



# POLK COUNTY, WISCONSIN

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## MINUTES

### Environmental Services Committee

Government Center County Board Room  
100 Polk County Plaza Balsam Lake, WI 54810  
9:00 A.M. Wednesday, May 8, 2019

#### Member Attendance

Attendee Name	Title	Status
Kim O'Connell	Chair	Present
Tracy LaBlanc	Supervisor	Present
Doug Route	Supervisor	Present
Brad Olson	Vice Chair	Present
Jim Edgell	Supervisor	Present
Lyle Doolittle	FSA Representative	Present

Also present were Stephanie Fansler, Deputy County Clerk; Nick Osborne, County Administrator; Malia Malone, Corporation Counsel; Joseph Loso, Assistant Corporation Counsel; members of the public and of the press.

#### Meeting called to order by Chair O'Connell at 9:04 A.M.

**Approval of Agenda-** Chair O'Connell called for a **motion** to approve the amended agenda.

**Motion** (LaBlanc/Route) to approve the amended agenda carried by unanimous voice vote.

**Approval of Minutes** – Chair O'Connell called for a **motion** to approve the minutes of the April 24, 2019 meeting. **Motion** (Olson/Edgell) to approve the minutes of the April 24, 2019 meeting as published carried by unanimous voice vote.

**Public Comment** –Twelve public comments were received by the committee.

**Receipt of Information from non-committee Supervisors on Matters Noticed** – none offered.

Chair O'Connell recognized Nick Osborne, Administrator for the purpose of receiving information. Osborne provided the committee with Trail updates.

Chair O'Connell recognized Patrick Beilfuss of Cedar Corporation for the purpose of receiving information. Beilfuss presented Trail Planning Considerations for general discussion.

Chair O'Connell recognized Mark Gossman, Forester for the purpose of receiving information. Gossman provided the committee with an update on the currant trail maintenance project.

Chair O'Connell called for a motion to recess. **Motion** (Olson/Route) to recess passed by unanimous voice vote. Chair O'Connell called for a recess at 10:03 a.m. Chair O'Connell called the meeting back in session at 10:14 a.m.

Public Hearing

Chair O'Connell opened the Public Hearing for proposed amendments to the Polk County Chapter 18 Subdivision Ordinance at 10:15 a.m. Jason Kjeseth, Zoning Administrator presented a staff report. Chair O'Connell called for public comments. No public comments offered. No correspondence from local municipalities. Kjeseth completed the findings of fact and conclusions of Law. Chair O'Connell closed the Public Hearing at 10:20 a.m. Discussion. **Motion** (Edgell/Olson) to enact the proposed amendments to the Chapter 18 Subdivision Ordinance and recommend passage to the full County Board passed by unanimous voice vote.

Chair O'Connell recognized Amanda Nissen, Treasurer for the purpose of receiving information. Nissen provided a list of properties that just went into Tax Deed and are in the 45 day redemption period. Committee will set prices for these properties in June.

Chair O'Connell called for a motion to convene in closed session at 10:30 a. m. **Motion** (Olson/LaBlanc) to convene in closed session, pursuant to Wisconsin Statute Sec 19.85 (1)(g), to receive a verbal legal opinion from Corporation Counsel carried by unanimous voice vote. Chair O'Connell requested the minutes reflect the attendance of Corporation Counsel Malia Malone, Deputy Stephanie Fansler, Assistant Corporation Counsel Joseph Loso, and Administrator Nick Osborne in closed session.

Closed Session 10:30 a.m. (Minutes separate and under seal)

Chair O'Connell called for a motion to recess. **Motion** (Olson/Edgell) to recess passed by unanimous voice vote. Chair O'Connell called for a recess at 10:30 a.m. Chair O'Connell called the meeting back in session at 10:45 a.m. and announced that the only action taken in closed session was to come back to open session.

Chair O'Connell recognized Ken Spelz, Brad Arkell and Megan Langer for the purpose of receiving information. Arkell presented a Citizen Proposed Polk County Shoreland Protection Zoning Ordinance.

Chair O'Connell recognized Randy Langkos and Charles Torrance for the purpose of receiving information. Langkos and Torrance made suggestions to the Proposed Polk County Shoreland Protection Zoning Ordinance.

Corporation Counsel Malone left the meeting at 12:15 p.m.

