

LILLEY TOWNSHIP PLANNING COMMISSION MINUTES
SPECIAL MEETING REGARDING ORDINANCES
ON KEEPING OF CHICKENS AND SHORT-TERM RENTALS
JUNE 22ND 2023 – UNAPPROVED

The June 22nd, 2023 Special Meeting of the Planning Commission, held at the Multi-Purpose Building, was called to order by Chairperson Cindy Israels at 7:30 P.M.

The Pledge of Allegiance was recited, invocation by Doornbos.

No visitors present.

The roll was called with the following members present: Chris Moore, Robert Doornbos, Cindy Israels, Anna Bonnett and Judith Hoving.

Motion to approve the May 25th 2023 Special Hearing Minutes regarding Short Term Rentals by Moore, Second by Doornbos. All in Favor Aye – Motion Carried

Motion to approve the June 22nd, 2023 Special Meeting Agenda by Moore, Second by Bonnett
Agenda item regarding the keeping of chickens – No one present concerning this. To be tabled
All in Favor – Motion Carried

Public Comment on matters not published On the Agenda: None

Other matters to be reviewed by the Planning Commission:

Old Business:

Correspondence: (Summarized)

1. Letter received from Township property owners regarding STR's. Born and raised on Pettibone lake. Family owned 3 quarters of Pettibone Lake at one time. There were previously 3 cabins on the lake but now there are 65 lakefront places not counting the ones across the road with access. All have boats, some multiples. We removed our ski boat a few years ago because it was no longer safe to pull grandchildren on tubes because of the danger of jet skis running over them. **Against STRs.** Believes STR owners are only concerned with income and not the safety or wellbeing of other property owners and residents. This lake is too small for the increased traffic.
Fran Ford Nelson
2. Purchased property in 2021 knowing that STRs were not allowed. Friends had problems in other places with STRs. Numerous out of state vehicles with no room to park, dumpsters in the road, ATVs driven illegally, children with no helmets tearing up the roads. Bad language and natural resources depleted. Zoning needs to be enforced. Zoning is clear, if it isn't listed as legal, it is illegal. Why should property owners here for rest and relaxation suffer while lining the pockets of those who are here to make a profit. Enforcement for problems is limited. Could not attend the meetings because we had to work to pay for our cottage but they did read the minutes. STR renters bring food and beverages with them to places with kitchens. They do not shop here or sit around in bars. Local legal resort businesses who comply with local and state laws and codes are the losers. Sorry for those who invested life savings without careful research. Possibly Legal action could be taken against those who advised them without careful and proper research.

Interruption by audience to limit time for completing the reading of the letter to just 3 minutes. Over-ruled by Chairperson citing previous meeting where pro STR letter went over 3 minutes.

2. **Continuing**: We own a business in another zoned community and are required to comply with zoning regulations including multiple Handicap regulations and business-related fire and health Department regulations. Inspections are every three months because facilities are for public use. We abide by all rules including inspections that apply to businesses. Problems here must be addressed because they are only going to get bigger. Why should the majority suffer for the profit of a few? Cut and dried zoning rules. If not listed as acceptable it does not comply with ordinance. They thanked the Lilley Township Board for doing a great job. The roads are fantastic. The caring and concern that goes into this job is full time. Many hours are spent answering questions and dealing with issues. The Lilley Township Board does a terrific job and we appreciate their service. We plan to move up here full time and are looking forward to it. **Against STRs**

Paula & Tom VanMaldegen

3. **Addressed to Jeff Wroblewski – Zoning Officer – Unable to attend the meeting due to family commitments but wish to express concerns** about short-term rentals. Owners of a cottage on Pettibone Lake. Attended the previous meeting and listened to the pros and cons expressed. My wife and I have worked for over forty years to be able to buy a cottage on a small lake where we could enjoy that type of atmosphere. 7 years ago, that was mostly what was in existence. The last few years there have been negative changes as properties have been sold and become Short-Term Rentals. Daily and weekends it has become more resort-like with large and multiple families sharing an STR. Concerns are additional boat, jet ski and fishing along with dirt bikes, ATVs and other vehicles running on gravel roads. Constant use by STRs of Septic systems can contribute to lake pollution. Water and noise pollution because of overwhelming vacationing and partying at all times, day and night can be very negative for residents. Disagree that local businesses will lose money without STRs. Most bring food, beverages and other items from home. We sympathize with those who bought homes to use them for income purposes, but Lilley Township is zoned residential except for a few designated areas zoned commercial. There may be legal recourse although running a commercial business in a residentially zoned community is illegal. We thank and support the Lilley Township Zoning Board for their work to keep the lake areas residential. **Chad and Judy Ball**

Public Comment

A back and forth discussion ensued between audience and Commission members. Member stated that STRs are illegal in a Zoned residential area. They are a for profit business advertising on the internet. Not the same thing as a home-based business. One person who has rented cabins prior to Zoning can possibly be Grandfathered. **Discussion regarding threats made by an STR property manager against a neighboring property owner's contractor that he would kill him with a shovel. Death threat was joked about on a YouTube video by the STR owner. Another STR owner's internet Blog called "Board Members" corrupt and racist among other inflammatory comments. No names were given when requested by audience.**

Planning Commission recommendation at this point that we make no changes to Medium Density Residential and that certain property owners would be eligible to be Grandfathered when meeting certain requirements. A one-year license can be issued and would be renewable.

At this point the Zoning Officer said they had a letter to be read under Correspondence from a couple that had both spoken at the previous meeting. Felt in fairness this correspondence should be read at this meeting.

