

County Zoning Agency

MINUTES

July 15, 2021 – 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, Jerry Grant, Sue Pruessing, Ryan Simons, and citizen member 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/County Conservationist Lindsay Motl, Senior Planner/Hearing Facilitator Matt Weidensee, and Josie Hanrahan controlling telephonic appearances. Present for a portion of the meeting / hearing Senior Zoning Officer Nicholas Sigmund and Senior Urban Conservation Technician Fay Amerson.

A “sign-in” sheet listing attendees on July 15, 2021 was not presented due to the continued COVID-19 threat.

Details of the July 15, 2021 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

Dave Weber motioned to approve the agenda as amended to table item 9.d.4.) Wilson Aggregate Trust C/O Scott Wilson and Mary and Robert Skwierawski Trust – Owners; 9.d.5.) Millard Properties, LLC C/O Sarah M. Cook – Owner, Randy Johnson, Johnson Sand and Gravel, Inc. – Applicant; 9.e.1.) Timothy and Todd Fischer – Owners; 9.f.2.) S.T. Evenignasiak, LLC C/O Steven Ignasiak – Owner, Bulk Materials Trucking – Applicant; 9.f.4.) Biwer Investments, LLC C/O John Biwer – Owner, Michael Jonas – Applicant. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose

Richard Kuhnke, Sr. motioned to approve the June 17, 2021 CZA Meeting Minutes. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose

Zoning / Sanitation / Land Conservation Enforcement
Update on Schottlander property.
Disc Count #5:04:28 – 5:08:01

Wendeberg Violation Update – Nicholas Sigmund
Disc Count #5:08:01 – 5:12:37

Subdivision Items – Old Business – None

Subdivision Items – New Business – None

Old Business - Ordinance Amendments – None

Old Business – Discussion Items – None

New Business - Ordinance Amendments – None

New Business – Discussion Items –

1. **Milstead, LLC** – John Schnupp/Fire2Fork amendment of a conditional use requesting to have the approved temporary outdoor food and beverage for service outside of the restaurant during Covid become permanent. Part of Tax Parcel E W 600001B.

NAME: Milstead, LLC

TOWNSHIP: Walworth

Amended 7/15/2021 to make the outdoor seating a permanent conditional use for outdoor food and beverage. (see #1, 19, 20)

The applicant is requesting conditional use approval for outdoor food and beverage consumption on the north side of an existing restaurant in order to better serve clientele of the Fire to Fork Restaurant. The intent is to ~~temporarily eliminate 110 seats from the indoor restaurant and replace them with~~ have 44 seats outdoors next to the front porch of the restaurant for outdoor food and beverage service. There would be a decrease in capacity and therefore no additional parking requirement.

Part of Tax Parcel #E W 600001B

Has been APPROVED subject to the following conditions:

General:

1. The Conditional Use for use of a portion of open space for outdoor food and beverage consumption for a restaurant is approved as per the plan submitted with the following conditions.
2. Use of the grounds shall be limited to the uses as stated in the plan of operations **and as amended 7-15-2021 to make the outdoor seating a permanent conditional use for outdoor food and beverage.**
3. The project must meet with all State, Federal and local approvals.
4. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage.
5. Sufficient adult supervision by on site workers must be present at all times when facilities are in use.
6. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
7. The applicant is responsible for obtaining adequate liability insurance and keeping the insurance current during the life of this conditional use.
8. All lighting must be shielded and directed on to the property.
9. All parking must occur in the areas identified on the approved plan. Parking must be marked and meet with requirements of the county zoning ordinance. All parking must be graded and surfaced to be dust free. All parking for business on site must be in compliance with County requirements within 60 days of this approval.
10. The property owner must obtain the required County sanitary permit approval for facilities to be located on site.
11. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.

12. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three-year period shall require additional Town and County committee approvals.

Specific:

13. Hours of operation on the outdoor food and beverage area shall be 10:00 a.m. to 11:00 p.m.
14. All outdoor seating and all outdoor food and beverage consumption must be in the area specified on the approved site plan.
15. The outdoor seating area must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.
16. Any proposed outdoor fire pit/cooking facilities must meet with Local and State requirements.
17. ~~Approved for Fire2Fork's temporary use for outside dining/serving until the earlier of the Covid-19 issues allow normal indoor seating or June 30, 2021 as per the Town.~~
18. ~~If outside dining/serving is still needed after June 30, 2021 or Fire2Fork wishes to make the outside dining/serving permanent, Fire2Fork shall be required to come back for additional Town and County conditional use review as per the Town.~~
19. Total seating indoors and outdoors on the patio combined shall not exceed the maximum of 120 as per the Town.
20. If Fire2Fork/business ownership changes hands, new owner/lessees shall come back to the Town for re-approval review of the conditional use as per the Town.
21. There shall be no live music or fireworks as per the Town as part of this approval.

