly be known as the Darien Aggregate Site.

Post-mining Land Use and Reclamation Goals: The land used for nonmetallic mining shall be reclaimed to agricultural use for crop production.

Walworth County Code of Ordinances: Reclamation must comply with the Reclamation Standards contained in Environment, Section 26, Article VI, Nonmetallic Mining Reclamation and the reclamation plan must include the

Conditions of Permit Approval

This approval is based on a Nonmetallic Mining Reclamation Plan Permit and Plan Review Application, prepared by Payne and Dolan, Inc. and submitted on August 4, 2020, August 14, 2020, August 26, 2020, September 9, 2020 and October 8, 2020.

General Permit Conditions

1. Compliance with Environmental Regulations. Reclamation of this nonmetallic mining site shall comply with applicable federal, state or local regulations, including those related to environmental protection, zoning and land use control. Walworth County Construction Site Erosion and Sediment Control Permit Coverage must be obtained to cover land disturbing activities associated with the expansion. Copies of all required state and federal permits, related to the mining activities must be submitted to the Walworth County Land Conservation Division.

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

3. Annual Operator Reporting. An Annual Report covering the calendar year will be prepared and submitted to the Walworth County Land Conservation Division by January 31, of each year and will include the following information:

   - The name and address of the operator.
   - The location of the non-metallic mining site.
   - The Walworth County permit number.
   - The acreage currently affected by nonmetallic mining and not reclaimed.
   - A plan map showing the acreage that has that has been permanently reclaimed.
   - A plan map showing the acreage that has been reclaimed on an interim basis
   - Description of proposed changes to the mining plan of operations or reclamation plan.
   - Operator’s Certification.

4. Financial Assurance. Proof of financial assurance covering the cost of implementing the Nonmetallic Mining Reclamation Plan shall be obtained and kept current. Proof of financial assurance must be submitted to the Walworth County Land Conservation Division prior to commencing any land disturbing activities related to mining or site preparation on the parcel. The amount of the financial assurance must be approved by the Walworth County Land Conservation Division and be based on the cost to Walworth County to complete the reclamation tasks. Financial assurance must meet the requirements specified in Section 26-293 of the Walworth County Code of Ordinance, related to Nonmetallic Mining Reclamation. The cost of reclamation must be assessed and updated as needed, annually.
5. **County Construction Site Erosion Control and Storm Water Management Permit.** A Walworth County-approved Construction Site Erosion Control must be obtained prior to commencing any land disturbing activities associated with the expansion of mining.

6. **Permit and Plan Modification.** The operator must obtain approval from Walworth County prior to modifying the mining plan of operation or the reclamation plan. The County shall provide public notice and the opportunity for a public hearing for any significant modification to the reclamation plan. This reclamation permit or the reclamation plan may be modified by Walworth County, if the County finds that due to changing conditions, the reclamation plan is no longer in compliance with the Walworth County Nonmetallic Mining Reclamation Ordinance.

7. **Permit Transfer.** This nonmetallic mining reclamation permit may be transferred to a new operator upon the satisfaction of the following conditions:
   - Submittal of a permit transfer application and required application fee by the new owner and operator.
   - Verification that all Federal, State and Local permits have been transferred, including any County zoning approval.
   - Certification to implement the approved reclamation plan or the approved reclamation plan modification.
   - Submittal of financial assurance by the new operator.

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

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

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

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

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

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

**Specific Permit Conditions**

14. **Groundwater Protection.** Mining and reclamation shall be conducted in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters, wetlands or a significant reduction in the quantity of groundwater reasonable available for future uses of groundwater. Nonmetallic mining shall be conducted in a manner which does not cause groundwater standards in ch. NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

15. **Wetland Protection.** Wetlands are present on the parcel and will be protected. A vegetated buffer will be maintained adjacent to the wetland delineated boundary line.

15. **Post mining Land Use.** The mining site shall be reclaimed to agricultural use. Agricultural use includes those uses listed in Section 26-270 (1) of the Walworth County Code of Ordinances related to Nonmetallic Mining Reclamation. *The post mining land use planned is cropland.*
16. Permit Termination Date. This permit expires on the date indicated on page one of the permit conditions. The expiration date is based on the Reclamation Plan Narrative, the duration of the County Conditional Use Permit Zoning or the duration of the lease agreement. The permit may be renewed, if requested in writing, prior to the expiration date indicated on this permit. The request must include a revised reclamation narrative and a new reclamation schedule.

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

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

19. Topsoil Management. All topsoil removed to prepare the site for nonmetallic mining will stored at the locations shown on the site plans submitted and stabilized with vegetation until reused for reclamation. Mowing will be undertaken to control woody vegetation. The applicant shall provide permanent signage to identify the location of overburden and topsoil used for reclamation.

20. Final Sloping, and Site Reclamation. The portion of the reclaimed mining site will be prepared for hay production with a slopes no greater than those shown on the Reclamation Site Plan. The final perimeter slopes will be no steeper than 5:1.

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


- The thickness and distribution of the topsoil on the reclaimed slopes will be prepared and submitted to the Walworth County Land Conservation Division.

- A Nutrient Management Plan, complying with Walworth County Conservation Standards will be prepared and implemented. A copy of the Nutrient Management Plan will be submitted to the Walworth County Land Conservation Division.

- The absence of sheet, rill and gully erosion on the reclaimed mining site will be verified.

- The expected alfalfa yield is 1 ton/acre shall be verified.

22. Certificate of Completion of Reclamation

The operator will certify completion of reclamation for a portion or all of the mining site and submit documentation to verify achieving or completing the conditions listed in Condition #21.

Walworth County will issue a Certificate of Completion of Reclamation for the entire mining site or a portion of the mining site the following a site inspection and it is confirmed that the interim or final reclamation is complete and the successful reclamation has been achieved using the criteria listed in Condition #21.

Recommended for Approval by:

______________________________  ______________________
Fay U. Amerson                              Date
Urban Conservation Specialist
Walworth County Land Conservation Division
Reclamation Plan Details

(I) Purpose and Scope

The purpose of this reclamation plan is to describe the activities to reclaim the site to a condition whereby future land use is feasible after the completion of mineral extraction activities. Implementation of this reclamation plan shall be completed within one (1) year after the cessation of site operations. The final end use for the reclaimed site being proposed at this time is returning the parcel to agricultural use/farmland operations.

(II) Proposed Earthwork and Reclamation

The topsoil and other overburden materials covering the nonmetallic mineral deposit are removed and stockpiled separately for future reclamation. After the nonmetallic minerals are removed, the topsoil and other overburden materials will be placed over the area where the minerals were excavated, graded to conform with the surrounding land and seeded. The existing topsoil and overburden are re-distributed across the parcel and fine graded to present a uniform appearance. Reclaimed slopes will be seeded upon completion of the fine grading. The reclamation plan has been designed to maintain pre-mine drainage patterns to the greatest extent possible and to improve upon existing conditions where possible. Payne & Dolan will perform the necessary grading to achieve the final topography and drainage patterns as outlined in the attached reclamation plan view.
(III) Geologic Composition of the Site and Depth of the Nonmetallic Mineral Deposit

The mineral deposit to be extracted consists of a glacial sand & gravel outwash deposit approximately 20 ft. +/- thick. There is an average of 4 ft. of overburden (topsoil and silty loam) overlying the sand & gravel.

(IV) Biological Information

The Soil Survey of Walworth County published by the USDA lists the various soil types that are suitable for different wildlife habitats. This site may include some or all of the wildlife species listed in the soil survey.

Dairy farming and the growing of general or specialty crops is the predominant land use. Many of the soils plowed in this area are plowed in the fall. This practice significantly affects wildlife because plowing covers the crop residue and waste grain, which provide important winter food and cover.

(V) Revegetation Plan

After the overburden materials have been placed over reclaimed slopes, the stockpiled topsoil will be spread over the reclaimed slopes, fine graded, seeded and mulched. Seeding activities will be carried out in accordance with accepted seeding specifications provided in the reclamation plan.
Prepared soil will be seeded at any time during the growing season when soil conditions are suitable but no longer than 30 days after the final grading of reclaimed slopes. Seeding activities should not be carried out immediately following rain, when the ground is too dry, or during windy periods.

All seeding and mulching will be done in accordance with the State of Wisconsin Department of Transportation Standard Specifications for Seeding and Mulching, Sections 630 and 627.

Some areas may be returned immediately to active farming in which case the revegetation will consist of the agricultural crop as determined by the farmer.

(VI) Erosion Control and Post Operational Maintenance

Erosion control measures will be implemented as necessary to minimize off-site erosion until such time as permanent placement and shaping of overburden and topsoil and seeding is possible. Best Management Practices (BMPs) such as check dams, straw bales, silt fence, surface water diversions, energy dissipators, mulch or artificial surface cover, cover crop of vegetation, buffer areas, or other appropriate measures will be taken as necessary.

All erosion and sediment control practices will be periodically checked for stability and operation on a regular basis. Follow-up inspections of all reclaimed or otherwise stabilized surfaces along with all erosion and sediment control practices will be conducted on a monthly basis to ensure their stability until such time as the vegetation required to support the post-mining land use has been successfully established and the financial assurance has been released.

Seeded areas will be reseeded and fertilized as necessary to establish and maintain a dense self-sustaining vegetative cover over reclaimed slopes. Erosion and sediment control measures will be repaired or replaced as necessary. Other preventative measures not mentioned in this reclamation plan will be taken as necessary to minimize off-site erosion.
(VII) Costs of Reclamation

Reclamation is an on-going process during nonmetallic mineral extraction and will be completed in a rolling phase as outlined on the operations plan with no more than an estimated 25 acres unreclaimed at any time (12 +/- acres in Phase 1, operations and plant area, and 10-15 acres in Phase 2). The estimated reclamation costs shall approximate the actual costs of reclamation including but not limited to grading and shaping overburden over previously mined areas as shown on the reclamation plan, distribution and placement of topsoil, necessary erosion control measures, seeding, mulching, inspections and maintenance. The estimated reclamation cost for this site is $190,500. See table below.

Estimated Reclamation Costs

<table>
<thead>
<tr>
<th>Activities</th>
<th>Amount</th>
<th>Cost Unit</th>
<th>Cost/Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobilization</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Excavation, Grading &amp; Backfilling (1)</td>
<td>25.00</td>
<td>Acre</td>
<td>$3,200</td>
<td>$80,000</td>
</tr>
<tr>
<td>Grade Subsoil &amp; Topsoil (2)</td>
<td>25.00</td>
<td>Acre</td>
<td>$1,600</td>
<td>$40,000</td>
</tr>
<tr>
<td>Seed, Fertilize &amp; Mulch to DOT standard (3)</td>
<td>25.00</td>
<td>Acre</td>
<td>$1,900</td>
<td>$47,500</td>
</tr>
<tr>
<td>Entrance Road Removal</td>
<td>1.00</td>
<td>Lump Sum</td>
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<td>$5,000</td>
</tr>
<tr>
<td>Erosion Control</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Misc Clean-Up / Fence and Gate Removal</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$10,000</td>
<td>$10,000</td>
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<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>190,500</strong></td>
</tr>
</tbody>
</table>

Notes
1) Excavation, grading & backfilling are for the maximum area to be opened and need reclamation.
2) Grade subsoil & topsoil is for the maximum area to be opened and need finished grade work.
3) Reclaimed areas will be planted to agriculture when finished, but the costs to seed, fertilize and mulch is included for the maximum area to be opened and need to be revegetated.

(VIII) Assessing Successful Reclamation

Payne & Dolan will assess successful reclamation with the approved reclamation plan using the following methods:

1. The available overburden and topsoil have been graded to the contours as shown on the reclamation plan, and have been fine graded, seeded and mulched.
2. Adequate vegetation has been established to stabilize reclaimed surfaces or the reclaimed land is in active agricultural production.

Adequate revegetation will be determined by utilizing the guidelines outlined in the Wisconsin Technical Note-AGRONOMY-WI-1, Guidelines for Herbaceous Stand Evaluation, dated May 15, 1991 or by percent cover will be determined as total cover (expressed as a percentage) as measured by the
canopy (vertical projection of plant parts) and will be recorded by species. Revegetation will be measured over the entire revegetated site at no less than 10 randomly placed square foot quadrants for each 10 acre area.

The reclamation will include placing all the overburden materials on the floor of the pit and then covering with topsoil to a depth approximating the pre-mining conditions. Upon replacement of the overburden and topsoil, a majority of these areas will be farmed and thus do not need to be seeded, mulched and fertilized.

As of August 2020, corn and alfalfa are the current crops. Alfalfa yield is approximately 1 ton/acre for each harvest year.

(IX) Distribution, Thickness and Type of Topsoil

<table>
<thead>
<tr>
<th>Predominant Soils Types</th>
<th>PtA</th>
<th>Plano silt loam</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WhB</td>
<td>Warsaw silt loam</td>
</tr>
<tr>
<td></td>
<td>LyC2</td>
<td>Lorenzo loam</td>
</tr>
</tbody>
</table>

The Plano series consists of very deep, well drained soils on outwash plains, stream terraces, or till plains. These soils formed in loess or other silty material and in the underlying loamy stratified outwash or sandy loam till. Slope ranges from 0 to 12 percent. The surface layer is dark brown silt loam.

The Warsaw series consists of well drained soils formed in loamy sediments and in the underlying gravelly outwash on outwash plains, terraces, kames, and valley trains. These are very deep soils that are deep or very deep to calcareous, stratified gravelly or very gravelly coarse sand and sand. Slope ranges from 0 to 15 percent. The surface layer is a very dark brown loam.

The Lorenzo series consists of well drained soils formed in loamy outwash over calcareous sand and gravel. They are on outwash plains, stream terraces, kames, eskers, valley trains, and moraines. Slope ranges from 0 to 45 percent. The surface layer is a very dark brown loam.
(X) Certification of Reclamation Plan

I hereby certify, as a duly authorized representative or agent, that the reclamation at this nonmetallic mining site will be carried out in accordance with the approved reclamation plan submitted by Payne &Dolan, Inc. I also certify that the information contained herein is true and accurate and complies with the local and statewide nonmetallic mining reclamation standards established in NR 135, Wisconsin Administrative Code.

Signature of representative or agent.  

Clint Weninger, P.G.  
Payne & Dolan, Inc.

Date signed:  
July 31\textsuperscript{st}, 2020
Walworth County
Nonmetallic Mining Reclamation Standards

1. (a) Refuse and Other Solid Wastes.

Nonmetallic mining refuse on site including topsoil, overburden, and wash pond fines will be used for reclamation purposes. The refuse will be topped with clay and topsoil prior to returning the land to agricultural use. All other waste will be disposed of in accordance with applicable rules of the Wisconsin DNR.

(b) Area Disturbed and Contemporaneous Reclamation.

Reclamation is an on-going process during nonmetallic mineral extraction and will be completed in a rolling phase as outlined on the operations plan with no more than an estimated 25 acres unreclaimed at any time (12 +/- acres in Phase 1, operations and plant area, and 10-15 acres in Phase 2). This contemporaneous reclamation will minimize the area disturbed by nonmetallic mining at any given time. Phase 1 will be open for the duration of the permitted site and will be the location of mineral processing, stockpiling, and portable plants.

(c) Public Health, Safety and Welfare.

Reclamation of the Darien Aggregate site will comply with all federal, state and local regulations.

(d) Habitat Restoration.

The current land use of the property is agriculture. After nonmetallic mining operations are completed the land will be returned to agricultural use/farmland operations.

(e) Compliance with Environmental Regulations.

Reclamation of the Darien Aggregate site will comply with any other applicable federal, state and local laws.

2. Surface Water and Wetlands Protection

Reclamation will comply with the Wisconsin DNR Chapters NR 102 to NR 105. Prior to beginning nonmetallic mining operations, all necessary measures for diversion and drainage will be in place. Construction Site Erosion and Sediment Control plans will be submitted prior to any ground disturbance. Water from within the active extraction area will be contained within the active area throughout the life of the project.
3. **Groundwater Protection.**

   (a) **Groundwater Quantity.**

   Operation and reclamation of the Darien Aggregate site will not cause a permanent lowering of the water table or a reduction in the quantity of groundwater available for future users of groundwater. Dewatering is not used in the crushing process. All water used in the wash process will be recycled and drained internally, there will be no pumping offsite. The current groundwater table elevation is approximately 895 +/-.. The operations at this site will be similar to other Payne & Dolan sites in Walworth County, which have caused no issues with groundwater quantity.

   (b) **Groundwater Quality.**

   Reclamation of the Site will be conducted in a manner which does not cause groundwater quality standards to exceed the standards as defined in Chapter NR 140. There are no chemicals used in the crushing process.

4. **Topsoil Management.**

   (a) **Removal.**

   The topsoil and other overburden materials covering the nonmetallic mineral deposit will be removed and stockpiled separately on site for future reclamation. No topsoil or overburden will be removed from the site.

   (b) **Volume.**

   All topsoil removed from the surface of the site will be used for perform final reclamation of the site. The topsoil on site is of adequate volume for final reclamation.

   (c) **Storage.**

   Removed topsoil will be used in contemporaneous reclamation or stored in berms in an environmentally acceptable manner. Topsoil berms will be placed along the property boundary in locations that have been chosen to protect the stockpiled material from erosion and contamination. Temporary and permanent diversion swales shown on the reclamation plan will aid in the protection of the stockpiled material.

5. **Final Grading and Slopes.**

   (a) All areas affected by mining will be graded in accordance with the submitted reclamation plan. The restored slopes will be graded no steeper than 5:1. The pit floor will be graded no flatter than 1% to allow for internal drainage. These slopes will be sufficient in supporting the post mining land use of agriculture.
(b) Final reclaimed slopes will not be steeper than a 3:1.

(c) The site will be graded to follow the reclamation plan prior to the redistribution of topsoil.

6. Topsoil Redistribution for Reclamation.

Topsoil redistribution will be performed in accordance with the reclamation plan. After the nonmetallic minerals are removed, the overburden materials will be placed over the area where minerals were excavated and graded to conform with the surrounding land. The topsoil will then be redistributed and fine graded where desired and practical. Topsoil will not be redistributed until the soils have sufficiently dried after any precipitation event.

Erosion control measures will be implemented as necessary to minimize off-site erosion until such time as permanent placement and shaping of overburden and topsoil and seeding is possible. Best Management Practices (BMPs) such as check dams, straw bales, silt fence, surface water diversions, energy dissipators, mulch or artificial surface cover, cover crop of vegetation, buffer areas, or other appropriate measures will be taken as necessary.

7. Revegetation and Site Stabilization

After the overburden materials have been placed over reclaimed slopes, the stockpiled topsoil will be spread over the reclaimed slopes, fine graded, seeded and mulched. Seeding activities will be carried out in accordance with accepted seeding specifications provided in the reclamation plan. Prepared soil will be seeded at any time during the growing season when soil conditions are suitable but no longer than 30 days after the final grading of reclaimed slopes. Seeding activities should not be carried out immediately following rain, when the ground is too dry, or during windy periods.

All seeding and mulching will be done in accordance with the State of Wisconsin Department of Transportation Standard Specifications for Seeding and Mulching, Sections 630 and 627. Some areas may be returned immediately to active farming in which case the revegetation will consist of the agricultural crop as determined by the farmer.

All surfaces affected by nonmetallic mining will be reclaimed and converted back to agricultural use/farmland. Implementation of the reclamation plan shall be completed within one (1) year after the cessation of site operations.

8. Assessing Completion of Successful Reclamation

(a) Payne & Dolan will assess successful reclamation with the approved reclamation plan using the following methods:

- The available overburden and topsoil have been graded to the contours as shown on the reclamation plan, and have been fine graded, seeded and mulched.

- Adequate vegetation has been established to stabilize reclaimed surfaces or the reclaimed land is in active agricultural production.
Adequate revegetation will be determined by utilizing the guidelines outlined in the Wisconsin Technical Note-AGRONOMY-WI-1, Guidelines for Herbaceous Stand Evaluation, dated May 15, 1991 or by percent cover will be determined as total cover (expressed as a percentage) as measured by the canopy (vertical projection of plant parts) and will be recorded by species. Revegetation will be measured over the entire revegetated site at no less than 10 randomly placed square foot quadrants for each 10 acre area.

As of August 2020, corn and alfalfa are the current crops. Alfalfa yield is approximately 1 ton/acre for each harvest year.

(b) Compliance with revegetation success in the approved reclamation plan will be determined by on-site inspections by Walworth County and/or evidence presenting results to ascertain success has been met.

(c) The Soil Survey of Walworth County published by the USDA lists the various soil types that are suitable for different wildlife habitats. This site may include some or all of the wildlife species listed in the soil survey.

Dairy farming and the growing of general or specialty crops is the predominant land use. Many of the soils in this area are plowed in the fall. This practice significantly affects wildlife and the existing plant community because plowing covers the crop residue and waste grain, which provide important winter food and cover.

(d) Revegetation success will be determined by either comparison to an appropriate reference area, to baseline data, or to an approved alternate technical standard.

(e) If an area is not returned immediately to active farming, then revegetation using a variety of indigenous plants to the area will be prioritized over other options.

9. Intermittent Mining.

Intermittent mining is not planned to occur at this site.

10. Maintenance.

After reclamation is complete but prior to release of financial assurance, Payne & Dolan, Inc. will perform any necessary maintenance to prevent erosion, sedimentation or environmental pollution, comply with the standards of this subchapter, or to meet the goals specified in the reclamation plan.

All erosion and sediment control practices will be periodically checked for stability and operation on a regular basis. Follow-up inspections of all reclaimed or otherwise stabilized surfaces along with all erosion and sediment control practices will be conducted on a monthly basis to ensure their stability until such time as the vegetation required to support the post-mining land use has been successfully established and the financial assurance has been released.
Seeded areas will be reseeded and fertilized as necessary to establish and maintain a dense self-sustaining vegetative cover over reclaimed slopes. Erosion and sediment control measures will be repaired or replaced as necessary. Other preventative measures not mentioned in this reclamation plan will be taken as necessary to minimize off-site erosion.
September 9th, 2020

Ms. Fay Amerson  
Land Use & Resource Management Dept.  
Walworth County  
100 W. Walworth Street  
Elkhorn, WI 53121

RE: Darien Aggregate Site - Reclamation Plan Comments

Dear Ms. Amerson:

Thank you for taking the time to talk with Clint and I yesterday regarding the additional information that you requested for the Darien Aggregate Site reclamation plan. We appreciate all of the time that you have taken to review our submitted reclamation plan. As requested, we have addressed each of the individual comments that you provided in your September 4th, 2020 email requesting additional information. These responses can be found below.

1. **It is recommended that a wetland delineation be conducted to determine the exact location of the wetland boundary line, (see review comment #6)** The WDNR will likely require the delineation as you proceed through their permit and plan review process. The delineation can only be performed during the growing season. **Time is running out.**

   Payne & Dolan’s environmental manager has reached out to Jamie Lambert, Storm Water Specialist, at the Wisconsin DNR in order to complete a desk review to determine if a wetland delineation is required for the proposed project at the Darien Aggregate Site. We will forward Jamie’s recommendation to you as soon as we receive it. If the DNR determines that a wetland delineation is required, one will be performed prior to any excavation on the site. Also, the grading for the project has been designed with a 75 feet setback from the wetland as it is outlined on the WI DNR Surface Water Viewer and Walworth County OneView.

2. **The volume of topsoil required for reclamation must be determined, (see review comment #7).**

   Observed topsoil depths from the test borings are consistent with the Plano, Warsaw and Lorenzo soil series found on the property. The average depth of topsoil within the mineral extraction area is approximately 10 to 11 inches. Reclamation will require approximately 40,000 to 44,000 cubic yards of topsoil – approx. 29.74 acres in the extraction and reclamation area x 10-11 inches. All existing topsoil on site will stay on site and be saved for reclamation. The reclamation area is consistent with the area to be excavated, therefore, there should be enough topsoil for reclamation to provide a topsoil depth equivalent to pre-extraction conditions. We currently
locate and label all of the topsoil and overburden stockpiles at our sites as they are created and upload them to our internal GIS. We will also make these locations available to Walworth County.

3. Current and post-reclamation Agricultural Use of the parcel must be described in the reclamation plan, (see review comment #8 and #9).

Alfalfa is the predominant crop currently being grown on the property with a yield of approximately 1 ton/acre. The areas disturbed by mineral extraction will be returned to alfalfa production during reclamation. A nutrient management plan will be prepared for the site prior to completing any reclamation. The nutrient management plan will be implemented as excavated areas are regraded, covered with topsoil and ready to be returned to agricultural use. The cost of developing a nutrient management plan has been included in the estimated reclamation costs.

4. Groundwater. How was the groundwater elevation determined?

The groundwater elevation was observed during the due diligence exploration of the property in March 2020. Groundwater was encountered in two of the backhoe test holes completed on the property – test holes #7 & #8. The elevation of the groundwater was measured in these test holes at that time by our mine engineer and professional geologist and included on the test hole logs. These logs have been previously submitted.

5. Criteria for Successful Reclamation. Reclamation must be quantifiable, (see review comment #14).

Successful reclamation with the approved reclamation plan will be assessed by using the following methods:

- The available overburden and topsoil have been graded to the contours as shown on the reclamation plan and have been fine graded.
- Reclaimed slopes have been inspected and there is no rill and gully erosion. Any rill and gully erosion will be corrected timely.
- The requirements of the nutrient management plan have been implemented.
- Invasive plant species are not present.
- The reclaimed land has been returned to active agricultural production.

Quantifiable criteria for determining successful reclamation shall include:

- Adequate revegetation will be determined by utilizing the guidelines outlined in the Wisconsin Technical Note-AGRONOMY-WI-1, Guidelines for Herbaceous Stand Evaluation, dated May 15, 1991 or by percent cover will be determined as total cover (expressed as a percentage) as measured by the canopy (vertical projection of plant parts) and will be recorded by species. Revegetation will be measured over the entire revegetated site at no less than 10 randomly placed square foot quadrants for each 10 acre area.
- or when Alfalfa crop production is equivalent to pre-excavation yields of 1 ton/acre.
6. **Cost of reclamation. Add cost for preparing a nutrient management plan and cost to decommission wash ponds, (see review comment #21).**

   The cost for decommissioning the wash ponds and preparing the nutrient management plan have been added to the Estimated Reclamation Costs as shown below.

### Estimated Reclamation Costs

**Darien Aggregate Site**  
**CTH C, Town of Darien**  
**Walworth County**

<table>
<thead>
<tr>
<th>Activities</th>
<th>Amount</th>
<th>Cost Unit</th>
<th>Cost/Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobilization</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Excavation, Grading &amp; Backfilling (1)</td>
<td>25.00</td>
<td>Acre</td>
<td>$3,200</td>
<td>80,000</td>
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<tr>
<td>Decommission Wash Ponds</td>
<td>2.00</td>
<td>Lump Sum</td>
<td>$2,500</td>
<td>5,000</td>
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<tr>
<td>Grade Subsoil &amp; Topsoil (2)</td>
<td>25.00</td>
<td>Acre</td>
<td>$1,600</td>
<td>40,000</td>
</tr>
<tr>
<td>Seed, Fertilize &amp; Mulch to DOT standard (3)</td>
<td>25.00</td>
<td>Acre</td>
<td>$1,900</td>
<td>47,500</td>
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<td>Entrance Road Removal</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Erosion Control</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$5,000</td>
<td>5,000</td>
</tr>
<tr>
<td>Nutrient Management Plan</td>
<td>2.00</td>
<td>Lump Sum</td>
<td>$1,000</td>
<td>2,000</td>
</tr>
<tr>
<td>Misc Clean-Up / Fence and Gate Removal</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$10,000</td>
<td>10,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$197,500</strong></td>
<td></td>
</tr>
</tbody>
</table>

Notes

1) Excavation, grading & backfilling are for the maximum area to be opened and need reclamation  
2) Grade subsoil & topsoil is for the maximum area to be opened and need finished grade work  
3) Reclaimed areas will be planted to agriculture when finished, but the costs to seed, fertilize and mulch is included for the maximum area to be opened and need to be revegetated

7. **Dewatering plan must be prepared, (see review comment #17).**

   Dewatering at the site is not anticipated at this time, however, if dewatering is necessary we will obtain any necessary permits required by the WDNR and perform any dewatering in compliance with the Wisconsin DNR Technical Standard #1061 – “Dewatering Practices for Sediment Control”.

8. **Temporary diversion swale, (see review comment #19). Drainage (run-on) originating from the existing culvert on STH 14 currently discharges into an existing “grass swale on the parcel. The existing "grass swale "flows through parcel within the location of the proposed "wash ponds" and discharges off-site to the wetland, an unnamed tributary and Trout Lake.**

   Sheet 2.0, of the plan set submitted proposes the establishment of a “temporary diversion swale” to bypass flow around the proposed wash ponds. What best management practices will be implemented to manage the runoff and sediment through the disturbed mining site and discharging in the diversion swale? How will sediment be contained and not discharged offsite. A civil engineer
should prepare a storm water management plan to show how flow and sediment will be managed on
the mining site.

The temporary diversion swale shown on Sheet 2.0 will divert run-off from outside of the non-
metallic mining area around the active mineral extraction area. Drainage and run-off within the
active non-metallic mining area will be internally drained and allowed to dissipate through the
floor. The swale will be graded during initial site construction and prior to mineral extraction
taking place. The swale will be stabilized immediately. No grading for the temporary swale will
take place within the 200 feet setback from the property line thus not requiring a variance. All
grading for the temporary swale will be within the mineral extraction setback limit. The
temporary swale will be relocated as mineral extraction phasing progresses in order to keep all
external run-off outside of the active extraction area until such time that all drainage and run-off
can be internally drained and allowed to dissipate through the floor.

Our engineers are finalizing the erosion control plan and expect to have it completed by this
Friday, September 11th, 2020. The erosion control plan will include the grading for the temporary
swale in addition to the best management practices that will be implemented to control runoff
and sediment discharge from the site. We will forward the erosion control plan to you as soon as
it is are completed.

Thank you for your time and consideration. If you have any questions and/or need additional information,
please do not hesitate to contact me at (262) 366-5124.

Sincerely,

Payne & Dolan, Inc.

Bryanna Bucholtz
Land Information Administrator
The purpose of the temporary swale shown on Sheet 2.0 is to take the existing run-off from agricultural areas that will continue to be farmed during Phase 1 and divert it around the active non-metallic mining area. Therefore, this stormwater will not be entering the active non-metallic mining or disturbed area.

The temporary swale will be graded during initial site construction and prior to mineral extraction taking place. The swale will be constructed with appropriate erosion control measures and stabilized as outlined on Sheets 4.0 & 5.1. Grading for the temporary swale will be within the mineral extraction setback limit. No variance will be required as grading for the temporary swale will take place within the 200 feet setback. The temporary diversion swale will allow for the development of the Phase 1 operations and Plant Area.

Active Extraction Area
During Phase 1, drainage from within the active non-metallic mining area will be directed into the active mining area, stored and allowed to dissipate through the pit floor, thus remaining internally drained.

As mineral extraction phases progress into Phase 2 and intersects the temporary diversion swale, the run-off will be diverted into the active mining area, stored and allowed to dissipate through the pit floor, thus remaining internally drained.

This plan does not allow for sediment to be discharged from the disturbed (active mining area). Water from within the active extraction area will be contained within the active area throughout the life of the project. No "exit plan" is thus required and it is not necessary to construct a sediment basin.
# TEST HOLE LOG - EXCAVATOR

**SITE NAME:** Boss  
**LOCATION:** Darien, WI  
**DATE:** March 2, 2020  
**TESTED BY:** Ethan Courter and Clint Weninger

## Hole #1

<table>
<thead>
<tr>
<th>#</th>
<th>TOPSOIL</th>
<th>0 -15&quot; Topsoil</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>OVERBURDEN</td>
<td>15&quot; -2&quot; Hardpan Clay</td>
</tr>
</tbody>
</table>

**SAND & GRAVEL:**

- 2 - 10": Good S&G. Moderately clean, coarse to v. coarse sand with gravel. Topp size 10", Much 3-4" gravel. Overall 70% stone. (Looks dirtier because of old test hole)

**SAND & GRAVEL:**

- 10 - 20": Good S&G. Similar to above less amounts of stone ~ 50% stone. (Ended in Same)

**Overburden Depth:** 2ft, Reserve: +18ft

## Hole #2

<table>
<thead>
<tr>
<th>#</th>
<th>TOPSOIL</th>
<th>0 -1&quot; Topsoil</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>OVERBURDEN</td>
<td>1 - 4&quot;: Blocky clay hardpan overburden</td>
</tr>
</tbody>
</table>

**SAND:**

- 4-13": Medium to coarse clean sand with trace amounts of gravel. Sand grading finer with depth.

**SAND & GRAVEL:**

- 13 - 22": Good S&G. Coarse to very coarse, moderate clean sand with gravel. Topsize ~ 70% stone.

**Overburden Depth:** 4ft, Reserve: +18ft

## Hole #3

<table>
<thead>
<tr>
<th>#</th>
<th>TOPSOIL</th>
<th>0 -8&quot; Topsoil</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>OVERBURDEN</td>
<td>8&quot; - 3&quot;: Clay overburden</td>
</tr>
</tbody>
</table>

**SAND & GRAVEL:**

- 3 - 6": Clean v. coarse sand with fine gravel, gravel topp size of 3" ~ 50% stone.

**SAND:**

- 6 - 8": Fine sand, trace amounts of gravel.

**Overburden Depth:** 3ft, Reserve Depth: 17ft

## Hole #4

<table>
<thead>
<tr>
<th>#</th>
<th>TOPSOIL</th>
<th>0 - 1&quot;: topsoil, minimal overburden</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>OVERBURDEN</td>
<td>1-8&quot;: Silty Clay Overburden (Virigin Material - Area Missed for Clay Extraction)</td>
</tr>
</tbody>
</table>

**SAND:**

- 8 - 10": Fine to medium sand trace amounts of silt

**SAND & GRAVEL:**

- 8' - 20": Good S&G. Coarse to v. coarse sand with gravel, Topsize 8", ~ 60% stone, much 2 - 3" stone.

**SAND & GRAVEL:**

- 10 - 22": Good S&G. Moderately clean sand with ~ 60% stone. Stone topp size of 8" much 2-3" gravel. (Sand Sample Taken)

**Overburden Depth:** 8ft, Reserve Depth: +14ft
### Site Name: Boss

**Location:** Darien, WI

**Date:** March 2, 2020

**Tested By:** Ethan Courter and Clint Weninger

<table>
<thead>
<tr>
<th>Hole #5</th>
<th>Hole #6</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOPSOIL</strong></td>
<td><strong>TOPSOIL</strong></td>
</tr>
<tr>
<td>1 - 4': Backfilled Till (Clay Extraction Area)</td>
<td></td>
</tr>
</tbody>
</table>

| **OVERBURDEN** | **OVERBURDEN** |
| 1 - 6': Backfilled Till (Clay Extraction Area) |

| **SAND & GRAVEL** | **SAND & GRAVEL** |
| 4 - 13': Good S&G. "60% stone topsize of 8" |

| **SAND & GRAVEL** | **SAND & GRAVEL** |
| 6 - 15': Good S&G. Less amounts of gravel. ~ 40% stone, Topsize 8" |

| **SAND & GRAVEL** | **SAND & GRAVEL** |
| 13 - 19': Good S&G. Sandier than above "40% Stone. |

| **SAND & GRAVEL** | **SAND & GRAVEL** |
| 15 - 20': Good S&G. More stone "60% stone, topsize 12". |

**Overburden Depth:** 4ft, Reserve: +19ft

**Overburden Depth:** 6ft, Reserve: +14ft

<table>
<thead>
<tr>
<th>Hole #7</th>
<th>Hole #8</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TOPSOIL</strong></td>
<td><strong>TOPSOIL</strong></td>
</tr>
<tr>
<td>0 - 1': Topsoil</td>
<td></td>
</tr>
</tbody>
</table>

| **OVERBURDEN** | **OVERBURDEN** |
| 1 - 3': Clay Overburden |

| **SAND & GRAVEL** | **SAND & GRAVEL** |
| 3 - 6': Clean v. coarse sand with fine gravel, gravel topsize of 3". Water table encountered at 4ft, lost hole due to caving. |

| **SAND & GRAVEL** | **SAND & GRAVEL** |
| 8 - 10': Good S&G. V.coarse sand with gravel. Gravel topsize of 10-12". Water table encountered at 10ft. Good material extending into water table. |

**Overburden Depth:** 3ft Reserve: 1ft Above WT, +2ft Below WT

**Overburden Depth:** 4ft Reserve: 4ft Above WT, 6ft Below WT

---

Received by: [Signature]

**WALWORTH COUNTY LAND USE RESOURCE MANAGEMENT DEPT.**
## TEST HOLE LOG - EXCAVATOR

**SITE NAME:** Boss  
**LOCATION:** Darien, WI  
**DATE:** March 2, 2020  
**TESTED BY:** Ethan Courter and Clint Weninger

### Hole #9

<table>
<thead>
<tr>
<th>Layer</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOPSOIL</td>
<td>0 - 1': Topsoil</td>
</tr>
<tr>
<td>2</td>
<td>OVERBURDEN 1 - 5': Backfilled Till (Clay Extraction Area)</td>
</tr>
<tr>
<td>5</td>
<td>SAND &amp; GRAVEL 5 - 12': Good S&amp;G. Finer gravel than typical on property. ~40% gravel, topsize of 10&quot;</td>
</tr>
<tr>
<td>13</td>
<td>SAND 12 - 20': Medium to coarse sand with trace amounts of gravel. (Back into good S&amp;G at the bottom of the hole)</td>
</tr>
</tbody>
</table>

**Overburden Depth:** 4ft, Reserve: +16ft

### Hole #10

<table>
<thead>
<tr>
<th>Layer</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>TOPSOIL</td>
<td>0 - 1': Topsoil</td>
</tr>
<tr>
<td>2</td>
<td>OVERBURDEN 1 - 2': Backfilled Till (Clay Extraction Area)</td>
</tr>
<tr>
<td>4</td>
<td>SAND &amp; GRAVEL 6 - 15': Good S&amp;G. Topsize 6&quot;, ~70% stone much 2 - 3&quot; gravel. Grading finer and more sand with depth.</td>
</tr>
<tr>
<td>13</td>
<td>SAND &amp; GRAVEL 15 - 22': More sand than above, ~40% stone. Much finer gravel than above.</td>
</tr>
</tbody>
</table>

**Overburden Depth:** 6ft, Reserve: +14ft

---

**RECEIVED**  
**AUG 26 2020**  
**WALWORTH COUNTY LAND USE RESOURCE MANAGEMENT DEPT.**
Boring and Gradations in the Mineral Extraction Area

10 test pits were dug but took only three samples. The test samples just give us an idea of the cleanliness of the sand & how it will need to process the material. The sand makes up approx. 40-45% of the deposit – the rest being gravel.

<table>
<thead>
<tr>
<th>Test Hole #</th>
<th>3/8&quot;</th>
<th>#4</th>
<th>#8</th>
<th>#16</th>
<th>#30</th>
<th>#50</th>
<th>#100</th>
<th>#200</th>
</tr>
</thead>
<tbody>
<tr>
<td>#2</td>
<td>100.0</td>
<td>95.4</td>
<td>87.0</td>
<td>74.9</td>
<td>50.7</td>
<td>21.1</td>
<td>8.1</td>
<td>4.3</td>
</tr>
<tr>
<td>#6</td>
<td>100.0</td>
<td>93.3</td>
<td>80.7</td>
<td>63.7</td>
<td>35.5</td>
<td>11.9</td>
<td>6.2</td>
<td>4.6</td>
</tr>
<tr>
<td>#10</td>
<td>100.0</td>
<td>88.6</td>
<td>73.7</td>
<td>57.3</td>
<td>36.3</td>
<td>5.6</td>
<td>1.6</td>
<td>0.9</td>
</tr>
</tbody>
</table>
Endangered Resources Preliminary Assessment

Created on 8/24/2020. This report is good for one year after the created date.

DNR staff will be reviewing the ER Preliminary Assessments to verify the results provided by the Public Portal. ER Preliminary Assessments are only valid if the project habitat and waterway-related questions are answered accurately based on current site conditions. If an assessment is deemed invalid, a full ER review may be required even if the assessment indicated otherwise.

Results

A search was conducted of the NHI Portal within a 1-mile buffer (for terrestrial and wetland species) and a 2-mile buffer (for aquatic species) of the project area. Based on these search results, below are your follow-up actions.

No further action is necessary.