Chair O'Connell recognized Steve Geiger, Division Head for the purpose of receiving information. Geiger presented information regarding a garage encroachment. **Motion** (Olson/Edgell) to sell the affected property to Jeffrey Martinson passed by unanimous voice vote.

Chair O'Connell recognized Tim Ritten, Director of Land and Water to present the Spring, 2019 Director's report.

Next Meeting: May22, 2019 at 9:00 A.M. Future agenda items: 2 public hearings, Big Butternut Dam discussion and action, Tourist rooming house ordinance discussion and action, Update on the AT&T lease, update Kennedy Dam.

**Motion** (Olson/Edgell) to adjourn. **Motion** carried by unanimous voice vote. Chair O'Connell declared meeting adjourned at 1:10 p.m.

Respectfully submitted,

Stephanie Fansler  
Deputy Polk County Clerk

## **Environmental Services Committee**

2019.05.08

### **Trail Planning Considerations: General Discussion**

#### **Purpose of Your Plan**

1. Identify new trails
2. Trail improvements or maintenance
3. Updated or new amenities
4. Allowable users of the trail

#### **Scope of Work**

1. Information gathering
2. Mapping
3. Meeting facilitation
4. Report writing
5. Presentations
6. Interviews
7. Public participation
8. Data gathering

#### **County Involvement**

1. Mapping assistance
2. Provide meeting facilities, projectors, computers
3. Create agendas
4. Be point of contact for questions
5. Identify groups or individuals to work with
6. Provide background information, history, documentation
7. Provide past financing and grant awards
8. Timeline for project completion
9. Provide information page on website

#### **End Result**

- a. Consensus on future routes
- b. Map showing maintenance locations and cost estimates
- c. Capital Improvement items for budgeting
- d. Priority List

#### **Budget**

- a. Who's paying for it?
- b. What is in your budget for planning and improvements?
- c. What grants are available?
- d. Who can help?
- e. What do grant applications cost?

Count      PROPERTY NUMBER      CURRENT OWNER      NOTES      IN REM #      IMPROVMT

*105 days water day (5/7/14)*

Count	PROPERTY NUMBER	CURRENT OWNER	NOTES	IN REM #	IMPROVMT
1	004-00634-0000	GARY S & SUSAN K RETTER	17.45ACR; FARM; \$144,500 ASSMT	In Rem 1	X
2	006-00496-0090	BARBARA R LEHAR	1.14 ACR ON LOVELESS LAKE	In Rem 1	
3	006-01181-0000	MICHELLE R SWANSON		In Rem 1	X
4	008-00884-0100	THE WILD CARD STEAKHOUSE & SALOON INC	already has tax deed fee on in 2007	In Rem 1	X
5	014-00763-0000	DARYL SHELDON	already has tax deed fee on in 2013	In Rem 2	X
6	020-01059-0000	TOM & LORI M CURTIS		In Rem 2	
7	048-00067-0100	HOME OPPORTUNITY LLC		In Rem 2	X
8	113-00054-0000	JIMMIE JOE JOSEPHSON		In Rem 3	
9	113-00154-0000	CAROL J BENSON & TROY GOODMAN JR		In Rem 3	
10	281-01394-0200	BSV ST CROIX FALLS DEVELOPMENT LLC		In Rem 3	
11	281-01394-0300	BSV ST CROIX FALLS DEVELOPMENT LLC		In Rem 3	

Total parcels 11

**CITIZEN**  
**PROPOSED**  
**POLK COUNTY**  
**SHORELAND PROTECTION**  
**ZONING ORDINANCE**

Ordinance No. \_\_\_\_\_  
Polk County Shoreland Protection Zoning Ordinance  
Enacted: \_\_\_\_\_; Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

Polk County Land Information Department  
Polk County Government Center  
100 Polk County Plaza, Suite 130  
Balsam Lake, WI 54810  
715-485-9111  
715-485-9246 Fax  
[www.co.polk.wi.us/landinfo/zoning](http://www.co.polk.wi.us/landinfo/zoning)

**“ORDINARY HIGH-WATER MARK”** (OHWM) means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

**“ORDINARY MAINTENANCE AND REPAIR”** means those activities necessary to maintain the structural integrity and current function of the existing structure. Ordinary maintenance and repair may include replacement of windows, doors, siding, insulation, roofing, and roof replacement provided the pitch does not exceed the pitch necessary to match the existing roof.

