

Keweenaw County Planning Commission
Regular Meeting
Minutes September 27, 2016

The Vice-Chairman called the meeting to order at 6:30 PM.

Roll Call:	Jon Soper, Chair	Absent	John Parsons	Vice Chair
	Richard Schaefer,	Member	Tom Hall,	Member
	Steve Siira,	Member	Ned Huwatschek,	Member
	Ray Chase,	Commissioner		
	Ann Gasperich	Zoning Administrator		

5 Member quorum is present and the meeting was appropriately posted.

The Pledge of Allegiance was recited.

M/S Tom/Ned to approve the agenda, passed.

M/S Ray/Steve to approve minutes of the regular meeting on August 30, 2016 meeting, passed.

Guests: Kathy McEvers, Mark McEvers, Mary Long, Doug Dawson and George Kingstrom.

Public Comments were heard from Doug Dawson and Mark McEvers. Also heard and received from Kathy McEvers, see attached.

Correspondence –

A letter from Mark McEvers was read into the minutes and is attached.

The letter from the Eagle Harbor Township Planning Commission was read into the minutes and is attached. **M/S John/Tom** to send a letter back, passed unanimously. (attached)

Unfinished Business

Eagle River Discussion – The conditions that were adopted on June 28th were reviewed. John Parsons read from his notes of the meeting and commented the event portion was not included within section 10.12.17. After further discussion **M/S John/Ned** to include within 10.12.17 No receptions, private parties or activities shall be permitted except for those which involve only registered guests. Motion passed with Ray Chase abstaining.

New Business

Structures on CEP Property – The question was raised as to what the ordinance allows on CEP and are rental properties appropriate. The following sections were reviewed: 4.3.6, 4.4.4, 5.2 and 7.9. Richard asked, "Do or better yet can we allow dwellings in CEP?" Ann will consult with the County Attorney.

Definitions of Dwelling, Rental – Short and Long Term

Dwelling, Rental – Short Term A dwelling unit for rental purposes with duration of less than 120 days.

Dwelling, Rental – Long Term A dwelling unit for rental purposes with duration of more than 119 days.

M/S Ned Steve to accept the definitions for Dwelling, Rental, short and long term as written, passed with Ray Chase abstaining.

Zoning Administrator's Report – Ann reminded everyone a Formal Hearing must be held on the Future Land Use Map and Plan. M/S Ray/John to hold the hearing on October 25th at 6:00 PM in the Courtroom, motion passed.

Final Public Comments –were hear from Mark McEvers, Doug Dawson, George Kingstrom and Kathy McEvers.

Commission Final Comments

Richard asked when we will be holding the public hearing for the ordinance changes and if we could do that at the same time. After much discussion it was determined we would hold the Zoning amendments public hearing in January.

Set Next regular meeting October 25, 2016 following the formal hearing at 6:00 PM

M/S Tom/Steve to Adjourn

Keweenaw County

Planning Commission

Regular Planning Meeting

Today's Date is 9-27-16

In order for your request to be properly documented please complete!

Name: *Kathy McEvers*

Email Address: *kathyhmcc@gmail.com*

Telephone or mailing address: *7432 E. Main St, Eagle River*

Please provide comments:

Have been attending P.C. meetings regularly for 3 years and wish to know definitively where the P.C. stands concerning events in areas that permit short-term rentals.

The community has voiced their opposition to allowing events in (RR) short-term rentals since the original violation was filed. We would like to know where this board stands on this matter.

permitting events to take place in residential neighborhoods would be very disruptive to the property owners and community.

The land use plan seems to require that the interests of the community be considered when doing land-use planning. This community is opposed to events in short-term rentals.

Planning Commission Meeting: 9-27-16

Excerpts of some of the guest comments indicating their appreciation for the quiet nature of our community:

This is not a tourist town so you get the feeling of living there. The breeze from the lake through the bedroom windows at night is lovely, and the surroundings are ideal. The surroundings are very quiet...

Very quiet house, **street quiet after 8**, wakes up slowly in the morning. **Windows open wide to catch the breeze off Lake Superior.**

...room was quiet and cozy. Would definitely visit again when in the UP.

...an outstanding place for both of us to relax and rejuvenate.

Thanks for everything!!! We loved your little town, thanks for sharing it with us.

...**I liked the privacy and quiet.**

...**nice and quiet** and we slept very well. I would highly recommend this to someone else.

Quiet and quaint.

...**quiet**, and peaceful, with a gorgeous view of the lake.

...very tranquil and beautiful. I will definitely stay again when in the area. Thank you so much!

...**quiet**, clean, and comfortable.

...**across the street from Eagle River, which we could hear outside our window at night**, and just down the street we had a beautiful view of Lake Superior. Our stay was just what we were looking for, and without a doubt we will be back at a future time.

The area was just gorgeous, the atmosphere at the house was **so peaceful and calm.**

September 27, 2016

Dear Keweenaw County Planning Commission

I was recently made aware that the current proposed conditions for a "rental dwelling" to operate in the RR and AG districts do not include a restriction of events that would be attended by those other than registered guests. Is the reason for this omission due to the perceived difficulty of creating language that would not seem too overbearing because it would also seem to restrict a lodging guest from having a non registered guest to be allowed to visit them during their stay at the rental dwelling? I hope this is not the case.

