GRAYLING CHARTER TOWNSHIP PLANNING COMMISSION MINUTES FOR FEBRUARY 28, 2024

- 1. 5:00 P.M. call to order.
- 2. Pledge of Allegiance.
- 3. Roll Call.

Present: Jerry Gosnell, Marc Dedenbach and Dennis Palmer.

Absent: JoAnn Michal and Cindy Reetz.

Others: Supervisor Stephan as recording secretary and guest, see attached.

- 4. Approval of minutes from January 31, 2024. Motion by Dedenbach support by Palmer. Three ayes, two absent, motion carried
- 5. Short Term Rental work session.

Neil Wallace explains anglers suggestions, copy submitted for the record. (on file)

Chair Gosnell reads letter from Nathan Hakill. (on file)

John Reniger explains memorandum, submitted for the record. (on file)

6. Open Public hearing close regular meeting

Case # 24-01 Site Plan Review

Petitioner: Stoops Freightliner Division of Truck Country of Indiana Inc.

501 Bell St

Dubuque, IA 52001

Local Address: 4844 Industrial Dr.

Grayling, MI 49738

Glaying, Wi 47750

Property ID # 040-41-029-09-020-04 Location: SEC29, T26N, R3W

Zoning: C-2

Lot Size: 14.7 Acres +or-

Request: Requesting Site plan review for new outdoor sales of semi trucks with

maintenance

facilities. Article 5 Sec. 5.2A.B. 1-9

Non-conformance: Allowed Use

Zoning Justification: Ordinance 2018-01 Article 4 Section 4.9 B.D.

Dedenbach discloses his involvement with BC/GTUA. Board member have no problem with it. Palmer asked about oil water separator.

Dedenbach had questions about lighting and screening on bike path side.

Close Public hearing and open regular meeting.

Motion by Dedenbach support by Palmer to approve as requested. Three ayes, two absent, motion carried. Work sheets on file.

- 7. Last minute additions and other matters which may legally come before the board.
- 8. Adjourn

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www.twp.grayling.mi.us

MINE CLANK

Planning Commission

February 28, 2024

1. Will Van Someren
2. Weil Wollace
3. John Reniger
4. Just GALENBERG
5. Linda McClain
6. Jun Jorgenson
7. Cam Reel 8. DAN Ce DA MORES
8. DAN CEDALIORS
9. Jun Stuffers
10. AARON WENDZE

11. Mike Halstead

The Anglers of the Au Sable is pleased to submit the following recommendations regarding the Grayling Township Ordinance on Short Term Rentals (STRs), specifically in the Natural Rivers District (NRD). We base these recommendations on feedback from dozens of homeowners in the NRD, the members of our organization, and numerous other ordinances from communities across Michigan. We are very appreciative of the willingness the Township has shown in recognizing and understanding the problems, and taking clear and inclusive steps to mitigate the issue.

We recommend the following:

- A Statement of purpose and intent as a basis for regulation is critical to this
 ordinance so that the community and applicants understand the philosophy behind it.
 - An example: The Township has determined that as commercial uses, short term rentals are inconsistent with the uses in the residential and NRD zones.

Therefore, the regulation of them is necessary to ensure the health safety, and welfare of the residents by establishing community standards that limit, restrict and control short term rentals so the actual use is compatible with the with the residential and NRD uses, and they can be integrated into these existing areas while maintaining the neighborhood and community character and reaffirming police, fire and building guidelines. To accomplish these purposes, the Township has determined that persons or entities that desire to operate a short term rental within the Township must first comply with the requirements of these ordinances.

2. Effective remedies or enforcement mechanisms so that not all restrictions and

conditions in the ordinance are mere illusions. There is much that could be done, including the township giving itself direct authority to terminate occupancy and withdrawing/terminating the permits.

