

Keweenaw County Planning Commission  
Regular Meeting  
Minutes May 26, 2015

The Chair called the meeting to order at 6:30 PM

Roll Call:    Jon Soper, Chairman                      John Parsons, Vice Chair  
                  Jim Huovinen, member                      Tom Hall, member  
                  Ray Chase, Commissioner                      Ned Huwatschek  
                  Steve Siira    Richard Schaefer  
                  Ann Gasperich Zoning Administrator  
All members present

The Pledge of Allegiance was recited

The Chairman recalled the reasons for Memorial Day.

M/S/ Tom/Ned to Approve the Agenda with the addition of letters from Houghton Township, Mark Raisanen & Julie Sprenger, Michelle Halley, and to Move Owner of Premise to New Business, Passed.

M/S/ John/Steve to Approve minutes of the regular meeting on April 28, 2015, passed Loman is the name of the gentleman with the blank..

Guests present: Bill Eddy, Philip Roberts, Mike LaMotte, Renee Cunningham, Jack & Carol Treganowan, unknown signature, Jan Cole, Mark & Joni Martin, Marlin & Patty Wingard, Jim Martin, Jeff Gernomie, Mark & Kathy McEvers, Michelle Halley, James Rovano, Mary Long and Jeffery Loman

Public Comment -- none

#### Correspondence

The Zoning Administrator read letters from the zoning administrator, KEDA Jeff Ratcliffe, Laurie Soper, an Email from Edward Cole regarding agenda & minutes, Houghton Township, Mark Raisanen, Julie Sprenger and Michelle Halley. – Bud Cole, Houghton Township, Mark Raisanen, KEDA & Michele Halley brought down to new business for discussion.

#### Unfinished Business

1. Land Use Plan – pulling in current update from equalization. Will send current information out to the townships for their input as to the current ness.
2.        Jon reviewed the Map Changes/Corrections –
  1. T59N,R28W Sec 32 – SW1/4 RS2 except NE1/4 ot SW1/4 AG and well head protection area CEP - Clyde
  2. T58N R32W Sec 23 S ½ of SW ¼ & SE ¼ CEP to RRB - KCRC
  3. T57N R33W Sec 27 Shoreline to Road from AG to RRB- Cedar Bay
  4. T57N R32W Sec 32 from ED to RRB - Rinne
  5. T57N r32W Sec 33 Parcels zone change from ED to M1. Rensen

## New Business

1. Bill Eddy spoke to an offer from Pat Coleman for Planning Commission Training. We need to figure out a date, we'd like to do June. A calendar was sent around for all members to attend a training session with Pat Coleman. (Training will be June 23, 2015 Eagle Harbor Community Building)
2. The Chair responded to items brought down from correspondence –
  - i. Bud Cole – posting minutes and agenda - the Planning Commission complies fully with the open meeting act, act 267 of 1976 state of Michigan. It states how we must post the meeting and how to report the results of the meeting. We comply fully and we will continue to comply. We will not send an agenda two weeks in advance. We can add or delete things to the agenda at the beginning of the meeting.
  - ii. Houghton Township – the Houghton Township Board supports the RR zoning of Eagle River. Two years ago the planning commission met and proposed changing the zoning in Eagle River from RR to RS and we had twice as many people as are here tonight – it was very nearly 100% opposed to changing the zoning of Eagle River. I personally will be pretty resistant to making any changes that would move Eagle River into RS zoning. The township Board does not support that change.
  - iii. KEDA – I appreciate all of the work Jeff has done. His concern is economic development. Keweenaw County is more than Eagle River. There are several resort service districts, business districts. There are places that can accommodate economic activity. By keeping one small area zoned RR, I can't see where we are causing problems for economic development.
  - iv. Mark Raisanen – I appreciate Mr. Raisanen's letter. "I have my own home. Can I rent it out for a week or two weeks?" There is nothing to restrict a person from renting out their home for a week or two.  
Ray Chase reminded everyone that we are not changing the zoning or adding any restrictions. There is a lot of mis-information out there. Several of the letters and the numerous phone calls I have received – people think they can't rent their houses out. It is pretty well defined in this book (the ordinance). Jon mentioned his friends have homes that are rented out, the ordinance does not prohibit that use.

### 3. Owner on Premise vs No owner on Premise rentals

History from Jon – when the ordinance was written there were B&B & tourist home. Now in the last few years they've become vacation rentals. Who knows what they will be called next year. How do we try to explain something that covers all the things that might come up. We are attempting to clarify vacation rentals by owner vs non owner occupied. We are not changing the ordinance; we are looking to make clarification for tourist home

and B&B regarding conditions. We are not trying to prevent people from renting their home out.

The committee then began to review possible considerations – we will propose – the maximum occupancy is determined by the WUPDHD based on Septic, separation distance between B&B's, Quiet time – remove since it can't be enforced. Permit transfer, zoning runs with the transfer, the permit to operate a B&B does not run with the land. The new owner must apply for a new permit. Letter of township support – is conformation the township can provide adequate services to the new establishment. All other conditions are the same as in the ordinance.

