**Solon Township Planning Commission**

Solon Township Hall

9191 S. Kasson St.,

Cedar, MI 49621

**AGENDA**

Regular Meeting Agenda

Tuesday, October 29, 2024,

 6:00 P.M

**MEMBERS**

Steve Morgan – Chairman – Term expires 12/31/24

Steve Yoder – Member / Twp Board Rep 11/17/24

Meg Paxton – Member 12/31/25

Samantha Vandervlucht – Member 12/31/25

1. Call Meeting to Order **by Chairman Morgan at 6:00 p.m.**
2. Pledge of Allegiance **Yoder, Paxton, Vandervlucht and Morgan.**

Absent: **Resigned - Yeomans**

1. Roll Call: **Paxton, Yoder, Vandervlucht and Morgan.**
2. Approval of Agendas **Moved by Vandervlucht to approve the agenda as presented, seconded by Paxton.**

**Passed 4-0**

1. Approval of Meeting Minutes; September 3, 2024, Regular Meeting Minutes

**Moved by Yoder to approve the September 3, 2024, minutes as presented, seconded by Paxton.**

**Passed 4-0**

1. Conflicts of Interest **None**
2. Public Comment; (Limited to three minutes per person unless extended by Chairman).
3. **Steve Tostige** – Requested that the PC members introduce themselves.

2. **Laura Tarsa** – PUD’s are on the list for today. Asked the board to consider a definition when speaking about “affordable” housing or workforce housing. These items are hot topics when talking about the housing crisis we have everywhere. If we jump to changing the zoning for developers, does it make it affordable or just affordable to developers? Depends on “who” is being considered as affordable. Clients are looking for affordable housing. The current price ranges are not supportive of houses that are affordable as the average housing sale prices are around 400k in this area. Young families are in that category of needing affordable housing with mortgages under 400k. Renting is beyond the cost of an affordable mortgage payment as they are higher than a 300k mortgage. So, who are we really making these homes affordable for? Suggested that the board does not make zoning changes so that developers can build more houses at 450k but to adjust the zoning so that the homes that people build are more affordable in size as subdivisions often have a minimum building size which restrict people in having to construct larger homes which are not affordable. They also require that people build garages at the same time as the home. If the zoning regulations were adjusted then that brings the affordability down to families that are interested in locating here that are not looking to live in condos or apartments but interested in space in this area to raise families in our schools. None of the solutions that she has heard so far make it affordable for those young families searching for homes.

1. Correspondence

**Correspondence received;** Scott and Cindy Rollenhagen, Michael Hartings, Sam and Paige Fessenden, Ronald Jones, Nancy Hartings, Laura and Dennis Richardson – All correspondence was regarding short term rentals.

**Morgan:** All of these letters are pertaining to short term rentals that have been operating illegally and they would like to continue.

**Deeren:** Yes.

**Vandervlucht:** Are these not businesses as they are individually owned?

**Deeren:** They are individually owned and have been informed that they are in violation for renting short term as there is not an ordinance.

**Vandervlucht:** Saw a post in overheard in Leelanau that people are looking to purchase in Solon specifically because the township does not have any ordinances so they are assuming that there are zero restrictions.

**Deeren:** We do have places that have been renting short term and there are people interested in building here that have been under the same assumptions.

**Vanderflucht:** What would be the appropriate response to this?

**Deeren:** Review the zoning ordinances. People make assumptions until they review the ordinances. Our ordinance states that it is not an allowed use than it is specifically prohibited.

1. Reports
2. Township Board Representative: **Yoder:** Provided a summary of the last board meeting. Corey Flaska’s LUP’s expired in April of 2024, he has requested that the township board waive the fees for his LUP’s to be renewed for the project adjacent to the township hall, The board decided that all permits issued and expire in 2024 be charged ½ the rate for renewal but this will only be effective for those permits that expired in 2024. Further discussion on the solid waste containers behind Buntings and improving the road. The Road Commission has stated that this is not a legal road therefore they are unable to repair the road as it is not wide enough and there are still questions regarding the easement. This may be vacated and the easement area may be granted to Buntings as part of their property. The alleys in Cedar may also be vacated and granted to the adjacent owners. This is still under consideration at this time. The Clerk had to purchase a new tabulator for elections. Todd Yeomans resignation was accepted. The Supervisor will select a new person to replace Todd and fill the vacant seat on the PC. Approval of the park committee and process for guidelines. The rowing club was approved through 2026. The dock at Perrins Landing was removed. Meeting with the Polka Festival will be held off until after the 2024 elections.
3. ZBA Representative - **None**
4. Zoning Administrator – **Deeren**: Continues to work on land use permit applications and land divisions. Receiving many calls on short term rentals and whether they are permitted or not.
5. Old Business;
6. Review Accessory Dwelling Units – Amendments

**Morgan:** Under Old Business review of the ADU’s, Christina provided this as an attachment. We’ve been working on an ordinance to address these.

