

July 10, 2015

Minutes of the **Planning and Zoning meeting** conducted on July 1, 2015 in the courthouse, Florence County, WI.

Chairperson Bomberg called the meeting to order at 7:00 P.M. and took roll call.

Members present: Supervisors' Sherry Johnson, Matt Brunette, Jeanette Bomberg, Gary Steber and Holly Stratton

Members absent: None

Others present: Dennis Roff, Karen Roff, Rich Wolosyn, Trish Kelly

Chairperson Bomberg asked for a motion to approve the agenda, **motion by Supervisor Johnson to approve the agenda, second by Supervisor Steber, vote five (5) ayes, zero (0) nays, motion carried.**

Chairperson Bomberg asked for a motion on the minutes of the meeting and public hearing conducted on June 3, 2015. **Motion by Supervisor Stratton to approve the minutes of the meeting and public hearing conducted on June 3, 2015, second by Supervisor Johnson, vote five (5) ayes, zero (0) nays, motion carried.**

*There were no persons wishing to address the committee on other zoning related concerns.*

The current bills were reviewed as presented and recommended to the Audit and Budget Committee for approval. **Motion by Supervisor Johnson to approve the bills and recommend to Audit and Budget for approval, second by Supervisor Steber, vote five (5) ayes, zero (0) nays, motion carried.**

**Discussion/action regarding Single-Family Overlay District verses RS-1 Residential Single Family District with regard to correspondence from Corporation Counsel.** Wolosyn reviewed the history. He noted back in 1986 the Town of Florence had interest from Lake People in the Spread Eagle area to regulate transient renting. The Town of Florence adopted Ordinance 86-32 for those residential areas. Sometime later, the County adopted this same ordinance so the County could enforce it. A few years ago there was a court case, known as the Hedgewood Case, the court ruled that a Township could not supersede County Zoning in these areas. The Town of Florence withdrew Ordinance 86-32. Further research provided that the County was actually enforcing the Town's Ordinance that had been withdrawn. We went back into the ordinance and took the same overlay area, and created NO TRANSIENT RENTING in that overlay district. Corporation Counsel reviewed the NO TRANSIENT RENTING and it was fine at that time. However, recently the court case in Vilas County revealed some discrepancies, and argued some areas that we have here in Florence County. This is only an overlay district.

Wolosyn noted Dennis and Karen Roff are present as they have an interest in the Spread Eagle area, where they own a lodge at the Chain of Lakes. Currently, there is one individual who is renting a Vacation Rental by Owner, by the week, by the day. The Roff's concern is that the owners of the other Vacation Rental by Owner should fall under the same requirements and restrictions as they do.

Corporation Counsel indicated if the county were to take some enforcement action against someone renting their property on short term rentals in the Town of Florence, the argument is going to be made that the laws are not being enforced equally throughout the County. If that person owned residential property elsewhere in the County, they would be allowed transient rentals. His advice to the County is either in Residential RS-1 there is uniform enforcement of a ban on short-term rentals or be careful with enforcing in the areas where you are banning short-term rentals because litigation in all likelihood would not be successful from the County's perspective. Unless there is uniformity in regulation throughout the County, it would certainly be difficult to be successful in litigation seeking the cessation of short-term rentals.

Wolosyn looked at different perspectives, should the recommendation of Corporation Counsel be followed and restrict transient renting in all R-1 Residential districts across the County. This would include the village of Florence and Commonwealth and wherever else there is RS-1 Residential Zoning. He displayed a map of the Spread Eagle area with the R-1 Residential areas highlighted around the Chain of Lakes, however noted does not cover all the areas around the lakes as there are Open Forest properties also. Rather than forcing a zoning amendment on some properties, another option would be to allow Vacation Rental by Owner in the R-1 Residential district under a conditional use permit. This would make it equal with the Open Forest districts around the lakes that permit Vacation Rental by Owner through a conditional use permit. There would be control and would give the opportunity to people that want to rent less than 30 days, which has always been the concern in the Overlay District. This is not the easiest way, nor the most convenient way. From a regulatory point it would better to approach this by allowing it as a conditional use permit. There could be guidelines, rules and conditions placed on the permit for the homeowner to follow. A notice can be sent out to all lake property owners in the County to let them know what is going on. A preliminary discussion will be held at the next meeting. **Motion by Supervisor Steber to table this item to allow the Zoning Administrator sufficient time to gather further input from Corporation Counsel and prepare the Public Hearing process, second by Supervisor Stratton, vote five (5) ayes, zero (0) nays, motion carried.**

There was no new information to report at this time regarding **Road Naming and Addressing in Florence County**

Under Administrator concerns. Wolosyn reported on NR115 changes regarding impervious surface and non-conforming structures in the budget bill. The consensus of the committee was not to take any action at this time.

The Legislative Advisory Committee requested input regarding Motion #520, Paragraph #23 referencing Shoreland Zoning Standards.

The Farmland Preservation Ordinance will be placed on hold for further review.

**Motion by Supervisor Stratton to adjourn, second by Supervisor Johnson, vote five (5) ayes, zero (0) nays, motion carried.**

Respectfully submitted,

**Rich Wolosyn**  
Zoning Administrator

RW/tk