

**MINUTES OF PUBLIC HEARING
Sawyer County Zoning Committee
January 20, 2017**

Zoning Committee Members

James Bassett, Chairman
Bruce Paulsen
Ron Buckholtz
Elaine Nyberg
Bill Voight
Iras Humphrey - alternate

Zoning Administration

Dale Olson, Zoning & Conservation Administrator
Kathy Marks, Deputy Zoning & Conservation Administrator
Thomas J Duffy, Corporate Council

PRELIMINARY MATTERS

- 1) Call to Order and Roll Call
Bassett called the Public Hearing before the Sawyer County Zoning Committee to order at 8:30 AM in the Sawyer County Courthouse, 10610 Main St. Hayward, Wisconsin. Roll was called finding present: Paulsen, Buckholtz, Nyberg, Voight and Humphrey. From the Zoning Office Olson and Marks and Corporate Council Thomas J. Duffy.
- 2) Statement of Committee and Hearing Procedure.
Those persons wishing to speak will be afforded the opportunity provided they identify themselves.
- 3) Statement of Hearing Notice.
The Public Hearing Notice was published as a Class 2 Notice in accordance with Chapter 985 of the Wisconsin Statutes in the Sawyer County Record on January 4th and 11th, 2017.

REZONE APPLICATIONS

No Cases

CONDITIONAL USE APPLICATIONS

- 1) Town of Winter – Larry Clements. **Withdrawn.**

OTHER BUSINESS

- 1) Tourist Rooming House. (TRH)
Motion by Nyberg to approve the December 16, 2016 minutes, second by Buckholtz, all in favor. Motion carried. Olson explains what the process has been for the Tourist Rooming House Ordinance, that it has been remanded back to Zoning Committee, what

changes have been made and once approved will go to the County Board for approval. Testimony will be taken. Any substantial changes would need to go back for Town approval and start the process all over again. Iras Humphrey spoke "Thank you and I did submit some changes and that they are in the new document." Committee discussion is held. Three minutes will be allowed for audience to speak. Martha Brauer from audience speaks regarding Item "D" capacity and questions how it will effect a Holding Tank. Olson responds that there is no maximum capacity for a Holding Tank and that it has to be pumped when full and a Holding Tank is not limiting. Brauer questions maximum capacity for bedrooms and item "k" town permit. Olson explains that some townships will require a permit and some will not. She questions the renewal fee for Conditional Use Permit. Olson replies that this is not a Conditional Use Permit. Brauer asks \$200.00 annual fee than? Olson replies "yes". Linda Zillmer from audience speaks about Conditional Use, licensing process, definitions, and zone districts. You are duplicating the licensing and to use the State definition for TRH. The State has a licensing process. Bob Wick from audience agrees with Zillmer. Thomas J Duffy, Corporate Council speaks regarding Litigation of Short Term Rental and Land Use being the same. Residential is Residential, it is family use. Residential use does not talk about ownership. Wick questions the fine is less than the initial fee, zone districts, signs and funding for enforcement, rules for the owner and room tax. Voight replies that room tax is for tourism. Matt Dale representing Hayward Property Management Company and Northwoods Compass hands out proposal to committee members. Voight asks if Hotel/Motel tax is just for tourism? Thomas J Duffy, Corporate Council responds with the majority of the funds are for tourism. Matt Dale continues and reads his comments from a version of how the TRH could read. Jim Miller from audience speaks regarding room tax and that only four municipalities have this and maybe the others in townships that do not have it should pay their fair share. Voight asks does the city have TRH? Miller responds "No, but they want what the County adopts." Justin Holmen from audience gives Olson a letter from James Taylor to read. Olson reads letter to Committee. Nyberg responds to keep within the three minutes for testimony. Phil Nies from audience speaks on behalf of the TRH ordinance process. "That after ten years and fifteen revisions, numerous public hearings, ten not including today, that I am personally aware of, the AD-HOC committee worked very hard and the stated goal was to need to regulate short-term single-family rentals to allow owners to generate revenue while protecting the rights of neighbors and the broader community concerned for neighbors, I urge you to approve today and send along to county board for their approval and they vote in favor of ordinance." James Schmidt from audience spoke in favor of the TRH ordinance saying "If any of you ever had one of these unsupervised rental houses pop up next to you, I have and believe me, this is a good thing. Thank you." Voight states he believes Barron County has had this ordinance in affect for around 11 years and has never taken anyone's licenses away. John Maypec from the audience has questions for Corporate Council Thomas J Duffy. Regarding his investigation to the Statute. "I had sited in the December meeting where I spoke to the fact that it appeared the ordinance seems to be in direct violation of Wisconsin Statue 66.0104 2E4 that was in effect March 2nd. Stating no city, village, town or county may enact an ordinance that requires a

