

## Courtland Township Planning Commission

### September 18, 2018 meeting minutes

Chairman Wood called the meeting to order at 7pm and said the pledge of allegiance

**Roll Call:** Katy Nelson, Rock Wood, Matt McConnon, Andy Moore were present. Al Rau was absent. Also absent was recording secretary Colleen Brown. Township Attorney Jim Scales was also present. About 60 interested residents were also in attendance.

**Agenda:** Motion by McConnon to approve the agenda. Supported by Katy Nelson. Motion was approved unanimously.

**Minutes from 7-17-18:** Motion by McConnon to approve the minutes from July 17, 2018 as presented. Supported by Katy Nelson. Motion was approved unanimously.

**Public Comments:** None

**Public Hearing:** Short Term Rentals. Chairman Wood introduced the topic and summarized work completed to date and all the information and comments that have been coming in to the Township. Rock reviewed the public hearing notice and asked Attorney Scales for a summary.

Scales indicated there were three options proposed: Option 1 is to permit short term rentals with an ordinance (discussed last month) with limits on number of occupations, minimum duration of stay, local agent required, number of vehicles, limitation on watercraft, registry of renters, outdoor activity regulations, no bachelor/ bachelorette parties, etc. Option 2 is a complete prohibition of short-term rentals entirely. This is what the ordinance is interpreted to say presently, although it is not entirely clear since it is not addressed. Option 3 is a prohibition on new short-term rentals, but it would allow existing short-term rentals to continue until the property is sold. This option would also include licensing of the existing short-term rentals and would only be available for properties that have truly been used as short-term rentals. In this option, the right to operate a short-term rental would end when property is sold. Bed and breakfasts are also discussed (where the home is occupied by the owner) but the Commission might not get to it tonight.

Public Hearing: Rock summarized rules of conduct and asked for public comments.

1. **Ingrid Jensen, 8869 JeNeBe** – Suggested that the minutes from the July meeting are incorrect and incomplete. Everyone was totally opposed to short term rentals and the minutes do not say that. Lorrain Nyken was credited with 2 comments, and Renee Lobert made one of them. She wants the ordinance enforced and does not think the minutes reflect the last meeting – they do not want short-term rentals. Plainfield Township bans short term rentals. Cannon Township considers it commercial use and its not allowed. (this was disputed by someone else in the audience). Courtland sent out 4 letters to people on Brower Lake and she read one of them. They are in violation. Rock said he wants to hear everyone out and clarified that the Planning Commission does not send enforcement letters.

2. **Jackie Dangi 8768 Brower Lake** – She is totally opposed to short term rentals in R1. She and neighbors wanted to sign a petition that was submitted to the commission. They have 230 names from folks in R1 communities that are opposed to short term rentals. People who live in R1 on lakes are overwhelmingly opposed to allowing short term rentals.
3. **Steve Koster 8992 Loveless Drive** – 100 percent opposed. Neighbors are opposed as well. Will have uncontrolled occupants and maybe sex offenders in neighborhood. Can't track sex offenders online like you can with other residents. Homeowners make the investment and will pay the price. Water quality, residential quality, property values could suffer. If people want short term rentals then one could be developed somewhere instead of imposing it on existing lakes and neighborhoods. Water quality and lake quality will be lost. If Township must change something, build in homeowner and township accountability. Allowing short term rentals will put people at risk.
4. **Mike Stump 7127 Eva Drive** – He is against short term rentals. He read a letter documenting concerns on Myers Lake. Renters are not following lake rules, boats are on the lake and no one knows where they come from. Loud parties, obscene language, other nuisances that are not conducive to neighborhood. Short terms rentals are basically commercial party houses. Concerned about the children and sex offenders. He also mentioned the letter to the editor in the Rockford Squire. Some Township Board members may be voting on this? Just asking. He is concerned about traffic, parking on roads. Wants Planning Commission to enforce the rules.
5. **Sandy Cilek 8415 JeNeBe Drive** – PC might not understand the problem. Said rock said last month that we need to find compromise when no one wanted to. Was ask if she was willing to change her position. Lives next to a STR. Wanted us to visit so we can really get a first hand understanding of how close the lots are. Squire editor did not even know the notice was in the paper.. so people are probably not reading it. Most people are not aware of the meeting. She is 100% against STRs.
6. **Grant? Rothwell 8669 JeNeBe** – He is opposed to short term rentals. Day to day life less than ideal. Strangers walked in to his house and got angry, thinking he was in their rentals, but they were not in the right house. People bring dogs that have gotten into fights with his dog. Short term rentals are a safety and security problem.
7. **Bonnie Engebretsen 8431 JeNeBe**. Short term rentals would be wrong for the community. Most people are year-round residents. They all spent a lot of time and money putting their hearts in their homes, so why should someone else be able to disturb that for a profit? Time has passed for short term rentals as the homes have gotten larger. Residents spend a lot to treat the lake. Thinks the time has passed, maybe they are appropriate in other places north of us where there are more cottages. The Township probably doesn't have the resources to enforce. Investors might come in and gobble up smaller cottages where it is profitable to run short term rentals and she doesn't want this to happen.
8. **Bill Cutler 8530 Brower Lake Rd.** – Wanted to clarify, Ingrid said Cannon Twp banned them – do we does we know that? Jim Scales replied that it was in a similar situation to Courtland where its not addressed. Rock commented that the issue has evolved and some townships have clarified. Cutler indicated he wanted some clarification on that since it was disputed by some.
9. **Mike Gates 9430 Myers Lake Ave.** No enforcement now; its self-enforcement. Sherriff doesn't come to his lake. Some people are good about renting, and others are terrible; like slumlords. His daughter almost got hit by a boat. The renters don't care because they don't live there. He

