

**PENINSULA TOWNSHIP**  
**PLANNING COMMISSION MEETING MINUTES**  
13235 Center Road  
Traverse City, MI 49686  
May 21, 2018  
7:00 p.m.

1. **Call to Order** by Alan Couture at 7p.m.
2. **Pledge**
3. **Roll Call**

Absent: Christina Deeren

Present: Shipman, Elliott, Hornberger, Couture, Peters, Serocki, Wunsch

Also Present: Gordan Hayward, Greg Meihn (Township Lawyer)

4. **Approve Agenda**

**ACTION:** Motion to approve agenda by Serocki, seconded by Wunsch.

**Passed Un.**

5. **Brief Citizen Comments:**

**a. Joanne Westphal**, 12414 Center Rd.: I would like to express my interest in encouraging the Planning Commissioners to consider engaging in with Networks Northwest to have some input in items you think would facilitate moving the department forward as they begin to do a Needs Assessment. They are gathering data from the staff and Town Board Members principally in the Townhall. I don't know if they intend to go to the other Town Board Members, but I have encouraged Brad and Rob to extend this to the Planning Commission because I think you all are directly involved with the day to day of the planning department. You have very valuable insight with what would facilitate the broader work of the Town Board and Township.

The Personnel Committee has provided for you a profile of the Planning Administrator Candidates. Three of them have applied for the Directorship or the Senior Planner position, profile numbers 1-3. Those who have applied for the Assistant Planner position are numbered 4-9. The Personnel Committee very much encourages feedback of the qualifications that you see in the candidates in the context of what you know about the work you are doing. Feedback would be appreciated at your earliest convenience, the sooner the better.

**Peters:** Jo will you give us a deadline?

**Westphal:** I'd really appreciate a deadline of this week. I think that certain candidates will pop out right away, based upon the work that they will need to be doing; others, clearly by the formatting and content of their resume. What we are looking for is that you know what we don't know as a Town Board, in terms of what would be valuable on a day to day basis for the head position.

**Hayward:** I noticed that one of the people applied for both jobs. How do you want us to deal with that?

**Westphal:** You'll have to look at it, based upon the job description for the Senior Planner and the Assistant Planner. Of course, the idea is that Gordan will be staying as a consultant.

**Peters:** So, this week we will send an email to you, is that what you'd like us to do?

**Westphal:** Yes. If you want it to be blind, so that nobody knows whose comments are whose, that's fine. Your opinions are valued, so however you each individually choose to give me feedback is fine.

**b. Cindy Ruzak**, 1994 Braemar Dr., Grey Hare Inn: I have a request to ask that sometime during this meeting the Planning Commission could please consider and put back on the agenda the much-discussed request for an amendment to the current Bed and Breakfast ordinance. It has been talked about in committee, rewritten and discussed at this commission, and I have written you a request that it be put back on as a separate subject. I would really like to get this back on the Planning Commission Agenda as a specific item and move it forward and

please get this done. It has been going on for a long time. Where ever it would fit in this meeting I would greatly appreciate it. Thank you!

**6. Conflict of Interest - None**

**7. Consent Agenda**

Any member of the Board, staff, or the public may ask that any item on the Consent Agenda be removed and placed elsewhere on the agenda for full discussion.

- a. Correspondence (as provided)
- b. Approval of Meeting Minutes: ZO Rewrite Committee: 5/1/18, 5/7/18, 5/8/18

**Peters:** I think we want to add what Jo presented about the resumes, that we have received them. That would be part of the correspondence. Then I just want to alert you that we do not have the PC minutes from our last meeting and so we will have to deal with those at our next meeting.

**ACTION:** Moved by **Wunsch** to approve consent agenda as amended, seconded by **Serocki**. **Passed Una.**

**8. Reports and Updates**

- a. Township Board – **Wunsch:** I don't have any new updates on the Township Board.
- b. Zoning Board of Appeals – **Serocki:** We did not have a meeting in May.

**9. Business**

- a. **Consider attachment to approved 3/19/18 PC Minutes Page 4.**

**Hayward:** I'll explain why I am asking for this. We approved March 19<sup>th</sup> PC minutes. Subsequent to that I discovered a mistake on page 4. There was a statement by the Administrator relating to whether the request from Black Star Farms was for an increase in tasting room areas and retail space. If her statement was correct then it's an error and if it wasn't correct it should read *NOT* for increasing tasting room areas and retail space. I'm not sure she knows how to note that. I am suggesting possibly an attachment to the notice dating back to those approved minutes.

