

**Town of Bayfield
Regular Plan Commission Meeting Minutes
Monday, July 10th, 2017 5:30 PM**

Meeting was posted on Tuesday, July 3rd, 2017 at the Bayfield Town Hall, the Town of Bayfield website, and sent to the Ashland Daily Press Meeting notices. Plan Commission members present were Jack Beagan, Robert Meierotto, Robert Feyen, Fred Erickson, Demaris Brinton, and Nancy Bussey, and as well as Clerk Kelly Faye. Karen Boutin was excused. Approximately eight members of the public were present. The meeting was called to order at 5:30 PM.

Reading and approval of minutes of Regular Plan Commission Meeting of June 12th: A motion was made by Bussey, seconded by Brinton, to approve the minutes. Motion carried.

Discussion and identification of items for future agendas: None.

Communications and Correspondence: Chairman Beagan noted a flyer available on the back table for the upcoming Hazardous Waste Clean Sweep collection event coming up on Saturday, July 15th, 2017 from 8:00AM-11:00AM at the Washburn County Highway Garage.

Public Comment: None.

New Business

a. Discussion and possible recommendation to Bayfield Town Board regarding Class A Special Use Request from Wayne Nelson for a short-term rental property (for period of less than 30 days) located on 4.5-acres, zoned Ag-1, at 87260 Eagle Bluff Drive. Tax ID # 3574: Wayne and Mirka Nelson were present and available to explain the request and answer questions. They stated that they are interested in renting out their home for short-term rentals. Mirka presented information about the property. She explained that they own 18 ³/₄ acres at this location. A portion of the land they own is included in the Eagle Bluff Property Owner's Association although the home is not, thus they are not restricted to the Association's covenants for the building. It was explained that the land that is part of the Association would act a buffer between their home and the other landowners within the Association and that people that stayed on the property would not see another home as they are the first ones on the road. They commented that they have been working to clean up the property and believe this proposed use of the home fits pretty well. They also brought up potential economic benefits to the community including tourist support of local businesses, benefit to the town by providing room tax, and possible future use of landscapers and lawn care providers to maintain the property.

Chairman Beagan opened up the floor to public comment.

John Lindell introduced himself as a year-round resident of Eagle Bluff Drive. He stated that he contacted several of the other property owners on Eagle Bluff Drive of which many were opposed to the proposal.

He listed his concerns...traffic on Eagle Bluff Road which was intended to be a private road to benefit local residents, increased maintenance to the road if there is increased use, increased

liability and potential changes to their liability insurance, increased activities and noise at the rental property, potential use of adjacent lots that are within Eagle Bluff Homeowner's Association which are designated for residential purposes only, concern that Nelson already had obtained a special use permit for his construction business at the location, and future intended use of the land as residential. No questions were asked of Lindell.

Kurt Finney introduced himself as a resident of Sky View Lane having moved there recently. He explained that although he has no current interest in renting his home, he thinks there is no legal reason to not allow this request to go through. He noted that for someone approaching retirement this may be a good option. He explained he did not see any reason why this request should not be approved.

Wayne Nelson clarified once again that he home is not part of the Eagle Bluff Homeowner's Association. He also explained that he has had a business at his property since 1991. He was running construction equipment down that road in the past. It has since been moved from the property. The proposed amount of traffic would be less than it had been when he ran his business from the location. He stated that his intention is to comply with the rules of the Association on the portion of his land that is part of it. He commented that he pays significant dues to the Association each year to maintain the road. He noted that the only thing that would change is that they would be able to charge people for staying at their home instead of people staying there for free. Mirka Nelson offered a map for further clarification of the location and the buffers.

Chairman Beagan closed the public comment portion of the meeting.

Bussey questioned how many other short-term rental properties, that are not Bed and Breakfasts, are in the Town of Bayfield. Beagan stated that there are several. She questioned what kinds of rentals are allowed in Ag-1 zoning. She stated she wanted assurance that this use is allowed in Ag-1 zoning. Nelson stated that if it isn't allowed the County will not allow it. Bussey stated that she would have concerns if her neighbors rented out their homes for weekly rentals. Bed and Breakfasts are allowed in RRB but she is not confident that it should be allowed in Residential or Ag zoning. She questioned what regulation short-term rentals that are not Bed and Breakfasts would be subjected to.

Beagan commented that he has experience with renting his home and there was significant regulations and safety inspections required. Brinton and Bussey took note at that time that Bed and Breakfasts are allowed in Ag-1 in the County Zoning Ordinance but Cabin Rentals are not. She noted the difference between Bed and Breakfasts and short-term rentals being that Bed and Breakfasts have the owner present in the home with the guests.