This project is covered by the Broad Incidental Take Permit/Authorization for No/Low Impact Activities (No/Low BITP/A) (https://dnr.wi.gov/topic/ERReview/ITNoLowImpact.html). This BITP/A covers projects that the DNR has determined will have no impact or a minimal impact to endangered and threatened species in the state. Due to this coverage under the No/Low BITP/A, a formal review letter is not needed and there are no actions that need to be taken to comply with state and/or federal endangered species laws, any take that may result from the proposed project is permitted/authorized.

A copy of this document can be kept on file and submitted with any other necessary DNR permit applications to show that the need for an ER Review has been met. This notice only addresses endangered resources issues. This notice does not constitute DNR authorization of the proposed project and does not exempt the project from securing necessary permits and approvals from the DNR and/or other permitting authorities.

Project Information

<table>
<thead>
<tr>
<th>Landowner name</th>
<th>Payne and Dolan, Inc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project address</td>
<td>Corner of STH 14 and CTH C, Town of Darien, Walworth County</td>
</tr>
<tr>
<td>Project description</td>
<td>Darien Aggregate Site</td>
</tr>
</tbody>
</table>

Project Questions

Does the project involve a public property? No
Is there any federal involvement with the project? No
Is the project a utility, agricultural, forestry or bulk sampling (associated with mining) project? Yes
Is the project property in Managed Forest Law or Managed Forest Tax Law? No
Project involves tree removal? No
Is project near (within 300 ft) a waterbody or a shoreline? No
Is project within a waterbody or along the shoreline? No

Does the project area (including access routes, staging areas, laydown yards, select sites, source/fill sites, etc.) occur entirely within one or more of the following habitats?

- Urban/residential: No
- Manicured lawn: No
- Artificial/paved surface: No
- Agricultural land: Yes
- Areas covered in crushed stone or gravel: No

Public Portal ID: owoShlUjw
8/24/2020, 2:10:47 PM
The information shown on these maps has been obtained from various sources, and is of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. Users of these maps should confirm the ownership of land through other means in order to avoid trespassing. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: [http://dnr.wi.gov/legal/](http://dnr.wi.gov/legal/)

[https://dnr.wisconsin.gov/niportal/public](https://dnr.wisconsin.gov/niportal/public)
101 S. Webster Street . PO Box 7921 . Madison, Wisconsin 53707-7921
October 5th, 2020

Ms. Fay Amerson
Land Use & Resource Management Dept.
Walworth County
100 W. Walworth Street
Elkhorn, WI 53121

RE: Darien Aggregate Site - Reclamation Plan/Stormwater Management Plan Comments

Dear Ms. Amerson:

Thank you for taking the time to talk with Clint and I last Monday regarding an update on the additional information that you requested for the Darien Aggregate Site. We appreciate all of the time that you continue to take to review our submitted plans. As requested, we have addressed each of the individual comments that you provided in your September 29th, 2020 email. These responses can be found below.

1. **Wetland Delineation** - Matt and I conducted a site inspection of the site last week and noted the wetland boundary flagging. I had trouble locating the flags marking the wetland boundary line for the North/South swale (the ragweed was a mile high). I contacted Dave Meyer and he visited the site and placed some additional flags in that area. Next step—survey the wetland boundary line.

   A wetland delineation has been completed by Dave Meyer, WIDNR Assured Delineator, Wetland & Waterway Consulting, LLC. The location of the delineated wetland has been surveyed. Our operations and reclamation plan has been updated to include the wetland delineation. We had to make a minor change on the east of Phase 1 to make sure the proposed mineral extraction operation and reclamation will not occur within the delineated wetland. A copy of the wetland delineation and revised plan are attached for review.

2. **Wetland Setback** - The County NMM Reclamation Ordinance and the County Storm Water Management Ordinance do not require a set-back or a protective area from the wetland nor the east-west channel on the property. I strongly suggest that you include some buffering between the stockpiles (berms) and the wetland boundary lines to accommodate stockpile construction, stabilization, maintenance and access for reuse maneuvers during reclamation.

   There will be an average 20-35 ft. “buffering setback” between the grading and the delineated wetland with the exception of one small area which will have a 5 ft. minimum buffering setback. The buffering setback between the grading boundary and delineated wetland can be seen on the erosion control plan sheets in the revised operations and reclamation plan. The berm to be constructed on the south end of Phase 1 during the initial site grading remains for the duration of
the site and is not disturbed during reclamation. Therefore, the south side of this berm will serve as an additional buffering setback once constructed.

3. **Stormwater Run-off Management and Swale** - You said you would evaluate removing the planned "diversion swale" and intercept the storm water flowing through the site and establish an internally drained mining site. That would be preferred, to insure no sediment is discharged from the disturbed active mining site. If you find you must provide a exit plan for the runoff through the mining site --- then you will need to plan and construct a sediment basin that meets the standards and specifications contained in WDNR Technical Standard #1064.

We discussed the need for the temporary diversion swale with our engineer and he confirmed that the temporary diversion swale shown on Sheet 2.0 is needed during the development of Phase 1.

The purpose of the swale is to take the existing run-off from agricultural areas that will continue to be farmed during Phase 1 (i.e. areas that are not disturbed by mineral extraction) and divert it around the active non-metallic mining area in Phase 1 (disturbed area) keeping the drainages separate and allowing for development of Phase 1.

During Phase 1, drainage from within the active non-metallic mining area will be directed into the active mining area, stored and allowed to dissipate through the pit floor, thus remaining internally drained. (see attached documents)

As mineral extraction phasing progresses into Phase 2 and intersects the temporary diversion swale, the run-off from the disturbed area will be diverted into the active mining area, stored and allowed to dissipate through the pit floor, thus remaining internally drained. Therefore, stormwater from disturbed active mining areas stays internally drained for the duration of the mineral extraction operations on the property.

This plan does not allow for sediment to be discharged from the disturbed (active mining area). Water from within the active extraction area will be contained within the active area throughout the life of the project. No "exit plan" is thus required and it is not necessary to construct a sediment basin.

4. **Wash Ponds** - You indicated groundwater would be the source of water for the wash plant. Provide a construction detail for the wash plant (footprint and cross-section). I am concerned that this wash plant will be operating with and within groundwater. Will a flocculant be used? You need to prepare a pollution prevention plan to insure the pollutants are not discharged into the wash plant. The reclamation plan should include specifications to decommission the wash plant when mining and processing of the materials is complete.

A construction detail of the wash pond (foot print and cross section) is attached. The construction detail also includes how the ponds will be "decommissioned" at the time of reclamation.
As described in our CUP application, the source of water to be used in the mineral extraction operation is composed of surface run-off from the site and groundwater infiltration that will be accessed by excavating temporary wash ponds in Phase 1. Water collected on the site is used to control dust in processing operations and in the processing (washing) of aggregates.

Water from the washing and processing operations is recycled as much as possible. Water for washing is obtained from the freshwater pond, used to rinse the aggregate and remove clay & silt, then sent to a wash pond where the clay & silt are allowed to settle out before the water is returned to the freshwater pond to be used again.

No harmful chemicals are used in the processing of the sand & gravel. The use of a flocculent during the washing process is not anticipated at this time, however, if it is determined a flocculent is needed, all WDNR regulations for use of such shall be followed.

The WDNR regulates all facilities engaged in nonmetallic mining activities and requires all such facilities to apply for and obtain a WPDES permit that regulates discharges as provided in chapter 283, Wis. Statutes. These discharges include exposure of nonmetallic mining operations to storm water, and wastewater directly related to the mining and processing activities. Such permit will be obtained and adhered to.

The operations will be similar to the existing extraction operations in Walworth County and the surrounding communities. These types of operations have not had an impact on ground water quality.

Thank you for your time and consideration. If you have any questions and/or need additional information, please do not hesitate to contact me at (262) 366-5124.

Sincerely,

Payne & Dolan, Inc.

Bryanna Bucholtz
Land Information Administrator
TYPICAL CROSS SECTION
TEMPORARY FRESHWATER & WASH PONDS

1. DURING EXTRACTION OPERATIONS

2. RECLAMATION

DECOMMISSIONING OF WASH PONDS & RECLAMATION

TOPSOIL & RETURN TO AGRICULTURE
COVER WITH 1' OF CLAY OVERBURDEN
FILL WASH MATERIALS FROM ON SITE

WASH POND DIMENSIONS

THE SOURCE OF WATER TO BE USED IN THE MINERAL EXTRACTION
OPERATING IS COMPRIS OF SURFACE RUNOFF FROM THE SITE
AND GEOCHEMICAL INFECTION THAT WILL BE AVAILABLE
FORMING TEMPORARY WASH PONDS IN PHASE 1.
WATER COLLECTED ON THE SITE IS USED TO CONTROL DUST IN
PROCESSING OPERATIONS AND IN THE PRODUCTION (WEIGHT)
OF ACCUMULATES.
WATER FROM THE WASHING AND PROCESSING OPERATIONS IS
RECYCLED AS MUCH AS POSSIBLE. WATER FOR WASHING IS
RETURNED FROM THE WASHING Ponds, USED TO RINSE THE
ACCUMULATES, AND Remote CLAY & SAND, THEN SENT TO A WASH
POND WHERE THE CLAY & SEDGE ARE ALLOWED TO SETTLE OUT
BEFORE THE WASTE IS RETURNED TO THE FRESHWATER POND TO
BE USED AGAIN.
THE WASHING ACTIVITIES ARE REGULATED ALL FACILITIES ENGAGED IN MINERAL
WASHING ACTIVITIES AND ENCASED ALL SUCH FACILITIES TO APPLY
THE MINIMUM OF TECHNICAL MINIMUMS AS PROPERLY ADOPTED
AS PROVIDED IN CHAPTER 155, WILDMARLSTED. THESE TECHNICAL MINIMUMS INCLUDE EXPOSURE OF HUMANLY-INDUCED IMPACTS TO WATER, AIR WASHING ACTIVITIES, AND TO THE ENVIRONMENTAL AND
PROCESSING ACTIVITIES. SUCH PERMIT WILL BE OBTAINED AND
HELD
THE OPERATIONS WILL BE SIMILAR TO THE EXISTING EXTRACTION
OPERATIONS IN WASHINGTON COUNTY AND THE SURROUNDING
COMMUNITIES.
THESE TYPES OF OPERATIONS HAVE NOT HAD ANY IMPACT ON
GROUNDWATER QUALITY.
NO HARMFUL CHEMICALS ARE USED IN THE PROCESSING OF THE
SAND & GRAVEL.
THE USE OF A FLOCULANT DURING THE WASHING PROCESS IS
NOT ANTICIPATED AT THIS TIME. HOWEVER IF IT IS DETERMINED
A FLOCULANT IS NEEDED, ALL USE WILL BE MONITORED AS
SUCH WILL BE FOLLOWED.

PAYNE+DOLAN
ENGINEERING
CONSTRUCTION
PLANNING
ARCHITECTURE

CZA November 19, 2020
Technical Memo

D&C Boss Trust – Non-Metallic Mineral Extraction
South East Corner of C.T.H. “C” & U.S.H 14/S.T.H 14
Town of Darien, Walworth County, WI

Analysis of storm water runoff and temporary infiltration basin sizing for the later parts of Phase 2 of the non-metallic mineral extraction when the by-pass swale will no longer be effective for routing up-stream storm water around the operational site.

The existing drainage swale across this property conveys surficial flow from approximately 80.9 acres of land north of S.T.H 14, conveyed under the highway by a 30-inch concrete pipe, and the majority of this property. During phase 1 and early stages of phase 2 mineral extraction, a by-pass swale will route this storm water runoff around the active operation area. Once it is no longer feasible to re-route the storm water, in the later portions of phase 2, this runoff will need to be contained internally within the site. An infiltration pond modeled for the 2-yr & 10-yr, 24-hour storm event will capture the runoff and it will infiltrate into the gravely/sandy soils.

A hydraulic model was developed to determine the peak runoff volume for the drainage area north of S.T.H 14 and all of the phase 2 mineral extraction area.

The soils within this drainage area are HSG type B soils, an RCN Number of 73 is used relating to Small Grain Contoured crops and the HGS type B soils. The time of concentration is determined by using the Lag Method, which uses the average overall slope of the land and the hydraulic length of flow. This method produces a Tc of 140.4 minutes.

An infiltration rate of 3.6 in/hr is used per Table 2 of WDNR Technical Standard 1002, Site Evaluation for Storm Water Infiltration and is based on the field borings conducted for the mineral extraction. The native soil is texturally classified as Loamy Coarse Sand with field gradations having P200 less than 5%. Gradations are attached.

The infiltration pond will contain the 2-yr, 24-hr design storm event which results in a volume of approximately 6.7 ac-ft of water. Rainfall events greater than the 2-yr design storm will overflow into the active extraction areas which in turn will act as a much larger additional infiltration area. The infiltration pond is estimated to drain down in approximately 20 hours.

Prepared by:  Steve Kolar, PE
Routing Diagram for Infiltration Sizing
Prepared by Construction Resources Management, Printed 10/8/2020
HydroCAD® 10.00-21 s/n 08699 © 2018 HydroCAD Software Solutions LLC
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<td><strong>TOTAL AREA</strong></td>
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Summary for Subcatchment 1S: Drainage Area

Runoff = 22.85 cfs @ 14.04 hrs, Volume= 6.744 af, Depth= 0.74"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-96.00 hrs, dt= 0.02 hrs
MSE 24-hr 3 2-Year Rainfall=2.80"

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<td>Lag/CN Method, South of Hwy 14</td>
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Subcatchment 1S: Drainage Area

Hydrograph

MSE 24-hr 3 2-Year Rainfall=2.80"
Runoff Area=109.800 ac
Runoff Volume=6.744 af
Runoff Depth=0.74"
Flow Length=5,123'
Tc=140.4 min
CN=73
Summary for Pond 2P: (new Pond)

Inflow Area = 109.800 ac, 0.00% Impervious, Inflow Depth = 0.74" for 2-Year event
Inflow = 22.85 cfs @ 14.04 hrs, Volume= 6.744 af
Outflow = 7.58 cfs @ 16.44 hrs, Volume= 6.744 af, Atten= 67%, Lag= 143.5 min
Primary = 7.58 cfs @ 16.44 hrs, Volume= 6.744 af

Routing by Stor-Ind method, Time Span= 5.00-96.00 hrs, dt= 0.02 hrs
Peak Elev= 8.32' @ 16.44 hrs Surf.Area= 31,813 sf Storage= 132,123 cf

Plug-Flow detention time= 235.3 min calculated for 6.744 af (100% of inflow)
Center-of-Mass det. time = 235.3 min ( 1,197.5 - 962.2 )

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<tr>
<th>Volume</th>
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<td>Primary</td>
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<td>3.600 in/hr Exfiltration over Wetted area</td>
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</table>

Primary OutFlow Max=7.58 cfs @ 16.44 hrs HW=8.32' (Free Discharge)
↑ 1=Exfiltration (Controls 7.58 cfs)

Conductivity to Groundwater Elevation = 1.00'
Inflow Area=109.800 ac
Peak Elev=8.32'
Storage=132,123 cf
## Hydrograph for Pond 2P: (new Pond)

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</table>
Summary for Subcatchment 1S: Drainage Area

Runoff = 49.89 cfs @ 13.90 hrs, Volume= 13.780 af, Depth= 1.51"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 5.00-96.00 hrs, dt= 0.02 hrs
MSE 24-hr 3 10-Year Rainfall=3.97"

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<th>Length (feet)</th>
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<th>Velocity (ft/sec)</th>
<th>Capacity (cfs)</th>
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<td>Lag/CN Method, South of Hwy 14</td>
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Subcatchment 1S: Drainage Area

Hydrograph

MSE 24-hr 3
10-Year Rainfall=3.97"
Runoff Area=109.800 ac
Runoff Volume=13.780 af
Runoff Depth=1.51"
Flow Length=5,123'
Tc=140.4 min
CN=73
Summary for Pond 2P: (new Pond)

Inflow Area = 109.800 ac, 0.00% Impervious, Inflow Depth = 1.51" for 10-Year event

Inflow = 49.89 cfs @ 13.90 hrs, Volume= 13.780 af
Outflow = 13.84 cfs @ 16.50 hrs, Volume= 13.780 af, Atten= 72%, Lag= 156.2 min
Primary = 13.84 cfs @ 16.50 hrs, Volume= 13.780 af

Routing by Stor-Ind method, Time Span= 5.00-96.00 hrs, dt= 0.02 hrs
Peak Elev= 12.88' @ 16.50 hrs Surf.Area= 46,125 sf Storage= 309,185 cf

Plug-Flow detention time= 309.4 min calculated for 13.777 af (100% of inflow)
Center-of-Mass det. time= 309.4 min (1,255.0 - 945.5)

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<th>Volume</th>
<th>Invert</th>
<th>Avail.Storage</th>
<th>Storage Description</th>
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<tr>
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<tr>
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<td>Primary</td>
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<td><strong>3.600 in/hr Exfiltration over Wetted area</strong></td>
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Conductivity to Groundwater Elevation = 1.00'

**Primary OutFlow** Max=13.84 cfs @ 16.50 hrs HW=12.88' (Free Discharge)

↑ 1=Exfiltration (Controls 13.84 cfs)
Pond 2P: (new Pond)

Inflow Area=109.800 ac
Peak Elev=12.88’
Storage=309,185 cf
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:** Payne & Dolan, Inc. – Owner C/O Clint Weninger, Land Resources Manager.

**LOCATION:** The property of concern is located in the NE¼ of Section 1, LaFayette Township and is identified as Tax Parcel K LF 100001B.

**TOWN RESPONSE:**

- Approved: ____
- Denied: _____
- No Action: X___
- Tabled: _____

**ZONING:** The property is zoned M-3 Mineral Extraction District and is subject to a conditional use that is requested to be reinstated by this conditional use request.

**PROJECT DESCRIPTION:**

The application indicates: The property owner is requesting conditional use review and approval to reinstate and extend the life of an existing non-metallic extraction site (The Atkinson Gravel Pit) by 20 years and to obtain new approval of the reclamation phasing for the site.

**CONFORMANCE WITH COUNTY LAND USE PLAN:**

The County 2050 Land Use Plan identifies this area as the E Extractive land use categories.

**COMPATIBILITY WITH SURROUNDING LAND USES:**

To the north and east are lands zoned A-1.
To the west are lands zoned A-1 and I-43.
To the south are properties zoned A-1, A-2 and A-5.

**SITE CHARACTERISTICS:**

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<th>Soil Code</th>
<th>Soil Type</th>
<th>Slope Percentage</th>
<th>% of Site</th>
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<td>MxII Class II</td>
<td>Miami loam, sandy loam substratum, 6 to 12% slopes</td>
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<td>Miami Loam, 12 to 20% slope, eroded</td>
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CZA November 19, 2020
MpC2 Class III McHenry Silt Loam, 2 to 6% slopes, eroded 5%
MpC Class III McHenry Silt Loam, 6 to 12% slopes 5%

The site contains 97% prime farm soils.

IMPACT ON ROADS AND TRAFFIC:

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

OTHER RELEVANT DATA – RECOMMENDATIONS:

The original approval for the gravel pit states: The gravel pit extraction shall occur in two separate 10-year phases. The applicant must obtain a time extension approval from the Walworth County Zoning Agency for any phase not completed in the ten years allowed by the approval. The gravel pit project subsequently obtained an amendment to allow the bottom of the pit to be dredged below the groundwater table to create a pond upon completion. The phasing for the pond shows the first ten year phase as the last area to be completed as it shall be used as the final staging area when creating the pond. The condition requiring the first phase to be complete in ten years was never amended and is inconsistent with the gravel pit with a pond. The applicant is requesting new phasing along with reinstatement of the conditional use and a 20 year time extension.

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.

Amended 11/19/2020 for 20 year extension (see #1)
Amended 6-17-10

NAME: MANN SAND AND GRAVEL, LLC (RSV ENGINEERING, APP.)-Payne & Dolan, Inc C/O
Clint Weninger, Land Resources Manager.
TOWN: LAFAYETTE

A conditional use permit for expansion of an existing mineral extraction site (gravel pit) by increasing the depth and creation of a wet basin during excavation and restoration as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned M-3 Mineral Extraction District, and described as follows:

Tax Parcel #K LF 100001B
Has been **APPROVED** subject to the following conditions:

1. Time limit for completion of the project shall be set at (12/12/2020 to 11/19/2040) 20 (twenty) years from the date of this approval. The gravel pit extraction shall occur in two separate 10-year phases. The applicant must obtain a time extension approval from the Walworth County Zoning Agency for any phase not completed in the ten years allowed by the approval.

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

3. The applicant must obtain a Walworth County Land Disturbance, Erosion Control and Stormwater permit from the Walworth County Land Conservation Department. The applicant must follow phases of excavation and restoration as part of the approval under the Walworth 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. The Walworth County Land Conservation Division must approve a Non-Metallic Mining Reclamation Permit and Plan. 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 Walworth County Land Conservation division of the Walworth County 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 Walworth County Land Conservation Division the completion of reclamation for a portion or the entire mining site.

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

6. Following restoration, the land shall be rezoned back to the A-1 zoning district by use of the application submitted and kept current by the land owner during the excavation and restoration period.

7. Hours and days of operation shall be set from dawn to dusk or from 6:00 a.m. to 6:00 p.m., whichever is more restrictive, Monday through Friday and 6:00 a.m. or dawn to noon on Saturday. No work shall be conducted on holidays.

8. Road access and maintenance agreements shall be filed with the township and county prior to hauling materials off site as part of the restoration plan.

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 shall be brought in from off-site other than those materials specified in the approved restoration plan.

15. All topsoil generated from the site must remain on site for use in restoration as indicated in and regulated by the restoration plan. All topsoil will be regraded evenly on the disturbed area.

16. All site dewatering shall be conducted so as to prevent sedimentation outside of the project area in accordance with the Walworth County Erosion Control and Stormwater Management permit. 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 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 and rezoned.

19. The applicant must obtain a sign permit from the Walworth County Zoning Office prior to construction of any signs on site. No off premise signs or billboards will be allowed to be located in an M-3 district even under a state highway 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. Any changes to the character, intensity or use of this site not capable of being discerned by the Walworth Land Use and Resource Management Department as consistent with this approval must be brought before the Walworth County Zoning Agency for additional conditional use review.
Specific Conditions:

25. The entire pit area shall be enclosed with a 4-foot high woven wire fence within one year of this approval.

26. The town and county shall not be liable for any groundwater contamination resulting from operation of the pit. The bond submitted for restoration may be used to resolve any ground water contamination concerns resulting from site operations.

27. The pit shall be closed the day of Alpine Valley music events. Maintenance of equipment in the pit may occur during music events but no excavation or hauling of materials may occur.

28. The owner shall comply with all recommendations of the January 17th memo from the Walworth County Land Conservation Division.

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

Dated this 17th day of January, 2008.

___________________________________________
COUNTY ZONING AGENCY
RICHARD KUHNKE, SR., CHAIRMAN

Amended this 17th day of June, 2010.

___________________________________________
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN
Walworth County
Nonmetallic Mining Reclamation Permit &
Reclamation Plan – Modification Request

1. Mining Site Operator

Name: Payne & Dolan, Inc.
Address: N3 W23560 Badinger Road
City/State/Zip Code: Waukesha, WI 53188
Telephone Number: (262) 366-5249
Email: cweninger@payneanddolan.com

2. Property Owner

Name: Same as Operator
Address: 
City/State/Zip Code: 
Telephone Number: 
Email: 

3. Property Location

Tax Key #: K LF 100001B
Township: Lafayette  Section: 1
Street Address: W2652 CTH D, Elkhorn, WI

4. Mining Site Information

Type of Mineral Deposit: Sand & Gravel

5. Reason for Modification

Request to allow for an additional 20 years of mineral extraction and to amend the language in Condition #1 of the permit to reflect the previously approved phasing plan.

6. Revised Reclamation Plan

- Revised Reclamation Plan Attached
- Property Owner Approval of Modified Plan

7. Permit Modification Request

I hereby request approval to modify the nonmetallic mining reclamation permit and plan for the mining site described in this application and I certify the information submitted with this application is true and accurate, to the best of my knowledge.

Signature of Applicant or Duly Authorized Person: 
Date: 11-4-2020

Print Name: Clint Weninger, Land Resources Manager

8. Certification of State and County Compliance

I certify, as the operator of the mining site listed above, I will comply with the Walworth County Nonmetallic Mining Reclamation Standards, contained in Section 26-261 of the Walworth County Code of Ordinances and the statewide non-metallic reclamation standards established by ss. NR 135.05 through ss. NR 135.15 of the Wisconsin Administrative Code. In addition, I will provide the Walworth County with the financial assurance required by Section 26-293 of the Walworth County Code of Ordinances. I further grant the right of entry onto the parcel, described above, to the Walworth County Land Conservation Division Staff for the purpose of inspecting and monitoring for compliance with the Walworth County Nonmetallic Mining Reclamation Ordinance.

Signature: 
Print Name: Clint Weninger 
Date 11-4-2020

RECEIVED
NOV - 5 2020

WALWORTH COUNTY LAND USE
RESOURCE MANAGEMENT DEPT.
November 5th, 2020

Ms. Fay Amerson
Land Use & Resource Management Dept.
Walworth County
100 W. Walworth Street
Elkhorn, WI 53121

RE: Atkinson Aggregate Site - Nonmetallic Mining Reclamation Permit Modification

Dear Ms. Amerson:

Thank you for taking the time to review our preliminary reclamation plan update for the Atkinson Aggregate Site located in the Town of Lafayette. Enclosed is a final version of the updated reclamation plan that incorporates your suggested changes.

The additional information as requested in your October 29th, 2020 email can be found below.

1. **Submit a set of to-scale Site Plans.**

   A set of to-scale site plans are included with this letter (and associated reclamation plan modification application). Hard copies will be dropped off to the Walworth County Land Use and Resource Management Department.

2. **Sheet 1- Existing conditions. The elevations of the existing conditions should be labeled on Sheet 1.**

   Additional labels have been added to the existing elevations on Sheet 1 for easier contour elevation identification.

3. **Sheet 1- Label the feature, including stockpiled topsoil, stock-piles overburden, processed material, imported limestone, settling ponds, wash ponds, access roads, imported material for processing and recycling, imported material for reclamation, material processing areas.**

   The features listed above have been labeled on Sheet 1.

4. **Sheet 2. Provide approximate dates for the completion of the delineated reclamation areas. The State and County Reclamation Standards require contemporaneous reclamation. There has been NO reclamation completed on this mining site. P and D must make some effort to undertake reclamation on some areas ASAP.**
The existing site conditions mirror the conditions of the site at the time the property was purchased by Payne & Dolan. No reclamation had been completed at the site prior to the time of purchase. We understand the need to incorporate contemporaneous reclamation into the operation of the site and thus have devised a reclamation sequencing plan. The reclamation sequencing plan is shown on Sheet 2 and includes six distinct phases. The reclamation sequencing plan includes estimated timeframes for the phases and will commence with the next topsoil and overburden removal operations. Phasing timeframes may need to be adjusted to reflect changing market conditions. The proposed phases are as follows:

Phase 1 – 2021 – 2023
Phase 2 – 2023 – 2025
Phase 3 – 2025 – 2027
Phase 4 – 2027 – 2029
Phase 5 – 2029 – 2031
Underwater Excavation – 2031 – 2039
Phase 6 – 2039 - 2040

5. **Sheet 3 Final Conditions.** It appears the access road will be removed under reclaimed conditions. I suggest that an access road remain or even expanded to provide access to the pond for emergency purposes.

   The existing access road will be remain after final reclamation for safety and emergency purposes as shown on Sheet 3.

6. **Sheet 4. Acceptable**

   No changes have been made to Sheet 4.

7. **Add specifications for decommissioning the wash ponds or other temporary ponds on the mining site.**

   An additional document titled “Typical Cross Section – Temporary Freshwater & Wash Ponds” is included in this application. The plan shows a cross section of a typical pond at the Atkinson Aggregate Site and details how Payne & Dolan will decommission the ponds on site. The ponds will be filled with earth materials, covered with a minimum three feet of overburden, graded and topped with 10-11” of topsoil. Once fully reclaimed, the decommissioned ponds will be graded to match the surrounding topography and revegetated or returned to agricultural use.
8. **Provide the volume of subsoil and topsoil required for reclamation, (non-pond areas)**

The non-pond areas will consist of approximately 29 acres and will require will require 93,500 yards of overburden (subsoil) and between 39,000 and 43,000 yards of topsoil for reclamation.

9. **Is there excess material, overburden and topsoil that will need to be exported, when reclaimed?**

There will be no excess overburden or topsoil that will need to be removed after final reclamation of the site.

10. **Provide an updated schedule of reclamation costs.**

The estimated reclamation costs have been updated to $266,000 to reflect the current site conditions. A breakdown of the estimated reclamation costs are included in the table below. Upon approval of the updated reclamation plan and CUP renewal, Payne & Dolan will adjust the reclamation bond from its current amount of $174,545 to $266,000 which is an increase $91,455 or 52%.
Estimated Reclamation Costs

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<th>Cost Unit</th>
<th>Cost/Unit</th>
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<td>Remove Scale &amp; Scale House</td>
<td>1.00</td>
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<td></td>
<td></td>
<td></td>
<td><strong>266,000</strong></td>
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Notes

1) Excavation, grading & backfilling are for the maximum area to be opened and needing reclamation (not including the underwater excavation/pond area)
2) Grade subsoil & topsoil is for the maximum area to be opened and needing finished grade work
3) Reclaimed areas will be planted to agriculture when finished, but the costs to seed, fertilize and mulch is included for the maximum area to be opened, not including the pond, and needing to be revegetated around the pond perimeter.

11. Submit a Reclamation Plan Modification Review Application and Fee. I have attached the Application. The review fee is $1000.00

The Reclamation Plan Modification Review Application has been completed and is enclosed with this letter along with a check for the $1,000 fee.

Thank you for your time and assistance in modifying this reclamation plan. If you have any questions and/or need additional information, please do not hesitate to contact me at (262) 366-5124.

Sincerely,

Payne & Dolan, Inc.

Bryanna Bucholtz
Land Information Administrator

RECEIVED

NOV - 5 2003

WALWORTH COUNTY LAND USE
RESOURCES MANAGEMENT DEPT.
Typical Cross Section
Temporary Freshwater & Wash Ponds

1. During Extraction Operations

2. Reclamation

Decommissioning of Wash Ponds & Reclamation

Topsoil & Return to Agriculture

Cover with 5' of Clay Overburden

Fill with Earth Materials from On Site

WASH POND DECOMMISSIONING PROCESS

1. Wash pond filled with earth materials from onsite - primarily silt from the washing process
2. Cover decommissioned wash pond with a minimum 3 ft. of clay overburden materials previously stockpiled for reclamation
3. Cover re-graded clay overburden with 10-12" of topsoil
4. Revegetate reclaimed wash pond by either returning to active agricultural use or seeding

Received
Nov 5, 2020

Walworth County Land Use Resource Management Dept.
## Atkinson Aggregate Site

**CTH D, Town of Lafayette**

**Walworth County**

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Total $266,000

### Notes

1. Excavation, grading & backfilling are for the maximum area to be opened and needing reclamation (not including the underwater excavation/pond area)

2. Grade subsoil & topsoil is for the maximum area to be opened and needing finished grade work

3. Reclaimed areas will be planted to agriculture when finished, but the costs to seed, fertilize and mulch is included for the maximum area to be opened, not including the pond, and needing to be revegetated around the pond perimeter.
This mining site is commonly known as the Atkinson Pit.

A reclamation plan and permit modification application was filed with Walworth County Land Conservation Division to update the reclamation schedule and duration, allowing mining of the site to be extended for an additional 20 years.

This review is based on a nonmetallic mining reclamation permit application and reclamation plan modification application submitted to Walworth County on November 65, 2020. The submittals included:

- A Nonmetallic Mining Reclamation Plan and Permit Modifications Review Application
- Reclamation Plan Site Plans and Plan Narrative modification.
- Un-updated schedule of reclamation costs.

**Site Information –Site Plan Map.**

1. **Geological Composition and Depth of Mineral Deposit.** Complete. Geological exploration was included in the initial reclamation plan.

2. **Topsoil depth, thickness and distribution.** Complete. This evaluation was prepared in the initial reclamation plan.

3. **Approximate elevation of groundwater.** Complete. This evaluation was presented in the initial reclamation plan.

4. **Existing Drainage Patterns.** Complete. This is an internally drained mining site. The existing drainage patterns were presented in the initial reclamation plan.

5. **Existing Topography.** Complete. The existing topography is presented on Sheet 1 of the modified reclamation plan set submitted for this modification request.

**Biological Resources**

6. **Description of Plant Communities and Wildlife Use on or Adjacent to Mining Site.** Complete. This description was provided in the initial reclamation plan.

**Land Use and Land Cover.**

7. **Description of the Current Land Use and Land Cover.** Complete.

The current land use is an active mining site as shown on Sheet 1 of the plan set submitted.

8. **Description of the Post Mining Land Use and Cover.** Complete.

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

This mining site will be restored to a 29-acre permanent pond with the perimeter slopes reclaimed for crop production. This post-mining land use was approved by the County Zoning Agency in 2010.
Nonmetallic Mining Reclamation Plan Review

Mining site location: Tax Key Parcel # K LF 100001B Town of Lafayette

Payne and Dolan, Inc., Operator
Payne and Dolan, Inc., Property Owner

F. Amerson
Review Date: 11/9/2020

Mining site location: Tax Key Parcel # K LF 100001B Town of Lafayette

Payne and Dolan, Inc., Operator
Payne and Dolan, Inc., Property Owner

Mining and Reclamation Plan. The Final Reclamation Plan is depicted on Sheet 3 and Sheet 4 of the plan set submitted.


- Waste Management. No material can be imported to the site for reclamation unless approved by Walworth County.

- Dust Control. A dust control plan complying with County Conservation Standards, WDNR Technical Standard #1068, shall be provided with the Construction Site Erosion and Sediment Control Plan, when submitted to the County for approval.

- Dewatering. A dewatering plan complying with County Conservation Standards, WDNR Technical Standard #1061, shall be provided with the Construction Site Erosion and Sediment Control Plan, when submitted to the County for approval.

- Wash Pond Decommissioning. The temporary wash ponds used during extraction and material processing will be decommissioned during reclamation. The reclamation plan modification included details of the wash pond decommissioning process and an illustration.


The Applicant provided a site plan showing the anticipated locations and a typical cross-section of the temporary stockpiles in the initial reclamation plan.

Topsoil and overburden is currently stockpiled separately, in order to allow for the replacement of the soil horizons in a natural sequence and to a thickness to restore the original soil for agricultural use in the non-pond reclaimed areas.

Topsoil and overburden will be stabilized with the permanent vegetative cover and will be mowed to prevent the growth of woody vegetation.


Sheet 3.0 and Sheet 4.0 of the Reclamation Plan Modification illustrate the final reclaimed grades and slopes for the pond and non-pond areas.

A safety shelf will be established within the pond and is shown on Sheet 4.0 of the plan set.

The existing access road will be maintained under reclaimed conditions for safety and emergency purposes.

12. Mining and Reclamation Phasing and Schedule. Complete. The applicant has updated the reclamation phasing and schedule. The reclamation sequencing is presented on Sheet 2 of the plan set submitted. The Reclamation Permit will have an expiration date of November 1, 2040. Site reclamation shall be completed by November 1, 2040.

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

It should be noted Payne and Dolan has not conducted any reclamation on this mining site since acquired in 2012.
The reclamation plan modification includes a reclamation phasing plan, Sheet 2 and schedule. Reclamation will be conducted in 6 phases, through the additional 20 years of expected operation.

13. **Reclaimed Topography.** Complete. The reclaimed topography for the existing mining site and the expansion area have been shown on Sheet 3 of the modified reclamation plan set submitted.

15. **Topsoil Redistribution for Reclamation.** Complete.

The volume of topsoil required and available for reclamation is estimated between 39,000 and 43,000 cubic yards and will be redistributed on the non-pond areas, for final reclamation.

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

The reclamation plan prepared for this mining site includes a list of reclamation methods and quantifiable criteria for determining successful reclamation. The topsoil depth and quality spread on the reclaimed non-pond slopes will be assessed. An herbaceous stand analysis will be conducted using Wisconsin Technical Note AGRON. –WI. Alfalfa production yields will be determined. An alfalfa yield of 1 ton/acre will be the criteria used for successful reclamation of the non-pond reclaimed areas.

A cross-section of the pond established under reclaimed conditions will be prepared and submitted to the Walworth County Land Conservation Division to verify the presence of a safety shelf and final depth of the pond.

17. **Certification of the Reclamation Plan.** Incomplete. The operator shall provide an up-date certification for the modified reclamation plan.

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

**Financial Assurance.**

18. **Cost estimate of reclamation activities.** Complete. An updated schedule of reclamation tasks and associated costs has been prepared and are conditionally acceptable. The estimated reclamation costs are $266,000.
Walworth County
Nonmetallic Mining Reclamation Permit - Modification

Permit # Payne and Dolan, Inc.
Operator: Payne and Dolan, Inc.
Expiration Date: November 1, 2040.
Owner: Payne and Dolan, Inc.

Nonmetallic Mining Site Location:
Township: Lafayette
Address: W2652 CTH D
Tax Key Parcel # K LF 100001B

Mining Description: Extraction and processing of sand and gravel materials covering 100 acres. This mining site is commonly known as the Atkinson Pit.

Post-mining Land Use and Reclamation Goals:
The land used for nonmetallic mining shall be reclaimed to agricultural use for crop production and a 29-acre pond.

Walworth County Code of Ordinances: Reclamation must comply with the Reclamation Standards contained in Environment, Section 26, Article VI, Nonmetallic Mining Reclamation.

Conditions of Permit Approval

This reclamation permit and plan modifications approval is based on a Nonmetallic Mining Reclamation Permit and Plan Review Modification Application, prepared by Payne and Dolan, Inc. and submitted on November 5, 2020.

General Permit Conditions

1. Compliance with Environmental Regulations. Reclamation of this nonmetallic mining site shall comply with applicable federal, state or local regulations, including those related to environmental protection, zoning and land use control. Walworth County Construction Site Erosion and Sediment Control Permit Coverage must be obtained to cover land disturbing activities associated with the expansion. Copies of all required state and federal permits, related to the mining activities must be submitted to the Walworth County Land Conservation Division.

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

3. Annual Operator Reporting. An Annual Report covering the calendar year will be prepared and submitted to the Walworth County Land Conservation Division by January 31, of each year and will include the following information:

- The name and address of the operator.
- The location of the non-metallic mining site.
- The Walworth County permit number.
- The acreage currently affected by nonmetallic mining and not reclaimed.
- A plan map showing the acreage that has that has been permanently reclaimed.
- A plan map showing the acreage that has been reclaimed on an interim basis
- Description of proposed changes to the mining plan of operations or reclamation plan.
- Operator’s Certification.

4. Financial Assurance. Proof of financial assurance covering the cost of implementing the Nonmetallic Mining Reclamation Plan shall be obtained and kept current. Proof of financial assurance must be submitted to the Walworth County Land Conservation Division prior to commencing any land disturbing activities related to mining or site preparation for mining on the parcel. The amount of the financial assurance must be approved by the Walworth County Land Conservation Division and be based on the cost to Walworth County to complete the reclamation tasks. Financial assurance must meet the requirements specified in Section 26-293 of the Walworth County Code of Ordinance, related to Nonmetallic Mining Reclamation. The cost of reclamation must be assessed and updated as needed, annually.
5. **County Construction Site Erosion Control and Storm Water Management Permit.** A Walworth County-approved Construction Site Erosion Control must be obtained prior to commencing any land disturbing activities associated with the expansion of mining.

6. **Permit and Plan Modification.** The operator must obtain approval from Walworth County prior to modifying the mining plan of operation or the reclamation plan. The County shall provide public notice and the opportunity for a public hearing for any significant modification to the reclamation plan. This reclamation permit or the reclamation plan may be modified by Walworth County, if the County finds that due to changing conditions, the reclamation plan is no longer in compliance with the Walworth County Nonmetallic Mining Reclamation Ordinance.

7. **Permit Transfer.** This nonmetallic mining reclamation permit may be transferred to a new operator upon the satisfaction of the following conditions:
   - Submittal of a permit transfer application and required application fee by the new owner and operator.
   - Verification that all Federal, State and Local permits have been transferred, including any County zoning approval.
   - Certification to implement the approved reclamation plan or the approved reclamation plan modification.
   - Submittal of financial assurance by the new operator.

