

County Zoning Agency
MINUTES
August 20, 2020 – 5:00 P.M.
100 West Walworth Street
Elkhorn, Wisconsin

Committee Chair Rick Stacey called the meeting to order at 5:00 p.m.

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

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

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

Details of the August 20, 2020 meeting / hearing are on a digital recording which is on file and available to the public upon request / video to view in the agenda center on the website:
www.co.walworth.wi.us

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

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

Michael Cotter introduces new LURM Staff member Lindsey Smith

Zoning / Sanitation / Land Conservation Enforcement – Michael Cotter
Update/discussion by Staff concern Wendeberg and Schottlander matters.
Disc Count #5:06:18 – 5:15:33

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. **Noise Ordinance update** – Michael Cotter

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

2. **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. **Public Hearing held 7/16/2020; Tabled for DOT and Stormwater issues.**

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

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

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

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

Disc Count #5:16:33 – 5:41:50

New Business - Ordinance Amendments – None

New Business – Discussion Items –

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

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

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

TOWN: Delavan

The property owner is requesting to rezone approximately 1.15 acres of R-1 Single Family Residential (unsewer) property to the B-2 General Business District in order to obtain conditional use approval for expansion of an existing recreation vehicle and boat storage facility and to have a residence outside of the principle business structure. The property owner would like to place a roof over an existing boat hoist used into boat repair services so boats that are removed from trailers do not have to be worked on in the weather.

The boat hoist is located to close to the property boundary to be issued a zoning permit for the roof. In order to obtain a permit to construct the roof over the boat hoist the property owner would like to rezone all of the R-1 zoned property to the B-2 district, combine the parcels into one and obtain a conditional use for keeping the residence on the property outside of the principle business structure. The proposed new boat storage building is not plan on being constructed at this time but may be constructed in the future and therefore being proposed now as part of the conditional use review.

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

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

General:

1. Approved as per plan submitted for expansion of an existing boat repair, sale and storage facility to include antique car repair and sales, including inside and outside car and boat storage **and amended August 17, 2017 for an additional boat storage building, roof structure over the boat lift and a residence outside a principle business structure on additional rezoned business area and further amended August 20th, 2020 for a 15% expansion of boat storage building to be 40 ft. by 80 ft. to an existing structure** with all additional conditions.
2. All outside storage of boats and cars shall be located as identified on the approved plan of operations. Outside storage shall be limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas including displays of goods shall be allowed in the required setback areas.
3. The project must meet all applicable Federal, State, County and local regulations.
4. The applicant must obtain a sign permit from the County Zoning Office if required by Ordinance.
5. No business activities other than specified in the plan of operations may be conducted from out of the storage facilities.
6. Hours of operation shall be Monday through Sunday 6:00 a.m. to 6:00 p.m.
7. The property owner shall use the 24 foot wide commercial access identified on the plan of operations as the exclusive access to the site for commercial purposes and shall keep the access open and unobstructed.
8. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting state requirements.
9. Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
10. The project site must be kept neat, clean, and mowed in all areas.
11. No fill, debris, branches or leaves may be disposed of on site. No burning of waste materials shall occur on site.
12. Acid washing of boats may be conducted at this facility only on the limestone pad as shown on the site plan. The limestone pad shall be maintained properly on a regular basis.
13. The owner must provide a waste disposal plan stating where all trash, drain oil and other auto and boat fluids are disposed.
14. The painting and finishing area of the auto and boat repair buildings must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust system shall meet all requirements of the code including hours of operation and noise.
15. All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. All parking must be setback 25 feet from the roadway. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval.
16. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance. The applicant must comply with all established standards of the Land Restoration and Land Disturbance, Erosion Control and Stormwater Management permits.
17. All outside lighting shall be shielded and directed on site. No additional lighting shall be allowed in the street yard setback areas.

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

Specific:

20. **After the rezone to the B-2 zone district is complete, Tax Parcels F D-23-8 and 9 shall be combined into one parcel and recorded at the County Register of Deeds office.**
21. **Property containing the residence outside of the principle business structure may not be split off from the principle business property without the residence either becoming a principle business structure or the property on which it is located being rezoned to a residential district.**

Dated this 17th day of August , 2017.