Dated this 16th day of July, 2020.

COUNTY ZONING AGENCY
RICK STACEY, CHAIRMAN

Cc: John Schnupp, 2484 County Rd O South, Delavan, WI 53115
Town of Walworth, David Rowbotham, Chairman, W6741 Brick Church Rd, P.O. Box 386, Walworth, WI 53184
Town of Walworth, Marie Baker, Clerk, W6741 Brick Church Rd, P.O. Box 386, Walworth, WI 53184

Staff presents item.

Joy Schnupp speaks regarding questions on Sunday night music.

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

Disc Count #5:12:50 – 5:17:34

2. Possible ordinance amendment to 200' Setback for non-metallic mining – Rick Stacey

Rick Stacey starts discussion. Staff recommends bringing this item back giving Staff time to gather information regarding standards in other communities, and staff concerns, etc.

Richard Kuhnke, Sr. motioned to bring this matter back next month. Seconded by Dave Weber. Motion carried. 7-favor 0-oppose.

Disc Count #5:17:36 – 5:21:48

3. Food Trucks – Michael Cotter

Staff presents item presenting current food truck regulations. Staff asks committee for any thoughts or concerns for discussion.

Dave Weber motioned to bring this matter back in 90 days for discussion. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.

Disc Count #5:21:50 – 5:28:03

5:30 p.m.:

Ordinance Amendments –

1. Walworth County - Section(s) 74-56, 74-65, 74-102 of the Zoning Ordinance and Section(s) 74-183, 74-192, 74-231 of the Shoreland Zoning Ordinance to allow the County Zoning Agency to consider a high-bay warehouse that uses this oxygen reduction fire prevention technology as a conditional use in the M-2 zone district. If approved, the structure(s) could be allowed a district height modification in return for increased property line setbacks.

Staff presents the proposed ordinance amendment.

Speaking in FAVOR: Jonas Swarttouw/Newcold; Cecil Logterman/Town of Darien Chairman.

This item will move forward to the August 19, 2021 Walworth County Zoning Agency meeting for possible action.

Disc Count #5:40:47 – 5:48:40

Rezones with Conditional Uses –

1. **Adam and Jennifer Friemoth – Owners, Randy Johnson, Johnson Sand & Gravel, Inc. – Applicant**, Section 2, LaFayette Township. Rezone approximately 32.94 acres of A-1 Prime Agricultural land to the M-3 Mineral Extraction District in order to expand an existing sand and gravel mining operation by approval of a conditional use permit. Part of Tax Parcel K LF 200002.

Has been APPROVED subject to the following conditions:

1. Approved as per plan and narrative submitted for a 32.94 acre expansion of an existing sand and gravel extraction site with all additional conditions as stated.
2. Time limit for completion of the project shall be set at 20 (twenty) years from the date of this approval.
3. Implementation of dust and noise control measures shall occur at all times on site.
4. The applicant must obtain a Walworth County Land Disturbance, Erosion Control and Stormwater permit from the Walworth County Land Conservation Department. The applicant must follow phases of excavation and restoration as part of the approval under the Walworth County's Land Disturbance Erosion Control and Stormwater Management Ordinance and Mining Reclamation Standards. The applicant must submit a project-sequencing schedule as part of the restoration plan for

each phase leading to completion prior to approval. The applicant will be responsible for paying all county fees associated with the reclamation plan review, approval and monitoring for compliance with this approval.