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

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

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

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

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

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

**Specific Permit Conditions**

14. **Groundwater Protection.** Mining and reclamation shall be conducted in a manner that does not cause a permanent lowering of the water table that results in adverse effects on surface waters, wetlands or a significant reduction in the quantity of groundwater reasonable available for future uses of groundwater. Nonmetallic mining shall be conducted in a manner which does not cause groundwater standards in ch. NR 140, Wisconsin Administrative Code to be exceeded at a point of standards application defined in that chapter.

15. **Post mining Land Use.** The mining site shall be reclaimed to agricultural use and a 29-acre pond. Agricultural use includes those uses listed in Section 26-270 (1) of the Walworth County Code of Ordinances related to Nonmetallic Mining Reclamation. The perimeter of the pond will be used for crop production. The existing access road will remain after final reclamation for safety and emergency purposes.
16. **Permit Termination Date.** This permit expires on the date indicated on Page One of the permit conditions. The expiration date is based on the Reclamation Plan Narrative, the duration of the County Conditional Use Permit Zoning or the duration of the lease agreement. The permit may be renewed, if requested in writing, prior to the expiration date indicated on this permit. The request must include a revised reclamation narrative and a new reclamation schedule.

17. **Contemporaneous Reclamation.** Mining and Reclamation will be undertaken in distinct phases as described in the reclamation plan narrative and depicted on the reclamation site plans to minimize the area disturbed by nonmetallic mining and to provide for contemporaneous reclamation while mining continues on other portions of the mining site. An operation and phasing plan is presented on Sheet 2 of 4 of the modified reclamation plan submitted. Reclamation will proceed in 6 phases.

18. **Topsoil Management.** All topsoil removed to prepare the site for nonmetallic mining will be stored at the locations shown on the site plans submitted and stabilized with vegetation until reused for reclamation. Mowing will be undertaken to control woody vegetation. The applicant shall provide permanent signage to identify the location of overburden and topsoil used for reclamation.

19. **Final Sloping, and Site Reclamation.** The portion of the reclaimed mining site planned for crop production will be reclaimed to slopes no greater than those shown on Sheet 3 and 4 of the Reclamation Site Plan submitted. The pond will be established with the cross-sections shown on Sheet 4 of the reclamation plan submitted. A safety shelf will be established around the pond perimeter for safety purposes, as shown on the cross-sections on Sheet 4 of the reclamation plan submitted. The reclamation methods will include those listed in the Reclamation Plan Narrative. Best management practices will be implemented to prevent erosion.

21. **Criteria for Successful Reclamation.**

   - The thickness and distribution of the topsoil on the reclaimed slopes and areas where crop production is planned will be prepared and submitted to the Walworth County Land Conservations Division.
   - A cross-section of the established pond will be prepared and submitted to Walworth County.
   - A Nutrient Management Plan, complying with Walworth County Conservation Standards will be prepared and implemented for the reclaimed area where crop production is planned. A copy of the Nutrient Management Plan will be submitted to the Walworth County Land Conservation Division.
   - The absence of sheet, rill and gully erosion on the reclaimed mining site will be verified.
   - The expected alfalfa yield is 1 ton/acre shall be verified.

22. **Certificate of Completion of Reclamation**

   The operator will certify completion of reclamation for a portion or all of the mining site and submit documentation to verify achieving or completing the conditions listed in Condition #21.

   Walworth County will issue a Certificate of Completion of Reclamation for the entire mining site or a portion of the mining site following a site inspection and it is confirmed that the interim or final reclamation is complete and the successful reclamation has been achieved using the criteria listed in Condition #21.

   Recommended for Approval by:

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

   ________________________________
   Date
Walworth County

NAME: ROGER VOSKUIL (REPUBLIC SERVICES OF WI, LLC DBA MALLARD RIDGE, RDF, APPL.)

TOWN: DARREN

A conditional use permit for clay borrow operation as specified in Section 4.0 of the Zoning Ordinances, Walworth County, Wisconsin, on lands proposed to be zoned M-3 Mineral Extraction District, and described as follows:

Tax Parcel # B D 700003

The West 1/2 of the Northwest 1/4 of Section 7, Town 2 North, Range 15 East, Walworth County, Wisconsin, excepting therefrom a parcel of land described as follows:

Beginning at the Northwest corner of said Northwest 1/4; thence East, 460.00 feet; thence South, 420.00 feet; thence West, 460.00 feet; thence North, 420.00 feet to the Point of Beginning.

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

1. Time limit for completion of the project shall be set at 5 years.

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

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

4. Restoration must occur in conjunction with excavation so as to limit the area of disturbance. Restoration and excavation shall be subject to review at completion of each phase.

5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater permit.
6. Submit Performance Bond acceptable to Land Conservation to ensure proper restoration of site.

7. Following restoration, the owner shall petition to rezone this parcel back to the A-1 zoning district.

8. 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.

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

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

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

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

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

14. Storage locations must be in an approved zoning district.

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

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

17. 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.
Rgoer Voskuil (Republic Services of WI, LLC dba Mallard Ridge, RDF, Appl.)
Conditional Use Permit
Page 3

18. The applicant must obtain a variance from the County Board of Adjustment from the 200 foot required setbacks from the neighboring property lines.

Dated this 8th day of June, 1999.

[Signature]

PLANNING, ZONING, AND SANITATION COMMITTEE
ROBERT W. TILTON, CHAIRMAN
Voskuil Property
Town of Darien, Walworth County
Temporary M-3 Rezone
Clay Borrow – Operational Plan

PROJECT DESCRIPTION:

A 67-acre parcel, owned by Roger & Siri Voskuil located in the Town of Darien, West 1/2 of the North West 1/4, Section 7, Town 2 North, Range 15 East has been identified as having suitable clay soil to be used for sanitary landfill construction and development. Republic Services of Wisconsin, LLC II is proposing to temporary rezone the 67-acre parcel from A-1 to M-3 (Mineral Extraction). Mallard Ridge Recycling and Disposal facility a division of Republic Services of Wisconsin, LLC II operates its sanitary landfill in the Town of Darien, approximately 3 miles east of the Voskuil property. Mallard Ridge as part of its landfill development requires suitable clay material that meets the State of Wisconsin liner requirements. Based on preliminary field testing the Voskuil property does have clay material that meets the State of Wisconsin specifications. It is estimated that approximately 140,000 cubic yards of suitable clay material can be extracted from the 67-acre parcel. Operation of the borrow area will follow a detailed phasing plan and an erosion control plan. Clay will be excavated from the property in three phases. The first phase will start from State Highway 11 and progress to the south. Excavation is planned to begin by early spring and be completed by September 15th of that year. Topsoil will be stripped and stockpiled. No more than 10 acres will be disturbed at any time. Clay removed from the site will be replaced with clean backfill or excess soil from Mallard Ridge to restore the site to previous grades. The topsoil will then be returned and placed over the site. By September 15, the site will be reseeded and returned to agricultural land use. The second phase or remaining half of the property north of a large drainageway will be developed in a similar fashion. The third phase is for the balance of the property south of the drainageway. Access to the property will be either by State Highway 11 or County Road “C”. Authorization to use these roadways will be obtained through the proper local authorities. Mallard Ridge has previously conducted clay extraction activities on 5 separate parcels including two parcels at the Mallard Ridge facility. Mallard Ridge has demonstrated that land containing suitable clay material can be extracted and temporarily disturbed and then restored to it’s original land use with no impact to the soils ability to produce productive crops.

SEWRPC DESIGNATION:

The Southeastern Wisconsin Regional Planning Commission’s detailed environmental corridor map shows that the property subject to the Voskuil rezone petition has not been designated as an environmental corridor. The recently adopted Regional County Land
Use Plan has designated the parcel as "Other Agricultural, Rural, Residential and Open Land".

SITE PLAN:

Farris, Hansen & Associates, Inc. has prepared a detailed site plan with topography of the subject property dated February 4, 1999. That detailed site plan depicts existing grades and elevations for the property. The site plan illustrates existing onsite structures such as drainage ways, ditching adjacent to roadways, right of ways, and property lines.

HIGHWAY ACCESS:

The Voskuil property is located directly South of State Highway 11 and East of County "C" in the Town of Darien. Access to the property will be either by State Highway 11 or County "C". Permission to access the property by either of these roads will be obtained through the proper local authorities. If County "C" is chosen as a vehicle access route then financial assurance in the amount sufficient to repair the road to its original condition will be posted with the proper local authorities. Roadway entrances will be graveled and maintained so that dirt and mud are not tracked onto the roadway surfaces.

DRAINAGE PLAN:

Prior to beginning operations on the property, a construction site erosion control permit will be obtained for the parcel. Discussion of the onsite erosion control methods will be discussed later in this plan.

WASTE DISPOSAL PLAN:

Due to the temporary nature of this work no waste disposal plan is required. Portable toilets and waste containers will be available for onsite personnel during the project.

OPERATIONAL PLAN:

Soil Characterization & Analysis Plan:

The State of Wisconsin requires landfill operators to perform a detailed site investigative plan, which includes characterizing the clay soil and evaluating any environmental impacts associated with performing the clay extraction activities. Mallard Ridge personnel have performed preliminary soil testing that suggest the clay will meet the State of Wisconsin soil specifications for landfill liner material. Upon receiving the necessary local approvals to conduct the proposed clay extraction activities on the Voskuil property, Mallard Ridge will then hire an outside consultant to perform the soil testing and characterization report in order to obtain DNR (Department of Natural Resources) approval to use the property as a temporary clay borrow. If the soil characterization report finds that only a portion or none of the property contains suitable clay soil material than the property will be immediately rezoned back to its original land use designation.
Time Schedule for the Project:

Due to the change of ownership at the Mallard Ridge facility from Waste Management to Republic Services daily waste volumes have been reduced thus prolonging the site life of the active landfill and delaying expected landfill construction activities. Mallard Ridge does not have any onsite borrow source for suitable clay material. Mallard Ridge does have a limited supply of suitable clay material stockpiled onsite for future construction activities. Once the onsite stockpiles have been depleted and used for landfill development the need to go offsite and bring clay from the Voskuil property will be necessitated. The 67-acre Voskuil property will be developed in three phases. Development and completion of each phase will be performed during one construction season. A construction season is defined as the months April through September 15th of the current year. A zoning and conditional use permit approval of 5 years is requested for this project. Due to the uncertainty of when future landfill construction activities will take-place a permit approval of 5 years will allow Mallard Ridge personnel the opportunity to schedule the clay removal activities to match landfill construction events.

In summary, the total anticipated duration of time need to remove the clay material from the Voskuil property is 3 years, a zoning and conditional use approval of 5 years is requested for the project. An extended approval time period will allow for optimum planning and scheduling of key construction events.

Phase One

As previously discussed the 67 acre parcel will be divided into 3 phases of development. Phase 1 is approximately 27 acres which is divided into 3 smaller sub-phases described as sub-phase A, B, and C (See Site Plan – Phasing Drawing). Setbacks from neighboring properties, right of ways and drainage ditches will be maintained. A setback of 25 feet from right of ways, and property lines of developed land will be provided. A setback of 10 feet from the east property line and drainageways will be instituted for the remainder of the property. Phase A will be the first phase that clay extraction activities begin. First, the topsoil will be stripped and stockpiled south of phase C in an area, which will be used for temporary topsoil storage. After topsoil has been removed the clay will be excavated by a backhoe and directly loaded into dump trucks. As the removal of clay progresses in phase A, clean – general fill material will be backhauled and placed in the general excavation. No more than 10 acres will be disturbed at any time during the excavation or restoration of the property. All disturbed areas of the property will be restored to pre-existing elevations. Access to phase A will be via Highway 11. An access road will be delineated along the east edge of the property maintaining the 10-foot setback from the property line. Phase A is approximately 6.1 acres in size. As the excavation / restoration of phase A progresses the need to strip the topsoil from phase B will take place next. Topsoil from phase B will be placed in phase A over the restored backfilled areas. Once phase B excavation and restoration near completion the topsoil from phase C will be stripped and placed on the phase B restored areas. Phase B is approximately 9.3 acres in size and phase C is approximately 10.3 acres in size. Upon completion of phase C the topsoil stockpiled from phase A will then be placed over the phase C area. An access road will be used along the east edge of the parcel to access all sub-phases during excavation and restoration activities. Temporary sediment traps will be constructed as
shown on the plans sized for the areas disturbed. Existing elevations warrant sedimentation traps be constructed for managing any potential runoff from the construction site. Details regarding the sedimentation trap locations are shown in the Site Plan – Phasing Drawings. Topsoil stockpiled to the south of phase C will have silt fencing placed down slope from the topsoil stockpile. Details regarding the erosion control methods used for this project will be addressed later in the Operational Plan. No topsoil will be removed from the property at any time. All topsoil stripped shall remain for replacement and reestablishing agricultural productivity. Specific trap designs and drainage plan will be done at the time of erosion control permit applications.

Phase Two

Phase 2 is approximately 22 acres in size, which includes the remaining southern half of the 67-acre parcel (See detailed site plan & phasing plan drawings) lying north of the east-west waterway. Phase 2 is divided into two smaller sub-phases, A & B. A setback of 10 feet from the vegetated slopes of the drainageways will be maintained. Phase 2 will be accessed by extending the existing haul road from phase 1 along the east edge of the property. Topsoil stripped from sub-phase A will be placed in a temporary stockpile as shown on the plans. Sub-phase B will be stripped to restore sub-phase A. Silt fencing will be placed down slope from the topsoil pile to contain any washing. Once topsoil from either of the sub-phase 2 areas is stripped, the clay will be excavated by a backhoe and loaded into dump trucks. Restoration of the excavated areas will follow with backhauled soil from the Mallard Ridge facility. Once the areas have been restored to pre-existing sub-grades, the topsoil will be placed over the disturbed areas to original grades. Sediment traps again will be utilized prior to release to grassed waterways. No topsoil will be removed from the property during any phases of operation.

Phase Three

Phase 3 is approximately 11 acres in size which includes all property to be used south of the drainageway referenced previously. The operation will not include sub-phases. Silt fence with a 10 foot setback from the existing drainageway on its south side shall be installed followed by stripping and stockpiling topsoil, sediment trap excavation being done at the same time. Clay borrow removal, backfill, topsoil replacement and seeding will be done in the same manner and sequence as described for Phase 1 and 2. All to be done in the same year prior to September 15th with all topsoil of site used for the restoration.

SEEDING:

Prior to September 15th of each construction year the phases of development will be seeded with a specified mix of grass which meets the long-range agricultural goals for the property.
DRAINAGE:

Due to the type of excavation and restoration activities that are proposed for the Voskuil property, limited potential for offsite erosion exists. The general excavation created by removing the clay soil will serve as a temporary sedimentation basin for all phases. Areas of the property that require a temporary sedimentation trap prior to construction have been identified on the detailed site plan and phasing plan. Silt fence will be installed along both sides of the onsite east-west drainageway and downslope from any temporary topsoil stockpiles. Setbacks of 25 feet from right of ways and neighboring homes will be maintained in an effort to reduce the potential for any offsite erosion on to neighboring properties. Setbacks of 10 feet will be provided from the vegetated edge of the drainage ditch and property line where no homes or permanent structures exist. Prior to commencing with clay borrow activities a detailed erosion control plan will be submitted to the Walworth County Land Conservation Department for approval. In general, sediment traps serving up to 5 acres of disturbed lands will be used for all phases.

HOURS OF OPERATION:

Hours of operation during the life of this project will be Monday through Friday 6:30 a.m. to 5:00 p.m. and Saturdays from 6:30 a.m. to 12:30 p.m. A half hour warm-up and shut down period is desired. The warm-up period for equipment would begin at 6 a.m. and the shut down period would end at 5:30 p.m. No clay removal activities would be conducted during the equipment warm-up or shut down periods.

DUST CONTROL MEASURES:

In an effort to minimize the potential for dust that will be created from the clay borrow activities, a water truck will be used to maintain all interior roads on the property. Water for the truck will be obtained from the Mallard Ridge property. Roadway access points will be stoned and maintained so that dirt and mud are not tracked offsite onto local roadways.

RESTORATION PLAN:

As previously described in the phasing plan the property will be fully restored to its pre-existing grades and elevations at the time of completion for each phase. Included with this submittal is a detailed site plan which shows existing grades and drainage patterns for the property. Upon completion of each phase a surveyor will spot check restored area’s to confirm the property has been returned to it pre-existing grades & elevations. Once all phases of development have been completed the property will revert back to it’s original land use. Included with this submittal is a letter from Jacob Griedanus a property owner that developed his property as a temporary clay borrow in 1991. Mr. Griedanus states that immediate benefit is realized from the soil after one growing season to yield productive crops even after the clay borrow activities took place on his property the previous year.
EQUIPMENT TO BE USED DURING LIFE OF PROJECT:

It is anticipated that a full compliment of heavy equipment will be used to properly conduct all clay borrow and restoration activities. As previously mentioned a backhoe will be used to excavate the clay soil and load dump trucks. Earth movers or scrapers will be used to strip and stockpile the topsoil from each phase. A tracked dozer will be used to manage the backhaul / general fill material used to restore the property. A water truck will be kept at the site during the day and stored at the Mallard Ridge facility during the night. A total of 3 – 4 people will be needed at the project site during the duration of the project to conduct all phases of the operation.

PROJECT SUMMARY:

In summary, Mallard Ridge has previously conducted clay extraction activities on 5 separate parcels in Walworth County including two parcels at the Mallard Ridge facility. Mallard Ridge has demonstrated that land containing suitable clay material can be used for its extraction and then restored to its original land use with no impact to the soils ability to produce productive crops (see letter from Jacob Greidanus). Mallard Ridge as part of its sanitary landfill development requires suitable clay material that meets the State of Wisconsin specifications for clay liner material. The Voskuil property has been identified as having approximately 140,000 cubic yards of suitable clay soil. The approval time requested to perform all phases of development is 5 years. The Voskuil property has been chosen from other potential borrow sources because of its proximity to the Mallard Ridge facility and its minimal impacts to local neighbors due to dust and noise. Questions regarding this submittal should be directed to either Mr. Michael C. Ettner at 414 724 – 3257 or Mr. Warren Hansen, P.E., at 414 723 - 2098.
February 26, 1999

To Whom It May Concern:

I have been asked by site management at the Mallard Ridge landfill to comment on what effects if any removing clay from my property has had to my ability to farm the land. I own two parcels (20 acre & 80 acre) that I zoned for mineral extraction for the purpose of removing the clay material from the property. The clay removal process required the topsoil be stripped and placed in a temporary pile and then the clay was removed down to a gravel material. The average depth of clay at both properties was 2 to 6 feet. Once the clay was removed clean soil was backhauled from future borrow areas at the landfill for restoring the property to its original grades and elevations. Topsoil was then respread and placed ontop of the general fill material. All of this work was done during the early spring and summer month’s. The zoning approval required that each restoration activities be completed by September 15, of that year. I have seen immediate benefit from the restored property as it pertains to growing feed. On my 20-acre parcel, I was able to improve drainage and grow high quality alfalfa. Since my 20-acre parcel was disturbed in 1991 I have not had any drainage problems or crop failure as a result of removing clay from my property. My personal experience working with the Mallard Ridge people was very positive. I found them to be very responsive to my concerns during the clay removal process. I thought the overall project was very successful and beneficial to my farming operation and me.

Sincerely,

Jacob Greidanus
April 16, 1999

Mr. Dale Smith  
Walworth County Zoning Office  
W3929 County Road NN  
Elkhorn, WI 53121

Dear Mr. Smith:

At the March 15, 1999 meeting of the Darien Town Board of Supervisors, Scott Otterson of Mallard Ridge Recycling and Disposal Facility presented plans to extract clay soil for landfill construction from property owned by Roger and Siri Voskuil. The 67-acre parcel, located on County Road C and US Highway 14 and identified as BD700003, is currently zoned A-1 Prime Agricultural Land District. A temporary rezone to M-3 Mineral Extraction District was requested to meet zoning requirements for the clay borrow project.

After discussion which included the duration, operations, restoration, and similar projects as described in the attached Temporary Clay Borrow Fact Sheets, the Town Board unanimously approved the request for the temporary (5-year) rezone of the above described property from A-1 to M-3. A motion to this effect is recorded in the meeting minutes.

If you have questions or require further information in this matter, please do not hesitate to call.

Sincerely yours,

Barbara S. Wheelock

Barbara S. Wheelock, Clerk  
Town of Darien

cc: Michael C. Ettner, Mallard Ridge
PETITION FOR AMENDMENT OF THE WALWORTH COUNTY
CODE OF ORDINANCES
(ZONING/HORELAND ZONING)

OWNER: Daniel M. Boss

TOWN: Darien TAX PARCEL NO. B D 700003

TO THE COUNTY BOARD OF WALWORTH COUNTY:
The undersigned hereby petitions the County Board to amend the Walworth County Code
of Ordinances (Zoning/Shoreland Zoning) as follows:

Present Zoning: M-3 Mineral Extraction District

Requested Zoning: A-1 Prime Agricultural Land District

RESIDENTIAL REZONES:

Number of Proposed
Proposed lots: 1 Number of Proposed
Housing Units: _______

COMMERCIAL &
INDUSTRIAL REZONES:

Total Proposed Gross Floor Area
(All Buildings): _______

Site Area (Acres): 70.79

LEGAL DESCRIPTION: (Written Metes and Bounds Description of the Land to be Rezoned.)
Rezone all M-3 zoning on Tax Parcel # B D 700003 to A-1. See attached
Map Page.

The west 1/2 of the Northwest 1/4 of Section 7, T2N. R2W. Walworth
County, Wisconsin, excepting therefrom a parcel of land described as follows:
Beginning at the Northwest corner of said Northwest 1/4; thence east
460.00 feet; thence south 420.00 feet; thence west 460.00 feet; thence
north 420.00 feet to P.O.B.

(Attach separate sheet if additional space is needed.)

Property Owner’s Name (Print): Daniel M. Boss and Cindy L. Boss

Property Owner’s Signature:

Address: P.O. Box 325, Delavan WI 53115

Telephone No: __________________________

Applicant’s Name (Print): Walworth County

Applicant’s Signature: Richard Kuhnke, Sr., Chairman
Walworth County Zoning Agency

Address: 100 West Walworth, P.O. Box 1001, Elkhorn WI 53121

Telephone No: 262-741-4972

Statement of proposed use of property, with pertinent facts regarding the size of area
involved, extent of development, type of operation, etc.:
The property of concern was rezoned from A-1 to M-3 in 1999 for purpose of
a clay borrow for the Mallard Ridge Landfill. The Conditional Use Permit
granted for the clay borrow required restoration back to agricultural use
and rezone of the property to the A-1 zone district. The County has requested
the property owner to honor the condition of approval by petitioning to
rezone the property back to A-1. The owner has indicated that the property
no longer meets A-1 physical characteristics and has not petitioned to rezone
the property back to A-1. The County is, therefore, petitioning for the
rezonen from M-3 to A-1 as required by the conditional use.

Refunds only when applicable (over)

(Revised 11-13-08)
Submit a plat of survey or plot plan (if applicable) of the property to be rezoned, drawn to scale, showing:
- Dimensions and location of existing and proposed structures. Identify (label) their use and indicate their distance (setback) from lot lines.
- Lot layout, where rezone is intended for subdivision or condominium development. Show number and size of lots, interior roads, outlots, proposed parking, and open space areas, etc.
- Drainage areas, floodplains, rivers, streams, lakes, forested areas, and any other natural features.

More information may be requested by the Walworth County Zoning Agency if deemed necessary to properly evaluate your request. THE LACK OF INFORMATION SUBMITTED MAY IN ITSELF BE SUFFICIENT CAUSE TO DENY A PETITION. If you have any questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.

IT IS NECESSARY FOR THE APPLICANT OR A REPRESENTATIVE TO BE PRESENT AT THE HEARING. FAILURE TO APPEAR MAY RESULT IN THE HEARING BEING POSTPONED AND THE REZONE PETITION EITHER BEING POSTPONED OR DENIED. IF DENIED, THE REZONE APPLICANT CANNOT REPETITION FOR THE REZONE FOR ONE YEAR FROM THE DATE OF PUBLIC HEARING.

Dated this 21st day of May 2017.

PROPERTY OWNER'S SIGNATURE

ONLY TO BE COMPLETED IF REZONING OUT OF A-1 DISTRICT

I understand that if the A-1 land proposed for rezoning 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

TOWN BOARDS:

The Town Board of the township in which property is located can deny any rezone petition. The Town Board denies a rezone by submitting a denial resolution to the County within required time limits. The County cannot grant any rezone if denied by a Town Board.

Therefore, the petitioner must go before the Town Board on the proposed rezone before the appearing at County. The County shall not hold a public hearing without first receiving a written Town decision.

If you have further questions regarding this procedure, please contact the Zoning Office at (262) 741-4972.

NOTICE: THE ZONING AGENCY HAS ESTABLISHED AN AGENDA LIMIT OF 20 ITEMS IN ORDER TO ALLOW EACH APPLICATION PROPER CONSIDERATION. IT IS SUGGESTED THAT YOU SUBMIT YOUR PETITION AS EARLY AS POSSIBLE. WHEN THE 20 ITEM LIMIT IS REACHED, SUBSEQUENT PETITIONS MAY BE SCHEDULED FOR THE NEXT AVAILABLE HEARING DATE.
November 19, 2020

VIA EMAIL
Ms. Kristan Nelson
P.O. Box 1015
Elkhorn, WI 53121
(608) 774-6500
kristan.nelson@midwestrefrigerated.com

RE: Desktop Environmental Impact Assessment
Proposed Payne & Dolan Site on Daniel and Cindy Boss Trust Property
Town of Darien, Walworth County, Wisconsin

Dear Ms. Nelson:

Saga Environmental and Engineering, Inc. (Saga) has coordinated a Desktop Environmental Impact Assessment. As a subcontractor, Mr. D’Arcy Gravelle, C.P.G, P.G. of Key Engineering Group, Ltd. (Key) led in the preparation of this report.

Payne & Dolan submitted a Conditional Use Permit application (CUP Application) for an approximate 67.44-acre property in the Township of Darien, Wisconsin. A copy of the Payne & Dolan CUP Application is presented in Attachment A. The CUP Application seeks permission from Walworth County to allow non-metallic mineral extraction and processing, i.e. sand and gravel pit on the property. Proposed operations will consist of the extraction and processing of sand and gravel including earthmoving, crushing, washing, sorting, sizing, stockpile, transportation, and reclamation. Operations will also include the intermittent use of a portable hot-mix asphalt plant and concrete plant and the associated trucking and loadout of asphalt and concrete products.

In the vicinity of the proposed location of the CUP Application, a desktop assessment of the following data sources was performed:

- Wisconsin Department of Natural Resources identified wetlands database;
- Wisconsin Department of Natural Resources identified threatened and endangered species;
- Potable well information maintained by the Wisconsin Department of Natural Resources and/or the Wisconsin Department of Trade and Consumer Protection;
- U.S. Fish and Wildlife Service National Wetland Inventory and Critical Habitat;
• Walworth County Zoning Maps;
• Wisconsin Department of Natural Resources Bureau of Remediation and Redevelopment Tracking System records of nearby releases to the environment;
• Wisconsin State Historic Preservation Office and the National Register of Historic Places;
• Archaeological Resources Protection Act; and
• Flood Plains.

A summary of findings is presented as follows.

**Wisconsin Department of Natural Resources Wetlands Database**

The on-line database for Wisconsin Department of Natural Resources (WDNR) mapped wetlands was reviewed. A copy of the WDNR mapped wetlands for the subject site is presented in Attachment B. A portion of the ephemeral stream along the southeast portion of the subject site is identified as a mapped F0Kf wetland. An F0Kf wetland is an area of cropped field determined through aerial photointerpretation to be a wet location within 33% of photos reviewed. An F0Kf wetland can only be determined as a true wetland assessment by field interpretation of on-site data.

The CUP Application identifies a berm that will abut the potential F0Kf wetland. A wetland assessment of this locale was performed.

**Threatened and Endangered Species**

A desktop evaluation of threatened and endangered species maintained by the U.S. Fish & Wildlife Service was performed. A copy of the assessment is presented in Attachment C. The assessment suggests that the southeast wetland region of the subject site may be a habitat for the following.

- Eastern prairie fringed orchid (Platanthera leucophaea). The eastern prairie fringed orchid occurs in a wide variety of habitats, from mesic prairie to wetlands such as sedge meadows, marsh edges, and bogs. It requires full sun for optimum growth and flowering, and a grassy habitat with little or no woody encroachment. The open exposure of the mapped wetland may create a habitat for this threatened plant species. An assessment should be performed to identify if the Eastern Prairie Fringed Orchid exist on the subject site. The assessments should be performed by a qualified Botanist.

- The Massasauga Rattlesnake. This threatened/endangered species is known to exist in this locale. An assessment should be performed to identify if the Massasauga Rattlesnakes exist on the subject site. The assessments should be performed by a qualified Herpetologist. For the Massasauga Rattlesnake, the survey should include wetlands adjacent to Turtle Creek Watershed, Trout Lake, and the entire ephemeral stream area. The Massasauga Rattlesnake’ active season typically starts between April 1 and May 1, but no later than May 1. The WDNR can determine when active season begins each year based on soil temperatures and posts them at the following site. Once the active season has begun, the survey should involve placing a silt fence or
reinforced silt fence along the Massasauga Rattlesnake habitat areas, with a qualified surveyor present to isolate the mining operations from the habitat. After silt fence installation, the qualified surveyor should complete six visual encounter and cover board surveys, with at least one day in between each survey. The six surveys should be done over the time period of at least 14, but no more than 21 days.

The Endangered Resource Preliminary Assessment provided by applicant does not specially address either of these endangered species. This survey has been requested by WDNR on most of the Wisconsin Department of Transportation projects in this general area.

**Potable Well Inventory Maintained by the WDNR**

A review of inventoried maps maintained by the WDNR was performed. A total of 19 potable wells are known to exist within a one-mile radius of the subject site. None of the wells are located on the subject site.

A copy of the WDNR well inventory and well construction forms is presented in Attachment D.

In the CUP Application, the source of water is proposed to be surface water runoff and groundwater infiltration, which would collect in temporarily made wash ponds. For the needed aggregate washing operations, in the temporary wash ponds (1) if not enough water is collected, (2) if the collected water drains through the geological features in the area, and/or (3) if there is not enough regenerated water; potential water would need to come from somewhere. These sources may be new low- or high-capacity wells or pumping operations.

The CUP Application does not discuss other potential water sources that may be required for wash operations. Typically, high-capacity wells are required for stone wash operations. High-capacity wells require special permitting with the WDNR. A high capacity well may have an adverse effect on local potable wells.

**U.S. Fish and Wildlife Service National Wetland Inventory Critical Habitat**

A review of US Fish and Wildlife Service National Wetland Inventory surface water designations and restrictions was performed. The review revealed that the ephemeral stream that flows across the southern portion of the subject site is designated as R4SBC (ephemeral). An ephemeral is defined as a stream that flows only briefly during and following a period of rainfall in the immediate locality. The stream empties into a land designated as Freshwater Palustrine Unconsolidated Shore Seasonally Flooded (PUSC). The PUSC is understood to be a condition in which a wetland might occur.

The tributary that leaves the subject site is an unnamed, Turtle Creek Watershed (LR01) unit. It is identified as being 5.01 miles in length and encompasses Trout Lake as an inlet and outfall that eventually discharges into Turtle Creek south of Trout Lake, northwest of Darien. The Turtle Creek watershed is not ranked, but is designated as being a Coldwater, Cool-Cold Headwater. Turtle Creek is
managed for fishing and swimming and is not considered impaired. A copy of the various U.S. Fish and Wildlife Service database findings are presented in Attachment F.

Per the CUP Application, there will be recycled asphalt and concrete stored on the site to be used with the asphalt plant operations. The CUP Application and submitted responses indicate that no hazardous chemicals will be used in the crushing and washing operations.

However, there are several hazardous chemicals associated with temporary asphalt and concrete plants. These chemicals are often stored in large bulk tanks containing waste oil, liquid asphalt cement, diesel, tack, and fly ash. It is typical to have numerous truckloads of these chemicals delivered daily when these types of plants are operational. This recycled asphalt and concrete will be crushed into millings and placed in a stockpile for future use. The proposed information indicates the storage piles from the recycled materials will be located close to the Trout Lake Watershed Area. In addition, the proposal indicates there will be a 30,000-gallon tank of liquid asphalt cement stored on the property, again near the Turtle Lake Watershed Areas. The site proposal also contains a 1,000-gallon diesel tank and a 500-gallon virgin oil tank. If spills occur from tanks and/or if there is general storm water runoff around these chemical storage areas, there is a concern that there could be a number of hazardous chemicals exposed and potentially taken off the property to environmentally sensitive areas.

Even though there is a Spill Plan Control and Countermeasure Plan that addresses oil-containment materials included in the CUP Application, there is nothing in the detailing these other chemical spill controls, containment of these bulk chemicals (overflow protection), loading, and unloading controls. With these chemicals, an Emergency Action Plan should be provided, detailing what to do if a chemical spill occurs and what controls are in place to prevent these chemicals from getting into ground water and eventually the Turtle Lake Watershed.

In addition, per the CUP Application, the current proposed operation and mining plans show a finished mining floor elevation of approximately 895 feet, just five feet above estimated groundwater. The CUP Application indicates that no flooding is anticipated, with drainage going into the ground with the geological composition of the area. Even so, in non-typical rain events, dewatering most likely will be needed. Test Holes #7 and #8 show groundwater at four (4) and ten (10) feet below topsoil. It is reasonable to anticipate that groundwater will be encountered throughout the mining site based on the test holes and well logs. A drawing of an infiltration pond to be utilized to contain stormwater runoff in a two-year and/or ten-year storm event was included in the application. There are often multiple two-year storm events within a construction season. If there are multiple two-year storm events within a short duration, the infiltration pond will overflow into the active mining area. Due to groundwater being so close to the surface, it is likely water will need to be removed from the proposed pit. That potential flowage would go south, and eventually off the proposed site traveling into zoned conservation areas and Trout Lake. Excess silt load from the pit; and potentially hazardous materials from asphalt and concrete plants such as diesel, liquid asphalt concrete, and tack; may drain to the Turtle Creek watershed and cause irreparable damage to this protected environmental corridor.

The CUP Application offers no description of the corrective actions that would be required should storm water gather within the pit during a heavy rain/snow melt event.
From a review of the test holes research provided in the submitted documents, it appears that in the first phase, based off the information provided in the CUP Application, the asphalt plant and concrete plant is proposed to be staged on the property just east of County Highway C. If mining is completed in the first phase per the CUP Application, the asphalt plant and concrete plant will be staged on the site at an approximate elevation of 896 feet, only a few feet above the elevation of anticipated groundwater. The CUP references a pond on the west side of the County Highway C at an elevation of 895 feet. There may be environmental concerns with having the asphalt plant or concrete plant and all associated chemicals stored on pit floor within 2 to 5 feet of the groundwater.

There appears to be a proposed temporary wash pond located in the first phase along the southeast portion of the proposed property. Again, after reviewing the test hole data provided by applicant, there was ground water encountered at 4 feet in this area. If this location is used for temporary wash ponds, silt may settle at the bottom of this temporary wash pond. Since groundwater was encountered at 4 feet, there may be a serious concern with introducing silt into the groundwater just 25 to 50 feet from designated wetland areas.

With all the proposed operations and land disturbances, the water flowage that currently is coming from the north under Highway 14 may be disturbed. The elimination of this water flowage may adversely affect both wetland and wildlife in the area, and the overall Turtle Creek watershed.

Finally, for the reclamation process, outside fill material will be needed to create the proposed slopes in the CUP Application. These fill materials have the potential to be contaminated. It is imperative to have the outside fill materials be tested prior to entering the site, due to the environmental sensitivity of the surrounding properties.

Protection of the Turtle Creek watershed is vital. The proposed actions have potential to cause a release of sediment load, and a release of petroleum or other hazardous substances through spills. In addition, if outside fill materials would be used for the final reclamation of the site, it may be recommended that the Township of Darien/Walworth County has an environmental clean-up bond for insurance protection.

**Walworth County Zoning**

Current use of the proposed location is agricultural fields. There are conditions to consider when agricultural land is being disturbed for a Conditional Use Permit.

- The activity (mining) may not convert land that has been devoted primarily to agricultural use. The submitted drawings show a post-mining pond that will cover a large portion of the property that will most likely never return to agricultural use.

- The activity will not limit the surrounding land's potential for agricultural use. There are concerns from multiple neighbors to the south and east of this proposed site. A proposed post-mining pond may change the drainage patterns for the Turtle Lake Watershed. In addition, storm water that currently drains under State Highway 14 through the proposed location may no longer reach the watershed, potentially causing a negative impact on the quantity and quality of the...
Turtle Lake Watershed. The neighboring Nelson Property has recently completed a dam project on their property. This project was implemented to control water flow through their property. If stormwater runoff is modified on the Boss Property as a result of the CUP, it may have a negative impact on their recently completed project.

A review of Walworth County zoning districts and ordinances, the area immediately surrounding Trout Lake is designated as C-4, Shoreland Wetland District; and additional area outside the C-4 area is designated as C-2 Upland Resources Conservation District. The C-2 area extends into the proposed site (see zoning map in Attachment K). Zoning districts and ordinances are defined as follows.

- **C-2, Upland Resource Conservation District**: The primary purpose of this district is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, submarginal farm lands, other farmland as allowed by the comprehensive land use plan and abandoned mineral extraction lands within the County. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the County, while seeking to assure the preservation and protection of areas, of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resources characteristics that contribute to the environmental quality of the County yet permit larger residential lots in these environmentally sensitive areas.

- **C-4, Shoreland Wetland District**: The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in Walworth County. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreational resources of the County.

The designated zoning districts of Shoreland Wetland (C-4) and Upland Resources Conservation (C-2) should be taken into consideration in evaluating the proposed mining extraction use and evaluating the proposed setbacks for the subject site. In addition, the approval process’s storm water modeling may also show larger setbacks are needed to protect the environmental corridor, compared to the proposed 75-foot setbacks in the CUP Application.

**WDNR Bureau of Remediation and Redevelopment Tracking System**

The WDNR Bureau of Remediation and Redevelopment Tracking System (BRRTS) website was searched for the immediate property and surrounding properties. The BRRTS tracking system identifies areas where hazardous materials have been released and reported. No releases were reported for the subject site and surrounding properties. A copy of the WDNR BRRTS map is presented as Attachment F.
Wisconsin State Historic Preservation Office and the National Register of Historic Places

A search was performed within the Wisconsin State Historic Preservation Office (SHPO) and the National Register of Historic Places (NHRP). The NHRP is the U.S. federal government's official list of districts, sites, buildings, structures, and objects deemed worthy of preservation for their historical significance.

No significant findings were made in the general vicinity of the subject site. A copy of the SHPO search is presented in Attachment G.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act of 1979 (ARPA), is a federal law of the U.S. passed in 1979 and amended in 1988. It governs the excavation of archaeological sites on federal and Indian lands in the U.S., and the removal and disposition of archaeological collections from those sites.

A review of Wisconsin archeological sites in the Darien region of Walworth County would suggest that there are no significant archeological sites. A further review of local cemeteries would suggest that there are no known cemeteries on the subject site. A summary of findings is presented as Attachment H.

Flood Plains

Federal Emergency Management Administration (FEMA) flood plain maps were reviewed. The subject site is mapped as Zone X (unshaded). Zone X (unshaded) is an area of minimal flood hazard that is determined to be outside the Special Flood Hazard Area and higher than the elevation of the 0.2-percent-annual-chance (or 500-year) flood. No special notification or permitting is required to construct in these zones. A copy of the FEMA zoning map is presented in Attachment I.

Site Visit

A visit of the subject site was performed on September 3, 2020 by Key and Saga employees. Observation of the subject site and the downstream locations would suggest that the ephemeral streams health is critical to the Turtle Creek watershed and the overall health of Trout Lake. Photos of the site visit are presented in Attachment J.

Conclusion/Summary

The CUP Application lacks critical detail as it pertains to the following potential impact on the environment of the proposed Payne and Dolan development.

- U.S. Fish and Wildlife Threatened and Endangered Species – The environment appears prime for the Eastern Prairie Fringed Orchid and Massasauga Rattlesnake. An assessment should be performed to identify if either the Eastern Prairie Fringed Orchid or Massasauga Rattlesnake exist on the subject site. The assessments should be performed by a qualified Botanist and Herpetologist respectively.
The assessments should include wetlands adjacent to Turtle Creek Watershed, Trout Lake, and the entire ephemeral stream area. The Endangered Resource Preliminary Assessment provided by applicant does not specially address either of these endangered species. This survey has been requested by WDNR on most of the Wisconsin Department of Transportation projects in this general area.

