

**County Zoning Agency**  
MINUTES  
**April 20, 2023 – 4:35 P.M.**  
100 West Walworth Street  
Elkhorn, Wisconsin

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Chairman Ryan Simons called the meeting to order at 4:35 p.m.

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

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

A “sign-in” sheet listing attendees on April 20, 2023 is kept on file as a matter of record.

Details of the April 20, 2023 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)

**Jim Van Dreser motioned to approve the agenda as amended to table items 8.c.2.) Shodeen Family Property Company, LLC; and 8.d.1.) Zan Enterprises, LLC. Seconded by Sue Pruessing. Motion to Approve the agenda carried. 7-favor 0-oppose**

**Richard Kuhnke, Sr. motioned to approve the March 16, 2023 CZA Meeting Minutes. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose**

Zoning / Sanitation / Land Conservation Enforcement

Staff indicates sanitation citations will be sent next week for 3 year maintenance failure to comply. Chair Simons asks for update on DLSD lawsuit. Staff indicates petition has been made to the Supreme Court for review. Status will be provided when received. Committee requests update regarding violations for Badger Bobs and Whiskey Ranch. Staff provides update regarding working toward compliance.

Disc Count # 4:41:45 – 4:47:36

Subdivision Items – Old Business – None

Subdivision Items – New Business –

1. **Jesse Polinske**, proposed 1 lot Certified Survey Map, Located in Section 10, T2N, R18E, Town of Lyons, Tax Parcel #'s NLO 00088 and N LY 100052. The property is zoned R-2: Single-Family Residence District. This CSM requires County Zoning Agency review and approval because the proposal changes the exterior boundary of the original plat of the Village of Lyons.

**Staff presents request and indicates staff has no recommended conditions.**

**Jesse Polinske speaks regarding the application.**

**Richard Kuhnke, Sr. motioned to approve. Seconded by Dennis Karbowski.  
Motion carried. 7-favor 0-oppose.  
Disc Count # 4:47:42 – 4:50:54**

Old Business - Ordinance Amendments –

1. Employee Housing Ordinance Amendment (Grand Geneva) discussion – Nick Sigmund

**Staff discusses proposed ordinance amendment and items for clarification, including manager housing and a requested definition change regarding employee “contract”. Van Dreser questions smaller employers needed seasonal help and someone making this a business to provide housing for different employers using seasonal employees. Laufenberg questions limits to children and only employees of the company. Committee indicates the second definition on c. is acceptable and e. concerning minors.**

**Dennis Karbowski motioned to choose option 2 for c. and e. and the requested amendment to the definition referencing “contract”. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**

**JoAnne Laufenberg motioned to remove item b from the list – the time limit for residence. Seconded by Dennis Karbowski.**

**Staff indicates reasoning behind including the time limit on the residence indicating temporary housing and if working longer, looking for more conventional housing.**

**Motion to remove b. fails. 2-favor (JoAnne Laufenberg, Al Stanek) 5-oppose.**

**Continued discussion on remaining topics for public hearing.**

**Jim Van Dreser motioned to schedule for a public hearing in May, 2023. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.  
Disc Count # 4:50:56 - 5:16:33**

Old Business – Discussion Items –

1. **Review of Non-Compliance Review Letter / April 15, 2023 Deadline: Barbara J. Werhane – Owner, Section 18, Sharon Township.** The property owner is requesting rezone of 3.84 acres of A-1 Prime Agricultural Zoned land to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain

conditional use approval for a commercial stable with a maximum of 50 horses onsite. The property of concern is located on the north side of Hwy B approximately 2000 feet east of the intersection of Hwy B and South County Line Road identified as Tax Parcel A S 1800005.

**Staff discussed the site inspection that was required by condition #17, 18 month review and states the property is compliant. Staff indicates the property owner has submitted a letter requesting to have the zoning on the property rescinded, provided on page 1 of the supplemental packet. Staff confirmed with the property owner via a phone call that the Committee has the ability to expunge the conditional use but to rezone back to A-1 she would need to file a rezone petition. Staff confirmed with the property owner, when stating that the property owner wanted to “rescind her zoning”, that she no longer wanted the conditional use.**

**Richard Kuhnke, Sr. motioned to accept the letter submitted by the property owner. Seconded by Al Stanek. Motion carried. 7-favor 0-oppose.**

Disc Count # 5:16:35 – 5:23:28

New Business - Ordinance Amendments –

1. Proposed 2023 Shoreland Zoning Ordinance Amendment, Wisconsin Act 200 and other clarifications – Nick Sigmund

Staff discusses the proposed shoreland ordinance amendment submitted in Wisconsin Act 200. Staff indicates changes recommended in the proposal to clarify for properties in Walworth County.

