

LILLEY TOWNSHIP PLANNING COMMISSION MINUTES
PUBLIC HEARING REGARDING SHORT TERM RENTALS
MAY 25TH, 2023 – UNAPPROVED

The May 25th, 2023 Public Hearing regarding Short Term Rentals, 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 Vice-Chairman Doornbos.

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

Motion to approve the May 25th, 2023 Agenda by Moore, second by Bonnett – All in favor – Motion Carried

Motion to approve the April 20th, 2023 Regular Meeting Minutes by Moore, second by Bonnett
Voice Vote - All in favor – Motion Carried

Correspondence: Press Release from Legal Counsel

Motion to amend and disseminate to the public the Press Release from Legal Counsel made by Hoving second by Bonnett with the following amendments made: Removal of the number 50 from Section 3 and the addition of Zoning District MDR – Medium Density Residential to Section 2.

Roll Call: Doornbos, Yes, Israels, Yes, Moore, Yes, Bonnett, Yes, Hoving, yes Motion Carried

Revised document will be made available. The number 50 will not be replaced pending further investigation.

Correspondence: 7 Letters received – Some with multiple signatures

Public Comment: Any subject not regarding Short Term Rentals – None

Begin Public Hearing

Introduction of Zoning Officers Jeff and Madalyn Wroblewski and legal Counsel Dave Eberle. They are not to be interrupted. For clarity please bring your comments and concerns directly to the meetings, not on social media.

Public comments to be limited to 3 minutes. Expectations of conduct were explained by Chairperson Israels.

1. Craig Todd is **against** STR's based on previous experience on Canadian Lakes. Purchased property there ten years ago. At first everything was peaceful until STRs came in renting to companies, large numbers, multiple cars, powerful boats, dangerous use. Dog run over, boating accidents, trash problems, crime, increased expenses by property owners. The area had been a peaceful retirement area until STR's started buying up property. Not all were bad but he and his wife had lost quality of life and moved to Bitely.
2. Hattie Austin – They own Dancing Bear on Ford St. Pettibone Lake. **In favor**. They have a large family. Nine children and 17 Grandchildren. Here since April 2016. They host limited groups of returning guests but also use the property for extended family vacations since the property is large enough for their whole family.
3. Sarah Glidewell – STR Property at 12091 N Lake St. @ Pettibone Lake. **In favor**. Born & raised in Newaygo County. Started her business career while living in Texas until 2021 creating 50 Airbnb's 15 states. Personally, invested in several different townships in Michigan. Says Michigan is not an attractive state for investment in comparison to other states. They are here to use property on occasion themselves. Wants to provide opportunity for guests to enjoy Michigan. She states that they are very pro regulation. Disputes the 44 rentals found previously and claims only 22 exist in Bitely, 14 in Lilley Township. Claims vacancies are 54 percent in Lilley Township.

