

MINOCQUA PLAN COMMISSION MINUTES

June 11, 2019

A regular meeting of the Minocqua Plan Commission was called to order by Chair Mark Hartzheim at 8:30 a.m. in the Board Room of the Minocqua Center.

Present were: Members Mark Hartzheim, Tom Church, Mark Pertile, Bill Stengl, Joe Hegge and Phil Albert; Carla Blankenship, Scott Ridderbusch, Pete Wegner and Karl Jennrich, Oneida County Planning and Zoning; and Karla Wotruba, Town Secretary. Member Brian Fricke was absent.

Motion by Albert, seconded by Hegge to approve the agenda as presented. Voice Vote: Motion Carried.

Motion by Church, seconded by Albert to approve the minutes from May 28th, 2019. Voice Vote: Motion Carried.

NEW BUSINESS

ADMINISTRATIVE REVIEW PERMIT #21-19 – Application by Katy Slizewski, applicant, RSK Family Trust, owner, to rent the dwelling as a tourist rooming house for no less than 7 consecutive days on the following described property: Lots 79 & 80, Forest Green II Plat, being part of Government Lot 2, Section 6, T29N, R5E, 8952 Forest Lane, PIN #MI 5157, Town of Minocqua.

The property is on Booth Lake and zoned single family. The 3-bedroom home has an occupancy of 6 based on the POWTS. They have provided a site plan with parking for four. A short-term rental would be subject to the Town of Minocqua TRH Ordinance. The rentals will be managed by Vacasa. The Rental Agent lives within 22 minutes of the house, and Katy Slizewski is a retired police officer.

Motion by Pertile, seconded by Stengl to recommend approval of Administrative Review Permit #21-19 as presented. Voice Vote: Motion carried.

ADMINISTRATIVE REVIEW PERMIT #20-19 – Application by Raymond Merwin, applicant, Raymond Merwin Rev. Trust, owner, to rent the dwelling as a tourist rooming house for no less than 7 consecutive days on the following described property: Part Government Lot 5, Lot 2 of CSM 2946, Section 19, T39N, R5E, 7951 Jansen Road, PIN #MI 1816-4, Town of Minocqua, County of Oneida.

There was discussion on parliamentary procedure on the application because the commission had voted against approval at the previous meeting. Chair Hartzheim explained that a specific basis for denial had not been made part of the motion and that part of the discussion was that the Chair would confer with legal counsel regarding enforcement of the Town's ordinance. He stated that he had conferred with legal counsel and had new information on the application.

Motion by Albert, seconded by Church that the commission takes no further action until the appropriate county committee had taken action on the motion from the previous meeting. Voice vote: Motion failed, 5-1, Albert voted no.

Motion by Pertile, seconded by Church that the Plan Commission reconsider Administrative Review Permit #20-19. Voice Vote: Motion carried, Albert voted no.

Chair Hartzheim had conferred with Town Attorney Greg Harrold. Hartzheim said the state has allowed short-term rentals in areas, such as single-family residential districts, where counties and towns had not previously allowed. The goal is to have people licensed and following the rules, and the town has the ability to enforce activities, including substantial fines. The recommendation is to impose a significant fine and get the property into compliance with the ordinance, after which issues can be enforced.

A question on occupancy was addressed. Karl Jennrich said that the county is enforcing DATCAP standards that treat keyed entries as a single unit, so although the occupancy is 5 or more bedrooms, it is a single keyed entry and therefore considered a Tourist Rooming House. The POWTS paperwork for 6 bedrooms instead of 5 had not yet been filed, but the county cannot issue the ARP without the permit for 6 bedroom POWTS to be consistent with the 6 bedroom house.

Parking is adequate based on the application.

Motion made by Hegge, seconded by Church to approve Administrative Review Permit #20-19 contingent on compliance with the following conditions:

- **Wisconsin Tourist Rooming House license obtained from the Oneida County Department of Health**
- **Wisconsin Seller's Permit from the Wisconsin Department of Revenue**
- **Town of Minocqua Tourist Rooming License**
- **Town of Minocqua Room Tax Permit**
- **Subject to the county's recommendation on occupancy depending on the POWTS permit**
- **Payment of \$2500 negotiated forfeiture for previous violations**

Pertile said he would not recommend approving homes for rental based on septic size, and that the plans for the home should match the septic permit on file. There would be no way to enforce occupancy. Jennrich said the county planning and zoning commission was recommending the same. Hegge agreed to amend the motion.

Amended Motion by Hegge, seconded by Church to approve Administrative Review Permit #20-19 contingent on compliance with the following conditions:

- **Wisconsin Tourist Rooming House license obtained from the Oneida County Department of Health**
- **Wisconsin Seller's Permit from the Wisconsin Department of Revenue**
- **Town of Minocqua Tourist Rooming License**
- **Town of Minocqua Room Tax Permit**
- **Prior to ARP issuance, 6-bedroom POWTS documentation on file with Oneida County**
- **Payment of \$2500 negotiated forfeiture for previous violations**

Voice Vote: Motion Carried, Albert voted no.

ADMINISTRATIVE REVIEW PERMIT #22-19 – Application by Melissa Doud, applicant, MJD Investments, LLC, owner, to provide hemp retail sales on the following described property; Part of Government Lot 1, CSM VI P241, Section 14, T39N R6E, 619 Oneida St., Suite, PIN# MI 2206-4, Town of Minocqua. (Train Station Shops)

Doud stated that Innovative Hemp Solutions is the owner. The property is zoned properly. The business will have 4 employees, parking is adequate. There are no outdoor sales allowed. Hours will be 10am-6pm Tuesday through Saturday. Hemp sales are regulated by the state. Products that are sold are associated with a pilot program from the University of North Carolina. Products have test results and batch numbers. Products include topicals, vapes, tinctures, and hemp clothing. The state doesn't have an age requirement but the store will be 18 and up.

Motion by Pertile, seconded by Church to recommend approval as presented contingent on following state, county and local requirements. Voice vote: Motion Carried.

STAFF UPDATE RE: PRELIMINARY SUBDIVISION #15-19 – Preliminary access and review land division of EJR5, LLC, owner, and Tri-County Sand and Gravel, LLC for the following described vacant properties: Part of the NE-SW, NW-SE, SW-SE, SE-SW, Section 6, T39N, R4E, PIN# MI 601, MI 606, MI 607, MI 604, Town of Minocqua.

An action correcting the subdivision of the two non-conforming parcels and a correction instrument for the original division has been reviewed. The revision makes the gravel pit smaller and fits within the setbacks. An updated map with modifications has been provided. Rynders and the county are satisfied with the correction, and Harrold will record the documents if the town has no objections. The Plan Commission was satisfied that the information provided would meet the conditions previously set.

DISCUSSION/RECOMMENDATION RE: Maximum building height in general and on the island.

Pete Wegner discussed state requirements in reference to building heights. Within 75 feet of the Ordinary High Water Mark, structures can be up to 35 feet. Buildings greater than 75 feet from the water are subject to a different definition. Counties and towns cannot be more restrictive than the state. Cities are subject to different regulations. As for density, counties can address requirements on a CUP, including parking and boat slips as a consideration.

DISCUSSION RE: Resume highway right-of-way setbacks from B.J's Sport Shop to Highway J.

Consensus of Committee was to recommend this item be addressed by the Town Board in the future.

Motion by Stengl, seconded by Albert to adjourn. Voice Vote: Motion carried.

Meeting adjourned at 10:00 a.m.

Karla Wotruba
Town Secretary