**Jim Van Dreser motioned to schedule for a public hearing. Seconded by Richard Kuhnke, Sr. Motion carried. 7-favor 0-oppose.**

Disc Count # 5:23:30 – 5:34:51

New Business – Discussion Items –

1. Committee Input for the SWOT Analysis Review as Part of the 2023 Walworth County Strategic Planning Process – Mark Luberda

**Mark Luberda discusses the proposed SWOT (Strengths, Weaknesses, Opportunities, Threats) analysis and asks for concerns or recommendations from the Committee.**

**Dennis Karbowski motions to include affordable housing as a weakness. Seconded by JoAnne Laufenberg. Motion carried. 7-favor 0-oppose.**

Disc Count # 5:34:53 – 5:51:04

2. Proposal regarding the creation of a new Code Enforcement Officer – Dennis Karbowski

**Sue Pruessing motions to move items #2 and #5 to the end of this April CZA meeting. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.**

Disc Count # 5:51:06 – 5:56:02

3. Columbia County Resolution Number 14-23 – Request State to Revise Solar Energy System Law – Mandy Bonneville/Michael Cotter

**Al Stanek motions to move items #3 and #4 to the May CZA meeting. Seconded by Sue Pruessing. Motion carried. 7-favor 0-oppose.**

**Committee discusses the vote. Al Stanek agrees to reopen the vote on the motion. Motion carried. 5-favor 2-oppose (JoAnne Laufenberg, Sue Pruessing).**

Disc Count # 5:51:06 – 5:56:02

4. Clark County Resolution Number 3-1-23 – Recommending Revision to State Wind Energy Regulations – Mandy Bonneville/Michael Cotter

**Al Stanek motions to move items #3 and #4 to the May CZA meeting. Seconded by Sue Pruessing. Motion carried. 7-favor 0-oppose.**

**Committee discusses the vote. Al Stanek agrees to reopen the vote on the motion. Motion carried. 5-favor 2-oppose (JoAnne Laufenberg, Sue Pruessing).**

Disc Count # 5:51:06 – 5:56:02

5. Administrative Adoption of Zoning Permits issued by Williams Bay – Nick Sigmund, Michael Cotter

**Sue Pruessing motions to move items #2 and #5 to the end of this April CZA meeting. Seconded by Dennis Karbowski. Motion carried. 7-favor 0-oppose.**

Disc Count # 5:51:06 – 5:56:06

5:56 p.m.:

Ordinance Amendments – None

Rezoning with Conditional Uses –

1. **RM Krueger Investments, LLC C/O Ron Krueger – Owner, Tom Jurasinski – Applicant**, Section 16, East Troy Township. Rezone approximately 2.6 acres of A-1 Prime Agricultural District land, 2.2 acres of C-4 Shoreland Wetland District land and 16.6 acres of C-2 Upland Resource Conservation District land to the B-5 Planned Commercial-Recreation Business District. Conditional use petition to bring an existing Planned Campground Development known as the Sheltering Oaks Campground into compliance

with the Walworth County Zoning Ordinance. Tax Parcel PO 00011 and part of Tax Parcel P ET 1600005A.

General:

1. The Conditional Use for a Planned Development Campground with five single family dwellings for caretaker's and family members of the owner of the campground is approved as per the plan submitted with all additional conditions.
2. This approval is for a broad scoping master conditional use for the entire campground as a whole including individual conditional use approval for each of the 100-planned campground sites and five single-family residences.
3. The campground use shall be in compliance with all State, Federal and local regulations including but not limited to State Chapter DHS 178 Campgrounds.
4. The property owner shall provide a copy of the Chapter DHS 178 State Campground permit for the conditional use file.
5. The planned campground sites may contain associated structures approved by a zoning permit or review.
6. There shall be no camp operations allowed in the perimeter yard buffer areas with the exception of units that have obtain variances as specified in the variance approvals. All perimeter yard buffer vegetation shall be maintained according to County Ordinance standards. Camping operations shall include parking of boats and garbage dumpster locations.
7. The County may take enforcement actions for violation of the master conditional use against the campground owner on the campground as a whole and/or a violation of the conditional use for the individual campsites and campsite users.
8. Use of the grounds shall be limited to normal camping use as stated in the plan of operations.
9. The Campground shall be used for seasonal camping from April 1<sup>st</sup> to October 31<sup>st</sup> of each year. Campsite check in hours shall be from 8:00 a.m. to 11:00 p.m.
10. The property owner shall implement quiet hours after 10:00 p.m. until 8:00 a.m. every day.
11. Only the registered campers and their guests shall use the campground. Use of the campground by camping guests shall be limited as stated in the "Seasonal Campers Rules and Regulation Manual".
12. The capacity of the campground shall not exceed six (6) camp users per campsite. The capacity cap of 6 campsite users per campsite may be exceeded if the users of a campsite are members of an immediate family as specified by State law.
13. After hours check in shall be discouraged and allowed by the owner on emergency basis only. The property owner shall be required to keep record of all emergency check in activities and shall submit the record to the County during the annual review and upon any additional request for review by the County. After hours check in records shall state the reason for allowing the check in.
14. The camping sites and camp **units on site** shall not be used as a permanent residence or become permanent residential homes.
15. There shall be no day camping during the period when the camp is closed. Campsite users may schedule emergency off-season maintenance visits to the camp units with camp owner's approval. Scheduled emergency off-season maintenance visits shall be discouraged and only allowed by the property owner to insure human health and safety and for weather protection of private property. Off-season emergency maintenance visits shall be limited by the camp owner to one maximum two-day emergency visit per Planned Development campsite. The property owner may request additional emergency visits to a campsite beyond the allowable two-day visit from the County Zoning Office. The property owner shall be required to keep record of all emergency visits made when the camp is closed for each campsite and shall submit the record to the County during the annual review and upon any additional request for review by the County. Scheduled off-season maintenance visits records shall include a statement regarding the purpose of the proposed maintenance visit.
16. The property owner shall submit a plat of survey for a lot line adjustment combining all parcels covered by this conditional use into one parcel and record the document within 6 months of this approval.
17. Use of the common area, shall be restricted to those identified in the plan of operations and the approved site plan. There shall be no camping allowed outside of the campsites as located.
18. The master conditional use plan shall identify 300-foot service rings from all water service and 400-foot service rings from all restroom service. All campsites shall be required to be located in at least one of both types of these service rings. However, camping units with self-contained toilet facilities may be located outside of the 400-foot restroom service rings and campsites

with on-site water spigots may be outside the 300-foot water service rings. Sites outside of the required service rings shall not be used until water, restroom, roadway and pathway access, services are provided consistent with all required codes. The master conditional use plan shall show the exterior boundary of each campsite and the location of all structures within each campsite. All roadway and pathway access to the campsites shall be shown on the plan.

19. Each campsite shall abut upon a minimum of at least one roadway access or pathway access leading to the roadway.
20. The master conditional use plan shall provide for off street, and on premise parking for all camping areas in the ratio of not less than one parking space for each camping unit, plus one additional parking space for each motor vehicle operating in connection with such camping. Parking may not be located in any required yard. In addition, parking for motorized vehicles shall be restricted to a maximum of 2 vehicles per campsite. Parking may not occur on any roadway. All parking shall be identified on the plan. All parking shall be in compliance with County requirements within 60 days of approval.
21. All perimeter fencing shall be maintained as identified on the project plan.
22. The property owner shall keep the trees above the roadways trimmed to a height of 14 feet for fire and safety equipment access.
23. There shall be no alterations of the shoreland setbacks or wetlands without obtaining County and State required approvals.
24. All existing roads show on the plan as greater than 12 foot wide shall be maintained at the existing width or a minimum of 16 feet. All roads less than 12 feet wide on the plan shall be widened to 12 foot wide. All proposed future roadways shall be a minimum of 16 feet wide. All road maintenance shall be conducted as agreed to and specified in the plan of operations. The property owner shall show all historical off-street parking for the campsites in the shoreland area by the lake.
25. Campers' golf carts may not be parked or operated on the public roads. ATVs shall not be allowed to operate on site except for the property owner's private use of ATVs.
26. The activities pavilion may contain vending machines but shall not be converted into a retail store or contain outside vendors (retail sale persons).
27. All septic waste treatment and storage facilities must be approved by the County and or State agencies. The property owner must assure that septic waste loads will not increase over time without providing necessary capacity.
28. All existing and new structures shall be required to meet the standards of the County Zoning Ordinance and have required permits and inspections. No additional structures shall be added to the plan without obtaining County zoning permit approval. Structures to be placed on individual Planned Campsites by the site user shall be added to the master conditional use plan for the campground upon zoning permit approval. The owner shall attach a photocopy of the updated master plan showing any new structure to the required zoning permit application. The Zoning Office prior to issuance of a zoning permit shall further review all structure locations. All zoning permit applications shall be signed by the property owner.
29. This permit does not include conditional use approval for any structure (decks, additions, porches, sheds, retain walls etc.) or use that is not specifically identified on the master plans for the entire campground as approved and/or amended.
30. Any proposed special event use outside of specified activities for the registered camp users shall require additional conditional use approval or amendment.
31. The applicant must obtain a Land Disturbance, Erosion Control & Stormwater approval from Land Conservation Office prior to construction. All stormwater amenities and areas shall be identified as common areas to be maintained by property owner. 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 materials may be removed from the site.
32. The applicant shall submit an outdoor lighting plan for review and approval prior to construction. All lighting shall be shielded and directed on site. There shall be no additional lighting allowed on site except as required by ordinance.
33. The seasonal campground is approved subject to the **owner maintaining a "Seasonal Campers Rules and Regulation Manual" consistent with all conditions of this conditional use.** The property owner shall be held solely responsible for addressing all rules and or restrictive covenants beyond those enforceable by County, State or Federal regulations. The **"Seasonal Campers Rules and Regulation Manual"** shall 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 rules **within the "Seasonal Campers Rules and Regulation Manual"** for operation of the campground which in the opinion of the County Land Management Department are inconsistent with County approvals including the plan, amended narrative, ordinances or requirements will require County conditional use review and approval.