COUNTY ZONING AGENCY
TIM BRELLENTHIN, CHAIRMAN

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

Staff presents request.

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

Disc Count #5:41:57 – 5:43:47

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

Amendment of Conditional Use Approval

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

TOWN: Geneva

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

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

Tax Parcel #'s **JA 83300003A3, JA 83300003**

Has been APPROVED subject to the following conditions:

1. Approved per plans submitted **August 20th, 2020 for creation of a larger pool parcel for a new pool, pool related building and amenities** with all additional conditions as stated.

2. The project must meet all Federal, State, County and local Ordinances.
3. The applicant shall be responsible for meeting all requirements of the Condominium Ownership Act (State Chapter 703) and the County Subdivision Control Ordinance. The transfer of ownership of any units may only include, therewith, a fractional interest in the site on which the unit is located and such transfer shall not result in the subdivision of minor subdivision as defined under the Walworth County Subdivision Control Ordinance.
4. This project consists of a larger area for a new pool, pool building and amenities. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design of the condominium and all common structures, facilities, essential services, access and open spaces shall be assured by deed restriction referencing the condominium declaration.
5. Use of the common area, private areas and limited common areas shall be restricted to those identified in the plan of operations and the approved condominium declaration.
6. The roads shall meet County road standards as provided for in the County Land Division Ordinance. The owner must meet all Town, County and/or State highway access requirements.
7. The declaration for the condominium association must assure that sewerage waste load will not increase over time without providing necessary sewerage capacity. The applicant shall provide verification of available sewerage capacity for the project prior to construction starting on site.
8. The applicant must obtain all required zoning permit and sanitary approvals prior to any construction on site. No additional structures shall be added to the plan without obtaining County approval and a zoning permit. This permit does not include conditional use approval for any amenity that is not specifically identified on the project plans as approved. The Zoning Office prior to issuance of a zoning permit shall further review all structure locations. All structures will be required to meet the requirements of the zoning ordinance.
9. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. The construction activities of this development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management standards contained in Section 26 of the Walworth County Code of Ordinances. All grading must be conducted consistent with the approved Land Disturbance Erosion Control and Stormwater Management plan. All topsoil generated from the site must be evenly distributed back onto the site on the areas from which it was removed or in areas in need of the topsoil. No soil may be removed from the site without County approval. An operation and maintenance plan for each stormwater best management practice must be prepared and included in the covenants and restrictions or other documents governing the homeowner association created for this development. The plat prepared for this development must show the location and label each stormwater best management practice planned to serve the development.
10. The applicant must provide a tree cutting, landscaping and restoration plan meeting ordinance requirements for review and approval. Tree cutting shall be limited to that specified on the approved plan and narrative.
11. The applicant shall submit an outdoor lighting plan for review and approval prior to construction. All lighting shall be shielded and directed on site.
12. The County reserves the right to rescind this amendment to the conditional use upon any violation of County regulations.
13. The property owner shall be held solely responsible for addressing all restrictive covenants beyond those enforceable by County regulations (including those within the condominium declaration). The Condominium declaration must be submitted to the County Land Management Department for review for consistency with County ordinances and requirements and the conditional use approval. Any wording of the condominium declaration, which in the opinion of the County Land Management Department is inconsistent with County approvals including the plan, amended narrative, ordinances or requirements will require County conditional use review and approval.
14. The applicant must phase construction substantially in compliance with the approved plan, use restrictions and condominium declaration and condominium law. Any ownership or specified use within must be added to the condominium declaration by addendum and reviewed by the Land Management Department for approval.
15. Application with Walworth County for approval of the condominium plat and recording of the condominium plat shall occur within 6 months of this conditional use approval. The condominium plat shall be accompanied by the complete condominium declaration.
16. Any changes to the character, intensity or use of this site not capable of being discerned by the Land Management Department as consistent with this approval must be brought before the County Zoning Agency for additional conditional use review.