**Yoder**: Wasn’t the main thing we wanted to add was for these to be owner occupied? Other than that, thought everything was good with what was drafted.

**Deeren:** Recalls that they removed these being owner occupied.

**Yoder:** The premises or primary residence should be owner occupied.

**Paxton:** We stepped away from that, we had the discussion that it was not necessary.

**Yoder:** The principal residence was to be owner occupied.

**Morgan:** Agrees with Yoder.

**Paxton:** That the owner must be there?

**Yoder:** That is the conclusion or assumption that he was under.

**Paxton:** Is against that.

**Morgan:** Asked Vandervlucht to weigh in on this.

**Vandervlucht:** Did not recall, was pushing as a compromise.

**Deeren:** We can change this and make it a requirement that if a ADU is built then the main dwelling needs to be owner occupied.

**Paxton:** If not, owner occupied then they can only rent one of the structures on the property if there are two?

**Yoder:** Yes.

**Paxton:** So, in the event the long-term owner doesn’t live on the property now we have a vacant building unable to be used which would be the lesser expensive dwelling?

**Morgan**: Wouldn’t you make the assumption that if something happened to the owner that the property would then be sold or transferred to a new owner who would then be occupying the main building.

**Paxton**: It is not our place or position to do any assuming. Our position is what we will allow and what is best to allow and cutting it out. If the idea is to allow more lesser expensive housing it would be silly to have vacant housing.

**Morgan**: An ADU ordinance is for the ADU purpose.

**Paxton**: Yes.

**Morgan**: Which is to allow people to have family members live in something that is affordable on their property.

**Paxton**: So, looking at the other side of that, I am not a home owner and I find a place to rent but I also require a place for a parent but not in my home, so unless you own property you can’t have family near you?

**Morgan**: There is no way that I would be in favor of anything that allows for more short term rentals or something that will just turn into short term rentals. We end up having two rentals on a piece of property next to neighbors that have to deal with those issues.

**Paxton**: That’s assuming all renters are poor renters.

**Morgan**: No, I was not suggesting that, rather the you will have rental properties next to established neighbors and established neighborhoods. To have someone overseeing things is a good idea.

**Yoder**: Lost at what is being said here.

**Morgan**: If you don’t require them to be owner occupied then you are saying someone could rent the primary residence and the ADU out as well. Two rentals on one property.

**Paxton**: In reference to that are you going to go to these ADU’s and make them prove that they are family? How do you prove that?

**Vandervlucht**: Is family a legal requirement?

**Morgan**: No.

**Vandervlucht**: What is the purpose in the B&B ordinance that it has to be owner occupied?

**Paxton**: You live in the B&B it is part of the rules.

**Deeren**: It is part of the requirement for a special use permit under the B&B ordinance.

**Vandervlucht**: What is the purpose of that?

**Deeren**: Ability to rent rooms and gain income while still living in the home. It is also part of the experience of going to a B&B. You can control who is coming into the home while observing and controlling what is happening on the property and who is staying.

**Vandervlucht**: Which falls in line with this.

**Paxton**: Thinks there is a difference of a B&B where guest stay vs these long-term rentals. People under a B&B will have various people staying where in an ADU you will have a long term renter.

**Deeren**: Stated that ADU’s will be built and used for short term rentals as the income for these is substantial vs month to month rentals. People are looking for these types of investments. If the intent is to create more housing for children and families that are already established then we should restrict these from becoming income generating homes.

**Vandervlucht**: If it is in the ordinance that the primary residence needs to be owner occupied that will lessen these becoming short term rentals. It will encourage these ADU’s to follow along with the requirements and focus on that purpose. If both homes are not owner occupied then it will just open up a can of worms.

**Morgan:** We are not stopping people from renting out the ADU rather only that they are required to live in the primary residence.

**Paxton:** I suppose so. We do have a lot of people that do not live here year round, a waste of a house.

**Yoder:** I have no problem with having the principal residence owner occupied. This is a reasonable solution. If we can address one issue and get it in the right direction then we should allow for that. This ordinance for ADU’s is not perfect but if it can help elevate some of our issues then we should support it. We do need to add some language to put some teeth in this so that if we have to go in and enforce violations then that’s part of the zoning ordinance. Does not have a problem with the way this is drafted and does not support these being constructed for the sole purpose of short term rentals. Understands that there are many young families that are unable to afford mortgages so renting a house on someone else’s property to get by until they are able to afford a home or property of their own is a good solution. This is a step in the right direction. Yes, these can be abused but that is why we need some regulations.

**Morgan:** What I hear is the majority of the board is in favor of the primary residence being required to be owner occupied.

**Yoder:** That is a reasonable solution. Owner occupied should be a condition of this ordinance. We could copy a portion of the B&B ordinance which is approved to be added to this.

