

Planning Commission Agenda

There will be a meeting of the City of Cumberland Planning Commission on Thursday July 23, 2026, at 9:00 a.m. at the Cumberland City Hall, 950 1st Ave. for a regular meeting to consider the following agenda:

1. Call meeting to order
2. Approval of June 25, 2026 meeting minutes
3. Discussion and possible action relating to approval of a CSM to split Parcel #212-1200-087-000 on 4th Ave. near water Street
4. Discussion and possible action relating to Ordinance 2026-825a "An Ordinance Amending Section 14.07 Regarding Building Permit Requirements"
5. Discussion and possible action relating to Ordinance 2026-826 "An Ordinance Amending Section 17.14(3) Regarding Non-Conforming Structures"
6. Discussion and possible action relating to excavation permit requirements in non-Shoreland Zoning Districts
7. Discussion and possible action relating to interpretations within the Shoreland Zoning Overlay District including:
 - a. Mitigation requirements when impervious surface is between 15% and 30%
 - b. Defining "Maintenance of an existing shoreland buffer" in Section 17.36(18)(c)
8. General updates and discussion of future agenda items.
9. Adjourn

Randall D. Reeg, City Administrator

City of Cumberland

715-822-2752

*It is possible that a quorum of the Common Council may attend this meeting. This constitutes a meeting of the Common Council and must be noticed as such, although the Common Council will not take any formal action at this meeting

City of Cumberland Planning Commission Meeting Minutes

City of Cumberland Planning Commission meeting minutes, Thursday, June 25, 2026, at 9:00 a.m. at City Hall.

Those present were John Anderson, Paul Flottum, Kip Wiita, Tom Goldsmith, Tom Schroeder, Gary Gannon, Mayor Shoemaker, Arlene Frisinger, Laura Reine, and other citizenry.

Mayor Shoemaker called the meeting to order at 9:00 a.m.

A motion was made by Schroeder, seconded by Goldsmith, to approve April 23, 2026, meeting minutes. Motion carried.

A motion was made by Schroeder, seconded by Gannon, to approve the CSM for the Kauffman Estates as presented and send it to council for approval. Motion carried.

A motion was made by Schroeder, seconded by Goldsmith, to approve Ordinance 2026-825 An Ordinance Amending Section 14.07 Regarding Building Permit Requirements. Motion carried.

A motion was made by Goldsmith, seconded by Anderson to approve Ordinance 2026-826 An Ordinance Amending Section 17.14(3) Regarding Non-Conforming Structures. Goldsmith withdrew the motion until further clarification was available.

Discussion regarding Excavation permits in non-shoreland zoning districts. No action taken.

Discussion regarding Impervious surfaces and buffer zones in the Shoreland Overlay District. No action taken.

A motion was made by Schroeder, seconded by Goldsmith, to approve the Zoning and Building Permit Application contingent on sign text amendment with the ability to modify as we go on. Recommend sending to the Finance, Licensing and Personnel Committee for approval. Motion carried.

Discussion regarding Waterfront Zoning and Building Permit Application. No action taken. Requested this be brought back to the July meeting.

A motion was made by Goldsmith, seconded by Schroeder, to adjourn at 9:53 a.m. Motion carried.