5. The Walworth County Land Conservation Division must approve a Non-Metallic Mining Reclamation Permit and Plan. The applicant shall submit an acceptable form of bonding as part of the restoration plan – The bond shall remain in place for the life of the pit plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the Walworth County Land Conservation division of the Walworth County Land Use and Resource Management Office. Renewals of bonds shall be submitted prior to expiration on a two year limited basis. The bond shall be release after final restoration and application for rezone back to the approved post mining land use/zone district. The operator will certify to the Walworth County Land Conservation Division the completion of reclamation for a portion or the entire mining site.
6. The post-mining land use for this site shall be agriculture requiring A-1 zone district designation. This conditional use shall not be valid without a current post mining land use rezone application being on file with Walworth County. The property owner shall submit an application, fee and a post mining reclamation plan to Walworth County allowing for rezone of the property back to the post mining land use/zone district as specified above. The post mining land use rezone application shall be required to be kept current by the property owner during excavation and reclamation of the site. Should ownership of the site transfer prior to receiving Certification of Completion of Reclamation from the County (Sec. 26-293 (a.7)), the new property owner must re-sign the post mining land use rezone application and pay a new post mining land use rezone application fee at the current rezone rate in order to keep this conditional use valid.
7. Following restoration, the land shall be rezoned back to the A-1 zoning district by use of the application submitted and kept current by the land owner during the excavation and restoration period.
8. Hours and days of operation shall be set from dawn to dusk or from 6:00 a.m. to 6:00 p.m., whichever is more restrictive, Monday through Friday and 6:00 a.m. or dawn to 3:00 p.m. on Saturday. No work shall be conducted on holidays.
9. Road access and maintenance agreements shall be filed with the township and county prior to hauling materials off site as part of the restoration plan.
10. The county will not be liable for any damage to neighboring wells due to the operation of the project.
11. The town and county shall not be liable for any groundwater contamination resulting from operation of the pit.
12. Any additional office/trailer or structures shall obtain approved zoning and sanitary permits.
13. Approval of the project shall be subject to all applicable gravel pit policies.
14. The project shall meet all applicable federal, state and local regulations.
15. All material storage locations must be in an approved zoning district.
16. No materials shall be brought in from off-site other than those materials specified in the approved restoration plan.
17. All topsoil generated from the site must remain on site for use in restoration as indicated in and regulated by the restoration plan. All topsoil will be regraded evenly on the disturbed area.
18. All site dewatering shall be conducted to prevent sedimentation outside of the project area in accordance with the Walworth County Erosion Control and Stormwater Management permit. The site may not be dewatered until all sediment has settled in the open water area of the pit.
19. The applicant shall certify that the project plans and the conditions of this approval shall be provided and discussed with the property owner prior to excavation on site and must provide a copy of the certification signed by the owner.
20. Following restoration, the landowner shall petition to rezone the property back to the committee recommended zoning district. The owner of property approved for non-metallic mining shall be required to submit an up-front fee for rezoning the property back to the pre-existing zone district. Upon completion of restoration, the county shall hold a public hearing for rezoning of the property back to the original zone district. The county shall not release the required performance bond or surety until the property of concern has been restored.
21. The applicant must obtain a sign permit from the Walworth County Zoning Office prior to construction of any signs on site. No off premise signs or billboards will be allowed to be located in an M-3 district even under a state highway permit because the M-3 use is temporary and the signs must be consistent with the required zoning upon restoration.

22. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting state requirements.
23. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.
24. The applicant will be held solely responsible for maintaining support rights of neighboring property owners. Adequate setbacks from the proposed excavation to neighboring properties shall be provided to prevent damages resulting from potential cave in of the excavation walls.
25. The county will not be responsible for loss of agricultural productivity of the property as a result of this project.
26. Any changes to the character, intensity or use of this site not capable of being discerned by the Walworth Land Use and Resource Management Department as consistent with this approval must be brought before the Walworth County Zoning Agency for additional conditional use review.

Specific Conditions:

27. The pit area approved for this expansion shall be fenced on the exterior boundary with a 4-foot high woven wire fence within one year of this approval.
28. **Upon operations adjacent to the 200-foot excavation setback,** all corners of the 200-foot excavation boundaries (buffer area) and every 400-foot between the corners shall be staked ~~prior to operations~~. Stakes used to verify the 200 ft. excavation limit must be a minimum of four feet in height from existing ground level. The excavation limit stakes shall be made of a material that will not deteriorate under normal weather conditions. The 200 ft. excavation stakes shall remain on site during the life of the project.

Nonmetallic Mining Reclamation Permit –

Johnson Sand & Gravel, Inc. (Adam and Jennifer Friemoth – owners), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a 32.94 acre expansion of an existing non-metallic mining site. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel K LF 200002, Town of LaFayette. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.

Staff presents request. Fay Amerson presents reclamation permit information. Randy Johnson speaks regarding the application.

Dave Weber motioned to approve, including the friendly amendment suggested by staff to paragraph 28. Seconded by Ryan Simons. Motion carried. 7-favor 0-oppose.

The rezone petition will move forward to the August 10, 2021 Walworth County Board for possible action.

Disc Count #5:48:44 – 6:03:04

2. **Unilock Aggregates, LLC C/O Bob Moser, Director of Project Management, US Operations, Section 6, LaFayette Township.** Rezone approximately 32.68 acres of A-1 Prime Agricultural zoned property to the M-3 Mineral Extraction zone district in order to request conditional use approval for expansion of an existing gravel pit. Part of Tax Parcel K LF 600005.