Additional Correspondence (Summarized)

4. Correspondent is aware that zoning modification is being considered. Has memories of renting cottages as a child at multiple lakes. Family shared rental costs. They did not want tourist areas, preferred rural settings. Cites Michigan tradition of vacation rentals. Claims vacation rentals are enriching the lives of families and bolstering the economy of otherwise blighted communities, bringing new life, new business, reviving tourism and creating jobs. STRs and Covid revived interest in vacation rentals. Airbnb says clients want lakefront rentals. Families want a rural vacation to reconnect away from home away from cities. Do not want to locate in a commercial resort area. Raised nine children, invested in them and no retirement fund for future, only Social Security so property is funding their retirement. Husband is still working full time so family time spent at their property is limited. Purchased their property with a rental history and checked on things with their neighbor. It had an ongoing successful rental history for over 20 years. They are in full compliance with improvements, permits and paying taxes. They work very hard at their business and caring for their property. They have repeat guests and advertise for family fun. After returning guests fill spots they book directly to verified Airbnb and VRBO clients after checking reviews then bypassing the platforms. They refer their guests to local businesses. **In Conclusion in favor** of short-term rentals, responsibly owned and managed with the following requests. **1.** No limit on number of guests if large enough for multiple related families to vacation together to share expenses. **2.** Define the term single family dwelling. **3.** That they be allowed to continue their rental business as it is. **4.** That the ordinance fairly addresses resident's concerns and balance them with use of rental property. **5.** That they be "Grandfathered" as a lawful non-conforming use based on twenty years of successful hospitality history. **6.** That we welcome STRs and possibly capping future ones. **Rob and Hattie-jo Austin**

Note: Two other letters were received by Zoning/Planning from the Austin's suggesting possible changes or certain modifications to Zoning in favor of Short-term rentals to be considered.

New Business

Commission members to discuss the research done on the subject of short-term rentals and come up with recommendations on the subject to the Township Board.

Note: This should have been the end of public comment and correspondence at this point. **The Open Meetings Act** requires this Commission to transact its business in front of the public.

The public refused to allow us to discuss our findings without interruption. Chairperson stated that we have spent months researching this issue and have not found STRs to be in compliance with MDR requirements. Argument was made regarding Short Term rentals and Long-Term rentals. STRs are a business, not the same as renting or leasing a property for long term occupancy to a family. Some of the comments and statements by our Zoning Officer are as follows: You brought this situation to our attention when you advertised as a business. He does not use social media to chase anyone down who may be violating Zoning. We are trying to work out balance but it is not helpful to make threats. Chairperson explained that we are looking at all Zoning for possible change but Medium Density Residential is for single family use and Short-term rental, especially for groups of unrelated persons who do not live together as a family elsewhere, is not allowed. There is a single-family housing shortage for local families seeking to live in and/or remain in the area.

One person who once owned a Bed and Breakfast in another jurisdiction let us know that everything we are doing is wrong and unfair. There were raised voices and interruptions making Chairing the meeting difficult. Another Commission member explained that we have been watching this situation for several years. The Real Estate Industry went to the State of Michigan Legislature and tried to get legislation passed that would take away all local control over short-term rentals. It died and we then began the process of dealing with the situation that had arisen here. When the Zoning Officer was asked how many of the 40 plus STRs now operating, came to him to find out if their proposed property use complied with Zoning, the answer was two. Another audience challenge was answered with an explanation of the makeup of the Planning Commission, where they live in the Township and how they are appointed. There is one rental property that is probably Grandfathered. There will be a registry to determine the outcome of these questions. Another person argued that those who want to rent could pay a fee to get a license. The problem is that this Township is not a resort area with an infrastructure set up to "police" short-term rentals. The audience continued to argue with the Commission and interrupt and challenge any explanations.

The Chairperson gaveled the discussion over.

With that, Commission member Chris Moore made a motion to recommended that there be no change to Medium Density Residential and residents that are eligible for Grandfathering status be awarded a one-year license if requirements are met. Second by Doornbos. Chairperson said this is our baseline.

Roll Call: Robert Doornbos – Yes, Anna Bonnett, (the vote was interrupted) Yelling and arguing. When a Commission member was speaking interruptions happened repeatedly. Commission member could not finish, was cut off and the meaning of comments were twisted. Audience continued to speak during a roll call vote. On and on! There was no respect shown for the Commission members. Much discussion regarding the impact on local residents and the unfairness to those that neglected to research before investing and starting a business. Audience member asked if the Township will go to court to fight this because it was previously stated that we could not afford to. Commission member stated Watch us!

The first step is registration and registration forms will be mailed to property owners shortly.

Repeating Roll Call: Doornbos, Yes, Bonnett, Yes, Moore, Yes, Israels, Yes, Hoving, Yes Motion Carried
This recommendation will be presented to the Township Board.

The next step will be going over the applications for the registry to determine qualification. More discussion followed. The point was made that licensed realtors are supposed to know about listed properties and what laws apply to that sale in that community. Point was made that the job of the Planning Commission is to support zoning, protect the residents of this Township and their property and to follow the wishes of the community as expressed in the Master Plan.

The next regular meeting of the Planning Commission is July 20th, 2023 at 7:30 PM Multi-Purpose Bldg.

Motion to adjourn by Moore, Second by Doornbos

Meeting adjourned at 9:40 PM

Respectfully Submitted.

Judith C. Hoving

Recording Secretary