Respectfully submitted by,

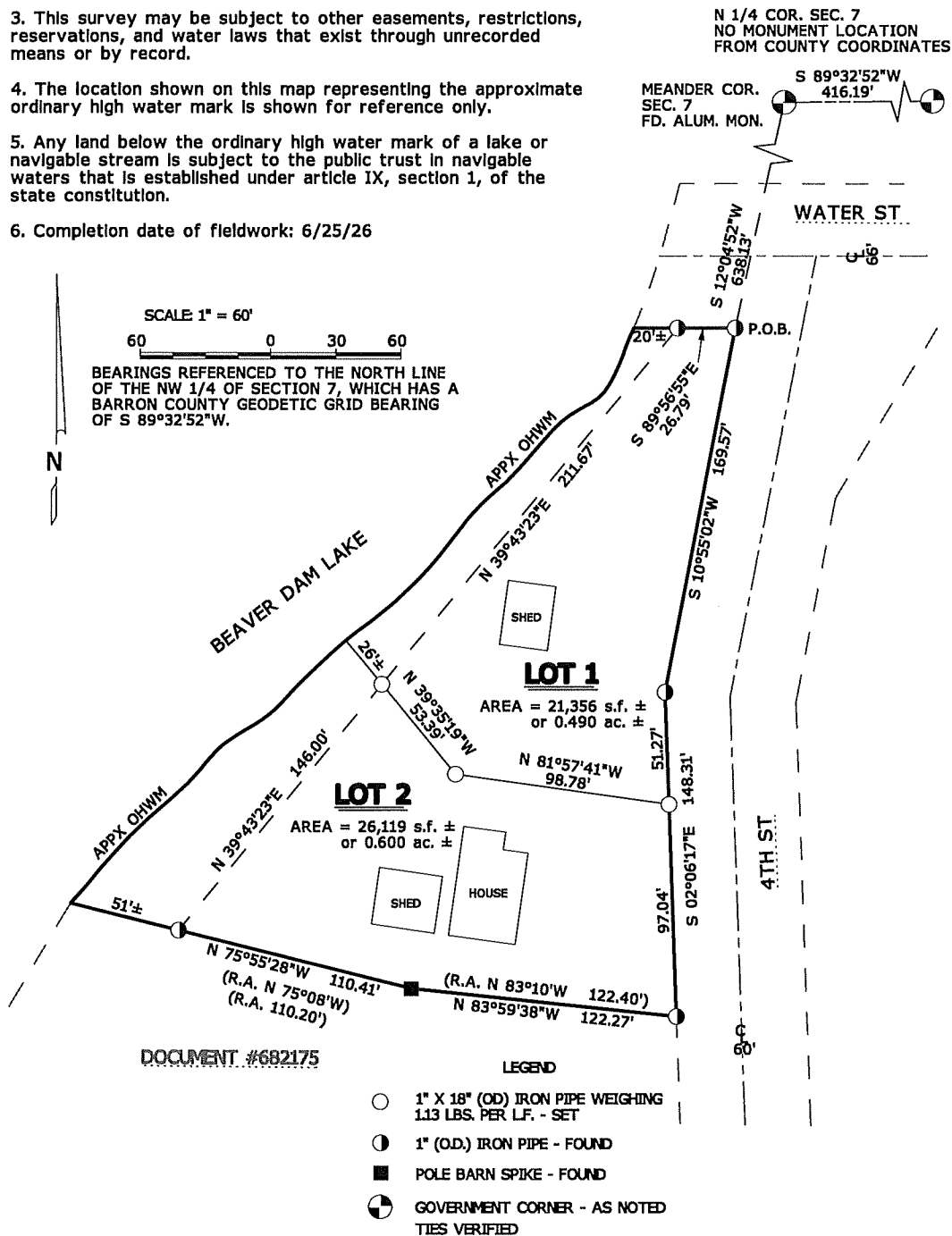
Arlene Frisinger, Clerk

BARRON COUNTY CERTIFIED SURVEY MAP

A PART OF BLOCK 13 OF GRIGGS FOSTER AND MILLER'S ADDITION TO CUMBERLAND,
ALSO A PART OF GOVERNMENT LOT 9 OF SECTION 7, T. 35 N., R. 13 W., CITY OF
CUMBERLAND, BARRON COUNTY, WISCONSIN

SURVEYOR'S NOTES

1. No title search performed by Shilts Land Surveying, LLC.
2. No utilities located for this survey. There may be above and under ground utilities on this site.
3. This survey may be subject to other easements, restrictions, reservations, and water laws that exist through unrecorded means or by record.
4. The location shown on this map representing the approximate ordinary high water mark is shown for reference only.
5. Any land below the ordinary high water mark of a lake or navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution.
6. Completion date of fieldwork: 6/25/26



PREPARED FOR:

CHRIS FITZHARRIS
14 CREEKSIDE LANE
NORTH OAKS, MN 55126

SHEET 1 OF 2

SHILTS LAND
SURVEYING, LLC

2092 15th AVENUE
CAMERON, WI 54822
TELEPHONE 715-633-5476

BARRON COUNTY CERTIFIED SURVEY MAP

A PART OF BLOCK 13 OF GRIGGS FOSTER AND MILLER'S ADDITION TO CUMBERLAND,
ALSO A PART OF GOVERNMENT LOT 9 OF SECTION 7, T. 35 N, R. 13 W., CITY OF
CUMBERLAND, BARRON COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE

I, Matthew R. Shilts, professional Wisconsin land surveyor, hereby certify:

That I have surveyed, divided and mapped a parcel of land which is a part of Block 13 of Griggs Foster and Miller's Addition to Cumberland, also a part of Government Lot 9 of Section 7, T. 35 N, R. 13 W., City of Cumberland, Barron County, Wisconsin, more particularly described as follows:

Commencing at a Meander Corner of said Section 7;
thence S 12°04'52"W, 638.13 feet to the Point of Beginning;

thence S 10°55'02"W, 169.57 feet;
thence S 02°06'17"E, 148.31 feet;
thence N 83°59'38"W, 122.27 feet;
thence N 75°55'28"W, 110.41 feet to a meander corner located S 75°55'28"E, 51 feet more or less from the ordinary high water mark of Beaver Dam Lake;
thence N 39°43'23"E, along a meander line, 146.00 feet;
thence N 39°43'23"E, along a meander line, 211.67 feet to a meander corner located S 89°56'55"E, 20 feet more or less from the ordinary high water mark of Beaver Dam Lake;
thence S 89°56'55"E, 26.79 feet to the Point of Beginning.
Including all those lands lying between the side lines, the meander line, and the ordinary high water mark of Beaver Dam Lake.

That I have made this survey, land division and map by the direction of Chris Fitzharris.

That such plat is a correct representation of all of the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and Chapter A-E 7 of Wisconsin Administrative Code in surveying, dividing and mapping the same.

Matthew R. Shilts S-2633

CITY OF CUMBERLAND APPROVAL

Resolved, that this land division is hereby approved by the City of Cumberland.

MAYOR

Date

PREPARED FOR:

CHRIS FITZHARRIS
14 CREEKSIDE LANE
NORTH OAKS, MN 55126

SHEET 2 OF 2

**SHILTS LAND
SURVEYING, LLC**

2092 15th AVENUE
CAMERON, WI 54822
TELEPHONE 715-651-5476

ORDINANCE NO. 2026-825a

An Ordinance Amending Section 14.07 Regarding Building Permit Requirements

The Common Council of the City of Cumberland, Wisconsin, do ordain as follows:

SECTION 1: Section 14.07 Amended.

Section 14.07 of the Municipal Code is hereby amended to read as follows:

14.07 BUILDING PERMIT REQUIRED.

Prior to commencing any of the following work, the owner or agent shall obtain a valid permit from the Municipal Building Inspector as follows:

- (1) New buildings exceeding 120 square feet.
- (2) Additions that increase the physical dimensions of a building, including decks.
- (3) Alterations to the building structure and alterations to the building's heating, electrical or plumbing systems.
- (4) Replacement of major building equipment, including furnaces and central air conditioners. Water heater replacements shall require a permit if the plumbing, venting, electrical or gas supply systems are altered. This provision shall not apply if work is performed by companies or individuals licensed by the state to perform the work.
- (5) Restoration or repair of an installation to its previous code compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing re-roofing and finishing of interior surfaces, and installation of cabinetry shall be exempted from permit requirements. However, unless structural calculations are provided, no more than 2 layers of roofing shall be installed on a roof.
- (6) Commercial buildings are included in electrical permit requirements.

SECTION 2: This Ordinance shall take effect upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED this 7th day of July 2026.

Daniel C. Shoemaker, Mayor

Date Adopted: _____

Date Published: _____

Effective Date: _____

ATTEST:

This ordinance was passed by the Common Council of the City of Cumberland, Barron County, Wisconsin, at a duly noticed and convened regular meeting held on _____, 2026.

Arlene Frisinger, Clerk

ORDINANCE NO. 2026-826

An Ordinance Amending Section 17.14(3) Regarding Non-Conforming Structures

The Common Council of the City of Cumberland, Wisconsin, do ordain as follows:

SECTION 1: Section 17.43(3) Amended.

Section 17.14(3) of the Municipal Code is hereby amended to read as follows:

Section 17.14(3) Nonconforming Structures

(3) NONCONFORMING STRUCTURES.

(a) Purpose and Intent.

A nonconforming structure is a structure that was lawfully erected or lawfully existing at the time of its construction but which does not conform to one or more dimensional, area, height, setback, lot coverage, or similar regulations of the zoning district in which it is located due to the subsequent adoption or amendment of this Chapter.