4. Ethan Glidewell – 12091 N Lake St., Pettibone Lake – **In favor** – Husband of and same property address as **previous #3**. States statistics claiming percentage of STRs in other townships is 5% to 7% listed on a platform. Based on his numbers this puts Lilley Twp. at less than 1% and under the market average. **In favor** of capping lakefront property STR numbers. Ask that existing vacation rentals get to remain in operation. He adds this will benefit existing small business. Says there is admiration and concern for Lilley Township area.
5. Wendy and Brad Bitely – **Against** – Purchased their property to enjoy a quiet rural setting on Lamoreaux Lake. They are concerned about those property owners who purchased their property expecting privacy and a quiet residential area and are suddenly surrounded by rentals and the damage they can cause to private roads.
6. Jake Badger – **Legends Ranch** – (**Zoned Agricultural**) Representing the owner. **In favor and currently operating** Short-Term Rental on the ranch. They employ over 30 locally. They support local businesses. Owner currently has 8 other rentals not in this township but hopes to increase his business presence in this township.
7. Keith Jensen – Lives in Fremont – **In Favor** - Owns Cottage Restaurant in Brohman – Employs some local people - Has cabin in Beaver Twp. with STRs nearby with no problems. – Doesn't like Government interference. Does not know about Zoning – **Has no properties in Lilley Township**.
8. Amy Beuker – 3957 Cleveland - Walkup Lake – **In favor** – New STR owner – Family to use part time – Claims they checked to see if they could do this and found there were no rules. Did not check with Zoning.
9. Jason Schuringa – 12045 N Lake St. – Pettibone Lake – **In Favor** – He has owned his family cottage for 4 years and has run an STR there since purchase. He thanks the Bitely's and Craig Todd for their remarks on their bad experiences regarding STR's and the need to protect the local areas. He also has an STR at Canadian Lakes and agrees that the area is completely saturated and has lost its luster as a rental area despite having an HOA. Has documentation on the many rules he follows to protect the community. He supports limits and restrictions. This is his retirement plan as he is self employed and has no other retirement sources other than his STR properties. He hopes to retire here. He has information from other townships about what they are doing regarding STR's and other resources to share if he had more time. Jason has shut down OPERATION for one month waiting for more information.
10. Melanie Jensen – Property Owner on Wilvan Dr. Mawby Lake. **Against STR's**. Living here permanently for 17 years with no problems until 2 years ago when these rentals popped up. Guests don't follow lake rules and use powerful gas engines on a no-wake lake. They skirted around kids in kayaks and swimming, hell bent for election. Parties after dark with excessive noise and residents have to shut the windows to keep out the noise. Her neighbor had the power cut to the pole where her security light is but they could hear them on the lake. Dogs are let loose without leashes and defecate in the neighbor's yards. She feels that Airbnb rules say they must clean up after their dogs so they just let them go. The big problem is that they encourage their guests to bring their ATVs because of all the nice trails around here. Their road is only an easement road which the property owners pay to maintain and now the whole end is torn up and they have just paid to have it repaired. Recently someone was spinning donuts on the road and it is all pitted again. She did report to the Zoning Officer regarding the speed boats. It had been quiet here for 17 years until the rentals moved in.
11. Jackie Teja - She is on Walkup Lake – **In favor** – She has used STR's to travel extensively – Walkup Lake HOA has no rules against STR's. She feels that STR's are beneficial and is against Government restrictions. Says Walkup lake has no restrictions. Life has problems. Feels the restrictions on the various platforms are enough. The rental owners take good care of and improve their properties unlike others in this township. She states STR's are beneficial to the area.
12. Cheri Antozak – Walkup Lake Resident – **In favor** - Has no rental – previous B&B owner - Feels STR's are beneficial and have regulations. OK with licensing. Thinks people are scared of the unknown. Owners can use their property and renting it out to pay a few expenses is OK. Let's support it and embrace it.
13. Robert Austin – Dancing Bear Lodge on Ford St – Pettibone Lake (**Husband of #2**) **In favor** – They have 9 children and 17 grandchildren. They have recently invested over \$30,000.00 to improve their property. They send their guests to local businesses such as the Meat Shack, Up North Gift shop and the Bitely Bar. Has a quote from the Newaygo County Chairman Adam Wright who says Newaygo County's second largest industry is tourism. Any legislation that has less government intervention allows more personal liberty and helps businesses which are struggling to survive is a good policy.

At this point Chairman Israel attempts to clarify the purpose of these hearings. No one is attempting to get more government interference into property ownership. What this is for and for people to understand is that this is a planned, zoned community. The Planning and Zoning were done years ago. Everyone received a Zoning map or one is available here showing all of the Zones in this Township. MDR is one of the Zones that has the least land area available per lot. It is not set up for more than a one family dwelling. Not at all, and yet that is where they all seem to want to be. When multiple families or groups gather in one household, you are not only overstressing the land but also overstressing the lake. That is where the problems are arising. Multiple adults gathering in one place have caused disturbances for those living close by.

