

TOWN OF LIBERTY GROVE PUBLIC MEETINGS

Plan Commission

Date: Wednesday, January 27, 2020

Time: 7:00 PM

Place: Town Hall, 11161 Old Stage Road, ****Via zoom****

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 1-13-21
5. Public input
6. Discussion and possible action: Short-Term Rental (STRs) Ordinance
7. Correspondence
8. Future meeting dates
9. Adjourn

Anastasia Bell, Clerk/Treasurer

Deviation from posted order may occur

Audience members must ask for permission, during public input, to speak on topics they wish to address

Members of the Liberty Grove Town Board or any other Liberty Grove Town committee, who are not members of the body whose meeting agenda is published in this notice, are entitled, as any other citizen of the Town of Liberty Grove, to attend this meeting in an unofficial capacity. It is possible the attendance of one or more non-members may create a quorum of the membership of another body. Such a quorum is unintended and the non-members are not meeting for the purpose of exercising the powers or duties attendant upon their membership on any Town committee or board.

Town of Liberty Grove is inviting you to a scheduled Zoom meeting (teleconferencing). To join the Zoom Meeting enter the following on your computer:

<https://us02web.zoom.us/j/83628890171?pwd=c2RWSTBaSHdVSHRMMkdXMUQ0dTczdz09>

Meeting ID: 836 2889 0171

Password: 457175

To find your local number visit <https://zoom.us/u/atMFqvZKc>. To join the meeting by telephone dial one of the numbers below based on your location.

(312) 626-6799 US (Chicago)

(301) 715-8592 US (Germantown)

(646) 558-8656 US (New York)

(346) 248-7799 US (Houston)

(253) 215-8782 US (Tacoma)

(669) 900-9128 US (San Jose)

Town of Liberty Grove
Minutes of the Plan Commission meeting on January 13, 2021
(This meeting was correctly posted)

Agenda:

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: 12-9-20
5. Public input
6. Discussion and possible action: Short-Term Rental (STRs) Ordinance
7. Consider list of discussion items for transient operations to include, but not limited to the following: food trucks, peddling taverns, etc.
8. Correspondence
9. Future meeting dates
10. Adjourn

Chair Nancy Goss called the meeting to order at 7:02pm. Commissioners Paul Schwengel, Paul Bokelmann, Anne Miller, Lou Covotsos and Bill Surbaugh were present along with Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell and 2 members of the public via teleconference (Zoom). Commissioner Michael Mercier was excused.

Miller moved, Surbaugh second to approve the agenda as posted. Passed 6-0.

Surbaugh moved, Bokelmann second to approve the 12/9/20 minutes as presented. Passed 6-0.

Public Input – None

Short-Term Rentals (STRs) – Goss reported that there have been complaints filed related to noise, traffic, and attitude of renters and the Town Board has tasked the Plan Commission with drafting an ordinance to address the following priorities. 1-water quality preservation, 2-preservation of the intent of residential zoning, and 3-eliminate potential threat related to workforce housing concerns. The Plan Commission has been tasked with creating an ordinance for STRs since these rentals have outpaced current regulatory laws. A draft ordinance from Sevastopol was available for reference and additional ordinances will be provided from Dane County, Wallworth County, and the Town of Holland. The following items were noted during the creation of draft #1 (attached to these minutes):

- Crystal clear intent and language
- Focus on the health, safety, and wellness of citizens.
- Water concerns may be addressed with language referencing “low-flow” and/or “energy efficient” for water-based appliances such as toilets, dishwashers, and washing machines.
- Limiting the number of permits/licenses may ensure housing is available for the workforce.
- Definition section: tourist rooming house, short-term rental, residentially zoned areas
- Remedial section: upgrading to County standards for sanitary systems, compliance with current DNR well standards, public sewer verses private

Transient Operations – Goss asked the Commission if these types of operations are something that the Town should concern themselves with. The consensus was that this item will be revisited later.

Correspondence – None

The next meeting will be January 2, 2021 at 7:00pm.

Bokelmann moved, Goss second to adjourn at 8:44pm. Passed 6-0.

Respectfully submitted,
Anastasia Bell, Clerk/Treasurer

TOWN OF LIBERTY GROVE

ORDINANCE ____ - ____

[TITLE]

The Town Board of the Town of Liberty Grove (hereinafter referred to as “the Town”), in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

The purpose of this ordinance is to ensure that the quality and nature of the Short-term Rentals (“STRs”) operating within the Town of Liberty Grove (“Town”) are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town.

Drawn from the *Town of Liberty Grove Comprehensive Plan 2019 (“The Plan”)*, the following explain the purpose and intent of the ordinance.

