

**CASCO TOWNSHIP PLANNING COMMISSION**  
**RENTAL WORKSHOP**  
**March 15, 2017**  
**6 PM – 9 PM**

**Members Present:** Chairman Daniel Fleming, Lou Adamson, Dian Liepe, Greg Knisley, and Judy Graff

**Absent:** Dave Hughes

**Staff Present:** Allan Overhiser, Paul Macyauski and Janet Chambers, Recording Secretary

**Also Present:** 17+ interested citizens (sign in sheet attachment #1)

1. **Call to order and review of agenda:** The Special Planning Commission rental workshop meeting was called to order at 6:00 PM.

2. **Public Comment for items not on agenda:** None

3. **Opening comments by PC members:** Chairman Fleming received couple of emails concerning conflict of interest with Commissioner Lou Adamson and the rental issue. Adamson stated that he does have rentals, as the owner of a B&B. Adamson stated that he does not do weekly rentals. One email complaint referred to his website of property management. Adamson stated his property management business does not do rentals. Adamson did not feel he should recuse himself, but asked if commissioners thought he should. Commissioners unamously felt Adamson did not need to recuse himself. Commissioners also noted that they did not feel Dave Campbell should have recused himself.

Graff asked how many commissioners would need to be present to vote on an issue. It was decided that a quorum would typically be 4, therefore it would take 3 votes to pass a motion.

4. **Introduction of Planner, Lynee Wells, with opportunity or her to describe how she can help us, and discuss a work plan:** After introducing herself, Wells described her vision of the work plan, and discussed with commissioners how they would like to proceed. Commissioners introduced themselves. Wells provided commissioners with a STR Planning Process (attachment #2) and a discussion handout about rental types (attachment #3).

Graff asked Wells if she would be responsible for additions, changes, deletions in Zoning Ordinance as we go through the refinement, modify and necessary changes. Wells agreed to make changes, but would need an electronic copy of the current ordinance. She would typically use track changes, notes in margins, etc. to present to the PC.

Best Practices (examples of other townships that have rental ordinances) were discussed. Wells asked for 4 communities that commissioners would like her to research. She will compare terminology, regulations, and procedures to present at the next PC rental workshop.

Graff noted that the scope of the work is not just STRs, but all rentals. While the court case launched discussion of STRs, the Casco Zoning Ordinance does not allow for any rentals.

5. **Discussion on an approval of a work plan:** Chairman Fleming said it seemed like definitions would be early on in the process to define what to talk about. Wells stated that the objective is the first place to start. Graff stated that we must achieve objectives to be successful. Wells noted the Master Plan Objectives of preserving rural character and the health, safety, and welfare of the township.

Fleming asked commissioners what the objectives are or what problems we are here to solve. After discussion, commissioners agreed to begin with the following objectives: 1) Preserving residential neighborhoods. 2) Support the Master Plan. 3) Solve commercial rental problems that are affecting full

time residents. 4) Being a compliment to South Haven as opposed to a supplement or an extension. 5) The technicality brought up by court case

A motion was made by Liepe, supported by Adamson to approve the above objectives. All in favor. Motion Carried.

Knisley asked if Wells had experience with townships, like Casco, that have such diverse property uses. Casco has very different uses divided by Blue Star Highway, with ag to the east and waterfront and residential to the west. Knisley stated there are property rights of those who want to rent, and property rights of neighbors who live next to rentals. He asked if we are crossing both lines, one to allow rentals, and one that affects neighbors next to rentals.

Wells used the example of an industrial zone being for the use of manufacturing, but having regulations on how much setbacks should be, lighting restrictions to protect adjacent property owners. She said it was a trade off, but must support the health, safety and welfare and support the Master Plan.

It was agreed that rental workshops would be April 5, 2017 and continue twice a month after that. Graff requested that Bultje be consulted on high level questions, and not on smaller details, being sensitive to legal fees. The PC will tell Bultje what they want to do and ask Bultje for the legal path to get it done. Graff will be the person to contact Bultje. Discussion continued on a work plan and meeting dates. The following plan was decided with flexibility with the dates as needed.

- #1 **March 15, 2017** Staff Meeting / Introduction (Today)
- #2 Williams & Works Best Practices for March 29<sup>th</sup> workshop
- #3 **March 29, 2017 Workshop** - Review Best Practices Research provided by Wells
- #4 Williams & Works Draft Ordinance Standards for April 12<sup>th</sup> workshop
- #5 **April 12, 2017 Workshop** Draft Ordinance Standards for Review & Comment
- #6 Williams & Works Refine Draft Ordinance Standards (Graff may present to Bultje)
- #7 **April 26, 2017 Workshop** Final Presentation of Standards / Agree Adoption Process / Set hearing and adoption of schedule

Graff asked what commissioners could do to help the process. Wells said commissioners can read materials and come in prepared. Liepe asked when they could expect materials, two days not being enough, she said having materials the weekend prior to a meeting would be helpful. Wells will try to email materials out by the weekend prior. The recording secretary will send a list of commissioner's emails to Wells. Graff requested a hard copy of lengthy documents be sent to the Township Hall and put in her mailbox as it is difficult for her to receive long documents over her internet.