It is the intent of this subsection to permit the continued use, maintenance, repair, renovation, remodeling, restoration, reconstruction, and rebuilding of legal nonconforming structures in accordance with Wisconsin Statutes while preventing the creation or expansion of nonconformities except as expressly authorized herein.

(b) Continuation.

Any lawfully established or existing structure that does not conform to the dimensional or area regulations of the district in which it is located shall be deemed a legal nonconforming structure and may continue to exist and be used subject to the provisions of this Chapter.

(c) Repair, Maintenance, Renovation, Remodeling and Rebuilding.

A legal nonconforming structure may be repaired[CG1.1], maintained, renovated, or remodeled, without the need for a variance, provided such work does not increase the degree of nonconformity unless otherwise authorized by this Chapter or required by applicable state or federal law. This includes, without limitation, ordinary maintenance, replacement of materials, and interior or exterior improvements necessary to keep the structure in safe, functional, or habitable condition. Such repair, maintenance, renovation, or remodeling shall not be deemed an enlargement or expansion of the structure solely because it involves replacement or modernization of existing components.

No provision of this subsection shall be interpreted to prohibit ordinary upkeep or to require a structure to deteriorate or become unsafe.

(d) Damage or Destruction.

A legal nonconforming structure that is damaged or destroyed by violent[CG2.1] wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored, reconstructed, or rebuilt to the size, location, and use that existed immediately prior to such damage or destruction, as documented by reliable evidence, including without limitation photographs, insurance records, surveys, or site plans, provided the restoration, reconstruction, or rebuilding does not increase the degree of nonconformity except as necessary to comply with applicable state or federal requirements.

Reconstruction shall not be prohibited solely because the extent of pre-damage nonconformity can no longer be precisely measured, provided the reconstruction does not expand the nonconforming dimensions beyond a reasonable approximation of prior conditions.

(e) Enlargement or Expansion.

No legal nonconforming structure shall be enlarged, expanded, extended, relocated, or altered in a manner that increases the degree of nonconformity. Additions, expansions, or alterations that fully comply with the dimensional and area regulations of the zoning district and do not increase the degree of nonconformity shall be permitted.

(f) Relocation.

A legal nonconforming structure may be relocated on the same lot or parcel provided the relocated structure complies with all applicable provisions of this Chapter, does not increase the nonconforming aspects of the structure, or results in a reduction of the existing nonconformity.

(g) State and Federal Requirements.

Nothing in this subsection shall prohibit the enlargement, expansion, reconstruction, or modification of a legal nonconforming structure when such action is the minimum necessary to comply with applicable state or federal requirements.

(h) Nonconforming Uses.

Nothing in this subsection shall be interpreted to alter, expand, or modify the regulations applicable to nonconforming uses, which shall remain subject to the provisions of subsection 17.14(2).

SECTION 2: This Ordinance shall take effect upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED this 7th day of July 2026.

Daniel C. Shoemaker, Mayor

Date Adopted: _____

Date Published: _____

Effective Date: _____

ATTEST:

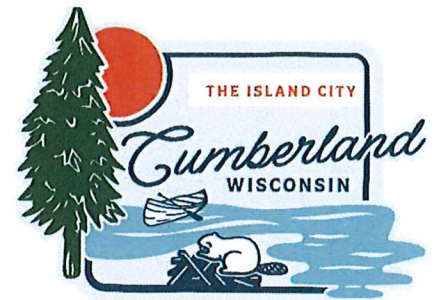
This ordinance was passed by the Common Council of the City of Cumberland, Barron County, Wisconsin, at a duly noticed and convened regular meeting held on _____, 2026.

Arlene Frisinger, Clerk

CITY OF CUMBERLAND, WISCONSIN

Daniel C. Shoemaker, Mayor
Randall D. Reeg, Administrator
Arlene Frisinger, Clerk
Lori Nyhus, Treasurer

mayor@cityofcumberland.net
cityadmin@cityofcumberland.net
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950 1st Avenue
Cumberland, WI 54829

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July 17, 2026

TO: Mayor Shoemaker and Plan Commission
FROM: Randy Reeg, City Administrator
RE: Preliminary Recommendations for Excavation Permits Outside the Shoreland Overlay Zoning District

Purpose and Background

During our recent discussions regarding excavation permitting, staff has continued evaluating whether the City should require permits for excavation and land-disturbance activities outside the Shoreland Overlay Zoning District. The City currently appears to have no clear citywide threshold for when such work must be reviewed. At the same time, excavation can create erosion, sediment deposits, drainage problems, damage to public infrastructure, and impacts on neighboring property even when it occurs outside a shoreland area.

