

County Zoning Agency

MINUTES

June 18, 2020 – 4:30 P.M.

100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Rick Stacey called the meeting to order at 4:30 p.m.

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

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

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

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

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

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

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

Subdivision Items – Old Business – None

Subdivision Items – New Business –

THIS ITEM NOT HEARD – Tabled at Request of Applicant.

- ~~1. Geneva Springs Subdivision Preliminary Plat, Geneva Springs Haven LLC., applicant. Proposed 27 lot and 2 out lot residential subdivision plat located in Section 21, Town 2 North, Range 17 East, Town of Geneva. Parcel #s JA320800002 and JA320800003. The proposed plat contains 13.09 acres of land and is zoned R-2 Single Family Residence District (Sewered). The applicant is requesting a modification of street design standards contained in Section 11.3 (e) of the Walworth County Subdivision Ordinance.~~

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

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

Kip Guy – Site Leader Birds Eye Darien – speaks regarding current status of the lagoons and status of progress on repairs. Questions from Van Dreser regarding the liner and the depth of the lagoon. Response from Birds Eye. Statement by Cotter concerning complaints received and responses by the parties, including the Village of Darien. Jim Van Dreser motioned to review in one year at June, 2021 CZA Meeting. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose. Disc Count #4:42:45 – 5:03:02

2. **Marion J. Cournoyer, Leonor I. Hernandez – Owners, Section 27, Linn Township. Review of Town correspondence concerning conditional use issued in April, 2020. Part of Tax Parcel I L 2700012.**

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

Jim Van Dreser motioned to adopt the amended Conditional Use changes as per the Town. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose. Disc Count #5:03:09 – 5:06:48

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

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

No action is taken.
Disc Count #5:06:51 – 5:11:52

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Zioto Enterprises, LLC- Owner, C/O George Paziopolis, Section 8, Darien Township. Amendment of CU for outside storage of sheds for sale. Tax Parcel B D 800005. Amended June 18th, 2020 to eliminate fireworks stand and approve sheds for three years (see # 1, 8, 10, 11, 12, 13, 22)**

NAME: Zioto Enterprises, LLC

TOWN: Darien

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

Part of Tax Parcel B D 800005.

Has been APPROVED subject to the following conditions:

General:

1. Approved for ~~six years~~ **one (1) year** ~~three years~~ as per plan submitted for outside storage ~~of allowing a seasonal fireworks stand and sheds to be stored on site for sale.~~ **The property owner shall apply for and return to the County Zoning Agency for a full plan review of all uses on the property in May, 2019-2020.**
2. All materials and parking of any nature will be as reflected in the Site Plan.
3. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management Permit from the County prior to any land disturbance activities taking place on the site.
4. All access to the site must be made as identified in the approved plan.
5. The applicant shall meet all applicable federal, state, and local regulations.
6. The applicant shall obtain all necessary permits for any temporary sanitary facilities and signs.
7. Storage-related activities, including parking, shall not occur within 25 feet of the right-of-way or within the required vision triangle.
8. With the exception of the shed display area ~~and fireworks stand~~, no other uses shall be allowed on the site in conjunction with this approved temporary use. There shall be no other use of the premises during the term of the CUP without additional County approval.
9. Materials stored on site are limited to parking, ~~a firework stand~~ and the sheds for sale as per plan submitted.
10. Mini-storage sheds may be located on the premises for sale as reflected on the approved plan for ~~six~~ **three** years starting on the date of this approval provided the applicant complies with all of the necessary conditions as itemized and the applicant provides the name contact phone number of the designated lessee displaying the sheds.
11. ~~Hours of operation of the fireworks stand shall be from 9:00 a.m. to 9:00 p.m.~~
12. ~~The fireworks shall be sold inside of an 8 ft. by 40 ft. shipping container as per the plan submitted.~~
13. ~~The shipping container Truck and sales of fireworks shall be allowed on site for six years~~ **one (1) year** ~~starting on June 1st and must be removed from the site by July 15th of 2020. 2018. Each of the six approved years starting June 1st, 2018 through July 15th, 2023.~~
14. No permanent buildings shall be allowed on site as part of this approval.
15. Any changes to the character, intensity or use of this site not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the County Zoning Agency for additional conditional use review.