General:

1. Approved as per the conditional use plan submitted and approved for non-metallic mining services; sand and gravel quarrying, washing, refining or processing of rock, slate, gravel, sand and minerals and approval of a reclamation plan detailing restoration back to agricultural use towards rezone of the property back to the original A-1 zone district following reclamation with all additional conditions as stated.
2. Time limit for completion of the project shall be set at 20 years from the date of this approval being June 17th, 2041.
3. The applicant must obtain a Land Disturbance, Erosion Control and Stormwater permit from The Land Conservation Department. The applicant must follow phases of excavation and restoration as part of the approval under the County's Land Disturbance Erosion Control and Stormwater Management Ordinance and mining reclamation standards. The applicant must submit a project-sequencing schedule as part of the restoration plan for each phase leading to completion prior to approval. The applicant will be responsible for paying all County fees associated with the reclamation plan review, approval and monitoring for compliance with this approval.
4. A non-metallic Mining Reclamation Permit and Plan must be approved by the Walworth County Land Conservation Division. The applicant shall submit an acceptable form of bonding as part of the restoration plan – The bond shall remain in place for the life of the pit plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the County Land Conservation section of the Land Use and Resource Management Office. Renewals of bonds shall be submitted prior to expiration on a two year limited basis. The bond shall be release after final restoration and application for rezone back to the approved post mining land use/zone district. The operator will certify to the County Land Conservation Division the completion of reclamation for a portion or the entire mining site.
5. The post mining land use for this site shall be agriculture requiring A-1 zone district designation. This conditional use shall not be valid without a current post mining land use rezone application being on file with Walworth County. The property owner shall submit an application, fee and a post mining reclamation plan to Walworth County allowing for rezone of the property back to the post mining land use /zone district as specified above. The post mining land use rezone application shall be required to be kept current by the property owner during excavation and reclamation of the site. Should ownership of the site transfer prior to receiving Certification of Completion of Reclamation from the County (Sec. 26-293 (a.7)), the new property owner must re-sign the post mining land use rezone application and pay a new post mining land use rezone application fee at the current rezone rate in order to keep this conditional use valid.
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 Sundays or holidays. **Extended hours with request by notice of operations to the Town of LaFayette and Walworth Land Use Resource Management Department for operations outside of the normal working hours for night road construction maintenance work. No work shall be conducted on Sundays or Holidays or without specific notices stated above.**
7. Road access and maintenance agreements shall be filed with the Town and County road maintenance authorities prior to hauling materials off site.
8. The property owner shall provide verification from the County Highway Department of access permit approval to Hwy A for the conditional use file prior to the conditional use being valid.
9. Implementation of dust and noise control measures shall occur at all times on site.
10. The County will not be liable for any damage to neighboring wells due to the operation of the project.
11. Any additional office/trailer or structures shall obtain approved zoning and sanitary permits.
12. Approval of the project shall be subject to all applicable gravel pit policies.
13. The project shall meet all applicable Federal, State and local regulations.
14. All material storage locations must be in an approved zoning district.
15. No materials allowed to be brought in from off-site other than those materials specified in the approved operations plan.
16. All topsoil generated from the site must remain on site for use in restoration. All topsoil will be re-graded evenly on the disturbed area.
17. All site dewatering shall be conducted to prevent sedimentation outside of the project area. The site may not be dewatered until all sediment has settled in the open water area of the pit.

18. The applicant shall certify that the project plans and the conditions of this approval shall be provided and discussed with the property owner prior to excavation on site and must provide a copy of the certification signed by the owner.
19. Following restoration, the landowner shall petition to rezone the property back to the committee recommended zoning district. The owner of property approved for non-metallic mining shall be required to submit an up-front application and fee for rezoning the property back to the pre-existing zone district. Upon completion of restoration the County shall hold a public hearing for rezoning of the property back to the original zone district. The County shall not release the required performance bond or surety until the property of concern has been restored.
20. The applicant must obtain a sign permit from the County Zoning Office prior to construction of any signs on site. No billboards will be allowed to be located in an M-3 district even under a State Hwy permit because the M-3 use is temporary and the signs must be consistent with the required agricultural zoning upon restoration.
21. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting State requirements.
22. Recyclable concrete and asphalt material brought into the gravel pit shall be limited to the location and quantities as specified on the approved plan of operations.
23. The applicant must stipulate that adequate liability insurance will be held at all times during excavation and restoration to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.
24. The applicant will be held solely responsible for maintaining support rights of neighboring property owners. Adequate setbacks from the proposed excavation to neighboring properties shall be provided to prevent damages resulting from potential cave in of the excavation walls.
25. The County will not be responsible for loss of agricultural productivity of the property as a result of this project.
26. The Zoning Administrator LURM STAFF or respective designees may enter the pit in order to inspect those premises and to ascertain compliance with these conditions or to investigate an alleged violation. **LURM staff shall inform the operator or property owner upon entrance to perform inspection.**
27. **Upon operations adjacent to the 200-foot excavation setback,** all corners of the 200-foot excavation boundaries (buffer area) and every 400-foot between the corners shall be staked ~~prior to operation~~. Stakes used to verify the 200 ft. excavation limit must be a minimum of four feet in height from existing ground level. The excavation limit stakes shall be made of a material that will not deteriorate under normal weather conditions. The 200 ft. excavation stakes shall remain on site during the life of the project.
28. 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.
29. 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.
30. 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:

Nonmetallic Mining Reclamation Permit –

Unilock Aggregates has applied for modification to a Nonmetallic Mining Reclamation Plan and permit for a 32.68 acre expansion of an existing non-metallic mining site. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel K LF 600005, Town of LaFayette. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.

