

**Town of Spider Lake  
Plan and Review Commission Meeting Minutes  
October 5, 2016**

The Plan and Review Commission meeting was called to order by Chairman Hucker at approximately 6:00 p.m. with Brandt, Cerman, Mazik, Ross and Hucker present along with Zoning Administrator Boss.

Pledge of Allegiance

Motion made by Cerman and seconded by Mazik to approve the 9-7-16 Meeting minutes. MC 5-0

Certified Survey Map Review -- Owner: Matthew & Jane Pflieger-- Part of Lot 1 CSM No. 1813 Located in the SW ¼ - NE ¼ of Section 32, Town 42 N., Range 6 W.

Boss circulated the recorded CSM. The initial CSM proposed lot lines that did not meet the required lot set back requirements for some of the campsites and the lot lines were adjusted to correct this. Also land area requirement adjustments were made and one nonconforming campsite's location was noted in relation to an existing lot line which was not being changed as a result of the proposed CSM. Boss has signed off on the CSM.

The CUP has not been issued but now can be on Lot 2 and a land use permit will also be required. Mazik asked about the campsites on the east property line and Boss noted that the lot line was moved. The solid black line is the property line and the dotted line is the easement road.

Zoning Administrator Report

Monthly permits were identified and a list was distributed.

Short Term Rental & A-1 Changes to the Sawyer County Zoning Ordinance.

Hucker briefly reported on the County Public Hearing held a few weeks back, noting that the County sent the matter back to the County Zoning Administrator for further review. Patrick Delaney was present and confirmed what Hucker had reported.

He was of the view that some of the property managers were concerned about the details of the rules that would leave them accountable in some circumstances and it appeared that some of the property managers wanted the rules to be less restrictive.

Hucker noted that the ultimate policy decisions need to be made by the County Zoning Committee rather than the Zoning Administrator. From the town's perspective, (independent of what the County may choose to do) it appeared to be at least a three step process. Does the town want to regulate short term rentals (including enforcing

existing restrictions or adding restrictions on areas where it is allowed)? How are you going to regulate it? What happens with persons who claim to have been doing rentals before the regulations are enforced or increased? It may be something that the Town will allow in RR-2 and Commercial zone districts. Hucker noted that he received email from some additional property owners in the last month expressing a concern about not regulating short term rentals and also dealing with the need to prohibit short term rentals where it is appropriate. Hucker has raised the issue with the Town's attorney but has not received a response as of yet.

Discussion shifted to a review of existing language in the Town's zoning ordinance sections that deal with uses. Is this a use that the Town will allow and if so in what zoning districts should it be allowed? Discussion began on Section 15 Part 1 of the Town's ordinance.

Other counties initially relied on the fact that short term rentals were not allowed in their ordinances because short term rentals were not specifically identified as permitted uses. It appears that some counties are now adding specific prohibitions as well.

In the Town's R-1, RR-1 districts nothing indicates that short term rentals would be a permitted use. A review of the conditional uses enumerated in the ordinance sections also does not appear to allow for short term recreational type rental use or business use in those zoning districts. The dwelling unit definition also was reviewed.

In RR-2 and Commercial, the Town allows mobile home parks, trailer camps, campgrounds and recreational oriented uses as conditional uses, bed and breakfasts, hotels, resorts, etc.

Accordingly there already is a fundamental structure in the ordinances that presently suggests that if the town is going to allow short term rentals at all, such rentals should be restricted to districts zoned RR-2 or Commercial. Cerman indicated that looking at the ordinance, there is nothing to suggest that short term rentals are built into the system in R-1 or RR-1 zoning districts. He noted that presently there is no way to determine if the properties that would be used for this purpose are safe, have the appropriate business licenses, etc. There is a risk that the places may not be safe to be used.

The town will have to figure out a way to regulate short term rentals if units are allowed. Brandt noted that there are many condo units in RR-2 where the former resorts operated. Discussion followed on open issues as to how existing units might be regulated. Bayfield County's structure is one form of regulation and essentially is what Sawyer County initially laid out.

