

**County Zoning Agency**  
MINUTES  
**June 16, 2022 – 4:30 P.M.**  
100 West Walworth Street  
Elkhorn, Wisconsin

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Chairman Ryan Simons called the meeting to order at 4:30 p.m.

Roll call – Committee members present in person were Supervisors Ryan Simons, Sue Pruessing, Dennis Karbowski, Joanne Laufenberg, Al Stanek, and citizen members Richard Kuhnke, Sr. and Jim Van Dreser. A quorum was present.

County Staff present – Land Use and Resource Management Department Director Michael P. Cotter, Deputy Director Mandy Bonneville, Senior Planner/Hearing Facilitator Matt Weidensee. Present for a portion of the meeting / hearing Senior Zoning Officer Nicholas Sigmund.

A “sign-in” sheet listing attendees on June 16, 2022 is kept on file as a matter of record.

Details of the June 16, 2022 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](http://www.co.walworth.wi.us)

**Sue Pruessing motioned to approve the agenda as amended to table items 7.b.3) Cournoyer/Hernandez – Owner; and 8.b.4.) Exotic Enterprises – Delavan Lake Enterprises – Owner, Peter Juergens – Applicant. Seconded by Richard Kuhnke, Sr. Motion to Approve the agenda carried. 7-favor 0-oppose**

**Sue Pruessing motioned to approve the May 19, 2022 CZA Meeting Minutes. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose**

Zoning / Sanitation / Land Conservation Enforcement  
Disc Count # 4:33:16 – 4:34:34

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **Lyons Hillside Subdivision Addition No.1 Preliminary** Plat, Paul Mueller & Dennis Tully, applicants. Proposed 12 lot and 1 outlot subdivision plat located in Section 10, Town 2 North, Range 18 East, Town of Lyons. Parcel # NA287500001. The proposed plat contains 6.04 acres of land and is zoned R-3, Two-Family Residence District.

**Nick Sigmund presents request.**

**Paul Mueller speaks regarding the request for questions.**

**Jim Van Dreser motioned to approve with the following conditions: 1) Approval is subject to addressing all LURM staff concerns and requirements; 2) Approval is**

subject to designating that each lot is assigned an equal fractional interest in the outlot and that this be specified in the covenants and restrictions; 3) Approval is subject to submitting the Home Owners Association covenants and restrictions, 4) Approval is subject to meeting all requirements of state statutes and county ordinances, 5) Approval is subject to addressing the Town of Lyons conditions of approval, 6) Approval is subject to addressing the Town of Lyons Sanitary District #2 concerns. **Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**  
Disc Count # 4:34:40 – 4:46:02

Old Business - Ordinance Amendments –

1. Richmond request for a “one-time event” ordinance amendment – Nick Sigmund

**Staff discusses proposed ordinance amendment addressing concerns presented including parking. Discussion regarding the regulation of parking by the controlling entity to ensure safety is provided for.**

**Richard Kuhnke, Sr. motions to move the ordinance draft to a public hearing in August and notify townships for comment. Seconded by Joanne Laufenberg. Motion carried. 7-favor 0-oppose.**  
Disc Count # 4:46:05 – 4:54:37

Old Business – Discussion Items –

1. **Transformative Arts, Inc. – Owner, Michael Duetsch – Applicant**, Section 36, Delavan Township. Temporary reduction in the number of parking stalls required due to reduced capacity during the Covid-19 pandemic from 64 stalls to 24 stalls serving a capacity of the Belfrey Music Theater of 120 total occupants to be reviewed again in June, 2021. Tax Parcel F D 3600001. - Matt Weidensee.

**Staff presents materials for review.**

**Michael Deutsch speaks regarding the application, the current capacity and future intentions. Would be happy to return in a year or possibly two for a review and hopefully final plans.**

**Joanne Laufenberg motions to approve with increased occupancy to 144 contingent upon applicant providing staff with plan showing 29 parking stalls. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**  
Disc Count # 4:54:42 – 5:03:15

2. **Conagra Foods Package Foods, LLC – Owner**, Section 32 & 33, Darien Township.  
**One-Year Review:** Offensive Environmental Odors in the Darien Community, Tax Parcel BA412100001,– Michael Cotter

**Staff discusses current situation and having received no complaints.**

**Richard Kuhnke, Sr. motioned to Discontinue the annual review, to return if any future complaints are received. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.**

Disc Count # 5:03:18 - 5:06:16

**TABLED – NO TOWN DECISION**

3. ~~Cournoyer/Hernandez – Owner, Section 27, Linn Township. Zenda Tap Outdoor food and beverage one year review. Tax Parcel IL 2700012. Matt Weidensee. 6/17/21 meeting minutes: Staff presents item. Applicants have appeared at the Town and requested to be tabled until June, 2022 stating no events would be held in 2021. Staff recommends amending the Conditional Use to have a review in June, 2022 and #31 shall be no events until the review is complete.~~
4. **Reliable Materials Corp of Illinois – Owner, Southwind RAS, LLC – Applicant, Section 20, Lafayette Township. Expiration of five year time extension per condition #1 on conditional use for recycling of asphalt shingles, Tax Parcel KA457600001 - Matt Weidensee.**