Specific:

17. The roadways are intended to remain private. The roadway shall be identified as a common element in the condominium declaration and on the approved plan.
18. No boat access to the lake is approved as part of this approval.
19. This conditional use is only valid if all jurisdictional municipal approvals are granted for the development.
20. Any future extension of the roadway into the shoreland area will require the roadway to comply with the road width and easement requirements of the County Shoreland Zoning Ordinance.
21. No backwashing of the filter systems from the swimming pools into the stormwater treatment facility shall be allowed.

Dated this 13th day of December, 2005.

COUNTY ZONING AGENCY
RICHARD KUHNKE, SR., CHAIRMAN

Staff presents request.

**Jerry Grant motioned to approve. Seconded by Dave Weber. Motion carried.
6-favor 0-oppose.**

Disc Count #5:43:48 – 5:46:15

3. WCCA Zoning Webinars Fall 2020 – Shannon Haydin

Shannon discusses the webinars scheduled for Fall 2020.

Disc Count #5:46:17 - 5:47:16

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

Ordinance Amendments – None

Rezones with Conditional Uses –

5:51 p.m.

1. **Treetops Funding, LLC – Owner, Eric Howden – Applicant**, Section 26, Geneva Township. Rezone approximately .4 acres of C-2 Upland Resource Conservation District Property to the P-1 Recreational Park District in order to obtain conditional use approval to add a climbing wall structure and a balloon ride business building to a recreational facility. Parts of Tax Parcel JA458600002.

Amended July 16th, August 20th, 2020 for a climbing tower and pole building for house hot air balloon equipment and transport as part of a recreational facility. (see #1 and 38 – 39 42).

Amended 5-21-15 for New CU for trail use and amendment to extend Welcome Center and add additional yurt – see #1, 6, 10, 12, 13, 14, 16, 22, 29, 30, 32 amended and 33-37 added (all bold)

NAME: TREETOPS FUNDING, LLC

TOWN: GENEVA

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

Tax Parcel #'s ~~J-G 2300008, J-G 2300018, J-G 2400008, J-G 2400011, J-G 2500007, and J-G 2600001~~ **JA436900001 JA458600002**

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

1. The Conditional Use for a zip line adventure park **and a system of trails that would be used commercially for non-motorized biking, hiking, cross country skiing and snow shoeing** as amusement activity in the P-1 and a recreational park in the C-2 areas is approved as per the plan submitted and amended (9-16-10) to allow a temporary off-site Welcome Center with a shuttle bus and to use portions of the site not needing gravel pit restoration prior to restoration certification **and further amended for extension of off-site Welcome Center 5-21-15 and further amended July 16th, August 20th, 2020 for a climbing tower and a pole building to house hot air balloon equipment and transport as part of a recreational facility** with all additional conditions.
2. Use of the grounds shall be limited as stated in the plan of operations with no approval for camping on site.
3. The project must meet with all State, Federal and local requirements.
4. The applicant must obtain all required County Zoning permits including sign permits meeting with all ordinance requirements.
5. Hours of operation shall be as stated in the plan of operations from 7:00 a.m. to 9:00 p.m.
6. Sufficient adult supervision must be present at all times when the zip line **and commercial trails** adventure park is in use.
7. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
8. The property owner must obtain a tree cutting and landscaping plan approval prior to alteration of the trees and construction of trails on site.
9. The project site must meet with all County sanitary requirements.
10. The applicant obtaining liability insurance and keep the insurance current during the life of ~~this~~ **the** conditional uses.
11. All lighting must be shielded and directed on to the property. The owner will need to obtain approval of a lighting plan prior to installing any type of sports field lights for nighttime use.
12. Parking must meet with requirements of the county zoning ordinance. All parking must be in compliance with County requirements ~~within 60 days of this approval.~~
13. The owner of the property shall release, indemnify and hold harmless Walworth County and its agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property as a result of exercising ~~this~~ **the** approvals.
14. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with ~~this~~ **the** approvals, then those changes must be brought before the County Zoning Agency for approval.