Discussion ensued about cities for Best Practices. Graff stated that Casco is not comparable to a city, and we should concentrate on smaller communities. She would also like to look at communities that limit STRs.

John Barkley, who is a member of the work group for rentals, has done a lot of research on STR in surrounding communities and could provide Wells with the information she will be researching, including Spring Lake Township. He offered to give Wells access to the site to save her work he has already done.

After discussion on various communities for Best Practices, it was decided that Wells would research Spring Lake Township, Traverse City, Lake Town Township, and her choice for the 4<sup>th</sup> community.

Graff asked if Wells has researched Casco, if she has talked to the Zoning Administrator or Supervisor. Wells has read the court case and talked with the Supervisor, but otherwise has come in with an open mind on the subject.

6. **Discussion on definitions:** Chairman Fleming said he was open to discussion of how to tackle things. It was decided that definitions would be covered under work plan #3. Wells said that we will be creating our own definitions based on the objectives.
7. **Discussion of potential tools to help our process:** Graff suggested a large-scale map of Casco where rentals could be identified. It is important to know the community and what we are talking about. We lack real data. Wells offered to make a large map consisting of 4 quadrants on four 24" x 36" foam core boards where push pins could be used to mark rentals. She suggested an aerial view with an overlay of the plat map. Liepe could pick up the maps at Williams & Wells on Friday afternoon.

Graff asked if websites like VRBN, Airbnb, etc can be used as tools for the township to get information about rentals. Wells said the websites do not give addresses until booked. Some vetting can be done on the websites by looking at reviews.

Knisley added that Casco did not want to start something they could not enforce. There must be a way to have financing of oversight, policing, etc., before even going down the rental route.

8. **Public Comment:** Chris Barczyk expanded on the discussion of the map and suggested a cross reference on a sheet including parcel ID. He also suggested Wells be provided with the minutes of the January 25, 2017 meeting where Graff went through the Master Plan and Zoning Ordinance highlighting what pertains to rentals. The recording secretary will forward a copy of the January 25<sup>th</sup> meeting to Wells.

Barczyk also talked about the use of land in residential areas and STRs being defined as commercial through the court case. He said the community has had 50+ years of rental and resort type community such as B&Bs but it has been in the last 3 to 5 years that it has really changed. It has just become nonincidental since the 2008 market crash.

Graff stated that Barczyk has asked to be on the next agenda to present a summary of subdivisions where they are and how they regulate. What worked and what did not as they changed their subdivision rules. He has gone through the process of regulating his HOA and deed restrictions.

Macyauski said he feels the definitions need to be done first, before anything else. He stated that when different terms are used, the public does not understand what Commissioners are talking about. He feels it is like the cart before the horse not to do definitions first.

Mary Campbell asked if the Casco has considered "Host Compliance" or a similar business. They run a 24/7 hotline for people to report problems, maintain a data base, monitoring and enforcement tools. Campbell will provide a link to their website if the PC would like it.

Laura Toweson suggested if pins on a map are used to identify problems it should apply to everybody, not just rentals. She also asked that someone check into the economic impact rentals have on taxes, small business, etc.

Debbie Dickson said anyone who rents legitimately is registered with the state and pay taxes on the income. This could be used for information on locations of rentals.

9. **Closing Comments:**
10. **Recap:** Objectives were voted on. There is a work plan and meeting dates. There is a plan for the next meeting. Will be working on the map and Best Practices at the next meeting.

11. **Adjournment:** Motion to adjourn by Adamson, supported by Graff. All in favor. MSC. Meeting adjourned at 8:20 PM.

Next meeting – Rental Workshop 3/29/17 @ 6:00 PM

Minutes prepared by Janet Chambers, Recording Secretary

Attachment #1 - Public Sign-in sheet

Attachment #2 - STR Planning Process

Attachment #3 – Discussion handout concerning rental types

Date 3-15-17

Planning Commission Meeting - Please sign in

Name	Address
Bill Garrity	1188 Cherry Dr
Nancy Luke	7170 Orchard Lk Dr.
Juzella Musne	Miami Park
But Morgan	15 72nd
Darren Massey	Miami Park
Valerie Baas	Miami Park
John Barkley	6446 Waters Edge
BOB JENSEN	7278 BEVERLY DRIVE
Ron Feke	567-71st St St.
Debbie Dickson	1120 Golf Mate
Laura Towler	1188 Hickory
Terese Orban	7184 Orchard Lk Dr.
Kirk Leftwich	7228 Atlantic
Carson Leftwich	7228 Atlantic
Chris Barczyk	476 High Shore Ln
Kristin Barczyk	476 High Shore Ln
Bill Chambers	

# williams&works

engineers | surveyors | planners

TO: Casco Township Planning Commission

FROM: Lynée Wells, AICP

DATE: March 12, 2017

RE: Short Term Rental Planning Process

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Commissioners please find below the proposed scope of services for the planning and zoning process for the short term rental matter.

