

**Minutes of Regular Monthly Meeting
Crystal Lake Township Planning Commission
7:00 PM Oct. 25, 2023
Crystal Lake Township Hall**

1. CALL TO ORDER at 7:02 pm by Chair Greg Wright

2. ROLL CALL AND RECOGNITION OF VISITORS

Planning Commission Secretary Bill Northway called the roll:

Present: Commission Chair Greg Wright
Commissioner Lee Ewing
Commissioner Bill Northway
Commissioner Bill Herd
Commissioner Mike Pasche

Also present: Zoning Administrator Tom Kucera
Recording Secretary Jeannette Feeheley

Visitors: Jon Gallagher

Chairman Wright welcomed Mr. Gallagher and thanked him for his interest and attendance.

3. CALL FOR CONFLICT OF INTEREST:

Commissioner Bill Herd mentioned that he recently contributed to a purchase made by one or more off his adult children of a seasonal cottage that has been in the Herd family for 100 years. He brought it up in case anyone would think that constituted a conflict of interest for him on the Short Term Rental (STR) issue. He made clear he is not the new owner, only that he provided financial help towards its purchase. Discussion ensued what constitutes conflict of interest, and that the Planning Commission is not the authority that might create a STR Ordinance, as that would only happen at the elected Board of Trustees level. The Planning Commission's role in STR is only to offer recommendations, if they have any, to that Board, per the request of the Supervisor. Consensus by his fellow Commissioners that Commissioner Herd's adult child's newly acquired ownership of a seasonal cottage does not constitute a conflict of interest for him.

4. CORRESPONDENCE: None.

5. APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 27, 2023

Wright moved that the Draft Minutes of September 27, 2023, be approved. Ewing seconded. All ayes. Minutes approved.

6. APPROVAL OF AGENDA

Wright suggested amending the agenda to enable taking up Item 9B in advance of 9A, as 9A likely would take more discussion and time. Wright then moved approval of the draft Agenda with the suggested amendment. Ewing seconded. All ayes. Agenda as amended approved.

7. PUBLIC COMMENTS: Mr. Gallagher said he was present as an observer but not for any particular purpose of his own.

8. REPORTS TO THE COMMISSION

A. Chair Report: Wright reported he had attended a Zoning & Planning Conference which he found informative and helpful. Pasche mentioned a Masters Planning Conference that is on line once a week, and encouraged his fellow Commissioners to check it out.

B. Zoning Administrator Report: Kucera said requests for permits have slowed down and that on several, he is still waiting for needed information. He mentioned the email he had sent the Commissioners about the State Legislature pursuing the elimination of local control/authority over siting of future wind and solar facilities. Opposed by the Michigan Townships Association, it has, never-the-less, been reported out of Committee and headed to the Senate or House Floor for a vote. The legislation would transfer siting authority of any solar or wind facility above 50 megawatts away from local control and henceforth be controlled/approved/disapproved by the Michigan Public Service Commission, an appointed body at the state level. Local units of government would no longer have any say. He encouraged the Commissioners to contact the Township area's state representatives, Rep. John Roth and State Senator Jon Bumstead. It was also mentioned that, in a related move, the Legislature is continuing to pursue transferring the siting of gravel pits away from local control and put into the hands of the state appointed Michigan Department of Environment, Great Lakes & Energy (EGLE).

C. Zoning Board of Appeals: There were no matters to report..

9. UNFINISHED BUSINESS:

B. Review Zoning Ordinance updates per 9.27.23 Meeting

The Commissioners discussed their findings from the last meeting, and agreed that their previous conclusions were correct. Zoning Administrator Kucera has not yet had a chance to write up a summary of their response to the Township Supervisor's request for their review of the township's attorney's letter on this topic, and still plans to do so.

A. Short Term Rental Discussion/Lake Township Ordinance

Herd presented a draft he had written that summarized the issues he felt were paramount to address. He said he had looked over some of the sample ordinances passed by other townships, and he believed they identified a problem but didn't offer a solution. Some, he said, did not address the big problem of enforcement. He also felt the Lake Township Ordinance got into too many details, such as requiring a minimum size of counter space, which he felt unnecessarily burdensome and unrelated to any problems that short term rentals might present to neighbors or to the common good of the community at large. Northway said he likes the Lake Township Ordinance but agrees that some items may not be necessary. The weakest link in an ordinance, he feels, is whether or not it addresses the issue of enforcement. Wright had questions about the infrastructure needed to carry out a Short Term Rental Ordinance. He mentioned that, at the Conference he attended, there were vendors present who offer enforcement services for hire. Northway brought up his wish for a regional sewer system to replace all septic systems around Crystal Lake. Some Commissioners felt the Lake Township ordinance a good starting point, as had been recommended at the previous Commission meeting. Kucera suggested every Commissioner review that Ordinance, mark it up with their comments and their rendition of a suggested ordinance, and provide to him, whether in hard copy or digitally, and he will take care of getting each Commissioner's rendition to the other members. By consensus of the Commissioners, all agreed to do so.

10. OTHER BUSINESS

Kucera was asked if he had any update on the RV Campground whose owner had earlier been given a permit for development with a number of conditions attached. Kucera reported that all land to the north and east of the main entrance is now vacant, and that the owner is in the process of a land division into two parcels he plans to sell. Commissioners discussed the offset for density that had been part of the permit they had issued, which the owner's new plans might not meet. It was acknowledged that the owner had put in a lot of trees, as had been required, and that the entrance had been significantly improved. Kucera will continue to follow up with the owner.

Further discussion later ensued on whether entities that rent in residentially zoned areas are commercial or not. Kucera mentioned two court cases he thought relevant and was asked to provide them, which he provided by email to the Commissioners following the meeting.

Commissioners Northway and Pasche announced they would not be present at the November meeting. Zoning Administrator Kucera announced he also would not be present.

11. PUBLIC COMMENTS

Visitor Mr. Gallagher offered the information that he is a property manager for some short term rentals. Currently, his customers are all in Lake Township. He said that the neighbors of all his customers' properties have been given his phone number. He said he has not yet been enabled to provide the "Good Neighbor" conduct pamphlet or paper discussed at Lake Township to his customers, as Lake Township has not yet produced it.

12. ADJOURNMENT: As business had concluded, Wright adjourned at 8:29 pm.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary

Attachments:

Lake Township Short Term Rental (STR) Ordinance
East Bay Township STR Licensing
Commissioner Herd's Draft STR Summary
Frankfort Good Neighbor Guide with Map
Court Case STR in Residential Zones, St. Clair Shores, unpublished legal document
Rentals as a Business not allowed, Manchester MI Township, unpublished legal document
Networks Northwest Suggestions for STR Ordinances & Herd's 9.27.23 circles of STR effect
MSU Webinar on STR

Next Regularly Scheduled Monthly Meeting:

7 pm, Wednesday, November 15, 2023, at Crystal Lake Township Hall