**“OUTLOT”** means a lot remnant or parcel of land within a plat remaining after platting, which is intended for open space use, for which no development is intended other than that which is accessory to the open space use. An Outlot may not be developed for any use or structure that requires a private, onsite wastewater treatment system.

**“PARENT LOT”** means the lot and associated acreage of that lot that existed at the time of the adoption of this ordinance

**“PARKING LOT”** means a lot where automobiles are parked or stored temporarily, but not including the wrecking of automobiles or other vehicles or storage for the purpose of repair or wrecking.

**“PARKING SPACE”** means an area located wholly on the property where one automobile can safely park, and users can safely enter and exit that automobile.

**“PATIO”** See “deck”

**“PERMIT”** means a written form issued by the Zoning Department (See Article 18.B.).

**“PERMITTED USE”** see “Use, Permitted”

**“PREEXISTING USE”** means a building, structure, or use, which lawfully existed on the effective date of this ordinance as revised and the use of which has been continued uninterrupted and that does not conform to this ordinance.

**“RECONSTRUCTION”** means activities that exceed maintenance and repair, structural repair, structural alteration, horizontal expansion or vertical expansion.

**“ROAD”** means a public or private thoroughfare which affords a primary means of access to abutting property, and includes streets and highways.

**“ROADSIDE STAND”** means a structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premise (or adjoining premise). There shall not be more than one such roadside stand in any single premise.

**“SETBACK”** means the minimum horizontal distance between lot lines, the platted center line of the road, from Right-Of-Way line, or the ordinary high water mark measured to the closest point of the structure.

**“SETBACK LINES”** means lines established adjacent to the highways, lakes or streams for the purpose of defining limits within which no building, structure or any part thereof shall be erected or permanently maintained except as shown herein. "Within a setback line" means between the setback line and the highway right-of-way, lake or stream.

**“SHORELAND”** means area landward of the ordinary high water mark within the following distances: 1,000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**“SHORELAND PROTECTION AREA”** means a vegetative strip of land 35 feet measured perpendicular from the ordinary high water mark.

**“SHORELAND-WETLAND DISTRICT”** means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the Wisconsin Wetland Inventory maps.

**“SIGN”** means any device visible from a public place whose essential purpose and design is to convey either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations. Non-commercial flags or any flags displayed from flagpoles or staffs will not be considered to be signs.

**“SIGN, FREESTANDING”** means a sign principally supported by one or more columns, poles, or braces placed in or upon the ground

**“SIGN, OFF PREMISE”** means a sign advertising a business that is not conducted on the property or located in the immediate vicinity of the business.

**“SIGN, ON PREMISE”** means a sign at a business location advertising a business that is conducted on the property and that is located in the immediate vicinity of the business.

"Immediate vicinity" means the sign is within the area bounded by the buildings, driveways and parking areas in which the activity is conducted or within 50 feet of that area. "Immediate vicinity" does not include any area across a street or road from the area where the business is conducted or any area developed for the purpose of erecting a sign.

**“SIGN STRUCTURE”** means any structure designed for the support of a sign.

**“SIGN, TEMPORARY”** means a sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs or any sign not permanently embedded in the ground, not permanently affixed to a building, or attached to a sign structure that is permanently embedded in the ground, are considered temporary signs.

**“SLEEPING ACCOMMODATIONS OFFERED FOR PAY”** means all sleeping rooms on the premises including quarters occupied by permanent guests but excluding sleeping rooms occupied by the operator or owner or his or her immediate family.

Commented [BA1]: Taken from WI state code. Added because it was not defined  
[http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/055/72](http://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72)

**“STORY”** means the vertical distance between the surface of any floor and the floor next above it, or if there be no floor above it, the space between such floor and the ceiling next above it.

**“STRUCTURAL ALTERATION”** means any change in the exterior supporting members, such as bearing walls, columns, beams or girders, footings and piles.

**“STRUCTURE”** means a principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch, or fire pit.

**“STRUCTURE, ACCESSORY”** means a subordinate structure which is incidental to and customarily found in connection with the primary use of the property, including but not limited to: garages, sheds, barns, gazebos, fences, retaining walls, and pedestrian walkways and stairways to surface water.

**“STRUCTURE, NONCONFORMING”** means a dwelling or other building, structure or accessory building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform with one or more of the regulations in the current zoning ordinance.