Staff presents request and indicates this is consistent with Farmland Preservation. Fay Amerson presents reclamation permit information. Atty Christina Green speaks regarding the application. Requests 24 hour notices for site visits.

Dave Weber motioned to approve with friendly amendments to hours, contact in the pit and condition 27. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose.

The rezone petition will move forward to the August 10, 2021 Walworth County Board for possible action.

Disc Count #6:03:05 – 6:26:38

3. **Mark E. Wolfram – Owner**, Section 33, LaGrange Township. Rezone .53 acres of A-1 Prime Agricultural Land District land to the A-4 Agricultural Related Manufacturing, Warehousing and Marketing District in order to obtain conditional use permit approval for a storage facility for boat and boat equipment (boatlifts, piers and jet ski lifts) both outside and within an existing agricultural outbuilding. Part of Tax Parcel HA284100001.

General:

1. Approved as per plan submitted as an indoor and outdoor seasonal boat and boat equipment storage facility with all additional conditions.
2. No general public sales allowed from the boat and boat equipment storage facility. No business activities other than specified in the plan of operations may be conducted from out of the storage facilities.
3. The A-4 area may not be separated from the parent parcel without additional Town and County conditional use review.
4. All recreational vehicle and boat storage activities shall occur within the designated A-4 zoned area.
5. On site hours of operation shall be from 7:00 a.m. to 8:00 p.m. seven days a week.
6. Must meet all applicable Federal, State, County and local regulations.
7. Boats to be stored indoors may be located outside for drop-off and pick-up only.
8. No permanent outside storage of boats, trailers or other boat related equipment and materials (boat trailers, lifts, piers, parts etc.) shall be allowed.
9. 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.
10. No acid washing of boats shall be allowed on site.
11. There shall be no on-site repair or restoration of boats or boat related equipment (lifts, piers etc.) allowed.
12. Outside lighting shall be shielded and directed on site.
13. Any on-site fuel storage shall be conducted within a State approved containment facility.
14. The applicant must obtain all required zoning permit approvals including a sign permit if different from the present sign.
15. No burning of waste materials shall occur on site.

16. The applicant must obtain the required Town of LaGrange access approval for the access as shown on the approved plan.
17. The applicant must obtain a County Land Disturbance Erosion Control and Stormwater Management permit from the County Conservation Office if required by ordinance.
18. Parking must meet with requirements of the county zoning ordinance. The off street parking area shall be graded and surfaced to be dust free and properly drained. All parking areas shall be clearly marked. All parking must be in compliance with County requirements within 60 days of this approval.
19. The project site must be kept neat, clean, and mowed in all areas.
20. 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.
21. Failure to actively exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three year period shall require additional Town and County committee approvals.

Specific:

Staff presents request.

Mark Wolfram speaks regarding the application.

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

The rezone petition will move forward to the August 10, 2021 Walworth County Board for possible action.

Disc Count #6:28:39 – 6:30:30

TABLED – NO TOWN DECISION

4. ~~Wilson Aggregate Trust C/O Scott Wilson and Mary and Robert Skwierawski Trust Owners, Section 25, Spring Prairie Township. Rezone approximately 91.48 acres of A-1 Prime Agricultural Land District to the M-3 Mineral Extraction District on four different parcels in order to get conditional use review and approval for the expansion of an existing nonmetallic mineral extraction site (gravel pit). Parts of Tax Parcels O SP2500001A, 1C, 2 and 5.~~

Nonmetallic Mining Reclamation Permit

~~Johnson Sand & Gravel, Inc. (Wilson Aggregate Trust C/O Scott Wilson and Mary and Robert Skwierawski Trust Owners), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a 91.48-acre expansion of an existing non-metallic mining site. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcels O SP2500001A, 1C, 2 and 5, Town of Spring Prairie. The Walworth County Land Conservation Division will consider reclamation related public comments in their decision to approve the reclamation permit.~~