Specific:

15. The total capacity of the site by adventure park users shall be set at 250 visitors.
16. Use of the designated outdoor and indoor food and beverage area shall be limited to visitors of the ~~zip line~~ adventure park who are scheduled to take one of that day's daily tours. The service shall be short order sandwiches, snacks and drinks. No alcoholic beverages shall be allowed on site. Service shall not constitute a full service restaurant.
17. Tours of the park shall begin at 8:00 a.m. and be completed by 8:30 p.m. The last tour shall complete one-half hour before close.
18. All ropes and platforms shall be required to be removed within 60 days if the adventure course is no longer in use.

19. This approval does not include a campground or a caretaker's residence. The property owner shall be required to obtain a separate conditional use approval for camping or a caretaker's residence to be located on the site.
20. No outdoor loud speakers or music shall be allowed on site.
21. The applicant must obtain a certification of restoration for the gravel pit from the County Conservation Division of LURM prior to use of the portions of the site needing restoration as depicted on the restoration plan. The certification shall include specific requirement providing time periods for permanent stabilization of the steep slopes.
22. The property owner may use ATVs and golf carts as a means of transport of visitors on the site. The ATVs and golf carts shall be driven by staff only. The site shall not be used as an ATV track/park by visitors. All motorized transport shall be restricted to the trails identified in the plan of operations. **No motorized vehicles shall be allowed within the 150 foot buffer zone as per the Town.**
23. The access road to the site must meet the access road width requirements and be stabilized in order to handle daily traffic proposed by the adventure park. This may include placements of asphalt on the existing road base if required by the Conservation Division during review of the erosion control permit application and plan.
24. Access (stairs/ladders) to the zip line rope platforms shall be closed off or removed prior to close of the park each day.
25. The Conservation Division recommends the site plan be modified to relocate the portions of the parking lot along the south property line to establish reclaimed slopes that can be stabilized with vegetation, rather than structural methods. The applicant will provide a construction and grading detail of this area.
26. The proposed structures for establishing zip-lines and any needed access roadways or trails are located on steep slopes and within Primary Environmental Corridor. If it is determined additional or improved access is needed, that will result in additional land disturbing activities or vegetation removal, it may be necessary for the County Zoning Agency to review and approve the plan modification and a more detailed land disturbance map for the project site.
27. The property owner shall file a deed restriction stating that the P-1 area may not be separated from the C-2 area.
28. The property owner shall file a CSM combining all tax parcels into one eliminating the interior parcel boundaries within one year of this approval.
29. The site plan shall provide for a 150 ft. buffer from the adjacent cemetery. **The trail system for hiking and biking shall be allowed in the 150 ft. cemetery buffer as per the Town.**
30. The property owner shall obtain approval of the amendment of the conditional use to add ~~two~~ **three** instructional yurts for use by staff to the site plan as shown from the Town prior to addition of the yurts to the site.
31. The temporary Welcome Center shall be located at N3219 County Road H as center of operation with transportation to and from the facility only being by way of a shuttle bus and operation of any ATV vehicles across County Road H shall be strictly prohibited as per the Town.
32. **The off-site Welcome Center shall be allowed to be used until January 1st, 2017 by which time the onsite welcome center shall have been built as per the Town. The conditional use will be required to come back to the Town for additional review by January 1st, 2017.**
33. **There shall be no motorized vehicles allowed in the 150 ft. buffer zone as per the Town.**
34. **The property owner shall install signs along the trail noticing the proximity to the cemetery and cautioning against noise as per the Town.**
35. **No jumps, ramps or other obstacles shall be added to the trails.**
36. **The adventure park shall not be used for events separate from the zip line and use of the commercial trails as open to the public for a fee on a per person basis without additional conditional use approval.**
37. **The property owner shall obtain Conservation Office review of the proposed trail construction prior to installation of any new trails consistent with condition #7 of this approval.**
38. **Hours of operation for the climbing wall shall be the same as stated for the recreational facility in condition #17.**
39. **Certified adult supervision shall be present at all time while the climbing wall is being used.**