Due to the fractured bedrock and karst topography of most of Door County, STRs that are rented for “over capacity” for their private onsite wastewater treatment system (“POWTS”) risk contamination of neighboring wells and ultimately a large portion of the community-wide water system. For example, a dwelling intended for a family of 4 or 5 people and now occupied as an STR with 8 or 9 people has the potential of untreated wastewater leaving the system too soon to accomplish necessary sanitary treatment.

A proliferation of STRs would undermine the strictly residential character of residentially zoned areas, thus undermining The Plan’s goal of maintaining the rural character of the Town.

An [unregulated] proliferation of [unregulated] STRs could compromise the Town’s supply of single-family housing available to workforce at competitive pricing.

An [unregulated] proliferation of [unregulated] STRs could unfairly compete with existing tourist related establishments within the Town. Such as motels, restaurants

Fwd: STR proposal concerns

1 message

Cathy Ward <ward@libertygrove.org>
To: Town of Liberty Grove <tlibertygrove@gmail.com>

Wed, Jan 20, 2021 at 6:26 PM

Short Term Rental Correspondence

----- Forwarded message -----

From: **Michaela Bublitz** <bublitz20@gmail.com>

Date: Wed, Jan 20, 2021 at 5:57 PM

Subject: STR proposal concerns

To: <ward@libertygrove.org>, <ward@libertygrove.org>, <ward@libertygrove.org>, <ward@libertygrove.org>, <ward@libertygrove.org>

To the plan commission,

My husband and I recently learned that the Town of Liberty Grove Board and Planning Commission are considering implementation of a Short-term Rental (STR) Ordinance that would place limits on the residential dwelling rental period. In particular, the proposed Ordinance would require that a Residential Dwelling be rented for a minimum of six (6) consecutive nights. I am writing today to express significant concerns over, and my opposition to, the proposed Ordinance.

Fourteen years ago, my husband and I started coming to Door County every July for a long weekend so my husband could attend a conference in Sturgeon Bay. Each visit to Door County presented us with a new adventure, and we always found something more to love about Door County. We started our three-night stays on-site where the conference was held (Stone Harbor), but that didn't last long, as we soon had our first daughter, followed a couple of years later by another daughter. We didn't want to stop our long weekend getaways because we now had young children, so our adult getaway turned into a family getaway. The next few years included many visits to The Farm, pool time at the hotel, time at various Door County beaches, playground hopping and lots and lots of ice cream! While the hotel/resort setting had a lot to offer, we found ourselves wanting to spend time a little more off-the-beaten-path in something more house-like. We also found ourselves wanting to share Door County with friends and family who had not previously spent time in the area. For those reasons (among others), we rented our first home in Door County using VRBO, which provided four adults and five children room to spread out, household amenities at our fingertips and no one that would be annoyed with kids being kids. That is exactly how we have done it every year since, renting Short Term Rentals in Sturgeon Bay, Egg Harbor, Fish Creek and Sister Bay, which allowed us to explore most of the County including the many restaurants, shops, markets and other businesses and activities the County has to offer. Ultimately, we fell in love with the Sister Bay area, as all ages can come to Sister Bay and enjoy themselves, from toddlers, to twenty and thirty somethings, to seniors and everyone in between.

Fast forward to 2019. Same conference at the same location, same two families looking for a place to stay for the same weekend, but this time with our eyes set on Sister Bay. It was challenging to find hotels/resorts or STRs that would work well for our now-fairly-large group, which is why we decided to look for our own piece of heaven in Door County, preferably in Sister Bay. It didn't take long to find the diamond in the rough, allowing us to refinish and update much of the condo to truly make it our own. Admittedly, we spent more weekends of owning that property in Sister Bay on home improvements rather than enjoying what Door County has to offer, but we knew what the end goal was, to have something our family could use for years to come, and perhaps to use that condo as a STR to offset our carrying costs, but we never got to that point. With the economic uncertainty brought on by the pandemic in early 2020, we decided to sell that initial property.

As you know, this pandemic impacted all parts of the population differently, forcing most of us to "quarantine" in our own homes, many lost jobs, some of us were fortunate enough to be able to work from home, children became familiar with "virtual school," many got sick and the most unfortunate passed away. It was these experiences that made us (and countless others) realize how nice it would be to get out of our home for a change of scenery, but to still stay safe in the process. For those reasons, we opted to again use an STR to for a Spring Break vacation, and then again for a Summer getaway. As noted above, we feel more comfortable in these residential dwellings as a family, particularly during the pandemic, but STRs are typically much larger than a typical hotel room, have fully-equipped kitchens, laundry, multiple bathrooms – features that hotels typically do not offer! Also, over the past year we wanted to space ourselves from others and wanted to have more control over our surroundings, and we could do

that much more effectively, in a home, in a STR, rather than in a hotel or resort. We are not the only family to feel this way, as statistics show that STRs increased exponentially in 2020, offering a better opportunity for people to travel safely during a pandemic.