**Meihn:** You correct the prior minutes and these minutes will be approved.

**Serocki:** This supplementary information attachment is not going to go into the minutes is it?

**Hayward:** That is to explain the basis for my request. That is the actual request from Black Star.

**Meihn:** We need a motion. It should outline what the prior minutes have said and the date of those minutes and what the proper comment would be.

**Elliott:** Do we want to have when this letter was written or this letter was dated or does it matter since we are going back to the previous minutes?

**Serocki:** We are not going back to the letter to supplement the minutes.

**Elliott:** It doesn't matter, is that what you are saying?

**Meihn:** Correct.

**ACTION:** Moved by **Hornberger** that the minutes of March 19<sup>th</sup>, 2018 be amended on page 4 where the reading says: "And for increasing tasting room areas and retail space." the word **NOT** be put in that sentence so that it reads: "And **NOT** for increasing tasting room areas and retail space." Seconded by **Shipman**. **Passed Unan**

**b. Elect Planning Commission Secretary**

**Coulter:** We now need to elect a PC Secretary

**Meihn:** Donna, the best thing is for you to nominate someone.

**Coulter:** Laura has been nominated by Hornberger and has graciously accepted the position of PC Secretary. Are there any other nominations? If none, I would ask for a roll call for this appointment: All Commissioners approved Serocki as PC Secretary. **Passed Unan**

**c. Short Term Rentals Workshop by Networks Northwest Report by attendees.**

Networks Northwest provided a workshop on Short Term Rentals. A brief recap of what was learned at the event was given by Coulter, Peters and Elliott, PC members who attended the workshop.

The Networks Northwest personnel spoke generally about Short-Term Rentals. A Panel Discussion was designed to present past and current efforts by various rental businesses, realtors, and townships. Finally, an IT firm, Host Compliance, presented their business service model for helping jurisdictions with Short Term Rental regulations. All presentations left us with these points:

- The number of rentals is astonishing
- The issue of STR is complex
- There are various approaches being tried in an effort to regulate Short Term Rentals
- Compromise and fundamental fairness must be a part of regulations
- Enforcement costs far exceed income
- Regulations must be simple to enforce
- Technology is available, at a cost, to help develop regulations

**d. Zoning Ordinance Rewrite Future Steps: Report and discussion.**

Peters started this discussion and made reference to a 2-page memo that she wrote regarding the Zoning Ordinance Rewrite Next Steps. It highlighted the work of the committee to date and outlined the proposed steps to make the process move forward, encompassing all groups for feedback and fine-tuning. Attachments to the memo included the September 2015 RFP for Zoning Ordinances and the Zoning Ordinance First Draft pgs. 6-9. The goal is to provide a presentation of the Old vs. New Ordinances, looking at the bigger Global Changes. As the document of 150-175 pages is created we feel the need to amend it the day it is approved. The Winery and Farm Area will not be rewritten. Throughout the document we will rely upon Meihn for advice in any areas with problems of enforceability. Yet to be determined is how to introduce it to the public. Timing of completion is difficult to set. We are moving through it as fast as we can. Board member's comments to Peters included timing, regarding public meetings held after work had been completed.

**e. Planning Commission Work Products, Recommendations and Communications to Peninsula Township Board: Discussion**

**Peters:** I get a great deal of pleasure working with all of you! We work well together and when we have a task we get it done and we do it well! I have recently attended a number of Town Board meetings where I have seen things that I know have been sent from the Planning Commission to the Town Board of which they have had problems with. I have observed issues in 3 areas where there seems to be a disconnect.

1) I'm not sure we know what we should be producing, what product the Town Board really needs from us. For example: On a SUP Finding of Facts, that we pass, when it goes to the Town Board, what does it mean to their member that has not been a part of our meeting where the understanding is clear.

2) I want more knowledge, more training to help me do a better job. I do not know of what opportunities are available to us for training.

3) When something goes up to the Town Board from us, is there someone or some way to explain the why of what they are looking at. Would there be a benefit for them to hear us give the backing behind the information they are receiving from us, so not to waste their valuable time.

A discussion was held with the PC Board providing several examples of issues that exist that interfere with forward movement of their tasks.