**Staff recommends to Committee to table this matter to July to allow the operator another week to finalize removal of shingles from the Potter Pit.**

**No action is taken by committee.**

Disc Count # 5:06:18 – 5:09:16

5. **DECISION HEARING: 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 60 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 ~~680~~ 60 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 Hotel Lodge 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 reviews information requested by the CZA at the meeting of May 19, 2022, including drone footage. A review of conditioning is provided by Staff and compliance with Act 67. The general conditions state the compliance requirements with state and local approvals regarding well questions; Committee questions court's decision and addressing of issues presented; Limited discussion regarding the testimony of an easement, it being a civil matter; sanitation issues and applicant's sanitarian providing information and application for an appropriate sized holding tank for County review;**

**Jim Van Dreser motions to approve as the use is appropriate for the zoning district. Seconded by JoAnne Laufenberg. Motion carried. 7-favor 0-oppose.**  
Disc Count # 5:09:18 – 5:45:18

New Business - Ordinance Amendments –

1. Walworth County - Amendment to Section(s) 74-165, 74-174, and 74-241 of the Walworth County Code of Ordinances - Shoreland Zoning to incorporate 2021 Wisconsin Act 105 language and complete amendments required by WDNR for compliance with Wisconsin Administrative code NR115.

**Staff presents summary of shoreland zoning ordinance update. Questions by Supervisor Laufenberg regarding titling of the ordinance to indicate a Walworth County change, as opposed to mandated changes.**

**Richard Kuhnke, Sr. motions to approve and send to County Board. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.**

This item will move forward to the July 14, 2022 Walworth County Board for possible action.

Disc Count # 5:45:48 – 5:50:00

New Business – Discussion Items –

1. **Car Charging Stations**

**Staff summarizes current discussions regarding the use and possible placement of stations. Chair Simons indicates staff continue with preparing guidance on the future of charging stations.**

**This matter will return in July with more information.**

Disc Count # 5:50:03 – 5:54:28

2. **Lakeland Community Church, Inc. C/O Richard Holt – Owner, Section 25, Delavan Township. Amendment of an existing conditional use on land zone P-1 for use of a tent that is less than 25% of existing approved structures for a temporary outdoor classroom for religion classes while a church is being renovated. Part of Tax Parcel FA395600002.**

Amended 6/16/2022 for temporary use of a tent for a religious classroom. (see #1).

Amended 10/21/2021 for pergolas, small addition, access drive, parking, and screening (see #1).

Amended 12/21/2017 for addition of canopies over the entrances as shown on the revised approved site plan. See #1.

NAME: Lakeland Community Church, Inc. / Richard Holt

TOWN: Delavan

The property owner is seeking conditional use approval for a 31,733 square foot expansion of an existing church with an additional parking lot and stormwater basin enlargement on lands zoned P-1.

Tax Parcel FA395600002.

Has been APPROVED subject to the following conditions:

General:

1. Approved as per plans submitted for a 31,733 square foot expansion of an existing church with sanitary waste facilities, an additional parking lot and stormwater basin enlargement on lands zoned P-1 as per plans stamped received by LURM October, 6, 2016 with all additional conditions **and amended December 21, 2017 for enclosure of an interior court yard area with a precast concrete roof and amended 10/21/2021 for addition of two wood pergolas and a small in fill building addition on the west side of the building and a new access drive with parking, an entrance pergola and a wood privacy screening structure on the northeast side of the building and amended 6/16/2022 for temporary use of a tent for a religious classroom as per new plan submitted . The use of the temporary tent shall be allowed only on Sundays from 8:00 a.m. until 12:00 p.m. with no outdoor music as per the Town.**
2. Any infrastructural expansion of the facility beyond that identified on the approved plan, dated 10-6-16 will require additional conditional use review.
3. The project must meet all Federal, State, County, and local regulations including Walworth County Zoning approvals for all structures located on site.

4. The church must obtain a Land Disturbance, Erosion Control and Stormwater Permit approval from the County Land Conservation Office and the Town Engineer prior to new construction on site.
5. No camping on grounds shall be allowed.
6. No outdoor activities allowed after 10:00pm.
7. Outdoor lighting shall be shielded and directed on site.
8. The access shall be approved by the Department of Transportation and located as identified on the approved plan.
9. No Outdoor PA or sound system will be allowed on site.
10. All conditions applicable to the main church conditional use shall apply to church expansion project.
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 Land Management Committee for additional conditional use review.
12. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