It appears the direction would be to limit short term rentals to RR-2 and Commercial if at all and not permit it otherwise. Review will start there. Short term rentals are a business. Brandt noted that 30 days and over, no sales tax is required and such rentals are not treated as short term rentals.

Cerman also suggested that the town could issue licenses to allow for inspection. County is looking at its proposal not covering Spider Lake because it is under its own zoning ordinance. Ross asked about cost. Brandt explained what the state inspection system is for resorts. Resorts also need a motel license, restaurant license and pool license, if applicable, and water tests.

Hucker opened the meeting up for comments. Delaney expressed the concern that the failure to regulate would be problematic as it increases usage which can affect the entire watershed. He also indicated that the perception at the county level is that other residents and property owners not in the business of engaging in short term rental operations should not have to pay for the inspections and regulations of the short term rental business. How will you determine who might lose their license to rent if there are problems. Property managers do not want to be responsible for the renters. Delaney would prefer that it not be allowed so that one did not have to get into all of the details of how to regulate operations.

The town will need some assistance from legal staff and the town can consider where to go from there. If a condo association prohibits rentals, it is up to the association to enforce the association bylaws or agreement and the town would respect such limitations—even if zone district allowed a use permitted by the town but prohibited in the association's bylaws.

#### Review and discussion on 4.2(D) Driveway and Private Road Regulations & Permit Application for Driveway to Town Road

Boss handed out what the town's ordinance and application state. Boss reviewed a copy of a DOT permit issued within the town. Boss's concern is temporary roads covered by Section 4.2 and provided some suggested changes for the commission to review. Some of the changes he is proposing came from the state and some came from the Town of Bass Lake Driveway Ordinance which is more comprehensive.

Discussion followed about signage as it relates to temporary roads. Who takes responsibility for signage, if any? Temporary roads are usually for construction or logging purposes. Boss noted that you are dealing with large slow moving trucks coming on to a town road in either case.

Boss also suggested that areas modified for use as temporary roads clearly be brought back to their original condition once the completion date comes and the permit expires. Brandt suggested that the language simply be appropriate signage should be placed. The Commission members need to review the proposed changes and Boss will work on the application form.

#### Any Other Business for Discussion

Discussion moved to discussion about horses in A-1. Boss handed out materials discussed in March of 2015. Boss went through some county proposed changes in the Ag Zone districts. Boss indicated that there may be some items the town might want to add or delete as to uses in its Ag district. Again the Commission needs to review them to determine what the town will do.

Vacation farms, for example, Boss indicated this might be something the town may consider as a conditional use. Boss attached information from the reference state statutes the County used and it is not clear that there is a definition of a vacation farm. The term is in the ordinance now but there is no definition in the county or town ordinance. Cemeteries might be more appropriately a conditional use rather than a permitted use.

Another issue was how to deal with private riding stables, limitations on number of horses, or whether there should be distinctions made between private and public riding stables. Utility placement in Ag-1 was also discussed. Brandt's suggestion was to leave the utility language alone.

The inclination was to not to follow the county lead on a number of changes that did not appear to be uses and some of the county proposed changes do not seem to fit with development. The town probably does not want Section 17.4 of the county ordinance in the town ordinance. There appears to be some confusion about the County definition of "ag use" since it does not completely track the state statute. It appears, for example, that bee keeping was excluded at the county level but is included at the state level. It was noted that some farmers engage in bee keeping in the county.

It was suggested that the members review what Boss provided, look at the state definitions and make a determination to Wis Statutes 91.01 (2a) which has two categories and then allows other uses as permitted uses.

Overall, it is clear that there will need to be a careful review before any of the county changes are made. Ross asked about second dwellings on farms. Hucker noted that it could be accomplished by creating a separate lot.

Motion to adjourn made by Brandt and seconded by Ross. MC 5-0