

# County Zoning Agency

## MINUTES

July 16, 2020 – 4:30 P.M.

100 West Walworth Street  
Elkhorn, Wisconsin

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Committee Chair Rick Stacey called the meeting to order at 4:35 p.m.

Roll call – Committee members present in person were Supervisors Rick Stacey, Dave Weber, Ryan Simons, Citizen Members Richard Kuhnke, Sr. and Jim Van Dreser. Appearing via telephone was Supervisor Jerry Grant and Susan Pruessing. 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 July 16, 2020 was not presented due to the continued COVID-19 threat.

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

**Dave Weber motioned to approve the agenda as amended to table item 6.b.1.) Geneva Springs Subdivision Preliminary Plat, Geneva Springs Haven LLC.; 8.d.2.) Treetop Funding, LLC; 8.e.2.) Town of East Troy; and 8.f.1.) Eric and Sarah Handley. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.**

**Richard Kuhnke, Sr. motioned to approve the June 18, 2020 CZA Meeting Minutes. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose**

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter  
Disc Count #4:36:47 – 4:40:15

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 (c) of the Walworth County Subdivision Ordinance.~~

Old Business - Ordinance Amendments – None

Old Business – Discussion Items –

1. Short term rental update and discussion,

**Shannon Haydin provides update regarding short term rental status – new applications and 2020 renewals. Discussions for proposed 2021 fee restructuring:**

**New: \$300; Renewal: \$100.**

**Jim VanDreser motioned to approve the recommended fee amendment with no pro-rating for 2021. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**

Disc Count #4:40:31 – 4:56:59

New Business - Ordinance Amendments – None

New Business – Discussion Items –

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

Amended 7-16-2020 for expansion into the north 200 ft area no longer needed as a buffer area due to lot line adjustment of the M-3 parcel to the A-1 parcel to the north (see #1, 2, 4, 10 and #12 through 35).  
Amended 6-17-10

NAME: Unilock Aggregate LLC JAMES RADECKI

TOWN: LAFAYETTE

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

Tax Parcel #K LF 600005

Has been APPROVED subject to the following conditions:

1. **Approved as per plan submitted and amended June 17, 2010 and further amended July 16<sup>th</sup>, 2020 for expansion into the north 200 ft no longer needed as a buffer area due to lot line adjustment of the M-3 parcel to the A-1 parcel to the north with all additional conditions.**
2. **All materials brought on site shall be clean and conform with the specifications provided in the request for amended conditional use approved on June 17, 2010 and July 16, 2020. Materials brought on site shall be limited to top soil, clean spoils, recycled concrete, recycled asphalt, pit transfer sand, gravel and limestone and shall be located as identified on the approved plan. Relocation of storage areas for the materials shall not occur without amendment of the reclamation plan and stormwater management plan for the site.**
3. That the conditional use be approved upon the County Board approval of the request for a rezone of this property from A-1 Prime Agricultural District to M-3 Mineral Extraction District. The county Board will review the rezone request on December 12, 1995.
4. ~~That the driveway for the pit be located as far from the Pellmann property as possible and that the drive now used by Mr. Radecki might serve as the entrance for the pit (the driveway that goes through Mr. Radecki's yard).~~
5. That the SE corner of the land in question should have a berm and be planted with evergreens to reduce the noise and sight objections.
6. That hours of operation shall be 6:00 a.m. to 6:00 p.m. Monday – Friday; 6:00 a.m. to 3:00 p.m. Saturday; No Sunday Operations.
7. That dust control measures shall be taken by the applicant.