is 100% against short term rentals. People who rent there for a week don't pay his taxes. He noted the great turnout and there will be more people at the next meetings and wants everyone to have a voice. He loves his neighbors and doesn't want new ones. Ordinance is there and we don't need to change anything; we just need to enforce it.

10. **Renee Lobert 8869 JeNeBe (was mis quoted in original minutes)** – Lack of transparency. Didn't like the last meeting and was not comfortable.. she felt like the Planning Commission was trying to direct them. Wanted Rock to ask for a show of hands for who was opposed and who was in favor (Rock declined to do this). Rock stated that he is seeking clarity in the ordinance and to remove ambiguity.
11. **Jim Starr 8987 Brower Lake Rd** – What pressure was put on the board to invite people to be here and think about changing the ordinance? Rock responded, stating the Planning Commission has been talking about this for a while. Leaving things alone is not working due to ambiguity so we need to make a change.
12. **Mary Ann Anderson 9488 Myers Lake Ave.** On the Township Board. She talked to Sue Thompson, the Zoning Enforcement Officer at Plainfield Charter Township. There, the main problem was Dean Lake. She also talked to Tricia Anderson in Cannon Twp. There is State legislation pending dealing with short-term rentals that might take it out of Township hands and that is why Cannon didn't do anything.
13. **Shawn Wessel 8353 JeNeBe** – Not going to go into long history. Compromise not on the table. Wants the Planning Commission to compromise. He rented a place out six times over the summer and there were no complaints. Also wants the Township to consider some of the other options. Please do not totally ban it.
14. **Shawn Marks 8860 Brower Lake Rd.** The things that have evolved with short term rentals are all negative. They haven't been a problem until recently. Only one solution that isn't self-serving, which is to ban them. Why are R1 properties zoned R1? Because commercial doesn't belong there; just like there should not be a gas station at the end of a cul de sac. She thinks there is a reason to change it to clarify to prohibit them. There are lots of safety and quality of life issues to consider. Must err on the side of safety of residents. 100% opposed to short term rentals and she wants the Commission to expressly prohibit and demand enforcement.
15. **Patrick Mulvihill 7198 Peninsula Dr.** Lived on Bostwick lake for 24 years; has been on the Cannon Twp Board, was president of the lake association, recently bought a home on Myers Lake. He turned into a vacation home and it is rented out to people who can't afford to buy a 500k house on a lake. Renters typically had 1-3 generations there at a time; he provided a boat. No issues with neighbors, didn't allow parties. During the off-season his phone rings off the hook because there are no hotels in Rockford, even thanksgiving and Christmas. There is a genuine need for it. Short term rentals have been in the area for 100 years. A few absentee landlords have allowed anything to go on. There are noise ordinances, people can call the police if there is a problem. There are rules against everything, whether they are residents, family members, whoever. Lakes are public lakes; you can't prohibit people from bringing a boat. Bunch of debate and chaos ensues here... Sup. Krygier jumps in here – stated that maritime law says you can't have a boat unless you are a landowner on the lake... more debate... Once things calm down, Mulvihill continues that vacation renters area not going to affect water quality. Birds, ducks, etc will bring in zebra mussels, not renters. Sex offenders are everywhere, you

