

PLANNING COMMISSION MEETING MINUTES - AUGUST 28, 2023

The meeting was called to order at 1:00 pm by Chairperson Larry Shaffer.

MEMBERS PRESENT: Larry Shaffer, Lou Lundquist, Walt Mixon, Christine Lundquist, and Jeff Cuthbertson (via telephone).

AGENDA: Christine requested that discussion of ST rentals as it relates to the zoning ordinance work in progress be added as well as the timing of the September meeting, given that both Phil and Larry would not be available on the planned date. Motion by Walt with support by Lou to approve the agenda as amended.

MINUTES: Lou suggested that under the section of the minutes related to “outdoor commercial recreational & entertainment establishments” we should expand beyond including snowmobile racing, The item should be amended to include other forms of racing, both motorized and non-motorized, such as ATV, rally car, jet ski, dirt bike, cross country skiing, etc. Motion by Lou with support by Walt to approve the minutes with amendment.

PUBLIC COMMENT: None

CONSIDERATION/ADOPTION OF RULES & PROCEDURES FOR PLANNING

COMMISSION: Larry asked the members for their thoughts about the Burt Township ordinance from 2011 related to the Planning Commission as well as the MTA sample bylaws. He noted that the Township has indicated that the Planning Commission needs to adopt recommended bylaws and present them to the Township.

Christine requested clarification of several items in the Township ordinance which she had not seen prior to the last meeting. She asked if being a member of the local school board was an issue under section 102.A.2. Although it is not a “political” office, it is an elected position. Committee members did not think it would be an issue, but the question will be forwarded to the Township for clarification.

Related to section 106.B, it was suggested that we request participation via zoom and/or telephone be allowed as attendance when considering if a member has missed 3 meetings in a row.

Under section 110.B Christine noted that the Planning Commission has authority to apply for and receive grants. Committee members agreed that the Commission might suggest application for a grant to the Township Board, but we would not expect to independently apply.

Related to the MTA sample bylaws, Christine noted several items that are potential issues. Under Section 1.D.2, she noted that correspondence is not currently done by the secretary of the commission. Most written correspondence is completed by the Township office after approval of the chairperson.

Under section 1.D.3 Christine noted that beyond the attendance noted in meeting minutes, there is no attendance record kept, and there is not currently an “annual report” submitted to the Township. She does not know what this would even entail.

Under section 2.A, she noted that she believes the Township only requires 48 hours notice of scheduled or special meetings.

Under section 3, Walt and Christine requested clarification on items D thru H. Jeff noted that items E & F related to Michigan Enabling Acts were necessary as the two Enabling Acts specifically include a broad range of requirements, some of which would be specific to the Planning Commission. Christine noted that item D suggests an annual report to the Township Board. To her knowledge, this has not been done, and if one is required, the Township Board needs to define what they want. Larry noted that in larger communities, the Planning Commissions often have their own staffing, operating on a larger scale. This type of annual report may not be necessary for Burt Township. Related to section 3.H and preparing a "capital improvements program", Jeff suggested that the Planning Commission could make recommendations for potential capital improvement projects to the Township Board, but would not prepare a capital improvements plan. Committee members agreed with him. Under section 5 on conflict of interest, it was suggested that we need to review and follow the conflict of interest definition defined by the Township.

Jeff suggested that we need the Township Board to review our questions about the two documents being reviewed, and that a side by side review of each needs to be completed to avoid conflict. He asked about the commitment of the Township Board and Zoning Administrator to administration and zoning laws.

Motion by Walt with support by Christine to request clarification of the above noted issues prior to continuation of the bylaws discussion. Motion carried.

SHORT-TERM RENTALS & ZONING ORDINANCE: Christine noted that Pat Coleman requested that we review this issue prior to our next meeting with him, so we would be prepared to let him know what we would like to see in the proposed zoning ordinance. She indicated that he had provided us with some legal information from a group of attorneys as well as the Eagle Harbor proposed ST rental zoning ordinance.

Christine indicated she was impressed with what Eagle Harbor has put together. She specifically likes the idea of setting a maximum percentage of single family dwellings that would be allowed as ST rentals, noting that if current approved rentals exceeded the proposed percentage, they could be allowed to continue as long as annual application and payment was made on a timely basis, but new ST rentals would not be approved until the percentage fell below the approved amount. She also indicated that she liked the idea of limiting the number that could be owned by a single person/entity and the non-transferability between properties and/or owners. Walt requested clarification of how a "parcel" would be defined if we were to adopt their "only one per parcel" in B.2.

Jeff said enforcement issues and what the Township is willing to do needs to be considered. Lou noted that the Township has adopted some ST rental regulations, but there are issues with people renting out properties without Township authorization. Lou suggested that we need to obtain more specific information from the Township Board related to their intent. Christine agreed, but noted that many of the complaints the Township deals with from potential rental property owners might be reduced if the zoning ordinance included specific requirements. Larry suggested that we postpone discussion of the topic with Pat until the Township Board better defines what they would like included. Christine asked that we make sure all members of that Board be provided with the information we had for review.

SEPTEMBER MEETING: Christine noted that neither Larry nor Phil would be available for the planned meeting date for September. She suggested that it might be better to cancel the

September meeting with Pat Coleman and reschedule into October when more members are available. Walt suggested that we meet earlier in September when Larry is available, at least by zoom, to discuss the short-term rental issues. If we can get the Township Board to review the issue at their September meeting, we might be able to schedule a meeting to discuss the issue, with or without Pat Coleman after the Township Board meeting. Motion by Walt with support by Lou to schedule a meeting for September 13 at 6:00 pm to review this issue and the Township Boards' suggestions. Motion carried.

PUBLIC COMMENT: None

ADJOURNMENT: The meeting was adjourned on a motion by Christine with support by Walt.