**“STRUCTURE, PRINCIPAL”** (principal building) means a building that is utilized for the primary use of a lot.

**“SUBSTANTIAL EVIDENCE”** means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

**“TOURIST OR TRANSIENT”** means a person who travels to a location away from his or her permanent address for a short period of time for vacation, pleasure, recreation, culture, business or employment.

**Commented [BA2]:** Matches State Code as it is already written  
[http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/055/72/03/19](http://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72/03/19)

**“TOURIST ROOMING HOUSE”** means a single family dwelling in which sleeping accommodations are offered for pay to a maximum of 2 tourists or transients per bedroom based on the sanitary system serving the dwelling, plus 2. means all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments

**Commented [BA3]:** Changed to match state code. Occupancy calculation to be addressed within the ordinance itself

**“TRANSIENT LODGING”** means any bed & breakfast, hotel or motel single family dwelling rented on a short term basis that requires a license from the Polk County Health Department and has a maximum occupancy of more than 8 people. State Department of Health and Family Services.

**Commented [BA4]:** Keep definition as it currently reads

**“TRAVEL TRAILER”** means any vehicle, house car, camp car, or any portable or mobile vehicle either self-propelled or propelled by other means which is used or designed to be used for residential living or sleeping purposes as defined in Wisconsin Administrative Code ATCP 79.

**“UNDEVELOPED LOT”** means a lot that does not have a well and an installed sanitary system, not including a privy.

**“UNNECESSARY HARDSHIP”** means for area variances, compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, or density would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. An unnecessary hardship must be based on conditions unique to the property rather than considerations personal to the property owner when reviewing a variance application.

**“USE, CONDITIONAL”** means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by the county, but does not include a variance. Conditional uses, listed by ordinance, are subject to certain conditions specified in the ordinance and/or designated by the Environmental Services Committee.

**“USE, NONCONFORMING”** means a building, structure or use of land lawfully existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is located.

**“USE, PERMITTED”** means a use permitted in a district whereby a building can be constructed, erected, altered or moved and is consistent with the general intent of the district.

**“USE, VARIANCE”** means an authorization by the board of adjustment under this subsection for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

**“VARIANCE”** (Area) means a modification to a dimensional, physical, or locational requirement such as the setback, frontage, height, bulk, or density restriction for a structure that is granted by the Board of Adjustment. A variance may only be granted in cases of unnecessary hardship and when the spirit of the ordinance is not violated.

**“VIEWING CORRIDOR”** means an area in which all trees and shrubs may be removed to create a visual view.

**“VISION CLEARANCE TRIANGLE”** means an unoccupied triangular space at the intersection of highways or streets or railroads. Such vision clearance triangle shall be bounded by the intersecting highway, road or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection.

more than two persons not members of the resident family may be employed in non-professional capacities in any such office.

8. Snowmobile-bridges that have received written approval from the Department of Natural Resources.
9. Travel Trailers-
  - (a) A travel trailer will not be allowed on any lot without a principal structure for more than fourteen days in any sixty consecutive days unless c-e applies below.
  - (b) One travel trailer may be placed on a piece of property by the owner of the property for storage purposes only, if a principal structure exists.
  - (c) A temporary permit may be issued if the property owner has installed a state approved septic system and well and the Zoning Administrator has issued a permit to begin constructing a dwelling within one year. Travel trailers must meet the setback requirements of Article 11.
  - (d) An annual, seasonal permit may be obtained from the zoning office which would allow for the utilization of the travel trailer on the subject property from May 15<sup>th</sup> through December 1<sup>st</sup> annually. In order to obtain the above seasonal permit, the following requirements apply:
    - (1) Must have an approved sanitary system installed by a Wisconsin licensed plumber (privies are not an allowed system)
    - (2) Must meet all setbacks on property for an accessory structure
    - (3) Must be removed once season is over
  - (e) A travel trailer may be placed on a property for more than 14 days in any sixty consecutive days if a land use permit is obtained and all the following criteria are met:
    - (1) The parcel is on a Class 3 body of water or is a non-riparian parcel
    - (2) The property owner has at least 40 acres in one parcel or parcels adjacent to each other with common ownership
    - (3) The travel trailer will not be used as a permanent residence
    - (4) The setbacks required for an accessory building are met
    - (5) A non-plumbing sanitary system is installed. If there is a well, a state sanitary system must be installed in compliance with the Polk County Private Onsite Wastewater (POWTS) Ordinance.
10. Any other structures that are customarily associated with a dwelling.
11. All agricultural activities that follow Best Management Practices as adopted by the Environmental Services Committee acting under Wisconsin Statute 92.06, Federal, State, and Local rules and ordinances.
12. Signs allowed in a Residential (R-1) zoning district under Section 10.5.3 of the Polk County Comprehensive Land Use Ordinance.