Turning to the main point of this letter, the six night minimum rental period of the proposed Ordinance is too long. Many families, like ours, visit Door County for a weekend or a long weekend and want a different type of space than is offered at a typical hotel, motel or resort. Some families travel with their pets, as well, which are not welcome at most hotels, motels, or resorts. For these reasons, STRs are in great demand in Liberty Grove and in Door County. I believe setting six nights as a minimum rental period for residential dwellings would have a tremendous negative impact on the tourism industry in Liberty Grove and Door County, as a whole, (including stores, shops, restaurants, markets, and other businesses) because numerous visitors who prefer the STR experience for a long weekend getaway will find other places to spend their time and money. In addition, a cottage industry in the Door County area revolving directly around STRs would be directly impacted, including property management companies, cleaning providers, and those who repair properties. Fewer renters (less turn-over) means less work and less revenue.

We have been very fortunate that the pandemic has not had a significant financial impact on our family, and we ended up purchasing another property (condo) in the Town of Liberty Grove late last year. We just love the area that much! As a property owner, I am concerned that implementing the proposed STR Ordinance would have a negative impact on property values in the Town. Those property owners who were relying on STR income to off-set costs of property ownership are likely to sell their properties leading to a glut of inventory, reduced prices, and ultimately, reduced values for all property owners.

A core responsibility of local governmental bodies is to enact measures that help maintain property values and that enable its residents and businesses to flourish. It is my opinion that the proposed STR Ordinance would have the opposite effect – reducing property values and leaving a negative economic impact on the community (on local businesses and the people those businesses employ).

That leads me to question how much research has been performed on the potential positive and negative effects of instituting a six-night minimum rental period requirement. I've read that a number of other Door County municipalities were also considering similar STR limitations, and I ask why? Is every community trying to address the same issues, or are there some NIMBYs that are louder than others trying to push these Ordinances forward? Regardless, I request that the Town of Liberty Grove ask itself exactly what problems/issues it is trying to address with the proposed STR Ordinance. Does the length of stay requirement fix those issues? Is the length of stay requirement the best way to address those issues? Requiring a "bad" renter to stay for six nights, rather than three (or fewer), is not a good solution to a potential problem. Rather there are likely other processes that could be implemented to address problem STR renters or repeat STR-owner-offenders. Further, a better solution to address a perceived enhanced strain on public resources and utilities due to STRs would be to require increased license fees or taxes for those operating STRs. This would provide a financial benefit to the Town and would also naturally serve to limit STRs because those increased costs would be borne by owners and renters decreasing the desirability of the STR option.

As I've already stated, there are many reasons why we prefer STRs over hotels, motels, or resorts, and we are just one family. I'm sure if you asked more than just the ten people who show up at your meetings why they should or should not change the restrictions for STRs, the responses would vary widely. There isn't a single mold for the "typical" Door County visitor, and there should not be a single mold for all STRs. Each STR property offers visitors something different, and you should not take steps to limit the lodging options available or require a certain length of stay. Doing so would have a significant impact on the Liberty Grove and Door County tourism industry, an industry on which this community relies so heavily. I respectfully request that you do NOT enact the proposed STR Ordinance and am happy to discuss the matter if you would like.

Respectfully,

Eric and Michaela Bublitz

TOWN OF LIBERTY GROVE
ORDINANCE ____ - ____
<TITLE>

The Town Board of the Town of Liberty Grove (hereinafter referred to as “the Town”), in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose

The purpose of this ordinance is to ensure that the quality and nature of the Short-term Rentals (“STRs”) operating within the Town of Liberty Grove (“Town”) are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the Town.

Drawn from the *Town of Liberty Grove Comprehensive Plan 2019* (“*The Plan*”), the following explain the purpose and intent of the ordinance.

Due to the fractured bedrock and karst topography of most of Door County, STRs that are rented for “over capacity” for their private onsite wastewater treatment system (“POWTS”) risk contamination of neighboring wells and ultimately a large portion of the community-wide water system. For example, a dwelling intended for a family of 4 or 5 people and now occupied as an STR with 8 or 9 people has the potential of untreated wastewater leaving the system too soon to accomplish necessary sanitary treatment.