- 3. Confirming the 6 occupants maximum in the NRD.
- 4. Limiting the total number of STRs in the NRD, perhaps in numbers between bridges or other clear boundaries. For example, if there are currently five STRs operating between Stephan and Wakeley, the number should be capped at five.
- 5. Not allowing adjoining properties to have STRs in the NRD.
- Limiting the number of STRs owned and/or managed by any individual, entity or affiliates in the NRD.
- 7. Limiting STRs to one rental unit or three bedrooms per property.
- Consideration of a limit to the number of rented days per year in the NRD as a
 restriction in conjunction with a limitation on the total number of STRs in the NRD, or
 as a standalone restriction.
- 9. Differentiating between guests to the STRs, and occupants of STRs (for example, renters invite friends to a party). How late do guests get to stay before they are an occupant?
- 10. Beefing up the restrictions on events at STRs particularly in the NRD.
- 11. Including a public hearing for any application for a STR permit. There should be some public comment opportunity and a transparent decision process.
- 12. Requiring a posting of a Bond and/or paying a reasonable oversight fee could help offset the cost to the township of enforcement and processing.
- 13. Adding a provision that allows the imposing of specific additional conditions to each Rental to fit that Rental.
- 14. Adding a requirement for septic inspections. These should be annual in the NRD and perhaps for the entire township.

15. Requiring proof that property taxes are paid each year for issuance and renewal.

16. That the Owner should provide insurance with specific coverages and limits with

copy of the declaration as a part of the applications.

17. There could and should be requirements of what goes in the lease contract and that

the form lease is filed with the Township. This should include a requirement that the

rules and conditions of occupancy are part of the lease and posted at the STR.

18. Banning fireworks at STRs in the NRD.

19. Considering false advertising as a violation, especially anything that suggests the

limits of the ordinance will not apply.

20. No amplification of music, voices, through electronic means, in the NRD

21. Considering a restriction on the rental or perhaps use of kayaks and canoes, as well

as ORV and snowmobiles in NRD.

We are pleased to submit these recommendations and do so with an understanding that

there is no silver bullet to our situation, but we think through an open forum and careful

management this one threat to the river culture can be controlled before it gets out of

control. We appreciate your consideration and are open for any further communication.

Sincerely,

Josh Greenberg, President

Anglers of the Au Sable

Lacey Stephan

From:

Nathan Hukill <nathancdh@gmail.com>

Sent:

Tuesday, February 27, 2024 11:41 PM

To:

Lacey Stephan

Cc:

Diane Giska; Brenda Wargo; Jsmock@twp.grayling.mi.us; Ssorenson@twp.grayling.mi.us;

Jseithoffer@twp.grayling.mi.us; Jmichal@twp.grayling.mi.us

Subject:

Au Sable Short Term Rentals

To whom it may concern,

I am writing to you concerning short term rentals on the Au Sable. As a property owner and someone whose long-term life plans (and beyond) involve this place and this river that I absolutely cherish, I am asking you to please do what is right for the Au Sable and Grayling.

I understand this looks like a complex issue when in reality, these are simply unregulated businesses being run by people looking to make a quick buck with little to no regard for Grayling, their immediate neighbors and least of all, the river itself. Were I someone who had jumped through all of the hoops and expense to own a legitimate business (like Gates' or Borcher's), I would be absolutely furious that someone can just decided their house is now a hotel. If a house can just be declared a business with zero oversight, why not just decide to make it a bar, a restaurant or a manufacturing facility of some kind? Those examples may sound extreme but it is absolutely no different. Today my house is now ______.

I know the people who run STR's like to say it helps the local economy. Untrue. Year round and seasonal property owners drive the local economy far more than a group of drunk college kids renting a party house. This has been studied and proven in other parts of the country. Those kids may go to Spike's or Family Fare but they aren't then going from there to get their oil changed by Ray at Grayling Car Care. They're not going to Dubois for lumber or picking up a load of stones from Millikin for a weekend project. It's the people who actually live here and care about the town and their property that spend the most locally, not just in a small handful of hospitality businesses.

