Rock River Township

Planning Commission Mtg - August 21st, 2023

Proposed minutes

Call to Order: Meeting was called to order at 6:58PM

Pledge of Allegiance

Members present: Don Johnson, Tammy Shega, Olivia Kingery, Jon Rondeau, Rowan Bunce

Guests: Scott Bunce, Cindy Kallio, Jana Hytinen, Dawn Rondeau, Mick Rondeau, Kathy LaRock, Dan Johnson, Jack Charlebois, Alicia Charlebois, Ray Lane, Kurt Harmon on behalf of J. Stanton

Motion by Bunce and supported by Rondeau to approve the March 20th meeting minutes as amended. Motion passed.

Motion by Bunce and supported by Shega to approve the agenda as amended. Motion passed.

The Chair introduced the nature of the first hearing, involving 3338 M-94 to be used as a vacation rental.

Per Mark Maki, ZA, the property is zoned for RR1. He did not receive any written comments regarding it, but did get a phone call from Mr. Campbell who was only curious about the letter he got in the mail. He prepared a more detailed site plan than was submitted. Parking spots will have to be modified a little to accommodate 7 persons max/3 bedrooms occupancy and there is enough land to do this. Section 804.F is the language he looked at regarding the parking issue. The building is already built and inspected.

Open the public hearing at 7:07

Kurt Harmon is speaking for the owner. When he bought the property, he removed a trailer, leaving a house/pole barn and modifying it. Owner says that he had the occupancy permit already and he will get that to us; the owner thought we already had it. Also has the permit from the LMAS Health Department for the septic system which is located north/behind the structure. There is a trail that accesses Trail 8 behind him. The owner doesn’t think they will have a lot of snowmobilers, but more hikers, etc. He also has Village water.

Public comment – A. Charlebois asked why he had to apply to for a conditional use when there isn’t one in the township. Chair states that there is an ordinance for all areas except RR10. Charlebois asked the number of the ordinance. It is already in the zoning ordinance under rentals.

Closed public hearing at 7:12 for board discussion.

Bunce asked about parking and if there is room for 2 cars now. He has to show the ZA the size and road access, per the ZA. He needs a turn around but has the land to do that. Johnson said he thinks it would help if there was a turn around for trailers etc but he could use another driveway; there is plenty of buffers between the neighbors. Bunce asked if the other driveway was permitted. Owner will need to ask MDOT and ACRC about the permits for the driveway with the location of the property being on a curve. Bunce said that he would like to see the number of people sleeping to be noted to the building inspection. It is now being rented via AirBnB even though he applied during the moratorium. Original application was filed in May and owner was working with an Interim ZA and there were delays; owner is apologetic to him (Harmon) and the board. It is being rented before approval. Approval would be conditional pending the building inspector and permit for the second culvert. We will need a cease and desist until conditions are met, as well as the usual conditions:

1. Owner must provide full contact information for himself and for alternate contact – either to be within 25 miles. 2. 2 car parking limit. 3. 10-7am quiet time. 4. Fireworks according to state firework code.

J.Rondeau asked about the occupancy permit and when the owner got it. Mr. Harmon didn’t know when or if it was gotten; he also hadn’t been to the site. Bunce asked if there was a fire ring.

Motion by Rondeau to approve based on the contingencies (occupancy permit, second driveway or redesign parking, and to stop renting it until we have everything that we need) and supported by Kingery (as long as he will discontinue renting it until all permits are in order). Johnson reiterates that the cease and desist will be in force until all conditions are met.

All ayes – motion passed. ZA will follow through with a phone call to the owner about the cease and desist and Kurt will talk to the ACRC and/or MDOT.

Chair introduces the updated rental ordinance that we’ll be discussing. Bunce prefaces and summarizes that this ordinance is completely separate from the repeal of rentals in RP10. He would be a lot more comfortable repealing the moratorium on RPP10 if this governing ordinance was in place.

Open the public hearing at 7:27.

Public comment for proposed updated ordinance.

A. Charlebois, has concerns about how ordinance has been handled; mentions that at the previous work session, Bunce stated that the township had passed it, yet at the next township meeting he stated that it had not been passed. Bunce apologized for the confusion and said he misspoke and that we are still in the process of approving it.

Lane – the paper stated that this ordinance would enhance grants. Burge clarified this and stated that there were other ordinances being reviewed at the time and the comments in the paper did not indicate exactly which one would enhance grant applications. Bunce stated that this one does not.

D.Rondeau – is this proposal a contest of permitted vs conditional? Chair said that it was not an issue between the two and that this was a conditional use ordinance. She also feels the same about the grants and that we should not give up control by accessing grants.

Burge followed up with more clarification because he remembered the article in question and reiterated that it didn’t have anything to do with grant funding in itself.

D.Rondeau – doesn’t want anything to be broken down with liberal vs conservative.

S.Bunce – speaks in support of this ordinance. Good compromise is when no one is 100% happy with it. It appeases those that did not want ANY VRs and are worried about issues regarding noise, etc have been met, yet gives the opportunity to those who want to rent their properties.