Specific:

16. There shall be no contractor storage yard and related activities such as fabrication, painting, welding, washing of materials or equipment, cutting, milling, chipping, sorting etc. allowed on site.
17. Failure to make the required contact with the County and or provide the required information for review prior to use of the site shall result in County citation and/or enforcement.
18. The topsoil pile located on site shall be spread on the site. ~~remain for use in final restoration of the property.~~

19. No topsoil, fill or other earthen materials may be mined and/or removed from the site.
20. No earthen materials, debris and or spoils may be disposed of on site.
21. All area utilized for temporary storage shall be covered by gravel prior to use.
22. The ~~fireworks stand and or~~ sheds shall not be used for overnight stays.
23. There shall be no more than 12 sheds stored on site for sale as per the Town

Dated this 20th day of June, 2019.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

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

Staff presents request.

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

Jim Van Dreser motioned and amended to Approve for one-and-one-half year, with removed fireworks language. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.

Disc Count #5:11:52 – 5:16:26

TABLED – NO TOWN DECISION / REQUEST OF APPLICANT

- ~~2. **Maple Lawn Estates, LLC – Owner, Matt Polyock – Applicant** AMENDED CU to allow expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin resulting in less than 25% of the size of existing structures approved by a conditional use. Part of Tax Parcel LL 3300003.~~

Meeting paused until 5:30 portion of meeting.

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

Ordinance Amendments – None

Rezones with Conditional Uses –

1. **Catherine Duesterbeck – Owner, Ben Johnson – Applicant**, Section 29, Sugar Creek Township. Rezone approximately 2.1 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Rural Residential zone district in order to obtain conditional use permit approval for the expansion of an existing micro-brewery. The expansion includes request for a separate conditional use for a farmer's market. Part of Tax Parcel G SC2900004.

Amended 6/18/2020 for addition of a 3204 sq. ft. building to be used as an additional tasting room and a summer pavilion in addition to use of existing sheds for beer production space, bottling, canning and storage area, two small events a week and up to 12 large events per year to be served by a 195 stall grass over flow parking area, expansion of the hours of operation and a separate conditional use for a farmer's market on a portion of the A-4 zoned grass area. (see #1, 14, 17 and 20-28) Amended 10/18/2018 for restroom and breeze way addition (See #1).

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

TOWN: Sugar Creek

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

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

Parts of Tax Parcel G SC2900004

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

General:

1. The Conditional Use for a micro-brewery with outdoor beverage consumption as part of the approved detailed retail sale plan is approved as per the plan submitted **and amended 10/18/2018 and date stamped received by LURM 10/04/2018** for a mixed use 40 ft. X 80 ft. building to contain 1080 sq. ft. tap (tasting) room, **430 sq. foot addition for expanded restrooms and a breeze way** with 500 sq. ft. of outdoor area and the remainder of the building to be used for production space for brewing of beer. **On June 18th, 2020 the conditional use permit is further approved as per revised plan and approved narrative for addition of 2.1 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Rural Residential Zone district for the expansion of an existing micro-brewery by addition of a 3204 sq. ft. building to be used as an additional tasting room and a summer pavilion separate from the micro-brewery structure in addition to use of existing sheds for beer production space, bottling, canning and storage area. The expansion includes two small events a week and up to 12 large events per year to be served by a 159 parking space including grassed over flow parking on the micro-brewery A-4 zoned property and a separate conditional use for a farmer's market on a portion of the A-4 zoned grass area.**
2. Beer production as a micro-brewery shall be set at a maximum ten-barrel production facility with a capacity of up to 2000 barrels of beer per year.
3. Use of the grounds shall be limited to the uses as stated in the plan of operations.