rental property or rental unit be certified, registered, or licensed. A city, village, town, or county may require that a rental unit be un be registered if the registration consists only of providing the name of the owner and an authorized contact person, an address and telephone number at which the contact person may be contacted. I'd be curious to ask him if he would respectfully elaborate his investigation into that. I also want to speak to the fact that it was stated in the letter that was just read by Dale, regarding resort properties that have an exemption. I am curious to know how this Board, or how this AD-HOC Committee, whoever is providing the exemptions to resorts. If they'd done an ownership inquiry to find out if any of the buildings that provide similar accommodations like my wife and I do, like a lot of other residence who are either non-state residents that own properties and rent them out."

"So, that they are privately owned if there are on any exempt resort properties how many buildings use similar business where they rent them out but they are owned by a consortium or private property owners and the only benefit that they get to enjoy is that their building that they put up, say a ten unit condominium owned by ten private property owners, sits on a resort property that has received a blanket exemption. I would like to have Council speak to that if he can or members of the committee to any ownership of those properties that exist on an exempt resort. I'd be curious to know that because seems to be a of unfair or unequal rights undistributed poorly. I'd ask them to speak to that." Olson replies that "We have a Conditional Use Permit system set-up currently, all the neighbors are notified, public is notified by Class 2 notice. People come in, there are some in this audience came in and requested it and actually been turned down for permits, some have been approved. Conditions can be placed at that time. Hours of operation. Basically, a lot of the same things that we do here and it is a different system then what we are doing now with the Short Term Rentals. They are two distinct entities in Sawyer County. If you go through the Conditional Use process and you want to start a Bed and Breakfast, start a motel or resort the avenue is there. You can certainly do it but, it is not the same, what we are regulating with Short Term Rentals." Thomas J Duffy, Corporate Council replies "And with my stuff I think that when we are licensing here your actually identifying all of the existing current Short Term Rentals out there and providing they give us name, address and other information regarding the home And if you look at the restrictions in here, I don't know if any of them are. I don't think we are in violation of that section of statute. I don't recall him bringing that up in December?" Olson "That was at the County Board meeting." Duffy responds "Oh, ok I wasn't there then so, you didn't ask me before and that's the first I've heard of it." Bassett speaks "I believe it was Mr. Wick sent a pamphlet about Short Term Rentals expect to be licensed by State and County." Duffy "Well I think he said there was a conflict between the State and the County and I said there was not." "I mean if the State has certain requirements for rentals of any length, and the County only makes theirs for requirement for anything in excess of a \$1000.00 those two can live independently of each other." Nyberg questions an opt-out for municipalities. Olson "All I can say is that with camping especially the difference between Bass Lake or the Town of Hayward and Meteor where I live is vastly different. Chickens I think even are probably a bit different, people in Meteor aren't aware we even have County

Zoning. It is a big County, 5th largest County in the State, I think there are changes just like the State of Wisconsin is different between Milwaukee and Madison and Northern Wisconsin. Lot of different scenarios between Bass Lake and Meteor. However, what drives us here is waterfront property and forestry and I think weather you're in Winter or Meteor or on Sand Lake waterfront properties are one hundred foot lots and you have neighbors to a great extent. I have issues with both of the other ordinances that I have to look up and say, let me check for you, where are you at, to make that dividing line between Lenroot township and Town of Hayward. I like things simple from my own aspect but that is certainly something that the committee or the County Board could address." Bassett "Elaine are you getting at the local township could totally walk away from this and not allow it?" Nyberg answers "Correct." Duffy "I think she means not enforce this ordinance at all and that's below the township." Bassett asks Nyberg "Is that what you are getting at?" Nyberg responds "Yes." Lee Neuschwander from the audience speaks that he would prefer the committee to look at Matt Dale's changes. "We have asked for information regarding the twenty substantiated claims, we have yet to hear what those are. How was hotel, motels and resorts excluded." James Taylor from audience speaks regarding his concerns with the letter that Olson read earlier. Wants committee to address the complaints. Minutes not complete, Public Notice, Enforcement issues. Kim Dale Property Management speaks "All I ask is that you take the time to look at Matt's paperwork, thinks we are real close, there are just a few things to be addressed and agrees that we need some kind of ordinance and consider some of the changes that we submitted." Olson explains that we did do things right and you have seen the changes from the County Board and goes over them with committee. Olson apologizes for not going over Matt's ideas. Open meetings were complied with and AD-HOC Committee was approved by the Land & Water Resources Committee then on to full County Board, it was vetted. Many of you recall we were trying to go with organizations not individuals. If you have some discussions among yourselves I would love to go over Matt's ideas a bit more. If you could give me five minutes but please highlight your changes next time so I can find them. The red is just your comments so I cannot look at that?" Matt Dale responds "Yes." Nyberg "Chairman Bassett is this what you would like to do? Take a few minutes?" Bassett "I wouldn't mind I got to be honest with you." Nyberg "Because otherwise I would be making a motion to Table." Bassett "Ok, What do you want? 10 minutes?" "Let's take a ten minute recess." 9:30AM Recess.

