

## TOWN OF LIBERTY GROVE PUBLIC MEETINGS

**Plan Commission**

**Date: Wednesday, June 28, 2023**

**Time: 6:00 PM**

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

**Agenda:**

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: Plan Commission 6-14-23
5. Heartland-10 Text Amendment Language Clarification
6. Correspondence
7. Future meeting dates
8. Adjourn

*\*\*All agenda items will include discussion and possible action. Deviation from listed order may occur\*\**

*\*\*Audience members must ask for permission, during public input, to speak on agenda items \*\**

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Anastasia Bell, Clerk/Treasurer

*Members of the Town Board or any other 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**  
**Minutes of the Special Board and Plan Commission meetings on June 14, 2023**

**Agenda:**

1. Call to order
2. Declaration of quorum
3. Adopt agenda
4. Approve minutes: Plan Commission 5-24-23
5. Public input
6. Short Term Rental Ordinance
7. Correspondence
8. Future meeting dates
9. Adjourn

Chairman Nancy Goss called the Plan Commission meeting to order at 7:00pm. Commissioners Cathy Ward, Annie Miller, Cheryl Culver, Dan Watts, and Paul Bokelmann were present.

Chairman Janet Johnson called the Town Board meeting to order at 7:01pm. Supervisors Cathy Ward, Dan Watts, and Billy Appel (virtual) were present. Also attending was Administrator Walter Kalms, Clerk/Treasurer Anastasia Bell and approximately 32 members of the public.

**Miller moved, Ward second** to approve the agenda as posted. Carried 8-0.

**Ward moved, Goss second** to approve the 5/24/23 Plan Commission minutes as presented. Carried 6-0.

**Public Input** – None.

**Short Term Rental Ordinance** – Public comments: sections of the ordinance currently conflict with each other. An agent within 30 minutes is acceptable. People that stay at STRs contribute to the community. Consider starting over with minimum days and procedures. Should not revoke licenses for lack of reporting. Thank you for creating a high bar and attempting to regulate an item with far-reaching impacts. Seek a balance to protect the Town and the degradation of neighborhoods from business-type activities in residential areas. Thank you for protecting generational changes and consider establishing uniform regulations amongst communities and effects on commercially zoned properties. The value of properties decreases with restrictions. Some owners are proactive and approach their neighbors prior to renting so they can be notified of issues. Commissioner Bill Surbaugh arrived at 6:27pm.

Supervisor/Commissioner comments: The ordinance discussions started in 2021. Municipalities are allowed to restrict by number of days and the Town's comprehensive plan clearly discourages STRs in Heartland zones, but ordinances cannot have zoning-based regulations. Ground water, safety/liability, good neighbors, documentation of legitimate complaints, and fair penalties are the true issues. The grandfathering term needs to be clearly defined in the ordinance. Short and long-term rentals show the value of the home. Keep reporting simple. Requiring agents may create employment for current residents. Need to consider socio-economic impacts. **Goss moved, Bokelmann second** to request the attorney adjust the ordinance to remove the 6-night/7-day minimums. Implement a maximum rental of 180 days in a calendar year. All properties as of the ordinance effective date will maintain the ability to rent for more than 180 days so long as their Town permit is continuously renewed in good standing. Allow the 180 day exemption to remain if property ownership changes via transfer or sale to immediate family (mother, father, child, or surviving spouse). Roll call: Watts, Goss, Bokelmann, Culver, Ward, Surbaugh, and Miller voted aye. No nays. Carried 7-0.

**Correspondence** – Kalms noted the Village of Sister Bay has sent a violation notice for trash to a Liberty Grove STR owner.

The next meeting will be Wednesday, June 28 2023 at **6:00pm**.

**Miller moved, Surbaugh second** to adjourn the Plan Commission meeting at 8:25pm. Carried 7-0.

**Johnson moved, Watts second** to adjourn the Town Board meeting at 8:25pm. Carried 5-0.

Anastasia Bell, Clerk/Treasurer

Information from Town Board/Plan Commission meeting minutes.