- ~~40. No hot air balloons shall take off or land on the recreational facility property.~~
- ~~41. Hours of operation for storage of hot air balloon equipment and transport shall be from 5:00 a.m. to 11:00 p.m.~~
- ~~42. The pole building constructed for storage of hot air balloon equipment shall be used at all times as part of a recreational facility and not for general off season storage or mini-warehouse storage.~~

Dated this 21st day of May, 2015.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

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

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

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

The rezone petition will move forward to the September 8, 2020 Walworth County Board for possible action.

Disc Count #5:51:02 – 5:57:14

5:57 p.m.

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

General:

- ~~1. Approved per plans submitted for a Planned Unit Development (PUD) for multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church with all additional conditions.~~
- ~~2. All uses shall be located as defined on the plan of operations.~~
- ~~3. This conditional use contains an overall umbrella approval for the PUD for multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church on one parcel and an individual conditional use for each enterprise. Enforcement actions may be taken on the PUD as a whole or the conditional use approvals individually.~~
- ~~4. No business activities other than specified in the plan of operations may be conducted from out of the multiple offices, businesses, commercial kitchen rental and retail uses on site including use by a church.~~
- ~~5. The site shall meet all applicable Federal, State, County and local regulations.~~
- ~~6. The applicant must obtain all required zoning permits including sign permits.~~
- ~~7. No filling shall be allowed in any wetland areas.~~
- ~~8. No filling shall occur on site without a site grading plan and proper permit approval.~~
- ~~9. All areas shall be kept neat, clean and mowed.~~

- ~~10. All outside lighting shall be shielded and directed on site.~~
- ~~11. No fuel storage shall be located on site.~~
- ~~12. Access approval must be obtained from the Town of East Troy and be submitted for the conditional use file prior to operation on site.~~
- ~~13. All cars and trucks shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking shall be properly install prior to use of the site.~~
- ~~14. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction if required by Section 26 of the Walworth County Code of Ordinances. The construction activities of this development must comply with the Walworth County Land Disturbance, Erosion Control and Stormwater Management standards contained in Section 26 of the Walworth County Code of Ordinances.~~
- ~~15. The hours of operation shall be from 6:00 a.m. to 9:00 p.m.~~
- ~~16. No outside storage of building construction equipment or materials shall be allowed on site at the conclusion of building construction for the project.~~
- ~~17. The owner/applicant must obtain County Land Conservation Office approval of a spill prevention plan (SPP) and a stormwater pollution prevention plan for this site if require by ordinance.~~
- ~~18. No burning of waste materials shall occur on site.~~
- ~~19. The property owner must maintain adequate liability insurance during use of the property and keeps the insurance current during the life of this conditional use.~~
- ~~20. The owners of the property shall release, indemnify and hold harmless Walworth County, the Town of Linn and their agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property prior to this conditional use being valid.~~
- ~~21. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.~~
- ~~22. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals. Both office building and mini-warehouse storage building construction must be occurring in order to be considered exercising this conditional use.~~

Specific:

- ~~23. There shall be no through access from other property outside of the lot development allowed on the private drive without additional Town and County approval.~~
- ~~24. The property owner must obtain specific Town approval for the type of surface to be installed for the drives providing access to the facilities.~~

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

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

Disc Count #5:57:25 – 5:59:28

Rezones –

5:59 P.M.:

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

Staff presents request.

John Ehlen speaks via telephone regarding the application.

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

The rezone petition will move forward to the September 8, 2020 Walworth County Board for possible action.

Disc Count #5:59:55 – 6:03:32

Conditional Uses –

6:03 p.m.