14. Paula Mongro – Pickerel Lake for 22 years – previously on another lake – Coming up here for most of her life **in favor of STR's** – Has seen Airbnb owners come in and beautify properties while existing properties are allowed to deteriorate. Short term rental property owners take care of their properties and make neighborhoods nice.
15. Bob Hodge – Walkup Lake – Sharing 20 years of experiences – **Concerned** - Recently a disturbed person from the campground had to be taken away by law enforcement. He is concerned about those coming up here either drunk or high. The sheriff informed him that this type of situation happens often. Supervisor Bouwens informed him that there is no local law enforcement readily available here in Lilley Township. One of the problems is dirt bikes. Parents are confronting each other about this issue. He feels that getting kids away from their phones and out in the woods doing something should be encouraged.
16. Jamie Becker/Payton Becker – Bought A frame STR on Mawby Lake three months ago - **In favor** – She is 20 and he is 19. Invested heavily in their property. Says there are no rules against it. She has studied extensively about hosting a short-term rental. They got a 5-star review and their first guests say they will make their rental a monthly thing along with their kids. They are from this area and agree with restrictions. They do not want their guests abusing theirs or their neighbor's property. They advertise as a Tiny Home.
17. Kim Holcomb – Has a home on Beaver and an STR on Pickerel Lake – **In Favor** - Has checked the website regarding STRs and that they are legal. Says that STR's are considered residential. They want a place for their children to visit. They rely on their reviews from guests for information. They live on Beaver Road and give rental neighbors their information in case of problems. They background check all guests and follow platform rules. They believe that STR's are legal in a Residential Zone. They also agree with following the rules and regulation to be put in place. Believes that there is nothing in our zoning that prohibits STR's. Believes that STR owners benefit the area by improving and maintaining upkeep on their properties unlike many neglected properties in this area. Has a program that does criminal background checks.

Moderator Comment: Regarding the comments on vacant properties. Many of the houses and cabins are owned but rarely used. Owners live elsewhere. Taxes are being paid on those properties that may be only used for hunting. We have a problem with Blight and have been actively working on it but many property owners in the township do not want government telling them what to do with their property. Zoning is limited as to what can be done. Lilley is a small rural residential township with limited resources and part time staffing. Not set up to monitor or control STR's.

18. Tony Grimard – With the Wildlife Center at Legends Ranch They have STR's at the Ranch **(Note: Zoned Agricultural) See #6** -They are investing money in Shrine of the Pines to provide an attraction for STR visitors to the Ranch Wildlife Center (Note: Shrine of the Pines is located in Lake County)
19. Dean Glemby – STR @ 309 Harbison – Pettibone Lake – **In Favor** – Many families are fractured – He has wife and 3 kids – Wants to provide a future for them - Favors putting STR's in rural areas to improve them for the next generations to come. They have most of their savings invested into their STR. Acknowledges that they should have checked zoning but hopes that both sides can come to a compromise on the future of short-term rentals and the moratorium. Do they have to sell and move on to other townships? They need answers.
20. Dee Maclam – Employee at Bitely Tavern – **In favor** – Locals and STR renters are her and Sandy's customers. They keep the Tavern, the Bitely Grocery and the Up North Gift Shop going. If STR's are pushed out they will have to go to very limited hours. Understood that there should be restrictions but not pushing them out.

21. Mike Holcomb – **Husband of #17** Kim Holcomb. Live in Lilley Township and have owned their cottage since 2007 on Pickerel Lake. Owners of a Property Management Co. specializing in short term rental properties. Originated the “Good Neighbor Policy” copies made available at this meeting. **-In Favor** – Operates in a one-hour radius of Bitely. Offers help with setting rules and regulations based on their policies in multiple townships. They have been operating for around five years and have some experience with surrounding townships. Questioned as to whether he has checked Zoning for customers but says that it is up to the clients to check on zoning. He operates his business out of his home. People can’t afford to own property unless they can augment their income to pay mortgage and taxes by thus becoming short term rentals.
22. Melissa Petroelje – Walkup Lake - **In Favor** – Just purchased property and has no plans as yet for rental. Says you can’t choose your neighbors – Thinks the “Rental Crowd” is sometimes nicer than someone who might move in. Rental neighbors are nice and social. Has four teenage boys and residents might be wishing that there was an STR next door instead at their place.
23. Sid Shank – Walkup Lake – **In Favor?** - When her Dad purchased their property in 1960 there was no checking on rules and regulations. Doesn’t like regulations. Thinks that if we can’t control everything we shouldn’t try to control anything. Campground control is Federal and DNR controls lakes.