- Wells – The CUP Application does not discuss other potential water sources that may be required for wash operations. Typically, high capacity wells are required for stone wash operations. High capacity wells require special permitting with the WDNR. A high capacity well may have an adverse effect on local potable wells.

- U.S. Fish and Wildlife Critical Habitat – Sediment load, hazardous materials associated with an asphalt batch plant (large bulk tanks, liquid asphalt cement, diesel, tack, and fly ash), and general storm water runoff around introduced recycled material all have the potential to negatively affect the Turtle Creek watershed. Spill plans and Emergency Action Plans should be prepared to cover all proposed onsite materials.

In addition, the base of the proposed development will come within five feet of the local shallow groundwater interface and are proposed to be located very close to the southern drainage swale. Potentially due to due flowage, the result of a hazardous material release would be swift.

From reviewing the test holes provided in the submitted documents, the proposed elevation staging location of the asphalt plant and concrete plant, and wash pond are within 2 to 5 feet of the groundwater. There may be environmental concerns with having the asphalt plant or concrete plant and all associated chemicals stored on pit floor within 2 to 5 feet of the groundwater. In addition, the proposed first phase temporary wash pond in the southeast corner of the property may be a concern due to introducing silt into the groundwater just 25 to 50 feet from designated wetland areas.

With all the proposed operations and land disturbances, the water flowage that currently is coming from the north under Highway 14 is being altered to remain on the property. It is unknown if altering this stormwater runoff may adversely affect both wetland and wildlife downstream of this site, and the overall Turtle Creek watershed.

Finally, if outside fill materials would be used for the final reclamation of the site, it may be recommended that the Township of Darien/Walworth County has an environmental clean-up bond for insurance protection.

Irreparable damage to the Turtle Creek watershed protected environmental corridor should be avoided at all cost.

- Walworth County Zoning – Current use of the proposed location is agricultural fields. There are conditions to consider when agricultural land is being disturbed for a Conditional Use Permit. These include that the activity (mining) may not convert land that has been devoted primarily to agricultural use. The submitted drawings show a post-mining elevation that will result in a large portion of the
property that will most likely never return to agricultural use. In addition, the proposed activity may limit the surrounding land’s potential for agricultural use. There are concerns from the neighbors to the south and east of this proposed site as it pertains to the disturbance of the overall Turtle Lake Watershed.

The designated zoning districts of Shoreland Wetland (C-4) and Upland Resources Conservation (C-2), as well as storm water modeling, should be taken into consideration in evaluating the proposed mining extraction use, and evaluating the proposed setbacks for the subject site.

Walworth County should address the above items prior to making a decision on the CUP Application. In our professional opinion, without additional study and more information, we feel that that proposed Payne and Dolan development could pose a threat to the Turtle Creek watershed including Trout Lake and could cause irreparable damage to the area’s protected environmental corridor. We also feel the use of the land as the originally designated agricultural, would have much less of a potential impact to the environment than that of M-3, Mineral Extraction.

Please contact Amy Litscher at (920) 945-0601 if you have any questions or need additional information.

Sincerely,

Saga Environmental and Engineering, Inc.

Amy J. Litscher
President/Principal Environmental Scientist

Key Engineering Group, LTD

D’Arcy Gravelle, C.P.G., P.G.
Principal Scientist

Enclosures

Attachment A  Payne & Dolan Conditional Use Permit Application
Attachment B  WDNR Wetland Maps
Attachment C  U.S. Fish and Wildlife Threatened and Endangered Species Printout
Attachment D  WDNR Potable Well Inventory
Attachment E  U.S. Fish and Wildlife Critical Habitat
Attachment F  WDNR BRRTS Printout
Attachment G  SHPO and NRHP Printout
Attachment H  ARPA Cemeteries Printout
Attachment I  FEMA Flood Plain Printout
Attachment J  Site Visit Photos (Key)
Attachment K  Walworth County Zoning Maps
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 Daniel Ross Trust & Cindy Ross Trust

ADDRESS PO Box 329, Delavan, WI 53115

APPLICANT (If other than owner) Payne & Dolan, Inc. / Curt Wurlinger, Agent

ADDRESS 33 W23660 Badinger Road, Wauleasha, WI 53186

PHONE NUMBER (Owner)

PHONE NUMBER (Applicant) (262) 524-1700

TAX KEY NUMBER OF SITE 8 D 700003

LEGAL DESCRIPTION OF SITE 67.44 + acres all in the W ½ of the NW ½ of Section 7, Town 2 North, Range 15 East.

Town of Darin, Walworth County, Wisconsin commencing in the NW corner Section 7, East 460', then South 420', then West 460',

then North 420' to the point of beginning.

ZONING DISTRICT M-3 Mineral Extraction

TYPE OF STRUCTURE Nonmetallic mineral extraction

PROPOSED USE OF STRUCTURE OR SITE IN DETAIL Payne & Dolan is applying for a CUP to allow nonmetallic mineral extraction and processing, i.e. a sand & gravel pit, on the property. Proposed operations will consist of the extraction and processing of sand & gravel including earthmoving, crushing, washing, sorting, sizing, stockpiling, transporting and reclamation. Operations will also include the intermittent use of a portable hot-mix asphalt plant and the associated trucking and loadout of asphalt and concrete products.

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: 5

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: 54,460

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

DATE 7-29-20 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 11-2-09)
TOWN OF DARIEN  
WALWORTH COUNTY  
STATE OF WISCONSIN  

COST RECOVERY CERTIFICATE AND AGREEMENT PURSUANT TO SECTION 23.01  
OF THE GENERAL ORDINANCES OF THE TOWN OF DARIEN  

The undersigned Applicant hereby acknowledges and agrees to be bound to  
Section 23 of the Town of Darien General Ordinances, providing for Town recovery of all costs  
and disbursements incurred in the process of considering requests by an Applicant related to  
property located within the Town of Darien. The Applicant further agrees, in consideration of  
the Town's incurring costs and hiring of professionals to assist it in the process of reviewing  
the Applicant's request, to reimburse the Town of all cost recoverable pursuant to the terms  
of the above numbered ordinance within the time period set forth in the ordinances.  

Dated this ____28th____ Day of ____July__________, 20___.  

Original: Town Records  
Copy: Applicant  
Copy Town: Attorney  

Reason for Cost Recovery  

X Conditional Use  
_____ Rezone  
_____ Preliminary/Final Plat  
_____ Permits  

APPLICANT  
Payne & Dolan, Inc.  
Print Name: Clint Weninger, Agent  
Send Bill To:  
N3W23650 Badinger Road  
Waukesha, WI 53188  

Project Location: The southeast corner of the  
intersection of STH 14 and CTH C,  
all in Section 7, Town of Darien  

Note to Applicant: The Town and other Town professionals and Town staff, if requested by the Town to  
review your request, will bill for their time at an hourly rate which is adjusted from time to by the agreement  
with the Town. Please inquire as to the current hourly rate you can expect for this work. In addition to these  
rates, you will be asked to reimburse the Town for those additional costs set forth in Section 23 of the  
Ordinances.  

Signature:  
Dan Boss  
Print Name  

NOV 19 2020
Submittal Requirements

Project Summary:

Payne & Dolan is applying for a Conditional Use Permit (CUP) to allow nonmetallic mineral extraction and processing, i.e. a sand & gravel pit, along with locating a portable asphalt plant and concrete plant on a parcel of property currently owned by Daniel and Cindy Boss Trust. The property is located on the southeast corner of the intersection of STH 14 and CTH C in the Town of Darien, Walworth County, Wisconsin.

As the Town of Darien, Walworth County and surrounding communities continue to grow and improve their infrastructure; the need for high-quality sand & gravel, asphalt and concrete products also grows. The proposed Darien Aggregate Site will play a large part in filling the expanding needs of the community in the near future.

Payne & Dolan chose this property because there is high quality sand & gravel that is accessible, the site is close to state, county and interstate highways, there is a need for the products that would be produced, the population density in this area is low, and the location provides minimum impact on the environment.

The property is currently zoned M-3 for Mineral Extraction and has been identified by the Town of Darien and Walworth County for future mineral extraction as it is listed as an Extractive Resource in Walworth County’s 2035 and 2050 Comprehensive Land Use Plan.

The proposed nonmetallic mineral operations will consist of the extraction and processing of sand & gravel including earthmoving, crushing, washing, sorting, sizing, stockpiling, transporting and reclamation. Operations will also include locating a portable hot-mix asphalt plant on site intermittently when needed; the mixing of asphalt; the recycling of materials to be used in hot-mix asphalt; and the trucking and loadout of hot-mix asphalt and aggregate products. A portable concrete plant may also be located on site intermittently if needed.

All ingress and egress will utilize an entrance that will be constructed onto CTH C. The site will be developed from the south towards the north. The land will be reclaimed to farm land upon completion of the sand & gravel extraction.

The reclaimed site would include farmland and open space. The site will be rezoned to A-1 Exclusive Agriculture upon completion of reclamation.

Mineral extraction, processing, asphalt plant and concrete plant operations shall be conducted in accordance with the Federal Environmental Protection Agency and the State of Wisconsin Department of Natural Resources environmental regulations.
Payne & Dolan is committed to operating this site, if approved, by utilizing the latest, most effective technologies to minimize impacts on neighbors and the environment, and by promptly addressing the community's concerns regarding this project.

Payne & Dolan has been successfully operating nonmetallic mineral extraction operations in Walworth County for over 25 years. The establishment, maintenance and operation of these sites have not been detrimental to or endangered the public health, safety, comfort or general welfare.

**Property Owner(s):**
Daniel Boss Trust  
Cindy Boss Trust  
PO Box 325  
Delevan, WI 53115

**Applicant, Mineral Rights Lessee and Site Operator:**
Payne & Dolan, Inc.  
N3 W23650 Badinger Road  
Waukesha, Wisconsin 53187  
Phone: 262.524.1700  
Fax: 262.524.1845

**Contact(s):**  
Clint Weninger, P.G.  
Land Resources Manager  
(262) 524-1258  
cweninger@payneanddolan.com

**Property Description:**
Total parcel size is 70 acres +/- with approximately 67 acres zoned M-3 for mineral extraction.

All in the W 1/2 of the NW 1/4 of Section 7, Town 2 North, Range 15 East, Town of Darien, Walworth County, Wisconsin exc. commencing in the NW corner Section 7, East 460', then South 420', then West 460', then North 420' to the point of beginning.

See Map 3 below and attached legal description for complete property description.

**Tax Parcel Numbers:**
B D 700003
Site Location Maps & Exhibits

Map 1. Aerial Photo of the Proposed Darien Aggregate Site & Surrounding Area

RECEIVED
AUG - 4 2020
WALWORTH COUNTY LAND USE
RESOURCE MANAGEMENT DEPT.
Map 2. Aerial Photo of the Proposed Darien Aggregate Site
Map 4. Town Land Use Plan (2035) Identifying the Darien Aggregate Site as an Extractive Resource
(a) Project Description:

1. Who is Payne & Dolan?

Payne & Dolan, Inc. is part of a family of construction companies known as the Walbec Group. From state, municipal and federal projects to small and large commercial projects, the integrated companies of the Walbec Group offer cost effective, expert solutions for a wide range of construction needs. Payne & Dolan takes pride in working smart and safe to provide innovative, environmentally friendly solutions to the communities where we live and work.

We are:
- Family owned, quality oriented company since 1930
- Headquartered in Waukesha, Wisconsin
- Leading producers of asphalt pavement mix, crushed stone, sand and gravel for municipal, residential, commercial and industrial projects
- Owners and operators of crushed stone and sand & gravel extraction sites in Wisconsin, Illinois and Michigan
- A proven company with decades of experience in the opening, operating and reclaiming of mineral extraction sites
- Committed to quality service, community stewardship and environmental awareness
- Currently operating several sand & gravel sites and an asphalt plant in Walworth County

2. Why this site?

Payne & Dolan considered the following criteria in selecting the proposed Darien Aggregate Site:

- A high quality deposit of sand & gravel exists on the property
- Property has been identified by the Town of Darien and Walworth County as an Extractive Resource
- The site is of significant size to warrant the cost of developing
- Availability to purchase the property and use land for sand & gravel extraction
- Ability to develop this site into a very neighbor compatible site
- Close proximity to markets and end users
- Low population density
- Transportation routes and accessibility directly to county and state highways


The extraction operations to occur at the Darien Aggregate Site will be very similar to the nonmetallic mining sites that Payne & Dolan currently operates in Walworth County – the extraction and processing of sand & gravel. The extraction operations will include site development, sand & gravel extraction, processing, product delivery and reclamation. Site development includes the removal of surface soils for the construction of berms and temporary overburden and topsoil stockpiles, the creation of the operations and stockpile area and to expose the sand & gravel strata in the active extraction area. The mineral extraction operations to be conducted on the property shall include the removal of rock, gravel, sand, and other minerals from the earth by excavating, stripping or leveling.
These operations include reasonable accessory uses for mineral extraction, including, but not limited to; crushing, processing, sorting, screening, washing (with settling ponds), conveying, stockpiling, sale and distribution of aggregate material. Operations will also include locating a portable hot-mix asphalt plant on site intermittently when needed; the mixing of asphalt; the recycling of materials to be used in hot-mix asphalt; and the trucking and loadout of hot-mix asphalt and aggregate products. A portable concrete plant may also be located on site intermittently if needed. Some materials may need to be hauled into the site such as asphalt cement, portland cement, limestone aggregate products, recycled asphalt pavement and recycled processed shingles. These materials would be hauled in as needed and may be hauled by dump truck, semi tanker truck, or other type of truck.

There will be no drilling and blasting at the site.

4. **Project Size.**

The total property size is approximately 70 +/- acres with 67 acres zones M-3 and available for mineral extraction. The extraction area and operations area is 29.74 acres (42% of the total property size). The remaining 58% of the property will be crop land, buffer area, ephemeral stream and wetlands throughout the life of the extraction operation. Buffers that meet or exceed the required setbacks will surround the extraction operation.

5. **Existing use of the land.**

A majority of the land is currently used for agriculture. The area surrounding the site is primarily used for agriculture and open land with a minor amount of commercial and single family along the northwest corner of the property.
6. **Existing natural features including approximated depth of groundwater.**

The main natural features on the land are gently rolling to moderately sloping farmland. An ephemeral stream crosses the southern portion of the site. There is a small wetland in the southeastern corner of the property. The ephemeral stream and wetlands will not be disturbed and will remain intact and protected by a 75 ft. buffer. The average seasonal groundwater elevation is approx. 895' msl — which is an average of 25 +/- feet below the existing ground surface of the extraction area.

7. **The types of materials to be extracted.**

The primary material to be removed from the site is construction quality aggregate produced from the sand & gravel.

Overburden material that lies on top of the sand & gravel consists of clay, silt, dirt and topsoil. The overburden will be stockpiled for future reclamation and will not be removed from the site. Topsoil will remain on site and be used to reclaim the site back to farmland.

8. **Proposed dates to begin extraction, end extraction and complete reclamation.**

Site development will begin as soon as possible after CUP approval and upon acquisition of all applicable permits. The estimated duration/life of this site is estimated at 20 years based on current market conditions. Reclamation will be completed within one (1) year of completion of extraction.

9. **Proposed hours and days of operation.**

We are requesting plant and site operating hours of 6:00 AM to 6:00 PM, Monday through Saturday. Maintenance, start-up, shut down and returning of equipment may occur outside of these hours. State and local agencies are requiring more and more road work to be done at night to avoid delays to the traveling public and thus we may have to perform work on projects beyond these hours, sometimes even at night. We ask that we be permitted to do so as these circumstances arise. Notification would be provided to the Town and County prior to beginning any such work. The asphalt plant tank heaters will operate around the clock to maintain the correct temperature.

Operations including excavating, crushing, screening, washing, asphalt and concrete plant operations will predominantly occur during the construction season (which is typically April thru November but may vary due to weather and market demands).

10. **Geologic composition and depth of the mineral deposit to be extracted**

The mineral deposit to be extracted consists of an average of 4 feet of overburden, consisting of silty loam and topsoil, on top of an average depth of 20 +/- feet of high quality sand & gravel. The deposit is concentrated to the northern two thirds of the property (as shown on Sheet 2 of the Extraction and Reclamation Plan).
11. Identify all major proposed haul routes and traffic flow patterns.

Trucks entering and leaving the site will utilize a new entrance that shall be constructed on to CTH C along the western edge of the property. A WisDOT Type C intersection detail shall be used for the new entrance. Truck traffic will be directed north and south on CTH C and proceed to either other county highways or state highways. Trucks will not use town roads unless they are making a local delivery.

The operations and stockpile area, Phase 1, will be located in the south central portion of the property and consist of approx. 11.5 +/- acres as shown on Sheet 2 of the Extraction and Reclamation Plan. Operations in this area will consist of the initial extraction, finish crushing, screening, washing, stockpiling, product loadout and sales. The portable asphalt or concrete plant will be located in Phase 1 when brought on to the site. Phase 1 will be open and active for the duration of the operations on the property.

Phase 2 will begin after the extraction and site development is completed in Phase 1. Phase 2 will be developed in a rolling phase with extraction and reclamation beginning in the southeast corner of the phase and progressing in a counter clockwise manner. A rolling phase allows for reclamation to occur concurrently with the extraction operations. Operations in the active extraction area will consist of active sand & gravel extraction, primary crushing, and other accessory extractive operations. Phase 2 will consist of approx. 10-15 acres open at any given time, however, the actual acres open at any given time may vary due to market conditions.

13. Type of equipment and machinery to be used.

Equipment to be used in the extraction, crushing and washing operation will be portable and includes, but is not limited to: dozers, scrapers, backhoes, various types of crushers, screen plants, wash plants, conveyors, stackers, surge bins, front end loaders, generator sets, scale, scale office building, etc. in addition to various rolling stock equipment such as end loaders and trucks.

Equipment to be used in the operation of the asphalt plant will be portable and includes, but is not limited to: various components of the asphalt plant itself such as the baghouse, control house, silos, feed bins, drum, storage tanks, etc. in addition to various rolling stock equipment such as end loaders and trucks.

Equipment to be used in the operation of the concrete plant will be portable and includes, but is not limited to: various components of the concrete plant itself such as cement silo, feed bins, control house, mixer, etc. in addition to various rolling stock equipment such as end loaders and trucks.


Storm water from undisturbed areas will be directed around the active extraction, operations and plant areas (as shown on Sheet 2 of the Extraction and Reclamation Plan). A berm will be constructed on the southern limit of the Phase 1 during initial site development to keep water in the active areas on site. Water from within the active extraction area will be contained within the active area throughout the life of the project. The necessary erosion control and storm water permits will be obtained from Walworth County and the Wisconsin DNR.

15. Description of the source, quantity and disposition of water to be used.

The source of water to be used in the mineral extraction operation is composed of surface water runoff from the site and groundwater infiltration that will be accessed by excavating temporary wash ponds in Phase 1. Water collected on the site is used to control dust in processing operations and in
the processing (washing) of aggregates. Water from the washing and processing operations is recycled as much as possible. All necessary permits required by the DNR for the operations that involve water will be obtained and adhered to. The operations will be similar to the existing extraction operations in Walworth County and the surrounding communities. These type of operations have not had an impact on ground water quality.

No harmful chemicals are used in the processing of the sand & gravel. A spill prevention and control plan will be in place prior to beginning operations.

16. *Any proposed temporary or permanent structures (e.g. scales, offices).*

No permanent buildings are proposed. Operations on the site will utilize a portable scale and scale house. Portable toilets and dumpsters will be used.

17. *Any special measure that will be used for spill prevention and control, dust control, transportation, or environmental protection.*

Payne & Dolan’s many years of experience has taught us how to effectively operate sand & gravel extraction operations while minimizing the impact on the environment and maximizing neighbor compatibility. Payne & Dolan is committed to operating an environmentally safe aggregate site and will meet and adhere to the state and federal regulations controlling aggregate extraction operations.

All the asphalt plants owned and operated by Payne & Dolan are permitted and regulated by the Wisconsin DNR. Our plants have received the Wisconsin Asphalt Pavement Association Diamond Achievement award and the National Asphalt Pavement Association Diamond Quality award for environmental excellence. We have also been awarded the national plant of the year award on several occasions.

The following is a summary of various state and federal environmental rules that would regulate the extraction and plant operations at the Darien Aggregate site.

**Dust Control**

<table>
<thead>
<tr>
<th>Air Permits</th>
<th>Wi Adm Code NR 406, 407</th>
</tr>
</thead>
<tbody>
<tr>
<td>Record Keeping</td>
<td>Wi Adm Code NR 438, 439</td>
</tr>
<tr>
<td>Fugitive Dust Control</td>
<td>Wi Adm Code NR 431</td>
</tr>
</tbody>
</table>

**Reclamation**

| Nonmetallic Mining Reclamation       | Wi Adm Code NR 135      |

**Petroleum Products Management**

| Petroleum Storage                   | Wi Adm Code ATCP 93    |

**Spill Prevention and Response**

| Spill Prevention Plans              | 40 CFR 112 (US)        |
| Spill Reporting, Response and Cleanup | Wi Adm Code NR 700 |

**Stormwater**

| Stormwater Permits                  | Wi Adm Code NR 216    |
Pumping Permits

Wetlands and Waterways
Wetland Permits
Waterway Permits

General Operations
Mining Operations: Mining Safety
Water Use Permit
Water Use Reporting

Wi Adm Code NR 200
Clean Water Act, Sec 404
WI Statutes, Ch 30
WI Adm Code NR 103, 299
30 CFR 56/57/58 (US)
Wi Adm Code NR Comm 8
Wi Adm Code NR 860
Wi Adm Code NR 856

Special measures that will be used for spill prevention and control, dust control, transportation, and environmental protection include strong operational controls, the implementation of a spill prevention plan, a fugitive dust control plan, compliance with all local, state and federal environmental regulations and a signed master trucking agreement.

A copy of the spill prevention and control plan and the fugitive dust control plan are included with the application.

Noise: The location of extraction, processing, stockpiling and temporary plants takes advantage of the natural topography which will help mitigate potential noise from leaving the site. Temporary overburden stockpiles in phases adjacent to the extraction area will provide additional buffer. Equipment is well maintained and mufflers used. The operations and plant area are located in the southern portion of the property furthest away from neighboring structures.

Dust: Mineral extraction and plant operations will be conducted in accordance with the Federal Environmental Protection Agency and the State of Wisconsin Department of Natural Resources air pollution control regulations. Air pollution control measures may be required from time to time on an as needed basis. Such measures may include sweeping of interior access roads and portions of customer truck haul routes, paving portions of access roads, water or chemical control of material handling operations and control of dust from storage piles. The mineral extraction and plant operations will meet EPA and DNR requirements concerning air quality. Dust shall be controlled so that there are no visible emissions (0% opacity) at the boundaries of the property.

Odor: Potential odors emitted from the site during the operation of a portable asphalt plant can and will be controlled utilizing the latest odor control additives or technologies. The most effective odor additive to date that Payne & Dolan has used is Ecosorb which is produced by Odor Management, Inc. Ecosorb is a non-toxic, non-hazardous, biodegradable odor additive. These odor additive suppressant products actually act as an oxygen scavenger that significantly retard the release of compounds that are responsible for the characteristic asphalt smell.

Lighting: Portable light plants may be used on occasion to help illuminate active work area and plants. The light plants will be directed in a downward fashion to minimize off-site light pollution.

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18. Security

A locking gate will be installed at the CTH C entrance along with a security fence around the perimeter of the site.

[Diagram of woven wire enclosure fence]

19. Proposed use after reclamation.

Final reclamation includes returning the site to agricultural use. All final slopes will be less than 5:1. The site will be cleared of debris and left in a workmanlike condition at final reclamation. All reclaimed areas will be covered with available topsoil and either seeded to prevent erosion or returned to active agriculture.

Payne & Dolan will obtain a reclamation permit and meet all the requirements for reclamation included in NR-135. Financial assurance will be posted with Walworth County to insure reclamation is completed.

Payne & Dolan has a proven track record in reclaiming sites. Photographs of various aggregate sites reclaimed by Payne & Dolan are included with the application.
Reclamation Plan Details

(I) Purpose and Scope

The purpose of this reclamation plan is to describe the activities to reclaim the site to a condition whereby future land use is feasible after the completion of mineral extraction activities. Implementation of this reclamation plan shall be completed within one (1) year after the cessation of site operations. The final end use for the reclaimed site being proposed at this time is returning the parcel to agricultural use/farmland operations.

(II) Proposed Earthwork and Reclamation

The topsoil and other overburden materials covering the nonmetallic mineral deposit are removed and stockpiled separately for future reclamation. After the nonmetallic minerals are removed, the topsoil and other overburden materials will be placed over the area where the minerals were excavated, graded to conform with the surrounding land and seeded. The existing topsoil and overburden are redistributed across the parcel and fine graded to present a uniform appearance. Reclaimed slopes will be seeded upon completion of the fine grading. The reclamation plan has been designed to maintain pre-mine drainage patterns to the greatest extent possible and to improve upon existing conditions where possible. Payne & Dolan will perform the necessary grading to achieve the final topography and drainage patterns as outlined in the attached reclamation plan view.
(III) Geologic Composition of the Site and Depth of the Nonmetallic Mineral Deposit

The mineral deposit to be extracted consists of a glacial sand & gravel outwash deposit approximately 20 ft. +/- thick. There is an average of 4 ft. of overburden (topsoil and silty loam) overlying the sand & gravel.

(IV) Biological Information

The Soil Survey of Walworth County published by the USDA lists the various soil types that are suitable for different wildlife habitats. This site may include some or all of the wildlife species listed in the soil survey.

Dairy farming and the growing of general or specialty crops is the predominant land use. Many of the soils plowed in this area are plowed in the fall. This practice significantly affects wildlife because plowing covers the crop residue and waste grain, which provide important winter food and cover.

(V) Revegetation Plan

After the overburden materials have been placed over reclaimed slopes, the stockpiled topsoil will be spread over the reclaimed slopes, fine graded, seeded and mulched. Seeding activities will be carried out in accordance with accepted seeding specifications provided in the reclamation plan.
Prepared soil will be seeded at any time during the growing season when soil conditions are suitable but no longer than 30 days after the final grading of reclaimed slopes. Seeding activities should not be carried out immediately following rain, when the ground is too dry, or during windy periods.

All seeding and mulching will be done in accordance with the State of Wisconsin Department of Transportation Standard Specifications for Seeding and Mulching, Sections 630 and 627.

Some areas may be returned immediately to active farming in which case the revegetation will consist of the agricultural crop as determined by the farmer.

(VI) Erosion Control and Post Operational Maintenance

Erosion control measures will be implemented as necessary to minimize off-site erosion until such time as permanent placement and shaping of overburden and topsoil and seeding is possible. Best Management Practices (BMPs) such as check dams, straw bales, silt fence, surface water diversions, energy dissipators, mulch or artificial surface cover, cover crop of vegetation, buffer areas, or other appropriate measures will be taken as necessary.

All erosion and sediment control practices will be periodically checked for stability and operation on a regular basis. Follow-up inspections of all reclaimed or otherwise stabilized surfaces along with all erosion and sediment control practices will be conducted on a monthly basis to ensure their stability until such time as the vegetation required to support the post-mining land use has been successfully established and the financial assurance has been released.

Seeded areas will be reseeded and fertilized as necessary to establish and maintain a dense self-sustaining vegetative cover over reclaimed slopes. Erosion and sediment control measures will be repaired or replaced as necessary. Other preventative measures not mentioned in this reclamation plan will be taken as necessary to minimize off-site erosion.
(VII) Costs of Reclamation

Reclamation is an on-going process during nonmetallic mineral extraction and will be completed in a rolling phase as outlined on the operations plan with no more than an estimated 25 acres unreclaimed at any time (12 +/- acres in Phase 1, operations and plant area, and 10-15 acres in Phase 2). The estimated reclamation costs shall approximate the actual costs of reclamation including but not limited to grading and shaping overburden over previously mined areas as shown on the reclamation plan, distribution and placement of topsoil, necessary erosion control measures, seeding, mulching, inspections and maintenance. The estimated reclamation cost for this site is $190,500. See table below.

Estimated Reclamation Costs

<table>
<thead>
<tr>
<th>Activities</th>
<th>Amount</th>
<th>Cost Unit</th>
<th>Cost/Unit</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mobilization</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$3,000</td>
<td>$3,000</td>
</tr>
<tr>
<td>Excavation, Grading &amp; Backfilling (1)</td>
<td>25.00</td>
<td>Acre</td>
<td>$3,200</td>
<td>$80,000</td>
</tr>
<tr>
<td>Grade Subsoil &amp; Topsoil (2)</td>
<td>25.00</td>
<td>Acre</td>
<td>$1,600</td>
<td>$40,000</td>
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<tr>
<td>Seed, Fertilize &amp; Mulch to DOT standard (3)</td>
<td>25.00</td>
<td>Acre</td>
<td>$1,900</td>
<td>$47,500</td>
</tr>
<tr>
<td>Entrance Road Removal</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Erosion Control</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$5,000</td>
<td>$5,000</td>
</tr>
<tr>
<td>Misc Clean-Up / Fence and Gate Removal</td>
<td>1.00</td>
<td>Lump Sum</td>
<td>$10,000</td>
<td>$10,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td><strong>$190,500</strong></td>
<td></td>
</tr>
</tbody>
</table>

Notes

1) Excavation, grading & backfilling are for the maximum area to be opened and need reclamation
2) Grade subsoil & topsoil is for the maximum area to be opened and need finished grade work
3) Reclaimed areas will be planted to agriculture when finished, but the costs to seed, fertilize and mulch is included for the maximum area to be opened and need to be revegetated

(VIII) Assessing Successful Reclamation

Payne & Dolan will assess successful reclamation with the approved reclamation plan using the following methods:

1. The available overburden and topsoil have been graded to the contours as shown on the reclamation plan, and have been fine graded, seeded and mulched.

2. Adequate vegetation has been established to stabilize reclaimed surfaces or the reclaimed land is in active agricultural production.

Adequate revegetation will be determined by utilizing the guidelines outlined in the Wisconsin Technical Note-AGRONOMY-WI-1, Guidelines for Herbaceous Stand Evaluation, dated May 15, 1991 or by percent cover will be determined as total cover (expressed as a percentage) as measured by the
canopy (vertical projection of plant parts) and will be recorded by species. Revegetation will be measured over the entire revegetated site at no less than 10 randomly placed square foot quadrants for each 10 acre area.

The reclamation will include placing all the overburden materials on the floor of the pit and then covering with topsoil to a depth approximating the pre-mining conditions. Upon replacement of the overburden and topsoil, a majority of these areas will be farmed and thus do not need to be seeded, mulched and fertilized.

As of August 2020, corn and alfalfa are the current crops. Alfalfa yield is approximately 1 ton/acre for each harvest year.

(IX) Distribution, Thickness and Type of Topsoil

<table>
<thead>
<tr>
<th>Predominant Soils Types</th>
<th>PtA</th>
<th>Plano silt loam</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WhB</td>
<td>Warsaw silt loam</td>
</tr>
<tr>
<td></td>
<td>LyC2</td>
<td>Lorenzo loam</td>
</tr>
</tbody>
</table>

The Plano series consists of very deep, well drained soils on outwash plains, stream terraces, or till plains. These soils formed in loess or other silty material and in the underlying loamy stratified outwash or sandy loam till. Slope ranges from 0 to 12 percent. The surface layer is dark brown silt loam.

The Warsaw series consists of well drained soils formed in loamy sediments and in the underlying gravelly outwash on outwash plains, terraces, kames, and valley trains. These are very deep soils that are deep or very deep to calcareous, stratified gravelly or very gravelly coarse sand and sand. Slope ranges from 0 to 15 percent. The surface layer is a very dark brown loam.

The Lorenzo series consists of well drained soils formed in loamy outwash over calcareous sand and gravel. They are on outwash plains, stream terraces, kames, eskers, valley trains, and moraines. Slope ranges from 0 to 45 percent. The surface layer is a very dark brown loam.
(X) Certification of Reclamation Plan

I hereby certify, as a duly authorized representative or agent, that the reclamation at this nonmetallic mining site will be carried out in accordance with the approved reclamation plan submitted by Payne & Dolan, Inc. I also certify that the information contained herein is true and accurate and complies with the local and statewide nonmetallic mining reclamation standards established in NR 135, Wisconsin Administrative Code.

Signature of representative or agent.

Clint Weninger, P.G.
Payne & Dolan, Inc.

Date signed:
July 31st, 2020
FUGITIVE DUST CONTROL PLAN

For Aggregate Operations

Darien Aggregate Site, Town of Darien, Walworth County
Payne & Dolan, Inc.

1. Site Roadways
   A. Maintain paved entrance road as outlined in the development plan and conditional use permit.
   B. Dust on the site roadways shall be controlled by applications of water, calcium chloride or other acceptable and approved fugitive dust control compounds. Applications of dust suppressants shall be done as often as necessary to meet all applicable emission limits.
   C. All paved roadways shall be swept as needed between applications.
   D. Any material spillage on roads shall be cleaned up immediately.
   E. Enforcement of on-site speed limits.

2. Processing Equipment & Conveyors
   A. The drop distance at each transfer point shall be reduced to the minimum the equipment can achieve.
   B. Water spray bars and nozzles will be utilized on equipment where necessary.
   C. Transfer points will be covered as needed.
   D. Locate main mineral extraction and processing operations below the existing grade.

3. Storage Piles
   A. Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.
   B. Stockpiles shall be watered on an as needed basis in order to meet the opacity limits. Also, equipment to apply water or dust suppressant shall be available at the site, or on call for use at the site, within a given operating day. A record of all watering shall be kept on file and be made available to the Department of Natural Resources upon request.

4. Site Improvement/Grading
   A. Berms and temporary overburden stockpiled for future reclamation shall be seeded within 7 days.
   B. Finished reclaimed slopes shall be seeded within 7 days of finished grading.
   C. Roadways and haul roads for grading operation and equipment will be maintained as outlined in paragraph 1.
   D. Maintain existing vegetation around perimeter of property.
   E. Minimize the amount of land open for extraction at any one time.

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5. Record Keeping
   A. Process information required to indicate compliance with applicable state and federal regulations will be recorded on a daily basis as required by the general operation permit. These records are required to be kept and maintained for 5 years.

6. Department of Natural Resources Inspection
   A. The provisions and procedures of this plan are subject to adjustment if following an inspection and written notification, the Department of Natural Resources finds the fugitive dust requirements and/or permitted emission limits are not being met.

'This plan was adapted from existing fugitive dust control plans on file with the Wisconsin Department of Natural Resources Air Pollution Control General Operation Permit for Portable Nonmetallic Mineral Processing permits held by Payne & Dolan's portable crushing plants.

For more information, please contact
Jim Mertes, Environmental Manager or Clint Weninger, Land Resources Manager, for Payne & Dolan, Inc. at (262) 524-1700.
SPILL PREVENTION CONTROL
AND COUNTERMEASURE PLAN

For Site Development Activities, Sand & Gravel Extraction
and Plant Operations

PAYNE & DOLAN, INC.
Darien Aggregate Site
Town of Darien
Walworth County, Wisconsin

Payne & Dolan, Inc.
N3 W23650 Badinger Road • P.O. Box 781
Waukesha, WI 53187
(262) 524-1700

CONTACT
Jim Mertes, Environmental Manager

SPCC: Clearwater doc

Revised: 2/21/2017
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Error! Bookmark not defined.
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**Introduction**

Name of Facility  
Darien Aggregate Site

Location of Facility  
STH 14  
Darien, WI 53115

Name of Owner  
Payne & Dolan, Inc.

Mailing Address of Owner  
PO Box 1639  
Waukesha, WI 53187

**Amendment of SPCC Plan**

In accordance with 40 CFR 112.5(b), a review and evaluation of this Spill Prevention Control and Countermeasure (SPCC) Plan is conducted at a minimum of once every five years. The SPCC Plan shall be amended within six months of the review to include more effective prevention and control technology if the technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge from the facility as described in §112.1(b). Implementation of amendments shall be conducted within six months following amendment.

In addition, this SPCC Plan will be reviewed and updated in accordance with the requirements listed in Section 3.0.

**Review & Amendment Documentation**

I have completed a review and evaluation of the SPCC Plan for the Payne & Dolan, Inc. facility on the date specified below and will or will not amend the plan as specified below.

<table>
<thead>
<tr>
<th>Review No.</th>
<th>Date</th>
<th>Amendment Required (Yes/No)?</th>
<th>Revised Section / Pages</th>
<th>Management Name &amp; Signature</th>
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</thead>
<tbody>
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WALWORTH COUNTY LAND USE  
RESOURCES MANAGEMENT DEPT
### Applicability of the Substantial Harm Criteria

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<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater than or equal to 42,000 gallons?</td>
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<td>X</td>
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<tr>
<td>Does the facility have a total oil storage capacity greater than or equal to one million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground storage tank area?</td>
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<td>X</td>
</tr>
<tr>
<td>Does the facility have a total oil storage capacity greater than or equal to one million gallons and is the facility located at a distance such that a discharge from the facility could cause injury to fish and wildlife sensitive environments?</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Does the facility have a total oil storage capacity greater than or equal to one million gallons and is the facility located at a distance that a discharge from the facility would shut down a public drinking water intake?</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Does the facility have a total oil storage capacity greater than or equal to one million gallons and has the facility experiences a reportable oil spill in an amount greater than or equal to 10,000 gallons within the last five years?</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

In the event one of the five criteria listed above are met, the facility is determined to have a potential to cause substantial harm to the environment per 40 CFR 112 Appendix C, and a Facility Response Plan (FRP) as listed in 40 CFR 112 Subpart D, is required to be prepared for the site.

### Certification

I certify under the penalty of law that I have personally examined and am familiar with the information submitted in this document, and that based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate, and complete.

Signature: ____________________________  
Date: ____________________________  
Printed Name: James Merles  
Title: Environmental Manager  

This certification is required per 40 CFR 112, Appendix C, Section 3.0.
Professional Engineer Certification

By means of this certification, I attest that: 1) I am familiar with the provisions of this part (40 CFR 112); 2) myself or my agent has visited and examined the facility; 3) the Plan has been prepared in accordance with good engineering practice, including consideration of applicable industrial standards, and with the requirements of 40 CFR 112; 4) procedures for required inspections and testing have been established, and; 5) the Plan is adequate for the facility.

Professional Engineer  
Brian Endres  

Signature  

Date  

Stamp / Registration No.  

Management Approval

This SPCC Plan has been reviewed and approved by management at a level with the authority to commit necessary resources to fully implement this Plan. The programs and procedures outlined in the Plan will be implemented and periodically reviewed and updated in accordance with 40 CFR Part 112, as amended and applicable state and local requirements.

Signature  

Date  

Printed Name  
James Mettes  

Title  
Environmental Manager
1.0 Regulatory Requirements & Applicability

1.1 General Information § 112.1

Section 311 of the 1972 amendments to the Federal Water Pollution Control Act (the Act), mandated the development of an "Oil Pollution Prevention" program by the Environmental Protection Agency (EPA). The regulations were published in Title 40, Part 112 of the Code of Federal Regulations (40 CFR 112) in 1973 and revised on numerous dates. The regulations established procedures, methods and equipment to prevent the discharge of oil to navigable waters. This included the requirement for the development of a Spill Prevention Control and Countermeasure Plan (hereafter "SPCC Plan" or "Plan"), by facilities subject to the rule.

The regulations apply to: "...any owner or operator of a non-transportation-related onshore or offshore facility engaged in drilling, producuing, gathering, storing, processing, refining, transferring, distributing, using, or consuming oil and oil products, which due to its location, could reasonably be expected to discharge oil in quantities that may be harmful, as defined in part 110 of this chapter, into or upon the navigable waters of the United States or adjoining shorelines...".

The facility is governed by these regulations as the facility stores and uses oil that could reasonably be expected to discharge oil in quantities that may be harmful into or upon navigable waters (assuming a worst case scenario including container failure, loss of secondary containment and extreme precipitation event) and also according to the criteria set forth in Section 112.1(d)(2)(ii), as the facility has an aggregate aboveground storage capacity of greater than 1,320 gallons of oil, counting applicable oil containers with a capacity of 55 gallons or greater.

1.2 Availability of the Plan § 112.3

This SPCC Plan is maintained on file at the facility. It must be available for onsite review by representatives of the EPA during normal working hours. In addition, copies of the Plan must be available to persons responsible for administration of the Plan.
2.0 Spill Reporting

2.1 Internal Reporting Requirements

Personnel discovering an oil spill are instructed to notify the shop foreman immediately. Internal spill notification, agency notification, immediate actions, response procedures and resources are outlined in detail in the Spill Response Procedures in Appendix A.