A proliferation of STRs would undermine the strictly residential character of residentially zoned areas, thus undermining *The Plan*’s goal of maintaining the rural character of the Town.

An [unregulated] proliferation of [unregulated] STRs could compromise the Town’s supply of single-family housing available to workforce at competitive pricing.

An [unregulated] proliferation of [unregulated] STRs could unfairly compete with existing tourist related establishments within the Town. Such as motels, restaurants

TOWN OF SEVASTOPOL
Door County, Wisconsin

ORDINANCE NO. xx-xxxx

**SHORT-TERM RENTAL OF RESIDENTIAL DWELLINGS ORDINANCE
OF THE TOWN OF SEVASTOPOL
DOOR COUNTY, WISCONSIN**

1. Title

This ordinance shall be entitled "The Short-term Rental of Residential Dwellings Ordinance of the Town of Sevastopol, Door County, Wisconsin".

2. Purpose

The purpose of this ordinance is to ensure that the quality and nature of the Short-term Rentals operating within the Town of Sevastopol ("Town") are adequate for protecting public health, safety, and general welfare and to protect the character and stability of neighborhoods within the town.

3. State Statutes Adopted - Authority

The Board of Supervisors of the Town is granted authority for adopting this ordinance under s. 60.10(2)(c) and s. 60.22(3), Wisconsin Statutes. The Town Board adopts this ordinance under its general village powers authority and s. 66.1014 of the Wisconsin Statutes.

4. Definitions

- A. "Property Owner" means the person or entity who owns the residential dwelling that is being rented.
- B. "Resident Agent" means a person who is not the Property Owner and who is authorized to act as the agent of the Property Owner for the receipt of service of notice and remedy of municipal ordinance violations and for service of process pursuant to this ordinance.
- C. "Residential Dwelling" means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one or more persons maintaining a common household, to the exclusion of all others.
- D. "Short-term Rental" means a Residential Dwelling that is offered for rent for a fee and for fewer than 29 consecutive days.

5. Short-term Rental License

- A. No person may maintain, manage, or operate a Short-term Rental more than ten (10) nights each year without a Town Short-term Rental license issued pursuant to this ordinance.
- B. Licenses shall be issued using the following procedures:
 - 1. All applications for a Short-term Rental license shall be filed with the town clerk on forms provided. Applications must be filed by the Property Owner or authorized Resident Agent. No license shall be issued unless the completed application form is accompanied by the payment of the required application fee.

- 45 2. The town clerk shall issue a Short-term Rental license to all applicants following payment of
46 the required fee, receipt of all fully completed documentation and information requested by the
47 application, and application approval by town board or its designee.
- 48 3. A Short-term Rental license shall be effective for one year and may be renewed for additional
49 one-year periods. The annual licensing term begins July 1st and ends June 30th the following
50 year. A fully completed renewal application and renewal fee must be filed with the town clerk
51 at least forty-five (45) days prior to license expiration so that the town board or its designee, if
52 required, has adequate time to consider the application. The renewal application shall include
53 any updated information since the filing of the original application. An existing license becomes
54 void and a new application is required any time the ownership of a residential dwelling licensed
55 for Short-term Rentals changes.
- 56 4. The town board may suspend, revoke, reject or non-renew a Short-term Rental license or
57 license application following a due process hearing if the board determines that the licensee:
58 a) failed to comply with any of the requirements of this ordinance; b) has been convicted or
59 whose Resident Agent or renters have been convicted of engaging in illegal activity while on
60 the Short-term Rental premises on two (2) or more separate occasions within the past twelve
61 (12) months; or c) has outstanding fees, taxes, or forfeitures owed to the town in violation of
62 Town Ordinances.