First of all, a couple non-registered guests stopping by for a beverage or piece of birthday cake does not constitute an event. That, or similar mundane activities would not constitute an activity that would disrupt the established residential nature of the surrounding community. Thus, there would likely never be a complaint to the Zoning Admin for such activity from nearby residents. The condition *needs* to be there to protect the surrounding property owners from the *worst case scenarios*.

Consider this analogy, if I lived in a home in the middle of a residential district, and my neighbour decided to take on some extra work by repairing automobiles in his garage once in awhile for pay. Technically this use of his property would be a violation of the Ordinance. However, if I or any other neighbouring property owner was not bothered by the activity, there would be no cause for action by any involved parties, including the zoning administrator county. However, if the activity grew into an operation that began to affect the residential nature of the neighbourhood, and it began to resemble a typical auto repair shop with all of the added noise, vehicles coming and going, etc.. then the neighbouring property owners would have recourse through the zoning ordinance. In fact, it is likely their *only* recourse. This type of protection is one of the purposes of zoning. Restricting the use of residential properties to lodging (and disallowing events) provides a similar protection for a residential community.

It is my understanding that one of the main purposes of having a zoning ordinance is to provide property owners of residential districts with the assurance that they or their property will not be adversely affected by a non-compliant use of a neighbouring property. It is also my understanding that the land use plan dictates that land use be in line with the desires of the community. Residents and property owners in Resort Residential districts have repeatedly expressed those desires.

At a previous meeting I witnessed this board agreeing to contact Pat Coleman for his professional services after this board has had the time to create recommended changes necessary for the resolution of this issue. His services would mainly be to look over what the board has come up with and advise whether there are any weaknesses or flaws in the revisions and make suggestions if needed. If the board is having problems with creating sufficient language, I strongly recommend that the board follows through and request this service from Mr. Coleman. It would show the residents of this county that the board is serious in resolving this issue in a way that would hopefully eliminate future problems that will assuredly arise due to the growing popularity of this type of lodging.

The board does have a choice:

Either a condition has to be included to protect neighbouring property owners from the obvious worst case scenarios that could occur by allowing events,

or

The restriction prohibiting events could instead be created in the definition of Rental Dwelling.

To ignore the inclusion of appropriate restrictive language concerning events would put us back to square one when this inappropriate use of residential properties first began.

Sincerely,

Mark McEvers



EAGLE HARBOR TOWNSHIP

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Eagle Harbor, Michigan 49950-9722

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September 13, 2016

Keweenaw County Planning Commission
5095 Fourth Street
Eagle River, MI 49950

Re: Transmittal of the proposed Changes to the Eagle Harbor Future Land Use Map

Dear Commissioners,

The Eagle Harbor Township Planning Commission, as provided for in the Michigan Planning Enabling Act of 2008, has approved the following changes to the Eagle Harbor Future Land Use Map:

- Change Lot 52 in the Plat of Eagle Harbor from RS-1 (resort services) to R-1 (single family residential). Tax ID number 206-51-010-052.
- Change adjoining Lots 198 and 221 in the Plat of Eagle Harbor from R-1 (single family residential) to RS-1 (resort services). Tax ID number 206-51-026-196.

These Eagle Harbor Township Future Land Use Map changes were presented to the Eagle Harbor Township Board on September 12, 2016 and distribution to adjoining jurisdictions was approved for review and comment. A description of these changes are being sent to you as required under the Township Planning Enabling Act of 2008. Any comments should be sent to the Eagle Harbor Township Planning Commission, within the described time limits of 42 days after the description was submitted to you.

The address for returning your comments is: The Eagle Harbor Township Planning Commission
321 Center Street
Eagle Harbor, MI 49950-9722

This statement is to inform you that, as required by the Township Planning Enabling Act of 2008 a copy of the proposed plan has been sent to the following parties:

Keweenaw County Planning Commission
5095 Fourth Street
Eagle River, MI 49950

Grant Township
PO Box 76
220 Gratiot Street
Copper Harbor, MI 49918

Houghton Township
5059 4th Street
Eagle River, MI 49950

Sherman Township
8872 Second Street
Lake Linden, MI 49945

Sincerely yours,

Jeane Olson,
Secretary, Eagle Harbor Township Planning Commission



Keweenaw County
Planning Commission
Eagle River, Michigan

September 28, 2016

Eagle Harbor Township Planning Commission
321 Center Street
Eagle Harbor, Michigan 49950

Dear Commissioners,

Keweenaw County Planning Commission is in receipt of your letter dated September 13, 2016. It was discussed at the County Planning Commission Meeting on Tuesday September 27th.

A Motion by John Parsons seconded by Tom Hall to submit a letter to the Township letting them know that we thank them for their continued hard work and the Keweenaw County Planning Commission has no comments to offer regarding the proposed changes to the Eagle Harbor Future Land Use Map. Motion passes unanimously.

A copy of the draft minutes are attached for your review.

Sincerely,

COPY

John Parsons
Vice-Chair
Keweenaw County Planning Commission