

**TOWN OF LODI
PLAN COMMISSION MEETING MINUTES
JUNE 12, 2018**

1. Call to order & roll call:

Meeting called to order at 6 p.m. by Chairman Krause. 6 Commission members present: Kris Krause, James Bechen, Tom Marx, Robert Robbins, Jack Pfister, James Layne. Town Staff present: Atty. Lawrence Bechler, Engineer Katie MacDonald. Also present: Tony Gallagher, Scott Hewitt - Grothman & Associates (agenda item #2); Rod Ripley (agenda item #3); William Buckley, Greg Knuteson (agenda item #4); Kathleen Oyen, Kyle Kurt, Lindsay Manning (agenda item #5); James Fanning (agenda item #6); Mike Fassbender, Barb Fassbender, Peggy Joutras – Realtor (agenda item #7).

Chairman Krause confirmed that meeting agenda was properly posted, and all Planning Commission members were present. Attorney Larry Bechler phoned Chairman Krause to report that he was running late for the meeting, so agenda items were addressed in a different order than listed.

6. (FANNING VARIANCE) Parcel 11022-82 - Variance to Columbia County Ordinance 16-110-030 (1) Lot Line Setbacks to place a 224 sq. ft. addition onto the existing house with both the existing house and the proposed addition being 18 ft. from the rear property line. Located in Section 4, Town 10N, Range 8E @ W11125 Clar-Mar Drive; owned by Fanning Family Trust/James Fanning:

Fanning – We’ve owned the property for about 30 years and it has been in existence for about 50 years. About 14 years ago we made an addition on the “side” of our lot. Because of a change in zoning, the “front” of our property is now considered to be the road side and our proposed addition is now considered to be on the “rear” of our lot. This small addition will match the same setback line of the 2004 remodel. Krause – If the proposed addition is on the side of the lot, then the 18’ setback would be fine. The standard has been, “will it encroach further,” but this is not the case here. The variance request as proposed is consistent with previous approvals.

Pfister/Robbins motion to approve a Variance to Columbia County Ordinance 16-110-030 (1) Lot Line Setbacks to place a 224 sq. ft. addition onto the existing house with both the existing house and the proposed addition being 18 ft. from the rear property line; MC 6-0.

Next step: Lodi Town Board on Tuesday, June 26th @ 6 p.m.

3. (LUCKY’S CONDITIONAL USE PERMIT) Parcel 11022-269.1 - Conditional Use Permit to allow outdoor Retail/Rental Sales of boats and kayaks at Lucky’s Bridge Motel. Located in Section 8, Town 10N, Range 8E @ W11585 County Road V; owned by Rodney J. Ripley:

Ripley – I’ve operated the motel now for 2 years and live on the back side. I have my personal kayaks there and guests have inquired if they are available for rental, so I would like to offer that option. Krause – What sizes and how many kayaks and boats are you proposing? Ripley – I would like to offer 1 fishing boat, 1 to 2 pontoons and about 10-14 kayaks/stand-up paddleboards. Pfister – What are your plans for summer storage? Ripley – I’d like to build a storage rack on the existing gravel ramp. Pfister – How wide would that be? Ripley – The driveway rack and overhang would be about 14 feet. Bechen – Are these day rentals only or also overnight rentals while camping on sandbars? If so, where would they park? Ripley – Ideally motel guests would use the boats during the day and stay at the hotel for the night so there shouldn’t be any additional parking needed. And with the rebuilding of Highway V, the number of on-street parking stalls should increase from 40 to 96. Pfister – The idea

is not to clutter up the shoreline. Ripley – The boat and pontoons would be at the existing docks and the kayaks would be kept in the rack. Pfister – The agenda includes the word “sales.” Are you considering boat sales too? Ripley – No sales. Only rentals. Krause – The County’s concerns were storage, parking and signage. Bechen – You have about 16 slips on the current motel dock. There are also docks on the other side of the property, right? Ripley – Yes. There are also 20 bayside and 8 lakeside slips for restaurant customers. Pfister – My main concern is winter storage and lakeside clutter. Krause – I’d be okay with winter storage, but views from the lake during the summer would be my concern. I’d want to see an organized rack system that looks nice. Bechen – What about street signage? Ripley – There are no plans for any signs on the street. We would have signs inside the motel, the motel rooms and the bar/restaurant. And then I would like a small sign about 10” x 15” on the little shed for the lifejackets that would state the rental prices. Bechen – I’d have no concerns about a small sign on the shed. Krause – What about winter storage? Of course, the boats would be removed for winter. What are your plans for the kayaks? Ripley – I’d prefer to store them in the organized rack year round.