Lane – questions the costs and annual fees. Is there another occupancy permit needed for the same house that is now going to be used for a business. Rowan states that use changes would need another inspection and annual re-registration. Rowan states that by changing the use of home to a rental needs another occupancy inspection. Liability issues for the township are appeased by another inspection per Jon. Reregistration is necessary to also update the emergency contact -owner/manager information.

Lane also asks if the inspector approves, wouldn’t he be liable for damages. After some discussion about this, the Chair asked for it to be talked about on their own time. Not relevant to the hearing.

Kallio – supports the ordinance because it levels the playing field for owners and their neighbors. If there is anything wrong, people can go to the Board of Appeals to remedy it, but the conditional use aspect helps to keep on top of things.

Takkanen – some houses are very old. Safety of the family is most important. Audience is asked to keep their comments towards the board only.

A.Charlebois – is the application and fee used for long term rentals. Chair answered yes. She stated that she was against it.

With no other public comment, the hearing was closed at 7:43 for board discussion.

Bunce feels this makes things very fair to all residents of the township. Johnson agrees with the fact the this is a good package and has very good management requirements and would also recommend that we bring back rentals to RP10. Rowan states that it can be adjusted even after adoption. Rondeau – first thing we did was raise the fees and it was necessary to do so in order to keep up with zoning costs. Bogged down in May with permitted use idea but this package is good. We got a lot of ideas from other townships and came up with middle-ground. He was always a proponent of the conditional use even though it takes more time. He would like the board to allow the planning commission to continue to process as its supposed to do. Shega said it’s a good document and that it has many other things within it that help with oversite.

Chair asks if we need another work session. Not agreed upon. Rondeau didn’t like the process of how it was finalized. Motion made by Bunce to approve this township rental ordinance and recommend it to the township board while asking that going forward they will work towards getting RP10 allowed to have short term rentals. Supported by Kingery. Rondeau- Ney, only due to the process. Shega – Aye. Johnson – Aye. Kingerly -Aye. Bunce - Aye. Motion passed 4-1.

According to checklist used, it will be sent back to the Township board.

Announcements - Bunce – still have the site for electronic disposal at the state farm.

ZA – In a letter from Joe Cilc dated January 2019, to township regarding his concern of number of VRs being approved in the county as conditional use (permit). He contacted the state construction code and is not grandfathered. There are a number of issues that he checks on and once he approves the occupancy permit, Maki will do the township permit. He also needs a copy of the draft Master Plan. The inspector asked for a list of our rentals. Bunce stated that we have a pretty good list in the vault. Other issues ZA mentioned is that recreation structures are defined in ordinance but does not state where they are allowed. Usually the differences are the size – recreational can be smaller and even mobile home or camper. Most people apply for a permit – if they are living on their site in a mobile home while building. He will have more for us on this at the next meeting. The key is what zoning mechanism can be applied to the temporary structures- could depend on number of square feet. We will clean up the definitions.

Old business - Master Plan. Per Bunce - we need a list of the area clubs to put in the MP, and the churches need to be added in. Future land use policies are necessary. Shega - Due to state laws we need to look towards zoning and future land use issues regarding renewable energy. Renewable energy – will UPPCO do a township wide energy audit? What percentage of income is going towards utility costs etc. This may be a good way to begin thinking about this.

Bunce - We need to start a recreation plan – also part of future planning. – can be concurrent with the MA. Hiawatha ski hill is more popular.; we need improvements but its owned by the FS. Johnson brought up the possibility of a new survey and we will talk about that at the next work session meeting. Schedule a work session for 9/11 at 6:00.

We’ll clean up some older census data – once we do these things, we can complete the table of contents. Do we have any nice pictures of the township.

New business – updating bylaws. Need to adjust our meeting schedule in the bylaws. Because there is no county zoning, strike county verbiage section E. CUPPAD had outdated bylaws - ours were last amended in 2009. Do this at the next work session. Website also needs updating for schedule. Can we update the website for VRs applications– no capacity for that yet.

Public comment - Dan Johnson – Julia from CUPPAD was at the County meeting, talking about the county recreation plan. Mick Rondeau says we were just denied a grant for our playground. We should be able to get money from the County Rec plan and CUPPAD is looking into it.

Burge – if there is any feedback regarding stories in the Beacon, he would appreciate any inputs. The notion of grants was part of the decision making on the part of the township.

M.Rondeau – The County recreation plan has taken a couple of years; grants will take up to 3 years.

D.Rondeau – we need to avoid the use of political labels as they bring controversy.

A.Charlebois – how do you figure out who talks during public comment. You’ve allowed people to comment while not during public comment. Why does he not let her talk when others can. Chair says he can approve more comments when it’s helpful.

J.Rondeau – make sure that we keep this non-political as possible. Not for the planning commission; land owners rights are apolitical.

Swajanen– very happy with the conditional use because it helps to promote the community and being neighborly – it doesn’t hurt to get our neighbors opinion.

Seeing no more public comment, a motion was made by Shega and supported by Kingery to adjourn the meeting at 8:35. All in favor.