34. The master conditional use plan for the campground shall identify the building envelope on each individual campsite within the development and all existing structures meeting the required setbacks prior to approval. A typical envelope diagram shall not be acceptable.
35. The property owner shall locate (stake) the corners of each camping unit pad on each Planned Campground site. A zoning permit shall be required for each camping pad within the Planned Campground sites. Camping units may be replaced within the camping unit pad once a zoning permit is issued so long as the new camping unit fits within the pad as staked. The camping unit located on a Planned Campground site shall be required to be located within the boundaries of the staked camping unit pad. The unit pads shown on the master conditional use plan submitted for the hearing are not approved by this conditional use. All unit pads shall be approved upon review and or issuance of the required zoning permits.
36. The County will review the **master** conditional use plan and require all structures that have not received zoning permit approval obtain an after the fact zoning permit if they comply with the required zoning regulations. Zoning permits shall be applied for **by September 1<sup>st</sup>, 2023**. If structures identified on the plan do not meet the required zoning regulation or have not obtained a zoning permit, the County will send notice to the property owner indicating that the structures will be required to be removed or brought into compliance with the zoning regulations in the time frame agree to by the Land Use and Resource Management Department. Failure to bring the individual structures into conformance with County ordinances and this approval shall result County enforcement actions as specified by ordinance.
37. The owner shall provide the Town and County with current “Expansion and Transition Construction Phases” and notify the Town and County in advance of any and all intended construction and improvements.
38. It shall be the property owner’s responsibility to assure that all pets are limited to a maximum of three per campsite and all pets shall meet the definition of a household pet as specified in the County Zoning Ordinance.
39. 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.
40. Sufficient adult supervision must be present at all times when the camp is used by children. The property owner shall provide security personnel as specified in the plan of operations.
41. It shall be the property owner’s responsibility to maintain adequate liability insurance for the campground activities and structures and keep the insurance current during the life of this conditional use.
42. The property owner shall immediately notify the County Land Use and Resource Management Department if the caretaker’s residence is no longer occupied by a caretaker.
43. This conditional use shall be subject to an annual **campground operational permit issuance** by the County staff.
44. 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:

45. The County reserves the right to rescind this conditional use upon any violation of County regulations.
46. There shall be no additional tree cutting other than that specified in the “Seasonal Camper Rules and Regulations or as specified on the approved master conditional use plan.
47. There shall be no campground related use on adjacent properties under the same ownership.
48. The campground is approved for a maximum 100 camping units with a maximum of 4000 sq. ft. per campsite with a 400 sq. ft. of camp unit and 400 sq. ft. of adjacent deck area. Units exist prior to this approval with greater than 400 sq. ft. of camp unit or decking that have received BOA variance approval shall be brought into compliance upon replacement of the camp unit or adjacent deck area. This compliance agreement would require units within the shoreland setback to be removed upon replacement.
49. The larger open space areas identified on the site plan shall be required to be maintained regardless of not meeting the one half acre open space area size requirement or 4 to 1 area width to depth requirements of the open space definition of the zoning code. The interstitial areas between campsites may be used for adjustment of the campsite areas sizes and locations.