By allowing STR's to run unchecked, gradually the people who care about Grayling and the river in the long-term are pushed out of the market because all the property now has false, inflated value as a business rather than a place that will be passed down to the next generation. It's already happening. The Au Sable used to be a place someone who worked with their hands for a living could afford a modest weekend place as a quiet and lovely escape from a thankless job. I am far from being a wealthy man but because of those previous generations of people who cared enough to preserve these beautiful places, I will be able to pass on a beautiful place to my children, assuming we have done our jobs and it is still beautiful when that day comes. Someone who lives in New York or California that has never even seen the Au Sable in person does not care one bit about the river, Spike's, Ray, you or me. It's just a page in their portfolio.

If it were up to me I would ban them altogether. Of course, I am a big believer in liberty but I also know that rules are important. Rules keep society from unraveling. They keep us safe, protect our pursuit of happiness and sometimes they keep us polite. I know there won't be a total ban on STR's but if you are going to run a business you should have to follow the same rules as everyone else that runs a business above board. Zoning laws, health codes, building codes, permits, fees, taxes, inspections all should be enforced on anyone that wants to run a business, not just some people. These are businesses, let's treat them that way. Above all else, let's protect one of the best natural resources this country has to offer and keep it in the hands of the people who care most about it, are invested with their lives and not just invested. I have no other place I want to be. I will be here year after year cleaning this river, planting trees, buying my tires at Upper Lakes, eating Spike Burgers and teaching my kids to do the same! Let's do what is right for Grayling and for the Au Sable. Let's continue to keep it clean, healthy and enjoyable for everyone.

Thank you for taking the time to consider this.

Sincerely, Nathan Hukill

Memorandum to Lacey Stephan and the Grayling Township Planning Commission Monday February 26, 2024

Lacey,

Thanks again for the invitation to attend this week's Planning Commission Workshop at 5:00PM.

As previously communicated, I've been working with a group of Au Sable River owners with properties in close proximity to some of the larger short term rental homes ("STRs") on the mainstream – The Royal Stag Lodge, Thunderbird Lodge, Pine Bend Cottage, Uncle Tom's Cabin and Whirlpool River Lodge. As a group of "Impacted Property Owners", we have some rather specific concerns that we would like to share with Township officials and the Planning Commission.

From a structural standpoint regarding Grayling Township's proposed STR Ordinance, would it be possible to re-format the next draft so that items specific to the Natural River District are pulled out and segregated within the existing Section 4.12 of the Township Ordinance? Many of our comments deal specifically with the Natural River District and may not be applicable to the proposed Township-wide STR Ordinance.

Attached please find two documents that I would like to review with the Planning Commission at this week's Workshop:

- The collected comments from the Impacted Property Owners" to the February 2nd draft of the Township's proposed STR Ordinance.
- And a brief sampling of online STR marketing and advertising that was pulled off of VRBO.com, Hotels.com and the Royal Stag Properties website on Sunday February 18th. These websites all market and advertise STRs with more than the maximum three (3) bedroom limit previously mandated by Grayling Township.

If you could forward this package on to Lacey Stephan and members of the Planning Commission, we would appreciate it.

Best regards.

Menyy John Reniger

Short Term Rental Homes – Comments from the Impacted Property Owners

Proposed Section 7.35 – Short-Term Rental Homes

A. Standards

- 1. Zoning Permit. A separate zoning permit is required for each Short Term Rental property regardless of whether or not the properties are under the same ownership. The applicant shall show proof of permits obtained from the fire department and from the health department for septic, well and drain field. Comment: The permit from the fire department must include a parking site plan allowing sufficient access for emergency vehicles. An annual fee for inspection shall be required per the currently adopted fee schedule.
- 2. Number of Dwelling Units. Only one (1) dwelling unit per parcel shall be leased, subleased, rented or sub-rented at any given time. All lodging is to be exclusively within the dwelling unit and not in a recreational vehicle, camper or tent. No recreational vehicles, campers or tents or any temporary dwelling unit on vacant land shall be rented as a Short Term Rental Home.
- 3. Exterior. All exterior premises shall be kept free from any accumulation of junk or garbage. Fines will be issued for each incident of the accumulation of junk or garbage. Each day this occurs shall be considered a separate incident.
- 4. Trash. Provisions for trash disposal shall be provided. Trash shall be contained in properly sealed receptacles. There shall be no overflow that will be attractive to vermin. Trash receptacles shall be screened from view of adjacent properties and the public or private road. Screening shall consist of either fencing or a landscaped buffer. The trash receptacles shall not be permanently placed adjacent to the road but may be placed there on trash pick-up day.
- 5. Nuisance. Activities on a Short Term Rental property shall not constitute a nuisance to neighboring properties by reason of noise, dust, odor, fumes, glare, lighting, vibrations or trespass. Question: How will "noise" outside of the "Quiet Hours" (outlined in number 12. below) be defined? Is there an existing Township Ordinance that addresses this? In the past, Short Term Rental occupants have had daytime DJ's, megawatt amplifiers and 8-foot speakers. Also, what about the daytime noise from snowmobiles, ATVs or motorcycles?