4. The project must meet with all State, Federal and local regulations and approvals.
5. The applicant must obtain all required County Zoning permits including sanitation approvals and a sign permit for any proposed signage.
6. Sufficient adult supervision must be present at all times when facilities are in use.
7. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
8. The applicant is responsible for obtaining adequate liability insurance and keeping the insurance current during the life of this conditional use.
9. All lighting must be shielded and directed on to the property.
10. All parking must occur in the areas identified on the approved plan. Parking must meet with requirements of the county zoning ordinance. All parking must be graded and surfaced so as to be dust free. All parking for business on site must be in compliance with County requirements within 60 days of this approval.
11. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.
12. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
13. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

14. Hours of operation for brewing beer shall be 7 a.m. ~~and to~~ 6:00 p.m. Mondays through Fridays. The hours of operation of the tap (tasting) rooms shall be ~~4:00 p.m. and 10:00 p.m.~~ **10:00 a.m. to 12:00 a.m. (midnight)** ~~Tuesdays through Saturdays~~ **seven days a week.**
15. All outdoor seating and beverage consumption must be within the A-4 zoned area as specified on the approved site plan.
16. The patio must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.
17. This approval allows **for two small events with less than 100 people twice a week and** a maximum of ~~six~~ **12** beer festivals with no more than ~~140~~ **397** people in attendance **at a rate of one regular or grassed parking space per 2.5 people.**
18. The conditional use approval includes modification of the sign code to allow a 12 ft. by 4 ft. sign with zoning permit approval.
19. Any alcohol served shall be limited to products produced on site unless otherwise approved by the committee. Any service of alcohol shall be for tasting, promotional, and/or educational purposes and such activity must be discernible from a bar or tavern. The committee may consider limited quantities served, site design, or other operational methods to make such a distinction. Any retail sales of ancillary items are subject to a detailed list of those items approved by the Committee. All outdoor activities are subject to Committee review and approval.
20. **The site plan must be amended to show the area to be used by outside patrons during events shall be separated from the parking area and access by a temporary fence with all portable toilets bordering inside the fenced area for safety purposes.**
21. **The number of portable toilets to be used on site during events shall be approved by the County Sanitarian.**
22. **A farmer's market is approved as per plan submitted including retail sales of ancillary non-agricultural items subject to a detailed plan approved by the committee with all additional conditions. (see attached list of items to be sold on site as specified):**

23. The farmer's market would be held on a portion of the A-4 zoned grass area with 69 grass parking spaces on either a Friday or Saturday once a month from May to October. Attendance would be at a rate of 2.5 people per 69 grass parking space for a total of 172 people at the farmer's market. Hours of operation for the farmer's market shall be from 7:00 a.m. to 12:00 p.m. (noon).
24. There shall be no self-service of retail products for sale on site.
25. Parking for farm marketing must occur in the areas identified on the approved plan and meet with condition # 10.
26. The farmer's market shall be limited to 18 vendors to be located in the area identified on the site plan.
27. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Sugar Creek and their agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property prior to this conditional use being valid.
28. No adult entertainment as defined by the County Zoning Ordinance shall be allowed on site.

Dated this 16th day of November, 2017.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

Dated this 18th day of October, 2018.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

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

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

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

The rezone petition will move forward to the July 14, 2020 Walworth County Board for possible action.

Disc Count #5:36:50 – 5:48:35

Rezones –

TABLED – NO TOWN DECISION

1. ~~Casey and Bertha Mikrut Trust C/O John Mikrut Trustee – Owner, Diane Coeroft – Applicant, Section 27, Geneva Township. Rezone approximately .256 acres of C-4 Shoreland Wetland District property to the R-2 Single Family Residential District in order to~~

~~match the wetland boundary to delineated field conditions for the creation of a potentially buildable residential lot. Part of Tax Parcel JLCB 00299.~~

5:48 P.M.:

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

Staff presents request.

Constance Kilkenny speaks regarding the application.

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

The rezone petition will move forward to the July 14, 2020 Walworth County Board for possible action.

