

Florence Township Planning Commission  
December 12th, 2022 - Draft Minutes for Board

Present:

Ed Hruska, Chair, Bill Bruce, Vice Chair, Kristen Eide-Tollefson, Secretary  
Heidi Hartzell, Ryan Langhans [Missing, Wendy Albers Scofield]

6:00 PM Call to Order

- Pledge of Allegiance
- Review and Approval of November Minutes

Motion to approve, Bill - Second, Heidi

- Open comment period MSA Update/ Preliminary Reviews or Inquiries / Violations/ Zoning Reviews of Permits – No comments
- No report to date from MSA New Business – Note: We need to hear from MSA before the day of the meeting, whether or not there is any permit activity

**Short Term Rental Ordinance Public Hearing.**

Note: all commenters and STR owners of record were noticed by email of the Hearing by the Planning Commission secretary, in addition to formal notice posted in the Lake City Graphic and on the website. The draft ordinance was available on the township website for residents to view before the hearing.

The Chair reads the notice aloud: Florence Township Planning Commission will be holding a second and final public hearing on the proposed Short-term Rental Property Ordinance. The purpose of the ordinance is "to allow a limited number of residences to be rented on a short-term basis to the extent consistent with the comprehensive plan the existing residential, agricultural and historic district zoning, while also mitigating impacts upon surrounding properties by implementing balanced rules and regulations for the protection of the health, safety and welfare of the community.

6:03 The public hearing is open

- Pam Miller 29065 LeRoy Ave, Old Frontenac  
Questioning the definition of "owner", last phrase: "including any Person....." Coming from attorney? Executor or guardian that makes sense. But the inclusion of tenant is confusing and concerning.
- Jeneann Oppetahl -29401 LeRoy Avenue.  
Asks the same question and expresses concern about the definition of Owner.

PC discussion - Kristen: Does this mean that a tenant/renter can operate and STR?

Ed: We will ask for clarification from the attorney. Jim says he will take it to the attorney. "If its confusing, we don't want it."

- Pam Pontzer 29476 Lake Ave Way (S)  
F. Section 4. What is a “reasonable time frame” [for owner/operator response to complaint]
- Jean Pontzer 29366 Lake Avenue Way,. Pam reads aloud the letter sent by email (to the clerk) from Jean Pontzer (summary): This is a good compromise. The community values priorities are served by the ordinance. It’s important to maintain the limit of 3 rooms, 6 guests. Response time for designated response for renter should be clarified.
- Randy Koplin 29430 Lake Ave Way (STR operator)  
These are pretty good compromises. In E. Section On the insurance requirement, 2 million minimum, and including the township on the policy? You are singling out a specific kind of business for these requirements. This could be a sticker (sticking point) for my insurance company to have to comply with this. Noting, VRBO provides an additional 1 million in insurance if you are using their platform.
- Jan Bruce 2924 Wood Avenue – 1000 feet between properties needs clarification as to how this is measured.
- Steve Deitz 28839 Lake Ave Way – No specific questions. But I want to say that I appreciate all the work that has been put into this. Personally, I think it’s a strong and important ordinance to pass; and will make a real difference to the long term viability and sustainability of the community. The liability of the events...(missed this)
- Lynn Staker – 29308 Lake Ave Way. Thank you for the ordinance. I think it is strong and I urge you and the supervisors to pass this ordinance.
- Lynn Schmidt (STR owner) – I agree we have to have rules regulations and we have contracts signed by our guests. My only issue is the number of bedrooms, 2 people per bedroom. Should that apply to everyone? I have 2 bedrooms, but I have families with 5 family members who come, who are repeat customers. And what about the 120 days/per calendar year.

PC Discussion – Kristen reviews the negotiations on the limits, how we got to them at the previous public hearing and discussion. Bill: Part of the application will be a layout of the property. So we will be able to see if this is a reasonable consideration for your application. The ordinance will be reviewed on an annual basis.

6:24 No other comments being received, the public hearing is closed by the Chair.

#### **PC Discussion and Next Steps:**

- 1) Get the questions to the attorney for final input (see attached summary from Ed to Jim McIlrath)
- 2) Application will be drafted by January 1<sup>st</sup>. (Bill has volunteered to work with Kristen on drafting)
- 3) The application due date for this first round will be February 1<sup>st</sup>. The township has 60 days to process the IUPs by ordinance. The December 31<sup>st</sup> deadline in ordinance will apply thereafter. How will the other STR owners be notified? Put on website. Get contact information possible.

**Motion to recommend to approve** and send it on to the Board for approval – Bill, moves with noted questions, Ryan seconds –the motion is passed unanimously.

Other Business:

Discussion of Granicus – STR Host Compliance product. A PowerPoint and brief presentation was sent to planning commission and board members by Granicus. Contact was made by the PC secretary. Interest was expressed, along with questions about timing and cost.

The expectation was put forward that STR business owners should pay, in fair measure and fees for the cost of STR regulation.