50. This conditional use approval includes modification to the road access requirement from the required 16 ft. width requirements to the widths as identified on the approved site plan.

**Staff presents request and indicates this is consistent with Farmland Preservation. The A-1 to B-5 rezone area is identified as Farmland Preservation Area and yet included as RR Rural Density Residential land use category on the Land Use Plan. The Farmland Preservation Area and RR Rural Density Residential conflict is the result of the land being located near the Village of East Troy. The conflict area are discussed in the Farmland Preservation Plan as buffer areas to be reviewed on a case by case basis at the request of the Town in resolving border concerns. The intended used would be as an open space buffer for the camp. The proposed use could therefore be interpreted as not substantially altering the intent of the Walworth County Land Use Plan. The rezone area has been used as open space for the campground and not historically cultivated since around 1985. The rezone area is part of a substandard 7.8 acres parcel.**

**Tom Juraszinski speaks regarding the application. Questions regarding the replacing of units in the shoreland and a hardship if they must be removed. Discussion was had regarding addressing concerns of the units in the shoreland and exterior buffer areas, and possible request for reconsideration from the BOA to clarify the modified BOA approval bringing the units into compliance.**

**Dennis Karbowski motioned to TABLE until BOA issues are resolved. Seconded by Richard Kuhnke, Sr. Motion carried. 6-favor 0-oppose 1-abstain (Al Stanek – missed part of the discussion).**

\*\*Al Stanek was lost on the video meeting at 6:11 p.m. – returning at 6:17 p.m.

Disc Count # 6:00:50 – 6:30:30

**TABLED – NO TOWN RECOMMENDATION**

2. **~~Shodeen Family Property Company, LLC – Owner C/O Craig A. Shodeen, David Patzelt – Applicant, Sections 23, 25, 26, and 27, Walworth Township. The property owner is requesting to rezone approximately 471.24 acres of A-1 Prime Agricultural land to R-1 Single Family Residential (unsewered) District, 62.8 acres of A-2 Agricultural District land to R-1, 18.99 acres of A-1 to C-2 Upland Resource Conservation District, 11.25 acres of A-1 to B-4 Highway Business District, 6.06 acres of A-1 to C-4 Shoreland Wetland District, 7.03 acres of A-1 to C-1 Lowland Resource Conservation District, 6.7 acres of A-5 Agricultural-Rural Residential District to R-1 and .31 acres of C-1 to C-4. The rezone is requested in order to obtain conditional use review for a 427 lot Planned Residential Conservation Design Development with an 11.25-acre future business area and wetlands corrected to meet field delineated wetland boundaries. The property of concern is located on the west side of Ridge Road approximately 3000 feet north of the intersection of Ridge Road and Lakeville Road. The rezone areas are located on all or parts of tax parcels E-W 2300008, E-W 2500005, 7,7B, 7C and 7D, E-W 2600001, 2, 2A, 5 and 6, E-W 2700002, EA428400001, EK~~**



~~00002A, EA182700004A and EA148800001 as described by a digital legal description available for review at the Walworth County Land Use and Resource Management Department.~~

Rezoning –

**TABLED – NO TOWN RECOMMENDATION**

- ~~1. **Zan Enterprises, LLC C/O Edmund Doran – Owners**, Section 22, Geneva Township. The property owner is requesting to rezone approximately .55 acres of R-2 Single Family Residential (sewered) property to the R-3 Two Family Residence District (Sewered) in order to bring an illegally created duplex into compliance with the Zoning Ordinance. The property of concern is located on the west side of Narcissus Road approximately 100 feet south of the intersection of Narcissus Road and Hwy H identified as Tax Parcel JLCB 00218.~~

Conditional Uses –

- Toy Yard Storage, LLC C/O Mark Hetzler – Owner**, Section 1, Sugar Creek Township. The property owner is requesting conditional use permit review and approval for recreation vehicle and boat storage facilities in the M-1 Industrial District. The property of concern is located off of a private drive on the north side of Hwy A approximately 2000 feet east of the intersection of Hwy A and Hwy 12 identified as Tax Parcel GSBP 00001.