8. That the applicant shall submit an acceptable form of bonding to insure proper restoration.
9. That following restoration of the property, the parcel shall be rezoned back to its original zone district.
10. ~~That the road access maintenance agreements shall be filed with the county.~~
11. That the applicant must meet all Federal, State, and Local Regulations.
12. **Time limit for completion of the project shall be set at July 16<sup>th</sup>, 2030.**
13. **Implementation of dust and noise control measures shall occur at all times on site.**
14. **The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from The Land Conservation Department. The applicant must follow phases of excavation and restoration as part of the approval under the County's Land Disturbance Erosion Control and Stormwater Management Ordinance and mining reclamation standards. The applicant must submit a project-sequencing schedule as part of the restoration plan for each phase leading to completion prior to approval. The applicant will be responsible for paying all County fees associated with the reclamation plan review, approval and monitoring for compliance with this approval.**
15. **A non-metallic Mining Reclamation Permit and Plan must be approved by the Walworth County Land Conservation Division. The applicant shall submit an acceptable form of bonding as part of the restoration plan – The bond shall remain in place for the life of the pit plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the County Land Conservation section of the Land Use and Resource Management Office. Renewals of bonds shall be submitted prior to expiration. The bond shall be release after final restoration and application for rezone back to the approved post mining land use/zone district. The operator will certify to the County Land Conservation Division the completion of reclamation for a portion or the entire mining site.**
16. **The post mining land use for this site shall be agriculture requiring A-1 zone district designation. This conditional use shall not be valid without a current post mining land use rezone application being on file with Walworth County. The property owner shall submit an application, fee and a post mining reclamation plan to Walworth County allowing for rezone of the property back to the post mining land use /zone district as specified above. The post mining land use rezone application shall be required to be kept current by the property owner during excavation and reclamation of the site. Should ownership of the site transfer prior to receiving Certification of Completion of Reclamation from the County (Sec. 26-293 (a.7)), the new property owner must re-sign the post mining land use rezone application and pay a new post mining land use rezone application fee at the current rezone rate in order to keep this conditional use valid.**
17. **Road access and maintenance agreements shall be filed with the Town and County prior to hauling materials off site.**
18. **The County will not be liable for any damage to neighboring wells due to the operation of the project.**
19. **Any additional office/trailer or structures shall obtain approved zoning and sanitary permits.**
20. **Approval of the project shall be subject to all applicable gravel pit policies.**
21. **All material storage locations must be in an approved zoning district.**
22. **No materials allowed to be brought in from off-site other than those materials specified in the approved operations plan.**
23. **All topsoil generated from the site must remain on site for use in restoration. All topsoil will be re-graded evenly on the disturbed area.**
24. **All site dewatering shall be conducted so as to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the pit.**
25. **The applicant shall certify that the project plans and the conditions of this approval shall be provided and discussed with the property owner prior to excavation on site and must provide a copy of the certification signed by the owner.**

26. Following restoration, the landowner shall petition to rezone the property back to the committee recommended zoning district. The owner of property approved for non-metallic mining shall be required to submit an up-front application and fee for rezoning the property back to the pre-existing zone district. Upon completion of restoration the County shall hold a public hearing for rezoning of the property back to the original zone district. The County shall not release the required performance bond or surety until the property of concern has been restored.
27. The applicant must obtain a sign permit from the County Zoning Office prior to construction of any new signs on site. No billboards will be allowed to be located in an M-3 district even under a State Hwy permit because the M-3 use is temporary and the signs must be consistent with the required zoning upon restoration.
28. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting state requirements.
29. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.
30. The applicant will be held solely responsible for maintaining support rights of neighboring property owners. Adequate setbacks from the proposed excavation to neighboring properties shall be provided to prevent damages resulting from potential cave in of the excavation walls.
31. The County will not be responsible for loss of agricultural productivity of the property as a result of this project.
32. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

Specific:

33. Recyclable concrete and asphalt material shall be limited to the location and quantities as specified on the approved plan of operations.
34. The property owner shall provide a complete contour map showing the resulting contours in all areas of the project site including the 200 foot buffer areas. The contours shall tie into the ~~neighboring~~ neighboring property elevations as to show final grades of restoration.
35. The property owner shall comply with all requirements of the Preliminary Stormwater Review letter created for review of the July 16<sup>th</sup> 2020 amendment of the conditional use for the 200 ft. expansion area to the north.

