

<p style="text-align: center;"> YANKEE SPRINGS TOWNSHIP <u>PLANNING COMMISSION</u> Regular Meeting 7:00 p.m. <u>November 21, 2024</u> Yankee Springs Township Hall 284 North Briggs Road, Middleville, Michigan 49333 MINUTES </p>	<p> DRAFT MINUTES Page 1 of 7 PC APPROVED: _____ Regular PC Mtg. November 21, 2024 </p>
<p>Meeting called to order at 7:00 PM by Planning Commission Chair, Shana Bush.</p> <p><u>PLEDGE OF ALLEGIANCE</u></p> <p><u>Roll Call:</u> Present: Beukema, Bush, Fiala, Frigmanski, Knowles, Kooistra. <u>Absent with Notice:</u> Craven</p> <p><u>Zoning Administrator:</u> Joe Shea, Present <u>Professional Planner:</u> Not Present <u>Staff Present:</u> Dennis Buist-Constable <u>Visitors:</u> 6 (not including staff present).</p>	<p style="background-color: #e0ffff; padding: 5px;"> Routing 11/25/24 Beukema Email Web Binder </p>
<p><u>APPROVAL OF AGENDA:</u></p> <p><u>Adds/Changes:</u> Bush added the following under other such business: Discussion on the PC Annual Report and the Capital Improvement Plan.</p> <p><i>Motion by Fiala with support from Beukema to approve tonight's agenda as amended.</i> <i>All AYES. MOTION CARRIED.</i></p>	<p><u>APPROVAL OF AGENDA</u></p>
<p><u>REPORTS from REPRESENTATIVES:</u></p> <p><u>ZBA, John Frigmanski,</u> commented that there was no ZBA meeting this month.</p> <p><u>Board of Trustees- Larry Knowles,</u> reported regarding the Board meeting on 11/14/24:</p> <ul style="list-style-type: none"> • Board passed a resolution that states board members should not attend PC or ZBA meetings. • Approved bids for the old stove and sink that were taken out of the remodeled kitchen and those were sold. • The township clerk resigned effected December 1st, 2024. • The Board did ask if this board would look at a mining ordinance and pond making ordinance. 	<p><u>BOARD REPORTS from REPRESENTATIVES</u></p>
<p><u>ZONING ADMINISTRATOR REPORT: Joe Shea, ZA</u></p> <ul style="list-style-type: none"> • Our Code Enforcement Officer, Brad Williams, conducted his 6-month inspection down at the property on M179 that has over 100 inoperable cars there. According to the court order we do an inspection every 6 months. He 	<p><u>ZONING ADMINISTRATOR REPORT</u></p>

<p>did that inspection and found that the property owner had gotten rid of enough cars to be in compliance with the court order so the next inspection will be done about six months from now.</p> <ul style="list-style-type: none"> The signs that were approved by the Planning Commission and the Board to place by the public access on Basset Lake Road have been posted and seem to be having the intended effect. 	<p>DRAFT MINUTES Page 2 of 7 PC APPROVED: _____ Regular PC Mtg. November 21, 2024</p>
<p><u>PUBLIC COMMENT:</u> <i>(Non-agenda matters) - (Limit to 3 minutes per person- Additional comments under item 11)</i></p> <p>None</p>	<p><u>PUBLIC COMMENT</u></p>
<p><u>APPROVAL OF MINUTES:</u> Regular Meeting of October 17, 2024</p> <p><i>Motion by Fiala with support from Kooistra to approve minutes of Regular Meeting of October 17, 2024 as presented. All Ayes. MOTION CARRIED.</i></p>	<p><u>APPROVAL OF MINUTES</u></p>
<p><u>INQUIRY ON CONFLICT OF INTEREST:</u></p> <p><u>ROLL CALL:</u> <i>F. Fiala asked the PC members present if there was any conflict of any PC member with the agenda of requests and as modified this evening. All PC members noted: NO conflicts. No: 6, Yes: 0.</i></p> <p><u>NEW BUSINESS:</u></p> <ul style="list-style-type: none"> Education: Upcoming and completed opportunities <ul style="list-style-type: none"> Congratulations to Ryan Craven for getting his certificate for completion of the Citizen Planner Program. Frank Fiala completed the six-hour requirement for Master Citizen Planner. 	<p><u>INQUIRY ON CONFLICT OF INTEREST</u></p> <p><u>NEW BUSINESS</u></p> <p><u>EDUCATION OPPORTUNITIES</u></p>
<p><u>OLD BUSINESS:</u></p> <p><u>Public Hearing: Amendment of Yankee Springs Township Zoning Ordinance, Article X Short Term Rentals.</u></p> <p>Fiala gave overview of the proposed amendments. There are minor changes to verbiage just to clean up the ordinance a little bit and the ability to rent for a 14-day period without a short-term rental permit was removed due to the difficulty of enforcement.</p> <ul style="list-style-type: none"> Section 1 <ul style="list-style-type: none"> Page 2: Removed the 14-day exception. Page 3, first sentence states “Only one dwelling unit per parcel” changes to “per deded parcel” which is more accurate. Line 2: “A separate permit is required for each short-term rental unit” – 	<p><u>OLD BUSINESS</u></p> <p><u>PUBLIC HEARING ON AMENDMENT OF YST ZONING ORDINANCE, ARTICLE X SHORT TERM RENTALS</u></p>