The following are preliminary recommendations for discussion purposes only. They are intended to help the Plan Commission determine the appropriate scope and thresholds for a future ordinance. They are not a final ordinance proposal.

Recommended Regulatory Approach

I recommend a risk-based system rather than requiring a permit for every excavation. The City should focus its review on projects that may affect stormwater flow, erosion and sediment control, public streets or utilities, or adjacent properties. Routine landscaping and other minor residential work should generally remain exempt. This approach would protect legitimate public interests without turning ordinary property maintenance into a permitting event.

Preliminary Permit Thresholds and Rationale

- **Minor work exempt from permitting.** Routine landscaping, gardening, tree planting, fence posts, small utility trenches, and minor grading should generally be exempt when the work disturbs less than approximately 2,500 square feet, involves less than approximately 50 cubic yards of excavation or fill, and does not alter drainage. The purpose of this exemption is to avoid unnecessary regulation of low-risk homeowner projects and to keep staff review focused on work with meaningful off-site impacts.
- **Administrative excavation permit.** A basic permit should be required when a project disturbs 2,500 square feet or more; excavates or places approximately 100 cubic yards or more of material; changes grades by more than approximately 18 inches over a substantial area; creates or modifies a drainage swale; occurs near a public street, ditch, culvert, catch basin, storm sewer, sanitary sewer, or water main; involves a significant temporary stockpile; or takes place on a steep slope. These triggers identify projects large enough, or close enough to public systems, to warrant review while still allowing most applications to be handled administratively.
- **Engineering review for higher-risk projects.** Professional review should be required for major land disturbances, large cut-and-fill operations, ponds or stormwater basins, alteration of established drainageways, proposed diversion of runoff, work that may increase downstream discharge, or projects that could materially affect municipal infrastructure. Engineering review is justified in these cases because the consequences of an error may extend beyond the project site and may be difficult or expensive to correct after construction.

Erosion and Sediment Control

The ordinance should make erosion and sediment control a central requirement rather than treating the movement of soil as the primary concern. Depending on the site and scope of work, approved projects should use appropriate best management practices such as stabilized construction entrances, silt fence or equivalent perimeter controls, inlet protection, temporary stabilization, dust control, and permanent seeding or landscaping. Final stabilization should be completed promptly after excavation work is finished.

This emphasis would allow the City to address the most common public impacts of excavation, including sediment entering streets, ditches, catch basins, and storm sewers, without imposing permits on work that presents little practical risk.

Stormwater and Drainage Protection

The ordinance should separately prohibit excavation, grading, or fill that diverts runoff onto neighboring property; obstructs an established drainageway; reduces the capacity of a roadside ditch or culvert; directs water toward a public street or building; interferes with municipal stormwater infrastructure; or otherwise creates erosion, flooding, or a public nuisance. A drainage-impact trigger is important because even a relatively small excavation may require review if it changes where or how water flows.

Suggested Exemptions

- **Work already reviewed under another City permit.** Utility work covered by a right-of-way permit and building excavation conducted under an approved building or zoning plan should not require a duplicative excavation permit, provided erosion control and final grading are adequately addressed through the other approval.
- **Routine or necessary activities.** Normal agricultural activities, cemetery burials, and emergency repairs should be exempt or subject to abbreviated review where appropriate.

Policy Considerations for the Plan Commission

Before staff prepares ordinance language, I recommend that the Plan Commission discuss whether the suggested thresholds are appropriate for Cumberland, when engineered plans should be mandatory, whether fees should be limited to cost recovery, and how the new requirements should coordinate with the City's zoning, building, right-of-way, nuisance, and stormwater provisions.

In my opinion, the City should regulate the public consequences of excavation rather than excavation for its own sake. A narrowly tailored permit system tied to erosion, drainage, neighboring-property impacts, and protection of public infrastructure would provide meaningful oversight while avoiding unnecessary permitting of negligible work.

I look forward to the Plan Commission's discussion and direction before staff prepares a draft ordinance for formal consideration.