For Non owner occupied the conditions are the same – separation distance of 300' – the reason behind is based on the non-owner occupied is diminishing the year round residents taking away the number of volunteers within the community – this will be removed.

Jack Treganowan – Owner occupied is necessary for a B&B. Different families, disputes arise which much be taken care of by the owner.

Scratch the word VACATION and have Owner Occupied and Non-Owner Occupied across the top.

Conditional uses for non-owner occupied rentals – occupancy based on WUPDHD, Separation distance – removed, quiet time scratched. Zoning permit for non-owner occupied rental – Do I need a zoning permit to rent my house? B&B is a commercial business. If you are going to set conditions for non-owner occupied then it will require a permit if you don't require a zoning permit the conditions are void.

Management – in owner occupied on premise. Non-owner occupied should have someone on site locally. This is only if the dwelling is a vacation rental. Do we want conditions for a short term rental and we don't have conditions for a long term rental. A tourist home is something that is purchased for rental purpose and must have conditions. The owner may spend time there but when they are not present, it is rented as a vacation rental.

Permits are required for a B&B and also for a vacation rental section 10. Can we look at short term rental vs 30 day or longer rentals?

James Rovano Will you address the interpretation from the Zoning Administrator? Jon Soper, if you are asking if we stand behind the interpretation from the zoning administrator, we stand behind the

zoning administrator. Her interpretation allows tourist homes by right with conditions. We agree with that. You can argue the tourist home definition; I think that is where we are right now. We are supporting the tourist home definition until and if we change it. We are standing with the administrator until we are told otherwise or convince ourselves differently.

JAS - There have been good points that have been made. I'm not sure we are not ready to change anything the Zoning Administrator has written at this time. We will put more careful consideration into the entire situation.

Jeffery Loman - this may be helpful to you I have stayed at many places all over the world. B&B & short term rentals - many times I have never seen or met the owner. We have dealt with each other via the internet. I am one of the people that always leave the place in a better condition that I found it. I pick up the key from a local contact. I have also lived right next door to places with rentals. I have met new people and it's wonderful. You are right to distinguish between owner occupied and non-owner occupied. B&B's are a much more intimate activity, they need to be permitted with all of the interactivity. My personal experience, I'll never stay at a B&B again. At a vacation rental, people are good and bad just like anywhere.

Michelle Halley, please discuss the event interpretation that was offered by Ann. The third point says no events, that is my concern. It says no events except those which involve only registered guests are permitted in RR. According to the zoning ordinance the wording says, no receptions, private parties or activities for which a fee is paid shall be permitted except for those which involve only registered guests. To me that is starkly different than the interpretation, if the registered guests want to have an event, a wedding, birthday party or a baby shower, according to the interpretation that is not allowed. In O, as it is, right now a guest couldn't rent a home and charge others to come to an event. The interpretation right now indicates that there can be no events. A family could not invite friends over to a birthday party. The interpretation is much more restrictive than the ordinance. If we don't charge people to have a wedding reception can we still have one?

The Zoning Administrator stated, "It is my right to make an interpretation, I took that right and I used it. The next step is to not come to the Planning Commission. As stated in the interpretation, the aggrieved party can go directly to the ZBA and have it heard immediately. For those reasons, these discussions should not be heard at this meeting."

There was further discussion and comment from the audience. Given the Ann's description it reminded me of when I was between two churches. I didn't belong to either one of them and I don't remember it being a problem.

Jon Soper stated the Commission has to be convinced among itself before any changes will be made. The purpose of the commission is to consider the ordinance, update as necessary, and clarify the ordinance. The Zoning Administrator and the Zoning Board of Appeals can interpret the ordinance. You can appeal either the ZA's decision or the decision of the planning commission. The Appeal must be made to the ZBA.

Ray Chase said We have to remember we are dealing with private homes that are being rented. We have a community building that is available for rent for events. We have weddings and trials at the courthouse. These facilities do not come under these rules.

Michelle Halley, so in the meantime, until you make a decision, your position is that the interpretation is standing in place of the ordinance. The interpretation qualifies as the understanding of the ordinance.

Jon, there are two issues, one is events and the other one is owner occupied vs non-owner occupied rentals. We also need to distinguish between intentionally commercial hotels motels B&B's. They are different in my mind between a rental for a week or a long term. What is commercial? We don't need to make a discussion right now, for our benefit and for the future. This is going to have to be clarified. There is much research that needs to be done. We need time to educate ourselves and discuss further.

Ann presented the Zoning Administrator's Report. She gave an update regarding Chamberlain Barnes status.

Final Public Comments were heard from Mark McEvers, Kathy McEvers, Mary Long and Mark Martin. Jon thanked those in attendance for participating.

Commission Final Comments

Jim Huovonen spoke regarding a conflict of interest policy. -

Jon Soper -- Some of you may remember we tried to make the main street in Mohawk RS to make it more suitable to business. We were told loud and clear they were very happy in RR, they wanted to keep their neighborhood.

Schedule Next Regular Meeting June 30, 6:30 PM Courthouse.

M/S Ray/John to Adjourn at 8:45