D. Changes in use that require a land use permit- These uses require a permit from the zoning office prior to these uses being an allowed use.

1. Tourist Rooming House with a maximum occupancy of eight, provided they meet the following conditions:

- (a) Sleeping accommodations offered for pay must not exceed the lesser of:

**Commented [BA5]:** All vacation rentals under the TRH definition as per the State definition. All size occupants permitted use because stated conditions have been automatically applied within this ordinance. Public hearing of CUP also provides no real purpose and will virtually always be granted – just as prior to 2016 with the old rules.

- i. 2 occupants per bedroom plus 2, up to a maximum of 20 occupants, or
  - ii. 2 occupants per bedroom as specified in the designed size of the septic system or holding tank.
  - iii. The occupancy number licensed by the Polk County Health Department, up to a maximum of 20 occupants.
- (b) Properties with maximum occupancy, as calculated in Article 8.D.1.a. greater than 12 shall, at the time of initial permitting, have the following separation distance between any neighboring dwellings and the proposed TRH dwelling unit:
  - i. Maximum occupancy of 13-15 tourists/transients = 100 feet.
  - ii. Maximum occupancy of 16-18 tourists/transients = 200 feet.
  - iii. Maximum occupancy of 19-20 tourists/transients = 300 feet
  - iv. Should one of these distances not be attainable, a maximum overnight occupancy of 12 shall be established for the property.
- (a)(c) No RVs, campers, tents or other means of overnight stay allowed.
- (d) Quiet hours shall be observed from 11 p.m. to 7 a.m. daily. During quiet hours guest shall not create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
- (b)(e) All sleeping accommodations must be within the dwelling unit.
- (e)(f) Property must contain 1 parking space per licensed bedroom. All parking must be contained on the property.
- (d)(g) Applicant must obtain all proper licensing.
- (e)(h) Applicant must have 24-hour contact number available to the public.
- (f)(i) Property lines must be clearly delineated.
- (i) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, and state and local laws.
- (k) Any POWTS shall be inspected and approved prior to initial licensing.
- (l) Applicant must display license number obtained by the Polk County Health Department in all online advertisement
- (m) Applicant must produce to the Polk County Zoning office the property's WI Sales & Use Tax ID at initial application or once obtained, whichever comes second
- (g) Applicant must produce to the Polk County Zoning office annually proof of the prior year's return filing and return payment submissions. A screenshot/printout of the WI DOR 'My Tax Account' online submissions page is satisfactory.
- (n) Upon billing, applicant must submit annually to the Polk County Zoning office an administrative fee of \$25 per licensed bedroom.
- (o) Applicant must produce to the Polk County Zoning office annually a copy of the property's lease inclusive of the following rules and said rules must be posted in a main gathering area within the dwelling unit:
  - i. Property rules are taken very seriously and strictly enforced. Guest's violation of any rules will result in a minimum fine of \$500 per occurrence. Fines will be withheld from Guest's security deposit, or where security deposit is not sufficient to cover total fines, Owner will bill for overages.

**Commented [BA6]:** Retaining the plus 2 occupants because it is most common throughout other state counties and because the state recognizes transients as producing 40% less waste flow than residents (60-gal/day VS 100gal/day) – thus system overload not an issue.