**Morgan:** Asked for this to be included in the ordinance language.

**Deeren:** Suggested adding a cavoite to prove that any new applications for ADU’s would be required to prove that this is the individual’s primary residence.

**Morgan:** Asked if there were any other concerns with this ordinance.

**Board:** None.

**Morgan:** Let’s make the changes and bring this back at our next meeting where hopefully we will have a full board.

1. New Business;
2. Other Business;

1.

2.

1. ZA / Planning Commission Comments:

**Planning Commission:** None

**Zoning Administrator:** **Deeren:** Did attend a virtual meeting with the County on how to add information to the website but it was the second session. The master plan on the webpage is the incorrect plan and needs to be updated with the last version that was passed by the PC before submittal to the township board. The township board will also be required to adopt a resolution for intent to distribute the plan for the public comment process. Hoping to get this corrected and updated as soon as possible.

1. Public Comments; (Limited to three minutes per person unless extended by Chairman).
2. **Steve Tostige:** It seems now that there is a focus in Solon Township on short term rentals as it has been throughout the county for some time. Will there be a public hearing and some information to let the public know the position that the county is taking or reviewing with short term rentals as I found out about this through conversations with neighbors and has not seen anything published regarding this topic. How will you bring visibility to this issue because it will be a concern for a lot of people.

**Morgan:** We need direction from the township board as they have not addressed or refused to address whether they are interested in adopting a short term rental ordinance. Once given that direction we would begin the process of working on a short term rental ordinance. Which would be available to the public and then be able to speak on this issue. At this point we are not doing anything with it. It would be on the agenda which are published and then people can make comments on what is proposed.

**Paxton:** Suggested bringing the issue before the township board.

1. **Kim Smith:** Commented on the lack of a PC member at the present time. Would like to suggest that the township board would select an alternate to serve as a member in the case where there is an absence then you would still have a full board.
2. **Laura Richardson:** First time at one of these meetings and inquired how many people on the PC are coming off of the board? Is this the board that is going to up for election?

**Morgan:** No, this is the Planning Commission and we are appointed by the township board to serve on the PC. The people sitting here at the table may all still be seated here after the election with the addition of one member. Things could change depending on the selection of the new township board.

**Yoder:** There are two members that will for certain be here next year.

**Morgan:** Township board meets the second Thursday of each month.

**Richardson:** How many people serve on that board.

**Deeren:** Five people are seated on that board.

1. **Laura Tarsa:** The other thought that I had on the lack of affordable housing issue was ADU’s so I am glad that you are addressing it. It is tricky making sure that the principal owner lives in the residence. How do you address someone living with grandma and she dies, do you kick the remaining residents out? I think this warrants more conversation before adopting this.

**Deeren:** That scenario would typically trigger a change of ownership. After grandma passes a death certificate is recorded and, in most cases, there are different types of transfers like a Lady Bird deed that are in place prior to a person’s passing.

**Tarsa:** I am a realtor so I am very familiar with the short term rental issue. It’s not just Leelanau but also Grand Traverse so it’s been a hot topic for several years. So that is a sticky one. If the ordinance does not allow short term rentals, then they are not allowed?

**Deeren:** Yes.

**Tarsa:** When I was on the Planning Commission in 2014, Tim’s effort as ZA, that when we were reviewing the ordinance that if we did not address something in the ordinance it was allowed. His reference was implying the opposite. So, you need to clarify this before stating these are not allowed to people.

**Deeren:** Referenced the page and section in the ordinance where it states: If it is not an established use then it is strictly prohibited.

**Tarsa:** What if they are grandfathered?

**Deeren:** You can not grandfather something of which you have not established an ordinance for. For example, if we adopt the ADU ordinance and a person already has this established on their property then they would be grandfathered but you cannot have something grandfathered when there is not an adopted ordinance. So, anyone renting short term is in violation.

**Tarsa:** So, if you had someone renting for the past three summers and wanted to rent now since you put it in the ordinance they would be in violation, even if they rented the previous summers?

**Deeren:** Anyone renting short term now is in violation. There is no ordinance which has been established or adopted which states otherwise. The ordinance states that if the use has not been established in the zoning ordinance, then it is specifically prohibited. Cannot speak on Tim Cypher’s position or what he stated to people regarding the ordinances. However, as the current ordinance reads the position of the ZA that these are not an allowed use as there is not an established ordinance pertaining to short term rentals.

1. **Kathy Haze**: Can you define established use? What does that mean?

**Deeren**: An established use would be single family residential, multi-family residential that would be an established use or as defined by the ordinance.

**Haze**: When was the ordinance adopted?

**Deeren**: It was adopted in 1971 and has been updated with the adoption of additional ordinances since it was originally adopted.

1. Adjournment;

Morgan moved to adjourn the meeting at 6:55 p.m.

Respectfully submitted, Christina Deeren, Recording Secretary 12/29/2024.