adding the word “unit” rather than short-term rental.

- No other changes recommended at this time for that section.
- Section 3
 - “Any dwelling unit rented for a total of two or fewer time periods one week of less during the period will not require a permit” was stricken as part of the 14-day exclusion that was removed.
 - A change on the next page changing Section D to read: “A short term rental permit shall be issued by calendar year. All permits shall expire at the end of the calendar year. Application for renewal of a permit must be submitted to the Township by March 1 of the calendar year for which the permit is requested.”
 - Under Section E, Reserved for future use: “Application for renewal of a permit must be submitted to the Township by March 1 of the calendar year for which the permit is requested” should be removed because it was already covered in D.
 - Next page: #1: Change “For a violation” to “For **any** violation”
 - #3: After “For any subsequent violation”, add the following: “**of this ordinance other than Section 10.8.A.1**”.
 - #6: Change “Yankee Springs Township Board” to “Zoning Board of Appeals within 30 days of the date of this revocation”.
- These are the changes that are going to be recommended to the Township Board of Trustees.
- There has also been some discussion about considering if the owner is next door or across the street and this ordinance is a work in progress. The state has been talking about taking control of short-term rentals and taking it out of the hands of local planning commissions. There are many court cases about these issues so we need to continue looking at this and updating as is needed.

Open Public Hearing at 7:15 p.m.

John Cremer (Jenison, MI): His thought is that these are a lot of the same things that were talked about at the last meeting. He doesn't feel a lot of changes have been made but neither have the suggestions of the residents been made. He has correspondence from Supervisor Rob Heethuis that said one of the things that was going to be added was a definition of what a “grandfathered short-term rental” is. He asked about that and said it should be in there. A grandfathered STR is one that was in compliance with the rules prior to the end of 2023, and that is nowhere in the code and needs to be added. The renewal application for 2025 is so different from previous applications. A few years ago, it went from no regulations to suddenly needing to register the properties, then to a \$100 application, then last year it went to \$500 and more regulation and shut down all of the people that weren't registered in 2023 and only three cars. Now you have to choose one of two types of STRs: commercial or traditional. None of these residents are applying for traditional. Under commercial it states that they are not allowed in the following districts: residential single family, suburban residential, residential lake front and Gun Lake residential lake front. There isn't any other zoning so there should be a third category: Non-conforming

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grandfathered STR because neither of the other boxes apply. This is totally within all the rules and this should be added this year. It can't be put off until next year. (Time was up.)

Carli Zyskowski (3137 Sandy Beach St): She feels the same as what was stated by John (Cremer). It doesn't seem to match all the work that was put in. It would be important to have everything put on record and it would flow smoothly for all the folks who are following the rules and being good local citizens.

Marvin Helder (Barlow Lake): He is one of the people who is in court waiting for the board to make decisions. He believes that the PC meets on a fairly irregular basis every couple of weeks or once a month. He has people signed up to rent for next year and needs to know if that can happen. The committee is changing "ands" and "thes" and adding in little things and he doesn't know what he is supposed to do during that time. When he bought his property in 2001, nothing was said. Nobody that has a short-term rental that does not live year-round in Yankee Springs got a notice because they don't have mailboxes and he believes it was done purposely. He found out that there are two mailing lists – one for taxes and one for water bills and sewer bills. He doesn't have a mailbox at the lake because he doesn't want one but when something affects the average citizen everyone should have gotten it. The people that got it are people that live here and have mailboxes and they don't have STRs because they are year-round residents. He says it is not his fault for not having a mailbox but the township's fault for not sending the right information to everybody. He has been to these meetings and very few people come. Nobody comes to the STR meetings because no one knew because they didn't get the mail. Maybe it was a slip up and maybe it was done on purpose. The PC is trying to eliminate a problem with zoning and he thinks that is a big mistake. Zoning is not the way to solve a party. The committee wants to pass that you can rent for 28 days. So somebody that can afford to rent for 28 days is going to have their friends out and they are going to have four parties, one each week and that is legal. It's not going to solve the problem. Instead of hiring a zoning person they should have hired a cop who had authority (Time was up).