13. The church agrees there will be no expansion or modification of plans submitted, without Town of Delavan approvals as per the Town.
14. The church shall follow the Yerkes Observatory Lighting Standards as per the Town.
15. Execution of a Developer's Agreement between the church and the Town of Delavan prior to construction, including the following as per the Town:
16. A Letter of Credit for all public improvements, as well as private storm water drainage improvements and erosion controls.
  - a) Town approval of storm water drainage plans.
  - b) Town approval of erosion control plans.
  - c) Town approval of landscaping berms and screening required.
  - d) Town approval of lighting, signing, and landscape plans.
  - e) The church is responsible for all outside costs incurred by the Town for engineering review, inspection, and attorney's fees.
  - f) Town approval of dry hydrant system, per Fire Chief.
  - g) Execution of a Municipal Service Agreement between the church and the Town as per the Town.
17. No primary or secondary education facilities allowed on the property as per the Town.
18. The church agrees that it will not expand the building, which appears on the aforementioned plan, past its existing size; unless a municipal sanitary sewer system becomes available, and only after presenting new plans to the Town Plan Commission for approval as per the Town.
19. The church shall be granted approval of the septic system as presented, with the following conditions as per the Town:
  - a) Pre-treatment included, to be as presented

- b) Full depth of limiting factor to 36", as presented
  - c) Cell size to be no smaller than designed without pre-treatment, as presented
  - d) Dialer system to be installed for alarm notification in case of system failure
  - e) Walworth County Sanitarian to receive copies of 6 month maintenance contract reports, for the life of the system, and reports should include any system failures recorded, all alarm activations and actions taken by owners, and all meter readings within each 6 month period.
20. The church agrees to enter into a Maintenance Agreement for the septic system with a reputable firm, with inspections occurring every 6 months, and more if necessary, and the church further agrees to furnish the Town with a copy of the signed agreement as per the Town.
21. The church agrees that at such time as sanitary sewer, or the ability to hook- up to sanitary sewer becomes available at the intersection of STH 67 & 50, the church at its own expense, will connect and pipe its effluent to that hook-up location as per the Town.
22. The church must obtain sanitation approval for the proposed sanitation system prior to any construction on site. If a Holding Tank is approved, the applicant must provide a copy of the contract between the applicant, waste hauler, and the sanitary treatment facility to insure that all waste is capable of being properly disposed as per the Town.
23. The conditions of this conditional use shall be posted in the Church for future members as per the Town.
24. Construction of an 8' x 12' permanent sign as discussed before the Land Management Committee on 5-17-02 is approved. The sign shall meet with Section 6.3 of the Zoning Ordinance regarding on site premise signs in all business, industrial and park districts.

Dated this 23<sup>rd</sup> day of March, 2017.

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COUNTY ZONING AGENCY  
TIM BRELLENTHIN, CHAIRMAN

cc: Atty Robert Vanscoyoc, Sweet & Maier, S.C., 114 N. Church Street, P.O. Box 318, Elkhorn, WI 53121  
Groth Design Group, 700 W. Virginia Street – Suite B105, Milwaukee, WI 53204  
Town of Delavan, Ryan Simons, Chairman, 5621 Town Hall Road, Delavan, WI 53115  
Town of Delavan, Dixie Bernstein, Clerk, 5621 Town Hall Road, Delavan, WI 53115

**Staff presents request.**

**Jim Van Dreser motions to approve with all conditions. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**

Disc Count # 5:54:30 – 5:57:05

3. **Wisconsin Electric Power Company dba We Energies C/O William Burki – Owner,** Section 29, LaGrange Township. Amendment of an existing conditional use for expansion of hours of operation during construction of a of a LNG Peaking Facility storage tank for requested permanent hours from 7:00 a.m. to 7:00 p.m. to 6:00 a.m. to 7:00 p.m. and temporary hours to 24 hours per day with delivers only during the day light hours on land zoned A-1. Tax parcel H LG2900005

Amended 6/16/2022 for hours expansion and temporary hours of operation (See #4).

Amendment of CU on 10/21/2021 to allow different operation hours (see #4)

NAME: Sterken Farms, Inc.



Wisconsin Electric Power Company / WE Energies, ~~applicant~~

TOWN: LaGrange

The property owner is requesting voluntary conditional use review for a Bluff Creek Liquid Natural Gas (LNG) peaking facility. The County Conditional Use review is voluntary as WE Energies is exempt from local review having obtained Public Service Commission (PSC) of Wisconsin Certificate of Authority (CA). The facility shall supply natural gas to an existing natural gas pipeline during peak demand on the coldest days of the winter. The facility would be installed as a utility on 22.1 acres of A-1 zoned property and consist of a natural gas pretreatment system, natural gas liquefaction system, a 150 ft. tall by 150 ft. diameter LNG storage tank, a LNG vaporization system, an emergency impoundment area, stormwater basins, truck loading and unloading equipment area, an administrative office and parking lot.