Disc Count #5:48:50 – 5:52:10

Conditional Uses –

TABLED – NO TOWN DECISION

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

5:55 P.M.:

2. **Darren and Mandy Lewis – Owners**, Sections 35 of Whitewater and 2 of Richmond Townships. Conditional use approval for an indoor 501c(3) non-profit dog kennel for fostering and rescuing dogs. Parts of Tax Parcels D W 3500027D and C R 200011.

General:

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

6. The site must be kept neat, clean and mowed.
7. All animal waste must be disposed of on a daily basis in a sanitary fashion as to prevent occurrence of nuisance.
8. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
9. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three-year period shall require additional Town and County committee approvals.

Specific:

10. The property owner must seek new conditional use approval prior to running this kennel as a commercial facility rather than the dog rescue as describe by the approved narrative and plan of operations.
11. The property must remain as a minimum of five acres is size in order for the conditional use for a kennel to meet the required lot size and remain valid.

Staff presents request.

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

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

Speaking in OPPOSITION: Douglas Muzatko, Susan Kartman,.

Rebuttal by Mandy Lewis.

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

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

Disc Count # 5:55:00 – 7:08:35

7:10 P.M.:

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

Nonmetallic Mining Reclamation Permit –

Super Aggregates (operator), JHGKL, LLC - owner has applied for a Nonmetallic Mining Reclamation Plan modification for a nonmetallic mining site. The mining site is located on Tax Key Parcels # G SC 900004 and G SC 900004A, Town of Sugar Creek. The Walworth County Land Conservation Division has determined the reclamation plan is complete and complies with the Walworth County Nonmetallic Mining Reclamation Ordinance, contained in Chapter 26, Article VI of the Walworth County Code of Ordinances. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.

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

Tax Parcel #G SC 900004 and 4A

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

General:

1. Approved as per the conditional use plan submitted and approved **November 21st, 2019** for increase of the depth of the pit with mining below the ground water table for construction of a pond feature, a wash plant, crushing operations and the import of offsite materials for recycling of concrete and asphalt and import of earthen materials for use in restoration of the pit. **Further amended June 18, 2020 for expansion of a non-metallic mineral extraction site (gravel pit) by greater than 25% requiring conditional use approval as if establishing the project anew. The request is to enlarge a pond within the gravel pit from 12.3 acres 32 feet deep to 27 acres 45 feet deep with a 10-year time extension for operation within the gravel pit. The request includes reducing the setback for excavation distance to property lines from 200 feet to 130 feet from property lines and increasing the slope by excavation and grading in the 200-foot setback no disturbance area to 10 to 1 slope in the first 50 feet and 6 to 1 slope from 50 from the property line to the proposed pond edge. The request includes a 0-foot setback for excavation between the internal project parcel lines and reducing the required 100-foot setback for stockpiles from property lines to 30 feet on the west property line and 30 feet on the south property line with request for variances for all setback and excavation distance reductions to neighboring properties as per plan submitted. The total land disturbance is proposed to increase from 37 acres to 53.2 acres.**
2. Time limit for completion of the project shall be set at **November 21st, 2033**.
3. Implementation of dust and noise control measures shall occur at all times on site.
4. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from The Land Conservation Department. The applicant must follow phases of excavation and restoration as part of the approval under the County's Land Disturbance Erosion Control and Stormwater Management Ordinance and mining reclamation standards. The applicant must submit a project-sequencing schedule as part of the restoration plan for each phase leading to completion prior to approval. The applicant will be responsible for paying all County fees associated with the reclamation plan review, approval and monitoring for compliance with this approval.
5. A non-metallic Mining Reclamation Permit and Plan must be approved by the Walworth County Land Conservation Division. The applicant shall submit an acceptable form of bonding as part of the restoration plan – The bond shall remain in place for the life of the pit plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the County Land Conservation section of the Land Use and Resource Management Office. Renewals of bonds shall be submitted prior to expiration on a two year limited basis. The bond shall be release after final restoration and application for rezone back to the approved post mining land use/zone district. The operator will certify to the County Land Conservation Division the completion of reclamation for a portion or the entire mining site.