Dated this 17<sup>th</sup> day of November, 1995.

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WALWORTH COUNTY PARK & PLANNING COMMISSION  
JAMES VAN DRESER, SECRETARY

Amended this 17<sup>th</sup> day of June, 2010.

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

**Staff presents request.**

**Attorney Christina Green indicates the applicant is aware of the conditions.**

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

**Disc Count #4:57:01 – 5:05:13**

2. **Noise ordinance discussion.**

**Michael Cotter begins discussion regarding noise ordinance and complaints, and County's ability to regulate. Jerry Grant requests to talk to Sheriff regarding disorderly conduct.**

**Discussion by the Committee regarding County involvement and different situations. No action is taken.**

Disc Count #5:05:15 – 5:15:10

Meeting paused until 5:30 portion of meeting.

5:30 p.m. meeting recalled by Chair Stacey.

**Ordinance Amendments** – None

**Rezones with Conditional Uses** –

1. **James Steurer Jr. – Owner**, Section 16, Delavan Township. Rezone an approximately 1.89 acre A-1 Prime Agricultural zoned parcel to the M-1 Industrial District in order to bring and existing septic pumping business into compliance by obtaining a conditional use permit for contractor storage and a caretaker's quarters. Tax Parcel FA 10900001.

General:

1. Approved per plans submitted for a septic pumping and hauling business with contractor storage and a single family dwelling as a caretaker/watchman quarters with all additional conditions.
2. All storage areas, materials and equipment shall be located as defined on the plan of operations.
3. The site shall meet all applicable Federal, State, County and local regulations.
4. The applicant must obtain all required zoning permit approvals including a sign permit.
5. No filling shall be allowed in any wetland areas.
6. No filling shall occur on site without proper permit approvals.
7. Access approval must be obtained from the Town.
8. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. The construction activities of this development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management standards contained in Section 26 of the Walworth County Code of Ordinances.
9. Hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday –Saturday with hours for return of equipment from off site until 9:00 p.m.
10. No burning shall be allowed on site without a State burning facility license and any required local approvals.
11. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
12. Use of the single family residences shall be limited to use by a caretaker/watchman and shall be rezoned or removed from premises at the time they no longer needed in connection with the industrial use.

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

Specific:

14. The owner/applicant must obtain County Land Conservation Office approval of a spill prevention plan (SPP) and a stormwater pollution prevention plan for this site if required by ordinance.
15. There shall be no cleaning of the septic waste hauling trucks on the property.
16. All exterior lighting shall be shielded and “dark sky” per ordinance as per the Town.
17. No outdoor storage of unnecessary equipment/materials longer than 72 hours, or it must be screened as per the Town.

**Staff presents request and indicates this is consistent with Farmland Preservation, not having been farmed.**

**Warren Hansen 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 23, 2020 Walworth County Board for possible action.

Disc Count #5:34:40 – 5:46:58

**TABLED – NO TOWN DECISION**

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

**Rezoning** –

**5:47 P.M.:**

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

**Staff presents request.**

**Gary Cocroft speaks regarding the application.**

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

Staff clarifies for applicant the process of County Board approval on July 23, 2020.

The rezone petition will move forward to the July 23, 2020 Walworth County Board for possible action.

Disc Count #5:47:09 – 5:52:38

**THIS ITEM NOT HEARD – WITHDRAWN by Applicant.**

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

**5:55 P.M.:**

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

**Staff presents request.**

**Dolores Eddy speaks by phone regarding the application.**

**Dave Weber motioned to approve. Seconded by Jerry Grant. Motion carried.**

**7-favor 0-oppose.**

Staff clarifies for applicant the process of County Board approval on July 23, 2020.

The rezone petition will move forward to the July 23, 2020 Walworth County Board for possible action.