TABLED – NO TOWN DECISION

5. ~~Millard Properties, LLC C/O Sarah M. Cook – Owner, Randy Johnson, Johnson Sand and Gravel, Inc. – Applicant, Section 4, Sugar Creek Township. Rezone Approximately 90.64 acres of A-1 Prime Agricultural Land District to the M-3 Mineral Extraction District in order to obtain conditional use permit approval for a non-metallic mine (gravel pit). Part of Tax Parcel G-SC-400001.~~

Nonmetallic Mining Reclamation Permit –

~~Johnson Sand & Gravel, Inc. (Millard Properties, LLC C/O Sarah M. Cook – Owner), has applied for a Nonmetallic Mining Reclamation Plan and permit approval for a 90.64-acre non-metallic mining site. The plans are available for review at the Walworth County Land Use & Resource Management Department. The mining site is located on Tax Key Parcel G-SC-400001, Town of Sugar Creek. The Walworth County Land Conservation Division will consider reclamation-related public comments in their decision to approve the reclamation permit.~~

Rezoning –

TABLED – NO TOWN DECISION

1. ~~Timothy and Todd Fischer – Owners, Section 22, Lyons Township. Rezone approximately 9.45 acres of A-2 Agricultural Zone District property to the C-2 Upland Resource Conservation District in order to create a future four lot certified survey map (CSM). Parts of Tax Parcel NA464100002.~~
2. **Rosemary F. Crandall Trust C/O Richard Crandall – owner, Charles Pollard, Clair Law – Applicant, Section 27, Linn Township. Rezone an 11.48-acre area of A-1 Prime Agricultural Land District property of a dual zoned A-1 and C-2 parcel to the C-2 Upland Resource Conservation District to create a 19.22-acre parcel to be divided by a future certified survey map (CSM) into three C-2 zone parcels. Part of Tax Parcel I L 2700001A.**

Staff presents request and indicates this is substantially consistent with Farmland Preservation as it has not been historically farmed – better suited for a use outside the farmland preservation uses. And will not substantially interfere with farmland use of surrounding parcels.

Atty. Chad Pollard speaks regarding the application.

Jerry Grant motioned to approve. Seconded by Jim Van Dreser. Motion carried. 7-favor 0-oppose.

The rezoning petition will move forward to the August 10, 2021 Walworth County Board for possible action.

Disc Count #6:30:39 – 6:39:56

Conditional Uses –

1. **The Salvation Army – Army Lake Camp**, Sections 9 and 16, East Troy Township. Expansion of the Army Lake Camp by review and approval of a conditional use request for a new master plan to add 93 additional camp beds, by addition of seasonal staff housing, additional adult housing, staff residences, a health center, a chapel, recreation pavilion, pool and pool house and maintenance building along with remodeling of some existing camp housing and addition of a boat ramp. Tax Parcels PA348300001, PA348300002, PA348300003, PA348300004.

Staff presents request and failure of applicant to pursue the requested conditional use. Staff requests the Committee for permission to contact applicant regarding status.

Jim Van Dreser motioned to approve staff request and return to committee for response in August. Seconded by Richard Kuhnke, Sr . Motion carried. 7-favor 0-oppose.

Disc Count #6:40:00 – 6:46:08

TABLED – NO TOWN DECISION

- ~~2. **S.T. Evenignasiak, LLC C/O Steven Ignasiak – Owner, Bulk Materials Trucking – Applicant**, Section 26, LaFayette Township. Conditional Use to add a trucking company office, repair shop and parking area to an existing Planned Unit Development (PUD) providing for other similar uses on property zoned M-2 Heavy Industrial District. Part of Tax Parcel K LF 2600001.~~

3. **Joeleen Gallegos – Owner**, Section 22, Delavan Township. Conditional use approval for adding outdoor food and beverage use of a food truck to an existing business property currently containing an existing restaurant as a Planned Unit Development (PUD) with two on site business signs on land zoned B-2 General Business District. Tax Parcel FIN3 00025.

General:

1. The Conditional Use for use of a food truck for outdoor food and beverage consumption for a restaurant is approved as per the plan submitted with the following conditions.
2. Use of the grounds shall be limited to the uses as stated in the plan of operations.
3. The project must meet with all State, Federal and local approvals.
4. The applicant must obtain all required County Zoning permit including a sign permit for any proposed signage.
5. Sufficient adult supervision by on site workers must be present at all times when facilities are in use.
6. The applicant must obtain an approved Land Disturbance, Erosion Control and Stormwater permit from Land Conservation if required by Ordinance.
7. The applicant is responsible for obtaining adequate liability insurance and keeping the insurance current during the life of this conditional use.
8. All lighting must be shielded and directed on to the property.