Moderator Comment and Research Notes: Zoning and planning were not a thing in some areas in the sixties. The DNR and other agencies have since determined guidelines for protection of People and the environment. Lot sizes, roads and lake access points were already platted in Pettibone Park in the early sixties as well as other areas in the Township. Pettibone lake is one area that is completely overrun. There are 51 cottages there and 15 or 20 rentals, we are not sure, that are trying to share a 52-acre lake. (Disputed – it is 44 acres). Agreed that it is time to research the overcrowding situation on lakes to determine what is best for all concerned. Question: Campground on Walkup Lake is causing problem. Campground is Federal. Not in Lilley Township jurisdiction. Call the DNR to register a complaint. The park on Pettibone drive is Newaygo County. Call the Parks Dept to register a complaint. Pickerel Lake Campground is legal – Grandfathered. The Zoning Officer spoke regarding problem with campers. He said that we currently do not have anything in place to regulate Campers but a recently enacted Special Event Application must be presented which will request information regarding security, parking, Health Dept. permits if necessary and any other information needed by the Township. Legal reminded us that questions should be asked during the 3-minute comment portion.

24. Eric Petroelje – Walkup Lake – **Same as #22 – In favor** – Regarding large numbers around a lake he feels that it could be easily addressed by regulations. Agrees regulations already exist. Eric asked about enforcement of existing regulations. This is what we are here for, to gather information and come up with solutions. Discussion among Planning members and speaker regarding how and where to file complaints This too is what we are here for.
25. August March – **In favor**
26. Casey Kohlhoff – Has STR on Pettibone Drive – **In Favor** – Has spent many hours fixing up their place across the street from Pettibone Lake. They purchase the worst properties and fix them up to rent. Reading from a brochure from the 1920s. Attention Michigan Tourists – come visit Bitely the Beautiful etc. Listed the attractions in the area then. Response – things have changed a lot in 100 years.
27. Hattie Austin – Dancing Bear Lodge – **(same as #2 and 13) – In Favor** - Concerned about limiting the number of occupants in a rental. Some places are large enough for extended families. During Covid, families could get together away from crowds. Some families have several generations living together or rent something where families can vacation together. Concerned that when the unit is large enough to hold related family units, why not allow it. They have over 2500 sq. ft. on 3 floors. Can accommodate the elderly family members.
28. Sarah Glemby – STR on Harbison – Pettibone Lake - **Same as #19 – In Favor** – Has questions about the assumptions that STR’s have multiple occupants. They don’t all have room for 20 renters at their units. Trash is well taken care of. Septic tanks are pumped regularly. They follow the rules of Airbnb’s that protect local property owners. Sometimes neighbors of STR’s can be noisy and rude to the guests. They respect their neighbors and expect their guests to do so as well. She hopes we can work together for the good of all of us.

29. Brad Bitely – Lamoreaux Lake Resident – See #5 – **Against STR's** but if approved it would be OK to regulate them. If these are income properties they should have to get a permit. We need to know how many there are.

At this time a representative from the Sherriff's Department spoke on what they can be called on to enforce. They enforce County ordinances and laws and not Township ordinances. Asked what Township ordinances they might be called on to enforce he was told that we do not have a noise ordinance at this time. He heard "dog at large" a misdemeanor mentioned which they do enforce but because they are so short handed at this time there could be a delay in response. Motor boat problems have County, State and Federal laws depending on public or private access. A list can be provided on where they can enforce. More information is needed but there is a Sheriff Dept. Marine Patrol able to respond to certain situations. We can check on this at a later time. There are County, State and Federal laws regarding ORVs and those laws can sometimes be enforced. Note: ORVs require permits to operate on County roads.