**Meihn:** Meihn spoke of how mistakes help Boards learn. Mistakes are being identified and the means to fix what is broken are in the process. He identified the following areas being worked on:

- \* Meihn stated that specific training can and will be provided free, based upon the request and need of the Planning Commissioners and all Township Boards. We'll provide training or find experts to come in and educate you in the areas where you feel you need more information for your decision making.

- \* The need for better communication within and between Boards of the Township will be addressed by going back to protocol and identifying department responsibilities. That might include making a member of the Planning Commission an attendee to every Town Board meeting.

- \* The need for a Township Planner will be completed as interviews are being held to fill this position.

- \* The Township Lawyer will now be attending the meetings.

- \* As your lawyers, we will provide legal support and correct terminology to the work you do. Once a piece of work has been finished, say by the Planning Commission, it will have been looked at and edited by the Director of Planning, the Director of Zoning, the Engineer (when appropriate) and Legal Counsel. The Board will get the final product.

- \* Hayward voiced the need for process and procedure review, a sequence of things that have to happen, with timelines and deadlines included and the order of people involved. This should help us construct the agenda of our meetings and direct our work.

## **10. Citizen Comments**

**Louis Santucci, 12602 Center Road:** I attended the Networks Northwest meeting last week and you summarized all the things that went on at that meeting. I would just like to add my observations to what has already been said. You have Charlevoix and Suttons Bay who both looked at the problem of Short Term Rentals (STR) and they addressed them completely differently. Suttons Bay decided they weren't going to do anything specific to STR but they would remind everybody of what the current zoning rules are. For example, those reminders might include things such as fireworks, public safety rules, ...they felt they would enforce the things already in the zoning code. The other thing I thought was interesting was that you can't do nothing, but you can't ban it. We can look at Traverse City where they did ban it and there is a push by the stake holders on the other side who are trying to get the city to reconsider the total ban. The other point I think being made is you take it a step at a time. Identify if we really have a problem. We have to separate whether or not we have a problem with STR, rentals of whole houses or beach houses for less than 30 days, or the Airbnb models where someone is renting out a room in their house. The last thing was that the playing field must be decided. The hotel industry gentleman has a point, but most of the Airbnb is a summer weekend rental thing. The soft sell IT gentleman was going for the network people. In anticipation of this type of discussion, I have taken a look at 5-6 sites that most of the people just renting the rooms in their homes use, including Airbnb and Home Away. There are 21 Airbnb type rentals including both room and whole house rentals on the Peninsula. Quite frankly that is what most of the young travelers are using. If you want to look at any of these sights, most of them have a map but they won't give you the exact address but will give you the location. Of those 21 Airbnbs, 1 is Brys, 1 is Neahtawantas and the other is Cindy Ruzak's. Subtract those 3 out and there are 18 left. A couple of the rentals are \$500 to \$1250 a night. Most of the people we deal with are not going to be renting those places. You can decide if you want to hire this IT company or not but given the size of the Peninsula and how many people really want to rent rooms in their home you don't need this company. A good person with technology skills can pretty much go through the major sites quickly and gather the facts. I will end it with: I love the fact that this conversation is going on, Township officials went to the meeting, and people are thinking about it. The take away from the meeting is that you were given 2 extremes and we are only going to end up in this and you folks need to make some decisions. Listening to tonight's discussion amongst yourselves, I am glad I am not on this committee as any decision you make is going to be challenged in court. I thank you all for doing this!

**Joanne Westphal, 12414 Center Road:** I am so glad we are talking about open communication tonight. One of the things I think we have to either defuse or throw in the circular file is that Town Board Members should not come to Planning Commission meetings and Planning Commission members should not go to Town Board meetings. I find that that type of (?) Silo building is unhealthy and has led to some miscommunication that we