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

General:

1. Approved as per plan submitted as Land Restoration for a pond with all additional conditions.
2. Time limit for completion of the project shall be established, as one year from the date of this approval.
3. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from Land Conservation. The applicant must comply with all established standards of the Land Restoration and Land Disturbance, Erosion Control and Stormwater Management permits.
4. The applicant must follow phases of excavation and restoration as part of the approval under the County's Land Disturbance Erosion Control and Stormwater Management Ordinance. The applicant must submit a project-sequencing schedule for each phase leading to completion prior to approval.
5. Implementation of dust and noise control measures shall occur at all times on site.
6. Hours and days of operation shall be set at 6:00 a.m. to 6:00 p.m. Monday through Friday and 6:00 a.m. to noon on Saturday. No work shall be conducted on holidays.
7. Any additional Office/trailer or structures shall obtain approved County zoning and sanitary permits.
9. The project shall meet all applicable Federal, State and local regulations.
10. All soil and equipment storage must be in an approved location.
11. No materials shall be brought in from off-site other than those materials specified in the approved operations plan.
12. All soil generated from the site must remain on site for use in restoration. All topsoil will be graded evenly on the disturbed area consistent with the approved restoration plan.

13. All site dewatering shall be conducted so as to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the disposal site.
14. No storage of chemicals and petroleum products shall occur on site.
15. The County shall not be party to the land restoration project. The applicant shall be held solely responsible for any damages resulting from use of the site. The County will not be liable for any damage to the property affected by the fill or to any neighboring property or drain tiles due to the project.
16. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

Specific:

Staff presents request.

Eric Handley speaks via telephone regarding the application.

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

6-favor 0-oppose.

Disc Count #6:03:37 – 6:07:20

6:07 P.M.:

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

General:

1. Approved as per plan submitted for a Liquid Natural Gas (LNG) peaking facility consist of a natural gas pretreatment system, natural gas liquefaction system, a 150 ft. tall by 150 ft. diameter LNG storage tank, a LNG vaporization system, an emergency impoundment area, stormwater basins, truck loading and unloading equipment area, an administrative office and parking lot with all additional conditions as added.
2. Any proposed buildings shall be of an earth tone or neutral color (I.E. beige or tan) excluding the LNG storage tank.
3. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.
4. Construction related activities are only allowed on site between sunrises to sunsets.
5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.
6. All spoils spreading activities must be conducted in the approved identified locations.
7. All access to the site must be made as identified on the approved plan.
8. All contractor storage yards shall be located as identified on the approved plan and used as specified.

9. The applicant shall meet all applicable Federal, State and local regulations.
10. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.
11. The owner shall notify the County if any changes are made regarding operation of this site including quantity, location and type of materials to be stored on site.
12. The applicant is responsible for removal of the utility building if it is no longer in use. If the utility discontinued for a continuous period of 12 months, it may be considered abandoned. Abandoned utilities may be required to be removed within 90 days.
13. The owner of the property shall release, indemnify and hold harmless Walworth County and its agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property as a result of exercising this approval.
14. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
15. The Land Use and Resource Management Department staff may conduct inspections necessary to ensure site is operated and maintained according to all applicable regulations.
16. The owner/operator shall provide a copy of all required certification from Public Service Commission (PSC) of Wisconsin and WI. D.N.R. for the conditional use file and keep the certifications current in the County file.
17. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
18. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. 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.

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

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

Disc Count #6:07:24 – 6:37:43

6:37 P.M.:

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

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

~~**NAME: Maple Lawn Estates, LLC c/o Allen, Gail, Owners, Zenda Rail, LLC C/O Jake Polyock Applicant**~~

~~Gordon Polyock Family Trust
Jeanette H Polyock Trust~~

~~TOWN: Linn~~

~~**AMENDED Conditional Use to allow expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin resulting in less than 25% of the size of existing structures approved by a conditional use and a new conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building.**~~

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

~~Tax Parcel(s) I L 3300003~~

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

General:

- ~~1. Approved as per revised plan submitted June 23, 2011 and amended to allow an additional 78 foot diameter grain storage bin and a dual zoned driveway as recommended by the Town **and amended as per plan submitted March 14, 2013 to allow the addition of a 60 ft. diameter grain silo, a grain dryer alteration from a 20 ft. X 20 ft. dryer to a 30 ft. diameter dryer and a leg elevator tower and amended March 20, 2014 for an additional leg elevator and dump pit and further amended August 20th, 2020 to allow expansion of an approved 27 ft. diameter grain storage bin to a 48 ft. diameter bin and a new conditional use approval for a 156 foot diameter grain bin and relocation of an existing 15 ft. by 30 ft. block building as per plan submitted** as a grain elevator facility with all additional conditions.~~
- ~~2. Must meet all applicable Federal, State, County and local regulations.~~
- ~~3. Outside lighting shall be shielded and directed on site.~~
- ~~4. The applicant must obtain all required zoning permit approvals including a sign permit.~~
- ~~5. No fill, debris, branches or leaves may be disposed of on site. No burning of waste materials shall occur on site.~~
- ~~6. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office. The applicant must submit and obtain approval of a landscaping plan from the County Conservation Office.~~
- ~~7. The applicant must submit a road access and maintenance agreements with the governing municipality prior to hauling to the site.~~
- ~~8. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking for trucks arriving prior to operation hours shall be located as identified on the approved plan of operations.~~
- ~~9. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.~~
- ~~10. Implementation of dust and noise control measures shall occur at all times on site.~~

- ~~11. Any additional Office/trailer or structures shall obtain conditional use approval and an approved zoning and sanitary permit.~~
- ~~12. No general public sales allowed on premises.~~
- ~~13. No business activities other than specified in the plan of operations may be conducted from out of the facilities.~~
- ~~14. Outside storage shall be limited to the type, quantities and location of material identified on the plan of operations. No outside storage areas including displays of goods shall be allowed in the required setback areas.~~
- ~~15. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.~~
- ~~16. Staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.~~
- ~~17. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.~~

Specific conditions:

- ~~18. Grain elevators must have proper ventilation meeting the requirements of the State and Federal codes. Exhaust systems shall meet all requirements of the State and Federal code including hours of operation and noise.~~
- ~~19. The owner shall obtain approval of a pollution prevention plan from the County Land Conservation Office and a hazardous spill plan from the State if required by law.~~
- ~~20. The property owner must provide a copy of the easement crossing the neighboring property for the railroad spur for the conditional use file prior to this conditional use being valid.~~
- ~~21. The property owner must provide a copy of the agreement with the railroad company providing for the installation and use of the railroad spur for the conditional use file.~~

~~Dated this 18th of April, 2013.~~

~~_____
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN~~

~~Dated this 20th day of March, 2014.~~

~~_____
COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN~~

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

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

6:42 P.M.:

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

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

A conditional use permit for an industrial waste storage pond as specified in Chapter 74, Division 4, Walworth County Code of Ordinances, Walworth County, Wisconsin, on lands zoned A-1 Prime Agricultural Land District, and described as follows:

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

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

1. This facility is approved per plan submitted as a temporary wastewater storage facility for wastewater from ConAgra Foods Packaged Foods, LLC vegetable process plant to be applied to agricultural land with all additional conditions.
2. Use of the site shall be strictly limited to the materials (process vegetable wastewater) specified in the plan of operations. All materials stored on site must be permitted for land application.
3. There shall be no other users of the wastewater storage facility.
4. The owner/operator must comply with all Federal, State, County and local regulations. The property owner shall meet all testing and monitoring requirement for the facility prior to land application of the wastewater.
5. All signage must conform to County ordinance standards.
6. The owner shall notify the County if any changes are made regarding operation of this site including quantity, location and type of materials to be stored on site.
7. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
8. If applicable conditions are violated, Walworth County may require a clean-up schedule, modification of the process operation or termination of the operation and this conditional use permit.
9. Staff may conduct inspections necessary to ensure site is operated and maintained according to all applicable regulations.
10. The owner must obtain a Land Disturbance, Erosion Control and Stormwater Permit from Land Conservation Office. This permit may require the installation of a stormwater catch basin for drainage from off the loading area and storage areas.
11. The owner/operator shall provide a copy of all required certification from D.N.R. for the conditional use file and keep the certifications current in the County file.
12. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
13. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

14. Proper access must be granted by the State Department of Transportation prior to operations.
15. The site shall be used for location of a wastewater storage facility solely for the food processing plan.
16. The property owner must prepare a spill prevention plan, complying with USEPA and WDNR standards as per the County Conservation Office.
17. The wastewater storage lagoon shall be removed and the property graded back to acceptable agricultural contours under approval of a new conditional use permit for agricultural land restoration upon termination of use.