Bechen/Robbins motion to approve Conditional Use Permit to allow outdoor Retail/Rental Sales of boats and kayaks at Lucky’s Bridge Motel subject to a limit of 1 fishing boat, 2 pontoons and 14 kayaks/stand-up paddleboards.

Pfister – Would you be willing to amend your motion to remove the word “sales?” Bechen – Yes, I would reword it as only “retail/rental” and then also like to add “and to include an organized rack storage for the kayaks.” Marx – Should we add something about the boats not being stored there during the winter? Krause – We’d need to define “winter.” Bechen – I will amend again with the condition that the 2 pontoons and the 1 fishing boat be removed from the property when the lake freezes and return when the lake thaws.

Bechen/Robbins final amended motion to approve Conditional Use Permit to allow outdoor Retail/Rental of boats and kayaks at Lucky’s Bridge Motel subject to a limit of 1 fishing boat, 2 pontoons and 14 kayaks/stand-up paddleboards and with the requirements of an organized rack storage system for the kayaks and that the 2 pontoons and 1 fishing boat be removed from the property before the lake freezes and return after the lake thaws; MC 6-0.

Next step: Lodi Town Board on Tuesday, June 26th @ 6 p.m.

2. (GALLAGHER CERTIFIED SURVEY MAP) Parcel 11022-267.03 - Certified Survey Map to divide the existing 1.04-acre parcel into 2 parcels of a 0.73-acre Lot 1 with home and a 0.31-acre Lot 2 with cottage. Located in Section 8, Town 10N, Range 8E @ W11517 & W11527 County Road V; owned by Tony Gallagher:

Krause – The last time we discussed this proposal there were 4 or 5 items needing some more work, so we can look at those tonight. Gallagher – I’ve sent over a couple of documents including the Easement and Joint Well Agreement, a Joint Driveway Declaration and Easement, and an Encroachment and Easement Agreement for the garage. As for the sewer connection to the cabin, the manhole in the driveway has 3 sewer laterals, but we’re not sure how/where it exactly runs to the clean-out. But the lateral does exist and does run to the cottage. The map obtained from the Okee Sanitary District shows the manhole and the stubbed-out laterals but doesn’t show what’s on private property. Robbins – The clean-out is on the cabin property? Gallagher – Yes. Bechler – I’ve reviewed the 3 documents. The Easement and Joint Well Agreement is good and I’m okay with it if the County accepts it. However, I do have some issues with the Joint Driveway Declaration and Easement. Paragraph 9 needs to be updated to remove the wording about the possibility of splitting off Lot 2, since that possibility would now be rendered obsolete. I would also recommend numbering the exhibits instead of lettering them. Pfister – I’d like to discuss emergency vehicle access. Is that Y-turnaround sufficient? Bechler – We could ask the fire chief to look at it and comment. Krause – We’re talking about an existing driveway and everything else already exists

too. If the cabin lot was sold off, the only change would be adding 1 more residence as a user of the driveway. Bechler – I see 2 issues. One being fire safety in general. The other being the hypothetical threat of a lawsuit to the Town in the event of any death due to a fire with the question of why did the Town grant approval. Krause – It seems to me that the risk is already the same. Gallagher – We currently can't occupy the cabin because its Conditional Use Permit expired. According to the County the way to overcome that issue is to split the cabin off as a separate parcel. We would like to improve and restore the cabin and occupy it. We are not looking to change any previous driveway approvals. Marx – I don't think that there's an ordinance about emergency vehicles and driveways. It would seem the risk would be mostly to the property owners. Krause – Fire and ambulance access is always a part of any joint driveway discussions. If we ask the fire department for comments, then what would we do? Require a bigger driveway? But it's already been developed. Bechen – Can the Town be indemnified somehow in this agreement? Bechler – That's not something we could put into the driveway agreement. The Town could require it now from Mr. Gallagher, but as to the likelihood of binding any future owners, I doubt it. Krause – Mandating any changes to the existing driveway would likely also change the entire look of the property. I would recommend not restricting any differently, since nothing new is being added. Robbins – It's not perfect, but I'm okay with it. Hewitt – We had similar discussions when making the recent adjustments with the Wetzels. Bechler – Would there be any possibility of further splitting any of these lots in the future? Hewitt – The driveway is owned by the Wetzels, not Tony Gallagher, so they (the Wetzels) would have to seek any approvals for further splitting. Krause – Were there any other issues to discuss? Pfister – We have the garage roof overhang and related easement. The well agreement is ok and then we have the changes to the driveway agreement as suggested by Attorney Bechler. Krause – Can we approve with a deadline to submit the required revisions? Marx – It's always best to have that deadline date set a week before the Board meeting. Krause – So in summary we're looking at approving the Certified Survey Map with a deferred deadline to receive the acceptable documents from the applicant. Marx – We'd need those documents by next week, or otherwise we'd need to push this out to the next (July) Board meeting.

