

Minutes of Monthly Meeting
Crystal Lake Township Planning Commission
7:00 PM Dec. 6, 2023
Crystal Lake Township Hall

1. CALL TO ORDER at 7:01 pm by Chair Greg Wright

2. ROLL CALL AND RECOGNITION OF VISITORS

Planning Commission Chair Greg Wright called the roll:

Present: Commission Chair Greg Wright
Commissioner Lee Ewing
Commissioner Bill Herd

Also present: Zoning Administrator Tom Kucera
Recording Secretary Jeannette Feeheley

Visitors: Greg Sowa, Crystal Lake Township Code Enforcement Officer attending as a private citizen

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

3. CALL FOR CONFLICT OF INTEREST:

None brought up at this time.

4. CORRESPONDENCE:

Zoning Administrator Tom Kucera provided an email from Lake Township inviting other townships to join them in reviewing the Crystal Lake Watershed Overlay. The memo said that the Ordinance adopted by Crystal Lake Township incorporating the Crystal Lake Watershed Overlay is not consistent throughout the watershed because other jurisdictions have not adopted the same changes. He suggested a working group to encourage all townships to adopt the same ordinance on this issue. No date is yet set for an initial meeting. Kucera said he planned to attend. Wright and Herd volunteered to attend if they are available on the yet to be set meeting date.

Kucera also provided a memo from the Michigan Townships Association (MTA) on the newly passed siting legislation which removes the authority of local units of government from their traditional authority and responsibility for decision-making on proposals to build large-scale renewable energy facilities. The Michigan Townships Association had vehemently and unsuccessfully opposed the legislation. MTA will continue to keep its members informed on the many unanswered questions and concerns about this new state law.

Kucera provided a memo announcing a Webinar offered by an organization called the Michigan Green Communities. The Webinar will be on Dec. 13th at 11 am.

Kucera also reported on ongoing lawsuits brought by various entities over Short term Rental Ordinances against their local jurisdictions. He said that so far, the courts have ruled in favor of townships in the matter of their authority to define categories as residential vs. commercial in zoning ordinances.

Kucera also provided a hand out titled “Michigan Court of Appeals Holds that Short-Term Rentals Violate Residential Use Restrictions”. The article said the Court of Appeals consistently finds that such rentals are commercial activity and thus incompatible in areas zoned residential.

5. APPROVAL OF MINUTES OF MEETING OF OCTOBER 25, 2023

Herd moved that the Draft Minutes of October 15, 2023, be approved. Wright seconded. All ayes. Minutes approved.

6. APPROVAL OF AGENDA

Kucera asked that new project plans for the red barn property on M 115 be added to the agenda. **Wright moved the draft agenda be approved with the addition of Kucera's suggested amendment to be taken up under Kucera's Zoning Administrator Report. Ewing seconded. All ayes. Amended agenda approved.**

7. PUBLIC COMMENTS: Mr. Gallagher said he was present as an observer but not for any particular purpose of his own. He declined to comment at this time but later participated fully when the Commissioners deliberated on the subject of short term rentals.

8. REPORTS TO THE COMMISSION

A. Chair Report:

Wright announced that Commissioner Bill Northway had resigned from the Township Board of Trustees, a resignation that automatically removes him from his appointment as liaison from the Board to the Planning Commission. Wright said someone will have to be appointed by the Board to fill the now empty position.

Wright reintroduced the topic about conflict of interest raised at the last meeting and said he wanted to clarify that the Planning Commission will continue to follow all its governing rules. There was discussion between Commissioners Wright and Herd.

B. Zoning Administrator Report:

Kucera reported 48 permits issued to date, the most ever issued in one year, and that he will provide his log of permitting activity at the January meeting.

He introduced to the Commissioners the subject of a site plan he has received and showed them the document. He brought this matter to their attention to give the Commissioners an informal look at the preliminary site plan professionally drawn by Mansfield Land Use Consultants for proposed campgrounds on the Herban property. He believes the proposal might be presented at the January Planning Commission meeting. He said that, at a minimum, a Special Land Use Permit would be required for the extensive land uses proposed on the twenty-plus acres. The property is commonly known as the "red barn" property on M-115.

C. Zoning Board of Appeals:

Kucera said there are currently two applications that may be coming to the Zoning Board of Appeals. One is under review for completeness and the second is an appeal for a variance and he has been meeting with the applicants to help them complete their application. One is at Morrow and Lobb Roads, and the other is on Jones Road concerning a setback from Crystal Lake.

9. UNFINISHED BUSINESS:

A. Short Term Rental (STR) Discussion/Lake Township Ordinance

Wright said he went over the new STR Ordinance adopted by Lake Township and does not see much he would not want to include in an STR for Crystal Lake Township.

Ewing said that the main reason for passing a STR Ordinance seems to be to help the Township deal with a matter in case something negative happens. He said his biggest objection, among others, is the suggestion to limit the number of licensees.

Herd said they should limit their efforts to what the public told them at the open forum held on this issue. He believes the Lake Township Ordinance is a shotgun approach and he did not like its many components nor its tone.

Member of the Public Grant Sowa made many comments, including a comment about people having more than one rental. He gave his opinion on state law and sheriff enforcement of what he said was state law regarding noise abuses. Mr. Sowa said that as the Township's new Code Enforcement Officer, he would need clarity if there will be expectations of him concerning the STR issue. He also said he has property that rents short term. He provided the Commissioners a brief look at a document he had written on the matter, and perhaps of a form he plans to submit or has submitted to the Township about his rental property. However, he declined to allow the Commissioners or Zoning Administrator to have a copy of his documents.

There was an attempt by the group to list concerns that might need addressing, including noise, the need for a local person to contact if there is a problem, density concerns, the necessity for anything adopted to be legally defensible, a suggestion that a bed tax might be considered to provide the necessary revenue to administer a proposed Ordinance, concerns about septic system overload, and whether there would be a penalty for operating a STR without a license.

Much discussion occurred.

B. RV Park: Bond, Land Division

Kucera reported that the RV Park Owner has asked that the \$30,000 bond required by the previously granted Special Land Use Permit be discontinued at this time. Kucera said he responded that the owner has yet to complete all the requirements of the permit that had been issued. Kucera was asked whether the remaining requirements were major or minor. There had also been discussion between Kucera and the owner about the possibility that the owner may be selling a portion of the property. Kucera said that a possible land division application has not yet been submitted.

10. OTHER BUSINESS: None.

11. PUBLIC COMMENTS: None at this time.

12. ADJOURNMENT: Wright adjourned at 8:29 pm.

Respectfully submitted,
Jeannette Feeheley, Recording Secretary

Attachments:

- MI Court of Appeals Holds STRs Violate Residential Use Restrictions
- STR Court Cases of Interest
- November 30, 2023 gmail from Lake Township Trustee John Rothaar suggesting a working committee of all townships within the Crystal Lake Watershed
- STRs in Residential Areas
- Article on new Renewable Energy Siting State Law
- Sustainability Webinar

Next Regularly Scheduled Monthly Meeting:

7 pm, Wednesday, January 24, 2024, at Crystal Lake Township Hall