2.2 Federal regulations require that spills of oil in such quantities that may be harmful must be reported as soon as possible to the National Response Center (NRC). The NRC will then notify local federal authorities responsible for coordinating spill control (the NRC does not notify state authorities).

For the purposes of section 311(b)(4) of the Act, oil in such quantities that may be harmful to the public health or welfare or the environment of the United States which trigger NRC notification include discharges of oil that:

- Violate applicable water quality standards, or
- Cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

The NRC will ask the caller to verbally provide as much information about the incident as possible, including:

- Callers name, organization and telephone number;
- Name and address of the party responsible for the incident;
- Date and time of the incident;
- Location of the incident;
- Source and cause of the incident;
- Types of materials discharged;
• Quantities of materials discharged;

• Danger or threat posed by the discharge;

• Number and types of injuries, if any;

• Weather conditions at the incident location;

• Other information to help emergency personnel respond to the incident.

Do not delay the NRC notification in order to collect all the information above. The NRC verbal notification is required immediately, which is generally interpreted to mean 15 minutes, and is to be made to 1-800-424-8802. Complete the NRC notification with the information available. Additional information can be provided at a later date.

A written report and a copy of the SPCC Plan must be filed with the EPA (and copied to applicable state agency), per 40 CFR 112.4(a), whenever there is a discharge of more than 1,000 U.S. gallons of oil into navigable waters in a single event, or two discharges of 42 gallons or more into navigable waters within a twelve month period of time.

When the threshold criteria listed above are exceeded, P&D will coordinate submission of the following information within 60 days of the spill event to the EPA Regional Administrator and within 30 days of the spill event to the Wisconsin Department of Natural Resources (WDNR):

• Name and location of the facility;

• Owner/operator name;

• Maximum storage or handling capacity of the facility and normal daily throughput;

• Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements.
• An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;

• The cause of the discharge, including a failure analysis of the system or subsystem in which the failure occurred;

• Additional preventive measures you have taken or planned to take to minimize the possibility of recurrence; and

• Other information the Regional Administrator may reasonably require.

2.3 The WDNR requires reporting of releases per Wisconsin Statute Chapter 292.11. Wisconsin Statute Chapter 292.11 requires that a person who possess or controls a hazardous substance or who causes the discharge of a hazardous substance shall notify the department immediately of any discharge not exempted. Per Wisconsin Admin. Code Chapter NR706, this does not include petroleum discharges of:

• Gasoline or other petroleum product that are completely contained on an impervious surface;

• Less than one gallon of gasoline on a pervious surface, or runs off on an impervious surface, and;

• Less than five gallons of other petroleum products on a pervious surface, or runs off an impervious surface.

Please note that these exemptions do not apply if the release has not been cleaned up, adversely impacts or threatens to adversely impact the environmental, causes or threatens to cause human health impacts, or presents or threatens to present a fire or explosion hazard.

Releases are required to be verbally reported immediately to the 24-hour spill hotline at (800) 943-0003. Immediately is generally interpreted to mean approximately 15 minutes. Follow-up actions, including reporting requirements, will be determined a case-by-case basis.
3.0 Amendments to the Plan §112.4 & §112.5

This plan will be amended for any of the following reasons:

- Per 40 CFR 112.4(d): If after review by the EPA Regional Administrator of the information submitted after a release, or after review by the state agency of the information submitted after a release, or after on-site review of the SPCC Plan, the EPA Regional Administrator requires that the SPCC Plan be amended and resubmitted.

- Per 40 CFR 112.4(e): When proposed by the EPA Regional Administrator by certified mail or by personal delivery that the SPCC Plan be amended, unless the proposal is rescinded.

- Per 40 CFR 112.5(a): Amendments are required whenever there is a change in facility design, construction, operation, or maintenance that materially affects it's potential for a discharge of oil in quantities that may be harmful into or upon the navigable waters of the United States or adjoining shorelines. Such amendments must be prepared within six months and implemented as soon as possible, but not later than six months after preparation of the amendment.

- Per 40 CFR 112.5(b): The owner or operator is to review and evaluate the SPCC Plan at least once every five years. An amendment is required if the review indicates that more effective control and prevention technology will significantly reduce the likelihood of a discharge and if such technology has been field proven at the time of review. Such amendments must be implemented as soon as possible, but not later than six months following preparation of any amendment.

Amendments must be documented on the SPCC Review and Amendment Documentation form located on page 3 and certified by Management and Professional Engineer (if applicable). The five year reviews must also be documented on the SPCC Review and Amendment Documentation form, and certified by Management and Professional Engineer (if applicable). If no changes are made to the Plan based on the five year review, the following written statement signed by Management or designee is required to be inserted into the Plan. "I have completed review and evaluation of the SPCC Plan for the facility on [date] and will not amend the Plan as result." This written statement is already embedded in the SPCC Review and Amendment Documentation form.
4.0 Qualified Facilities Summary §112.6

The owner or operator of a Tier I or Tier II Qualified Facility, as defined below, may self-certify their SPCC Plan, assuming they comply with the SPCC Plan preparation, certification and amendment requirements of 40 CFR 112.6.

Tier I Qualified Facility:

- Has no single discharge of more than 1,000 U.S. gallons of oil into navigable waters in a single event, or no two discharges of 42 gallons or more into navigable waters within a twelve month period of time in the three years prior to the self-certification date.

- Has an aggregate above ground storage capacity of 10,000 gallons of oil or less, and has no individual oil container with a capacity greater than 5,000 gallons.

Tier II Qualified Facility:

- Has no single discharge of more than 1,000 U.S. gallons of oil into navigable waters in a single event, or no two discharges of 42 gallons or more into navigable waters within a twelve month period of time in the three years prior to the self-certification date.

- Has an aggregate above ground storage capacity of 10,000 gallons of oil or less.

As the facility has an aggregate aboveground oil storage capacity of greater than 10,000 gallons, it is not classified as a Tier I or Tier II Qualified Facility.

5.0 General Requirements for SPCC Plans §112.7(a)

5.1 Facility Conformance §112.7(a)(1-2)

The following sections present a discussion of compliance with the general requirements listed in 40 CFR 112.7.

5.2 Facility Description §112.7(a)(3)

The facility is located in the Town of Darien, Wisconsin within the west half of the northwest quadrant of S7 T2N R15E, Walworth County. Map of the site location is to be added.

The Darien Aggregate Site consists of a portable scale and scale office, crushing sets, conveyors, front end loaders, etc. There will also a portable asphalt plant on
site at times, which consists of equipment such as the baghouse, control house, silos, feed bins, drum, storage tanks, etc. A portable concrete may also be located on site and includes equipment such as cement silo, feed bins, control house, mixer, etc. A map of the facility is to be added.

The facility consists of aboveground bulk storage tanks containing SPCC regulated oil, and diesel. A map of the site features is to be added.

Water from within the active extraction area will be contained within the active area throughout the life of the project.

5.2.1 A map that presents the physical layout of the facility including location and contents of oil container, and other major features are to be added.

5.3 Tank Schedule §112.7(a)(3)(i)

Table 1 contains oil storage container information including tank number, capacity, type of oil, secondary containment and other pertinent information.

Table 1.0

Oil Storage Containers

<table>
<thead>
<tr>
<th>COMPANY EQUIPMENT NO.</th>
<th>TANK STATUS</th>
<th>CONTENTS</th>
<th>TOTAL CAPACITY (GALS)</th>
<th>CONTAINMENT</th>
<th>INSPECTION SCHEDULE/DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stationary Bulk Metal AST</td>
<td>Diesel</td>
<td>1,000</td>
<td>Concrete Berm</td>
<td></td>
<td>P</td>
</tr>
<tr>
<td>Stationary Bulk Metal AST</td>
<td>Virgin Oil</td>
<td>500</td>
<td>Double-walled</td>
<td></td>
<td>P</td>
</tr>
</tbody>
</table>

* P - Periodic AST inspection by owner's inspector, E(20) - Formal external inspection every 20 years

5.4 Discharge Prevention Measures §112.7(a)(3)(ii)

Discharge prevention measures including procedures for routine handling of products include the following:
Spill Prevention Measures for Storage Tanks:

- Receiving lines are equipped with gate and check valves.
- Tank valves are closed and locked except during loading and unloading.
- Venting capacity is appropriate for fill and discharge rates.
- Onsite equipment including front end loaders, crawlers or graders, is available to contain, control or clean up any spilled material.
- Facility layout and illumination are optimized for efficient equipment access and usage.
- Fuel storage tanks are located within suitably bermed enclosures, and are not located in areas that could become flooded by storm water or snowmelt runoff.
- Indoor storage tanks are bermed to hold the entire volume of the largest container.

Spill Prevention Measures for Vehicles:

- All material handling is performed by experienced operators, who use appropriate equipment, and are instructed in proper loading procedures.
- Transfers from tanks into vehicles are performed using approved pumps.
- No open valves may be left unattended.
- In case of a spill, immediate attention will be given to preventing the release of a hazardous substance into the environment.
- Truck traffic areas are laid out to minimize the likelihood of vehicular damage to pipes, pumps and valves. Containment structures are built to provide further protection.
Spill Prevention Policies for Individuals:

- Facility personnel have been trained in spill prevention, control, containment and cleanup procedures.

- All tanks are to be checked for capacity before they are filled.

- The facility and all tanks will be checked daily for leaks or spills.

- In case of a spill, the facility operator or site foreman will have the authority to clear the spill area of any personnel not experienced or training in spill remediation.

5.5 Discharge or Drainage Controls § 112.7(a)(3)(iii)

1. Discharge controls are required for liquid fuels. Company policy requires that containment or remote impoundment areas be maintained according to the following criteria:

2. The containment area must be capable of holding at least one and one quarter (125%) the volume of the largest tank.

3. The containment or remote impoundment walls must be constructed of an impermeable material compatible with any of the stored substances. Concrete, plastic, steel, and clay are acceptable materials.

4. If a remote impoundment is used, a layer of clay or asphalt should be placed under the tanks, and on the path to the remote impoundment area.

5. Remote impoundment areas must meet these additional requirements:

   a. The ground must be sloped so that any liquid flowing from a tank during a release flows away from the tank and into the impoundment.

   b. The ground should be sloped at about one foot of drop for each
100 feet of distance between the tanks and the remote impoundment area.

c. The remote impoundment area must be located at least 50 feet from the tanks.

6. Pumps must be located within the dike walls or between the tanks and the remote impoundment area.

7. Fuel loading and unloading areas should be paved or underlain with clay or aggregate to such a depth as to contain any likely spill. The underlying materials in the potential spill areas should be easy to remove and recycle in case of a spill.

8. Diked areas must be sealed to prevent liquid runoff. Excess rainwater or snow melt may be removed only by using a siphon or submersible pump, to avoid releasing any floating petroleum products. No passive drains are to be used.

5.6 Countermeasures §112.7(a)(3)(iv) & Disposal §112.7(a)(3)(v)

Small quantities of petroleum drips, leaks, or spills require immediate cleanup with an appropriate absorbent material. This policy will be followed for small amounts of product. Where large amounts of material result from a spill, the control, containment, cleanup and disposal procedures to be followed are those outlined in detail in the Spill Response Procedures in Appendix A.

5.7 Emergency Contacts §112.7(a)(3)(vi), Spill Reporting §112.7(a)(4) & Emergency Response Plan §112.7(a)(5)

See the Spill Response Procedures in Appendix A for internal spill notification, agency notification, immediate actions, response procedures and resources.

6.0 Spill Potential §112.7(b)

A worst-case discharge scenario would be the catastrophic rupture of the 1,000 gallon diesel tanks on site. The diesel could migrate along graded contours of the facility. The flow rate of the released material would depend on the amount released.
7.0 Containment & Diversion Structures §112.7(c)

The general secondary containment requirements for areas with a potential for a discharge are addressed in the following sections.

7.1 Onshore Facilities §112.7(c)(1)

Diking, berms, grading and retention ponds are used as described earlier in this plan. See the attached Spill Response Procedures for the location and inventory of sorbent materials.

7.2 Offshore Facilities §112.7(c)(2)

This section is not applicable to the P&D facility as it is not an offshore facility.

7.3 Impracticability with General Containment Requirements §112.7(d)

The facility has appropriate containment or diversionary structures or pieces of equipment as listed in the applicable sections of 40 CFR 112 to prevent a discharge; therefore, an explanation of impracticability along with the additional requirements listed in 40 CFR 112.7(d)(1) and (2) are not required.

8.0 Inspections, Tests & Records §112.7(e)

The inspection program is intended to provide a mechanism to prevent and detect system malfunctions, equipment deterioration, and operator errors and as an early warning of the potential for such events in order that corrective actions may be taken in a timely manner. The inspection program focuses on tanks, equipment, secondary containment, emergency response equipment, monitoring systems and site security. The inspection program is implemented by qualified and trained individuals to detect these conditions and prevent adverse consequences. The designated individuals have the training and authority to implement the required inspections, to perform necessary evaluations and hazard assessments and to recommend appropriate corrective actions.

8.1 Monthly SPCC Inspections

Monthly inspections of bulk storage containers, oil product storage areas, transfer areas, oil filled operational equipment and the facility in general are conducted to identify and to correct problems before spills occur in accordance with SPCC regulations. The monthly inspections are conducted in accordance with written
procedures included on the inspection form contained in Appendix B. As part of
the inspection, facility personnel observe the condition of the tanks, drums, piping,
valves, pumps, ground surface, secondary containment areas and security for
drips, corrosion, fatigue, which could indicate potential for leaks along with the
general state of repair. A trained and designated individual will perform the
inspection. After completion, the inspector or shop foreman will sign the inspection
form. Signs of leakage or potential leakage are immediately reported to the shop
foreman or his designee. Items identified during the inspections that require
corrective action are also reported to the shop foreman and tracked to ensure
completion.

8.2 Record Retention

Completed inspection records are maintained on file at the facility for a minimum
of three years.

9.0 Personnel, Training & Discharge Prevention §112.7(f)

Site personnel have been trained to prevent, identify and respond to spill situations. Short
informal spill briefings to discuss spill prevention control and countermeasure techniques
are held periodically by the shop foreman, who is responsible for spill prevention. Spill
response training updates and reviews are conducted on at least an annual basis. The Spill
Response Procedures in Appendix A is the document used during training and is the
guideline to be used by company personnel in case of a spill. New oil handling employees
are trained on in spill prevention, control and countermeasures within two weeks of
commencing work. Records of annual spill prevention training are documented on the
form in Appendix C.

10.0 Security

The facility is gated and locked when unattended. Area lights are located to illuminate
storage and office areas with consideration given to discovering spills at night and
preventing spills from vandalism.

11.0 Tank Car & Tank Truck Loading / Unloading Rack §112.7(h)

There are no tank car or truck loading "racks" at the facility. However, tank loading areas
will be provided with sufficient containment or remote containment to prevent a worst
case discharge from reaching a navigable waterway. The containment must be capable
of handling the single largest compartment of any vehicle serving the facility.

Wheel chocks are utilized at the loading/unloading areas to prevent premature vehicle
departure. The lower-most drain and all outlets on tank trucks must be inspected for leaks prior to departure.

12.0 Tank Alterations §112.7(j)

Field constructed aboveground oil storage tanks that undergo repair, alteration, reconstruction, or a change in service that may have a significant effect on the tanks integrity will be inspected prior to being placed back in service. Field constructed aboveground oil storage tanks that undergo repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture or other catastrophe, or has discharged oil or failed due to brittle fracture failure or other catastrophe, will be evaluated for risk of discharge or failure due to brittle fracture or other catastrophe. As necessary, appropriate remedial action will be taken.

13.0 State or Local Spill Prevention Rules §112.7(j)

State spill prevention rules include Wis. Adm. Code Chapter ATCP 93. Chapter ATCP 93 includes, but is not limited to, requirements for tank registration, permits, construction and material specifications, spill and overfill prevention, vehicle collision prevention, secondary containment, periodic inspections, and release response.

Based on review of the Chapter ATCP 93 requirements, fulfillment of the SPCC requirements outlined herein and the response procedures outlined in the ERP maintained at the facility fulfill the Chapter ATCP 93 spill prevention requirements. This includes the increased secondary containment requirement listed under ATCP 93.420 of 125 percent of tank volume. Please note that this review does not include non-spill prevention requirements included in Chapter ATCP 93 such as tank registration, permits, fee payment and tank design specifications. This plan is designed to meet all other prevention standards including those of the Michigan Pollution Incident Prevention Plan (PIIP) and applicable Illinois law.

14.0 Qualified Oil-Filled Operational Equipment §112.7(k)

There is no qualified oil-filled operational equipment on site. This section is not applicable.

15.0 SPCC Requirements for Onshore Facilities §112.8

15.1 Specific Requirements §112.8(a)

This section presents a discussion of compliance with the specific requirements listed in 40 CFR 112.8.
15.2 Facility Drainage §112.8(b)

15.2.1 Facility Drainage from Containment Areas §112.8(b)(1)

Active pumping is required to remove any liquid materials from inside containment areas built around petroleum storage tanks. No pumping of storm water may occur before inspecting it for signs of contamination.

15.2.2 Facility Drainage from Outside Containment Areas §112.8(b)(2-3)

Due to the types of equipment and the manufacturing practices at this facility, most petroleum releases will take place at or near the petroleum storage tanks. Damming the path of the liquids and absorbing them with sand or gravel will contain releases.

Releases from equipment located elsewhere at the facility, such as from mobile equipment fuel tanks, will be cleaned up using absorbent materials. Such releases will generally not migrate more than a few feet from the equipment.

15.2.3 Drainage Diversion System §112.8(4)

Facility drainage is engineered as required per 112.8(b)(3); therefore, this section is not applicable.

15.2.4 Drainage Treatment System §112.8(b)(5)

Drainage waters are not treated at the facility; therefore, this section is not applicable.

15.3 Bulk Storage Tanks §112.8(c)

15.3.1 Tank Compatibility §112.8(c)(1)

Tank materials and construction are compatible with the oils stored and the conditions of storage to which they are expected to be subjected, such as pressure and temperature.

15.3.2 Secondary Containment §112.8(2)

Secondary containment, which allows for 12.5% the capacity of the largest
tank, or a double walled tank are provided for all tanks holding petroleum liquids. Containment is not required if there is no chance of causing a discharge to a navigable waterway or storm drain.

15.3.3 Drainage of Diked Areas §112.8(c)(3)

No rainwater will be discharged from diked areas into waterways or storm drains unless the bypass is normally closed and the retained rainwater is inspected to ensure that its presence will not cause a discharge to a navigable waterway. Adequate records of any dike drainage to a waterway shall be kept.

15.3.4 Buried Metallic Storage Tanks §112.8(c)(4)

There are no completely buried metallic storage tanks at the facility; therefore, this section is not applicable.

15.3.5 Partially Buried Storage Tanks §112.8(c)(5)

There are no partially buried storage tanks at the facility; therefore, this section is not applicable.

15.3.6 Periodic Integrity Testing §112.8(c)(6)

Visual tank inspections are performed on a monthly basis by P&D personnel with appropriate qualifications to assess tank integrity, and deficiencies are noted and addressed. The visual inspection includes, but is not limited to, the following items:

- Evidence of leaks or spills
- Corrosion deterioration
- Foundation deterioration
- Tank auxiliary equipment (valves, piping and pumps)
- Containment structures

15.3.7 Internal Heating Coils §112.8(c)(7)

Internal steam heating coils do not exist at this facility; therefore, this section is not applicable.

15.3.8 Fail-Safe Engineering §112.8(c)(8)
Containers are updated or engineered in accordance with good engineering practices to avoid a discharge. The primary means to determine tank liquid level during filling to prevent overfills is use of manual drop lines from the top of tanks. While utilizing this method, the containing gauger maintains direct audible or code signal communication (commonly done with hand held radios) with the pump station personnel to determine liquid levels during tank filling.

15.3.9 Effluent Treatment Facility Observations §112.8(c)(9)

This facility does not operate effluent treatment facilities; therefore, this section is not applicable.

15.3.10 Correction of Deficiencies §112.8(c)(10)

If, by regular inspections or other means, it is determined that the integrity of a tank or auxiliary equipment is or may have been compromised or visible discharges of oil from a container have occurred, including but not limited to, from seams, gaskets, piping, pumps, valves, rivets or bolts, it will be reported to the Facility Manager and the problem will be evaluated and appropriate steps taken to correct deficiencies. It may also be appropriate to take the system out of service (i.e. the material transferred out of the tank or piping). Any accumulation of oil detected within the tank dike will be promptly removed.

15.3.11 Mobile / Portable Oil Storage Containers §112.8(c)(11)

Mobile or portable containers (i.e. drums, etc.) shall be provided with secondary containment sufficient to hold 125% of the volume of the largest tank, or positioned to prevent a discharge to a navigable waterway.

15.4 Transfer Operations & Facility Processes §112.8(d)

15.4.1 Buried Piping installation §112.8(d)(1)

Buried piping does not exist at this facility; therefore, this section is not applicable. Corporate company policy calls for only above ground piping on new or rebuilt facilities. Any existing buried piping is of double wall design, or otherwise satisfies federal and state corrosion protection standards for piping.

15.4.2 Out of Service & Standby Piping §112.8(d)(2)

Out of Service or Standby Service piping does not exist at this facility. In the event piping becomes Out of Service or Transitions into Standby Service, it will be capped or blank flanged and marked as to origin.
15.4.3 Piping Support Design §112.8(d)(3)

All piping supports are properly designed to minimize abrasion and corrosion and to allow for expansion and contraction.

15.4.4 Inspection of Valves & Piping §112.8(d)(4)

Aboveground valves, piping and appurtenances (fittings, etc.) are inspected monthly and are also monitored during routine product transfers. Formal inspections are conducted monthly as described in Section 8.1.

15.4.5 Vehicle Warnings §112.8(d)(5)

Vehicle collision protection or warning signs are required for all tanks and piping where applicable.
APPENDIX A
SPILL RESPONSE PROCEDURES
FOR HAZARDOUS MATERIALS

WHAT IS A SPILL?
A "spill" is a release into the environment of any hazardous substance. In our operations this usually involves one of the following:

- Diesel Fuel
- Gasoline
- Used Oil
- Asphalt Cement
- Antifreeze
- Parts Cleaning Solvent

HOW MUCH OF A RELEASE MAKES A SPILL?
Any amount of hazardous material released to the environment is considered a spill and must be cleaned up immediately. In addition to immediately cleaning up any size spill, the following spills must be reported immediately:

- More than 1 gallon of gasoline spilled on a pervious surface
- More than 5 gallons of other petroleum products spilled on a pervious surface
- Any volume of oil spill that creates a sheen, discoloration, or sludge in or on a surface waterway
- Any volume that exceeds the federal reportable quantity for a specific hazardous substance
- Any volume of hazardous material that causes or threatens to cause adverse impacts to air, land or water
- Any volume of hazardous material that causes or threatens to cause human health impacts
- Any volume of hazardous material that causes or threatens to present a fire, explosion, or other safety hazard

HOW DO YOU RESPOND TO A SPILL?

1. SAFETY
   - Evaluate the situation for safety and take any precautions to evacuate, control access, remove ignition sources, etc.

2. CONTROL
   - Stop the flow of the spilled material.

3. CONTAINMENT
   - Stop the spread by containing the material. It is especially important to stop spilled material from reaching storm or sanitary sewers, or surface or groundwater. If the material made it to a waterway contain it with booms.

4. CLEANUP
   - Small spills can generally be cleaned up and run through the nearest asphalt plant. Larger spills may require further evaluation. Spills on water should be cleaned up with absorbent pads. Never apply dispersants (i.e. dish soap) to oil sheens or spills on the water under any circumstances.
SPILL KITS
Spill kits are strategically located at all asphalt plants and shops, as well as with crews working near waterways. Spill kits are enclosed in large yellow "over-pack" drums that contain the following:

Several ten foot long socks (e.g. boom)
- Filled with absorbent stuffing that float on water & may be strung out end to end to contain oil slick

A stack of absorbent pads to absorb floating oil

A bag of absorbent flakes (e.g. particulate)

The drum can also be used to "over-pack" a leaking 55 gallon drum

WHO TO CALL IN THE EVENT OF A SPILL
In the event of a spill of hazardous material as defined earlier, contact the individual(s) below immediately so that proper notification to appropriate government agencies can begin.

**ALL SPILLS**

Jim Mertes
Office 262.524.1849
Mobile 262.366.5009

Jeff Williams
Office 262.524.1815
Mobile 262.366.5019

Dan Minten
Office 920.757.7545
Mobile 920.309.0645

If you cannot reach those indicated, contact the Safety Department!

**ASPHALT RELATED**

INFORMATION THAT IS NEEDED FOR THE CALL
Reportable spills that meet the criteria as defined above must be immediately reported to the appropriate State spill hotline:

In Wisconsin - 800.943.0003  In Michigan - 800.292.4706  In Illinois - 800.782.7860

If a hazardous material is released above the federal reportable quantity or into a waterway you must also immediately notify the National Response Center at 800.424.8802. The immediate notification must include:

1. Your name, address & phone number
2. Location of the release
3. Name of the material
4. Estimated quantity of release
5. Duration of release
6. Date & time the release was discovered
7. Whether the release entered the air, water, or land
8. Any known evacuations or injuries
9. Any known injuries or anticipated health effects (from the SDS)
10. Proper precautions to protect the environment and human health (from the SDS)
# NOTIFICATION

## REPORTABLE SPILL EVENTS

<table>
<thead>
<tr>
<th>Date:</th>
<th>Time:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Estimated quantity of oil leaving facility:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Oil type or product spilled:</td>
</tr>
<tr>
<td>Facility name:</td>
</tr>
<tr>
<td>Facility location:</td>
</tr>
<tr>
<td>Facility phone number:</td>
</tr>
<tr>
<td>Agencies called:</td>
</tr>
<tr>
<td>Corrective action taken:</td>
</tr>
<tr>
<td>Plan for preventing recurrence:</td>
</tr>
</tbody>
</table>

Signature: ________________________

Name Printed: ________________________

Title: ________________________

AUG 4 2020

WALBEC GROUP

DATE ISSUED: 7/27/2020
DOC NO: ENV-140

NAME OF DOCUMENT: DRAFT - DARIEN AGGREGATE SITE SPCC PLAN
REV NO: NEW
PAGE: 26 of 35
APPENDIX B
# Inspection Checklist for Spill Prevention

**MONTHLY**

Site Name & #: __________________________________ Date: _______________ Inspected By: __________________________________

## Oil Storage

<table>
<thead>
<tr>
<th>Item Inspected</th>
<th>Check if OK</th>
<th>Correction Needed</th>
<th>Corrective Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tanks</td>
<td>□</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pumps</td>
<td>□</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pipes &amp; Valves</td>
<td>□</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heaters</td>
<td>□</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adequate Containment Volumr</td>
<td>□</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Containment Integrity</td>
<td>□</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Spill Residues, Sheen on Water</td>
<td>□</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Standing Water</td>
<td>□</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Equipment Fuel Tanks and Refueling Area

<table>
<thead>
<tr>
<th>Item Inspected</th>
<th>Check if OK</th>
<th>Correction Needed</th>
<th>Corrective Action Taken</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hoses stored in Bermed Area</td>
<td>□</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stains in Transfer Area</td>
<td>□</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drip Tanks Cleaned Out</td>
<td>□</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## Security

- □ Gates have locks
- □ ASTs locked when not in use
- □ Starter controls for pumps locked when not in use
- □ Lighting is working properly
- □ Fence and gates intact

## Training

- □ Annual training records are in order (monthly check)
- □ Spill prevention briefing held (monthly check)
<table>
<thead>
<tr>
<th>Instructor</th>
<th>Attendee (Name Printed)</th>
<th>Attendee Signature</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Prager / Sanchez Aggregate Site

2007

2011

2015

2018

Final Reclamation of Lake with Agricultural Use
Attachment B
Listed species believed to or known to occur in Wisconsin

Notes:
- As of 02/13/2015 the data in this report has been updated to use a different set of information. Results are based on where the species is believed to or known to occur. The FWS feels utilizing this data set is a better representation of species occurrence. Note: there may be other federally listed species that are not currently known or expected to occur in this state but are covered by the ESA wherever they are found; Thus if new surveys detected them in this state they are still covered by the ESA. The FWS is using the best information available on this date to generate this list.
- This report shows listed species or populations believed to or known to occur in WI
- This list does not include experimental populations and similarity of appearance listings.
- Click on the highlighted scientific names below to view a Species Profile.

Animal Listings

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Where Listed</th>
<th>Region</th>
<th>ESA Listing Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lynx canadensis</td>
<td>Canada Lynx</td>
<td>Wherever Found in Contiguous U.S.</td>
<td>6</td>
<td>Threatened</td>
</tr>
<tr>
<td>Sistrurus catenatus</td>
<td>Eastern Massasauga (=rattlesnake)</td>
<td>Wherever found</td>
<td>3</td>
<td>Threatened</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Where Listed</th>
<th>Region</th>
<th>ESA Listing Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lampsilis higginsii</td>
<td>Higgins eye (pearlymussel)</td>
<td>Wherever found</td>
<td>3</td>
<td>Endangered</td>
</tr>
<tr>
<td>Somatochlora hineana</td>
<td>Hine's emerald dragonfly</td>
<td>Wherever found</td>
<td>3</td>
<td>Endangered</td>
</tr>
<tr>
<td>Discus macclintocki</td>
<td>Iowa Pleistocene snail</td>
<td>Wherever found</td>
<td>3</td>
<td>Endangered</td>
</tr>
<tr>
<td>Lycaeides melissa samuelis</td>
<td>Karner blue butterfly</td>
<td>Wherever found</td>
<td>3</td>
<td>Endangered</td>
</tr>
<tr>
<td>Myotis septentrionalis</td>
<td>Northern Long-Eared Bat</td>
<td>Wherever found</td>
<td>3</td>
<td>Threatened</td>
</tr>
<tr>
<td>Charadrius melodus</td>
<td>Piping Plover</td>
<td>[Great Lakes watershed DPS] - Great Lakes, watershed in States of IL, IN, MI, MN, NY, OH, PA, and WI and Canada (Ont.)</td>
<td>3</td>
<td>Endangered</td>
</tr>
<tr>
<td>Oarisma poweshiek</td>
<td>Poweshiek skippering</td>
<td>Wherever found</td>
<td>3</td>
<td>Endangered</td>
</tr>
<tr>
<td>Calidris canutus rufa</td>
<td>Red knot</td>
<td>Wherever found</td>
<td>5</td>
<td>Threatened</td>
</tr>
</tbody>
</table>

Showing 1 to 10 of 17 entries

### Plant Listings

7 Species Listings
<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Where Listed</th>
<th>Region</th>
<th>ESA Listing Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iris lacustris</td>
<td>Dwarf lake iris</td>
<td>Wherever found</td>
<td>3</td>
<td>Threatened</td>
</tr>
<tr>
<td>Platanthera leucophaea</td>
<td>Eastern prairie fringed orchid</td>
<td>Wherever found</td>
<td>3</td>
<td>Threatened</td>
</tr>
<tr>
<td>Oxytropis campestris var. chartacea</td>
<td>Fassett's locoweed</td>
<td>Wherever found</td>
<td>3</td>
<td>Threatened</td>
</tr>
<tr>
<td>Asclepias meadii</td>
<td>Mead's milkweed</td>
<td>Wherever found</td>
<td>3</td>
<td>Threatened</td>
</tr>
<tr>
<td>Aconitum noveboracense</td>
<td>Northern wild monkshood</td>
<td>Wherever found</td>
<td>3</td>
<td>Threatened</td>
</tr>
<tr>
<td>Cirsium pitcheri</td>
<td>Pitcher's thistle</td>
<td>Wherever found</td>
<td>3</td>
<td>Threatened</td>
</tr>
<tr>
<td>Lespedeza leptostachya</td>
<td>Prairie bush-clover</td>
<td>Wherever found</td>
<td>3</td>
<td>Threatened</td>
</tr>
</tbody>
</table>

Showing 1 to 7 of 7 entries
Attachment D
1. COUNTY: Walworth
2. LOCATION: Sec 2, T8N, R15E, NE, NW, NW, NW, Sec. 7
3. OWNER: Ralph Richards
4. BUILDING: 20, C.I. Tile, 150, C.I. Tile
5. DISTANCE: 10, 20, 38, 52
6. POLLUTION SOURCES: Motel
7. DRILLHOLE:
<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th>Dia. (in.)</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Surface</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>20</td>
<td>30</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
8. CASING, LINER, CURBING, AND SCREEN:
<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Kind and Weight</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Threaded, coupled, New Black Steel 1/2&quot;</td>
<td>Surface</td>
<td>60</td>
</tr>
</tbody>
</table>
9. GROUT OR OTHER SEALING MATERIAL:
   | Kind | From (ft.) | To (ft.) |
   |      |            |          |
   | Drill Mud | Surface | 20       |
10. FORMATIONS:
    | Kind         | From (ft.) | To (ft.) |
    | Clay         | Surface   | 58       |
    | Limestone    |           | 58       |
11. MISCELLANEOUS DATA:
    Yield test: 5 Hrs. at 25 GPM
    Well construction completed on June 15, 1970
    Well is terminated 8 inches below final grade
    Depth from surface to normal water level 38 ft.
    Well disinfected upon completion  [X] Yes  [ ] No
    Depth to water level when pumping 52 ft.
    Well sealed watertight upon completion  [X] Yes  [ ] No
    Water sample sent to Madison laboratory on June 15, 1970

Your opinion concerning other pollution hazards, information concerning difficulties encountered, and data relating to nearby wells, screens, seals, type of casing joints, method of finishing the well, amount of cement used in grouting, blasting, subsurface pumprooms, access pits, etc., should be given on reverse side.

Signature: [Signature]
Complete Mail Address: [Address]

Please do not write in space below

Page 1 of 6
# Well Construction Report

**WISCONSIN UNIQUE WELL NUMBER**

**NV093**

**Property**
- **Name:** TWIN OAKS SHELTER
- **Address:** W9664 US HWY 14
- **City:** DARIEN
- **County:** Walworth

**Well Constructor (Business Name)**
- **Name:** BLOYER WELL CO INC
- **License #:** 87
- **Facility ID #:** 265048760
- **Well Plan Approval #:**

**Address**
- **Address:** 1004 DEARBORN AVE
- **City:** SOUTH BELOIT
- **State:** IL
- **Zip Code:** 61080

**Well Details**
- **Well Permanent Well #:**
- **Common Well #:**
- **Specific Capacity:** 0.80

**Well Use**
- **Well Use:**
  - **Type:** 1 # of HOMELESS SHELTER
  - **Hicap Well?:** No
  - **Hicap Property?:** No

**Geology**
- **Type:** GREY DOLOMITE

**Critical Area**
- **Status:** Surface 255

**Casing, Liner, Screen**
- **Dia. (in.):** 6
- **Material:** BLK. P.E. #18.97 ASTM A53 WELL CASING
- **Manufacturer:** SAHMIWLL

**GROUT or Other Sealing Material**
- **Method:** BRADEN HEAD
- **Kind of Sealing Material:** PORTLAND CEMENT

**Well Location**
- **Fire #:** (if available)
- **Town of:** DARIEN
- **Street Address or Road Name and Number:** US HWY 14

**Subdivision Name:**
- **Lot #:**
- **Block #:**

**Latitude / Longitude in Decimal Degree (DD)**
- **Method Code:**
  - **North:** "N"
  - **West:** "W"
  - **GPS008**:
- **Section:**
- **Township:**
- **Range:**
  - **Section:** 7
  - **Township:** 2
  - **Range:** 15

**Well Type**
- **Type:** Reconstruction
- **Reason for replaced or reconstructed well?** HIGH NITRATES

**Potential Contamination Sources - ON REVERSE SIDE**

**Drillhole Dimensions and Construction Method**
- **Dia. (in.):**
  - **From (ft.):**
  - **To (ft.):**
  - **Upper Enlarged Drillhole:**
  - **Lower Open Bedrock:**
  - **Rotary - Mud Circulation**
  - **Rotary - Air**
  - **Drill-Through Casing Hammer**
  - **Reverse Rotary**
  - **Cable-tool Bit in. dia.**
  - **Dual Rotary**
  - **Temp. Outer Casing in. dia.**
  - **Removed? depth ft. (If NO explain on back side)**

**Casing, Liner, Screen**
- **Dia. (in.):**
- **Material, Weight, Specification:**
- **Manufacturer & Method of Assembly:**

**GROUT or Other Sealing Material**
- **Method:** BRADEN HEAD
- **Kind of Sealing Material:** PORTLAND CEMENT

**Static Water Level**
- **Static Water Level:** 100 ft. below ground surface

**Pump Test**
- **Pumping level:** 132 ft. below surface
- **Pumping at 25 GP M for 3 Hrs.**

**Pumping Method?**

**Notified Owner of need to fill & seal?**
- **Filled & Sealed Well(s) as needed?** No
  - **WAS NONE**

**Lic #:**
- **Date Signed:**
  - **Lic #:**
  - **Date Signed:**
  - **Drill Rig Operator:**
  - **Reg #:**
  - **Date Signed:**

**Wisconsin Unique Well Number:** NV093

**Form:** 3300-077A

**Department of Natural Resources, Box 7921 Madison WI 53707**
### 4a. Potential Contamination Sources

<table>
<thead>
<tr>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>POWTS dispersal component (soil absorption unit or mound)</td>
<td>&gt;</td>
<td>150</td>
<td>Septic or Holding, or POWTS Tank</td>
<td>&gt;</td>
<td>120</td>
</tr>
</tbody>
</table>

Comment:

Water Quality Text:

Water Quantity Text:

Difficulty Text:

**Well Construction Report**

**WISCONSIN UNIQUE WELL NUMBER**

**LZ572**

**Property**
TWIN OAKS

**Owner**

**Phone #**
(414)728-8296

**Mailing Address**
HWY 14 W6665

**City**
DARIEN

**State**
WI

**Zip Code**
53114-1233

**County**
Walworth

**Co. Permit #**
01-13-1998

**Notification #**

**Completed**

**Subdivision Name**

**Lot #**

**Block #**

**Well Constructor (Business Name)**
LARRY D HINTZ

**Lic. #**
508

**Facility ID # (Public Wells)**
265046760

**Well Plan Approval #**

**Approval Date (mm-dd-yyyy)**

**Latitude / Longitude in Decimal Degree (DD)**
N
W

**Method Code**
GPSD008

**NW NW Section Township Range**
7 2 N 15 E

**or Govt Lot #**

**2. Well Type**
Replacement

**Reason for replaced or reconstructed well?**

**3. Well serves**

**# of HOMELESS SHELTER**
Hicap Well? No

**Non-community**
Hicap Property? No

**Heat Exchange___# of drillholes**
Hicap Potable? No

**Construction Type**
Drilled

**4. Potential Contamination Sources - ON REVERSE SIDE**

**5. Drillhole Dimensions and Construction Method**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th>Upper Enlarged Drillhole</th>
<th>Lower Open Bedrock</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Surface</td>
<td>6</td>
<td>Rotary - Mud Circulation</td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>6</td>
<td>100</td>
<td>Rotary - Air</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rotary - Air &amp; Foam</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Drill-Through Casing Hammer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reverse Rotary</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cable-tool Bit 10in. dia...</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dual Rotary</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Temp. Outer Casing___in. dia</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>Removed?___depth ft. (If NO explain on back side)</td>
<td></td>
</tr>
</tbody>
</table>

**6. Casing, Liner, Screen**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Material, Weight, Specification Manufacturer &amp; Method of Assembly</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>BLK STEEL P E A53 SAWHILL</td>
</tr>
</tbody>
</table>

**7. Grout or Other Sealing Material**

<table>
<thead>
<tr>
<th>Kind of Sealing Material</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th># Sacks Cement</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLAY SLURRY</td>
<td>Surface</td>
<td>6</td>
<td></td>
</tr>
</tbody>
</table>

**8. Geology Type, Caving/Noncaving, Color, Hardness, etc...**

<table>
<thead>
<tr>
<th>Geology Codes</th>
<th>Type</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>CLAY</td>
<td>Surface</td>
<td>6</td>
</tr>
<tr>
<td>G</td>
<td>GRAVEL</td>
<td>6</td>
<td>27</td>
</tr>
<tr>
<td>Y</td>
<td>SAND @ GRAVEL</td>
<td>27</td>
<td>60</td>
</tr>
<tr>
<td>Z</td>
<td>CLAY @ GRAVEL</td>
<td>60</td>
<td>68</td>
</tr>
<tr>
<td>L</td>
<td>LIMESTONE</td>
<td>68</td>
<td>100</td>
</tr>
</tbody>
</table>

**9. Static Water Level**

<table>
<thead>
<tr>
<th>40 ft. below ground surface</th>
<th>18 in. above grade</th>
</tr>
</thead>
</table>

**10. Pump Test**

<table>
<thead>
<tr>
<th>Developed?</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disinfected?</td>
<td>Yes</td>
</tr>
<tr>
<td>Capped?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**11. Well Is**

<table>
<thead>
<tr>
<th>Pumping level 40 ft. below surface</th>
<th>Pumping at 25 GP M for 16 Hrs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pumping Method?</td>
<td></td>
</tr>
</tbody>
</table>

**12. Notified Owner of need to fill & seal?**

| Filled & Sealed Well(s) as needed? | Yes |

**13. Constructor / Supervisory Driller**

<table>
<thead>
<tr>
<th>Lic #</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>LH</td>
<td>01-22-1998</td>
</tr>
</tbody>
</table>

**Drill Rig Operator**

<table>
<thead>
<tr>
<th>Lic or Reg #</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type</td>
<td>Qualifier</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>POWTS dispersal component (soil absorption unit or mound)</td>
<td></td>
</tr>
</tbody>
</table>

Comment:

Water Quality Text:

Water Quantity Text:

Difficulty Text:

Created On: 02-24-1998   Created by: HFRC LOAD   Updated On: 04-19-2013   Updated by: PWS TRANSFER
**Well Construction Report**  
**WISCONSIN UNIQUE WELL NUMBER**  
**KQ966**

<table>
<thead>
<tr>
<th>Property Owner</th>
<th>Phone #</th>
<th>Phone # (if avail.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>MILLARD, MYRTLE</td>
<td>(414)724-5524</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>Street Address or Road Name and Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>N4792 CTY RD M</td>
<td></td>
</tr>
</tbody>
</table>

| City | DARIEN | State | WI | Zip Code | 53114 |

<table>
<thead>
<tr>
<th>County</th>
<th>Co. Permit #</th>
<th>Notification #</th>
<th>Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Walworth</td>
<td></td>
<td></td>
<td>10-25-1995</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Well Constructor (Business Name)</th>
<th>Lic. #</th>
<th>Facility ID # (Public Wells)</th>
</tr>
</thead>
<tbody>
<tr>
<td>JAMES E CHENEY</td>
<td>339</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Well Plan Approval #</th>
</tr>
</thead>
<tbody>
<tr>
<td>W3869 CO RD ES ELKHORN WI 53121-9470</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Approval Date</th>
<th>Specific Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>(mm-dd-yyyy)</td>
<td>1.70</td>
</tr>
</tbody>
</table>

### 3. Well serves
- **1 of**
  - Hicap Well? | No |
  - Hicap Property? | No |
  - Hicap Potable? |

**Heat Exchange**
- **# of drillholes**

#### 4. Potential Contamination Sources - ON REVERSE SIDE

#### 5. Drillhole Dimensions and Construction Method

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th>Upper Enlarged Drillhole</th>
<th>Lower Open Bedrock</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Surface</td>
<td>49</td>
<td>Rotary - Mud Circulation</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rotary - Air</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rotary - Air &amp; Foam</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Drill-Through Casing Hammer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reverse Rotary</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cable-tool Bit ___ in. dia...</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dual Rotary</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Temp. Outer Casing ___ in. dia</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Removed? ___ depth ft. (If NO explain on back side)</td>
<td></td>
</tr>
</tbody>
</table>

**Geology Codes**

<table>
<thead>
<tr>
<th>Geology Type, Caving/Noncaving, Color, Hardness, etc.</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>C</td>
<td>CLAY</td>
<td>Surface</td>
</tr>
<tr>
<td>Z</td>
<td>GRAVEL @ CLAY</td>
<td>11</td>
</tr>
<tr>
<td>G</td>
<td>GRAVEL</td>
<td>49</td>
</tr>
</tbody>
</table>

**6. Casing, Liner, Screen**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Material, Weight, Specification Manufacturer &amp; Method of Assembly</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>P E ASTM A53 GR B SAWHILL TUBULAR</td>
<td>Surface</td>
<td>49</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Screen type, material &amp; slot size</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>GRAVEL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**7. Grout or Other Sealing Material**

<table>
<thead>
<tr>
<th>Kind of Sealing Material</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th># Sacks Cement</th>
</tr>
</thead>
<tbody>
<tr>
<td>BENTONITE</td>
<td>Surface</td>
<td>0</td>
<td>75 Y</td>
</tr>
</tbody>
</table>

**8. Static Water Level**

- 38 ft. below ground surface

**11. Well Is**

- 15 in. above grade

**10. Pump Test**

- Pumping level 47 ft. below surface
- Pumping at 15 GP M for 4 Hrs.