Luke Miller (1940 Heritage Bay Dr): Has a rental at 1931 Heritage Bay Dr. right behind our house. They were at the last meeting where there was a lot of discussion regarding the proximity of where the short-term rental was and it seemed like the general consensus of the board members that they were going to consider the proximity. Tonight it sounds like just checking some boxes on grammatical errors. He thinks that is an injustice to what was discussed last time and an injustice to the people here who are trying to do the right thing. An article in the GR Press said that several other townships are already moving away from this short-term ordinance. They make the decisions then and there. They looked at all the rules and said they were over governing. There are too many rules and not considering enough variables. The problem is that this thing has been dropped in their laps overnight and going back to the point that mailboxes or not, we didn't get the Reminder for years after Covid they didn't deliver them. The Reminder that came out last week didn't have anything

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in it about this meeting tonight. When they do put it in the newspaper they put it in the sports section. The sports section has nice big bold section and the township or STRs has little small print in there. He loves kids sports but this is a lot more important and should be sent out like the tax notices. He would have jumped on it right away had he known. They started the short-term rental in 2019 and would have applied for permit. They comply to every rule and then some; have a noise ordinance, a parking limit above and beyond what is in the ordinance so they are not the problem. These people are not the problems. It is the select few who have allowed people to run rampant in their homes that are affecting long term lake rental owners who should not be penalized for it. He hopes the committee will go back and reconsider proximity and how these things are policed because that is a very important factor on how these things are affecting everybody. He does not want to rent for 28 days or 365 days. It's a lot harder to get rid of those people than someone who is only there for two nights.

Carli Zyskowski (3137 Sandy Beach St): She did not speak for 3 minutes earlier and would just like to add that if there's any way we could have it published on the website too, anytime new material comes out and when these dates are. She doesn't get the Hastings Reminder either and thinks it would be amazing. She checks the calendars and certain things are on there but the important information that the citizens need to be a part of at our local government isn't available. That would be great if a little more could be done there too.

Luke Miller (1940 Heritage Bay Dr): Asked that this matter be tabled again to reconsider all the things that were talked about.

Close Public Hearing at 7:26 p.m.

PC Discussion occurred. The proximity issue was discussed and S. Bush stated her feeling is that if that is going to be included it should be added and sent to the Board of Trustees sooner rather than later. L. Knowles said that proximity was brought up at the subcommittee meeting because the Township Board wanted it to be talked about. It was discussed and the subcommittee did not recommend it. Discussion also took place about the definition of "grandfathering" and "legally non-conforming".

Motion by Bush with support by Beukema to make a motion to amend the short-term rental definition to being a dwelling unit that is the primary legal residence of the owner or shares a property line with or directly across the street from the legal residence of the owner, and the owner must be present overnight at the time renters are staying in the dwelling unit. Discussion: This would be the recommendation to the Board which they can accept, reject, or change but this would represent the position of the Planning Commission on this issue. **Roll Call Vote:** Bush: Yes, Beukema: Yes, Fiala: Yes, Frigmanski: Yes, Kooistra: No, Knowles: Yes. **Yes: 5, No: 1. MOTION CARRIED**

Motion by Fiala with support from Knowles to amend the proposed document to add "short term legally conforming (commonly known as grandfathered str) Roll Call Vote: Knowles: Yes, Kooistra: Yes, Frigmanski: Yes Fiala: Yes, Bush: Yes,

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MOTION TO AMEND
SHORT-TERM
RENTAL DEFINITION

MOTION TO AMEND
DOCUMENT TO ADD
LANGUAGE RE
"GRANDFATHERED
STRS"

Beukema: Yes.

Yes: 6, No: 0. **MOTION CARRIED**

Motion by Bush to approve the recommendation to the Board of Trustees of the proposed amendments to the short-term rental ordinance with the additional two amendments that we have added. Roll Call Vote: Frigmanski: Yes, Knowles: yes,

Kooistra: Yes, Bush: Yes; Fiala: Yes, Beukema: Yes.

