

Planner

From: Dave Murphy <dgmurphy@charter.net>
Sent: Saturday, March 17, 2018 9:57 AM
To: 'Rob Manigold'; 'Brian VanDenBrand'; planner@peninsulatwp.com; 'laura serocki'; zoning@peninsulatownship.com
Subject: FW: Regarding short-term rentals

Rob, Gordon, Christina & Laura:

I'll ask that you please share the following letter regarding short-term rentals with Town Board & Planning Commission members.

Thank you.

Dave Murphy & Sue Peters

Regarding the short-term rental issue:

The township has been down this path several times in the past. The conclusion has always been that a simple ordinance honoring the wishes of the majority of residents – no short-term rentals of more than 30 days – is the best we can do. But since the issue has been raised again and having been deeply involved in the discussions repeatedly, I'll share the following:

A short-term rental was the third door down from us for two summers. It was problematic for us but far worse for the two neighbors on either side of the rental. They were elderly folks and were coming to me for help sometimes on a daily basis to deal with the renters. You've heard all the complaints before, so I won't go into enormous detail. But yes, we experienced the worst of it: loud parties, fireworks, public drunkenness and other inappropriate behavior, littering, trespass, vandalism, belligerent behavior and retaliation when respectfully confronted, and general disruption to a neighborhood.

The above obvious issues can't be ignored, but other concerns are equally important.

During the two summers we experienced problems, my neighbors and I repeatedly reported concerns to the township. On the books at that time was the simple ordinance: No rentals under 30 days. And yet it took over two years to bring the property into compliance. Why? Because enforcement is a very tough issue for small units of government. Our planner and zoning administrator did their very best; I'm confident of that. But it was still a lengthy and contentious compliance issue with the most straightforward ordinance.

The clear takeaway from the above – and this may be our most important point of this message - is how can we trust that we'll improve things by enabling such rentals and complicating the ordinance language, adding more tasks to an already overtaxed staff? How will compliance with much more complicated language be easier? And once the door is opened to permitting these commercial activities, how are they to be denied to others regardless of what initial ordinance language might read as to limiting the number?

Peninsula Township has successfully gone its own way, bucking trends in so many ways. Our PDR program has preserved vast farmland and view sheds; it's a national model. We taxed ourselves to create new parkland in the center of our most densely-developed residential area and have aggressively worked to expand existing parks, partnering with the GT Regional Land Conservancy as well as the state and private donors to achieve goals. Residents have kept a community elementary school open despite the school district's explicit orders to shut it down. We have our own library and fire department when many similarly sized units of government do not. We've partnered with the Watershed Center and other environmental groups to preserve our shorelines and the bays with more rigorous standards than other communities. We've battled with the county road commission to avoid road widening, tree removal and faster speeds. We hold developers and builders to much higher standards than most units of government; vigilant neighbors contest developments, often at their own expense, that violate the high standards we've set. We contract for our own sheriff's deputy to maintain a peaceful, respectful community.

What has been the point of all this? To be a distinctive agricultural and residential community without an overemphasis on typical commercial development or over development.

We've accomplished those goals. Many of us have donated tremendous time and energy, as well as significant out-of-pocket money to see that vision realized. And now a minority want to exploit what we've achieved for commercial gain.

Make no mistake, short-term rentals are commercial activities regardless of how some want to define them. Properties are advertised and promoted. Income is generated. Expenses are written off including depreciation. Management companies or other service businesses are employed to assist with the property. What part of "commercial" is not clear? Commercial does not belong in a residential zone.

Years ago we lived in a neighborhood in which a young couple started up a landscaping business. They were thoughtful folks, keeping noise and traffic to a minimum. They were not disruptive. And yet they were chased out of the neighborhood because of the commercial activity. That small business was a fraction of the disruption that we experienced with short-term rentals. But commercial activity was recognized for what it was and the business left. It was the right decision.