- 2-8-23 (Plan) Minimum of 10 acres for the proposed additional CUP uses
- 2-15-23 (Board) Amendment would allow two new CUP uses. Countryside would allow seventeen regular uses. STRs are a greater issue in HL-10 than these establishments. Enforcement lies with the County. Plan Commission deemed this the fairest way to address citizen concerns. Established businesses need to grow and new ones need a place to start. Some businesses are too intense for residential areas. This could provide relief to the current situation, but it is not the complete solution. CUP process is likely to address concerns. Unlikely there will be a significant rush of businesses. Might help in retaining fire department volunteers. Can be removed if deemed inappropriate. 10-acre minimum parcel, 5,000 sq. ft. maximum for accessory building for standalone trade/contractor establishments and auto/marine repair businesses via CUP.
- 3-22-23 (Plan) Not supportive of accessory buildings-the number of buildings per parcel will be one. Building to be limited to a 5,000 sq. ft. footprint with up to 7,500 sq. ft. of usable space.
- 4-12-23 (Plan) 5,000 sq. ft. footprint with 7,500 sq. ft. usable space (loft). One building per parcel with potential for second principal structure only if the owner builds a home later. Affirm footnote #8. Buildings over 50-years are exempt.
- 4-26-23 (Plan) Limit the number of buildings to one. Consider allowing one single business on the parcel and prohibiting subletting or rental of the space.
- 5-10-23 (Plan) Eliminate accessory buildings for the business. Confirmed Town cannot require business to be owner operated. Determine maximum number of buildings and consider the total square footage of all buildings to be in line with current HL-10 guidelines. Encourage the owner to build a home in the future.
- 5-24-23 (Plan) One principal business structure with a maximum footprint of 5,000 sq. ft. and a maximum floor space of 7,500 sq. ft. Allow one accessory building only after a home has been built.

Summary:

- Minimum of 10 acres
- Affirm County footnote #8 for parcels that aren't quite 10 acres from a split.
- 5,000 maximum sq. ft. with up to 7,400 sq. ft. usable space (loft)
- No accessory buildings for the business
- Allowance of one accessory structure only after a home has been built

new clarification info  
1/2

Hi, Nancy –

Now that multiple staff members have looked at this, we do have a number of questions and comments to offer:

- Is the intent to allow only one of these uses (auto repair or trade & contractor) per lot, and no other principal uses or structures on the lot besides a home? This is how what was sent reads to us. We want to make sure the town understands that this would preclude, for example, two or more of these (or other) businesses sharing a single building, a single business having two or more buildings, the presence of a barn or other buildings for agricultural uses (agriculture is a principal use), the establishment of any other type of business allowed in HL10 (including agriculture), or a duplex. Also, when/if there were to be a single-family home present, also precluded would be a secondary dwelling unit, a home occupation, a home business, a family day care, etc.
- We assume the allowance for “one accessory building after a home has been built” means the accessory building has to be accessory to the home, not the business. This would decrease what a typical HL10 homeowner could do for accessory buildings, and/or could result in odd-looking buildings (e.g., giant garages attached to homes, as those are considered part of the principal structure).
- Was the town interested in pursuing exemptions for buildings over 50 years old? If yes, what are they exempt from... size limitations? number maximum (business and/or home allowance?)? maximum number or type of uses? What if someone wants to essentially rebuild the 50-year old building to accommodate the use – is that allowed?

Please let me know if you need clarification about any of the above. We won't start drafting anything until we hear further from the town.

Thank you!

Mariah Goode, Director  
Door County Land Use Services Department  
Door County Government Center  
421 Nebraska Street  
Sturgeon Bay, WI 54235  
Direct line: (920) 746-2224  
Main office line: (920) 746-2323  
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E-mail: [mgoode@co.door.wi.us](mailto:mgoode@co.door.wi.us)  
Website: <https://www.co.door.wi.gov/164/Land-Use-Services>  
Apply for permits on-line: <https://www.citysquared.com/#/app/DoorCountyWI/landing>

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**From:** GOODE, MARIAH  
**Sent:** Friday, June 9, 2023 8:29 AM  
**To:** 'ngoss@libertygrovewi.gov' <ngoss@libertygrovewi.gov>  
**Subject:** RE: HL-10 notes

Received.