Yes: 6, No: 0. **MOTION CARRIED**

Discussion of the Master Plan Survey Results

- 430 responses were received.
- S. Bush explained the purpose of the survey was to get a general feeling on what's important to our community and what people want to see for the next twenty to thirty years. Sometime after the first of the year there will be a town hall type meeting where open discussion with residents who want to have input or feedback on the master plan can take place.
- The results were summarized and distributed to the PC members yesterday.
- S. Bush said she would like to find out if there are other reports available to summarize the information. She would like to see the data shared on the township's website if possible.
- F. Fiala brought up that the DNR is responsible for about 2/3 of the property in our township. There are two separate active divisions of the DNR here: the Parks group and the Game area. They also have a long-term plan and we talked about having them come in and share that with this group. This could take place at work session.
- The Joint Meeting will be scheduled soon in either January or February so F. Fiala will try to bring a proposed date to invite the DNR at the next PC meeting.

PC Annual Report:

- S. Bush has started compiling the information to prepare the annual report and will be contacting members to get additional information.
- The biggest piece is to include what education members have completed.

Capital Improvement Plan

- S. Bush is working on an update to bring to the next meeting.
- The categories that need to be updated are: Township offices and hall, Yankee Springs water service, sewer service, fire protection, township parks and trails, IT, Veterans Memorial, and the cemetery as well as the two non-capital items that were the roads and the ambulance service. If anyone has anything they would like to see added please let her know.

OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

- S. Bush received an email regarding an amendment to the Michigan Planning Enabling Act that the Master Plan has to include housing and there are very

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MOTION TO APPROVE RECOMMENDATION TO THE BOARD OF TRUSTEES OF THE PROPOSED AMENDMENTS TO THE STR ORDINANCE

MASTER PLAN SURVEY RESULTS

PC ANNUAL REPORT

CAPITAL IMPROVEMENT PLAN

OTHER SUCH BUSINESS AS MAY PROPERLY COME BEFORE THE PLANNING COMMISSION

specific things about housing that have to be included. She will forward it to the other PC members.

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PUBLIC COMMENT:

Luke Miller (1940 Heritage Bay Dr): Regarding the question asked early, it was the Columbus Board of Trustees that just overturned their ordinance entirely on November 18th. He inquired if the public can hear when the Board reviews the recommendations of the Planning Commission. It was explained that it was not a public hearing but would be at a Board meeting which is open to the public.

PUBLIC COMMENT

Marvin Helder (Barlow Lake): Regarding the Master Plan, he wanted to know who the survey was sent to, the taxpayers or just the people who have a mailbox in Yankee Springs. He feels that if it weren't for the lake communities (Gun Lake, Green Lake, Bass Lake, and Barlow Lake) there wouldn't be a Yankee Springs. 60% of our land is owned by the government and the rest is almost exclusively lakefront or lake adjacent properties. If the Board is making decisions and only a third or a half of the people are getting information, there will be less people here and when talking about things like fish, lakes, and the DNR there are a lot of people who would be very interested. It costs money to send out a letter but the township sends out "exorbitantly high" tax bills around the lakes, most of which are not permanent property owners. Important things should go out to every tax payer. He also wondered what percentage of the total residents was the 430 responses on the survey. (Time was up).

John Cremer (Jenison, MI): Thanked the board for all their work. He talked about that there were problems that caused all these rules to be put into place but he hopes they are not creating rules just for the sake of having them. The rules now are pretty complicated and with regard to having to be present, there are technologies (such as Ring cameras) that allow owners to see what is going on even if they are not right across the street.

Carli Zyskowski (3137 Sandy Beach St): She appreciated that they went through the changes line by line. Asked for clarification on a sentence that was discussed last month regarding a sentence that was being removed that renewal was guaranteed if there were no violations from Section D and if that is remaining as she didn't hear it mentioned tonight. She hopes that it would be remaining for the people that have done everything right and are grandfathered in. S. Bush stated that language was not included in the amendment that is being sent to the board but as long as you're not breaking the rules you will be granted your permit.

ADJOURNMENT:

ADJOURNMENT

Motion by Beukema with support from Beukema to adjourn meeting at 8:18 pm. All AYES. MOTION CARRIED.

Approved by: _____
Frank Fiala, Planning Commission Secretary Date