6. The post mining land use for this site shall be agriculture requiring A-1 zone district designation. This conditional use shall not be valid without a current post mining land use rezone application being on file with Walworth County. The property owner shall submit an application, fee and a post mining reclamation plan to Walworth County allowing for rezone of the property back to the post mining land use /zone district as specified above. The post mining land use rezone application shall be required to be kept current by the property owner during excavation and reclamation of the site. Should ownership of the site transfer prior to receiving Certification of Completion of Reclamation from the County (Sec. 26-293 (a.7)), the new property owner must re-sign the post mining land use rezone application and pay a new post mining land use rezone application fee at the current rezone rate in order to keep this conditional use valid.
7. Hours and days of operation shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday. No work shall be conducted on Sundays or holidays.
8. Road access and maintenance agreements shall be filed with the Town and County prior to hauling materials off site.
9. The County will not be liable for any damage to neighboring wells due to the operation of the project.
10. Any additional office/trailer or structures shall obtain approved zoning and sanitary permits.
11. Approval of the project shall be subject to all applicable gravel pit policies.
12. The project shall meet all applicable Federal, State and local regulations.
13. All material storage locations must be in an approved zoning district.
14. No materials allowed to be brought in from off-site other than those materials specified in the approved operations plan.
15. All topsoil generated from the site must remain on site for use in restoration. All topsoil will be re-graded evenly on the disturbed area.
16. All site dewatering shall be conducted so as to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the pit. **Any site dewatering outside of the gravel pit M-3 zoned boundary must obtain specific Conservation Office review and approval.**
17. The applicant shall certify that the project plans and the conditions of this approval shall be provided and discussed with the property owner prior to excavation on site and must provide a copy of the certification signed by the owner.
18. Following restoration, the landowner shall petition to rezone the property back to the committee recommended zoning district. The owner of property approved for non-metallic mining shall be required to submit an up-front application and fee for rezoning the property back to the pre-existing zone district. Upon completion of restoration the County shall hold a public hearing for rezoning of the property back to the original zone district. The County shall not release the required performance bond or surety until the property of concern has been restored.
19. The applicant must obtain a sign permit from the County Zoning Office prior to construction of any new signs on site. No billboards will be allowed to be located in an M-3 district even under a State Hwy permit because the M-3 use is temporary and the signs must be consistent with the required zoning upon restoration.
20. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting state requirements.
21. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.
22. The applicant will be held solely responsible for maintaining support rights of neighboring property owners. Adequate setbacks from the proposed excavation to neighboring properties shall be provided to prevent damages resulting from potential cave in of the excavation walls.
23. The County will not be responsible for loss of agricultural productivity of the property as a result of this project.
24. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
25. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time

extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

26. Recyclable concrete and asphalt material shall be limited to the location and quantities as specified on the approved plan of operations.
27. The property owner shall submit a new reclamation plan for review and approval by the Walworth County Land Conservation Office and transfer the reclamation permit to the new operator prior to operations of the pit approved by this conditional use.
28. **This conditional use shall not be valid without approval of all required Walworth County Board of Adjustment variance approvals.**

Staff presents request and non-metallic mining reclamation standards.

Jack Pease speaks regarding the application. Handouts provided.

Speaking in FAVOR: Helga Wantschik

Speaking in OPPOSITION: Michael Kapitan

Speaking in REBUTTAL: Jack Pease

Jim Van Dreser motioned to TABLE until a Board of Adjustment decision is received.

Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.

Disc Count #7:10:39 – 7:47:47

TO BE TABLED - NO TOWN DECISION

4. ~~**ATS, Ltd. C/O Robert Allen — Owner, Section 25, Delavan Township. Conditional use review for recreational vehicle and boat storage by construction of a 90 ft. by 500 ft. storage building on land zoned B-4 Highway Business District. Tax Parcel FA139700001.**~~

TO BE TABLED - NO TOWN DECISION

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

Adjournment

Ryan Simons motioned to adjourn. Seconded by Dave Weber. Motion carried.

7-favor 0-oppose

The meeting was adjourned at 7:48 p.m.

Submitted by Sheril Oldenburg, Recording Secretary.

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