can't single out vacation renters. He disagrees with the 30-day rule where anything rented for fewer than 30 days is considered commercial.

16. **Tom Konecni 7073 Peninsula** – Lives in Algoma; has a cottage on Peninsula Dr. He rebuilt the cottage; he lives in it some and does short term rentals from time to time; the extra income pays his taxes in Courtland and Algoma. His intention was not to have a short-term rental when he bought it in 2010 and improved it. He is for short term rentals. They help the economy, add tax revenue. Visitors who use short term rentals spend money in Rockford, Cannonsburg, go to ArtPrize, etc. Hasn't had any destruction or complaints; they screen guests. Renters pay a lot for the rental so they are not low-lives or sex offenders. They keep the property maintained better than most of the residents that live around him.
17. **Mary Wilson 8570 JeNeBe** – Do not underestimate the dangers of renters. Sex offenders, weed, alcoholics, stepped on broken glass in her yard left by renters. Trash can be everywhere. Was injured by a drunken renter. She is concerned about liability. Will they sue the association? Or will they just trash the area and split? Can we get an answer on liability. (Rock said no, at attorney won't provide advice on a hypothetical situation). Tired of people coming to her door, tired of trash, tired of people saying it's not a problem. Ordinance is in place, enforce it. Wants the Planning Commission to get on it and let people get on with their lives in their residential areas.
18. **Michelle Mojzuk 7165 Peninsula Drive** – Owns a short-term rental on Little Myers Lake. Have not allowed it to be a nuisance. They live next door and are able to police. Did anyone report renters who were behaving badly? Was the owner called? If not, why? Courtland Twp allows for a variance; why not apply for a STR license and provide a ton of information. Also contact neighbors and ask for their approval.
19. **Lorraine Nykun 8689 JeNeBe Drive** – Addressed one of Michelle's questions about line of tiki torches right outside her bedroom. Was unable to contact owner; he lives in Flint. 100% opposed to any kind of short-term rental less than 30 days. Wants the Township Board to be demanded to enforce. Why are we talking about this? We already have an ordinance that states that it's not allowed. Were supposed to stop advertising; they didn't. Were supposed to stop renting; they didn't. What penalties are in place for violations? There should be a substantial fine. These are residential areas, this is not a hotel district. Stay in Grand Rapids if you want to go to ArtPrize. Wants the Township to enforce; non-enforcement is silly. Are the comments on the website? Can they be? People coming and going a lot; sometime daily. Usually not a week. Owners can't screen residents for STRs.
20. **Craig Ross 7151 Eva Drive** – good discussion on both sides. People are not opposed to responsible renters. Planning Commission has been talking about this for a year? Why so long? How much longer will this take? Rock responds that our goal is talk about this tonight and recommend to the Township Board.
21. **Barb Durham 8836 JeNeBe Drive**. Question is there anyone on the PC or TB who could benefit financially or is connected to STRs? No one on the PC, not sure about the TB; go ask them.
22. **Steve Mojzuk 7165 Peninsula**. Wife is on the Township Board and they have had a short term rental for many years. They didn't know it was illegal. They want to be able to keep on renting it. They only rent it 3-6 weeks a year.
23. **Arn McIntyre, 9571 Courtland Drive**. All the issues has been focused on the lakes.. asked the Commission to not take a shotgun approach to this, as there is a desire and need in the area for

short term rentals. Other residences have a need to do this. They do not own an AirBnB. The letter to the editor is totally false. They own property on a lake in Newaygo County and in the UP – these lakes do not seem to have the issues. Those people register, pay a fee, and if there are issues they lose their license.