**Commented [BA7]:** Essentially, properties with more than 5 bedrooms are deemed large and require additional setback guidelines

**Commented [BA8]:** To help off set the new, annual administrative tasks. If 100 permits average 3 bedrooms, this generates \$7,500 annually

**Commented [BA9]:** Covers all of Jason's items and put skin in the game for renters to comply. Other proposals have not enticed renter's to comply – which is the main concern

- ii. No RVs, campers, tents or other means of overnight stay are allowed to increase occupancy beyond the leased limit.
- iii. Quiet hours shall be observed from 11 p.m. to 7 a.m. daily. During quiet hours guest shall not create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding residential neighborhood.
- iv. Guest must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, and state and local laws.
- v. All fires & embers must be extinguished by 11:00 p.m., with no unattended fires.
- vi. Loud, boisterous 'drunkard-like' communication and activities are prohibited at all times. Guest shall not disturb the peace of surrounding residential property residents by engaging in shouting, fighting, playing of loud music or interfering with the privacy of surrounding residents or trespassing onto surrounding residential properties. Guests are required to respect the property and neighbors as if they were their own.
- vii. Bachelor and bachelorette parties are not allowed at any time.
- viii. Fireworks are not allowed at any time, except the use of hand-held sparklers. Violation will result in a fine of \$1,000 per piece.
- ix. All guest pets must be contained on the property.
- x. Guest must comply with the all rules attached as Exhibit A, including but not limited to 1) Department of Natural Resources lake regulations and 2) any applicable lake association rules.

- (a) Accessory building must not have sleeping accommodations.
- (b) No RVs, campers, tents or other means of overnight stay allowed.
- (c) All parking must be contained on the property.
- (d) Applicant must obtain all proper licensing.
- (e) All fires & embers are to be extinguished by 11:00 p.m., with no unattended fires.
- (f) Applicant must have 24-hour contact number available to the public.
- (g) Property must remain free from citation and charges for nuisance, disorderly conduct, or any other illegal activity.
- (h) Quiet hours shall be imposed from 11:00 p.m. to 7:00 a.m.
- (i) Property must remain in compliance with any changes or modification to the Shoreland Protection Zoning Ordinance.
- (j) Applicant and renters must comply with ALL applicable laws and regulations:
  - 1) Department of Natural Resources lake regulations to be included in rental information.
  - 2) Lake association rules to be included in rental information.
  - 3) Owner is responsible to state and local jurisdictions for compliance with firework regulations.
- (k) All pets must be contained on the property.
- (l) Property lines must be clearly delineated.
- (m) All conditions that apply to renters shall be included in rental information.
- (n) Existing septic system to be inspected and approved

## 2. Bed and Breakfast

- (a) No RVs, campers, tents or other means of overnight stay allowed.
- (b) All sleeping accommodations must be within the dwelling unit.
- (c) All parking must be contained on the property.
- (d) Applicant must obtain all proper licensing.
- (e) Applicant must have 24-hour contact number available to the public.
- (f) Property must remain free from citation and charges for nuisance, disorderly conduct or any other illegal activity, and in compliance with county ordinances, state and local laws.

3. A Bunkhouse with the conditions in Article 8.C. 5 at a minimum

E. Conditional Uses- The following uses are authorized upon the issuance of a conditional use permit according to the procedure set forth in Article 18. Unless a greater distance is specified, any structure shall be at least 100 feet from a residence other than that of the owner of the lot, his/her agent, or employee; 75 feet from a residential property line; or 25 feet from a lot line. Erosion control plans and storm water management plans shall be required.

1. Hotels, motels, restaurants, dinner clubs, taverns, private clubs, power generating stations, churches and cemeteries/burial sites.

- a) ~~Transient Lodge with a maximum occupancy of 20 tourists/transients. Transient lodges shall have the following separation distance between any neighboring dwellings and the proposed lodge, and also meet the setbacks in Article 11.C. Table 1.~~
  - 1) ~~Maximum occupancy of 9-12 tourists/transients=100 feet.~~
  - 2) ~~Maximum occupancy of 13-16 tourists/transients=200 feet.~~
  - 3) ~~Maximum occupancy of 17-20 tourists/transients=300 feet.~~

Commented [BA10]: No need for this here with new changes.

- 2. Institutions of a philanthropic or educational nature.
- 3. Recreational camps and campgrounds provided all buildings are more than 100 feet from the side lot line. Recreational camps shall conform to Chapter ATCP 78, Wisconsin Administrative Code and campgrounds shall conform to Chapter ATCP 79, Wisconsin Administrative Code.
- 4. Businesses customarily found in recreational areas.
- 5. Marinas, boat liveries, sale of bait, fishing equipment, boats and motors, forest industries, snowmobile sales, service and maintenance, recreational archery, custom rod building, indoor archery range, storage units, and licensed daycare centers.
- 6. Mobile home parks, provided that:
  - (a) The minimum size of mobile home parks shall be 5 acres.
  - (b) The maximum number of mobile homes shall be 8 per acre.
  - (c) Minimum dimensions of a mobile home site shall be 50 feet wide by 100 feet long.
  - (d) All drives, parking areas and walkways shall be hard surfaced or graveled, maintained in good condition, have natural drainage, and the driveways shall be lighted at night.
  - (e) In addition to the requirements of Article 11, there shall be a minimum setback of 40 feet from all other lot lines and a minimum shoreline setback of 150 feet.
  - (f) The park shall conform to the requirements of Chapter ATCP 125 Wisconsin Administrative Code.
  - (g) No mobile home site shall be rented for a period of less than 30 days.
  - (h) Each mobile home site shall be separated from other mobile home sites by a yard not less than 15 feet wide.