- 350.00 is the established one time fee for an IUP
- Granicus says that STRs are charged an annual fee, established by the average price of STR rentals, times two or three (e.g. 150.00/night rental = 300-450.00 annual operating fee). This is a per STR charge.

The range of costs for STRs in Florence Township varies widely, e.g. from 50.00 night to 500.00 night. It was suggested that annual fees could be calculated for each STR, based upon their average nightly cost for that year X 2 or 3, as determined by the board. However, enough money will need to be collected to cover regulatory costs. All fees are subject to change by the board.

Granicus estimated charges from Zoom notes (subject to 10-20% discount for two or more products):

1. 3,000.00 per year for mapping, owner and address information for all STRs in the jurisdiction; monitoring of 70 platforms (every 2-3 days); ongoing and annual reports on all STR activity.
2. 1250.00 per year for 24/7 hot line for host compliance, tracking of all complaints and resolutions of complaints for which Granicus takes responsibility
3. 1750.00 per year for full service compliance communications with STR owners, with detailed documentation and tracking. This includes notices, follow up notices related to any aspect of host compliance and enforcement measures. There is a feature for internal communications with the township. Township may design its own templates or use Granicus'. The township is still responsible for legal enforcement, as necessary.
4. 3,000.00 per year for handling all permitting requirements.

THESE ARE NOT YET FIRM FIGURES. Best estimate is that the annual cost for items 1-3 will be @500.00.

This item was tabled for further investigation to provide information to the board. To understand pricing and what the other options might be, Kristen will pass on the Granicus information to Ben, and Ed will check in with Rochester, listed as a Granicus client, for a review of the service. Kristen has updated Granicus and notified them that we need a firm count on our existing STRs in order to calculate expenses and make a decision on their services (for a one year trial). We will also need addresses in order to send applications, in order to process IUPs and collect IUP fees.

- 10 STRs = 3500.00
- 14 STRs (on map, red and blue dots) – 4900.00

If, in addition, we collect the annual fee for 2023 there will be well over 5,000.00 for regulatory expenses. Using Granicus's Florence specific average of 125.00, X 2 for 10 STRs = 2500.00; X3 = 3750.00.

Jeff Bolin. 29039 Wood Ave Augustine House – We are going to purchase and raze it. We’ve been working with the county. The well is okay, septic is going to have to be redone. It may require a variance. We want to move forward to raze it, take care of the septic, and leave the garage. Their neighbors have been helping them for years. It isn’t a contributing home but we will be going to the HPC. Kristen notes that there will be paperwork necessary for any building in the Historic District.

Bill moves to adjourn Kristen seconds.

Tabled items:

- Granicus, for further investigation and information.
- Review and discussion of by-laws, proposed amendments and existing member regulations

Next meeting: Monday, January 9th, 6:00 PM

Sent to Jim McIlrath for attorney follow up on items raised at the public hearing:

Mac, Below are the items which were questioned during the hearing tonight. If you can get some clarity from legal on these before the hearing next week I think he can resolve them fairly easily. Ed

Sect II, G. Owner: The natural Person or entity who or which alone or with others has possessory title or interest in any building, Property, Dwelling, Dwelling Unit or portion thereof, <b>including any Person who as tenant</b> , agent, executor, administrator, trustee, or guardian of an estate has charge, care, control of any Dwelling or Dwelling Unit, but not including a contract vendor.	Questions/concern over if a tenant can act as a STR owner?
Section IV, F. Manager or Caretaker: The resident and Owner of the Short-Term Rental Property is responsible for all requirements of the STR Ordinance. In addition, all Short-Term Rental Properties shall have a manager or caretaker within 20 miles of the Property. The Short-Term Rental Property Owner will provide their name, phone number, and address and the name, phone number, and address of their designated manager or caretaker to the Township and all neighbors within 500 feet of the Property. Failure to respond to calls within a <b>reasonable time frame</b> will qualify as a violation.	Does there need to be some type of further definition to what reasonable time is?
Section III, E. Required Insurance: The Short-Term Rental Property Owner must purchase and maintain a business insurance policy providing liability coverage with limits of no less than <b>\$2 million occurrence</b> and provide proof of that insurance with their application for an IUP and with each annual renewal application. <b>The Owner shall include the Township as an additional insured</b> upon the policies and require that the Township will be notified by the insurer thirty days in advance of any cancellation or non-renewal of the insurance.	Insurance question - clarity needed? Insuring the township? \$2M standard?
Section III, C: C. Distance between Short-Term Rental Properties: A <b>distance of no less than 1,000 feet from another Short-Term Rentals</b> Property is required as a condition for issuance of a Short-Term Rental Property IUP. Provided, however, that Short-Term Rental Properties that are legal non-conforming uses as defined in Section 11 of the Ordinance at the time of the initial enactment of the STR Ordinance are exempt from this requirement as long as they continue to be legal non-conforming uses.	Clarity on details on the 1000 feet