Tax Parcel # H LG2900005

Has been APPROVED subject to the following conditions:

General:

1. Approved as per plan submitted for a Liquid Natural Gas (LNG) peaking facility consist of a natural gas pretreatment system, natural gas liquefaction system, a 150 ft. tall by 150 ft. diameter LNG storage tank, a LNG vaporization system, an emergency impoundment area, stormwater basins, truck loading and unloading equipment area, an administrative office and parking lot with all additional conditions as added.
2. Any proposed buildings shall be of an earth tone or neutral color (I.E. beige or tan) excluding the LNG storage tank.
3. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.
4. Construction related activities are only allowed on site between ~~sunrises to sunsets 7:00~~ **6:00 a.m. and 7:00 p.m. with deliveries of materials and supplies limited to daylight hours. A temporary 24-hour per day construction schedule from October 1, 2022 to September 30, 2023 shall be allowed. The following short term, limited duration activities would occur on a 24-hour per day schedule: Pressure testing of the tank and piping, radiographic testing of welds, installation of insulation between the inner and outer tanks and installation of the outer tank door sheet.**
5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.
6. All spoils spreading activities must be conducted in the approved identified locations.
7. All access to the site must be made as identified on the approved plan.
8. All contractor storage yards shall be located as identified on the approved plan and used as specified.
9. The applicant shall meet all applicable Federal, State and local regulations.
10. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.
11. The owner shall notify the County if any changes are made regarding operation of this site including quantity, location and type of materials to be stored on site.
12. The applicant is responsible for removal of the utility building if it is no longer in use. If the utility discontinued for a continuous period of 12 months, it may be considered abandoned. Abandoned utilities may be required to be removed within 90 days.
13. The owner of the property shall release, indemnify and hold harmless Walworth County and its agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property as a result of exercising this approval.
14. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.

15. The Land Use and Resource Management Department staff may conduct inspections necessary to ensure site is operated and maintained according to all applicable regulations.
16. The owner/operator shall provide a copy of all required certification from Public Service Commission (PSC) of Wisconsin and WI. D.N.R. for the conditional use file and keep the certifications current in the County file.
17. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
18. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. 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 property owner must prepare a spill prevention plan, complying with USEPA and WDNR standards as per the County Conservation Office.
20. The Liquid Natural Gas (LNG) peaking facility shall be removed and the property graded back to acceptable agricultural contours under approval of a new conditional use permit for agricultural land restoration upon termination of use.

Dated this 20<sup>th</sup> day of August, 2020.

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COUNTY ZONING AGENCY  
RICK STACEY, CHAIRMAN

cc: WE Energies, William Burki, 231 W. Michigan Street, Milwaukee, WI 53203  
Town of LaGrange, Frank Taylor, Chairman, N7899 County Rd H, P.O. Box 359, Whitewater, WI 53190  
Town of LaGrange, Crystal Hoffmann, Clerk, N7899 County Rd H, P.O. Box 359, Whitewater, WI 53190

**Staff presents request.**

**Richard Kuhnke, Sr. motions to approve. Seconded by Al Stanek. Motion carried. 7-favor 0-oppose.**  
Disc Count # 5:57:07 – 6:01:48

**TABLED – NO TOWN DECISION**

4. ~~Exotic Enterprises – Delavan Lake Enterprises – Owner, Peter Jurgens – Applicant, Section 25, Delavan Township. Amendment of an existing conditional use for installation of a tot lot playground set less than 25% of existing structures on land zoned P-1. Tax Parcel F D-2500003A~~
5. **Town of Delavan – Owner**, Section 12, Delavan Township. Amendment of an existing CU for maintenance dredging and spoils disposal (outside of the wetland and floodplain) from the three sediment ponds constructed in the Mound Road Wetland. Part of Tax Parcel FA220400001 and 1A.

Amended 6-16-2022 for maintenance dredging and disposal of sediment from three sediment ponds (see #1)

Amended 12-22-06 – Condition #6\*

Amended 7-19-07 – See Condition #20\*\*

NAME: TOWN OF DELAVAN

TOWN: DELAVAN

A conditional use permit for improvements needed on the Mound Rd. wetland within 100-year floodplain, including filling, and dredging on lands proposed to be zoned C-4 Lowland Resource Conservation District (Shoreland), and described as follows:

Part of Tax Parcel #FA220400001

Description of property situated in County of Walworth, State of Wisconsin: All that part of the Southeast ¼ of Section 11 and the Southwest ¼ of Section 12, Town 2 North, Range 16 East, Town of Delavan, Walworth County, Wisconsin, described as follows: Beginning at the Southwest corner of said Section 12; thence North 99 deg 19' 20" East 1332.43 feet along the South line of said Southwest ¼; thence North 1 deg 23' 05" West 531.29 feet along the North-South 1/16 line of said Southwest ¼; thence North 63 deg. 46' 21" East 182.22 feet; thence North 88 deg. 19' 20" East 1167.35 feet parallel with the South line of said Southwest ¼ to a point on the East line of said Southwest ¼; thence North 01 deg. 21' 28" West 2033.57 feet to the center of said Section 12; thence South 88 deg. 22' 29" West 1254.72 feet along the Northerly line of said Southwest ¼ to a point on the Southeasterly right-of-way line of Interstate Highway 43; thence South 55 deg. 17' 27" West 579.17 feet along said Southeasterly line; thence Southwesterly 1483.07 feet along the arc of a curve concave to the Northwest radius of which is 5889.58 feet and the long cord of which bears South 62 deg. 30' 16" West 1479.14 feet; thence South 01 deg. 24' 42" East 1678.05 feet along a line parallel with the Westerly line of said Southwest ¼ of said Section 11; thence North 89 deg. 00' 17" East 400.00 feet to the Southwest corner of said Section 12 and the point of beginning and end of this description.