5. Submit copies of variances, conditional uses and decisions on appeals for map or text interpretation and map or text amendments within 10 days after they are granted or denied to the Department of Natural Resources.
6. Investigate and report all violations of this ordinance to the Environmental Services Committee.

B. Zoning Permits - The following applies to the issuance and revocation of permits:

1. When Required - Except where another section of this ordinance specifically exempts certain types of activities, development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any said activity or development, structural alteration, or repair, as defined in Article 8, is initiated. Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply when s. 13.48(13), Stats, applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1), Stats, applies.
2. Application - An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the County and shall include, for the purpose of proper enforcement of these regulations, the following data:
  - (a) Name and address of applicant and property owner.
  - (b) Legal description of the property and type of proposed use.
  - (c) A to-scale sketch of the dimensions of the lot and location of buildings from the lot lines, centerline of abutting highways and the ordinary high water mark at the day of the sketch.
  - (d) Whether or not a private water or septic system is to be installed.
3. Land Use Permits for land use changes shall expire twelve months from their date of issuance where no action has been taken to accomplish such changes or two (2) years after issuance.

C. Revocation - Where the conditions of a zoning permit, conditional use permit or a variance are violated, the same are deemed revoked except as follows:-

1. Tourist Rooming Houses:
  - i. A warning shall be issued when a documented violation is received and verified by the zoning office directly related to the permitted use of Article 8.D.1.
  - ii. If the zoning office receives a second documented violation within 6 months of a prior violation, the zoning office shall issue notice of a hearing within 10 days of the second violation, with the hearing being held during the next applicable Environmental Services Committee meeting. A final decision shall be issued within 10 days following the conclusion of the hearing.
  - iii. The zoning office may, after a majority vote of the Environmental Services Committee at the hearing, suspend or revoke a permit for violation of Article 8.D.1. The suspension or revocation order shall take effect 15 days after the date of issuance unless:
    1. As an outcome of a hearing, the Environmental Services Committee agreed to an effective date greater than 15 days into the future, or

**Commented [BA11]:** Matches state revocation and hearing code [http://docs.legis.wisconsin.gov/code/admin\\_code/atcp/055/72/08](http://docs.legis.wisconsin.gov/code/admin_code/atcp/055/72/08)

**Commented [BA12]:** Must be verified to have been a renter, too

**Commented [BA13]:** This is to protect the applicant from over the top neighbors

2. An appeals hearing is requested in writing during that time by Applicant to the Board of Adjustments under Article 18.E.

~~iv.~~ The Applicant's first suspension or revocation under this ordinance shall not result in any limitation for reapplication provided the reason(s) of suspension or revocation no longer exist.

v. Should use be suspended or revoked under this ordinance and the hearing and appeals process described above occur a second time within 1 year, the applicant will be required to wait a period of 3 months (or shorter if agreed at a hearing) before reapplication is permitted.

vi. Should use be suspended or revoked under this ordinance and the hearing and appeals process described above a third time within 2 years, the applicant will be required to wait a period of 12 months (or shorter if agreed at a hearing) before reapplication is permitted.

~~vii.~~ The outcome of any hearing shall not cause the Applicant any undue, financial hardship.

viii. During any hearing, the allowance of any rentals scheduled to take place during a proposed 'wait period' shall be discussed and decided by the hearing's governing body. If requested, leases of said bookings must be produced to the zoning office within 10 days of hearing decision.

ix. Shall any hearing allow the disputed permitted use to remain, the documented violations in dispute shall be removed from Applicant's record.