Disc Count #5:55:00 – 5:59:45

**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.~~

**6:00 P.M.:**

2. **The Town of Delavan- Owner, Cardinal Engineering – Applicant**, Section 22, Delavan Township. Expansion of the existing Delavan park structure by greater than 25% requiring conditional use approval for expansion of public assembly use as if establishing the existing use anew. Part of Tax Parcel F D 2200004.

NAME: Town of Delavan

TOWNSHIP: Delavan

**The Town of Delavan is requesting to expand and existing Township of Delavan Park main structure by greater than 25% requiring conditional use approval for expansion of public assembly use as if establishing the existing use anew. There will be 2 additions to the main park building totaling 2059 sq. ft. which is equal to a 33% expansion of the structure. The building will accommodate and elevator and mechanicals with a separate garage space. The building will otherwise be used the same**

**as under the existing 2005 approved CU for public assembly. As stated: The structure will be used for public assembly, weddings, trade shows and other cultural event and performances.**

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

Tax Parcel #F D 2200004

Has been APPROVED subject to the following conditions:

1. Approved per plans submitted **as revised and amended July 16<sup>th</sup> 20<sup>th</sup>, 2020** with all additional conditions as stated.
2. The project must meet all Federal, State, County and local regulations.
3. The restrooms within the building must be open to the public when the building is in use.
4. All lighting shall be shielded and directed on site.
5. Any changes to the character, intensity or use of this site including building locations, size or additions not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the County Zoning Agency for additional conditional use review.

Specific

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

Dated this 17<sup>th</sup> day of March, 2005.

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COUNTY ZONING AGENCY  
RICHARD KUHNKE, SR., CHAIRMAN

**Staff presents request.**

**Ryan Cardinal/Cardinal Engineering speaks regarding the application. Ryan Cardinal to provide prints as shown at CZA meeting**

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

**Disc Count # 6:00:00 – 6:05:21**

**6:10 P.M.:**

3. **Milstead, LLC – Owner, John Schnupp – Applicant, Section 6, Walworth Township. Conditional use approval for outdoor food and beverage consumption on the north side of an existing restaurant in order to better serve clientele of the Fire to Fork Restaurant. Part of tax parcel E W 600001B.**

General:

1. The Conditional Use for use of a portion of open space for outdoor food and beverage consumption for a restaurant is approved as per the plan submitted with the following conditions.
2. Use of the grounds shall be limited to the uses as stated in the plan of operations.



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

Specific:

13. Hours of operation on the outdoor food and beverage area shall be 10:00 a.m. to 11:00 p.m.
14. All outdoor seating and all outdoor food and beverage consumption must be in the area specified on the approved site plan.
15. The outdoor seating area must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.
16. Any proposed outdoor fire pit/cooking facilities must meet with Local and State requirements.
17. Approved for Fire2Fork's temporary use for outside dining/serving until the earlier of the Covid-19 issues allow normal indoor seating or June 30, 2021 as per the Town.
18. If outside dining/serving is still needed after June 30, 2021 or Fire2Fork wishes to make the outside dining/serving permanent, Fire2Fork shall be required to come back for additional Town and County conditional use review as per the Town.
19. **Total seating indoors and outdoors on the patio combined shall not exceed the maximum of 110.**

**Staff presents request.**

**Joy Schnupp speaks regarding the application. Indicates there is some service indoors with tables 10 feet apart - 26 seats inside.**

**Staff indicates that LURM had taken it upon themselves to allow service prior to hearing.**

**Jim Van Dreser motioned to approve, amending with maximum total seating of 110 seats. Seconded by Ryan Simons, and as amended. Motion carried. 7-favor 0-oppose.**

Disc Count # 6:10:00 – 6:19:22

**6:20 P.M.:**

**4. Nonmetallic Mining Reclamation Permit –**

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

**Fay Amerson presents non-metallic mining reclamation application and standards. David Roberts/JSD Engineer speaks regarding the application.**