The claims by some that vetting landlords, issuing regulations and permits, "closely monitoring" and holding landlords to standards will result in a better situation defies common logic. Putting a cap on these rentals will not work. When the floodgates are opened, they will proliferate. Once permitted to some, if the township tries to limit the number, those denied will sue. There is no basis when a use like that is allowed in residential zones to say that it's appropriate one place but not another. The zones will be permanently changed.

In January of 2018, the Washington Post published a lengthy article titled, "Hawaii Has Record-Low Unemployment & It's Not a Frozen Hellscape. Why are People Leaving?" The population is declining in America's "paradise." The conclusion of the study: Above all other variables, the emphasis on turning traditional residential neighborhoods into short-term rentals is not only disruptive to fulltime residents, but making housing unaffordable and driving out locals. Furthermore, those who occupy short-term rentals do not spend at the same rates at local restaurants and retail establishments as those occupying traditional commercial tourism facilities. So those believing that "the more tourists the better" are misleading themselves. Those in short-term rentals are about affordability and do not support traditional tourism-related businesses. But they do permanently alter the residential experience.

Let's not go that route...or the route of neighboring communities and regions around the state that have seen their residential neighborhoods destroyed or disrupted. I was in touch with a person from Glen Haven who wrote a forum piece for the Record-Eagle discussing what she felt was the disastrous changes to her community as a result of short-term rentals. She's concerned with what our state legislature is looking to do to take control of short-term rentals out of the hands of local government. Her communication to me was, "I wrote to the Record-Eagle because I heard your region does a better job than most. I may move from my long-time home over what's happening here. Please keep your high standards."

Peninsula Township does hold itself to high standards. Let's continue to do so with the short-term rental issue as well. A vocal minority should not dictate how to handle this issue, especially when so many of us have contributed to making this a distinctive place to live.

Thank you.

Respectfully,

Sue Peters & Dave Murphy,
6943 East Shore Road.
Traverse City, MI 49686

PENINSULA TOWNSHIP
JOINT TB/PC COMMITTEE
3/14/18

Present: M. Peters, L. Serocki, I. Wunsch
Also Present: N. Heller, G. Hayward
Meeting started: 1:08 PM

Short-term rental--Licensing language not completed for review. Ordinances prepared by Deeren and Ruzak discussed (revised B&B and draft Country Inn ordinances).

The revised B&B appears to rewrite current B&B ordinance to allow owner-occupied room rentals. If it is decided to use licensing for owner-occupied rentals, this ordinance could be looked at to differentiate between owner-occupied room rental and B&B.

Country Inn ordinance was discussed. If property incorporated 40 acres, there could be 36 guest. Also there could be 20 events a year with under 249 guests at each event. Also, no notification to Township prior to event. Discussed parking with events. Should there be an ag component to the SUP? Would equivalents be used for additional rooms (similar to Winery-Chateau)?

Planning Commission will be discussing short-term rentals at March 19th meeting. Best way to introduce ordinances is to discuss work done by committee. Some of these topics have not been reviewed by entire Planning Commission. Will discuss intensity and use. Determined best way to begin discussion would be to look at the gamut of rentals (new and proposed):

TOURIST ROOMS/BOARDING ROOMS/NEW TITLE? NEW CONCEPT--1 or 2 rooms rented in an owner-occupied home. No meals, adequate parking, no disturbance to neighbors. Wunsch will discuss licensing with attorney. This would be a one-year license.

B&B CURRENT--look at current ordinance to allow increased room with additional acreage and indoor events for registered guests (similar to proposed ordinance language in 2016).

COUNTRY INN NEW CONCEPT--establishment that could have 3 rooms on 10 agriculturally zoned land with an additional room for each additional 5 acres, up to 9 rooms with up to 4 guests per room.

HOUSE RENTAL CURRENT--A property owner may rent a non-owner occupied dwelling, provided that the minimum length of time that the dwelling may be rented is 30 consecutive days.

Hayward will change language in proposed drafts prior to meeting. Wunsch will discuss licensing with attorney. Attorney's opinion will be discussed on the 19th.

Meeting adjourned: 2:27 PM

3/16/18 laws