9. All parking must occur in the areas identified on the approved plan. Parking must be marked and meet with requirements of the county zoning ordinance. All parking must be graded and surfaced to be dust free. All parking for business on site must be in compliance with County requirements prior to use of the site by the food truck.
10. The property owner must obtain the required County sanitary permit approval for the food truck and any toilet facilities to be located on site.
11. If the Land Management Department determines that changes in either the character of the use or the intensity of the use are not consistent with this approval, then those changes must be brought before the County Zoning Agency for approval.
12. Failure exercise this conditional use within three years of the approval date shall result in automatic dismissal without prejudice. The property owner may request a time extension for actively exercising the conditional use. A time extension for actively exercising the conditional use must be requested in writing during the original three-year period. Any extension requested during the three-year active exercise period greater than one year beyond the original three-year period shall require additional Town and County committee approvals.

Specific:

13. Hours of operation of the food truck and seating area shall be ~~40:00~~ **8:00** a.m. to 10:00 p.m. from March 1st to November 30th each year as per the Town.
14. All outdoor seating and all outdoor food and beverage consumption must be in the area specified on the approved site plan.
15. The outdoor seating area must meet with the commercial building code including all proposed lighting. Open flame tiki torches may not be used as lighting.
16. Any proposed outdoor fire pit/cooking facilities must meet with Local and State requirements.
17. The food truck registration must be kept current as per the Town.
18. A sign must provide notification that extra parking is available at JoJo's as per the Town.
19. Exterior lighting must be current with the lighting ordinance as per the Town.
20. Two picnic tables shall be available for customers as per the Town.
21. Two trashcans with 40-gallon minimum capacity shall be available as per the Town.
22. There shall be no outdoor music as per the Town.
23. There shall be a traffic control or barrier between the adjacent business parking lot and customers as per the Town.

Staff presents request.

Joeleen Gallegos speaks regarding the application.

Speaking in FAVOR: Larry Malsh

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

Disc Count #6:46:10 – 6:52:10

TABLED – NO TOWN DECISION

- ~~4. **Biwer Investments, LLC C/O John Biwer – Owner, Michael Jonas – Applicant, Section 28, Delavan Township. Outdoor food and beverage conditional use approval on a patio for a bar located in the B-2 General Business District. Tax Parcel F D 2800019.**~~
5. **Marshal and Arlene Newholm – Owners, Section 24, Lyons Township. Conditional use review and approval for a commercial stable in an existing farm building on land zoned A-2 Agricultural District. Tax Parcel NA394700001.**

General:

1. Approved as per plan submitted for a commercial stable with a maximum of 6 horses with all additional conditions.
2. Retail sales shall be allowed on site to customers of the horse operation only. The tack shop will not promote off street traffic sales.
3. All parking for the commercial stable shall be located as identified on the approved site plan.
4. Any changes in the proposed use of the property will require additional County approvals.
5. Business hours shall be from 6:00 a.m. till 8:00 p.m. with extended hours from 6:00 a.m. to 10:00 p.m. during daylight savings time. On site horse care shall be allowed on a 24-hour basis during emergencies.
6. The applicant shall obtain adequate liability insurance and keep the insurance current during the life of this conditional use.
7. The site must meet all applicable Federal, State, County and local regulations.
8. All buildings proposed to house animals shall be located a minimum of 100 feet from all property lines including run in structures in the pasture.
9. The applicant must create a designed management plan including designed rotational grazing areas, animal confinement (paddock locations), and manure stacking, surface water drainage, nutrient management and spreading locations. Once the plan is created the applicant must obtain approval of a plan from the County Land Conservation Office and comply with all recommendations.
10. All perimeter fencing shall be maintained as identified on the project plan.
11. All lighting must be shielded and directed on to the property.
12. Parking must meet with requirements of the county zoning ordinance. All parking must be in compliance with County requirements prior to use of the site as a commercial stable.
13. The applicant shall obtain a Walworth County sign permit prior to placement of any sign on site.
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. Any stockpile of manure must be removed or spread at least ~~every six months as per the Town~~ **three times per year**.

Staff presents request.

Arlene Newholm speaks regarding the application.

Speaking in FAVOR: Christine Jasser, Marshall Newholm

Speaking in OPPOSITION: Atty Peter Ludwig representing Gary & Pat Lang

Speaking in REBUTTAL: Marshall Newholm

Dave Weber motioned to approve. Seconded by Jim Van Dreser. Motion amend condition 16 to spread at least three times per year. Second approves. Motion carried. 7-favor 0-oppose.

Disc Count #6:52:15 – 7:12:05

6. Reliable Materials Corp. of Illinois – Owner, Asphalt Contractors, Inc. – Applicant, Section 20, LaFayette Township. Conditional use review and approval for loading and hauling specified gravel, sand and asphalt stockpiles with no processing from an existing gravel pit zoned M-3. Parts of Tax Parcel KA457600001.