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

**Disc Count #6:20:00 – 6:35:20**

**6:35 P.M.:**

**5. 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.**

General:

1. Approved as per plan submitted for an indoor seasonal boat storage facilities with all additional conditions.
2. No general public sales allowed from the boat storage facility. No business activities other than specified in the plan of operations may be conducted from out of the boat storage facilities.
3. On site hours of operation shall be from 7:00 a.m. to **7:00** ~~8:00~~ p.m. seven days a week. **(amended per the Town)**
4. Must meet all applicable Federal, State, County and local regulations.
5. Boats to be stored indoors may be located outside for drop-off and pick-up only. Any seasonal trailers and or other boat equipment (piers, boat lifts etc.) storage shall occur indoors.
6. Outside lighting shall be shielded and directed on site.
7. Any on-site fuel storage shall be conducted within a State approved containment facility.
8. The applicant must obtain all required zoning permit approvals including a sign permit if different from the present sign.
9. No burning of waste materials shall occur on site.
10. The applicant must obtain the required Wisconsin Department of Transportation (DOT) access approval for the access as shown on the approved plan. The DOT approval must explain the turning directions allowed for access to the driveway and the effect of the painted (striped area) of divided Hwy 50 on site entrance and exit.
11. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management permit from the County Conservation Office if required by ordinance.
12. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval.

13. The project site must be kept neat, clean, and mowed in all areas.
14. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
15. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

16. No ~~permanent~~ **greater than three (3) day** outside storage of boats, trailers or other boat related equipment and materials (boat trailers, lifts, piers, parts etc.) shall be allowed.
17. The County reserves the authority to require any outside stored boats, or boat related equipment and materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval.
18. No acid washing of boats shall be allowed on site.
19. There shall be no on-site repair or restoration of boats or boat related equipment (lifts, piers etc.) allowed.
20. All exterior lighting shall be shielded and “dark sky” per ordinance as per the Town.
21. A landscape plan must be submitted as per the Town; **and approved by the Town.**
22. The project must meet with the requirements of a Baxter-Woodman review letter dated 6/30/2020 as per the Town.
- 23. Boat storage allowed shall be seasonal. No in-and out daily or weekly type service shall be allowed.**

**Staff presents request.**

**Joshua Schwartz/Kapur & Associates speaks regarding the application. Indicates no bathroom and no request for holding tank.**

**Committee questions amount of time a boat is outside. Rep. indicates outside maybe a couple hours – very limited if any. 2 or 3 days would be acceptable to Rep.**

**Speaking in OPPOSITION: Dave Ripple/Rep for Opposition; Susan Hayden.**

**Speaking in REBUTTAL: Jeremy Schwartz/Kapur.**

**Fay / LURM speaks regarding the stormwater management plan submittal and requirements.**

**Jim Van Dreser motioned to approve as amended in paragraph #3 and adding to paragraph 16 – no permanent outside storage –include boats will not remain outside for longer than 3 days; also add this would not be used as an in-out or concierge service. Seconded by Jerry Grant. Ryan Simons requests #21 landscape plan be Approved. Approved by movant and second.**

**Motion to Approve and second are withdrawn.**

**Dave Weber Motions to TABLE to resolve issues concerning runoff, DOT concerns for expansion and the easement for the stormwater plan. Second by Jerry Grant.**

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

**Disc Count # 6:35:42 – 7:29:35**

**7:29 P.M.:**

6. **Steve S. Walter – Owner**, Section 21, Darien Township. Conditional use review for expansion of a slurry storage facility for industrial wastes to be applied to agricultural farmland in excess of 25% of the size of the existing approved facility requiring conditional use approval as if establishing the facilities anew. Part of Tax Parcel B D 2100005A.