Meeting called back to order at 9:45AM by Chairman Bassett

Olson speaks "I do want to brooch one thing because having done this a lot of years, if we are going to institute this I need to get the ball rolling and we have to come up with our checklists, as Mr. Wick presented the one place had a six to seven page application, ours will probably be that long too. That hasn't been generated yet because we have a long way to go. I need to know what to put in it. I can't write something that I don't know the sideboards of. We have to hire somebody and we have to get the ball rolling and it's been a long time in coming and we are very very close but if we stall this out and we aren't going to start until June it will probably fall by the wayside. In looking at the

Dale's document, very good document by the way and in discussions there's a lot of things I would like to incorporate. I think a lot of it will go into our application process. The things that the renters have to do that isn't something that we would put into our ordinance, but I think if we work in conjunction we would be able to say "Is this list available? Is it posted some place in the home? It is, good, checkmark, that's a plus." We are going to move on. If this passes muster with the committee or at least in some way shape or form then it would go back to County Board for February and hopefully we can be up and running by late March. Mr. Dale has in his copy it would be the permit runs from April, we wouldn't actually put that in our ordinance but we would make sure that he has March 1st for having everything out. I agree. The timelines are great, but if we are going to do it we gotta go." Nyberg "Would it be possible to have a meeting next week on Tuesday morning?" Bassett "Zoning meeting on nothing more than the TRH?" Nyberg "That would give Dale adequate time to review and incorporate." Paulsen "Do we meet the Notice Requirements?" Thomas J Duffy, Corporate Council, "Why can't it be a week or two weeks out?" Nyberg "It can be two weeks out." Paulsen "Yes, it can be two weeks out." Marks "I would have to get it in the paper next Wednesday for two weeks after that." Olson "We would be looking at February, any time after the 3rd." Nyberg "After the 3rd?" Olson "Yes, but then it has to be published for two weeks again for the County Board meeting." "County board meeting is on the 16th." Nyberg "Correct." Phil Nies speaks from audience "I have not seen Mr. Dale's document and I'm sure it is fine but from what I am hearing from here we are treading on pretty thin ice because if we do much more tweaking and that's tweak, we have to start all over again. Do what you want to do but be very careful of Mr. Duffy tells us it's a tweak or you're actually making substantial changes. Be aware." Olson "I can go through some of the things we discussed between TJ and I and we actually asked Mr. Dale to come up just to give us his thoughts of where he was going. Some of them I liked some of them I don't like. Some of them we can't do. We can flesh out a couple of these things, now if you have his copy in front of you, Mr. Dale's copy, some of the things that both TJ and I underlined or circled. Circling in my world means we aren't going to do that." "So, under "A" permit, middle of the sheet. Prorated. We do not do prorated. It is or it isn't. We would be unable to do prorated." Nyberg "Where is this?" Olson "Under "A" permit pro-rated, middle of the page in black." Nyberg "Yes." Olson "Prorated, we don't do prorated." Nyberg "Not even DNR does prorated." Olson "Nobody does prorated." Nyberg "Thank you." Olson "However a new permit is required with change of ownership. I don't think that's a substantial change. We did not list that and I know that with a liquor license they do that. Our permits a lot of them go with the land owners, some of them go with the property and I think that it would be prudent to include that and that was a good thing." "Do you have anything else under that section?" Duffy "He asked for inspection, we say the word inspection in ours." Olson "We don't say that we are inspecting but we would be doing an inspection. Some of the things that I have are just implied, I do like the fact that when we do the inspections what we are always planning to do to see how much parking, etc., etc. We talked about the way the language read where he has Wisconsin Administration Code ch. ATCP 72 as verified by inspection conducted by the Sawyer County Zoning Department. Well we aren't