Robbins/Marx motion to approve Certified Survey Map to divide 1.04-acre Parcel 11022-267.03 into 2 parcels, a 0.73-acre Lot 1 with house and a 0.31-acre Lot 2 with cottage subject to receiving acceptable versions of the three relevant documents: Easement and Joint Well Agreement, the Joint Driveway Declaration and Easement and the Encroachment and Easement Agreement; MC 6-0.

Next step: If documents received in time, then Lodi Town Board on Tuesday, June 26th @ 6 p.m. Otherwise will be Lodi Town Board on Tuesday, July 31st

4. (BUCKLEY CERTIFIED SURVEY MAP & REZONE) Parcel 11022-5.01 - Certified Survey Map to create a 23-acre lot around the existing residence and accessory structures, which will remain zoned A-1 Agriculture. The remaining 17 southernmost acres of this parcel will be rezoned from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay. Located in Section 1, Town 10N, Range 8E @ N2809 County Road J; owned by Lois M. Buckley Revocable Trust/William D. Buckley:

Buckley – The Trust owns 80 acres of ag and forest land with the original buildings. We are proposing to split out a 23-acre lot with the existing buildings and ag land that will remain zoned A-1. Secondly, we are proposing to put an A-4 Agricultural Overlay over the 17 southernmost acres. The Trust will keep the remaining acres. Krause – In addition to noting the A-4 Agricultural Overlay in the County's GIS, we also would want a deed notice (restrictive covenant) on file. Bechler – This proposal has some unique features in that it would have a large (23-acre) lot with the house and a smaller (17-acre) overlay. I wonder if the County would permit something smaller than the 35-acre standard? Buckley – It was the County that suggested this approach. Bechler – Why wouldn't the RR-1 zoning work for parcel being divided off? Krause – What is the planned use of the land? Buckley – We will keep it as a combination of tilled ag and forest. Krause – Usually we would have 5 acres zoned as RR-1 combined with 30 acres as A-4 overlay for the 35-acre parcel. And then any increase in the size

of the RR-1 lot beyond 5 acres would require an offset of 10 acres of additional overlay for every 1 acre of increase. But that's not quite what we have here. Buckley – Either way there would still only be 2 potential building sites with this change. Krause – We could table the matter if we think the County made an error in their review or we could assume that it's correct and move forward. Buckley – Doesn't this effectively limit the 35 acres to 1 residence as expected? Bechler – I would like to research this some more since I have concerns about the zoning classification. Krause – Does anyone see any other issues besides this zoning classification? Pfister – I have none. Robbins – None. Marx – It would seem this could have been answered before this meeting. Bechler – I was out of the office for several days until Monday (yesterday), so I'm sorry for the delay. Krause – So how do we craft an approval that will still allow a week to review the codes before the (June 26) Board meeting? Bechler – We could say something like, we “approve the CSM with the condition that the Town satisfies itself that the A-1 zoning classification is the most appropriate approach for the 23 acres.” Krause – Attorney Bechler and I will confer with the County and get back to April and the Board.

Pfister/Robbins motion to approve Certified Survey Map and Rezone to create a 23-acre lot around the existing residence and accessory structures, which will remain zoned A-1 Agriculture and then Rezone the 17 southernmost acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay subject to the condition that the Town satisfies itself that A-1 Agriculture is the most appropriate approach for the 23 acres; MC 6-0.

Next step: If Town is satisfied with A-1 approach, then Lodi Town Board on Tuesday, June 26th @ 6 p.m.

5. (OYEN (MANNING) CERTIFIED SURVEY MAP & REZONE) Parcel 11022-652 & 11022-659 - Certified Survey Map to create a 5-acre lot to be rezoned to RR-1 Rural Residential to allow for the construction of a new single-family home. The southernmost 30 acres will be rezoned to A-1 Agriculture with A-4 Agricultural Overlay. Located in Section 33, Town 10N, Range 8E @ W11207 State Road 60; owned by Kathleen C. Oyen; applicants Kyle Kurt & Lindsay Manning:

Kurt – We sold our farm in Dane and want to build a house on grandma's land. On tonight's agenda, it says “to rezone the 5 acres as RR-1.” But the Summary Report from Columbia County that was updated on June 1 says it is okay to keep it as A-1. Krause – So we are not rezoning the 5 acres, but we need to rezone the 30 acres to be A-1 with A-4 overlay. About a year and a half ago we did something similar on the north side of this land. We would again ask for a deed notice (restrictive covenant) to be filed as we did as that time. So the CSM & rezone of the 30 acres is before us. The 5-acre parcel is already A-1, so nothing to rezone there. Bechler – Obviously the County reviewed and revised their position. What is the difference? Kurt – Zoning the 5 acres as RR-1 would then limit the possibility and size of any new barns or ag-related buildings. It would also create limits on the number of cattle allowed if it is no longer considered A-1.