30. Michael Holcomb – Pickerel Lake – **Son of #17 & 21** – They are **in favor** of any kind of regulations that will allow them to continue to use their properties as they are. – Also states that everyone would be open to pay some kind of Rental Licensing Fee to help with enforcing the code. Feels there should be a common middle ground fair to everyone.

Chairman, in answer to an audience query, announced that this meeting is for information gathering only. Legal representative spoke regarding the Zoning Enabling Act stating that work regarding a Zoning Ordinance requires that the Planning Commission hold a Public Hearing, gather public comment and submit a summary of those comments along with the Draft Ordinance, to the Township Board for consideration. This was intended to be that Public Hearing however it later came to the Township's attention that there was a defect in the Notice submitted requiring another Public Hearing at a later date to be announced. For those of you that are here, the Minutes of this meeting along with summaries of all comments will be submitted with that package to the Board when all work is completed. Social media is not the place for back and forth on Zoning subjects. That is not the place for negotiating.

The following **CORRESPONDENCE** received by the Planning Commission prior to this meeting regarding Short Term Rentals **SUMMARIZED** here:

1. **4 Property Owners** signed this letter. **We approve of the emergency ordinance that was approved on May 8th.** Intent to address concerns regarding recent and unregulated influx of STR's within our community. This issue is growing and not going away. The positives if properly regulated are being overcome by many negatives such as the change to the quiet and peaceful character of Lilley Township. Many choose to live or purchase a summer home here and are courteous and respectful of neighbors. Certain renters drive carelessly on local roads, putting children at risk. They do not comply with watercraft regulations putting others at risk. Noise/partying late at night, parking issues and trash are a nuisance for us who live here. **We would like to state our position to support a permanent ordinance that does not allow for STR's in Lilley Township.**
2. **7 Property Owners** signed this letter in agreement with the Emergency Ordinance #2023-4 dated May 8, 2023 that prohibits STR's for four months. They suggest that this ordinance becomes a permanent fixture in the Lilley Township Zoning Ordinance. As owners they enjoy the beauty and tranquility of Bitely Lake. Most owners are respectful of Local Watercraft Controls. Experience is with STR's on the Lake not obeying those rules causing issues. Those same STR's are not courteous of neighbors and play loud music until all hours of the night. Thanks for taking property owners concerns into consideration. **Desire is for all STR's be eliminated.**
3. Lilley Township **Resident – Letter unsigned** – Service Worker in Lilley and Merrill Townships unable to attend. **In favor of vacation rentals** – They benefit this person financially as well others. They also benefit local businesses in the community and help to absorb loss of revenue in the winter months. Mention made of businesses in both Lilley and Merrill Townships. It is unfortunate that local residents and property owners don't want to share the beautiful lakes. Suggests lakes form HOAs instead of Zoning Regulations. Accuses Two unnamed Board members of conflict of interest regarding current Moratorium claiming it was not properly advertised. **(Township Board Issue).** Is concerned about businesses and workers in Lilley and Merrill Twps.