24. **Lina Heinz Wessell 7661 10 Mile.** Owns cottage at 8357 JeNeBe. Cottage has been in her family since the 50s, have been renting it out since then. If there are issues, why is the board trying to take care of this? These are police issues, not a Brower Lake board issue. Has never had a problem. Last she knew there were 6 rentals on her lake, she has heard of one issue that was resolved with a police visit.

**Chairman Wood closed the public hearing at 8:31PM, and called for a five minute recess.  
The meeting resumed at 8:36 PM**

Andy Moore stated that he is not against short-term rentals but feels that they would need to integrate into the neighborhood like we make everyone else. Matt McConnon doesn't like to tell people to do with their property, but also feels that they are a commercial use. He is kind of on the fence.

Katy Nelson doesn't want to violate a homeowners right to their property. But thinks that every case is different. She noted that problems seem to be generally surrounding the lakes, but doesn't want to punish good renters. Her biggest concern is how we police it. Wants any ordinance we draft to be enforced, that is her top concern. Other people in other places away from the lakes shouldn't be harmed by what happens on the lakes. Loud parties, etc. will need to be enforced. Rock Wood wants to narrow this down. It's a growing issue and wants to stop the issue from getting worse. So he is concerned about option 1. Thinking options option 2 or 3, with careful review. Give the Township Board a couple options and let them decide.

Moore said that we will have an enforcement problem either way. He does not see total prohibition as a realistic, and suggested there are ways within an ordinance to prevent it from getting worse like isolation radius, cap on number of permits.

McConnon mentioned that bed and breakfasts (owner-occupied) could help fill the void. Moore agreed but felt it was a separate issue. Nelson suggested a SLU process with public hearings and notices, as that is what some other communities do. Moore asked Attorney Scales about zoning vs a standalone ordinance and enforcement. Scales commented that enforcing a licensing ordinance would require neighbors to show up in court and testify against neighbors. But overall, enforcement is not more difficult whether it is regulated in zoning or not. The main reason he is suggesting a police power ordinance is to deal with nonconformities.

Wood said option 2 is easier and simpler, but maybe not fairer. Maybe we send options 2 and 3 to the Board? He felt that Option 3 might slowly reduce the number of short-term rentals in the Township. Moore said would support recommending option 3 (hybrid) but not option 2 (prohibition). McConnon is concerned that option 3 will not be effective; just go with option 1 in that case. McConnon asked if you lose your license due to noncompliance is it gone forever? That is not in the Ordinance now, but Commissioners agreed that this was a good idea. This is a modification to section 48.9(D).

Wood asked who would be the person responsible for determining if they qualify for a short-term rental? Scales said it would be the zoning administrator. Enforcement would likely be complaint driven. If a violation is found, they can appeal to Zoning Administrator, then to the Township Supervisor, and further appeal to circuit court.

Under option 3, all short-term rentals would have to stop until they get a license. Township Board would set fees by resolution. Discussion ensued on how to determine if it's an existing short-term rental? As proposed, anything rented for 60 or more days in each 2017 and 2018 would be considered an existing short-term rental. Moore was concerned that this provision punishes the less intense short-term rentals that don't bother anybody. Maybe change this part to 30 days or an average of 30 days? McConnon would prefer 60 or 90 days. Commissioners eventually agreed to leave this as-is (60 days). Commissioners also agreed to delete the bracketed "alternate" language in Section 48.7(F).

Wood felt they should send 2 options: option 2 as is and option 3 as modified during the meeting.

**Motion by Wood to recommend to the township board option 2 as-is and option 3 as modified during the meeting, with changes to 48.7(F) and 48.9(D).** Supported by McConnon. Discussion: Moore said he would only support option 3 as modified, does not want to recommend option 2. **Motion was approved with a 3-1 vote, with Moore voting no.**

**ZA Report:** None

**Attorney Report:** None

**Township Board Representative Report:** McConnon said that tire disposal went really well. Moore reminded commissioners that the Township clean-up was this coming weekend.

**ZBA Representative Report:** Nelson said there was no meeting this month.

**Adjournment:** Motion by Moore, supported by McConnon, to adjourn. Motion was approved unanimously at 9:28 PM.

Respectfully recorded and submitted by:

Andy Moore, AICP

Secretary, Courtland Township Planning Commission