General:

- Approved as per plan submitted for off storage facilities for recreational vehicle and boat storage with all additional conditions as stated below.
- No general public sales allowed from the storage facility. No business activities other than specified in the plan of operations may be conducted from out of the storage facilities.
- Must meet all applicable Federal, State, County and local regulations.
- Outside lighting shall be shielded and directed on site.
- The applicant must obtain all required zoning permit approvals including a sign permit.
- No burning of waste materials shall occur on site.
- The applicant must obtain the required Town, County and/or State Highway approval for the access.
- The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management permit from the County Conservation Office if required by ordinance.
- All cars shall be parked in the marked spaces as identified on the approved plan of operations. Use capacity of the site shall be restricted by the cars capable of being parked in the marked spaces as identified on the plan. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced so as to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval.
- The project site must be kept neat, clean, and mowed in all areas.
- 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.
- Failure to actively exercise this conditional use for mini-warehouse storage facilities within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three year period. Any extension requested during the three year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals. Mini-warehouse storage building construction must be occurring in order to be exercising this conditional use.

Specific:

13. The requirements of the stormwater implementation plan and grading plan shall be followed regardless of the phased construction of the buildings. Phase I of the development plan or construction plan must include the construction of all the planned stormwater management practices to serve the facility under full built-out conditions.
14. There shall be no black dirt mixing and grinding, materials storage or contractor storage or other business activities requiring zoning approvals on site without first obtaining the required zoning approvals.
15. On site hours of operation shall be from 6:00 a.m. to 10:00 p.m. seven days a week and shall be posted on site.
16. There shall be no flammable chemical storage on site.
17. There shall be no engine repair, maintenance and or vehicle and boat washing on site.
18. Future approval of landscaping and stormwater maintenance agreements shall be required.
19. The approval is subject to final engineering and stormwater plans. The project must meet with all applicable requirements of the preliminary stormwater review letter.
20. A Walworth County Storm Water Management Permit shall be obtained and implemented by the property owner within 6 months of Conditional Use Permit Approval. This storm water management permit shall cover, at minimum, the storm water management for lots 1 & 2 of the Sugar Creek Business Park subdivision.

**Staff presents request.**

**Mark Hetzler speaks regarding the application.**

**Jim Van Dreser motioned to approve with conditions as presented. Seconded by JoAnne Laufenberg. Motion carried. 6-favor 0-oppose 1-Absent – Al Stanek**

\*\*Al Stanek was lost on the video meeting at 6:37 p.m.

Disc Count # 6:30:49 – 6:39:54

Staff discusses vote being 6-favor 0-oppose as Mr. Stanek was not available on video for a vote.

2. **America the Beautiful, LLC – Owner, Natalie Chesebro for Your Personal Gardener & Arborist – Applicant**, Section 21, East Troy Township. The property owner is requesting conditional use approval for a contractor storage yard on land zoned B-4 Highway Business District for a tree service, landscaping and snow removal business. The property of concern is located on the east side of Hwy ES approximately 850 feet north of the intersection of Hwy ES and Hwy 20 identified as Tax Parcel P ET2100004D.

General:

1. Approved as per plan submitted for a conditional use approval for a contractor storage yard for a tree service, landscaping and snow removal business and office and on site sales of bulk materials (mulch, aggregate and woodchips) with all additional conditions.
2. All uses of the site shall meet 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.
5. The applicant must obtain the required County Highway Department approval for any changes to the access.

6. No fill, debris, branches or leaves may be disposed of on-site outside.
7. All burning of waste wood materials shall obtain required burn approvals. There shall be no burning of waste oils or trash.
8. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management Permit from the County Conservation Office if required by ordinance.
9. All parking and access to the site shall meet County requirements. All parking shall be installed according to County requirements within 60 days of this approval. Vehicle parking shall be located as identified on the approved plan of operations.
10. The project site must be kept neat, clean, and mowed. The site shall be maintained in a nuisance free condition. The owner shall be held solely responsible for the control of dust, odors, fire, vermin, insects, rodents, filth, fluid/oils spills, groundwater and surface water contamination and windblown materials resulting from past and future operations on this site.
11. Implementation of dust and noise control measures shall occur at all times on site.
12. On site hours of operation shall be from 7:00 a.m. to 7:00 p.m. with hours until 9:00 p.m. for return of equipment and materials from offsite Monday through Friday and Saturday and Sunday to be on call for work during the same hours and snow plowing seasonal from November 15<sup>th</sup> through April 15<sup>th</sup> 24 hours per day.
13. The operator shall obtain adequate liability insurance. It shall be the property operator's responsibility to keep the insurance current during the life of this conditional use.
14. No business activities other than specified in the plan of operations may be conducted from out of the facilities.
15. No storage of chemicals, petroleum products and flammable materials shall occur on site unless stored in a containment facility meeting State requirements.
16. All flammable waste materials shall be stored in a non-flammable, enclosed container and be gated in a non-combustible fence.
17. The owner must provide a waste disposal plan stating where all trash, branches, leaves, metal filings, drain oil and other fluids are disposed and shall follow the approved plan during operations on site.
18. Outside storage is limited to the type, quantities and location of material associated with the business as identified on the plan of operations.
19. No outside storage of chemicals shall occur on site.
20. No dumping of chemical waste shall be conducted outside of the building. All discharge of chemical waste to the holding tank or septic system shall be pre-approved by the County sanitarian.
21. 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.
22. No occupancy shall be allowed for the business activity approved by this conditional use until all conditions of approval are met.
23. Walworth County staff may conduct inspections necessary to ensure site is operated and maintained according to applicable regulations.
24. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
25. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