Brinton brought up her concern that if this type of short-term rentals will be allowed in residential areas that some kind of conditions should be developed. It was noted that this application is the first short-term rental request in Ag-1 to be presented to the Plan Commission in recent years. The potential future popularity of Airbnb structure of renting properties may mean the Town of Bayfield should develop a plan for what is allowed. She suggested that the

application is not unreasonable but if it is going to be approved it should be executed properly from the beginning as an example for other people that may do the same thing.

Erickson commented that he believes that the applicant is executing the process properly having come to the meeting with all the information needed from him. He shared his viewpoint that if the community is trying to promote small business. He suggested that the potential renters would most likely be high-end clientele. He suggested that each similar applicant could be considered on a case-by-case basis.

Brinton expressed her opinion that they should look at the whole picture and consider what guidelines other communities have put in place. She suggested that the only way the town can have any control is by creating conditions for everyone.

Bussey suggested that they need to listen to the people that oppose it as well as those in favor.

Wayne Nelson commented on the power and regulations already in place by the Eagle Bluff Homeowner's Association and expressed that they intend to be good neighbors. Discussion took place about the establishment and history of the Association.

Meierotto suggested that there will be more of this type of rental property in the Town of Bayfield in the future and that something should be figured out before then.

Discussion took place of the future land use map designation of residential for the property. It was noted that it was not designated to be R-RB in the future. Bussey stated that she is not comfortable at this point with the request. Although she is in favor of economic development, she is concerned about proceeding without further public input about possible conditions associated with short-term rentals.

Beagan noted the potential benefits to the community and regulations that are already present for this type of rental. He agreed, however, that some of the potential issues related to short-term rentals have not been discussed up until now.

Feyen agreed that the Plan Commission could possibly postpone voting on the request in order to make a list of rules for all future similar rentals.

Beagan asked the Nelsons if they need action on the request immediately. They responded that they did as they would like to rent it.

Beagan stated that he believes that there should be some form of recourse for the neighbors in case the situation does get out of hand. He suggested things that could be done include limiting the number of people that could be there and the activities allowed on the property to prevent burden for the adjacent landowners.

Wayne Nelson commented that there are already laws in place in order to deal with such situations. Brinton explained that people are listening to his viewpoint, but that he is the first one with this type of application.

Erickson made a motion to approve the request. Bussey seconded.

A roll call vote was taken. Feyen- No, Erickson-Yes, Meierotto-Yes, Beagan-No, Bussey-No, Brinton-No. Motion did not carry.

It was decided to put the issue of developing conditions on short-term rentals, particularly those in Ag zoning, on the next agenda.

A motion was made by Beagan, seconded by Erickson, to share the concerns of Plan Commission members with the Town Board by way of a letter in advance of their upcoming July 17th Town Board meeting. Motion carried. It was suggested that the Plan Commission and the Town Board work together to research this issue further.

b. Discussion and possible recommendation to Bayfield Town Board regarding a petition by Robert Schierman, Director of Planning and Zoning, on behalf of the Bayfield County Planning and Zoning Committee, requesting amendments to the Bayfield County Zoning Code of Ordinances (Title 13-1; 13-3 and Title 14). Please visit

<https://www.bayfieldcounty.org/AgendaCenter/ViewFile/Agenda/1685?html=true> for document related to proposed ordinance amendments: Discussion took place about the potential negative effects these changes to shoreline zoning could have on Lake Superior and other lakes within Bayfield County. State statutes have required these changes. The lack of local control was also brought up.

A motion was made by Bussey, seconded by Meierotto, to recommend that the Town Board not approve the proposed ordinance changes under protest of the loss of local control. Motion carried.

Old Business

a. Update on progress in development of poster-style version of Comprehensive Plan and discussion and possible action on setting up work session meeting and/or public hearing date: Beagan stated that he has no updates on this issue at this time. Bussey suggested that short-term rentals might be included in the final draft of the plan.

b. Update from Business Park Promotion Sub-Committee Meeting: Feyen gave an overview of the last meeting including continued research into options related to sewer access and telecommunications available to the Business Park.

Set date and time for next Plan Commission Meeting: Monday, August 14th, 2017- 5:30 PM.

Adjourn: A motion was made by Erickson, seconded by Meierotto, to adjourn the meeting. Meeting adjourned at 6:55 PM. Motion carried.

Minutes respectfully presented by: Kelly N. Faye, Clerk.