4. **Sue and Brian Bitely – Property owners** Lamoreaux Lake – Built their retirement home on original Bitely family homestead and moved here 8 years ago. 7 of 9 parcels owned by family members. A non-family member listed their parcel for sale to an interested party interested in renting out for short term increments as a business proposition and also parcel off the vacant land for campsites. Not in favor of commercial endeavors in their rural neighborhood. (**Note: Zoned MDR**). The private road built by Brian Bitely is not intended for heavy traffic and they do not have the means to provide upkeep for heavy traffic on their private road. Also concerned about possible litter due to no supervision or owner concern and possibility of accidents on their one lane road. Approaching the board regarding concerns about safety, possible trash and the start of a campground or any other commercial use of this property.
5. **Julie Tinker – Property Owner on Pettibone Lake** – Voices **objection** to short term rentals in the Township. Growing up our family cottage was where we went to leave the city behind and enjoy the peace of a rural setting. Pettibone Lake is a residential area where some retire and live year around and some are vacation homes only and should stay that way. Small lakes cannot sustain revolving large groups using its limited resources. Heavy use of roads and over fishing are two examples. Revenues generated by STR's mostly benefit the rental owners not the local community. STR's should not be allowed in areas zoned residential and Pettibone should remain zoned for residential use only.
6. **Resident of Lilley Township – Unsigned – Lived here** for 23 years – Before that my family and I came here for fishing, hunting and camping. Some want to start multi-family STR's mostly around lakes in the township. **Against it**. It is one thing to rent cabins to single families and completely different to rent to a big group of people at the same time in one house. They come up here to let loose and don't care what happens when they go home. Seen the mess left and heard the rabble rousing while they are here. Posts on Social media make it appear they are something special. They are entitled to do whatever they want to. Seems we should change everything about our community to accommodate them. **NO WAY! GO AWAY!** I say no.
7. **L.G. Robeck – Long Term Bitely Resident – Against** having Airbnb's in the community. No background checks on renters could bring predators here where many have young children and grandchildren who live here year around or have summer cottages. Not all renters are bad but this is a concern. Do we want weekend partiers? If you own something you respect your neighbors, their property and keep the noise down. Why would we want potential buyers to only buy to rent out and make profit instead of being part of community and helping our community grow. Not all change is bad, but in this situation, they feel we would gain nothing by allowing STR's in our area.

Chairman announced this Public Hearing now Closed.

Discussion among Commission members on when to schedule our next meeting. Legal Counsel again explained the Zoning Enabling Act requirements and the process that must be followed. Question by Doornbos regarding the process. Corrected draft to be discussed by the Commission at our next meeting along with other research. Request to the Zoning Officer by Hoving to clarify the rule for a Medium Density Residential area. Wroblewski responded that when the zoning ordinance is silent, that doesn't mean that Short Term Rentals are allowed. That is what we are working towards tonight and at the next meeting to find a balance. Currently STR's are not allowed, not permitted. We do not have a permit for them. We do not have a process in place, we have to establish one. The County is not involved. If an ordinance is silent on an issue, it is a non-conforming issue. We as a Planning Commission have much research to do before presentation to the Board for a final decision. STR owners said we can reach out to them for input. We will explore all avenues available as long as it takes. If a Public Hearing is scheduled there are rules about publishing and other notifications. A special meeting to discuss information gathered has other requirements. Much research and discussion needed to get this right. Our mission is to protect our residents and property owners and to keep our Zoning in compliance with our **Master Plan** and the **survey responses** collected.

Hoving mentioned several STR listings that advertised for multiple guests up to 20 and groups accommodated all year long. These listings are in MDR zoning which is for single family use. This needs to be dealt with.

Our Assistant Zoning Officer Madalyn Wroblewski spoke regarding the concerns of families and residents who have been here for generations. She thanked the Commission for their dedication to supporting the Zoning Ordinances that she and her husband Jeff Wroblewski are called upon to enforce. Each of them works at demanding jobs. She runs a store. Her husband attended school in this very building. She raised her four children here in Bitely. Extended family lives nearby. We as a rural township are not, as yet, set up for the demands that may be required by short term rentals. Change is difficult and adjustments must be made, but protecting the rights and wishes of those who are already here, with those who want change, must be made with the utmost care and concern. She hopes we can come up with answers for those who just want to rent out their properties a few times a year to cover expenses with the wishes of those in the rental business. Some see Bitely as an opportunity to make money and some see it as their home and a way of life to be protected.

Israels announced that our next meeting will be held on June 22nd, 2023 at 7:30 PM at the Lilley Township Multi-Purpose Building.

There being no further business Motion to Adjourn made by Moore, Second by Doornbos
Voice Vote – All in favor – Motion Carried

Meeting adjourned at 9:40 P.M.

Respectfully Submitted,

Judith C. Horning

Recording Secretary