Short Term Rental Homes – Comments from the Impacted Property Owners (continued)

Lastly, what is meant by "trespass"? My family installed a trail camera on our upstream property line in early June. Within the first 30 days, the trail camera captured over 50 images of trespassers from the Royal Stag property. This type of activity needs to be considered a violation of the proposed STR Ordinance.

- 6. Traffic. Vehicular traffic generated by the Short Term Rental shall not exceed that which would normally be expected in a residential neighborhood.
- 7. **Parking**. All parking associated with a Short Term Rental shall be out of the roadway and entirely on-site, in the driveway or other improved area. The maximum number of vehicles shall be three (3) per Short Term Rental Home.
- 8. Number of Occupants.
 - a. **R-1 and R-2 Districts.** The number of occupants in a dwelling unit during any Short Term rental occupancy shall not exceed the lesser of:
 - Twelve (12) total occupants; or
 - Two (2) occupants per bedroom plus two (2) additional occupants per finished story meeting the applicable egress requirements for occupancy in the Michigan Construction Code.
 - b. Natural River District. Short Term Rental Homes in the NRD shall be limited to three (3) bedrooms. Comment: We appreciate the Township's concept of two (2) occupants per bedroom as stated in the preceding paragraph. Within the NRD however, we believe that the maximum number of occupants in a Short Term Rental Home should be clearly spelled out in the proposed STR Ordinance as "two (2) occupants per bedroom but not to exceed six (6) occupants".

Short Term Rental Homes – Comments from the Impacted Property Owners (continued)



Question: How will the word "bedroom" be defined?

- Thunderbird Lodge is currently advertising a "screened in porch" as a bedroom.
- Uncle Tom's Cabin is advertising "common space" as a bedroom.
- The Royal Stag website states that, for both the Pine Bend Cottage and Uncle Tom's Cabin, three more guests can sleep on the screened-in porch cots during the warmer summer months.

We believe that the proposed STR Ordinance should specifically contain the traditional definition of a bedroom – one that has a door that, (a) when closed, is a separate fully enclosed room and (b) has a closet.

- c. Applications for Increase in R-1 and R-2 District. An owner may apply for permission to have the maximum occupancy of a Short Term Rental Home increased above the maximum established by subsection 8.a. No increase shall be allowed in the Natural River District. Applications for increase shall be a Special Land Use and shall be subject to Special Land Use fees and approval process. The Planning Commission may grant the increase only upon determining that subsections (1) and (2) are both satisfied:
 - All of the following are provided:
 - a. A parking site plan allowing sufficient access for emergency vehicles.
 - b. An automatic sprinkler system on all floors with one (1) or more bedrooms.
 - c. A fire alarm system.
 - d. An interconnected smoke alarm system.
 - e. Fire-rated corridors.
 - f. Fire-rated stairwell enclosures on all stairways providing the primary means of egress for one (1) or more bedrooms.
 - g. Fire-rated doors on all bedrooms.