Has been APPROVED subject to the following conditions:

1. Approved as per plan and narrative submitted for loading and hauling out three remaining piles being a pile of sand, stone chips and old asphalt with no additional crushing or processing on this site with all additional conditions as stated.
2. Time limit for completion of the project shall be set at 2 years from the date of this approval.
3. Implementation of dust and noise control measures shall occur at all times on site.
4. The applicant must obtain a Walworth County Land Disturbance, Erosion Control and Stormwater permit from the Walworth County Land Conservation Department. The applicant must follow phases of excavation and restoration as part of the approval under the Walworth County's Land Disturbance Erosion Control and Stormwater Management Ordinance and Mining Reclamation Standards. The applicant must submit a project-sequencing schedule as part of the restoration plan for each phase leading to completion prior to approval. The applicant will be responsible for paying all county fees associated with the reclamation plan review, approval and monitoring for compliance with this approval.
5. The Walworth County Land Conservation Division must approve a Non-Metallic Mining Reclamation Permit and Plan. The applicant shall submit an acceptable form of bonding as part of the restoration plan – The bond shall remain in place for the life of the pit plus one full year after final restoration to allow for final stability review. A copy of the bond and any renewals shall be submitted to the Walworth County Land Conservation division of the Walworth County Land Use and Resource Management Office. Renewals of bonds shall be submitted prior to expiration on a two year limited basis. The bond shall be release after final restoration and application for rezone back to the approved post mining land use/zone district. The operator will certify to the Walworth County Land Conservation Division the completion of reclamation for a portion or the entire mining site.
6. Hours and days of operation shall be set from dawn to dusk or from 6:00 a.m. to 6:00 p.m., whichever is more restrictive, Monday through Friday and 6:00 a.m. or dawn to 3:00 p.m. on Saturday. No work shall be conducted on Sunday or holidays.
7. Road access and maintenance agreements shall be filed with the township and county prior to hauling materials off site as part of the restoration plan.
8. The county will not be liable for any damage to neighboring wells due to the operation of the project.
9. The town and county shall not be liable for any groundwater contamination resulting from operation of the pit.
10. Any additional office/trailer or structures shall obtain approved zoning and sanitary permits.
11. Approval of the project shall be subject to all applicable gravel pit policies.
12. The project shall meet all applicable federal, state and local regulations.
13. All material storage locations must be in an approved zoning district.
14. No materials shall be brought in from off-site other than those materials specified in the approved restoration plan.
15. All topsoil generated from the site must remain on site for use in restoration as indicated in and regulated by the restoration plan. All topsoil will be regraded evenly on the disturbed area.
16. All site dewatering shall be conducted to prevent sedimentation outside of the project area in accordance with the Walworth County Erosion Control and Stormwater Management permit. The site may not be dewatered until all sediment has settled in the open water area of the pit.
17. The applicant shall certify that the project plans and the conditions of this approval shall be provided and discussed with the property owner prior to operations on site and must provide a copy of the certification signed by the owner.

18. The applicant must obtain a sign permit from the Walworth County Zoning Office prior to construction of any signs on site. No off premise signs or billboards will be allowed to be located in an M-3 district even under a state highway permit because the M-3 use is temporary and the signs must be consistent with the required zoning upon restoration.
19. No storage of chemicals and petroleum products shall occur on site unless stored in a containment facility meeting state requirements.
20. The applicant must stipulate that adequate liability insurance will be held at all times during operations in the pit to cover any damages resulting from the project. The applicant has agreed to provide a copy of the liability insurance coverage document for the file.
21. The applicant will be held solely responsible for maintaining support rights of neighboring property owners. Adequate setbacks from the proposed excavation to neighboring properties shall be provided to prevent damages resulting from potential cave in of the excavation walls.
22. The county will not be responsible for loss of agricultural productivity of the property as a result of this project.
23. Any changes to the character, intensity or use of this site not capable of being discerned by the Walworth Land Use and Resource Management Department as consistent with this approval must be brought before the Walworth County Zoning Agency for additional conditional use review.

Specific Conditions:

24. The removal of asphalt materials will conform to Reliable Materials/Southwind RAS reclamation plan as per the Town
25. All materials left on the property at the point of reclamation time stays with the property as per the Town.
26. All materials left on the property at the time of reclamation shall be incorporated into the site reclamation.

Staff presents request.

Tom Amon/Asphalt Contractors speaks regarding the application.

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

Disc Count #7:12:07 – 7:21:22

Adjournment

Dave Weber motioned to adjourn. Seconded by Jerry Grant. Motion carried. 7-favor 0-oppose

The meeting was adjourned at 7:21 p.m.