### **Step 1: Staff Meeting/Introduction**

Ms. Wells will meet with the Planning Commission, Township Supervisor, Zoning Administrator, and/or others to discuss recent court cases, review Township Master Plan, confirm the process, discuss communities for best practices research (step 2), and set future meetings dates.

*Estimated Hours: 7 hours, includes initial review of Master Plan and Zoning Ordinance, travel time, meeting time*

### **Step 2: Best Practices Research (up to 4 communities)**

Williams & Works will review short term rental ordinances for up to 4 similar communities and prepare a summary matrix that identifies and compares terminology, regulations, and procedures to present at the Planning Commission Work Session.

*Estimated Hours: 10 hours, includes research and review of ordinances, consultation with community planner, and preparation of summary matrix*

### **Step 3: Planning Commission Work Session**

At the work session, we will review best practices, discuss common terminology, determine appropriate regulations (by use and by district), and discuss registration, inspection, and enforcement. We will also decide whether the standards would be regulated through zoning or via general law ordinance.

*Estimated Hours: 7 hours, includes preparation, travel time, meeting time*

### **Step 4: Develop Draft Ordinance Standards**

Williams & Works will develop draft ordinance standards for review. If standards would be regulated through zoning, we will provide a red-line version of the applicable ordinance pages.

*Estimated Hours: 6 hours, including drafting ordinance language (note, if the ordinance standards closely align with previous drafts from the Township Attorney, hour allocation may be reduced)*

### **Step 5: Present Draft Ordinance Standards for Review and Comment**

Williams & Works will present the draft for review and comment at a Planning Commission work session.

*Estimated Hours: 5 hours, includes travel time, meeting time*

**Step 6: Refine Draft Ordinance Standards (Township to also seek Attorney Review)**

Williams & Works will refine the standards according to the decisions made by the Planning Commission. We will coordinate with the Township regarding legal review (attorney fees not included) and prepare any adjustments recommended by the attorney.

*Estimated Hours: 4 hours, includes revising ordinance per the Planning Commission, coordination, and any revisions per the attorney*

**Step 7: Final Presentation of Standards/Agree Adoption Process/Set Hearing and Adoption Schedule**

Williams & Works will present the standards to the Planning Commission, and assist with establishing a schedule for a hearing and approval process.

*Estimated Hours: 5 hours, includes travel time, meeting time, memo regarding adoption schedule*

**Step 8: (Optional) Presentations at Planning Commission and Township Board**

Williams & Works can present the standards at a public hearing with the Planning Commission and/or Township Board.

*Estimated Hours: 4 hours per meeting, includes travel time and meeting time*

March 13, 2017

## Discussion Handout for Planning Commission

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Consider three rental types associated with single family detached dwellings:

### HOMESTAY

Homestay: A private, resident occupied dwelling, with up to two guest rooms where overnight lodging accommodations are provided to transients for compensation and where the use is subordinate and incidental to the main residential use of the building.

Resident Occupancy: A permanent resident must reside on the property, be a full-time resident and be present in the home during the time of the homestay.

Full-time Resident: A person how resides on the property on a permanent basis and be that persons primary home. Only one primary, full time residence is permitted.

Present During the Homestay Term: The primary, full-time resident shall be at the property overnight, the same night as the homestay.

### SHORT TERM RENTAL

Short-term Rental: Means the Rental of any Dwelling for a term of at least three days but not more than 27 days; the definition does not include the use of campgrounds, hotel rooms, transitional housing operated by a non-profit entity, group homes such as nursing homes and adult foster care homes, hospitals, or housing provided by a substance-abuse rehabilitation clinic, mental-health facility, or other health-care related clinic.

### LONG TERM RENTAL

Long-term Rental: Permit, provide for, or offer possession or occupancy of a Dwelling in which the Owner does not reside for a period of time to a person who is not the legal Owner of record, pursuant to a written or unwritten agreement, for a period that exceeds 27 days.



<b>Standards</b>	<b>Homestay</b>	<b>Short-Term Rental</b>	<b>Long-Term Rental</b>
<b>Use Provisions</b>			
<b>District(s)</b>			
<b>Location Considerations</b>			
<b>Length of Stay</b>			
<b>Owner-Occupancy</b>			
<b>Owner-Residency of Township</b>			
<b>Ancillary Uses (events, etc.)</b>			

Standards	Homestay	Short-Term Rental	Long-Term Rental
Number per lot or parcel			
Signage			
Parking			
Exterior Lighting			
Trash/Recycling Removal			
Maximum Occupancy			
In-unit Postings/"Good Neighbor Brochure"			

Standards	Homestay	Short-Term Rental	Long-Term Rental
<b>Building Code Compliance</b>			
<b>Inspection</b>			
<b>Registration/Certification</b>			
<b>Limits for Overnight and Daytime Guests</b>			
<b>Owners Agent</b>			