verifying that they are following ATCP 72, we would just be verifying that they have the State Licensure for our checkmark.” Nyberg “Excuse me the inspection sheet that they receive is all they need to provide?” Olson “The inspection sheet they receive would be spot check items by the County and that it isn’t the inspection for DATCP it is the approval that they have gotten. Which we have further back in our Ordinance under “K” obtain all necessary permits. Which is in two different spots it’s the same thinking.” Nyberg “For clarification you would be inspecting what?” Olson “We would be inspecting that all the things that are on our checklist under “K” are completed.” Duffy “Our Ordinance doesn’t say there will be an inspection by the County, think they weren’t sure if that was going to happen and there is going to be an inspection. Always thought there would be one and putting in there is not a bad idea that the County will inspect each property.” Nyberg “Chairman Bassett, was that Mr. Dale’s intent?” Duffy “That they be inspected?” Nyberg “Correct.” Duffy “Yes, he wants the County to inspect them.” Bassett “That right Mr. Dale?” Dale shakes head. Duffy “To make sure they are in compliance if he didn’t inspect them he would be relying on the person that they were in compliance without an inspection.” Olson “That would be for an initial inspection and then as he states further down then periodic inspections at least once every three years. I think that is prudent.” Olson “The last sentence in the black on the first page “renewals shall be mailed to permittees by March 1st” do I think it is a good idea? Yes, I do. Do I think we should incorporate it into the Ordinance? No, I don’t, but why? Because we have to have operational rules from within or department.” Duffy “That are set to start March 3rd.” Olson “Yes, and I talked to Matt and I said if I write up the operational rules which again we are talking about a weeks worth of work for me, I am not going to do it if this is shot down. It doesn’t pay for me to lose a weeks worth of work. I write up our operational rules and in our operational rules it says “permits will be mailed by permittees to permittees by March 1st” I think it is a great idea and it gives us a drop-dead date. A hard deadline that we have to follow. There is nothing wrong with that. It’s a good thing, but the difference with an ordinance and the way we work on the rules. Paulsen “Would it be your intent to bring the operational rules before the Committee for discussion.” Olson “No.” “I can, but it’s just the way we are going to work on the Ordinance.” Bassett “This involves three different things, just operating ordinance or rules and the ordinance itself and then the part that the renter list of the things that the renter has to.” Nyberg “ Thank you Chairman Bassett, I think that operational rules would be drafted and completed and for Mr. Olson that’s his job, I don’t want to micro-manage him but I do want to see what is going to be involved. If this is part of the operational rules rather than the Ordinance. No micro-managing.” Olson “Should I continue?” Bassett “Go on.” Olson “On page two on Mr. Dale’s he has a little bit different operational rules and his are meant for the renter and I think those have to posted. You know we may have forty different sets of these, we do need some of them as we’ve outlined in our criteria as occupancy limit, the pet thing, those should be in all of them but up to each individual property owner and manager, They can have no smoking, they can have no cooking fish in the house which I suppose is a valid thing. They may have no deep-fryers, those are all things they can have certainly individually. As long as we have a list posted inside the house that maintains the base minimum,

good, and add more if you want. The local contact and especially we did follow with the sentiment of a lot of the people that we had discussion with and provided testimony. We did remove the owners name from the placarding. The placarding has been one of the two things that has caused debate. I can see both sides of it, I certainly can that you don't want anyone going down and having a confrontation but if it's on the mailbox post you can see it plain sight from the road. Is that going to be an issue? If the neighbors already know that it's a rental and who to call but what if you got is, somebody provided testimony before, a place on the flowage that there was five to seven in a row and you certainly wouldn't want to have (other renters not knowing local contact info). It's not the property owner that is there you know they are all full of renters and you get one in the middle that is bad news at least they would have somebody to call." Paulsen "We had testimony from a local fire volunteer that said they would rely on the local contacts posted outside the house to get access to the properties or whatever." Olson "What I would do, this is probably important enough, is sketch out a skeleton of what our method of operating this Ordinance would be, at least a very rough base idea. Incorporating some of this stuff out of Mr. Dale's as well as the way we do things in the County. I think we are pretty darn close. The septic stuff (and I did have Eric Wellauer who is the County Sanitarian, come up with an idea) you know it is a concern to us because every time someone says to us "It's in the State code the way we do occupancy is by cubic footage." Well, that is true but it's also codified in State Statute how we handle septic systems. We have two completely different and conflicting was of measuring occupancy. Eric did come up with an idea, maybe we just have them inspected on a more regular basis then what a private homeowner would do." Bassett "Are you saying the State inspect them?" Olson "No, no just like when your pumper comes out now and inspects your system to make sure it's not ponded, to look at the tank, generally they pump them at the same time." Bassett "Ok." Olson "Not always but it is an option that we have." Olson "I can come up with the side boards we can incorporate some of the ideas we just discussed." Nyberg "Chairman Bassett, being told that we are close is not something I want to vote on." Bassett "Understood." Olson "This would be again a recommendation from this Committee to the full County Board." Bassett "Where are we going from here?" Olson "Personally a lot of time and a lot of effort a lot of input and lot of people went into the copy I provided to you earlier. I do like some of the things and I think its ok to incorporate some of the things from Mr. Dale's copy into especially our occupancy procedures and a couple of modifications from page one that we discussed." Bassett "Ok, are we." Olson "My point is at some point you have to pull the pin, either do it don't do it. I think it's important that you heard testimony from people, I sent you one earlier via email a complaint that I had received. I want you to realize that there are complaints it's not there are no complaints they're unsubstantiated and you say you have twenty and you have no proof. I did send you some." Bassett "Ok. Miss Nyberg go ahead." Nyberg "Chairman Bassett, I request we recess for a half hour for Dale to put together this Ordinance." Second by Paulsen for a thirty-minute recess, reconvene at 10:30 AM. All in favor, motion carried.