NAME: STEVEN S. WALTER

TOWN: DARIEN

**Amended 7/16/2020 for additional Slurry Storage Tank and dry bunker (see #1, 19 and 20)**

A conditional use permit for temporary storage of wastewater from various permitted sources within a slurry storage tank **and dry municipal storage area with leachate collection system and to expand the facility storage capacity both an additional 131 ft. diameter by ~~28~~ 19 ft. height slurry storage tank and an additional 70 ft. by 140 ft dry bunker as per plan approved 2/20/2020 7/16/2020** as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned A-1 Prime Agricultural Land District, and described as follows:

Tax Parcel # **B D-21-5A**

Has been APPROVED after the appropriate findings were made as required by State Farmland Preservation Program s91.75(5) Wis. Stats. subject to the following conditions:

1. This facility is approved per plan submitted **and amended 8/18/2016** as a temporary wastewater storage facility for waste to be applied to agricultural land **and amended 7/16/2020 for an additional 131 ft. diameter by ~~28~~ 19 ft. height Slurrystore waste storage tank covered by a floating cap and an additional 70 ft. by 140 ft. dry bunker to be to be covered with a pre-engineered steel building roof and walls and include a drainage collection system to pump into the slurry storage tank** with all additional conditions.
2. Use of the site shall be strictly limited to the materials specified in the plan of operations. All materials stored on site must be permitted for land application.
3. The hours of operation shall be set from 7:00 a.m. to 5:00 p.m. Monday thru Sunday or after 5:00 p.m. for emergencies.
4. The owner/operator must comply with all Federal, State, County and local regulations or mixed waste regulations, whichever apply. The property owner shall meet all testing and monitoring requirement for the facility prior to land application of the wastewater.
5. All signage must conform to County ordinance standards.
6. The owner shall notify the County if any changes are made regarding operation of this site including quantity, location and type of materials to be stored on site.
7. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
8. If applicable conditions are violated, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.
9. Staff may conduct inspections necessary to ensure site is operated and maintained according to all applicable regulations.
10. The owner must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation Office. This permit may require the installation of a stormwater catch basin for drainage from off the loading area and storage areas.
11. The owner/operator shall provide a copy of all required certification from D.N.R. for the conditional use file and keep the certifications current in the County file.
12. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
13. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time

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

Specific:

14. Proper access must be granted by the State Department of Transportation prior to operations.
15. The site shall be used for location of a temporary wastewater storage facility and not as a contractor storage yard for waste hauling equipment for the operator or other slurry tank users.
16. The property owner shall be required to obtain separate approvals for any future use of the site for bio-gas production.
17. The property owner must prepare a spill prevention plan, complying with USEPA and WDNR standards as per the County Conservation Office.
18. The property owner shall meet all terms of the Slurrystore Operations Agreement approved by the Town of Darien Board of Supervisors on August 3, 2010.
19. **The new (second) slurry store tank shall be used solely for industrial wastewater and shall not accept other wastewater causing mixed wastewater storage without further amendment of DNR approvals and this conditional use.**
20. **Approved subject to execution of a Third Amendment to the Walter & Son Haulers, LLC Slurrystore Agreement by and between Steven S. Walter and the Town of Darien as per the Town of Darien.**

Dated this 21<sup>st</sup> day of October, 2010.

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COUNTY ZONING AGENCY  
RICK STACEY, CHAIRMAN

**Staff presents request and indicates this is consistent with Farmland Preservation being that industrial waste storage and application on agricultural lands has been approved. Warren Hansen speaks regarding the application. Atty Speerschneider available by phone for questions. James Walter presents schedule of construction and operations. Speaking in FAVOR: Steve Walter  
Speaking in OPPOSITION: Josh Wicyk; Ken Truckey  
Speaking in REBUTTAL: James Walter**

**Richard Kuhnke, Sr. motioned to approve as amended. Seconded by Dave Weber.  
Motion carried. 7-favor 0-oppose.  
Disc Count # 7:29:40 – 7:49:46**

### **Adjournment**

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

The meeting was adjourned at 7:50 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.