have. If you watched, as Laura said she watched the May 8<sup>th</sup> meeting, if I get a document as a scientist that isn't solid, that doesn't embrace practices dealing with floodplains, wetlands, protected habitat, shoreline erosion, I am going to continue to dig into it until I am satisfied and have really thought about what it is that we want to achieve as a township. I am so relieved to hear that the documents that we did receive were not the most timely nor the most targeted in content. Now I think there is tremendous opportunity on both the Commission and Board that we find the types of people who fit the slots that have been earmarked for Director of Planning and the Assistant. Those people will provide for us a very important bridge from one body to the other. The other thing I heard tonight, that I hope all of you feel strongly about, is bringing ourselves up to speed on some of the basic issues that deal with not only human nature but the natural resource base that you have had to make decision on, every day you are working on planning decisions. I can't convey to my fellow Town Board members in a meeting, enough information to help them make a good decision about a land resource, like the 81 or Vineyard Ridge, any of the special use permits that come up. That takes years of experience. What I can do is help people think about the resource or the problem, natural or human, and frame it in a way that Greg Meihn is talking about. Does it have some logic legally? Has useful information been transferred to the public, so they understand why we feel the way we do or make the decisions that we do? When I would teach my senior Planning Practicum class, the practical side of dealing with resources and human interaction with them, the most important thing I could teach them was how to frame a problem, how to think about a problem and how to define it. In your case you are dealing with ordinances. An ordinance is something you are trying to provide for public protection and safety but also for the benefit of the resource base in which we live and depend upon livelihood and wellbeing. What I would say to them and what I say to you is if you take an ordinance it should have very clearly in its language what its intent is, what is it you are trying to achieve, what is its goal? You introduce the objectives that you want that goal to achieve; those are measurable outcomes, measurable because you tie standards to them. With those standards you have criteria, actual measurable things that you want to achieve as the outcome. Those are the 4 steps that are a part of any problem-solving issues dealing with land and planning. If you can tie those things together, Meihn can defend them in a court of law because he can tell us how those standards need to be written and how they tie back to the objectives we are hoping to achieve and what that overarching goal is going to mean for our constituents and the resource base that we depend upon on our Peninsula. He can specify the criteria that a judge or panel of judges will have to make a decision on. We can do that in the work that we do, whether it be at the Town Board level, your level, or the Zoning Board of Appeals level and have you look at these problems we deal with. I can't teach you enough about soils. What I can teach you is what you need to know about soils and who you need to go to get the information that you need. I encourage you to use the resources at hand, which the Town Board used. Thank God Isaiah stood his ground with this particular approval process because he forced the rest of us to follow a process that walked through the permit that didn't just say, the Finding of Fact has been met here. No, it was a permit that was in process; it hadn't been met. That Finding of Fact process exists. I suggested a year ago that the Finding of Fact process needed to be tightened up, that we needed to ask, where are we in the permitting process? The point I am making to you is that there are some really tiny things that make us work a lot better. Use the consultants that the Township is willing to hire for you. Our engineer, Jennifer Hodges is for you to tap all the time. When you need to define something, tap the specialists. We have very talented people and we need to use the resources at hand. I appreciate you very much. Thank you for the great conversation you had dialoging amongst yourselves. Keep up the good work!

## **11. Board Comments**

**Elliot:** I am very happy to hear everything Joanne Westphal has said tonight. It's very nice to have Lawyer Resources available to us and here at the meeting.

**Peters:** Cindy Ruzak's request and the whole B & B issue needs to go back to committee to look at it. What do you think Isaiah? Does your committee need to be reconstituted in another way?

**Wunsch:** Yes, I think I can help out but if somebody else would be willing to head it up I would be willing to support that. The three of us were on the committee, Peters, Serocki and me. We might want to engage Networks Northwest as well. I think we did a good job of gathering a lot of public comment. We see a very

strong anti-push toward the Board that has surfaced recently. So, I think it would be helpful to engage planning professionals as well.

**Peters:** It really entails looking at the whole scope. I do think that what Cyndi was talking about was not the whole rental world. She was talking about looking at B & Bs. I think that at some meeting we should talk about whether or not we are going to look at B & Bs again.

**Elliott:** We need to prioritize everything. Let's put it on the agenda ahead of time and look at the B & B ordinance and see if we are happy with it or if we want to change it.

**Shipman:** First of all, I am so happy to get this packet with applicants. I love that we are being invited to be a part of the hiring process. Thank you Monnie for all that you put together for us tonight! If there is anything that I can do to help with the administration of a group of us to deal with B & Bs and STRs I am a good worker and would be willing to do that.

**Wunsch:** I was made aware of a current House Bill 5947, but do not know how far along it is. It would affect all Agricultural land by preventing Townships from regulating rural weddings on ag. land. It could affect our Township so I wanted to make you aware of it.

**12. Adjournment:** Motion to adjourn meeting at 8:37 by **Hornberger**, seconded by **Wunsch**. **Passed Unan.**

Deb Larimer  
Recording Secretary