**12. Notified Owner of need to fill & seal?**

- Yes

**13. Constructor / Supervisory Driller**

<table>
<thead>
<tr>
<th>Lic #</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>JEC</td>
<td>11-15-1995</td>
</tr>
</tbody>
</table>

**Drill Rig Operator**

<table>
<thead>
<tr>
<th>Lic or Reg #</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>JDC</td>
<td></td>
</tr>
</tbody>
</table>

**WISCONSIN UNIQUE WELL NUMBER**  
**KQ966**
### 4a. Potential Contamination Sources

<table>
<thead>
<tr>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>POWTS dispersal component (soil absorption unit</td>
<td>61</td>
<td></td>
<td>Other Contamination Sources</td>
<td>27</td>
<td></td>
</tr>
<tr>
<td>or mound)</td>
<td></td>
<td></td>
<td>Septic or Holding, or POWTS Tank</td>
<td>31</td>
<td></td>
</tr>
<tr>
<td>Building Overhang</td>
<td>26</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Comment:**

**Water Quality Text:**

**Water Quantity Text:**

**Difficulty Text:**

**Created On:** 05-10-1996  **Created by:** HFRC LOAD  **Updated On:** 05-10-1996  **Updated by:** MIGRATION
1. COUNTY: ROCK

2. LOCATION:

3. NAME: BRADFORD

4. Distance in feet from well to nearest: (Record answer in appropriate block)

5. Well is intended to supply water for: FAMILY USE

6. DRILLHOLE

7. CASING, LINER, CURBING AND SCREEN

8. GROUT OR OTHER SEALING MATERIAL

9. FORMATIONS

10. TYPE OF DRILLING MACHINE USED

11. MISCELLANEOUS DATA

Signature: Bradford
Registered Well Driller

Complete Mail Address:

Laboratory on: 5-22 1978

*Note: All information should be verified for accuracy and completeness.*
WELL CONSTRUCTOR'S REPORT TO WISCONSIN STATE BOARD OF HEALTH
See Instructions on Reverse Side

1. County: Walworth
   Town: Darien
   Village: Darien
   City: 
   Check one and give name

2. Location: Section __
   Name of street and number of premises or Section, Town and Range numbers
   __, __
   __, __
   __, __

3. Owner ☐ or Agent ☐
   Name of individual, partnership or firm:
   John Mavhinney
   PLEASE SEND 2 COPIES

4. Mail Address:
   Darien, Wisconsin
   Complete address required

5. From well to nearest: Building ft; sewer ft; drain ft; septic tank ft;
   dry well or filter bed ft; abandoned well ft;

6. Well is intended to supply water for:
   family use
   RECEIVED

7. DRILLHOLE:

<table>
<thead>
<tr>
<th>Dia. (in)</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>old well</td>
<td>0</td>
<td>56</td>
</tr>
<tr>
<td>hand dug</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>150</td>
<td></td>
</tr>
</tbody>
</table>

8. CASING AND LINER PIPE OR CURBING

<table>
<thead>
<tr>
<th>Dia. (in)</th>
<th>Kind and Weight</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>steel</td>
<td>0</td>
<td>110</td>
</tr>
</tbody>
</table>

9. GROUT:
   clay by owner

10. FORMATIONS:

<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>clay, sand, gravel</td>
<td>56</td>
<td>110</td>
</tr>
<tr>
<td>limerock</td>
<td>110</td>
<td>150</td>
</tr>
</tbody>
</table>

Construction of the well was completed on:
December 3, 1958

The well is terminated 8 inches above, below the permanent ground surface.

Was the well disinfected upon completion?
Yes ☑ No ☐

Was the well sealed watertight upon completion?
Yes ☑ No ☐

Signature: 
Registered Well Driller: 1975 Prairie Avenue, Beloit, Wis.

Rec’d: 1-5-59 No. 1142
Ans’d: 
Interpretation: UNSAFE

Gas—24 hrs. ☑

Confirm: ☑

B. Coli: ☑

Examiner: 

WW-173-A
**Well Construction Report**

**WISCONSIN UNIQUE WELL NUMBER** QR005

**Property Owner**: SERL, STAN  
**Phone #**: (262)724-3773

**Mailing Address**: N4236 COUNTY RD C  
**City**: DARIEN  
**State**: WI  
**Zip Code**: 53114

**County**: Walworth  
**Co. Permit #**: 08-09-2002

**Well Constructor (Business Name)**: JAMES E CHENEY  
**Lic. #**: 339  
**Facility ID # (Public Wells)**:  
**Well Plan Approval #**:  
**Approval Date**: (mm-dd-yyyy)  
**Hicap Permanent Well #**:  
**Common Well #**:  
**Specific Capacity**: 1.30

**Latitude / Longitude in Decimal Degree (DD)**: 
**Method Code**: GPS008

**Well Type**: Replacement  
**Method Code**: 
**Construction Type**: Drilled

**Well Location**  
**Town of DARIEN**  
**Street Address or Road Name and Number**:  
**Subdivision Name**:  
**Lot #**:  
**Block #**:  
**Fire # (if avail.)**:  
**Range**: 15 E

**Well Number**

**1. Well Location**

**2. Well Type** Replacement

**3. Well serves**

<table>
<thead>
<tr>
<th># of</th>
<th>Well Type</th>
<th>Hicap Well?</th>
<th>Hicap Property?</th>
<th>Hicap Potable?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td></td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

**4. Potential Contamination Sources - ON REVERSE SIDE**

**5. Drillhole Dimensions and Construction Method**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th>Upper Enlarged</th>
<th>Lower Open</th>
<th>Bedrock</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Surface</td>
<td>61</td>
<td>Rotary - Mud Circulation</td>
<td>Rotary - Air</td>
<td>Rotary - Air &amp; Foam</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Drilh Through Casing Hammer</th>
<th>Reverse Rotary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cabinet Tool Bit ___ in. dia.</td>
<td>Dual Rotary</td>
</tr>
<tr>
<td>Temp. Outer Casing ___ in. dia</td>
<td>Removed? ___ depth ft. (If NO explain on back side)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Geology Codes</th>
<th>Geology Type, Caving/Noncaving, Color, Hardness, etc...</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- - I -</td>
<td>TOP SOIL</td>
<td>Surface</td>
<td>7</td>
</tr>
<tr>
<td>- - G -</td>
<td>GRAVEL</td>
<td>7</td>
<td>40</td>
</tr>
<tr>
<td>- - S -</td>
<td>SAND</td>
<td>40</td>
<td>46</td>
</tr>
<tr>
<td>- - Z -</td>
<td>CLAY &amp; GRAVEL</td>
<td>46</td>
<td>56</td>
</tr>
<tr>
<td>- - L -</td>
<td>LIMESTONE</td>
<td>56</td>
<td>61</td>
</tr>
</tbody>
</table>

**6. Casing, Liner, Screen**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Material, Weight, Specification Manufacturer &amp; Method of Assembly</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>SAWHILL TUBULAR ASTM P/E GR B A63</td>
<td>Surface</td>
<td>56</td>
</tr>
</tbody>
</table>

**7. Grout or Other Sealing Material**

<table>
<thead>
<tr>
<th>Kind of Sealing Material</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th>Sacks Cement</th>
</tr>
</thead>
<tbody>
<tr>
<td>BENTONITE</td>
<td>Surface</td>
<td>50 S</td>
<td></td>
</tr>
</tbody>
</table>

**9. Static Water Level**

**10. Pump Test**

**11. Well Is**

**12. Notified Owner of need to fill & seal?**

**13. Constructor / Supervisory Driller**

**Drill Rig Operator**

**Filled & Sealed Well(s) as needed?**

**Yes**
<table>
<thead>
<tr>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>POWTS dispersal component (soil absorption unit or mound)</td>
<td></td>
<td>85</td>
<td>Building Overhang</td>
<td></td>
<td>34</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Septic or Holding, or POWTS Tank</td>
<td></td>
<td>71</td>
</tr>
</tbody>
</table>

Comment:

Water Quality Text:

Water Quantity Text:

Difficulty Text:

**WELL CONSTRUCTOR'S REPORT TO WISCONSIN STATE BOARD OF HEALTH**

See Instructions on Reverse Side

1. County: Rock
   - Check one and give name
   - Town: Bradford
   - Village: 
   - City: 

2. Location: R.R. 1, Academy Hill, Sec. 12, T. N. 4 E., R. R. 1, Sec. 12
   - Name of street and number of premises or Section, Town and Range number

3. Owner or Agent: Mrs. Ramondi<br>
   - Name of individual, partnership or firm

4. Mail Address: R.R. 1, Academy Hill
   - Complete address required

5. From well to nearest: Building: 5 ft.; sewer: 5 ft.; drain: 5 ft.; septic tank: 50 ft.
   - dry well or filter bed: 55 ft.; abandoned well:

6. Well is intended to supply water for: domestic

7. DRILLHOLE:

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>From (ft)</th>
<th>To (ft)</th>
<th>Dia. (in.)</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

8. CASING AND LINER PIPE OR CURBING:

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Kind and Weight</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.5</td>
<td>standard</td>
<td>0</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>well casing</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>257 well wall</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

9. GROUT:

<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. FORMATIONS:

<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>soil</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>gravel</td>
<td>5</td>
<td>50</td>
</tr>
<tr>
<td>lime rock</td>
<td>58</td>
<td>75</td>
</tr>
</tbody>
</table>

**RECEIVED**

AUG 28 1958

**ENVIRONMENTAL SANITATION**

Construction of the well was completed on:

Aug. 16 1958

The well is terminated 20 inches above, below the permanent ground surface.

Was the well disinfected upon completion?

Yes ☑ No

Was the well sealed watertight upon completion?

Yes ☑ No

11. MISCELLANEOUS DATA:

Yield test: 10 Hrs. at 121 GPM.

Depth from surface to water-level: 52 ft.

Water-level when pumping: 55 ft.

Water sample was sent to the state laboratory at:

Madison on Aug. 18, 1958

Signature: Unlegible

Registered Well Driller: Unlegible

Complete Mail Address: Unlegible

**UNSAFE**

Rec'd. 26194

Ans'd. 

Interpretation: 

Examiner: 

Gas-24 hrs. 0 0 0 0 0 

48 hrs. 0 0 

Confirm 0 0 0 0 0 

B. Coll 5

Plot: 473077
1. COUNTY: Waushara

2. LOCATION - 1/2 Section Section Township Range
   S.W. 6 T2N R15E
   OR - Grid or street no: Stream name: Town Line Rd.
   AND - If available subdivision name, lot & block no:  

3. OWNER AT TIME OF DRILLING: Ed Nelson
   ADDRESS: R.R.
   POST OFFICE: Darien WIS.

4. Distance in feet from well to nearest:
   BUILDING C. I. TILE
   SANITARY SEWER C. I. TIE
   FLOOR DRAIN C. I. TIE
   FOUNDATION DRAIN C. I. TIE
   WASTE WATER DRAIN C. I. TIE
   CLEAR WATER DRAIN C. I. TIE
   SEPTIC TANK PRIVY
   SEEPAGE PIT ABSORPTION FIELD BARN SILO ABANDONED WELL SINK HOLE

5. Well is intended to supply water for: Home

6. DRILLHOLE
   Dia (in.) From (ft.) To (ft.) Dia (in.) From (ft.) To (ft.)
   10 Surface # 6 4 75 Clay Surface 4
   10 ID PE black Surface 71
   10 ID 55 well screen Expanded 48

7. CASING, LINER, CURBING, AND SCREEN
   Dia. (in.) Kind and Weight From (ft.) To (ft.)
   6 ID PE black VSP 18.75 lbs
   5 ID 55 well screen Expanded 48

8. GROUT OR OTHER SEALING MATERIAL
   Kind From (ft.) To (ft.)
   Fudelle clay Surface 4

9. FORMATIONS
   Kind From (ft.) To (ft.)
   Clay 4 65
   Gravel 65 75

10. TYPE OF DRILLING MACHINE USED
    [Cable Tool] [Direct Rotary] [Reverse Rotary]
    [Rotary - air w/drilling mud] [Jetting with]
    [Rotary - hammer w/drilling mud & air] [Air]
    [Water]

11. MISCELLANEOUS DATA
    Yield test: 3 Hrs. at 15 GPM
    Well construction completed on Aug. 26 1972
    Well is terminated 12 inches above final grade
    Well disinfected upon completion
    Well sealed watertight upon completion
    Water sample sent to laboratory on: Aug. 28 1972

Your opinion concerning other pollution hazards, information concerning difficulties encountered, and data relating to nearby wells, screens, seals, type of casing joints, method of finishing the well, amount of cement used in grouting, blasting, sub-surface pump rooms, access pits, etc., should be given on reverse side.

SIGNATURE:
Registered Well Driller: Dwayne Ross
COMPLETE MAIL ADDRESS: 1040 of 140 Belmar Ave. WA 53115
Please do not write in space below

GAS - 24 HRS. GAS - 48 HRS. CONFIRMED REMARKS
WELL CONSTRUCTOR'S REPORT TO WISCONSIN STATE BOARD OF HEALTH
See Instructions on Reverse Side

1. County: Walworth
   Town: Darien

2. Location: Section 7 T2N R1E
   Name of street and number of premises or Section, Town and Range numbers

3. Owner or Agent: John Mawhinney
   PLEASE SEND 2 COPIES

4. Mail Address: Darien, Wisconsin
   Complete address required

5. From well to nearest: Building: ft; sewer: ft; drain: ft; septic tank: ft;
   dry well or filter bed: ft; abandoned well: ft;
   family use.

6. Well is intended to supply water for: 

7. DRILLHOLE:
<table>
<thead>
<tr>
<th>Dia. (in)</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>old well</td>
<td>0</td>
<td>56</td>
</tr>
<tr>
<td>hand dug</td>
<td>6</td>
<td>150</td>
</tr>
</tbody>
</table>

8. CASING AND LINER PIPE OR CURBING:
<table>
<thead>
<tr>
<th>Dia. (in)</th>
<th>Kind and Weight</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>steel</td>
<td>0</td>
<td>110</td>
</tr>
</tbody>
</table>

9. GROUT:
<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>clay by owner</td>
<td>19</td>
<td></td>
</tr>
</tbody>
</table>

10. FORMATIONS:
    | Kind                  | From (ft) | To (ft) |
    | clay, sand, gravel    | 56        | 110     |
    | limerock              | 110       | 150     |

Construction of the well was completed on:
December 3, 1958

The well is terminated 8 inches above, below the permanent ground surface.
Was the well disinfected upon completion? Yes [x] No
Was the well sealed watertight upon completion? Yes [x] No

11. MISCELLANEOUS DATA:
   Yield test: 4 Hrs. at 10 GPM
   Depth from surface to water-level: 65 ft.
   Water-level when pumping: 84 ft.
   Water sample was sent to the state laboratory at Beloit, Wis.
   on Jan. 14, 1959

Signature: [Signature]
Registered Well Driller
1975 Prairie Avenue, Beloit, Wis.

Complete Mail Address

Rec'd: JAN 5, 1959 + No. 1142
Ans'd: 
Interpretation: UNSAFE

Gas: 24 hrs.
48 hrs: 
Confirm: 
B. Coli: 
Examiner: 

**Well Construction Report**

**WISCONSIN UNIQUE WELL NUMBER**: ES114

**Property Owner**: SHARON @ TOM HILL

**Phone #**: (414)724-5689

**Mailing Address**: HY 14

**City**: DARIEN  State: WI  Zip Code: 53114

**County**: Walworth  
**Co. Permit #**: 06-01-1992

**Well Constructor (Business Name)**: LARRY D HINTZ

**Lic. #**: 508  
**Facility ID # (Public Wells)**: 508

**Address**: RT 2 BOX 47  
**DELABAN WI 53115-9610**

**Well Plan Approval #**:  
**Approval Date**: (mm-dd-yyyy)

**Well Construction Information**

**Latitude / Longitude in Decimal Degree (DD)**:  
**Method Code**: GPS008

**N**:  
**W**:  
**Section**: 7  
**Township**: 2 N  
**Range**: 15 E

**Well Type**: New Well

**Reason for replaced or reconstructed well?**

**3. Well serves**: 1 # of

- **Type**: Private, potable
- **Hicap Permanent Well #**: 
- **Common Well #**: 
- **Specific Capacity**: 

**Hicap Well?**: No  
**Hicap Property?**: No  
**Hicap Potable?**: 

**Construction Type**: Drilled

**4. Potential Contamination Sources - ON REVERSE SIDE**

**5. Drillhole Dimensions and Construction Method**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th>Upper Enlarged Drillhole</th>
<th>Lower Open Bedrock</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Surface</td>
<td>4</td>
<td>Rotary - Mud Circulation</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>4</td>
<td>79</td>
<td>Rotary - Air</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Rotary - Air &amp; Foam</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Drill-Through Casing Hammer</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reverse Rotary</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cable-tool Bit ___ in. dia</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Dual Rotary</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Temp. Outer Casing ___ in. dia</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Removed? ___ depth ft. (if NO explain on back side)</td>
<td></td>
</tr>
</tbody>
</table>

**6. Casing, Liner, Screen**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Material, Weight, Specification</th>
<th>Manufacturer &amp; Method of Assembly</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>BLK STEEL P @E 18.97 A53 L.T.V</td>
<td>Surface 76</td>
<td>66</td>
<td>79</td>
</tr>
</tbody>
</table>

**7. Grout or Other Sealing Material**

- **Method**:  
- **Kind of Sealing Material**: CLAY SLURRY  
- **From (ft.)**: Surface  
- **To (ft.)**: 4  
- **# Sacks Cement**

**8. Geology Type, Caving/Noncaving, Color, Hardness, etc...**

- **Geological Codes**: CCLAY  
- **Geology Description**: Surface 4

**9. Static Water Level**

<table>
<thead>
<tr>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>54</td>
<td></td>
</tr>
</tbody>
</table>

**10. Pump Test**

- **Level**: 54 ft. below surface
- **Detection**: 14 in. above grade
- **Disinfected?**: Yes  
- **Capped?**: Yes

**11. Well Is**

**12. Notified Owner of need to fill & seal?**

- **Filled & Sealed Well(s) as needed?**

**13. Constructor / Supervisory Driller**

<table>
<thead>
<tr>
<th>Lic #</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>LH</td>
<td>06-30-1992</td>
</tr>
</tbody>
</table>

**Drill Rig Operator**

<table>
<thead>
<tr>
<th>Lic or Reg #</th>
<th>Date Signed</th>
</tr>
</thead>
</table>

**Form 3300-07A**

**WISCONSIN UNIQUE WELL NUMBER**: ES114  
**Drinking Water and Groundwater - DG/5**  Madison WI 53707
<table>
<thead>
<tr>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>POWTS dispersal component (soil absorption unit or mound)</td>
<td></td>
<td>80</td>
<td>Building Overhang</td>
<td></td>
<td>12</td>
</tr>
<tr>
<td>Septic or Holding, or POWTS Tank</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>55</td>
</tr>
</tbody>
</table>

Comment:
Water Quality Text:
Water Quantity Text:
Difficulty Text:

### Well Construction Report

**Property Owner**: ADVANTAGE HOMES  
**Phone #**: (608)279-8673

**Mailing Address**: 2017 N HARMONY TOWN HALL ROAD

**City**: JANESVILLE  
**State**: WI  
**Zip Code**: 53546

**Well Constructor (Business Name)**: SAM'S WELL DRILLING INC

**Facility ID # (Public Wells)**: 370

**Address**: PO BOX 150  
**RANDOLPH WI**: 53956

**Well Plan Approval #**:  
**Approval Date (mm-dd-yyyy)**: 

**Hicap Permanent Well #**:  
**Specific Capacity**: 0.30

### 1. Well Location

**Location**: Fire # (if avail.)

**Town of**: DARIEN

**Street Address or Road Name and Number**: CHRISTIE RD

**Latitude / Longitude in Decimal Degree (DD)**: 42.64767° N  -88.785° W

**Method Code**: GPS008

**SW SE Section Township Range**

<table>
<thead>
<tr>
<th>SW</th>
<th>SE</th>
<th>Section</th>
<th>Township</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>7</td>
<td>2</td>
<td>N</td>
</tr>
</tbody>
</table>

### 2. Well Type

- **New Well**
- **Reason for replaced or reconstructed well**:

### 3. Well serves

- **Number of Home**: 1

### 4. Potential Contamination Sources

#### 5. Drillhole Dimensions and Construction Method

<table>
<thead>
<tr>
<th>Dia. (in.) From (ft.) To (ft.)</th>
<th>Surface</th>
<th>145</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Upper Enlarged Drillhole</strong></td>
<td><strong>Lower Open Bedrock</strong></td>
<td>Yes</td>
</tr>
<tr>
<td>No Rotary - Mud Circulation</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>No Rotary - Air</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>No Rotary - Air &amp; Foam</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Yes Drill-Through Casing Hammer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Reverse Rotary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Cable-tool Bit in dia.</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>No Dual Rotary</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Temp. Outer Casing in dia.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Removed? depth ft. (If NO explain on back side)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

#### 6. Casing, Liner, Screen

<table>
<thead>
<tr>
<th>Dia. (in.) Material, Weight, Specification Manufacturer &amp; Method of Assembly</th>
<th>From (ft.) To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 STD BLK PIPE, .280 WALL, P.E., A53B HYUNDAI</td>
<td>Surface 110</td>
</tr>
</tbody>
</table>

#### 7. Grout or Other Sealing Material

<table>
<thead>
<tr>
<th>Kind of Sealing Material</th>
<th>From (ft.) To (ft.)</th>
<th># Sacks Cement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granular bentonite</td>
<td>Surface</td>
<td></td>
</tr>
</tbody>
</table>

#### 8. Geology

<table>
<thead>
<tr>
<th>Type, Caving/Noncaving, Color, Hardness, etc...</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>- S G Sand, w/Gravel/Cobbles/Boulders/Stones</td>
<td>Surface 55</td>
<td></td>
</tr>
<tr>
<td>- M G Silt, w/Gravel/Cobbles/Boulders/Stones</td>
<td>55-95</td>
<td></td>
</tr>
<tr>
<td>- C - Clay</td>
<td>95-105</td>
<td></td>
</tr>
<tr>
<td>- M C Silt, Clayey</td>
<td>105-110</td>
<td></td>
</tr>
<tr>
<td>- L - Limestone/Dolomite</td>
<td>110-145</td>
<td></td>
</tr>
</tbody>
</table>

### 9. Static Water Level

- **45 ft. below ground surface**

### 10. Pump Test

- **Pumping level 105 ft. below surface**
- **Pumping at 20 GP M for 1 Hrs.**
- **Pumping Method**: Developed: Yes  
  Disinfected: Yes  
  Capped: Yes

### 11. Well Is

- **24 in. above grade**

### 12. Notified Owner of need to fill & seal?

- **Filled & Sealed Well(s) as needed?**: NOV 19 2020

### 13. Constructor / Supervisory Driller

<table>
<thead>
<tr>
<th>Lic #</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>JVG</td>
<td>02-09-2018</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Drill Rig Operator</th>
<th>Lic or Reg #</th>
<th>Date Signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>KB</td>
<td></td>
<td>02-09-2018</td>
</tr>
<tr>
<td>4a. Potential Contamination Sources</td>
<td>Is the well located in floodplain?</td>
<td>No</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>---------------------------------</td>
<td>----</td>
</tr>
</tbody>
</table>

Comment:

Water Quality Text:

Water Quantity Text:

Difficulty Text:

State of Wisconsin
Department of Natural Resources
Box 7921
Madison, Wisconsin 53707

NOTE:
White Copy - Division's Copy
Green Copy - Driller's Copy
Yellow Copy - Owner's Copy

WELL CONSTRUCTOR'S REPORT
Form 3300-15  Rev. 12-76

DEC 19 1980

1. COUNTY Rock

2. LOCATION
   WR4 Sec 1
   T2N R14E S

3. NAME JAMES SCOTT
   ADDRESS DARIEN, WIS.
   POST OFFICE 2

4. Distance in feet from well to nearest: (Record answer in appropriate block)

   Street Sewer Other Sewers Foundation Drain Connected to Sewage Sump Clearwater Sump Septic Tank Holding Tank Sewage Absorption Unit

   San. Storm C.J. Other Sewer C.J. Other C.J. Other C.J. Other C.J. Other C.J. Other
   Privy Pet Waste Pit Pilt: Nonconforming Existing Subsurface Pumproom Nonconforming Existing Barn Culler Animal Barn Pen Animal Yard Silo With Pit Glass Lined Storage Facility Silo W/O Pit Earthwell Slag Storage Trench Or Pit

   Temp Manu Stack Temp Manu Stack Storage Structure Subsurface Gasoline Oil Tank Waste Pond or Land Disposal Unit (Specify Type) Other (Give Description)

5. Well intended to supply water for:
   Single Family Dwelling

6. DRILL HOLE
   Dia. (in.) From (ft.) To (ft.) Dia. (in.) From (ft.) To (ft.)
   6 20 60

7. CASING, LINER, CURBING AND SCREEN
   Material, Weight, Specification & Method of Assembly
   Dia. (in.) Material Width of Pipe
   6 3/8 B.C.P.E.

8. FORMATIONS
   Kind From (ft.) To (ft.)
   Clay & gravel 48
   Limestone 48

9. TYPE OF DRILLING MACHINE USED
   - Cable Tool
   - Rotary-air w/drilling mud
   - Rotary-hammer & air
   - Rotary-hammer & air
   - Rotary-w/drilling mud
   - Reverse Rotary
   - Jetting with
   - Air
   - Water

10. MISCELLANEOUS DATA
    Well construction completed on 12/7 1980
    Well is terminated 12 inches above final grade
    Well disinfected upon completion Yes No
    Depth of water level when pumping 38 Ft. Stabilized Yes No
    Well sealed watertight upon completion Yes No
    Water sample sent to laboratory on 12/17 1980

Your opinion concerning other pollution hazards, information concerning difficulties encountered, and data relating to nearby wells, screens, seals, method of finishing the well, amount of cement used in grouting, blasting, etc., should be given on reverse side.

signature
Larry Smith Registered Well Driller

Complete Mail Address
P.O. Box 47  Delavan, Wis. 53115
WELL CONSTRUCTOR'S REPORT TO WISCONSIN STATE BOARD OF HEALTH
See Instructions on Reverse Side

1. County: Walworth
   Village: Darien
   Check one and give name
   Town: X
   City:

2. Location: Section 16
   Name of street and number of premises - Section, Town and Range numbers
   SW 5, SW 5, SE 5, SE 6, T 2 N, R 15 E

3. Owner □ or Agent □ John Mawhinney
   Name of individual, partnership or firm
   Darien, Wisconsin

4. Mail Address
   Complete address required

5. From well to nearest:
   Building ft; sewer ft; drain ft; septic tank ft;
   dry well or filter bed ft; abandoned well ft.

6. Well is intended to supply water for: family use.

7. DRILLHOLE:

<table>
<thead>
<tr>
<th>Dia. (ft)</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>dug well</td>
<td>0</td>
<td>50</td>
</tr>
<tr>
<td>6</td>
<td>50</td>
<td>140</td>
</tr>
</tbody>
</table>

8. CASING AND LINER PIPE OR CURBING:

<table>
<thead>
<tr>
<th>Dia. (in)</th>
<th>Kind and Weight</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>steel</td>
<td>0</td>
<td>73</td>
</tr>
</tbody>
</table>

9. GROUT:

<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>by owner</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

10. FORMATIONS:

<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>dug well</td>
<td>0</td>
<td>50</td>
</tr>
<tr>
<td>sandy clay, gravel</td>
<td>50</td>
<td>68</td>
</tr>
<tr>
<td>limestone</td>
<td>68</td>
<td>140</td>
</tr>
</tbody>
</table>

Construction of the well was completed on: December 28, 1958

11. MISCELLANEOUS DATA:

   Yield test: 2 Hrs. at 15 GPM.
   Depth from surface to water-level: 50 ft.
   Water-level when pumping: 75 ft.
   Water sample was sent to the state laboratory at:
   Beloit, Wis. on Jan. 14, 1959

Signature: John H. 
Registered Well Driller

1975 Prairie Avenue, Beloit, Wisconsin

Please do not write in space below

Rec'd: JAN 15 1959 No. 1139

Ans'd:

Interpretation: UNSAFE

Gas-24 hrs. +

Confirm

B. Coli

Examiner 478014
WELL CONSTRUCTOR'S REPORT TO WISCONSIN STATE BOARD OF HEALTH
See Instructions on Reverse Side

1. County
   - Town
   - Village
   - City

2. Location
   - Name of street and number of premises or Section, Town and Range
     - ENVIRONMENTAL SANITATION

3. Owner or Agent
   - Tracey Forous

4. Mail Address
   - R. 1
   - Jamesville, Wis.

5. From well to nearest:
   - Building: 0 ft; sewer: 0 ft; drain: 0 ft; septic tank: 0 ft;
   - dry well or filter bed: 210 ft; abandoned well: 210 ft.

6. Well is intended to supply water for
   - Substituted for national corn

7. DRILLHOLE:
   - Dia. (in.) | From (ft.) | To (ft.) | Dia. (in.) | From (ft.) | To (ft.)
   - 6          | 45         | 100      | 6          | 45         | 100      

8. CASING AND LINER PIPE OR CURBING:
   - Dia. (in.) | Kind and Weight | From (ft.) | To (ft.)
   - 6         | Standard 19.2 lb. black pipe | 0         | 45         

9. GROUT:
   - Kind | From (ft.) | To (ft.)
   - Cement | 0         | 45         

10. FORMATIONS:
   - Kind | From (ft.) | To (ft.)
   - Top soil | 0         | 2         
   - Rock and gravel | 2         | 7         
   - Brown limestone | 7         | 55         
   - Gray limestone | 55         | 100        

Construction of the well was completed on: Sept. 21, 1954

The well is terminated 10 inches above, below the permanent ground surface.
Was the well disinfected upon completion?
   - Yes ☑ No

Was the well sealed watertight upon completion?
   - Yes ☑ No

Yield test: 6 Hrs. at 40 GPM.
Depth from surface to water-level: 6 ft.
Water-level when pumping: 65 ft.
Water sample was sent to the state laboratory at: Madison on Oct. 5, 1954

Signature
- John F. Idzerda, 900 Anna Ave, Rockford, Ill.
- Registered Well Driller

Please do not write in space below

Complete Mail Address

Rec'd OCT 5 1954 No. 31771

Ans'd

Interpretation

SAFE

Gas-24 hrs.

48 hrs.

Confirm

B. Coli

Examiner
WELL CONSTRUCTOR'S REPORT TO WISCONSIN STATE BOARD OF HEALTH
See Instructions on Reverse Side

1. County: Walworth

2. Location: Section: T2N R3E Sec 1

3. Owner: John Mawhinney

4. Mail Address: Darien, Wisconsin

5. From well to nearest: Building: 60 ft; sewer: 50 ft; drain: 85 ft; septic tank: 50 ft;
dry well or filter bed: 80 ft; abandoned well: 100 ft.

6. Well is intended to supply water for: family use.

7. DRILLHOLE:

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>30&quot; dug well</td>
<td>0</td>
<td>53</td>
</tr>
<tr>
<td>6</td>
<td>53</td>
<td>160</td>
</tr>
</tbody>
</table>

8. CASING AND LINER PIPE OR CURBING:

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Kind and Weight</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>steel</td>
<td>0</td>
<td>104 3/4</td>
</tr>
</tbody>
</table>

9. GROUT:

<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clay, by Owner</td>
<td>0</td>
<td>53</td>
</tr>
</tbody>
</table>

10. FORMATIONS:

<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>dug well</td>
<td>0</td>
<td>53</td>
</tr>
<tr>
<td>sandy clay and gravel</td>
<td>53</td>
<td>85</td>
</tr>
<tr>
<td>clay and gravel</td>
<td>85</td>
<td>103</td>
</tr>
<tr>
<td>limestone</td>
<td>103</td>
<td>160</td>
</tr>
</tbody>
</table>

11. MISCELLANEOUS DATA:

Yield test: 3 Hrs. at 15 GPM.
Depth from surface to water-level: 53 ft.
Water-level when pumping: 65 ft.
Water sample was sent to the state laboratory at: Beloit, Wis. on Oct. 1, 1958

1975 Prairie Avenue, Beloit, Wisconsin

Construction of the well was completed on: September 25, 1958
8 inches above, below the permanent ground surface.

Was the well disinfected upon completion? Yes. No.
Was the well sealed watertight upon completion? Yes. No.

Signature: Registered Well Driller
Please do not write in space below.

1958 10 ml 10 ml 10 ml 10 ml 10 ml
Gas—24 hrs. ——— ——— ——— ——— ———
48 hrs. ——— ——— ——— ——— ———
Confirm ——— ——— ——— ——— ———
B. Coll. ——— ——— ——— ——— ———

Examiner: 478015
**Well Construction Report**

**Wisconsin Unique Well Number**: GL839

**Property Owner**: GRUEL, BOB

**Mailing Address**: CHRISTIE RD

**City**: DARIEN

**County**: Walworth

**Well Constructor (Business Name)**: LARRY D HINTZ

**Address**: RT 2 BOX 47 DELAVAN WI 53115-9610

**Latitude / Longitude in Decimal Degree (DD)**: "N" "W"

**Method Code**: GPS008

**Facility ID # (Public Wells)**: 508

**Well Plan Approval #**

**Approval Date**: (mm-dd-yyyy)

**Well Location**: Fire # (if avail.)

**Town of DARIEN**

**Street Address or Road Name and Number**

**Completed**: 02-16-1994

**Subdivision Name**

**Lot #**

**Block #**

**Reason for replaced or reconstructed well?**

**Well Type**: New Well

**3. Well serves**: 1 # of

- **Hicap Well?** No

- **Hicap Property?** No

- **Hicap Potable?**

**3. Potential Contamination Sources - ON REVERSE SIDE**

**4. Potential Contamination Sources**

**5. Drillhole Dimensions and Construction Method**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th>Upper Enlarged Drillhole</th>
<th>Lower Open Bedrock</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>Surface</td>
<td>8</td>
<td>Rotary - Mud Circulation</td>
<td>Rotary - Air</td>
</tr>
<tr>
<td>6</td>
<td>8</td>
<td>71</td>
<td>Rotary - Air &amp; Foam</td>
<td>Drill-Through Casing Hammer</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Reverse Rotary</td>
<td>Dual Rotary</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cable-tool Bit 10in. dia</td>
<td>Temp. Outer Casing in dia</td>
</tr>
</tbody>
</table>

**6. Casing, Liner, Screen**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Material, Weight, Specification Manufacturer &amp; Method of Assembly</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>BLK STEEL P-E 18.97 A63 (SAWHILL)</td>
<td>Surface</td>
<td>68</td>
</tr>
<tr>
<td>6</td>
<td>STAINLESS STEEL</td>
<td>68</td>
<td>71</td>
</tr>
</tbody>
</table>

**9. Static Water Level**

- 45 ft. below ground surface

**10. Pump Test**

- Pumping level 45 ft. below surface

- Pumping at 10 GPM for 12 Hrs.