Meeting called back to order at 10:34 AM by Chairman Bassett

Olson reads changes highlighted in yellow. Olson "Under our initial heading we added, To the people who do not require this permit as they have been Conditional Use permitted before multi-family condominium, private rooming house ordinarily conducted as such not accommodating tourist that is from State language." "So we are not being redundant in that regard or we are being redundant in that regard, we are not inventing anything new." "Under 'A' Approval: Change commence from the date the Sawyer County Tourist Rooming House Permit was issued to April 1st annually." "That way both for the County make it easier for us as for companies that have multiple properties they don't have to keep track of twenty dates they have one date and that date will be April 1st." "A new permit is required with the change of ownership and must be required prior to operation, it was pointed out by Martha that the State does that unless it is within the family we are not charging for such an inspection fee just the new permit fee. I think that is pretty safe to leave in there as is." "Under 'B' Renewal we added that periodic inspections will take place at least once every three years, as was suggested." "We made no changes to the occupancy limits." "On page two." Nyberg "So on 'D' you are using the State 400 cubic feet of sleeping area per adult and 200 cubic feet of sleeping area per child?" Olson "Yes." Nyberg "Thank you." Duffy "You have the restriction on the end of the sentence." Olson "Number Sixteen under 'K' Criteria, No events such as weddings, reunions, parties, etc. are allowed without written consent from the owner or local contact and that the result in crowding, insufficient parking, overuse of private sewage systems, excessive noise and/or disturbance of the peace. I did not word that very well." "That may need a little tweak there." Bassett "Quick questions Sir, under sixteen the way it states I think that's a good thing, but if they have allowed event like this to take place it's pretty obvious we are going to get cars and vehicles parked on the road and streets and we are going to that's ok because they have a." Duffy "No, no, no, for one they can't do it without permission from the home owner. If they get permission and it's excessively loud you still call law enforcement or some of them call us to say they are breeching the peace and noise ordinance, I mean this does not give them a license to do anything they want at a party just as you can't have them without owner permission just like you abide by County Ordinances. You still have quiet hours and you still have the other things still apply." "Quiet hours are still eleven to seven." Bassett " But you know it's going to be when you have insufficient parking in here but I mean a wedding party you are going to have twenty vehicles you are going to overflow." Duffy "But that's why you need permission from the home owner and if it overflows on their own." Nyberg "It says NO events." Duffy "You can't have those." Bassett "I'm sorry, no events." Nyberg "Thank you." "Anything else?" Olson "No and I did maintain that for 2017 we won't be looking at occupancy limits out of the fact there has been contracts issued already." Nyberg "Thank you Mr. Olson, I appreciate all the work you have done." "I make a Motion to approve as worded leaving Sixteen the same, no tweaks." Second by Buckholtz. No Committee Discussion. All in favor 5 to 0. Motion carried. Roll Call Vote Bruce –yes, Ron – yes, Jim – yes, Elaine – yes, Bill – yes. Bassett "What is this POWTS form?" Olson "I

wanted to have a document drafted in case if you wanted changes made that would alleviate concerns over septic." Bassett "Ok."

NEW BUSINESS

None

ADJOURNMENT

Motion to adjourn by Nyberg, second by Paulsen, all in favor. Motion carried.

For more information please see our website at sawyercountygov.org, Meetings & Agendas, Zoning Committee Audio.