Marx/Pfister motion to approve Certified Survey Map to create a 5-acre lot that will remain zoned A-1 Agriculture to allow for the construction of a new single-family home and to Rezone the southernmost 30 acres from A-1 Agriculture to A-1 Agriculture with A-4 Agricultural Overlay; MC 6-0.

Next step: Lodi Town Board on Tuesday, June 26th @ 6 p.m.

7. (WATSON (FASSBENDER) CERTIFIED SURVEY MAP, REZONE & VARIANCE) Parcel 11022-644.3 - Certified Survey Map to create a 5-acre lot around the existing accessory structure. That 5-acre parcel will be rezoned to RR-1 Rural Residential to allow for the construction of a new single-family home. The remaining 31.04 acres will be restricted from further residential development with the application of an A-4 Agricultural Overlay. This proposed lot will not have road frontage and will

therefore require a variance with the rezoning. Located in Section 32, Town 10N, Range 8E @ W11578 State Road 60; owned by Lawrence E. Watson; applicant Michael P. Fassbender:

Fassbender – We want to come in off Highway 60 and will have a joint driveway agreement/easement to the Brunsell’s property. We have an old CSM from 1993. Krause – So we’ll need a new CSM to create the 5-acre lot and then we’ll need a variance since that lot won’t have any road frontage. Even if you wanted to create a flag-shaped lot to get access to the highway, one or the other lots would still not have the required 66’ driveway access and would need a variance. Fassbender – There is already a joint driveway agreement covering the full width. Krause – Such issues are usually approved by the County first, however the County likes the Town to determine the building site. You’ll want to make sure that you choose a driveway route that avoids any slopes of 20% or greater, otherwise it won’t be approved. Individual driveways are usually 10-15 feet wide, but ideally we like to see joint driveways built as 22-feet wide which is the same width as a Town road. Layne – Isn’t there a gate across there? Any concerns about quick access for emergency vehicles? Fassbender – There were problems with people dumping trash there so that’s why the gate was installed. Krause – The next steps will require a survey to proceed and get the CSM. The siting of the house seems fine. There might be concerns about the length of the driveway, but as long as the County is willing it can go ahead. You would need to send the Joint Driveway Agreement to Attorney Bechler for his review. We would also need a deed notice (restrictive covenant) filed to show the A-4 Agricultural Overlay. I’d recommend making a complete application for the CSM, the rezoning and the variance for no road frontage and then get added to the agenda (for a future Planning Commission meeting).

Bechen/Pfister motion to table the Watson (Fassbender) proposal until a complete application is made; MC 6-0.

Next step: Submit completed application for CSM, rezoning and variance and schedule a hearing at a future Planning Commission meeting.

8. Ordinance 2018-02: An Ordinance to Update and Modernize the Lodi Erosion Control Ordinance:

MacDonald – I’ve provided each of you with an updated version of the Erosion Control Ordinance since our last meeting. Recent notes are highlighted in yellow.

9. Ordinance 2018-03: An Ordinance to Update and Modernize the Lodi Storm Water Management Ordinance:

MacDonald – At our last meeting we got through page 11. My next comments would be on page 14 where I’d recommend removing the section “((2)) Exemptions.”

MacDonald – Then on page 24, I would recommend inserting “110%” as the amount of the financial guarantee required to be posted. That same recommendation would also apply on page 28.

MacDonald – Then on page 25, that blank would usually be filled in so it read “1 inch equals 50 feet.”

10. Minutes of April 10, 2018 and May 8, 2018 meetings:

Marx/Bechen motion to approve 04/10/18 minutes as presented; MC 6-0.

Pfister/Bechen motion to approve 05/08/18 minutes as presented; MC 5-0-1 (Krause abstained as he was not present at the 05/08/18 meeting).

7. **Next meeting date:** Tuesday, July 10th @ 6:00 p.m.
8. **Adjourn:** *Bechen/Robbins motion to adjourn at 9:25 p.m.; MC 6-0.*

Jay M. Gawlikoski
Deputy Clerk-Treasurer