**11. Well Is**

- 16 in. above grade

**12. Notified Owner of need to fill & seal?**

- Filled & Sealed Well(s) as needed

**13. Contractor / Supervisory Driller**

- Lic #

- Date Signed

- LH

- 02-17-1994

- Drill Rig Operator

- Lic or Reg #

- Date Signed

- WISCONSIN UNIQUE WELL NUMBER

- GL839
### 4a. Potential Contamination Sources

<table>
<thead>
<tr>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
<th>Type</th>
<th>Qualifier</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>POWTS dispersal component (soil absorption unit or mound)</td>
<td></td>
<td>55</td>
<td>Building Overhang</td>
<td></td>
<td>15</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Septic or Holding, or POWTS Tank</td>
<td></td>
<td>65</td>
</tr>
</tbody>
</table>

**Comment:**

**Water Quality Text:**

**Water Quantity Text:**

**Difficulty Text:**

---

**Created On:** 06-06-1994  **Created by:** HFRC LOAD  **Updated On:** 06-06-1994  **Updated by:** MIGRATION
WELL CONSTRUCTOR'S REPORT TO WISCONSIN STATE BOARD OF HEALTH
See Instructions on Reverse Side

1. County: Kewaskum, Town: Bradford, City: Fairfield

2. Location: Northwest Quarter, Section Twelve, Town Two, Range Fourteen, E.

3. Owner or Agent: Henry Willard

4. Address: Darawan, Wisconsin, R. R.

5. From well to nearest: Building 4 ft., sewer: None, drain: None, septic tank: None, dry well or filter bed: None, abandoned well: None.

6. Well is intended to supply water for: Household

7. DRILLHOLE OR EXCAVATION:

<table>
<thead>
<tr>
<th>Dist. (ft)</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>0</td>
<td>68</td>
</tr>
</tbody>
</table>

8. CASING AND LINER PIPE OR CURBING:

<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6&quot; Water Pipe</td>
<td>0</td>
<td>68</td>
</tr>
</tbody>
</table>

9. GROUT:

<table>
<thead>
<tr>
<th>Kind</th>
<th>From (ft)</th>
<th>To (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mud Grout</td>
<td>0</td>
<td>20</td>
</tr>
</tbody>
</table>

10. FORMATIONS:

<table>
<thead>
<tr>
<th>Kind</th>
<th>Thickness (ft)</th>
<th>Total Depth (ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hardpan</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>Dry Gravel</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Water Sand &amp; Gravel</td>
<td>8</td>
<td>8</td>
</tr>
</tbody>
</table>

11. MISCELLANEOUS DATA:

Yield test: 2 Hrs. at 10 GPM.
Depth from surface to water: 28 ft.
Water-level when pumping: 24 ft.
Water sample sent to laboratory at Kenosha on March 19, 1945.

Construction of the well was completed on March 2 1945.
The well is terminated 6 inches (above) (below) the permanent grade.
Was the well disinfected upon completion? Yes X No
Was the well sealed watertight upon completion? Yes X No

Signature: [Registered Well Driller]

Elkhorn, Wisconsin

Complete Mail Address}

---

MAR 19 1945
**Well Construction Report**

**WISCONSIN UNIQUE WELL NUMBER**: IL447

**Property Owner**: WALWORTH CTY METROPOLITAN SEWAGE DIST

**Address**: 975 WALWORTH AVE

**City**: DELAVAN, **State**: WI, **Zip Code**: 53115

**County**: Walworth, **Co. Permit #**: 07-07-1995

**Well Constructor (Business Name)**: SAMS ROTARY DRILLERS INC

**Lic. #**: 370

**Facility ID # (Public Wells)**: Well Plan Approval #

**Address**: PO BOX 150, RANDOLPH, WI 53956-0150

**Hicap Permanent Well #**: 1306

**Common Well #**: 001

**Specific Capacity**: 3.30

**Latitude / Longitude in Decimal Degree (DD)**: "N" "W" Method Code

**NE** **SE** **Section** **Township** **Range**

**Range Govt Lot #**: GPS008

**Reason for replaced or reconstructed well?**

**Well Type**

**Potential Contamination Sources - ON REVERSE SIDE**

**Drillhole Dimensions and Construction Method**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>From (ft.)</th>
<th>To (ft.)</th>
<th>Upper Enlarged Drillhole</th>
<th>Lower Open Bedrock</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>Surface</td>
<td>133</td>
<td>Yes</td>
<td>Rotary - Mud Circulation</td>
</tr>
<tr>
<td>8</td>
<td>133</td>
<td>415</td>
<td>Rotary - Air</td>
<td>Rotary - Air &amp; Foam</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Drill-Through Casing Hammer</td>
<td>Reverse Rotary</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Cable-tool Bit in dia...</td>
<td>Dual Rotary</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Temp. Outer Casing in dia</td>
<td>Removed? depth ft. (If NO explain on back side)</td>
</tr>
</tbody>
</table>

**Casing, Liner, Screen**

<table>
<thead>
<tr>
<th>Dia. (in.)</th>
<th>Material, Weight, Specification Manufacturer &amp; Method of Assembly</th>
</tr>
</thead>
<tbody>
<tr>
<td>8</td>
<td>STD BLK PIPE A53B WELD JTS IPSCO 322 WALL</td>
</tr>
</tbody>
</table>

**Grout or Other Sealing Material**

**Method**: TREMIE

**Kind of Sealing Material**: CEMENT

**From (ft.)** **To (ft.)** **# Sacks Cement**

**Surface** **133** **60**

**Static Water Level**

| 91 ft below ground surface |

**Well Is**

**Pump Test**

**Pumping level 121 ft. below surface**

**Pumping at 100 GP M for 4 Hrs.**

**Pumping Method**

**Notified Owner of need to fill & seal?**

**Filled & Sealed Well(s) as needed?**

---

**WISCONSIN UNIQUE WELL NUMBER**: IL447
4a. Potential Contamination Sources Is the well located in floodplain? No

Comment:

Water Quality Text:

Water Quantity Text:

Difficulty Text:

Attachment E
September 4, 2020

**Wetlands**
- Estuarine and Marine Deepwater
- Freshwater Emergent Wetland
- Freshwater Forested/Shrub Wetland
- Freshwater Pond
- Lake
- Other
- Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.
Classification code: PUSC

System Palustrine (P): The Palustrine System includes all nontidal wetlands dominated by trees, shrubs, persistent emergents, emergent mosses or lichens, and all such wetlands that occur in tidal areas where salinity due to ocean-derived salts is below 0.5 ppt. It also includes wetlands lacking such vegetation, but with all of the following four characteristics: (1) area less than 8 ha (20 acres); (2) active wave-formed or bedrock shoreline features lacking; (3) water depth in the deepest part of basin less than 2.5 m (8.2 ft) at low water; and (4) salinity due to ocean-derived salts less than 0.5 ppt.

Class Unconsolidated Shore (US): Includes all wetland habitats having two characteristics: (1) unconsolidated substrates with less than 75 percent areal cover of stones, boulders or bedrock and; (2) less than 30 percent areal cover of vegetation. Landforms such as beaches, bars, and flats are included in the Unconsolidated Shore class.

Water Regime Seasonally Flooded (C): Surface water is present for extended periods especially early in the growing season, but is absent by the end of the growing season in most years. The water table after flooding ceases is variable, extending from saturated to the surface to a water table well below the ground surface.
This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.
Table 6: Aquatic Communities with Species of Special Concern in Turtle Creek Watershed

<table>
<thead>
<tr>
<th>Plant Community</th>
<th>Location</th>
<th>Indicator Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry Prairie</td>
<td>Rock River Prairie</td>
<td>little bluestem, side-oats grama, silky aster, shooting star, prairie gentian, prairie smoke, etc.</td>
</tr>
<tr>
<td>Prairie Remnant</td>
<td>Duggan Road Prairie</td>
<td>Pale-Purple Coneflower, etc.</td>
</tr>
<tr>
<td>Dry Prairie</td>
<td>Happy Hollow Dry Prairie</td>
<td>short grasses, little bluestem, side-oats grama; dry prairie forbs.</td>
</tr>
<tr>
<td>Wet-Mesic Prairie</td>
<td>Tiffany Prairie</td>
<td>deep soil prairie, various.</td>
</tr>
<tr>
<td>Dry-Mesic Prairie</td>
<td>Vine Prairie</td>
<td>side-oats grama, prairie dropseed, big and little bluestem; false toadflax, purple prairie clover, small skullcap, stiff aster, etc.</td>
</tr>
<tr>
<td>Dry-Mesic Prairie</td>
<td>Morningside Prairie</td>
<td>Remnant dry mesic prairie in residential subdivision; rare resources present; trash dumping and woody invaders present.</td>
</tr>
<tr>
<td>Dry Mesic Prairie</td>
<td>Sussex Road Prairie</td>
<td>Located on a gravel hill stop in subdivision development east of Janesville; prairie is included as city park greenspace.</td>
</tr>
<tr>
<td>Dry-Mesic Prairie</td>
<td>Harmony Hill Prairie</td>
<td>Severely reduced in size from residential development; prairie never plowed or grazed; located on north facing slope of gravel hill. Big and little bluestem, Indian grass and prairie dropseed dominant. Several rare species present.</td>
</tr>
</tbody>
</table>

The following table contains federally-listed Threatened, Endangered, Proposed, and Candidate species found in Walworth and Rock counties, in which the Turtle Creek Watershed is located.

Table 7: Federally-Listed Threatened, Endangered, Proposed, and Candidate Species in Walworth and Rock Counties

<table>
<thead>
<tr>
<th>Species</th>
<th>Status</th>
<th>Habitat</th>
<th>Taxa</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whooping crane (Grus americanus)</td>
<td>**Non-essential experi-</td>
<td>Open wetlands and lakeshores</td>
<td>Bird</td>
</tr>
<tr>
<td></td>
<td>mental population</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eastern massasauga (Sistrurus catenatus</td>
<td>Candidate</td>
<td>Open to forested wetlands and adjacent upland</td>
<td>Reptile</td>
</tr>
<tr>
<td>catenatus)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eastern prairie fringed orchid (Platanthera leucophaea)</td>
<td>Threatened</td>
<td>Wet grasslands</td>
<td>Plant</td>
</tr>
<tr>
<td>Prairie bush-clover (Lespedeza leptostachya)</td>
<td>Threatened</td>
<td>Dry to mesic prairies with gravelly soil areas</td>
<td>Plant</td>
</tr>
</tbody>
</table>

**Whooping Crane** - On June 26, 2001, a nonessential experimental population of the whooping crane was designated in a 20-state area of the eastern United States. The first release of birds occurred in Wisconsin in 2001, and the counties listed are those where the species has been observed to date. It is unknown at this time which counties the species will occupy in the future, as the birds mature and begin to exhibit territorial behavior. For purposes of section 7 consultation, this species is considered as a proposed species, except where it occurs within the National Wildlife Refuge System or the National Park System, where it is treated as a threatened species (http://www.fws.gov/midwest/endangered/lists/wisc-spp.html).

State Wildlife Areas

**Turtle Creek Wildlife Area**

Turtle Creek Wildlife Area is a 1,035-acre property located in western Walworth and eastern Rock counties. The property snakes along ten miles of Turtle Creek in four segments from Delavan to South O'Riley Road. There are ten road crossings and/or parking lots scattered through the length of the property.

Figure 6: Turtle Creek State Wildlife Area
The habitat consists of sedge meadow, shrub carr, hardwood forest, and small prairie remnants. Large fall and winter concentrations of Canada geese can be seen at Turtle Creek. It is also home to a number of rare fish and reptile species. Hunting/viewing opportunities include deer, waterfowl, small game, and partridge. Mourning dove hunting is available on natural field/dike edges as well as sharecropped fields of corn, hay, and soybeans.

Turtle Creek is featured in the Southern Savanna Region of the Great Wisconsin Birding and Nature Trail [Exit DNR] as a property on which to see yellow, blue-winged and golden warblers, along with eastern meadowlarks, brown thrashers and lark sparrows.

Turtle Creek is identified as a Conservation Opportunity Area for medium-size rivers and streams of Upper Midwest/Regional significance within the Southeast Glacial Plains Ecological Landscape according to Wisconsin’s Wildlife Action Plan. The wildlife area is managed to provide opportunities for public hunting, fishing, trapping, and other outdoor recreation while protecting the qualities of the unique native communities and associated species found on the property. The sedge meadow and shrub carr communities are managed through prescribed burning, mowing, and herbicide use to limit brush encroachment, encourage the sedge meadow community and limit the spread of reed canary grass. Shelterwood harvests are prescribed to maintain and regenerate the limited oak resource along this linear property. Populations of invasive species are controlled or eliminated by cutting, pulling, burning, herbicide treatment and/or bio-control.

**Turtle Valley Wildlife Area**

Turtle Valley Wildlife Area is located in western Walworth County, northwest of the City of Elkhorn. County Highway P and O dissect the property into three areas. The property is approximately 1,900 acres with two small tracts of land on Turtle Lake and one large tract south of Turtle Lake. Turtle Valley Wildlife Area consists of mostly shallow marsh and wet meadow with tall grass prairie on the surrounding uplands. Cattail dominate the marshes and a few small woodlots exist on the property.

The Wildlife Area was created in 2000. Prior to restoration of the wetlands the muck soils were farmed for mint. Through cooperation with USDA-NRCS, wetlands were restored using a series of berms, breaking drainage tile, and plugging ditches. Nine flowages were created through the restoration process and prairie was planted in the uplands.

The shallow marshes are managed to maintain fifty percent open water. This hemi-marsh environment is ideal for waterfowl production and provides excellent hunting opportunity. Management activities to promote grassland and savanna are conducted on the surrounding uplands.

The habitats throughout the entire wildlife area will be maintained and improved using a number of techniques including prescribed fire, brush removal, planting native species, and removal of invasive species. Water level manipulation is used in conjunction with the aforementioned management tools. Be sure to prescout your hunting as flowages may be drawn down in the fall. A waterfowl refuge exists in the middle of the property to hold birds in the area.

**Watershed Actions**

**Grants and Projects**

Dredging Grant - Mound Road Wetland Enhancement Project 08/01/2009 - Complete

The Town of Delavan received a Chapter 30 permit to make modifications to the existing water quality treatment wetland owned by the town located north of Mound Road in Section 12 of the Town of Delavan. The Chapter 30 permit was to conduct the following activities: 1.) Maintenance dredging of approximately 36, 500 cubic yards (CY) from the north and east detention basins located on the property. 2.) Dredging of approximately 1,700 CY from in front of the U. S. Geological Survey (USGS) stream gauging station located at Mound Road to prevent the equipment intake from
becoming plugged with sediment. The majority of the material from the proposed dredging activities was disposed of through soil injection at the former 57-acre Betty Grant Farm located to the east of the project site, currently owned by Mound Road Farm, LLC. The soil/water spoil slurry was injected 6 inches deep into the agricultural field using manure injection techniques. Approximately 2,900 CY of soft sediments dredged from the north basin were found to contain low level concentrations of polycyclic aromatic hydrocarbons (PAHs). Although the PAHs levels were acceptable to the Wisconsin Department of Natural Resources (WDNR) for disposal on upland sites, they were disposed of at Mallard Ridge Landfill, W8470 State Road 11 Delavan WI at the request of Mound Road Farm, LLC.

Lake Planning Grant - Delavan Lake APM Plan 04/01/2008 – Complete
The Delavan Lake Sanitary District hired a contractor to conduct a plant survey and develop an aquatic plant management plan for Delavan Lake. The plant survey was a transect survey, conducted to match previously completed plant surveys. Four rake samples were taken at each survey point. A final report contained the following elements: 1) Results of the points sampled, including sediment type found and maximum rooting depth, 2) Results of a general lake survey to map general plant beds, map localized plant beds, map species distribution, and a list of plant species found, 3) Review of existing conditions of the watershed, identified and quantified potential point and nonpoint sources of pollution, and identified nutrient and contaminant input and balances, 4) Results of WILMS and UAL modeling, 5) Results of recreational use survey, 6) An aquatic plant management plan that meets the requirements of NR 109.09, and 7) Minutes from two public meetings regarding aquatic plant issues. Two paper copies and one electronic copy of the final plan were provided to the department. Exact details for all deliverables are described in the project description of grant application.

Lake Protection Grant - Shoreline Habitat Restoration-Walworth Co. 09/01/2005 – Complete
Walworth County continued the Walworth County Lakes Specialist position for one year. The Lakes Specialist provided educational information to lake residents regarding shoreline stabilization and shoreline restoration. The Lakes Specialist also designed shoreline restoration projects for interested landowners, provided technical assistance to contractors and held workshops on shoreland restoration. The project deliverables were a report containing the following: 1) Copies of the shoreland restoration designs; 2) Copies of the fliers for each restoration workshop and 3) Details regarding the accomplishments of the Lakes Specialist over the year of the grant. Two paper copies and one electronic copy of the report were provided to the Department of Natural Resources.

Lake Planning Grant - Lakeshore Landowners survey grant- Walworth Co. 10/01/2004 - Complete
The Walworth County Land Use and Resource Management Department developed a survey to send out to approximately 6,000 lakeshore landowners. The survey inquired about landowner knowledge, views, perceptions, and interest in water quality problems and water quality protection measures. The project deliverables included a copy of the survey and the final report containing the analysis of the completed surveys. The grantee provided a final report to DNR Lake Coordinator. DNR received both paper and electronic PDF copies of the final report along with, or prior to submission of grantee’s final payment request.

Lake Planning Grant - Lake Community Planning Inventory-Walworth Co. 10/01/2004 - Complete
The Walworth County Land Use and Resource Management Department developed a survey to send out to 99 units of government and lake associations in Walworth County that are directly involved with the 36 lakes in Walworth County. The survey inquired about institutional tools, laws, ordinances, studies, and educational programs that existed or were needed. The project deliverables included a copy of the survey and the final report containing the analysis of the completed surveys. The grantee provided a final report to DNR Lake Coordinator. DNR received both paper and electronic PDF copies of the final report along with, or prior to submission of grantee’s final payment request.

Aquatic Invasive Species Grant - Clean Boats/Clean Waters Program-Delavan 10/01/2004 – Complete
The Town of Delavan hired a part-time Coordinator to run a Clean Boats, Clean Waters volunteer program at the Town of Delavan public boat launch. Volunteers staffed the boat launch and talked to boaters about exotic species and cleaning boats. The project deliverables were: 1) Entering boater/volunteer contact data into the statewide database and 2) A short report written by the coordinator detailing how the program started and operated as well as summary statistics of numbers of boaters, bait shops and private launches contacted during the grant program. The grantee provided a final report to DNR Lake Coordinator.

Lake Planning Grant - Wetland Restoration Project - Delavan Lake 04/01/2003 - Complete
The Town of Delavan redesigned and retrofitted their stormwater pond/wetland restoration complex. The total costs...
for engineering, construction and monitoring were estimated to be $375,000. The costs for engineering alone cost an estimated $70,000. This grant covered a small portion of the costs for design of the retrofit. The project deliverable was the design specifications (i.e. construction plans) to allow this project to be constructed. Approval of this plan set for the purposes of fulfilling the grant contract requirements did not include Chapter 30 permit approval. The Town of Delavan had to apply for Chapter 30 permits in order to carry out the project. The DNR was provided with both a paper copy and an electronic copy of the final report. Information was disseminated to the public as described in the grant application.

Lake Protection Grant - Delavan Lake Wetland Restoration 07/01/2002 – Complete
Grant funds were used for the seeding and planting in connection with the Mound Road Sedimentation Pond Project which the Town of Delavan has undertaken. The DNR was provided with both a paper copy and an electronic copy of the final report. Information was disseminated to the public as described in the grant application.

NPS Grant - Lake Comus Shoreline TRM 01/01/2002 – Complete
State cost-shared (@70% with City of Delavan DPW) the installation of the Lake Comus Shoreline Protection TRM project.

NPS Grant - Ann Street Basin 01/01/2002 – Complete
State cost-shared (@50% with City of Delavan DPW) the design & construction of Ann Street Basin.

Lake Protection - Walworth County Shoreland Protection Initiative 01/01/2001 – Complete
Walworth County implemented the Shoreland Protection Initiative project that included: 1. A baseline lakeshore inventory; 2. Ten lakeshore demonstration sites; 3. The preparation of lake lawn and yard nutrient management plans; 4. Fact sheets on lakeshore stabilization, shoreland buffers, shoreland regulations and lawn care; 5. An annual lakeshore inventory and distribution of shoreland regulation materials; 6. Formation of a Walworth County Lakes Association and meetings with and newsletter pertaining to Walworth County lakes; 7. Workshops, information packets and news articles pertaining to the Fox River Basin Partnership Team Lakes Initiative; and 8. The formation of the Walworth County Land Conservancy.

Lake Planning - Lake Delavan Nonpoint Pollution Study and Alum Treatment Analysis 04/01/1997 - Complete
The Town of Delavan proposed to analyze the role of nonpoint source pollution in the external loading of nutrients of Delavan Lake. Project activities included a watershed inventory review and update, water quality impact assessment/modeling, and identification of alternative management actions. The 1992 alum treatment of the lake to control internal nutrient loads was also analyzed with regard to future applications.

Lake Planning - Delavan Lake Phosphorus Loading Study 04/03/1995 - Complete
Identified the biological consequences of the internal loading. Investigated the causative factors underlying the reduced biological response. Investigated the role of bio-manipulation in the control of the biological response. Refined the recommended management plan. Continued the on-going public information program and other management actions. Disseminated information to the public by public meetings, and local newspaper articles.

Lake Planning - Delavan Lake Land Use Inventory & Analysis & Nonpoint Source Pollution Study 03/31/1995 - Complete
Reviewed the rural land inventory and control plan compiled for the Delavan Lake portion of the Turtle Creek Priority Watershed. Assessed the degree to which rural nonpoint source control practices have been implemented. Identified practices requiring repair and the changes in land use that have occurred since the Turtle Creek plan was completed. Evaluated additional practices that may be implemented. Refined the recommendation plan to control nonpoint source pollutants. Information was disseminated to the public by public meetings and local newspaper articles. Project results were repositied at the Town of Delavan, Walworth County, DNR, Delavan Public Library and SEWRPC offices.

Lake Planning Grant - Delavan Lake Watershed Nonpoint Pollution Source Assessment 03/31/1995 - Complete
Prepared a description of existing conditions in the Delavan Lake Watershed. Quantified the extent of existing and potential future point and nonpoint sources of pollution. Assessed the degree and intensity of recreational uses of Delavan Lake. Assessed the impacts of sediments and plants on the lake ecosystem and lake use. Formulated appropriate management actions, information strategies, ordinances, and other potential responses to identified problems. The grantee disseminated information to the public by public meetings, local newspaper articles, and has copies available from the town offices. Project results were repositied at the Town of Delavan, Walworth County, DNR, SEWRPC, and Delavan Public Library.
Lake Planning Grant - Delavan Lake Nutrient Loading Study & Rehabilitation Plan 03/31/1995 - Complete
Quantification of the sources of the enhanced nutrient loading. Determination of the management actions necessary to reduce or eliminate loading. Refinement of the recommended lake rehabilitation plan. Continuation of the public information program. The grantee disseminated information to the public by newsletter, fact sheet distribution, public meetings, local newspaper articles, and a comprehensive management plan. Project results were repositioned at Walworth County and Town of Delavan.

Lake Protection Grant - Mound Road Wetland Restoration-Delavan 04/11/1994 - Complete
In 1992 the Town of Delavan installed an 85-acre water quality wetland treatment system north of Mound Road in Section 12, Township 2 North, Range 16 East as a result of a WDNR Environmental Impact Statement (EIS) completed in March 1989 as part of the Delavan Lake Rehabilitation project. The wetland system was constructed on previous agricultural land purchased by the Town of Delavan from Adelheid Karg. The purpose of the wetland treatment was to reduce sediment and phosphorus entering Delavan Lake. The project was one component of a several million-dollar restoration of Delavan Lake. Monitoring of the wetland system’s performance by the USGS has indicated that the system was not performing to the original expectations. Shallow depths of the constructed detention basins and channelization of the stream channels reduced the efficiency of the wetland to trap pollutants. An analysis by the consulting firm of Hey and Associates, the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and the USGS recommended that deepening of two of the three detention basins could improve the performance of the wetland treatment system. A follow-up dredging project was completed on the Mound Road wetlands in August of 2009.

Lake Planning Grant - Delavan Lake Phosphorus Release Study 01/01/1990 - Complete
The town of Delavan proposed to seek information relating to existing conditions with respect to phosphorous release into inlet waters and identify the factors that are most likely to affect such releases. In addition, the field work provided data from the natural system that may be used for verification of laboratory findings. Project activities included: 1) Construction of a base site and monitor water quality biweekly for 24 weeks 2) Purchase and temporarily installation of four limno corals 3) Collection of dissolved oxygen, pH, and temperature data from each limno corral and the base site 4) Collection and analysis of water quality samples within each limno corral 5) The report was provided to the Department, Town of Delavan and the Delavan Lakes Sanitary District within two months of the completed work. Information was disseminated to the public by local newspaper articles and public meetings. Project results were repositioned at Delavan Public Library, WDNR, Walworth County and City of Delavan.

Monitoring

Lakes Baseline and Trends Monitoring
River Monitoring is conducted to comply with Clean Water Act implementation - water quality standards: use designations, criterion, permit issuance and compliance, assessments and impaired waters management.

Fisheries projects include a wide variety of “baseline” monitoring and targeted fieldwork to gain specific knowledge related to Wisconsin’s fish communities.

In close cooperation with UW Extension and Wisconsin Sea Grant, education efforts focus on working with resource professionals and citizens statewide to teach boaters, anglers, and other water users how to prevent transporting aquatic invasive species when moving their boats. Additional initiatives include monitoring and control programs.

Volunteer Monitoring
The Citizen Lake Monitoring Network, the core of the Wisconsin Lakes Partnership, involves over 1,000 citizen volunteers statewide. The goals are to collect high quality data, to educate and empower volunteers, and to share this data and knowledge. Volunteers measure water clarity, using the Secchi Disk method, as an indicator of water quality. This information is then used to determine the lake trophic state. Volunteers may also collect chemistry, temperature, and dissolved oxygen data, as well as identify and map plants, watch for the first appearance of Eurasian water-milfoil near boat landings, or alert officials about zebra mussel invasions on Wisconsin lakes. Monitoring consists of lake monitoring and surveys for water quality, aquatic plants, aquatic invasive species, and ice observations.

Citizen Stream Monitoring - Water Action Volunteers
There have been seven stations monitored by at least 10 Volunteer Stream Monitors in the LR01-Turtle Creek Water-
shed from 2005 through 2010. Two of the stations are monitored for dissolved oxygen, pH, instantaneous and continuous temperature and transparency using Level 2 procedures, and entered into the SWIMS database (http://prodoasjava.dnr.wi.gov/swims/welcome.do). Six stations are monitored for biotic index, flow, dissolved oxygen, instantaneous temperature and transparency using Level 1 procedures, and entered in the WAV database (http://www.uwex.edu/erc/wavdbv). On average, stations in the watershed were monitored monthly from May through October; however Turtle Creek at Heidt Property, CBSM-10012287 (Level 1 and 2) and Turtle Creek, Creek Rd, Beloit, upstream from Shopiere Rd, CBSM-10029793 (Level 1) were also monitored during winter months.

- Volunteers collect macroinvertebrates twice a year (the first and last sampling event of the season) to determine a biotic index for each stream monitored. Streams are considered in poor quality if biotic index is between 1.0-2.0, fair quality if between 2.1-2.5, and in good quality if the index is between 2.6-3.5. Overall, biotic index values rated streams in the watershed to be in fair to good quality (ranging from 2.1-3.5).
- Stream flow varied depending on season and local weather patterns each year. Volunteers recorded stream flow almost year round at Turtle Creek at Creek Road. Generally, there was a higher flow rate in the spring than late summer and fall throughout the watershed. Average stream flow measurements for the sixty-one field events were 133 cubic feet per second (cfs) and ranged from 36.4 to 368 cfs.
- Overall, volunteers recorded dissolved oxygen levels in the watershed ranging from 5-18mg/l, which are sufficient to sustain aquatic life. Throughout the monitoring seasons, volunteers collected pH measurements primarily within state standards (which range from 6 to 9) ranging from 7.37 and 8.35.
- Temperature measurements, used to classify streams as cold, cool or warm water habitats, and which are indicative of the ability of a habitat to sustain aquatic species were manually and continuously recorded at both stations each season. Maximum instantaneous temperatures were between 26-28°C for all streams using this method; suggesting they may be cool water streams. Maximum daily mean temperatures from the continuously measured temperatures indicate streams transition between cool and warm water throughout the four to five years they were monitored using the data loggers.
- Stream transparency measurements were erratic throughout the monitoring season with 48% of the 89 field events measuring less than 10 NTU. The remaining 50% of readings ranged from 10-230 NTU. Only one reading at Turtle Creek at Heidt Property measured greater than 240 NTU in June 2009.

Total Maximum Daily Loads (TMDL) Implementation

The entire Rock River Basin is the subject of a multi-year, large-scale basinwide Total Maximum Daily Load (TMDL) implementation. This large-scale multi-agency effort has been supported by nonprofits (Rock River Coalition), governmental entities, including the USEPA and Wisconsin DNR and municipal and industrial interests and businesses. While only mile 24.77 through 35.58 of Turtle Creek is currently listed as impaired on the state’s Clean Water Act 303(d) list, this downstream portion of the very large Rock River Basin is part of a large, growing, heavily used basin, which is the subject of a large scale restoration.

TMDL implementation is active with multiple sectors and active committees. Formally the following areas are delineated and reported on regularly for TMDL Implementation: Overall Implementation, Agriculture, Education and Outreach, Monitoring, MS4 (Stormwater) and Wastewater. The Rock River TMDL Implementation Team is an active group with close interaction with and support by the UW Extension, the Rock River Coalition and local municipalities, businesses, citizens groups and volunteers. A quarterly implementation newsletter is distributed through "Gov Delivery". For more information on how to become engaged in the TMDL process contact Mark Riedel, Rock River TMDL project manager.
Basin/Watershed Partners
Kettle Moraine Land Trust (KMLT) has partnered with the Delavan Lake Improvement Association to develop a land conservation plan that will help reduce pollutants such as nutrients and sediments entering Delavan Lake. This plan will be developed as part of the Delavan Lake Watershed Initiative Network (WIN), which is a coalition of municipalities and organizations created in 2010 with a goal of protecting the lake from industrial, agricultural and storm water pollution.

In addition, a preserve located along Jackson Creek, just east of Highway 67 and south of Elkhorn, was donated to Walworth County Land Conservancy (WCLC) by the developer of the Jackson Creek Subdivision located along the preserves southern border. The WCLC was renamed Land Trust of Walworth County (LTWC) in 2005 and merged into Kettle Moraine Land Trust during 2009. The creek flows east to west through the property and then through a culvert located under Highway 67 to Delavan Lake. This preserve protects native prairie/fen and provides a view of beautiful native flowers for the community. It comprises 9.4 acres of wetland south of Jackson Creek and 12.9 acres on the north side. The parcel also includes 1.1 acres of upland old field. Public access is limited to volunteers and contractors, as there is no on-site parking and no trails are planned for the future. The topography and wetness does not lend itself to a trail.

Delavan Lake and Jackson Creek are the continued focus of conservation efforts in Walworth County as part of the Mississippi River Basin Healthy Watersheds Initiative (MRBI). Through a cooperative agreement between the USDA Natural Resources Conservation Service (NRCS) and the Kettle Moraine Land Trust, financial and technical assistance is available to farmers to begin using conservation practices that result in the reduction of nutrients and sediment flowing into Lake Delavan. Through this initiative, the Kettle Moraine Land Trust has been awarded a total of $200,616 over three years (2010-2012) from the NRCS.

Another basin partner, the Rock River Stormwater Group (RRSG), was established in 2008 for the creation and operation of a Stormwater Education Program to help groups fulfill the Wisconsin Department of Natural Resources MS4 permit requirements and to promote sustainable stormwater practices in the Rock River Basin. The Town of Beloit is a full member of RRSG and other municipalities and agencies within the Turtle Creek Watershed that do not have to meet MS4 permit requirements, but participate with stormwater education and outreach in their communities may be associate members.

Recommendations
- The City of Beloit and Rock County should take advantage of Federal, state and private funding opportunities to acquire additional public access and lands along Turtle Creek. (Type 2)
- Biotic survey work should be conducted on Spring Brook Creek (T1N R14E S31) to determine if point source discharges have caused any biological impacts from changes in water temperature. (Type 1)
- The Turtle Lake Management Organization should apply for a lakes planning grant to gather three to four years of baseline water quality and habitat information and to identify and possibly protect the lake's remaining riparian wetlands. (Type 2)
- The cities of Beloit, Delavan and Elkhorn should develop comprehensive stormwater management plans that are integrated with their respective cities' urban sewer service area plans and zoning plats and the counties' land use plans. (Type 2)
- The cities of Delavan, Elkhorn and Beloit should enact and enforce construction site erosion control and stormwater management ordinances. (Type 2)
- The Comus Lake Management Organization should participate in WDNR's Self-Help Monitoring Program on Comus Lake to track water quality trends in the lake, especially as the City of Delavan grows. (Type 2)
- The Lower Rock River Basin Team should construct wildlife ponds in the Turtle Creek Wildlife Area. (Type 1)
- The Lower Rock River Basin Team should conduct a stream classification survey for Little Turtle Creek to determine if its use classification should be changed from limited forage fishery to warm water forage fishery. This should include an assessment of remaining major sources of polluted runoff affecting stream water quality. (Type 1)
- The Lower Rock River Basin Team should conduct a formal stream classification for Ladd, Piscasaw and Swan creeks, including an assessment of remaining major sources of polluted runoff that may affect water quality of the streams. (Type 1)
- The Walworth County Land Conservation Department should track enforcement of its 1994 Land Disturbance and Erosion Control and Stormwater Management Ordinance to protect water quality in Lake Delavan and the Turtle...
Creek Watershed. (Type 2)
- The Turtle Lake Association should become involved in WDNR's Self-Help Monitoring Program to collect water quality data.
- The Lower Rock River Basin Team should evaluate Turtle Creek for adverse impacts to water quality or recreation due to the abandoned Shopiere Dam and develop a long-term plan for dam removal if adverse effects are documented. (Type 1)

Contributors
- Maureen McBroom, SER; Michael Sorge, SCR; Susan Josheff, Lower Rock Basin.
- Jordan Emerson, Lisa Helmuth, Mark Binder, Matt Rehwald, Chris Smith, Mandie Lederer, and Fran Keally, Watershed Management, Madison, WI

Inlet into Delavan Lake, Walworth County

Wisconsin Department of Natural Resources
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DNR PUB WY-031 2011 (2015)
5.01 Miles
Segment 0 - 5.01
Natural Community Coldwater, Cool-Cold Headwater
Year Last Monitored 2015
General Condition Fair

Unlimited is located in the Turtle Creek watershed which is 288.47 mi². Land use in the watershed is primarily agricultural (69.80%), grassland (9.10%) and a mix of forest (6.50%) and other uses (14.50%). This watershed has 339.80 stream miles, 590.58 lake acres and 6,590.97 wetland acres.

Nonpoint Source Characteristics
This watershed is ranked Not Available for runoff impacts on streams, Not Available for runoff impacts on lakes and High for runoff impacts on groundwater and therefore has an overall rank of High. This value can be used in ranking the watershed or individual waterbodies for grant funding under state and county programs. However, all waters are affected by diffuse pollutant sources regardless of initial water quality. Applications for specific runoff projects under state or county grant programs may be pursued. For more information, go to surface water program grants.
Local Water (792800)

5.01 Miles
Segment 0 - 5.01
Natural Community Coldwater, Cool-Cold Headwater
Year Last Monitored 2015
General Condition Fair

<table>
<thead>
<tr>
<th>Overview</th>
<th>Conditions</th>
<th>Goals</th>
<th>Monitoring &amp; Projects</th>
<th>Ecosystem Challenges</th>
<th>Fish &amp; Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overview</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

Local Water, in the Turtle Creek Watershed, is a 5.01 mile river that falls in Rock and Walworth Counties. This river is managed for fishing and swimming and is currently not considered impaired.

Date 2016
Author Aquatic Biologist

Counts Rock, Walworth
Trout Water No
Outstanding or Exceptional No
Impaired Water No

Fish and Aquatic Life
Current Use FAL
Attainable Use FAL
Designated Use Default FAL

The Official Internet site for the Wisconsin Department of Natural Resources
101 S. Webster Street, PO Box 7921, Madison, Wisconsin 53707-7921, 608.266.2621
This watershed's 288 square miles are in western Walworth County (62%) and Rock County (38%). Land use is primarily crop and dairy agriculture throughout the headwater tributaries and creek main stem. Turtle Creek flows into the east side of the city of Beloit to join the Rock River just above the Illinois border. Crop-land in the headwater areas and urban land use near Beloit contribute the two highest erosion rates in the watershed. Also, streambank erosion is a problem. A 1982 inventory showed that ten percent of streambanks in the watershed were eroding (Rock Co. Erosion Control Plan). In 1986, this watershed experienced an estimated average soil loss of 8 tons/acre/year.

A priority watershed project under the Wisconsin Nonpoint Source Water Pollution Abatement Program began in 1984 and was completed in 1994. The project had four water quality and water use objectives:

1. Improve the smallmouth bass fishery in main stem Turtle Creek and Little Turtle Creek;
2. Protect and improve fish habitat and water quality of tributaries to Turtle Creek;
3. Protect and improve fish habitat in creeks that currently support remnant populations of Wisconsin's endangered and threatened fish species; and
4. Retard the eutrophication process in lakes Delavan and Comus.

According to the 1994 post-project evaluation report, the effectiveness of best management practice implementation was evident on a site-by-site basis, but there was no discernible watershed-wide reduction in nonpoint source (runoff) pollutant loads. Low participation rates and implementation of best management practices that brought landowners short-term benefits are cited as reasons for the result. Poor livestock management practices, such as cropping too close to stream channels, overgrazing of pastures, and livestock grazing in streambanks in headwater streams, limited the overall effectiveness of the project.

### Watershed Details

**Population and Land Use**

Although the Southeast Glacial Plains Region is quite urban compared to other state areas, agriculture is very important with 77% of land area in the Turtle Creek Watershed devoted to farmland. Among the regions it ranks third in percent of acreage in farmland, market value of agricultural products per acre, and milk production per acre; and it ranks second in corn production. (Farmland includes all land under farm ownership such as cropland, pastureland, and woodland.) The percentage of agricultural land sold and diverted to other uses is below average. Recreation is also important in this region. It has
the highest number of fishery and wildlife areas, the second highest number of state parks and forests, and one of the highest ratios of water to land surface area. Per capita water use is near average. The per capita income, average wage, and number of high school and college graduates are all third highest, while the rates of poverty and unemployment are both third lowest among the regions. The manufacturing sector is relatively strong, whereas farming, though very productive, does not provide a large percentage of jobs.

After agriculture, forest cover accounts for the second largest share of land use in the Turtle Creek Watershed with eight percent of the total area. Open water and open space is the third most common land use in the watershed with six percent of the total area. Suburban and urban environments amount to another six percent of the watershed’s area. Grasslands and wetlands are the last significant land uses in the watershed with three percent and one-half of one percent of the watershed’s area, respectively.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Acres</th>
<th>Percent of Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture</td>
<td>142,212.83</td>
<td>77.03%</td>
</tr>
<tr>
<td>Forest</td>
<td>14,102.72</td>
<td>7.64%</td>
</tr>
<tr>
<td>Open Water &amp; Open Space</td>
<td>11,042.57</td>
<td>5.98%</td>
</tr>
<tr>
<td>Suburban</td>
<td>8,887.12</td>
<td>4.81%</td>
</tr>
<tr>
<td>Grassland</td>
<td>5,395.74</td>
<td>2.92%</td>
</tr>
<tr>
<td>Urban</td>
<td>2,019.35</td>
<td>1.09%</td>
</tr>
<tr>
<td>Wetland</td>
<td>885.58</td>
<td>0.48%</td>
</tr>
<tr>
<td>Barren</td>
<td>63.60</td>
<td>0.03%</td>
</tr>
<tr>
<td>Total Acres in Watershed</td>
<td>184,609.52</td>
<td></td>
</tr>
</tbody>
</table>

Turtle Creek Watershed’s largest water resource, Delavan Lake, has a watershed (drainage area) of about 26,000 acres or 40.8 square miles. As of 1995, approximately 85% of the lakes’s watershed consisted of rural land uses, and 15% of urban land uses. Major land uses included: 70% agriculture, eight percent woodlands, wetlands or open lands, seven percent residential, and eight percent commercial, industrial, transportation, and recreational. Under planned 2020 conditions, the Walworth County development plan and regional land use plan forecast 6,200 acres (24 percent of total area) of development within the watershed (SEWRPC 2002).