63 64 **6. Operation of a Short-Term Rental**

65 Each Short-term Rental shall comply with all of the following requirements:

- 66 A. No person may maintain, manage, or operate a Short-term Rental more than ten (10) nights
67 each year without a Short-term Rental license. Every Short-term Rental shall be operated by a
68 Property Owner or a Resident Agent.
- 69 B. Each Short-term Rental shall hold a valid State of Wisconsin Tourist Rooming House License
70 issued by the Department of Agriculture, Trade and Consumer Protection (DATCP), and shall
71 provide proof of such license by attaching a copy to the initial license application and all
72 subsequent renewal applications.
- 73 C. Each Short-term Rental shall be licensed by the Door County Tourism Zone Commission
74 (DCTZC), and shall provide proof of such license by attaching a copy to the initial license
75 application and all subsequent renewal applications.
- 76 D. Each Short-term Rental shall comply with all of the following requirements:
- 77 (1) No Residential Dwelling may be rented for a period of less than six (6) consecutive nights.
- 78 (2) No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be
79 permitted on site as a means of providing additional accommodations for paying guests or
80 other invitees.
- 81 (3) If the property is not served by a public sanitary sewer, a private onsite wastewater treatment
82 system (POWTS) in full compliance with this ordinance and in accordance with Chapter 21 of
83 the Door County Code must serve the property.
- 84 (4) If the property is serviced by public sanitary sewer, occupancy is limited to the number of
85 occupants authorized by the tourist rooming house license issued by DATCP. If the property is
86 served by a POWTS, occupancy is limited to the number of occupants for which the POWTS
87 was designed, or the occupancy granted by the State tourist rooming license, whichever is
88 less.
- 89 (5) Sufficient off-street parking shall be available to accommodate all vehicles on the Short-term
90 Rental premises. Off-street parking shall be in compliance with Door County Comprehensive
91 Zoning Ordinance, Chapter 7. . On-street parking for renters of the Residential Dwelling is
92 prohibited, consistent with Town Ordinance No. 05-2016.
- 93 (6) Pets that accompany a renter are subject to Town Ordinance No. 01-2012, with the following
94 additional requirements:

- (a) Pets must be under the control of their owner and on a leash when outside the dwelling. Pets may be tethered securely to a leash or pulley-run on the premises, provided that the tethered pet is at least ten (10) feet inside the premises lot line.
- (b) Pet owners must adhere to minimizing pet noise, independent of whether the pet is inside or outside the dwelling.
- (c) Pet owners are prohibited from leaving their pet unattended on the Rental Dwelling premises. Unattended pets are subject to impoundment under Town Ordinance No 01-2012.
- (7) Signage shall conform to applicable Town and Door County ordinances.
- (8) Rental dwellings must be able to accommodate reliable telephone communications in case of emergency.
- (9) Any outdoor event held at the Short-term Rental shall last no longer than one day occurring between the hours of 10AM and 10PM. From 10PM to 10AM quiet hours shall be enforced. All activities shall be in compliance with the Town noise ordinance and other applicable Town and Door County ordinances.
- E. The Property Owner must reside within seventy-five (75) miles of the Short-term Rental during periods in which the Short-term Rental is rented.
- (a) This requirement may be waived if there is a valid Resident Agent (point of contact) located in Door County, in such a case, the Property Owner shall provide a copy of the Resident Agent contract to the Town and notify the Town within thirty (30) days of termination of any such contract.
- (b) To qualify as a Resident Agent the representative must reside within Door County or be a corporate entity with offices located within Door County.
- F. The Property Owner and/or Resident Agent must provide the town with current contact information and must be available twenty-four (24) hours a day, seven (7) days a week by telephone or email. The town must be notified within twenty-four (24) hours of any change in contact information.
- G. Each Short-term Rental shall provide a set of property rules that communicates relevant Town ordinances, DCTZC Best Practices and/or recognized neighborhood association standards of conduct that renters and their guests are expected to follow as part of their rental contract. The property rules shall also be posted in the Residential Dwelling.
- H. The Property Owner and/or Resident Agent must provide the following information to neighboring residential property owners located within 200-feet of the Short-term Rental dwelling property in all directions no later than seven (7) days from the date rental dwelling permit is issued or any time the Property Owner/Resident Agent contact information changes:
- (a) Telephone and email contact information to enable neighboring residential property owner or Town personnel to contact the Property Owner or Resident Agent twenty-four (24) hours a day, seven (7) days a week regarding disturbances or issues arising in connection with the rental of a Residential Dwelling.
- (b) Provide copy of property rules or other standard of conduct that is provided to renters
- (c) Provide their DATCP license number.
- I. The Property Owner shall have and maintain homeowner's liability or business liability insurance for the premises that are used for short term rental and shall provide written evidence of such insurance with the initial license application and all subsequent renewal applications.

7. Penalties

- A. Any person, partnership, corporation, limited liability company, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00 nor more than \$1000.00, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance.

B. Penalties set forth in this section shall be in addition to all other remedies of injunction, abatement or costs whether existing under this ordinance or otherwise.

8. Fees

Initial short-term rental application fee\$_____ \$500

Renewal short-term rental renewal application fee\$100.00

Late fees\$100.00

Inspections (as necessary)\$100.00

9. Severability

Should any portion of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

10. Effective Date and Publication

This ordinance shall become effective upon adoption and publication as required under s. 60.80, Wis. Stat.