Cumberland Mitigation Points

Mitigation Practice	Points
Maintain existing shoreland buffer (within 35 ft of Ordinary High Watermark)	2
Restore shoreland buffer (within 35 ft of Ordinary High Watermark)	2
Restore native vegetation along side yards (min. 5 ft width)	0.5
Remove pre-existing accessory building in setback	1 per building
Use natural/inconspicuous exterior materials	0.5
Remove waterward improvements or restore aquatic vegetation	0.25 each
Other mitigation approved by Zoning Administrator	Varies

Barron County Mitigation Points

Mitigation Practice	Points
Update or replace a non-compliant Sanitary System	2
Preserve or restore a vegetative buffer zone that extends 35 feet landward from the ordinary high water mark (must be native plants)	2
Preserve or restore vegetative buffer zone that extends 50 feet landward from the OHWM (must be native plants)	3
Viewing and Access Corridor width of 15 feet or less	1
Install a rock infiltration trench or pit	Up to 3
Install a rain garden with native plantings, or similar feature	Up to 3
Preserve or restore both shoreland sideyard areas with native plants	1
Remove or relocate a building or impervious structure, which is located within the shoreland setback to a compliant location	1 per structure

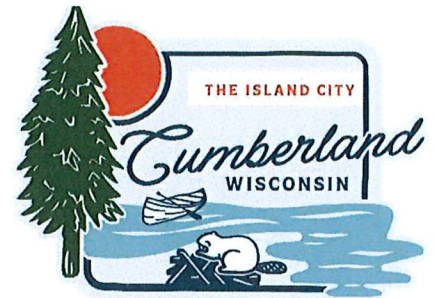
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July 17, 2026

TO: Mayor Shoemaker and Plan Commission
FROM: Randy Reeg, City Administrator
RE: Preliminary Recommendations for Shoreland Buffer Interpretations

Purpose and Background

Section 17.36(18)(c) currently awards mitigation points for the maintenance of an existing shoreland buffer area but does not define what constitutes an existing buffer or what level of maintenance qualifies. The following recommendations are preliminary and are intended solely to facilitate Plan Commission discussion prior to preparation of any ordinance amendments.

Recommendation

I recommend replacing the current mitigation measure with two distinct mitigation options: (1) Preservation of an Existing Functional Shoreland Buffer, and (2) Restoration or Enhancement of a Shoreland Buffer. These recognize two different environmental benefits and provide clearer guidance to property owners and staff.

Why Two Categories?

Preservation rewards property owners who permanently protect an existing shoreline that already provides meaningful ecological functions. Restoration rewards property owners who improve previously disturbed shoreline by establishing or expanding a functional vegetative buffer. Treating these activities separately better reflects the City's mitigation objectives and provides a more objective basis for awarding points.

Recommended Definition

Existing Functional Shoreland Buffer: An area within 35 feet of the Ordinary High Water Mark that is substantially vegetated with trees, shrubs, native groundcover, or other naturally occurring vegetation that provides meaningful water quality, erosion control, shoreline stabilization, and/or wildlife habitat functions. The buffer need not be professionally designed or composed exclusively of native plant species, but shall not consist primarily of continuously mowed turf grass, decorative rock, pavement, or other landscape treatments providing minimal ecological function.

Proposed Mitigation Measures

Preservation of an Existing Functional Shoreland Buffer (2 Points)

Award mitigation credit where an applicant permanently preserves an existing functional buffer within 35 feet of the Ordinary High Water Mark. The buffer should remain substantially vegetated, continue providing meaningful ecological functions, not be converted to non-functional landscape treatments, and remain protected through permit conditions. Routine maintenance, invasive species removal, and removal of hazardous vegetation should remain permissible.

Restoration or Enhancement of a Shoreland Buffer (2 Points)

Award mitigation credit where an applicant restores or enhances a previously disturbed shoreline by converting lawn or disturbed ground to a functional vegetative buffer through native plantings, natural regeneration, invasive species removal, or other approved restoration techniques.

Additional Recommendation

Mitigation measures that receive preservation or restoration points should be maintained for the life of the development unless otherwise approved by the City. Because mitigation offsets permanent impacts to the shoreland area, the corresponding mitigation should likewise remain permanent.

Conclusion

These recommendations emphasize ecological function rather than landscaping style, distinguish between preserving existing resources and creating new ones, and should provide greater consistency and defensibility when administering the City's shoreland mitigation program. discussion and direction before staff prepares a draft ordinance for formal consideration.