26. Only trucks, trailers and equipment owned by the tree service, landscaping and snow removal business shall be allowed to be stored on site.
27. There shall be no retail sales area ~~from~~ from within the building without prior review and calculation and provision of the required retail sales parking spaces.
28. Storage of salt for use by the snow plowing business must meet all State of Wisconsin salt storage requirements.
29. The County reserves the authority to require any outside stored materials to be removed from the site within 48 hours of a determination the storage is inconsistent with this approval, has become unsightly or is detrimental to human health and safety.
30. There shall be no expansion of this contractor storage yard without new conditional use approval.
31. There shall be no extension of use on-site into industrial use without first obtaining required industrial zone district approval. Approval of industrial zoning at this location is not guaranteed and would require consistency review with the Town and County Land Use Plans.

**Staff presents request.**

**James Chesebro speaks regarding the application.**

**Jim Van Dreser motioned to approve with conditions as presented. Seconded by Sue Pruessing. Motion carried. 6-favor 0-oppose. 1-Absent – Al Stanek**  
Disc Count # 6:40:38 – 6:45:42

3. **Dean Kincaid, Inc. C/O Dean Kincaid – Owner, Malaquias Encarnacion of Emmons & Olivier Resources, Inc. (EOR) – Applicant**, Section 22 and 23, LaGrange Township. The property owner is requesting conditional use review and approval to install and operate an eight Megawatt (MW) solar array facility as a utility on approximately 48 acres of A-1 zoned land. The project includes request for modification of the interior side yard setback to zero to allow the solar array to cross the interior property boundary. The property of concern is located on the south side of Hwy 12 approximately 1500 feet west of the intersection of Hwy 12 and Tamarack Road identified as parts of Tax Parcels H LG2200001 and H LG2300005.

General:

1. Approved as per plan submitted for an eight-megawatt ground mounted solar array facility with all additional conditions as stated.
2. Construction plans for the site shall be submitted to the County Zoning Office for review and permit approvals prior to the project beginning.
3. Construction related activities are only allowed on site between sunrises to sunset.
4. All easements must be use for the purposes granted.
5. The applicant must obtain a Land Disturbance Erosion Control and Stormwater Management permit from the County Land Conservation Office prior to any construction activities occurring on site.
6. All spoils spreading activities must be conducted in the approved identified locations.
7. All access to the site must be made as identified on the approved plan.
8. All contractor storage yards shall be located as identified on the approved plan and used as specified.
9. The applicant shall meet all applicable Federal, State and local regulations.

10. All lighting shall be shielded and directed on site.
11. There shall be no fill allowed in any designated wetland area.
12. The applicant shall make all necessary arrangements for use and crossing of public roadways with the State, County and Town Highway Departments.
13. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
14. Failure to exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three-year period shall require additional Town and County committee approvals.
15. The applicant is responsible for removal of the solar panel arrays if they are no longer in use. If the solar panel arrays are not operated during a 12 months period, the project shall be considered abandoned. Abandoned solar panel arrays may be required to be removed within 90 days.
16. The owner of the property shall release, indemnify and hold harmless Walworth County and its agents and employees from all liability, claims, demands, causes of action, costs, or losses for personal injuries, property damage or loss of life or property as a result of exercising this approval.
17. All installation of the solar panel arrays must comply with Wisconsin Administrative Code Chapter PSC 119 for interconnection distributed generation facilities.