I already have a few clarifying questions/issues for the town to think about, based on the lists below... I'm running this stuff past Kristin and Becky, though, so we can have multiple brains thinking about this and get our questions to you all at once.

Thanks!

Mariah Goode, Director

Door County Land Use Services Department  
 Door County Government Center  
 421 Nebraska Street  
 Sturgeon Bay, WI 54235  
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 FAX: (920) 746-2387  
 E-mail: [mgoode@co.door.wi.us](mailto:mgoode@co.door.wi.us)  
 Website: <https://www.co.door.wi.gov/164/Land-Use-Services>  
 Apply for permits on-line: <https://www.citysquared.com/#/app/DoorCountyWI/landing>

**From:** [ngoss@libertygrove.wi.gov](mailto:ngoss@libertygrove.wi.gov) <[ngoss@libertygrove.wi.gov](mailto:ngoss@libertygrove.wi.gov)>  
**Sent:** Thursday, June 8, 2023 7:34 AM  
**To:** GOODE, MARIAH <[mgoode@co.door.wi.us](mailto:mgoode@co.door.wi.us)>  
**Subject:** FW: HL-10 notes

Good Morning, Mariah,

Below are the salient points of what Liberty Grove wants as far as the HL-10 text amendments re auto repair and contractors' establishments. Please let me know if we have missed something that we need to address.

Thanks for all your help!

nbg

-----Original Message-----

From: "Town Clerk" <[tlibertygrove@gmail.com](mailto:tlibertygrove@gmail.com)>  
 Sent: Friday, June 2, 2023 4:11pm  
 To: "Nancy Goss-official" <[ngoss@libertygrove.wi.gov](mailto:ngoss@libertygrove.wi.gov)>  
 Subject: HL-10 notes

Nancy,

Here is what I found from the Plan Commission meeting minutes.

- 2-8-23 Minimum of 10 acres for the proposed additional CUP uses
- 3-22-23 Not supportive of accessory buildings-the number of buildings per parcel will be one. Building to be limited to a 5,000 sq. ft. footprint with up to 7,500 sq. ft. of usable space.
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- 5-24-23 One principal business structure with a maximum footprint of 5,000 sq. ft. and a maximum floor space of 7,500 sq. ft. Allow one accessory building only after a home has been built.
- Conditional Use approval

Let me know if I missed something. I think the summary points are as follows:

- Minimum of 10 acres
- Affirm County footnote #8 for parcels that aren't quite 10 acres from a split.
- 5,000 maximum sq.ft. with up to 7,500 sq.ft. usable space (loft)
- No accessory buildings for the business
- Allowance of one accessory structure only after a home has been built
- Conditional Use approval

Stacy

original clarification info  
1/1



Town Clerk <tlibertygrove@gmail.com>

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## text amendment language clarification needed

1 message

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**GOODE, MARIAH** <mgoode@co.door.wi.us>  
To: Town Clerk <tlibertygrove@gmail.com>

Wed, Mar 8, 2023 at 3:42 PM

Hi, Stacey –

The county has received the town's newly proposed HL 10 text amendments.

There are two things we need clarified before we move forward:

1. Does the 10-acre minimum lot size requirement include lots that meet the HL 10 size requirements described in footnote 8 in section 3.02(3)(b)? (See page 3-6 of the attached.) This provision allows for a lot that is not a true/full 40 acres to be subdivided into even fourths, as long as the parcel in question dates back to and is described in the original US surveys as being "a 40". This provision is a long-standing one, and many lots have been created in HL 10 using it.
2. Does the town intend to limit the size of the buildings within which auto repair and/or trade & contractor establishments would be allowed, or does it mean to only limit the size of structures that would be "accessory" to those uses? The auto repair and trade & contractor uses would by definition be principal uses if the text amendments are adopted, so there would be no size limit on those buildings with this language.

Please let me know if you need further clarification about the items for which we need clarification. 😊

Thank you!

Mariah Goode, Director

Door County Land Use Services Department

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