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

1. Approved as per plan submitted **and amended 6-16-2022 for maintenance dredging and disposal of spoils from three sediment ponds** with all additional conditions.
2. Time limit for completion of the project shall be established, as the same period needed for the reconstruction project.
3. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from Land Conservation. The applicant must comply with all established standards of the Land Restoration and Land Disturbance, Erosion Control and Stormwater Management permits.
4. The applicant must follow phases of excavation and restoration as part of the approval under the County's Land Disturbance Erosion Control and Stormwater Management Ordinance. The applicant must submit a project-sequencing schedule for each phase leading to completion prior to approval.
5. Implementation of dust and noise control measures shall occur at all times on site.
6. Hours and days of operation shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday. No work shall be conducted on holidays. **(See amendment to this condition on last page.)\***
7. Road access and maintenance agreements shall be filed with the State, Township and/or County prior to hauling materials to and from the site on the respective municipal roads.
8. Any additional Office/trailer or structures shall obtain approved County zoning and sanitary permits.
9. The project shall meet all applicable Federal, State and local regulations.
10. All soil and equipment storage must be in an approved location.
11. No materials shall be brought in from off site other than those materials specified in the approved operations plan.
12. **~~All soil generated from the site must remain on site (including the disposal area) for use in restoration. All topsoil will be graded evenly on the disturbed area consistent with the approved restoration plan.~~**
13. All site dewatering shall be conducted so as to prevent sedimentation outside of the project area.
14. No storage of chemicals and petroleum products shall occur on site.
15. The County shall not be party to the soil disposal project. The applicant shall be held solely responsible for any damages resulting from use of the disposal site. The County will not be liable for any damage to the property affected by the fill or to any neighboring property or drain tiles due to the project.
16. The applicant must provide the County with documentation of notice to all neighboring property owners regarding the intent to fill on site. The notice must specifically request any known information details regarding drain tiles and stormwater management concerns.

17. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.
18. Any changes to the character, intensity or use of this site not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the County Zoning Agency for additional conditional use review.

Specific:

19. This site shall only be used in conjunction with disposal of soils for the wetland restoration project specific to the plan of operations submitted by the owner and identified on the application.
20. ~~The owner shall be responsible for obtaining The City of Elkhorn ETZ approval for the disposal of spoils material outside of County jurisdiction in the shoreland area.~~

Dated this 14<sup>th</sup> day of October, 2003.

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COUNTY ZONING AGENCY  
RICHARD KUHNKE, SR., CHAIRMAN

12-22-06 – Condition #6 amended to allow hours of operation on Saturdays from 6:00 a.m. – 6:00 p.m. EXCEPT for the period from May 15 through November 1, at which time they must observe the hours of 6:00 a.m. – 12:00 Noon on Saturdays.\*

Amended July 19, 2007 to allow the disposal of soil materials off-site at a location or locations to be determined with approval of required zoning and Land Disturbance, Erosion Control and Storm Water Management permits.\*\*

**Staff presents request.**

**Jim Van Dreser motions to approve. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.**  
Disc Count # 6:01:50 – 6:04:40

6:04 p.m.:

**Discussion regarding how the hearings are run with staff presentations and speakers on the applications, support and opposition.**

Ordinance Amendments – None

Rezones with Conditional Uses –

1. **Justin & Christin Milbradt – Owners**, NW & SW 1/4 of Section 35, Spring Prairie Township. Rezone approximately 25.98 acres of land to match wetland boundary to field delineated conditions for a requested 7.5 megawatt solar panel project with conditional use approval for a utility. The project includes request for modification of setback requirements for crossing over the parcel boundary line between the two parcels on an approximately 50 acre project site. Parts of Tax Parcels O SP3500003 and 3A.

General:

1. Approved as per plan submitted for a 7.5 megawatt ground mounted solar system with all additional conditions as stated.
2. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.
3. Construction related activities are only allowed on site between sunrises to sunset.
4. All easements must be use for the purpose for which they were granted.
5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.
6. All spoils spreading activities must be conducted in the approved identified locations.
7. All access to the site must be made as identified on the approved plan.
8. All contractor storage yards shall be located as identified on the approved plan and used as specified.
9. The applicant shall meet all applicable Federal, State and local regulations.
10. All lighting shall be shielded and directed on site.
11. There shall be no fill allowed in any designated wetland area.
12. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.
13. 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.
14. Failure to 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.
15. The applicant is responsible for removal of the solar panel arrays if they are no longer in use. If the solar panel arrays are not operated during a 12 months period, the project shall be considered abandoned. Abandoned solar panel arrays may be required to be removed within 90 days.
16. 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.
17. All installation of the solar panel arrays must comply with Wisconsin Administrative Code Chapter PSC 119 for interconnection distributed generation facilities.

Specific:

18. Any on-site material lay down area for contractor storage of materials, equipment including job trailers will be required to be added to the site plan and obtain zoning permit and erosion control and stormwater permit approval if required by ordinance.