Hydrology

The Southeast Glacial Plains has the highest aquatic productivity for plants, insects, invertebrates, and fish, of any Ecological Landscape in the state. Significant river systems include the Mukwonago, Wolf, Sheboygan, Milwaukee, Rock, Sugar, and Fox. Most riparian zones have been degraded through forest clearing, urban development, and intensive agricultural practices. The Ecological Landscape contains several large lakes, including those in the Madison area and in the Lake Winnebago Pool system. These lakes are important to many aquatic species including the lake sturgeon. Kettle lakes are common on end moraines and in outwash channels. In addition to Horicon Marsh, this Ecological Landscape contains important fens, tamarack swamp, wet prairies, and wet-mesic prairies that contain rare plants and animals. However, most wetlands have experienced widespread ditching, grazing, and infestation by invasive plants. Watershed pollution in the Ecological Landscape is about average according to rankings by Wisconsin DNR, but groundwater pollution is worse than average compared to the rest of the state.

Ecological Landscapes

The Lower Rock Basin resides in the Southeast Glacial Plains Ecological Landscape, which makes up the bulk of the non-coastal land area in southeast Wisconsin. This ecological landscape is made up of glacial till plains and moraines. Most of
this ecological landscape is composed of glacial materials deposited during the Wisconsin Ice Age, but the southwest portion consists of older, pre-Wisconsin till with a more dissected topography. Soils are lime-rich tills overlain in most areas by a silt-loam loess cap. Agricultural and residential interests throughout the landscape have significantly altered the historical vegetation. Most of the rare natural communities that remain are associated with large moraines or are in areas where the Niagara Escarpment occurs close to the surface.

Historical Note

Turtle Creek originates in Turtle Lake in Walworth County, skirts the City of Delavan, meanders through Rock County and then empties into the Rock River at the City of Beloit. Although Native Americans inhabited this area almost 3,000 years ago, it was the Effigy Mound Builders of the Late Woodland Period (500 to 1000 AD), who left their mark upon the land.

The Effigy Mound Culture extends from Dubuque, Iowa, north into southeast Minnesota, across southern Wisconsin from the Mississippi to Lake Michigan, and along the Wisconsin-Illinois boundary. Although some mounds are abstract in shape, including the long linear embankments, or dome-shaped mounds, the animal shaped mounds have captured the public's interest. Mounds in the shapes of birds, bear, deer, bison, and lynx have been recorded. Near Lakes Michigan and Winnebago, turtle and panther mounds are common. Some of the mounds may be up to 150 feet in length.

The animal shapes may represent clan symbols or symbolized spirits of the sky, earth and water. The grouping of mounds may indicate social or religious ties among scattered communities. The purpose of the mounds may have been ceremonial or they may have delineated territory for hunting or gathering grounds.

Early maps indicate more than 20,000 Indian mounds once existed in Wisconsin; today fewer than 3,000 remain. Many of the mounds were built on the high ground overlooking the confluence of the Rock River and Turtle Creek and along the shores of Delavan Lake. Early surveyors of mineral lands and those working for railway were among the earliest Europeans to take notice of these unusual land formations. An article on the Beloit Mound Groups appeared in the November 1919 Bulletin of The Wisconsin Archeologist. This article references research from the mid 1800's and includes maps drawn by researchers from Beloit College which indicate many turtle shaped mounds in the south central part of Wisconsin.

The legacy of the Mound Builders lives on today as it is possible that Turtle Creek was named after one of the many turtle shaped mounds found along its banks. The turtle is the unofficial mascot of the college, and Beloit College's Logan Museum of Anthropology houses many of the excavated tools and broken pottery artifacts found in or near the mounds. Today the historical and cultural value of effigy mounds is recognized and they are generally well protected from development for future generations to wonder about and enjoy.

<table>
<thead>
<tr>
<th>Watershed Condition</th>
</tr>
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</table>

Overall Condition

Potawatomi Creek is considered an Outstanding Resource Waters for one mile of its length and there are over 40 stream miles of Exceptional Resource Waters spread along segments of the Turtle Creek, Little Turtle Creek, Spring Brook, and an unnamed tributary to Turtle Creek. Potawatomi Creek claims the only mile of documented trout waters in the watershed as it is a Class I Trout stream. Impaired waters account for about 11 stream miles along Turtle Creek due to excess
phosphorus loads, which is why a restoration area has been designated along the creek. Three large lakes can be found in the Turtle Creek Watershed: Comus Lake, Delavan Lake, and Turtle Lake. Five sensitive areas have been designated on Delavan Lake.

River and Stream Condition

According to the WDNR's Register of Waterbodies (ROW) database, there are over 335 miles of streams and rivers in the Turtle Creek Watershed; 122 of these waters have been entered into the WDNR's assessment database. Of these 122 miles, almost half (45%) are meeting Fish and Aquatic Life uses and are specified as in "good" condition; about nine percent of streams are considered to be in "poor" condition and are listed as impaired. The condition of the remaining stream miles is not known or documented.

Additional uses for which the waters are evaluated include Fish Consumption, General Uses, Public Health and Welfare, and Recreation. As Table 2 shows, these uses have not been directly assessed for the watershed. However, a general fish advisory for potential presence of mercury is in place for all waters of the state.

<table>
<thead>
<tr>
<th>Use</th>
<th>Fully Supporting</th>
<th>Supporting</th>
<th>Not Supporting</th>
<th>Not Assessed</th>
<th>Total Size</th>
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<tbody>
<tr>
<td>Fish Consumption</td>
<td></td>
<td></td>
<td></td>
<td>121.75</td>
<td>121.75</td>
</tr>
<tr>
<td>Fish and Aquatic Life</td>
<td>11.91</td>
<td>42.77</td>
<td>10.81</td>
<td>56.26</td>
<td>121.75</td>
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<tr>
<td>General</td>
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<td>Public Health and Welfare</td>
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<td></td>
<td>121.75</td>
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<tr>
<td>Recreation</td>
<td></td>
<td></td>
<td></td>
<td>121.75</td>
<td>121.75</td>
</tr>
</tbody>
</table>
Darlen Creek

Darlen Creek is a small continuous stream that flows for 5.3 miles through agricultural areas. This stream has a sand, gravel and rock substrate and good water clarity. Fluctuating water levels and lack of bank and in-stream cover, however, limits the fishery to forage species. The Ozark minnow and slender madtom, state threatened species, have been found in the stream. The Darlen wastewater treatment plant once discharged to this creek. Elevated five-day biological oxygen demand (BOD5) was a problem for the plant. In the past, the plant’s design average for BOD5 was lower than its maximum monthly average in the effluent. Based upon a September 1995 amendment to the Village of Darlen’s Sewer Service Area Plan, Southeast Wisconsin Regional Planning Commission (SEWRPC) recommended that the Darlen sewage treatment plant be abandoned and connected to WalcoMet. The community followed the recommendation. A 2007 macroinvertebrate survey on the stretch Mile 2.06 to 9.35 indicated “good” water quality.

Dry Creek

Dry Creek is a shallow, warm water stream flowing southwesterly in the southern part of the county and into Illinois. The fishery consists of forage species only. There are 28 acres of adjoining grass marsh wetland with little wildlife value. Access is available from two town road bridges. Biological data indicate good to excellent aquatic condition.

Jackson Creek

Water quality in this stream is fair. Fish data indicates “good” condition, while macroinvertebrate data indicate “fair”. Phosphorus concentration analysis show Jackson Creek at Mound Rd near Elkhorn exceed state water quality standards. The creek flows through about 200 acres of wetland. Historically water quality has improved since the Elkhorn wastewater treatment plant stopped discharging to it. Jackson Creek is a major tributary, both inflow and outflow, to Lake Delavan. This creek has historically carried heavy nutrient and sediment loads to the lake; alterations as a part of the Lake Delavan Lake Project may have reduced nutrient and sediment loading. Downstream from the lake, the stream supports walleye, yellow perch, largemouth bass, and panfish.

Ladd Creek

The headwaters of Ladd Creek originate just northeast of Sharon in Walworth County and flow for three miles until discharging into Little Turtle Creek. The current use of Ladd Creek is listed for fish and aquatic life, but the stream’s current condition has not been assessed.

Little Turtle Creek

Most of Little Turtle Creek’s 12 miles have been ditched for drainage of the surrounding farm lands, resulting in habitat deterioration, increased water temperatures, high turbidity, sedimentation, infilling of deep pool habitat, and excessive nutrient and fecal bacteria concentrations. This stream is managed as a warm water forage fishery. The Rock County portion of this stream is an Exceptional Resource Water. The stream supports the gravel chub and slender madtom, two species on the state threatened and endangered species list. Little Turtle Creek is too shallow to provide habitat for game fish. On the stretch from mile 1.03 to 7.34 three stations were monitored in 2007 and 2013, indicating “fair” water quality.

A 20-mile segment of Little Turtle Creek runs from the Walworth-Rock county line southwest to where it empties into the Rock River at Beloit. The Rock County portion is designated an Exceptional Resource Water. This higher gradient segment is affected by urban polluted runoff in the Beloit area and by sediment from adjacent corn fields and severely eroding streambanks. The Shopiere Dam was removed in 2000. Walleye, catfish, northern pike, and panfish now have access to the upper reaches of the stream. Formerly, Turtle Creek supported an excellent smallmouth bass fishery below the dam and a marginal smallmouth bass fishery above the dam. The removal of the Shopiere Dam has enabled fish migration and the smallmouth bass fishery is expected to improve.

Picasaw Creek

Surface water is the primary source of water for this extensively ditched creek, but groundwater inputs from springs support a good forage fish population. This stream traverses the state border. In Wisconsin, the stream supports a warm water forage fishery, while near Harvard, IL the stream supports one of Illinois’ only naturally reproducing brown trout populations. Illinois and the U.S. Environmental Protection Agency are interested in interagency, interstate water resource planning to improve water quality in the stream. Fontana-Walworth Water Pollution Control, serving 2.5 square miles, discharges to this stream. Recent fish index of biological integrity data indicate the condition is “good”.

Turtle Creek Watershed (LRO1) Plan 2011
Spring Brook (T01n R13e S31)
Spring Brook (T1N R14E S31) is a seepage-and-spring-fed, nine-mile-long tributary to Turtle Creek. The stream is shallow and its flow is greatly reduced in dry years; the stream receives flow from the Clinton wastewater treatment plant and cooling water from Hormel. Possible temperature alterations to Spring Creek from the Hormel discharge are of concern. Biotic survey work would determine what, if any, biological impacts point source discharges have had on this creek. The stream supports a diverse array of minnow species.

Spring Brook (T02n R14e S27)
This four-mile-long spring and seepage creek rises in eastern Rock County 1.5 miles west of the Rock-Walworth county line and flows southerly and at a medium gradient through the Carver-Roehl County Park to its confluence with Turtle Creek. High fecal Streptococcus bacteria counts have been detected in the stream, probably due to the obvious stream-bank pasturing upstream in the flat terrain of the creek’s headwaters adjacent to dairy farm operations. A habitat evaluation in 1996 at the Carver-Roehl Park characterized the stream as having “good” habitat quality at that site.

Swan Creek
Swan Creek, a tributary to the upper reaches of Turtle Creek, has showed excellent condition based on fish IBI values, while macroinvertebrate index data indicated fair condition. The stream is considered in “good” condition and is managed for fishing and swimming.

Turtle Creek
Turtle Creek is the second largest stream in Rock County and an important recreational asset. The stream originates in Walworth County, enters Rock County at Fairfield and flows southwest to the Rock River just below Beloit in Illinois. Turtle Creek is managed for smallmouth bass; additional game fish species which occur in varying numbers include walleyes, black crappies, rock bass, northern pike, and channel catfish. The latter two species are concentrated in the lower reaches of the river. Carp are abundant at times, along with redhorse, suckers, and forage species.

Adjoining 128 acres of fresh meadow wetlands are concentrated in the upper portion of the stream. About 13 percent of the wetland is wooded. Approximately 2 miles of the stream runs through the Turtle Creek Wildlife Area which includes 312 acres of public hunting and fishing grounds in Rock County. Spring flow in both Rock and Walworth counties maintain open water the year round in the wildlife area, and approximately 2,000 mallards and 2,000 Canada geese over-winter here. The area is also used extensively by feeding and resting waterfowl during migration periods and habitat improvement has greatly increased nesting densities in recent years. The area also has a good natural pheasant population which is supplemented by stocking during hunting season. In addition to hunting and fishing, Turtle Creek is one of the better streams in southern Wisconsin for canoeing. There is also one town park and one city park located on the stream. Access is available at the wildlife area and the parks, and is possible at six town roads, two county roads and one state highway crossing.

Data indicates that Turtle Creek may exceed the phosphorus standard at Colley Road in Beloit.

Turtle Creek (Comus Lake to Rock-Walworth County Line)
This 13-mile stretch of stream (plus Comus Lake) is buffered by more than 2,000 acres of adjacent wetlands in the nearby state-owned wildlife area. This segment is, however, affected by urban polluted runoff from the city of Delavan and exhibits low dissolved oxygen and high turbidity, especially during low flow conditions. A marginal smallmouth bass fishery exists and the threatened Ozark minnow has been found in a tributary to this stretch. In the past, WDNR proposals for
habitat enhancements have been deferred due to excessive polluted runoff impacts and the stream’s natural limitations. This segment’s potential is considered warm water forage fishery.

Lake Health

The WDNR’s ROW database shows that there are 2,137 acres of lakes and ponds, 151 acres of reservoirs and flowages, and another 351 acres of unspecified open water in the Turtle Creek Watershed. Approximately 2,644 lake acres are entered into the state’s assessment database. Most of these waters (86%) are indicated as supporting Fish and Aquatic Life uses. A couple hundred acres have not been assessed for Fish and Aquatic Life use, yet, and none of the lake acres have been assessed for any other use. The following water narratives summarize the most recent information available for lakes in the watershed, which include Comus Lake, Delavan Lake, and Turtle Lake.

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<td>2,644.16</td>
<td>2,644.16</td>
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</tbody>
</table>

Comus Lake

Comus Lake is a 164-acre lake in Walworth County with a maximum and mean depth of six feet and four feet, respectively. With this large size and shallow depth, fish kills occur. Other problems the lake encounters include: urban stormwater runoff and polluted agricultural runoff from the lake’s immediate watershed, including the City of Delavan. While the lake is located northeast of Delavan, one-half of the lake’s acreage is located in the city’s sewer service area and the lake’s northern shoreline will be sewered in the future (SEWRPC). The lake has recently undergone dredging by the Comus Lake Management Organization. The lake also experiences in-lake and shoreline habitat loss or degradation, turbidity from stormwater and agricultural runoff, and aquatic plants dominate the lake’s littoral zone. An endangered rattlesnake was sighted at the lake in the 1980s. In 1995 SEWRPC recommended that the Lake Comus Sanitary District participate in WDNR Self-Help Monitoring to collect water quality data.

Delavan Lake

Lake Delavan is a moderately large eutrophic lake in Walworth County. A dam on Swan Creek, the lake’s outlet stream, elevates the level by three feet. Excess nutrient inputs into the lake results in poor water quality, severe blue-green algae blooms, excessive numbers of rough fish, anoxic conditions and fish kills. Construction of a municipal sewer system eliminated septic systems surrounding the lake by 1981 and a complete restoration was undertaken in the late 1980s and 1990s. Dewatering, pesticide application for carp removal, and extensive alum treatments were conducted. However, a tremendous amount of phosphorus and nutrient-rich sediment remain in the lake. Although the lake’s excess nutrients no longer result in the large blue-green algae mats of the 1970s and 1980s, an overabundant fishery and Eurasian water milfoil presence are problematic.

An Aquatic Plant Management Plan (1993) was completed by Aron & Associates. In 1975 more than 15% of the lake’s direct drainage was urbanized; today this percentage is likely higher. Stormwater management, construction site erosion, and hydrologic modification are top concerns for this lake. The Lake Restoration Project implemented by local citizens, governmental units, the University of Wisconsin, WDNR, U.S. Geologic Survey, and U.S. Environmental Protection Agency in the 1980’s and 1990’s included the following milestones: short-circuiting the mixing of nutrients coming into the lake from Jackson Creek; drawing down the lake for treatment of rough fish (carp) with the chemical rotenone; and application of aluminum sulfate on the lake bottom to reduce nutrient exchange between lake sediments and lake water. The plan also reduced nutrient and sediment loads through wetland restoration and creation. About 125 acres of existing wetland and farmed wetlands at the confluence of Jackson Creek and its major tributary were selected for restoration/creation (Helsel and Mackinon 1995). An 85-acre wetland was constructed to reduce sediment and nutrients entering the lake. This Lake Renewal Plan, funded by U.S. EPA’s Clean Lakes Program, was implemented in
coordination with the activities funded under the Turtle Creek Priority Watershed Project.

In 1989, a major restoration project was begun on Delavan Lake to fix the severely deteriorated lake ecosystem. The lake was temporarily lowered 10 feet and a complete fishery eradication was conducted. Modifications were made at the dam, an in-lake barrier was constructed to allow for short-circuiting of lake inflows, and a sediment control channel was built at the inlet. Sediments in the deeper portions of the lake received an alum treatment, and numerous non-point source pollution controls were conducted in the watershed. The lake's fishery was then restocked and previously farmed wetlands were reestablished. As one of the largest lake restoration projects in North America, this project has given Delavan Lake international attention in the area of lake rehabilitation. The Delavan Lake project was awarded Wisconsin's top prize for lake stewardship, and the North American Lake Management Society's 1991 Technical Excellence Award in recognition of outstanding efforts in lake restoration, protection, and management (SEWRPC 2002).

Due to restoration efforts, Delavan Lake now has multiple recreational uses including the seasonal activities of fishing, water skiing, swimming, small craft sailing, ice fishing, cross-country skiing, ice-skating, and hunting. The lake also provides natural scenic beauty throughout the year, and opportunities for walking, jogging, bird watching, and picnicking.

Department personnel conducted Delavan Lake sensitive area designation surveys on June 23, 2005, July 8, 2005 and July 27, 2005, following the Wisconsin Department of Natural Resources' sensitive area survey protocol. Sensitive areas often have aquatic or wetland vegetation, terrestrial vegetation, gravel or rubble lake substrate, or areas that contain large woody cover (fallen trees or logs). These areas provide water quality benefits to the lake, reduce shoreline erosion, and provide habitat necessary for seasonal and/or life stage requirements of fish, invertebrates, and wildlife. A designated sensitive area alerts interested parties (i.e., DNR personnel, county zoning personnel, lake associations, lake districts, towns, etc.) that the area contains critical habitat vital to sustaining a healthy lake ecosystem, or may feature an endangered plant or animal.

Five sensitive areas have been designated on Delavan Lake, and development along the shoreline of each of the five sensitive areas should be carefully studied to prevent any further loss of habitat. The Delavan Lake (Walworth County, Wisconsin) Integrated Sensitive Area Report identifies the biological components of each sensitive area, identifies sensitive area characteristics, and poses management recommendations for each of the five areas (Hemmingsen and Bunk. Delavan Lake (Walworth County, Wisconsin) Integrated Sensitive Area Report, 01/22/2007).

**Turtle Lake**

Turtle Lake is a quiet spring-fed lake in Walworth County that covers 140 acres, has a maximum depth of 35 feet and forms the headwaters of Turtle Creek. The lake's shoreline is a mixture of wetlands with development both on the east and north sides of the waterbody. There is a trailer park on the lake's shoreline that once had problems from leaking holding tanks. About 113 of the 748 acres that directly drain into the lake were urbanized as of 1975 (SEWRPC); today the acreage of direct drainage that is urbanized is a greater amount. There is limited public access on the lake and very little water quality data exists. Eurasian water-milfoil and purple loosestrife are present in the lake and its shoreline area.

There is a lake management association for the lake and volunteer monitoring for chemistry is conducted regularly. A Lakes Planning Grant should be pursued to conduct a thorough survey of the lake's water quality and habitat and to identify and protect the remaining wetlands that surround the lake ((Rock River Water Quality Management Plan, Lower Rock River Appendix. WT-668-2002. South Central Region, WDNR).

**Sensitive Areas**

Sensitive areas often have aquatic or wetland vegetation, terrestrial vegetation, gravel or rubble lake substrate, or areas that contain large woody cover (fallen trees or logs). These areas provide water quality benefits to the lake, reduce shoreline erosion, and provide habitat necessary for seasonal and/or life stage requirements of fish, invertebrates, and wildlife. A designated sensitive area alerts interested parties (i.e., DNR personnel, county zoning personnel, lake associations, lake districts, towns, etc.) that the area contains critical habitat vital to sustaining a healthy lake ecosystem, or may feature an endangered plant or animal. Information presented in a sensitive area report may discourage certain permits from being approved within these areas. Five sensitive areas have been designated on Lake Delavan.
Sensitive Area 1 is located in the upper inlet of Delavan Lake (see Map 3). The inlet is part of Delavan Lake, but is also considered by many as a part of Jackson Creek. This sensitive area, with its rich ecological diversity, serves as 1) a nutrient buffer reducing algae blooms; 2) a biological buffer reducing the likelihood of exotic invasions; 3) a physical buffer against shoreline erosion; 4) a micro-habitat increasing biodiversity, and 5) allows for sediment stabilization. The entire inlet area is classified as Class I or Class II Wildlife Habitat Areas by the Southeastern Regional Planning Commission (SEWRPC 2002).

The ecological community of Sensitive Area 1 has distinctly unique features when compared to the waterbody as a whole. This site provides a visual and audible buffer from shoreline structures, roads, and boat traffic. Aquatic plants in the sensitive area include emergents, algae, potamogetons, exotics, free floating, floating leaf, and submergents. Wet edge plants include herbs, sedges, shrubs, and grasses. Game fish and forage fish are present in the sensitive area, and bass and pike use the area for spawning. The undeveloped shoreline is extremely valuable for wildlife. Wildlife present in the sensitive area include fur-bearers, songbirds, swallows, waterfowl, shore birds, and amphibians. State listed special concern species present within this site include black terns and least bitterns. This site could be used to educate citizens about wetlands and sensitive areas.

Sensitive Area 2, in the lower inlet of Delavan Lake, serves as a fish and wildlife refuge and has diverse aquatic vegetation, terrestrial vegetation and wildlife populations. The site acts as a nutrient buffer reducing algae blooms, a biological buffer reducing the likelihood of exotic invasions, a physical buffer against shoreline erosion, a micro-habitat increasing biodiversity, and allows for sediment stabilization. Aquatic plants in the sensitive area include emergents, algae, potamogetons, exotics, free floating, floating leaf, and submersgents. Wet edge plants include herbs, sedges, rushes, shrubs, and grasses. Game fish, panfish, young of the year fry and forage fish are present in the sensitive area. Wildlife present include fur-bearers, waterfowl, shore birds (including wood ducks and brood), amphibians, and reptiles. The undeveloped shoreline is extremely valuable for wildlife. This site could be used to educate citizens about wetlands and sensitive areas, possibly by canoe.

Sensitive Area 3, in Lake Lawn Bay of Delavan Lake, serves as a fish and wildlife refuge and has a diverse wildlife population. The area acts as a nutrient buffer to reduce algae blooms, a biological buffer reducing the likelihood of exotic invasions, a physical buffer against shoreline erosion, a micro-habitat that increases biodiversity, and allows for sediment stabilization. Sensitive Area 3 is very important as a refuge for fish and wildlife, away from active boating lanes. Important habitat components at this site include...
gravel bottom, submerged vegetation, and over-hanging vegetation. This area offers a spawning area, nursery area, feeding area, and protective cover to walleye, northern pike, musky, small mouth bass, large mouth bass, centrarchid, perch, sucker, and minnows. Many bird species utilize the complex of trees and shrubs and would not be present on Delavan Lake without this refuge.

Sensitive Area 4, located in Highland's Bay of Delavan Lake, serves as an important fish nursery and has a diverse wildlife population. The area also acts as a physical buffer against shoreline erosion. This site provides a visual and audio buffer from shoreline structures, roads, and boat traffic. Aquatic plants in the sensitive area include emergents, algae, potamogetons, exotics, free floating, floating leaf, and submergents. Wet edge plants include herbs and shrubs. Game fish, panfish, and forage fish are present in the sensitive area. Wildlife species present include furbearers, songbirds, waterfowl, shore birds, amphibians, and reptiles. This site could be used to educate citizens about wetlands and sensitive areas.

White water lilies patches are limited in number on Delavan Lake. The lily pads in this bay are important to the survival of many fish species. Walleye, northern pike, musky, small mouth bass, large mouth bass, centrarchid, perch, suckers, and minnows utilize this sensitive area for feeding, protective cover, and as a nursery. Additionally, northern pike, musky, perch, and minnows (various forage fish) will use this area for spawning.

Sensitive Area 5, located along the View Crest and Ravenswood sections of Delavan Lake, serves as an important fish nursery, has a diverse wildlife population, aquatic vegetation, terrestrial vegetation, and provides natural scenic beauty. The area also acts as a physical buffer against shoreline erosion. The ecological community of Sensitive Area 5 provides a visual buffer from shoreline structures, roads, and boat traffic. Aquatic plants in the sensitive area include emergents, algae, potamogetons, exotics, free floating, floating leaf, and submergents. Wet edge plants include herbs and shrubs. Game fish, panfish, and forage fish are present in the sensitive area. Wildlife present in the area includes upland species, furbearers, songbirds, waterfowl/shore birds, amphibians, and reptiles. This site could be used to educate citizens about wetlands and sensitive areas (Hemmingsen and Bunk. Delavan Lake (Walworth County, Wisconsin) Integrated Sensitive Area Report, 01/22/2007).

Wetland Health

Wetland Status:
The Turtle Creek Watershed is located in eastern Walworth County and Rock County. Approximately three percent of the current land uses in the watershed are wetlands. Currently, only about 23% of the original wetlands in the watershed are estimated to exist. Of these wetlands, the majority include emergent wetlands (42%), which include marshes and wet meadows, scrub wetlands (30%), and forested wetlands (25%).

Wetland Condition:
Little is known about the condition of the remaining wetlands but estimates of reed canary grass (RCG) infestations, an opportunistic aquatic invasive wetland plant, into different wetland types has been estimated based on satellite imagery. This information shows that reed canary grass dominates 35% of the existing emergent wetlands, 15% of shrub wetlands, and 7% of the remaining forested wetlands.
wetlands. Reed canary grass domination inhibits successful establishment of native wetland species.

Wetland Restorability:
Of the 17,671 acres of estimated lost wetlands in the watershed, approximately 60% are considered potentially restorable based on modeled data, including soil types, land use and land cover (Chris Smith, DNR, 2009).

Groundwater
The following groundwater information is for Walworth and Rock counties (from Protecting Wisconsin’s Groundwater through Comprehensive Planning website, http://wi.water.usgs.gov/gwcomp/), which roughly approximates to the Turtle Creek Watershed.

Clinton, Darien, Elkhorn, Fontana, Sharon, and Williams Bay are the only municipal water systems in the Turtle Creek Watershed that have wellhead protection plans. Sharon also has a wellhead protection ordinance in place. Walworth and Rock counties have both adopted animal waste management ordinances.

From 1979 to 2005, total water use in Walworth County has increased from about 10.0 million gallons per day to 15.3 million gallons per day due to increases in all use categories. The proportion of county water use supplied by groundwater has increased from around 89% to about 99% during the period 1979 to 2005.

During the same time period, total water use in Rock County has increased from about 27.2 million gallons per day to about 45.4 million gallons per day. The increase in total water use over this period is due to increases in domestic and irrigation uses. The proportion of county water use supplied by groundwater increased from about 92% to over 99% during the period 1979 to 2005.

Private Wells
Ninety percent of 340 private well samples collected in Walworth County and 75% of 482 private well samples collected in Rock County from 1990-2006 met the health-based drinking water limit for nitrate-nitrogen. Land use affects nitrate concentrations in groundwater. An analysis of over 35,000 Wisconsin drinking water samples found that drinking water from private wells was three times more likely to be unsafe to drink due to high nitrate in agricultural areas than in forested areas. High nitrate levels were also more common in sandy areas where the soil is more permeable. In Wisconsin's groundwater, 80% of nitrate inputs originate from manure spreading, agricultural fertilizers, and legume cropping systems. Fontana and the Village of Clinton have spent money to reduce nitrate levels through the construction of new wells.

A 2002 study estimated that 21% of private drinking water wells in the region of Wisconsin that includes Walworth County and 62% of private drinking water wells in the region of Wisconsin that includes Rock County contained a detectable level of an herbicide or herbicide metabolite. Pesticides occur in groundwater more commonly in agricultural regions, but can occur anywhere pesticides are stored or applied. A total of 5,128 acres of land in Walworth County and 18,941 acres of land in Rock County are in atrazine prohibition areas. Over three quarters (76%) of 33 private well samples collected in Walworth County and 100% of 18 private well samples collected in Rock County met the health standard for arsenic.

Potential Sources of Contamination
There are two Concentrated Animal Feeding Operations (CAFOs) in the Turtle Creek Watershed. These swine CAFOs are located in Elkhorn and Clinton. There are also two licensed landfills in the watershed, which are located in Darien and Beloit. The only Superfund site in the watershed is Delavan Municipal Well No. 4.
WDNR’s Remediation and Redevelopment (RR) Program oversees the investigation and cleanup of environmental contamination and the redevelopment of contaminated properties. The RR Program provides information about contaminated properties and other activities related to the investigation and cleanup of contaminated soil or groundwater in Wisconsin through its Bureau for Remediation and Redevelopment Tracking System (BRRTS) database (WDNR 2010e).

The database shows that there are 172 sites in Walworth County that are classified as “open”, meaning “contamination has affected soil, groundwater, or more and the environmental investigation and cleanup need to begin or are underway.” These sites include 52 Leaking Underground Storage Tank (LUST) sites, 62 Environmental Repair (ERP) sites, 56 spill sites, and two Voluntary Party Liability Exemption (VPLE) sites. In Rock County, there are 85 open-status sites that have contaminated groundwater and/or soil. These sites include 34 Leaking Underground Storage Tank (LUST) sites, 47 Environmental Repair (ERP) sites, three spill sites, and one Voluntary Party Liability Exemption (VPLE) site.

The Petroleum Environmental Cleanup Fund Award (PECFA) program was created in response to enactment of federal regulations requiring release prevention from underground storage tanks and cleanup of existing contamination from those tanks. PECFA is a reimbursement program returning a portion of incurred remedial cleanup costs to owners of eligible petroleum product systems, including home heating oil systems. As of May 31, 2007, $24,333,140 has been reimbursed by the PECFA program to clean up 187 petroleum-contaminated sites in Walworth County. This equates to $241 per county resident, which is less than the statewide average of $264 per resident. Over $24 million has been spent on petroleum cleanup in Rock County from leaking underground storage tanks, which equates to $156 per county resident.

Point and Nonpoint Pollution

The Turtle Creek Watershed is listed as a high priority overall for nonpoint source (NPS) pollution due to its listing as a high priority for groundwater and stream NPS pollution. Individual streams and lakes in the watershed have not yet been ranked for NPS pollution.

Stormwater Permits

There are currently two municipalities covered by the Municipal Storm Sewer System Permit (WPDES no. WI-S0500751): the City of Beloit and the Town of Turtle. The City of Elkhorn will need a Municipal Separate Storm Sewer System (MS4) permit coverage in the near future, now that the 2010 census data shows their population is over ten thousand people.

CAFOs

There are two Concentrated Animal Feeding Operations (CAFOs) located in the Turtle Creek Watershed. These swine CAFOs are located in Elkhorn and Clinton.

Waters of Note

Trout Waters

A little over one mile of Class I Trout waters is located in the Turtle Creek Watershed at the mouth of Potawatomi Creek. Class I trout streams are high quality trout waters that have sufficient natural reproduction to sustain populations of wild trout, at or near carry capacity. Consequently, streams in this category require no stocking of hatchery trout. These streams or stream sections are often small and may contain small or slow-growing trout, especially in the headwaters (http://dnr.wi.gov/fish/species/trout/streamclassification.html). The table below lists the waterbodies and stream segments (starting from the mouth at mile 0) where these trout waters can be found.

<table>
<thead>
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<th>Table 4: Turtle Creek Watershed Impaired Waters</th>
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<tr>
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</tr>
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Outstanding and Exceptional Resource Waters

Wisconsin has designated many of the state’s highest quality waters as Outstanding Resource Waters (ORWs) or Exceptional Resource Waters (ERWs). ORW and ERW are surface waters with outstanding recreational opportunities, valuable fisheries and wildlife habitat, good water quality, and minimum human impacts. ORW / ERW waters warrant additional protection. These designations meet federal Clean Water Act obligations for “antidegradation” designed to prevent lowering water quality, especially in waters having significant ecological or cultural value.

ORWs typically do not have direct point source discharges, though they receive runoff. New discharges may be permitted if effluent quality is equal to or better than background. No increases in pollutant levels are allowed. If a water has existing point sources at the time of designation, it is more likely to be designated as an Exceptional Resource Water (ERW). Like ORWs, dischargers to ERWs are required to maintain background water quality levels; however, exceptions can be made for certain situations when an increase of pollutant loading to an ERW is warranted due to human health (http://dnr.wi.gov/org/water/wm/wqs/orwerw/). Potawatomi Creek is an ORW from its mouth to one mile upstream. There are over 40 stream miles of ERWs along segments of Turtle Creek, Little Turtle Creek, Spring Brook, and an unnamed tributary to Turtle Creek.

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Impaired Waters

About a ten mile stretch of Turtle Creek is listed on the impaired waters list for a high total phosphorus load leading to low dissolved oxygen in the water. The source of the impairment is a combination of municipal point discharges and nonpoint sources (e.g. agricultural and stormwater runoff).

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<td>Total Phosphorus</td>
<td>Low DO</td>
<td>TMDL Development</td>
<td>High</td>
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</table>

Fish Consumption

Currently, there are no specific fish consumption advisories in effect for the Turtle Creek Watershed. However, a general
fish consumption advisory for the potential presence of mercury is in place for all waters of the state.

Aquatic Invasive Species

Aquatic invasive species (zebra mussels, Eurasian water-milfoil (EWM), and purple loosestrife) are found in southeastern Wisconsin lakes. Boaters traveling from lake to lake often facilitate the propagation of exotic species. The introduction of exotic species into a lake ecosystem can lead to a decline in the native plant population and cause problems with nutrient loading. In addition, the disturbance of lake bottoms from human activity (boating, plant harvesting, chemical treatments, etc.) enhances the colonization and/or expansion of exotic species. Two simple steps to prevent the spread of exotic species include 1) Removing aquatic plants, animals, and mud from trailers and boats before leaving the boat access; and 2) Draining water from boats, motors, bilges, live wells, and bait containers before leaving the water access.

EWM is found in four of the sensitive areas on Delavan Lake. EWM is one of eight milfoil species found in Wisconsin. It is often misidentified as one of its seven native cousins. In areas within the lake, this non-native milfoil has established monocultures, outcompeting native plants. These dense beds of milfoil not only impede the growth of native plant species but also inhibit fish movement and create navigational problems for boaters. The regenerative ability of EWM is problematic for species control. Fragments of EWM detached by harvesting, boating, and recreational activities float to non-colonized areas of the lake or downstream to additional lakes creating new colonies. When controlling EWM, selective chemicals and harvesting, coupled with skimming, produces the best results. Biological agents such as milfoil weevils have helped suppress milfoil populations. However, the most effective treatment of EWM is prevention through education.

Curly-leaf pondweed is a submerged, exotic species found in Delavan Lake. Like EWM, curly-leaf often grows into large, homogenous stands. It can crowd out native vegetation, create navigational problems, and limit fish movement. Curly-leaf pondweed dies off in mid-summer, increasing nutrient availability in the water column. This often contributes to summer algal blooms and decreasing water quality. The unusual life cycle of curly-leaf pondweed makes management difficult. The plant germinates as temperatures decrease in fall. Curly-leaf is tolerant of cold temperatures and reduced sunlight, continuing to grow under lake ice and snow cover. With ice-off and increasing water temperatures in the spring, the plant produces fruit, flowers, and buds (turons). Turions are the main reproductive mechanism of curly-leaf. To control the species in lakes, the plant must be combated before turions become viable. Most plant harvesters have not started cutting when curly-leaf is most susceptible and a small window of opportunity exists for chemical treatment. Prevention through education is important (Hemningsen and Bunk, Delavan Lake (Walworth County, Wisconsin) Integrated Sensitive Area Report, 01/22/2007).

<table>
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<th>Database Key</th>
<th>Waterbody Name</th>
<th>Bio. Common Name</th>
<th>Status</th>
<th>Start Date</th>
<th>WBIC</th>
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<td>28468141</td>
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<td>1150</td>
<td>Delavan Lake</td>
<td>Eurasian Water-milfoil</td>
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<td>31493788</td>
<td>Geneva Landings Pond #1</td>
<td>Yellow Floating Heart</td>
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<td>Zebra Mussel</td>
<td>Observed</td>
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Eurasian water-milfoil and zebra mussels have been documented in lakes Turtle and Delavan. Rusty crayfish have also infiltrated Turtle Lake and curly-leaf pondweed have been found and verified in Delavan Lake. Furthermore, yellow floating hearts were discovered in 2008 in the stormwater retention ponds #1 and #2 in Geneva Landings.

Species of Special Concern

WDNR's Natural Heritage Inventory database indicates that the following water-dependent Endangered, Threatened, or Special Concern species and/or communities have been sighted in this watershed within the last 20 years.
Attachment F
Attachment G
COVID-19 Updates: The Wisconsin Historical Society hours have changed. See a full list of COVID-19 Closures and Events HERE.

Visit our other Wisconsin Historical Society websites!
PROPERTY RECORD
W SIDE OF STATE HIGHWAY 89 .25 M S OF DARIEN-RICHMOND TOWNLINE RD
Community: Darien
County: Walworth
Historic Name: 
Reference Number: 9775

PROPERTY RECORD
S SIDE OF BELOIT ST (STATE HIGHWAY 15) 100 FT N OF DARIEN V. LINE
Community: Darien
County: Walworth
Historic Name: 
Reference Number: 10013

PROPERTY RECORD
OLD STATE HIGHWAY 89 .5 M S OF CREEK RD
Community: Darien
County: Walworth
Historic Name: 
Reference Number: 9787

PROPERTY RECORD
304 BELOIT ST
Community: Darien
County: Walworth
Historic Name: 
Reference Number: 10012
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<th>Historic Name:</th>
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<td>133 SHARON RD</td>
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<td>Farmers State Bank-Young Building</td>
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PROPERTY RECORD
N SIDE OF CHRISTIE RD .4 M E OF COUNTY HIGHWAY C
Community: Darien
County: Walworth
Historic Name:
Reference Number: 9776

NEWSPAPER ARTICLE/CLIPPING
Darien club has 50th anniversary
Date: 1934-4-27
County: Walworth
City: Darien

PROPERTY RECORD
124 N WALWORTH ST
Community: Darien
County: Walworth
Historic Name: Libby, McNeill and Libby Milk Condensory
Reference Number: 130840

Have Questions?
If you didn't find the material you searched for, our Library Reference Staff can help.
Call our reference desk at 608-957-8546 or email us at:
feedback@wisconsinhistory.org
Attachment H
Search 508,366 cemeteries in 244 different countries

Cemetery Name
Cemetery Location (City, Country)
Browse
Search

*Only displays locations with cemeteries

Add a Cemetery
Browse by Location

Cemeteries - Map View

© Mapbox © OpenStreetMap

https://www.findagrave.com/cemetery
Find a Grave currently contains information from over 508,366 cemeteries in over 244 different countries.

**Favorite Cemeteries**  0

See your favorite cemeteries here, just select the Add Favorite button on any cemetery.

**My Virtual Cemeteries**  0

Add a 'Virtual Cemetery' to organize the memorials that you follow.

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This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/2/2020 at 2:01 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmoldernized areas cannot be used for regulatory purposes.
PHOTOGRAPH 1:
Trout Lake

PHOTOGRAPH 2:
Trout Lake

PHOTOGRAPH 3:
Trout Lake
PHOTOGRAPH 4:  
Trout Lake Dam Outfall

PHOTOGRAPH 5:  
Trout Lake Dam Outfall

PHOTOGRAPH 6:  
Trout Lake Dam Outfall
PHOTOGRAPH 7:
Southern Portion of Subject Site Along the East of Subject Site.

PHOTOGRAPH 8:
Culvert That Feeds the Ephemeral Stream Along the East of Subject Site.

PHOTOGRAPH 9:
Land that will be Mined/Excavated to 20 feet Below Existing Grade.
PHOTOGRAPH 10:

Land that will be Mined/Excavated to 20 feet Below Existing Grade.
Attachment K
Phase 2 Infiltration Basin after swale will no longer work. It appears there would be apx 2 FT of capacity which CUP appears to confirm. This pond gets installed after a portion of Phase 2 is already mined (i.e. to the east of pond). How does the timing work for the other area to be mined out and this gets installed?