Short Term Rental Homes – Comments from the Impacted Property Owners (continued)

- h. A sufficient number of emergency exits, suitably placed in relation to the designated bedrooms, as determined in the discretion of the Planning Commission.
- Due to one (1) or more of the following features or other similar features
 of the applicant's property, an increased maximum occupancy would not
 have an adverse effect on surrounding properties:
 - a. Isolation from properties used as residential dwellings.
 - b. Size of the setbacks on the property.
 - c. Provision of fencing or other screening from adjoining properties.
 - d. Topography and layout of the applicant's property or of the adjoining properties.
 - e. Other characteristics and uses of properties within the vicinity of the applicant's property.
- 9. Smoke Detectors and Carbon Monoxide Devices. The owner or local agent of a dwelling unit used for Short Term Rental Homes shall:
 - a. Install and maintain an operational smoke detector in each bedroom and test such smoke detectors at least once every ninety (90) days to ensure that they are properly functioning.
 - b. Install and maintain at least one (1) operational approved carbon monoxide detector on each floor and test such devices at least once every ninety (90) days to ensure that they are operational.
- 10. Events. Special events, outdoor events, lawn parties, weddings or similar activities are not allowed on the site for more than the number of permitted occupants.
- 11. Pets. Pets shall be secured on the property or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark or howl for a period of ten (10) minutes or longer.

 12. Noise Noise during quiet house and the property or on a leash at all times. Dogs shall not be allowed to whine, yelp, bark or howl for a period of ten (10) minutes or longer.
 - 12. **Noise.** Noise during quiet hours must be limited to that which does not disturb the quiet, comfort or repose of a normal person of normal sensitivities. Quiet hours shall be from 10:00PM to 8:00AM each day of the week.

Short Term Rental Homes – Comments from the Impacted Property Owners (continued)

- 13. Fires. No person shall start or maintain a fire except within provided devices or locations. Fires shall not be left unattended and must be fully extinguished. Only clean, dry wood may be burned. Comment: The local agent will insure that all firepits are secured to prevent usage anytime that a DNR burn ban is in effect. In addition, the local agent will communicate any such DNR burn ban to the occupants upon their arrival.
- 14. Fireworks. Fireworks of any kind are not allowed on rental property except in accordance with State law. Question: What exceptions are allowed "in accordance with State law, especially since the Short Term Rental Homes are located in a dense forest with frequent DNR burn bans?
- 15. Street address Posted within Dwelling Unit. The street address of the property shall be posted in at least two (2) prominent locations within the dwelling unit in order to assist occupants in directly emergency service personnel in the event of an emergency. The address should be posted near the kitchen and near any telephone or pool.

B. Local Agent.

- 1. Each owner of a Short Term Rental Home must designate a local agent who has access and authority to assume management of the unit and take remedial measures.
- 2. The local agent must be available twenty-four (24) hours a day during the rental period and be within fifteen (15) minutes travel time of the property (or portion thereof) used for a Short Term Rental Home. If a Township Enforcement Official has to visit the site due to a complaint, a \$500 fine shall be assessed to the owner of the Short Term Rental Home.
- 3. The owner will provide the phone number of the local agent to all neighbors within a three hundred (300) foot radius of the subject property boundaries.
- 4. An owner meeting the requirements of subsections (1) through (3) above may designate themselves as the local agent.
- 5. Contact information posted at the Short Term Rental Home driveway entrance near the road stating (in at least 16-point type) the name of the local agent, a 24-hour telephone number at which the agent can be reached and the maximum occupancy of the dwelling unit as permitted by this Ordinance.

Short Term Rental Homes – Comments from the Impacted Property Owners (continued)

6. The owner shall notify the Township of any changes in ownership or in the local agent. C. Inspections.

- 1. Fire Inspection. The owner or agent shall have a fire inspection performed annually by a licensed fire inspector.
- 2. Site Inspection. The owner or agent shall allow an annual inspection by the Township to ensure compliance with the zoning ordinance.