18. Approved subject to Conagra's execution of an agreed upon second amendment to the wastewater lagoon agreement previously executed by and between the Town and Birds Eye, LLC, as per the Town.

Dated this 17th day of February, 2011.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

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

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

Disc Count # 6:42:31 – 6:55:00

TABLED – INCOMPLETE SITE PLAN

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

6:55 p.m.

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

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

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

General:

1. Approved as per plan submitted **and revised 8/20/2020 for a 24 ft. by 40 ft. addition to the office/shop building for vehicle and equipment storage** as a contractor storage area for a wastewater hauling and disposal business with all additional conditions.
2. Storage limited to material and goods directly associated with business. Outside storage shall be limited and located as identified on the plan of operations. No outside storage areas shall be allowed in the required setback areas.
3. On site hours of operation shall be from 6:00 a.m. to 6:00 p.m. Monday through Saturday with hours after 6:00 p.m. for off premise work and returning of equipment to the premises seven days a week.
4. Must meet all applicable Federal, State, County and local regulations.
5. Outside lighting shall be shielded and directed on site.
6. The applicant must obtain all required zoning permit approvals including a sign permit.
7. No fill, debris, branches or leaves may be brought back and disposed of on site. No burning of waste materials shall occur on site.

8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office. The applicant must submit and obtain approval of a landscaping plan from the County Conservation Office.
9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval.
10. The project site must be kept neat, clean, and mowed.
11. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
12. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

13. No business activities other than specified in the plan of operations may be conducted from out of the contractor storage facilities.
14. No equipment storage may occur on the A-1 zoned property by the wastewater storage tanks.

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

Richard Kuhnke, Sr. motioned to approve. Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.
Disc Count # 6:55:06 – 6:59:04

6:59 p.m.

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

General:

- ~~1. Approved as per plan submitted for a 10 ft. 3 inch by 19 ft. 4 inch utility building for the storage of high speed internet/broadband and phone service equipment including routers, switches, servers and battery backup systems with all additional conditions as added.~~
- ~~2. Any proposed buildings shall be of an earth tone or neutral color (I.E. beige or tan).~~
- ~~3. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.~~
- ~~4. Construction related activities are only allowed on site between sunrises to sunsets.~~
- ~~5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.~~
- ~~6. All spoils spreading activities must be conducted in the approved identified locations.~~
- ~~7. All access to the site must be made as identified on the approved plan.~~

- ~~8. All contractor storage yards shall be located as identified on the approved plan and used as specified.~~
- ~~9. The applicant shall meet all applicable Federal, State and local regulations.~~
- ~~10. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.~~
- ~~11. The pre-existing contours of all floodplain areas affected by the utility installation must be adequately matched during restoration so as to meet the requirements of the County shoreland/floodplain regulations.~~
- ~~12. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.~~
- ~~13. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.~~
- ~~14. The applicant is responsible for removal of the utility building if it is no longer in use. If the utility discontinued for a continuous period of 12 months, it may be considered abandoned. Abandoned utilities may be required to be removed within 90 days.~~
- ~~15. The owner of the property shall release, indemnify and hold harmless Walworth County and its agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property as a result of exercising this approval.~~

Specific:

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

Jerry Grant motioned to TABLE based upon the Planning Report concerning need to bring the headquarters into compliance (as amended). Seconded by Ryan Simons. Motion carried. 6-favor 0-oppose.
Disc Count # 6:59:06 – 7:01:20

Adjournment

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

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

Submitted by Sheril Oldenburg, Recording Secretary.
Minutes are not final until approved by the committee at its next meeting.