**Staff presents request and indicates this is consistent with Farmland Preservation and County 2050 Land Use Plan.**

**Forrest Howk/One Energy speak regarding the application for questions.  
Speaking in FAVOR: Justin Milbradt**

**Jim Van Dreser motioned to approve. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.**

The rezone petition will move forward to the July 12, 2022 Walworth County Board for possible action.

Disc Count # 6:07:29 – 6:23:17

- 2. William Michael Landers - North by Northwest Storage, LLC C/O John Berget – Owners, SE ¼ of Section 25, Delavan Township. Rezone approximately .92 acres of A-5 Agricultural-Rural Residential District property to the A-4 Agricultural Related Manufacturing Warehousing and Marketing District in order to expand an existing conditional use approval for a storage facility by greater than 25% requiring conditional use approval as if establishing the use anew. Identified as FA499900001 for the rezone and including FA499900002 for the conditional use.**

**Amended June 16<sup>th</sup>, 2022 to allow for two additional storage buildings totaling 20,425 sq. ft. to be constructed on the A-4 area from lot 1 that shall be attached by deed to lot 2 to create on larger A-4 zoned parcel.**

**Amended March 17<sup>th</sup>, 2022 to allow larger 40 sq. ft. sign (See #1, 5, 23)**

NAME: Michael Landers - North by Northwest

TOWN: Delavan

**Lot 1 of CSM 4999 is requested to be rezoned from A-5 to A-4, which would then be joined by deed to lot 2 of the same CSM creating one parcel. The house on the new A-4 zoned property would be removed and the area used for additional storage buildings with conditional use review and approval. Two new storage buildings totaling 20,425 sq. ft. would be constructed. The new buildings would only have access doors on one side. The access drive would be relocated back to the present driveway as the 25-foot setback from the neighboring residential home would no longer be required with combination of the lots and removal of the home. Sanitary mound systems both existing and proposed would serve the limited needs of the operations office at the front gate and the needs of buildings 1, 8 and 9.**

The property owner is requesting to rezone approximately 8.72 acres of A-2 Agricultural Land District property to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use approval for a storage facility. In conjunction, the property owner is requesting approval to rezone .92 acres of A-2 Agricultural Land District to A-5 Agricultural-Rural Residential District to split off an existing dwelling on a residential lot. John Berget is the applicant and contract purchaser of the property and would purchase the property and conduct the project activities when the proper approvals are potentially granted.

Tax Parcel #F D 2500021A

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

General:

1. Approved as per plan submitted for mini-warehouse storage facilities **and amended February March 17, 2022 to allow modification of an allowable nine sq. ft. sign to a larger 40 sq. ft. non-illuminated sign. Further Amended June 16<sup>th</sup>, 2022 to allow for two additional storage buildings totaling 20,425 sq. ft. to be constructed on the A-4 area of lot 1 that shall be attached by deed to lot 2 to create one larger A-4 zoned parcel** with all additional conditions.
2. No general public sales allowed from the storage facility. No business activities other than specified in the plan of operations may be conducted from out of the storage facilities.
3. Must meet all applicable Federal, State, County and local regulations.
4. Outside lighting shall be shielded and directed on site.

5. The applicant must obtain all required zoning permit approvals including a sign permit. **A sign in the A-4 zone district may not be illuminated.**
6. No burning of waste materials shall occur on site.
7. The applicant must obtain the required Town, County and/or State Highway approval for the access.
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 cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. 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.
10. The project site must be kept neat, clean, and mowed in all areas.
11. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
12. Failure to actively exercise this conditional use for mini-warehouse storage facilities 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. Mini-warehouse storage building construction must be occurring in order to be exercising this conditional use.

Specific:

13. The requirements of the stormwater implementation plan and grading plan shall be followed regardless of the phased construction of the buildings. Phase I of the development plan or construction plan must include the construction of all the planned stormwater management practices to serve the facility under full built-out conditions.
14. There shall be no black dirt mixing and grinding, materials or contractor storage or other business activities requiring zoning approvals on site without first obtaining the required zoning approvals.
15. On site hours of operation shall be from 4:30 a.m. to 10:00 p.m. seven days a week and shall be posted on site as per the Town.
16. There shall be no flammable chemical storage on site as per the Town.
17. There shall be perimeter fencing required as per the Town.
18. The project shall follow new lighting ordinance guidelines as per the Town.
19. There shall be no engine repair on site as per the Town.
20. Future approval of landscaping and stormwater maintenance agreements shall be required as per the Town.
21. The approval is subject to final engineering and stormwater plans as per the Town.
22. The project must meet with all applicable requirements of the preliminary stormwater review letter.
23. **The property owner must change the note on the site plan for the sign to reference the 40 sq. ft. modification approval prior to applying for the required sign permit.**

Dated this 20<sup>th</sup> day of May, 2021.

RICK STACEY, CHAIRMAN

Dated this 17<sup>th</sup> day of March, 2022.