D. Owner Responsibility.

- 1. The owner or local agent shall require the standards in this Section be met by renters as part of all rental agreements. The owner or local agent shall use best efforts to assure that the occupants or guests of the Short Term Rental Home do not violate this Ordinance by notifying the occupants of the rules regarding Short Term Rental Homes and taking appropriate action to abate the violation when notified that occupants are violating laws regarding their occupancy. It is not intended that the owner or local agent act as a peace officer or place himself or herself in harm's way but any such unresolved matters must be reported to the Township's Sheriff's Department.
- 2. The owner shall be responsible for any damage caused by fires or trespassing.
- 3. Property lines shall be posted with No Trespassing language per state law.
- 4. The owner and local agent shall ensure that the maximum occupancy, per this Ordinance, of the Short Term Rental Home is depicted (this would also include drawings or diagrams) stated correctly in all websites, advertising media and online rental sites. Misrepresentation of the occupancy limits of the Short Term Rental Home shall be considered a violation of this Ordinance. Any identified occupancy misrepresentations must be corrected within forty-eight (48) business hours after notification by the Zoning Enforcement Officer. Failure of the owner or local agent to correct the occupancy misrepresentation within this forty-eight (48) business hour period will constitute an additional violation of this Ordinance.

E. Permits.

1. Each Short Term Rental Home requires an annual zoning permit and are required to pay an annual fee. The zoning permit shall be specific to the property and shall not be transferable to another property or to another owner.

Short Term Rental Homes – Comments from the Impacted Property Owners (continued)

F. Violations

Failure to adhere to the standards in this Section shall be a violation of this Ordinance per Section 9.6 and shall be subject to the civil fines listed in Section 9.6. Comment: A violation shall be deemed to have occurred if (1) the violation results in a police report or a zoning officer inspection report (2) documented trespassing by occupants or (3) an advertising or online rental occupancy misrepresentation. Three (3) or more violations shall result in the revocation of the zoning permit and / or the non-renewal of the annual zoning permit.

VRBO Online Short-Term Rental Information

Royal Stag Lodge & Pine Bend Cottage

Reviewed on Sunday February 18, 2024

1. Royal Stag Lodge

Hotels.com describes the Royal Stag Lodge as a "Grayling Gem: Royal Stag Serene 6BDR Lodge!"

The Royal Stag website (theroyalstagproperties.com) states that "combine this property with its guest house, the Pine Bend Cottage, also on VRBO, and you can comfortably sleep 30 people!"

While the introductory information on RVBO describes only three bedrooms, it also indicates that the facility sleeps up to 15 people.

Further into the details on VRBO, four bedrooms are listed:

Bedroom # 1 - One King Bed

Bedroom # 2 - One Queen Bed, one Twin Bunk Bed and one Twin Bed

Bedroom #3 - One Twin Bunk Bed

Bedroom # 4 - One Queen Bed, one Twin Bed and one Twin Bunk Bed

2. Pine Bend Cottage

While the introductory information on VRBO specifies only three bedrooms, it also indicates that the facility sleeps up to 10 people.

Bedroom # 1 - Two Twin Beds

Bedroom # 2 - One Twin Bunk Bed

Bedroom #3 - One Twin Bunk Bed

Bedroom #4 - One Queen Bed

The Royal Stag website states that three more guests can sleep on the screened-in porch cots during the warmer summer months.

VRBO Online Short-Term Rental Information

Thunderbird Lodge, Uncle Tom's Cabin & Whirlpool River Lodge

Reviewed on Sunday February 18, 2024

3. Thunderbird Lodge – six bedrooms (sleeps 12)

Main Lodge

Bedroom # 1 - One Double Bed

Bedroom # 2 - Two Twin Beds

Bedroom #3 - Two Twin Beds

Squall Cabin

Bedroom # 1 - Two Twin Beds

Bedroom # 2 - Two Twin Beds

Screen Porch Bedroom # 3 - One Queen Bed

4. Uncle Tom's Cabin – three bedrooms (sleeps 10)

Bedroom # 1 - One Queen Bed

Bedroom # 2 - Two Twin Beds

Bedroom #3 - One Twin Bunk Bed

Common Space - One Twin Bunk Bed

The Royal Stag website states that three more guests can sleep on the screened-in porch cots during the warmer summer months.

5. Whirlpool River Lodge - three bedrooms (sleeps 12)

Bedroom # 1 - One King Bed

Bedroom # 2 - One Twin Bed

Bedroom #3 - One Twin Bed