~~1. Conditional and Permitted Uses: A warning shall be issued when a documented violation is received and verified by the zoning office directly related to the conditional/permitted use. If the zoning office receives a second documented violation within 6 months of the first violation, the zoning office shall revoke the permit. A property with a revoked permit shall be required to wait 3 months before they may apply for another conditional/permitted use. If a use is revoked twice within three years, another conditional/permitted use permit shall not be issued within a year of the second revocation.~~

**Commented [BA14]:** Ability to appeal the first hearing to the BOA – just like the state code permits

**Commented [BA15]:** While a revocation is serious, the very first one acts as a fine by requiring reapplication (with payment) and requirement to fall under any ordinance changes since prior application

**Commented [BA16]:** Revocation could cause booking refunds to be due that are greater than financial capacity of Applicant

**Commented [BA17]:** A very real topic to be discussed based on the severity of the violations

D. Environmental Services Committee- The Committee shall be responsible for hearing all conditional use permit applications submitted to the Land Information Department and the following shall apply to conditional use permits:

1. Application for a Conditional Use Permit- Any use listed as a conditional use in this ordinance shall be permitted only after an application has been submitted and an appropriate application fee paid to the Zoning Administrator and a conditional use permit has been granted by the Environmental Services Committee.

2. Standards Applicable to All Conditional Uses - In passing upon a conditional use permit, the Environmental Services shall evaluate the effect of the proposed use upon the following criteria:

- (a) The maintenance of safe and healthful conditions.
- (b) The prevention and control of water pollution including sedimentation.
- (c) Existing topographic and drainage features and vegetative cover on the site.

## Nick Osborne

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**From:** Batuzich, Michael (FHWA) [REDACTED]  
**Sent:** Tuesday, May 7, 2019 11:18 AM  
**To:** Nick Osborne  
**Cc:** Forlenza, Mary (FHWA); Reed, Robert - DOT; Coleman, June P - DOT; Winebar, Roberta J - DNR; Vanlanduyt, Melissa A - DNR (Missy)  
**Subject:** RE: Follow-up on Stower Seven Lakes Trail in Polk County, WI

Mr. Osborne:

Thanks for your recent phone call and email.

The Stower Seven Lakes State Trail (SSLST) was discussed at a meeting last week with representatives from the Wisconsin Department of Transportation (WisDOT), Wisconsin Department of Natural Resources (WDNR), the National Park Service (NPS) and FHWA. Because of the particular federal funding source for this trail, there is very little flexibility mixing motorized users with nonmotorized users. Exceptions are addressed in FHWA's *Framework for Considering Motorized Use on Nonmotorized Trails and Pedestrian Walkways under 23 U.S.C. [sect] 217* [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/guidance/framework.cfm](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/guidance/framework.cfm). This Framework applies to the Transportation Enhancement funding (TE, currently called Transportation Alternatives) used to construct the SSLST. Any action by Polk County to go beyond the limited exceptions referenced in this guidance would be in violation of federal requirements and the County's agreement with WisDOT. Another federal funding source for trails, the Recreational Trails Program, has more flexibility. If the County decided to still move forward, it would be subject to the penalty referenced by WisDOT in its October 23, 2018 letter to Polk County. The TE funds are administered by WisDOT and it is authorized within in authority under federal law.

The concept of "useful life" was also discussed. As I mentioned in previous communications with the County, FHWA trail funding guidance does not currently utilize the concept. However, WDNR and WisDOT have the discretion to develop and utilize such a concept if properly developed and administered. WisDOT and WDNR advised FHWA that they currently do not intend to adopt the useful life concept.

Finally, all the parties agreed that additional guidance is needed to help recipients navigate the federal funding requirements. We will be revisiting the funding application process and local agreements to clarify requirements. If you have any questions, please let me know.

Mitch Batuzich  
Community Planner  
FHWA Wisconsin Division  
[REDACTED]

**From:** Nick Osborne [REDACTED]  
**Sent:** Monday, May 6, 2019 11:55 AM  
**To:** Batuzich, Michael (FHWA) [REDACTED]  
**Subject:** Follow up Email RE: Stower Seven Lakes Trail in Polk County, WI

Mr. Batuzich,

Thank you for speaking with me last week. You said that you had a meeting coming up with WisDOT and the DNR and hoped to get more information. In particular, you said you wanted to ask the DNR if they had a framework that governed trail use exceptions. Do you have anything to add to our discussion with regard to that meeting?