\_\_\_\_\_  
COUNTY ZONING AGENCY  
RICK STACEY, CHAIRMAN

cc: John Berget, 5011 State Road 50, Delavan, WI 53115  
Farris Hansen & Associates Inc, P.O. Box 437, Elkhorn, WI 53121  
Town of Delavan, Larry Malsch, Chairman, 5621 Town Hall Road, Delavan, WI 53115  
Town of Delavan, Kristy McChristy, Clerk, 5621 Town Hall Road, Delavan, WI 53115

**Staff presents request and indicates this is consistent with Farmland Preservation and County 2050 Land Use Plan.**

**Warren Hansen/Farris Hansen speak regarding the application and questions. Supervisor Stanek questions potential homeless occupants and policing with units having plumbing. Committee discusses the need for sanitation/plumbing at the storage facility.**

**Joanne Laufenberg motioned to approve. Seconded by Sue Pruessing for discussion. Discussion by committee regarding the need for sanitation / plumbing at the storage facility.**

**Jim Van Dreser motions to eliminate plumbing in individual storage units. Second by Richard Kuhnke, Sr. Discussion by committee. Motion on Amendment carried. 6-favor 1-oppose (Joanne Laufenberg votes in opposition).**

**Supervisor Laufenberg questions representative regarding approval without plumbing in units. Representative indicates the owner wishes to have the storage be able to work on items.**

**Sue Pruessing motions to end discussion and call the vote on the amended motion.**

**Second by Dennis Karbowski. Motion carries. 7-favor 0-oppose**

**Motion to approve with conditions and amendment carries. 6-favor 1-oppose.**

**Roll Call vote:**

<b>Supervisor Simons</b>	<b>Aye</b>	<b>Joanne Laufenberg</b>	<b>Nay</b>
<b>Supervisor Pruessing</b>	<b>Aye</b>	<b>Dennis Karbowski</b>	<b>Aye</b>
<b>Richard Kuhnke, Sr.</b>	<b>Aye</b>	<b>Al Stanek</b>	<b>Aye</b>
<b>Jim Van Dreser</b>	<b>Aye</b>		

The rezone petition will move forward to the July 12, 2022 Walworth County Board for possible action.

Disc Count # 6:23:20 – 7:07:37

- 3. Access Real Estate, LLC C/O David & Zach Flitcroft – Owners, SE ¼ of Section 14, LaGrange Township. Rezone approximately 1.71 acres of A-2 Agricultural Zone District property to the B-2 General Business District in order to obtain conditional use review and approval for a storage facility. Tax Parcel H LG1400009.**



General:

1. Approved for an indoor storage facility as per plan submitted with all additional conditions.
2. No general public sales allowed from the storage facility. No business activities other than specified in the plan of operations may be conducted from out of the storage facilities.
3. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. seven days a week.
4. Must meet all applicable Federal, State, County and local regulations.
5. Outside lighting shall be shielded and directed on site.
6. The applicant must obtain all required zoning permit approvals including a sign permit.
7. No burning of waste materials from the storage facilities shall occur on site.
8. The applicant must obtain the required State Highway approval 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. The requirements of the stormwater implementation plan and grading plan shall be followed regardless of the phased construction of the buildings.
10. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be compliant with County requirements within 60 days of this approval.
11. The project site must be kept neat, clean, and mowed in all areas.
12. No equipment may be stored in the outside storage area without additional County approval.
13. 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.
14. 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:

**Staff presents request.**

**Zack Flitcroft speak regarding the application for questions.**

**Speaking in OPPOSITION: Chet Tharp**

**Speaking in REBUTTAL: Zack Flitcroft**

**Joanne Laufenberg motioned to approve. Seconded by Dennis Karbowski.**

**Motion carried. 7-favor 0-oppose.**

The rezone petition will move forward to the July 12, 2022 Walworth County Board for possible action.

Disc Count # 7:07:39 – 7:14:23

Rezoning –

1. **Jeff & Cindy Dutton – Owners**, NE ¼ of Section 6, Sharon Township. Rezone approximately .5 acres of C-4 Shoreland Wetland District to the A-1NC Prime Agricultural Land Holding District in order to match the wetland boundary to delineated field conditions and allow area for the construction of a swimming pool. Part of Tax Parcel A S 600013.

**Staff presents request.**

**Cindy Dutton speaks regarding the application.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.**

The rezoning petition will move forward to the July 12, 2022 Walworth County Board for possible action.

Disc Count #7:14:27 – 7:17:12

2. **Alex Collins – Owner**, SW ¼ of Section 7, Lyons Township. Rezone approximately 5.78 acres of R-4 Multiple-Family Residence District - (Unsewered) to the A-5 Agricultural-Rural Residential District in order to be able to have farm animals on the total 7.89-acre parcel. Part of Tax Parcel NVS 00083.

**Staff presents request.**

**Alex Collins speaks regarding the application.**

**Dennis Karbowski motioned to approve. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.**

The rezoning petition will move forward to the July 12, 2022 Walworth County Board for possible action.

Disc Count # 7:17:13 -

3. **James L. & Deanna R. Finley – Owners**, SE ¼ of Section 12, Richmond Township. Rezone the approximately 6.6 acre A-2 Agricultural District portion of a lot to C-2 Upland Resource Conservation District in order to be able to divide the parcel into rural density residential parcels. The A-2 portion of Tax Parcel C R 1200009A.