Specific:

18. Any on-site materials lay down area for contractor storage of materials, equipment including job trailers will be required to be added to the site plan and obtain zoning permit and erosion control and stormwater permit approval if required by ordinance.
19. This approval includes modification of the interior side yard setback to zero feet to allow the solar arrays to span the interior lot line between the two tax parcels.
20. The applicant shall obtain approval of a screen plan on the north end of the project along Highway 12, as per the Town.
21. There shall be oil containment facilities incorporated into equipment such as transformers, to be located on-site, as per the Town

**Staff presents request.**

**Malaquias Encarnacio/EDF speaks regarding the application. Discusses site selection required by the utility, access, location of the project on the site, capacity for containment, screening.**

**Benjamin Johnson/Engineer speaks regarding a stray voltage question**

**Peter Bay/EDF asks question concerning condition 20 regarding town request for screening.**

**Discussion by Committee regarding farmland preservation and impacts on land use.**

**Sue Pruessing motioned to approve with conditions as presented. Seconded by Dennis Karbowski. Roll call vote:**

**Ryan Simons: Yes**  
**Sue Pruessing: Yes**  
**Richard Kuhnke, Sr. No**

**Jim Van Dreser No**  
**JoAnne Laufenberg No**  
**Dennis Karbowski Yes**

**Tie vote - Motion fails. 3-favor 3-oppose. 1-Absent – Al Stanek**

**Staff discusses vote result and gives Committee options for further motions and vote.**

**Richard Kuhnke, Sr. motioned to TABLE to the May meeting for a full committee vote. Seconded by Jim Van Dreser. Motion carried. 6-favor 0-oppose 1-Absent – Al Stanek**

Disc Count # 6:45:45 – 7:25:22

New Business – Discussion Items – (moved from 4:30 portion of meeting to be heard at the end of the meeting.)

2. Proposal regarding the creation of a new Code Enforcement Officer – Dennis Karbowski

**Dennis Karbowski explains request to have enforcement for conditional uses – a part-time employee. When CU’s are granted it is beneficial to have staff to enforce violations. Sue Pruessing speaks in support of a part-time, as needed employee. JoAnne Laufenberg disagrees with more oversight. Jim Van Dreser requests information to understand the role and the as needed basis role. Staff explains the STR FTE employee and scheduling. This committee must recommend to send to HR Committee.**

**Dennis Karbowski motioned to immediately send to HR. Seconded by Sue Pruessing. Motion carried. Discussion by the Committee regarding CU enforcement and cooperative rolls of towns and the County. Roll call vote:**

<b>Ryan Simons:</b>	<b>No</b>	<b>Jim Van Dreser</b>	<b>No</b>
<b>Sue Pruessing:</b>	<b>Yes</b>	<b>JoAnne Laufenberg</b>	<b>No</b>
<b>Richard Kuhnke, Sr.</b>	<b>Yes</b>	<b>Dennis Karbowski</b>	<b>Yes</b>

**Tie vote - Motion fails. 3-favor 3-oppose. 1-Absent – Al Stanek**

Disc Count # 7:25:40 – 7:40:21

5. Administrative Adoption of Zoning Permits issued by Williams Bay – Nick Sigmund, Michael Cotter

**Staff discusses status of permits in the ETZ area of Williams Bay and permits being issued by Williams Bay in areas of the County permit jurisdiction. This has been occurring for 10-ish years. Taking applications, accepting fees, issuing permits. Staff found 112 permits issued by Williams Bay that were actually County jurisdiction. Staff is in possession of 100 of the permits issued. 12 permits are missing. Many are permits that would have been issued and are in compliance. Some included variances from Williams Bay. There is a small portion – handful – that we would not have issued permits for. Williams Bay was to address those and they just didn’t. Dropped**

**the Ball. All the people staff was working with are gone. Staff recommends making the Williams Bay permits county zoning permits.**

**Staff recommends adopting the compliant permits (approximately 95 to 103), and bounce back the handful to Williams Bay.**

**Dennis Karbowski motions to take in as a county permit the issued and built in compliance, would be in compliance if built where issued, and those that are permitted with a variance. Seconded by Richard Kuhnke, Sr. Motion carried 6-favor 0-oppose 1-Absent – Al Stanek**

Disc Count # 7:40:28 – 7:53:21

### **Adjournment**

**Dennis Karbowski motioned to adjourn. Seconded by Jim Van Dreser. Motion carried. 6-favor 0-oppose 1-Absent – Al Stanek**

The meeting was adjourned at 7:53 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.