**Staff presents request.**

**Kristin Belongia/Batterman and James Finley speak regarding the application.**

**Dennis Karbowski motioned to approve. Seconded by Joanne Laufenberg.  
Motion carried. 7-favor 0-oppose.**

The rezone petition will move forward to the July 12, 2022 Walworth County Board for possible action.

Disc Count # 7:19:58 – 7:24:00

Conditional Uses –

1. **David A. and Kathleen L. Thate – Owners, Wisconsin Electric Power Company dba We Energies - Applicant,** NW ¼ of Section 1, Lyons Township. Conditional use approval to allow WE Energies to construct and operate a gas regulator station site as a utility on an approximately 1.05 acres fenced in area on lands zoned A-1. Part of Tax Parcel N LY 100006D.

General:

1. Approved as per plan submitted for a gas valve meter station on an easement with a 26 ft. by 40 ft. building as a utility with all additional conditions as added.
2. Any proposed buildings shall be of an earth tone or neutral color (I.E. beige or tan).
3. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.
4. Construction related activities are only allowed on site between sunrises to sunsets.
5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.
6. All spoils spreading activities must be conducted in the approved identified locations.
7. All access to the site must be made as identified on the approved plan.
8. All contractor storage yards shall be located as identified on the approved plan and used as specified.
9. The applicant shall meet all applicable Federal, State and local regulations.
10. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.
11. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
12. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.
13. The applicant is responsible for removal of the utility building if it is no longer in use. If the utility discontinued for a continuous period of 12 months, it may be considered abandoned. Abandoned utilities may be required to be removed within 90 days.
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.

Specific:

- 15. Approved as per agreed upon landscaping plan with the Town of Lyons, as per the Town.**

**Staff presents request and indicates this is consistent with Farmland Preservation and County 2050 Land Use Plan.**

**Renee Bauerman and Nathaniel Sheahan speak regarding the application.**

**Joanne Laufenberg motioned to approve. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.**

Disc Count # 7:24:04 – 7:28:58

2. **Yggdrasil Land Foundation – Owner, Anna Zinga – Applicant, SW ¼ of Section 36, Troy Township. Conditional use review and approval to operate a commercial arboretum for the display and study of plants on a 79-acre parcel zoned C-2 Upland Resource Conservation District. Tax Parcel L T 3600007.**

General:

1. Approved per plans submitted for a commercial arboretum for the exhibition and study of plants and their environment during the day by children and adults with all additional conditions.
2. The commercial arboretum shall have a maximum of \_55\_ children and or adults present on site at one time during normal daily use
3. Outdoor lighting shall be shielded and directed on site.
4. The commercial arboretum shall be responsible for maintaining proper liability insurance at all times during use of the property.
5. The use of the site as a commercial arboretum must meet Federal, State, County and local regulations.
6. Access shall be as indicated on the approved plan.
7. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. 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 compliant with County requirements within 60 days of this approval.
8. The hours of operation shall be from 8:00 a.m. to 4:00 p.m. with children being picked up by their responsible guardian starting at 3:00 p.m.
9. The owner shall obtain Land Disturbance, Erosion Control and stormwater approval if required by Ordinance.
10. 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.
11. 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:

12. A minimum of two adult instructors shall be present at all times when the site is in use by children (one licensed instructor and at least one adult assistant).
13. The instructor shall have a required State Day Camp License approval.
14. The property owner shall receive and keep record of permission slips signed by each child's responsible guardian. The permission slips are to be signed and dated by the legal guardians for the days each child shall be present on site.
15. An instructional yurt as depicted on the site plan shall be present on site prior to use of the site as a commercial arboretum in order for children to be able to get out of inclement weather.
16. A copy of a contract or agreement with a sanitary waste hauler who shall service the portable toilet shall be provide and kept current in the County conditional use file during the use of the site as a commercial arboretum.
17. There shall be no more than six single day special community events allowed per year in support of the commercial arboretum with a maximum capacity of 80 people. The commercial arboretum management shall keep record of the special events held per year. The hours of operation for special events shall be from between 8:00 a.m. and 10:00 p.m. Special events shall focus on education, skills and community building related to the commercial arboretum. Special events shall be free of charge. Any music played during special events shall be acoustic and for ambiance.
18. Winter use of the site shall require permanent toilet/sanitary facilities that are not be subject to freeze.

**Staff presents request.**

**Anna Zinga and Erin Houlihan speak regarding the request.**

**Speaking in FAVOR: Andrew Crone, Rebecca Rohrer, Allison Pratt-Szeliga, Chanda Droske**

**Joanne Laufenberg motioned to approve. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.**

Disc Count # 7:29:00 – 7:54:52

**Adjournment**

**Dennis Karbowski motioned to adjourn. Seconded by Al Stanek. Motion carried. 7-favor 0-oppose**

The meeting was adjourned at 7:55 p.m.

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Submitted by Sheril Oldenburg, Recording Secretary.

Minutes are not final until approved by the committee at its next meeting.